



# **Transportation Penny Advisory Committee Work Session**

**Friday, February 12, 2016 8:30 AM  
Richland Penny Program Development Team Office  
201 Arbor Lake Drive, Columbia SC**

## **Agenda**

- 1. Call to Order:** Hayes Mizell, Chairman
- 2. Adoption of the Agenda**
- 3. Citizen's Input**
- 4. Discussion of existing and revised TPAC role and responsibilities**
  - a) Existing TPAC rules and procedures [Pages 4 – 6]
  - b) Motion by Mr. Jackson: County Planning Commission [Pages 7 – 28]
  - c) Motion by Mr. Rose: Citizens' Transportation Advisory and Oversight Committee [Pages 29 – 31]
  - d) Alameda County Transportation Commission [Pages 32 – 41]
  - e) Arizona State Citizens Transportation Oversight Committee [Pages 42 – 44]
  - f) City of Springfield Citizens Sales Tax Oversight Committee [Pages 45 – 47]
  - g) Fresno County, Measure "C" Citizens Oversight Committee [Pages 48 – 50]
  - h) Los Angeles County, Independent Citizens' Advisory and Oversight Committee (ICAOC) [Pages 51 – 53]
  - i) Marin County, Citizens Oversight Committee (COC) [Pages 54 – 64]

- j) Miami-Dade County, Citizens Transportation Oversight Committee [Pages 65 – 70]
- k) San Diego (SANDAG), Independent Taxpayer Oversight Committee (ITOC) [Pages 71 – 89]
- l) San Francisco, County Transportation Authority [Pages 90 – 92]
- m) Seattle, Bridging the Gap Oversight Committee [Pages 93 – 95]

**5. Other Business**

**6. Next Scheduled Meeting:**

- a) Monday February 22, 2016 @ 5:30 PM –2020 Hampton Street

**7. Adjourn**

**Discussion:** The intent of this work session is to collectively discuss the alternatives presented in support of the session, and collaboratively formulate the roles and responsibility the Transportation Penny Advisory Committee would like to assume in the future. Any proposed revisions or changes to the Transportation Penny Advisory Committee shall be presented to the Transportation Ad Hoc Committee for review, and debate.

4. Discussion of existing and revised TPAC role and responsibilities

**a) Existing TPAC rules and procedures**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

## **TPAC Duties / Responsibilities**

### **General**

- The Transportation Penny Advisory Committee (TPAC) will review, comment on, and provide recommendations on the Transportation Penny to Richland County Council.
- A “State of the Penny Address” would occur annually.

### **Membership**

- The TPAC will consist of 15 members, appointed by the County / City / Town Councils (Parties) of each Richland County jurisdiction, and will serve at the pleasure of the Party that appointed such member(s). Two ex-officio Council Members will serve on the TPAC.
- Each Party will use its best efforts to ensure that the overall membership of TPAC is diverse with respect to ethnicity, culture, and gender, as well as expertise or knowledge in one or more of the three transportation modes (roadways; bike / pedestrian / greenways; CMRTA – bus system).
- The TPAC shall establish rules and procedures for the conduct of its business, and shall appoint a chairman, vice-chairman, and secretary. The TPAC shall hold regular meetings at least once a quarter, and shall be entitled to call special meetings as set forth in its procedures. The TPAC must ensure compliance with the requirements of the Freedom of Information Act.
- Members would have 5-year staggered terms, with no term limits.
- Duties / Responsibilities
- Any modifications to the projects list consistent with the generic description of the project(s) shall not require a recommendation of the TPAC. (ie, minor revisions to a project on the projects list not impacting the overall scope of the project)
- Any modification to the projects list not consistent with the generic description of the project(s) shall require a recommendation of the TPAC. (ie, the addition of new projects not currently on the projects list; etc.)
- The TPAC will recommend any reordering of the prioritization (if applicable) of the projects list.
- The TPAC will provide quarterly reports to each respective jurisdiction from which they are appointed.
- The TPAC will review the proposed Scope of Services for the Request for Proposals (RFP) for the Program Management Team.
- The TPAC will make recommendations for a financial review of the Transportation Penny as needed. (Note: A financial audit will be undertaken annually.)

- The TPAC is authorized to make recommendations to the CMRTA Board, and to any other governing body with regards to the Transportation Penny.
- Additional duties may be assigned to the TPAC by County Council.

4. Discussion of existing and revised TPAC role and responsibilities

**b) Planning Commission role and responsibilities proposed by Councilman Jackson**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

# **RICHLAND COUNTY, SOUTH CAROLINA PLANNING COMMISSION RULES OF PROCEDURE**

## **ARTICLE I - ORGANIZATION**

### **Section 1 – Membership**

The Commission shall consist of nine members appointed by the County Council for staggered four-year terms. The County Council may remove a member prior to expiration of his/her term for cause.

### **Section 2 – Officers**

The officers of the Commission shall be a Chairman, Vice-Chairman, and Secretary elected for one-year terms at the first meeting of the Commission each calendar year.

### **Section 3 – Chairman**

The Chairman shall be a voting member of the Commission and shall:

- a) Call meetings of the Commission;
- b) Preside at meetings and hearings;
- c) Act as spokesperson for the Commission;
- d) Sign documents for the Commission; and
- e) Represent the Commission at Zoning Public Hearings held before County Council to address any concerns or questions that the Council may have. In the event that the Chair cannot attend a Zoning Public Hearing, he/she shall appoint a designee from the Commission to attend.
- f) Perform other duties as determined by the Commission and state or county law.

### **Section 4 – Vice-Chairman**

The Vice-Chairman shall exercise the duties of the Chairman in the absence, disability, or disqualification of the Chairman. In the absence of the Chairman and Vice-Chairman, an acting Chairman shall be appointed by the members present.



### Section 5 – Secretary

The Secretary shall coordinate with the Department to ensure that:

- a) Adequate public notice of the meetings is provided;
- b) Proper public record of the meetings is made;
- c) Minutes of the meetings are produced in a timely manner; and
- d) Other such duties as may be periodically requested by the Commission are completed.

### Section 6 – Removal of Officers

Commission officers may be removed for cause from office prior to the expiration of their term by majority vote of the Commission membership.

## **ARTICLE II – FUNCTIONS, DUTIES, AND POWERS**

### Section 1 – Authority

The Planning Commission shall have the general powers, duties, and responsibilities as proscribed by Title 6, Chapter 29, of the South Carolina Code of Laws.

### Section 2 – Functions, Duties, and Power

The function of the Planning Commission is to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated area of the County. The Commission shall have the powers and duties generally proscribed by state law, including, but not limited to, the following:

- a) Prepare and periodically revise the plans and programs for the development and redevelopment of the unincorporated portion of the County;
- b) Recommend for adoption by the County Council the measures and techniques to implement the plans for development and/or redevelopment, including, but not limited to, zoning regulations, subdivision regulations, other types of land development regulations, landscape regulations, an official road/highway map, and/or a capital improvement program;
- c) Complete a review and prepare recommendations for any modifications to the Comprehensive Plan for County Council not less than once every five years;

- d) Review and recommend any modifications that may be necessary to any regulations concerning the development of land within the unincorporated area to the County Council;
- e) Review and recommend approval or denial of any request for change to the County's Official Zoning Map for County Council consideration;
- f) Review and approve, modify, or deny certain subdivision projects as proscribed by the County Code of Ordinances;
- g) Consider appeals of Department decisions regarding plats and certain other matters delegated to it by the County Code of Ordinances; and
- h) Consider any matters referred to it by the County Council within such time period as may be specified by the Council.

### Section 3 – Application Processes

In addition to the specific application processes proscribed by state or county law, the Planning Commission shall require the following:

- a) Applicants shall demonstrate that they have had, or been afforded the opportunity to have, a pre-application conference with the appropriate Department staff prior to submitting an application;
- b) All Zoning Map amendment and subdivision application packages shall, at a minimum, include a metes and bounds legal description and, if necessary to clearly identify the subject site or portion thereof, a plat of the subject property with the area to be considered clearly marked and delineated;
- c) All documents to be reviewed by the Planning Commission and the Department shall be signed and sealed by the appropriate professional S.C. licensed person; and
- d) Incomplete applications shall not be processed by the Department or scheduled for Commission consideration until all the required documents, exhibits, etc. are submitted, the proper forms completely filled out, and the relevant non-refundable fees paid.
- e) When there are existing violations of those portions of the County Code for which the Department has enforcement responsibility on a subject site, the Planning Commission may, at a regularly scheduled meeting, delay consideration of the subject project for up to 90 days.

#### Section 4 – Application Deadlines

Unless the Commission has otherwise scheduled the matter to be heard on a date specific, only complete application packages received prior to the first day of the month shall be scheduled for the following month's Commission meeting.

#### Section 5 – Ex Parte Communication

Since some matters considered by the Commission are quasi-judicial, the Commission members should avoid discussing agenda items with anyone outside of its public meeting.

### **ARTICLE III – MEETINGS**

#### Section 1 – Time and Place

An annual schedule of regular meetings shall be adopted, published, and posted at the Richland County Planning and Development Services Department in December of each year. Such annual schedule shall be mailed to: 1) anyone who has requested notice, 2) the local news media, and 3) other news media that have requested notice. Special meetings may be called by the Chairman upon 24 hours notice, posted and transmitted to all members and local news media. Meetings shall be held at the time and place stated in the notices, unless a room conflict occurs, and shall be open to the public. If a room conflict occurs, the new place of the meeting will be clearly identified for interested parties.

#### Section 2 – Agenda

A request to add items to the agenda requires a two-thirds vote of those Commission members present.

#### Section 3 – Quorum

A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business requiring a vote, other than rescheduling the meeting, is conducted.

#### Section 4 – Rules of Order

Robert's Rules of Order shall govern the conduct of meetings, except as otherwise provided by these "Rules of Procedure".

### Section 5 – Voting

- a) A member must be present to vote.
- b) Each member shall vote on every motion, unless recused as described in Section 6, below.
- c) All actions requiring a vote by the Commission shall require a majority vote, but no less than four votes of the quorum present, to pass and shall be done in public view.
- d) A tie vote for motions regarding recommendations to the County Council is a “no recommendation” vote. A tie vote for motions regarding action wherein the Commission has final authority is a failed vote. In the latter circumstance, the matter will be rescheduled for the next available Commission meeting.

### Section 6 – Conflict of Interest

Pursuant to the requirements of Section 8-13-700 of the South Carolina Code of Laws, each member who is required to take an action, or make a decision, that affects an economic interest of herself/himself, a member of his/her immediate family, an individual with whom he/she is associated, or a business with whom she/he is associated shall:

- a) Complete the form provided by the Legal Department for this purpose describing the matter requiring action, or decisions, and the nature of the potential conflict of interest with respect to the subject action or decision; and
- b) She/he shall furnish a copy of the statement to the Commission Chairman, who shall:
  - 1) Require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists; and
  - 2) Cause the disqualification statement and the reasons for it to be printed in the minutes.

### Section 7 – Freedom of Information Act

The Commission and the Department are public bodies as defined by Section 30-4-20(a) of the South Carolina Code of Laws (Freedom of Information Act) and shall conform to the requirements thereof.

### Section 8 – Meeting Notification Procedures

The following procedures shall be followed regarding the notification of the Commission’s meetings:

- a) A written agenda shall be furnished by the Department to each member of the Commission, the applicant(s), and the news media at least 24 hours prior to such meetings. The agenda shall be posted on the bulletin board at the entrance to the County Council chambers at least 24 hours prior to each regular or special called meeting. The agenda must include the date, time, and place of the meeting.
- b) The Department shall attempt to notify the applicant of the hearing date for consideration of his/her application; however, applicants shall be responsible for remaining informed regarding the Commission's scheduled consideration of their project.
- c) All sites proposed for Commission consideration of Zoning Map Amendments shall be posted no less than ten days prior to the meeting, with conspicuous notice posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such sign shall, at a minimum, identify the date, time, and place of the meeting at which the matter will be considered.

#### Section 9 – Staff Reports

The Department shall provide a written staff report and recommendation to the Commission for each matter on the meeting agenda not less than 7 days prior to the meeting at which the matter will be considered. The Department shall also mail each applicant a copy of the staff report for his/her agenda item not less than 7 days prior to the Commission meeting.

#### Section 10 – Procedure

The following procedure shall be employed during the Commission meeting:

- a) The Department staff shall summarize the written staff report and recommendation;
- b) The applicant, and other such persons as the Chairman may recognize, will be provided an opportunity to make any statements regarding the subject agenda item;
- c) Pursuant to the requirements of Section 6-29-760(B) of the South Carolina Code of Laws, if an applicant for a zoning map amendment is allowed to speak and/or present written testimony, a minimum of 10 days notice and the opportunity to speak shall be provided to any interested party;
- d) The Chairman shall have the right to limit discussion on any agenda item, except that reasonable opportunity should be provided to all wishing to speak and that redundant comments should be minimized;

- e) Upon completion of d) above, the Chairman shall close the public discussion and open the discussion among the Commission members; and
- f) When the Commission discussion has concluded, the Chairman or a Commission member may call the question and the vote shall be taken in public.

### Section 11 – Executive Sessions

Subject to the requirements described below, the Commission may choose to go into an executive session, i.e., a private meeting off the public record:

- a) Pursuant to the requirements of Section 30-4-70 (2) of the South Carolina Code of Laws, any such executive session shall be limited to:
  - 1) Receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim, or other matters covered by the attorney-client privilege; or
  - 2) Discussion of the Commission’s position regarding adversarial situations involving a claim against the Commission; or
  - 3) Discussion of negotiations incident to proposed contractual arrangements.
- b) Before going into executive session, the Commission shall vote to go into session in public. If the vote is positive, the Chairman shall announce the specific purpose of the executive session.
- c) No action shall be taken in executive session, except to adjourn and return to public session.
- d) Commission members shall not commit to any course of action nor poll the members regarding a proposed action while in executive session.

### Section 12 – Attendance

Pursuant to the requirements of Section 2-328 of the Richland County Code of Ordinances, if a Commission member misses 5 out of 12 meetings, he/she shall automatically lose membership on the Commission and the position shall be declared vacant. In such an event, the Chairman shall notify the County Council Chairman in writing. The County Council may waive enforcement of this provision in the case of illness, death of a family member, court appearance, or other similar circumstance beyond the control of the appointee.

### Section 13 – Withdrawal

- a) An applicant may withdraw consideration of an application by notifying the Zoning Administrator in writing no later than 5 days prior to the Commission’s action on the subject project. The parcel containing a withdrawn project shall not be eligible for further consideration by the Commission for 60 days from the date of withdrawal, and shall be subject to the regulations and new application fees in place at the time the new application is filed.
- b) If an applicant wishes to withdraw consideration of any Planning Commission recommendation to the County Council, the applicant must notify the Zoning Administrator in writing within 7 days after the Commission’s action or the matter will be scheduled for County Council action at its next available meeting. The parcel containing a withdrawn project shall not be eligible for further consideration by the Commission for 60 days from the date of withdrawal, and shall be subject to the regulations and new application fees in place at the time the new application is filed.
- c) The Zoning Administrator may withdraw Commission consideration of an application when it is found that the parcel or structures thereon have one or more violations of the portions of the County Code administered by the Department.

### Section 14 – Deferral

An applicant may request that action regarding a project be deferred either by a personal appearance at a Commission meeting or in writing to the Zoning Administrator prior to the scheduled Commission consideration of the project.

#### a) Planning Commission deferral:

- 1) The Commission may grant the request for deferral, and shall state for the record the date of the meeting at which the matter shall again be heard.
- 2) During its subsequent consideration of the matter, the Commission may take action regarding the project with or without the applicant’s consent.

#### b) Zoning Administrator deferral:

The Zoning Administrator may defer Commission consideration of an application when it is determined that:

- 1) The application contains false statements; or
- 2) The application contains inaccurate documentation; or
- 3) The application is incomplete; or

- 4) The applicant is unable to attend the subject meeting.
- c) Two consecutive deferrals by the Commission, or the Zoning Administrator, or a combination thereof, will constitute a withdrawal and will be subject to the withdrawal requirements described above.

#### Section 15 – Minutes

- a) Pursuant to the requirements of Sections 6-29-360 and 6-29-1150 (B) of the South Carolina Code of Laws, the Department shall keep a record of all matters considered by the Commission as a public record in accordance with the relevant requirements of state law.
- b) The Department shall record all meetings of the Commission on audio-tape that shall be preserved, at a minimum, until Commission final action is taken on all matters presented and any relevant reconsideration and/or appeal period has elapsed.
- c) The Department shall prepare minutes of each meeting for approval by the Commission at the next regular meeting.
- d) The Department shall be responsible for preparation of verbatim minutes. Any person wishing to secure a verbatim record of a Commission action may do so at his/her own arrangements and expense, or pay a fee to the Department for said transcript.

### **ARTICLE IV – RECONSIDERATION OF COMMISSION ACTIONS**

#### Section 1 – Requirements

The applicant, the Department, or a Commission member voting on the prevailing side of a decision, may only request reconsideration of a Commission decision for which the Commission has final authority to act, provided such written request is received by the Zoning Administrator within 7 days of the Commission's action.

#### Section 2 – Process

- a) Upon receipt of the written request for reconsideration, the Department shall schedule the request for the next available Commission meeting.
- b) The Department will provide a written recommendation to the Commission regarding whether the applicant's request meets the criteria listed below:
  - 1) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; or



- 2) Notice of the meeting at which the subject agenda item was considered was improper pursuant to state or county regulations; or
  - 3) A significant clerical or map error is such that it may affect the result of the Commission's action.
- c) If the Commission determines the requirements described above have been met, the matter will be scheduled for action at the next available Commission meeting.
  - d) If the Commission determines that the requirements described above have not been met, the original decision shall be the Commission's final action in the matter.
  - e) The reconsideration matter shall conform to the relevant requirements of Article III.

## **ARTICLE V – APPEALS OF DEPARTMENT DECISIONS**

### **Section 1 – Process**

A party in interest may appeal a Department decision regarding any matter regulated by Chapter 22 of the Richland County Code of Ordinances to the Commission in the following manner:

- a) A written request to appeal a Department decision must be received within 30 days of written notice of the decision in order to be scheduled for Commission consideration;
- b) Upon receipt of the appeal request within the time limit described above, the matter will be scheduled for the next available meeting of the Commission;
- c) The request shall, at a minimum, include a discussion of the matter being appealed, the remedy being sought, and any relevant documents, maps, etc. the appellant may wish to submit in support of the appeal;
- d) The Department shall prepare a staff report regarding such request and otherwise conform to the processes described in Article II and III, above; and
- e) The Commission's decision regarding the appellant's request shall be considered the final County action in the matter.

### **Section 2 – Circuit Court**

Upon completion of the Commission's final action on any matter, Section 6-29-1150 (C) of the South Carolina Code of Laws allows a party in interest to appeal a Commission's decision to the Circuit Court, Appeal, in the manner and form established by the Court, must be filed within 30 days of receipt of the written notice of the Planning Commission's action.

## **ARTICLE VI – RULES ADOPTION & AMENDMENT**

### **Section 1 – Adoption**

These rules were adopted by vote of a majority of the members of the Richland County Planning Commission at a regular public meeting on February 1, 2010 and are effective immediately.

### **Section 2 – Amendment**

These Rules may only be amended at a regular meeting of the Commission by a majority vote of the members of the Commission.

Sec. 2-332. Boards, commissions and committees created.

The following boards, commissions and committees are hereby established and recognized:

(b) *The Richland County Planning Commission.*

(1) The commission shall consist of not less than five (5) or more than nine (9) members, appointed by the council for a term of four (4) years. Any person who is appointed to the commission after September 1, 2006 must reside in Richland County. In appointing members to the commission, council shall give due consideration as to whether applicants live in an incorporated or unincorporated area of the County.

(2) The commission shall perform all duties provided by law.

**Title 6 - Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions**

CHAPTER 29.

SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994

ARTICLE 1.

CREATION OF LOCAL PLANNING COMMISSION

**SECTION 6-29-310.** "Local planning commission" defined.

For purposes of this chapter, "local planning commission" means a municipal planning commission, a county planning commission, a joint city-county planning commission, or a consolidated government planning commission.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-320.** Bodies authorized to create local planning commissions.

The city council of each municipality may create a municipal planning commission. **The county council of each county may create a county planning commission.** The governing body of a consolidated government may create a planning commission. Any combination of municipal councils and a county council or any combination of municipal councils may create a joint planning commission.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-330.** Areas of jurisdiction; agreement for county planning commission to act as municipal planning commission.

(A) A municipality may exercise the powers granted under the provisions of this chapter in the total area within its corporate limits. A county may exercise the powers granted under the provisions of this chapter in the total unincorporated area or specific parts of the unincorporated area. Unincorporated areas of the county or counties adjacent to incorporated municipalities may be added to and included in the area under municipal jurisdiction for the purposes of this chapter provided that the municipality and county councils involved adopt ordinances establishing the boundaries of the additional areas, the limitations of the authority to be exercised by the municipality, and representation on the boards and commissions provided under this chapter. The agreement must be formally approved and executed by the municipal council and the county councils involved.

(B) The governing body of a municipality may designate by ordinance the county planning

commission as the official planning commission of the municipality. In the event of the designation, and acceptance by the county, the county planning commission may exercise the powers and duties as provided in this chapter for municipal planning commissions as are specified in the agreement reached by the governing authorities. The agreement must specify the procedures for the exercise of powers granted in the chapter and shall address the issue of equitable representation of the municipality and the county on the boards and commissions authorized by this chapter. This agreement must be formally stated in appropriate ordinances by the governing authorities involved.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-340.** Functions, powers, and duties of local planning commissions.

(A) It is the function and duty of the local planning commission, when created by an ordinance passed by the municipal council or the county council, or both, to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The local planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

(B) In the discharge of its responsibilities, the local planning commission has the power and duty to:

(1) prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and

(2) prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:

(a) zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;

(b) regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;

(c) an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter;

(d) a landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

(e) a capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and

(f) policies or procedures to facilitate implementation of planning elements.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-350.** Membership; terms of office; compensation; qualifications.

(A) A local planning commission serving not more than two political jurisdictions may not have less than five nor more than twelve members. A local planning commission serving three or more political jurisdictions shall have a membership not greater than four times the number of jurisdictions it serves. In the case of a joint city-county planning commission the membership must be proportional to the population inside and outside the corporate limits of municipalities.

(B) No member of a planning commission may hold an elected public office in the municipality or county from which appointed. Members of the commission first to serve must be appointed for staggered terms as described in the agreement of organization and shall serve until their successors are appointed and qualified. The compensation of the members, if any, must be determined by the governing authority or authorities creating the commission. A vacancy in the membership of a planning commission must be filled for the unexpired term in the same manner as the original appointment. The governing authority or authorities creating the commission may remove any member of the commission for cause.

(C) In the appointment of planning commission members the appointing authority shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-360.** Organization of commission; meetings; procedural rules; records;

purchases.

(A) A local planning commission shall organize itself electing one of its members as chairman and one as vice-chairman whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the governing authority or of the planning commission. The planning commission shall meet at the call of the chairman and at such times as the chairman or commission may determine.

(B) The commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The planning commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-370.** Referral of matters to commission; reports.

The governing authority may provide for the reference of any matters or class of matters to the local planning commission, with the provision that final action on it may not be taken until the planning commission has submitted a report on it or has had a reasonable period of time, as determined by the governing authority to submit a report.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-380.** Funding of commissions; expenditures; contracts.

A local planning commission may cooperate with, contract with, or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or eleemosynary agencies, or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

HISTORY: 1994 Act No. 355, Section 1.

### ARTICLE 3.

#### LOCAL PLANNING--THE COMPREHENSIVE PLANNING PROCESS

**SECTION 6-29-510.** Planning process; elements; comprehensive plan.

(A) The local planning commission shall develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction.

...

(E) All planning elements must be an expression of the planning commission recommendations to the appropriate governing bodies with regard to the wise and efficient use of public funds, the future growth, development, and redevelopment of its area of jurisdiction, and consideration of the fiscal impact on property owners. The planning elements whether done as a package or in separate increments together comprise the comprehensive plan for the jurisdiction at any one point in time. The local planning commission shall review the comprehensive plan or elements of it as often as necessary, but not less than once every five years, to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan. The comprehensive plan, including all elements of it, must be updated at least every ten years.

HISTORY: 1994 Act No. 355, Section 1; 2007 Act No. 31, Section 2, eff May 23, 2007.

**SECTION 6-29-520.** Advisory committees; notice of meetings; recommendations by resolution; transmittal of recommended plan.

(B) Recommendation of the plan or any element, amendment, extension, or addition must be by resolution of the planning commission, carried by the affirmative votes of at least a majority of the entire membership. The resolution must refer expressly to maps and other descriptive matter intended by the planning commission to form the whole or element of the recommended plan and the action taken must be recorded in its official minutes of the planning commission. A copy of the recommended plan or element of it must be transmitted to the appropriate governing authorities and to all other legislative and administrative agencies affected by the plan.

## ARTICLE 5.

### LOCAL PLANNING--ZONING

**SECTION 6-29-710.** Zoning ordinances; purposes.

(A) Zoning ordinances must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. To these ends, zoning ordinances must be made with reasonable consideration of the following purposes, where applicable:

- (1) to provide for adequate light, air, and open space;
- (2) to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
- (3) to facilitate the creation of a convenient, attractive, and harmonious community;
- (4) to protect and preserve scenic, historic, or ecologically sensitive areas;



(5) to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;

(6) to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. "Other public requirements" which the local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action;

(7) to secure safety from fire, flood, and other dangers; and

(8) to further the public welfare in any other regard specified by a local governing body.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-715.** Church-related activities; zoning ordinances for single family residences.

(A) For purposes of this section, "church-related activities" does not include regularly scheduled worship services.

(B) Notwithstanding any other provision of law, no zoning ordinance of a municipality or county may prohibit church-related activities in a single-family residence.

HISTORY: 1998 Act No. 276, Section 2.

**SECTION 6-29-720.** Zoning districts; matters regulated; uniformity; zoning techniques.

(A) When the local planning commission has prepared and recommended and the governing body has adopted at least the land use element of the comprehensive plan as set forth in this chapter, the governing body of a municipality or county may adopt a zoning ordinance to help implement the comprehensive plan. The zoning ordinance shall create zoning districts of such number, shape, and size as the governing authority determines to be best suited to carry out the purposes of this chapter. Within each district the governing body may regulate:

## ARTICLE 7.

### LOCAL PLANNING--LAND DEVELOPMENT REGULATION

**SECTION 6-29-1130.** Regulations.

(A) When at least the community facilities element, the housing element, and the priority

investment element of the comprehensive plan as authorized by this chapter have been adopted by the local planning commission and the local governing body or bodies, the local planning commission may prepare and recommend to the governing body or bodies for adoption regulations governing the development of land within the jurisdiction. These regulations may provide for the harmonious development of the municipality and the county; for coordination of streets within subdivision and other types of land developments with other existing or planned streets or official map streets; for the size of blocks and lots; for the dedication or reservation of land for streets, school sites, and recreation areas and of easements for utilities and other public services and facilities; and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, appearance, prosperity, or the general welfare. In particular, the regulations shall prescribe that no land development plan, including subdivision plats, will be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.

## ARTICLE 9.

### EDUCATIONAL REQUIREMENTS FOR LOCAL GOVERNMENT PLANNING OR ZONING OFFICIALS OR EMPLOYEES

**SECTION 6-29-1340.** Educational requirements; time-frame for completion; subjects.

(A) Unless expressly exempted as provided in Section 6-29-1350, each appointed official and professional employee must:

(1) no earlier than one hundred and eighty days prior to and no later than three hundred and sixty-five days after the initial date of appointment or employment, attend a minimum of six hours of orientation training in one or more of the subjects listed in subsection (C); and

(2) annually, after the first year of service or employment, but no later than three hundred and sixty-five days after each anniversary of the initial date of appointment or employment, attend no fewer than three hours of continuing education in any of the subjects listed in subsection (C).

(B) An appointed official or professional employee who attended six hours of orientation training for a prior appointment or employment is not required to comply with the orientation requirement for a subsequent appointment or employment after a break in service. However, unless expressly exempted as provided in Section 6-29-1350, upon a subsequent appointment or employment, the appointed official or professional employee must comply with an annual requirement of attending no fewer than three hours of continuing education as provided in this section.

(C) The subjects for the education required by subsection (A) may include, but not be limited to, the following:

- (1) land use planning;
- (2) zoning;
- (3) floodplains;
- (4) transportation;
- (5) community facilities;
- (6) ethics;
- (7) public utilities;
- (8) wireless telecommunications facilities;
- (9) parliamentary procedure;
- (10) public hearing procedure;
- (11) administrative law;
- (12) economic development;
- (13) housing;
- (14) public buildings;
- (15) building construction;
- (16) land subdivision; and
- (17) powers and duties of the planning commission, board of zoning appeals, or board of architectural review.

(D) In order to meet the educational requirements of subsection (A), an educational program must be approved by the advisory committee.

**HISTORY:** 2003 Act No. 39, Section 14, eff June 2, 2003.

**SECTION 6-29-1350.** Exemption from educational requirements.

(A) An appointed official or professional employee who has one or more of the following qualifications is exempt from the educational requirements of Section 6-29-1340:

- (1) certification by the American Institute of Certified Planners;
- (2) a masters or doctorate degree in planning from an accredited college or university;
- (3) a masters or doctorate degree or specialized training or experience in a field related to planning as determined by the advisory committee;
- (4) a license to practice law in South Carolina.

(B) An appointed official or professional employee who is exempt from the educational requirements of Section 6-29-1340 must file a certification form and documentation of his exemption as required in Section 6-29-1360 by no later than the first anniversary date of his appointment or employment. An exemption is established by a single filing for the tenure of the appointed official or professional employee and does not require the filing of annual certification forms and conforming documentation.

HISTORY: 2003 Act No. 39, Section 14, eff June 2, 2003.

4. Discussion of existing and revised TPAC role and responsibilities

**c) Revised TPAC role and responsibilities proposed by Councilman Rose**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

I move that the Transportation Advisory Committee (“TPAC”), be renamed the Citizens’ Transportation Advisory and Oversight Committee, that it be codified in the Richland County Code of Ordinances, that its Chair be an ex officio member of the Transportation Ad Hoc Committee, and that its purpose and duties be amended as follows:

Purpose: To foster an objective and transparent oversight of the Transportation Penny program and expenditures, the Committee shall review expenditures to ensure the tax is being expended in accordance with projects list and Transportation Penny ordinance, and shall make recommendations regarding the Transportation Penny to Council.

Duties:

a) Advisory Duties

- i. The Committee shall provide a recommendation on any modification to the projects list not consistent with the generic description of the project(s) (i.e. the addition of new projects not currently on the projects list; etc.). Any modifications to the projects list consistent with the generic description of the project(s) shall not require a recommendation of the TPAC (i.e. minor revisions to a project on the projects list not impacting the overall scope of the project).
- ii. The Committee shall recommend any reordering of the prioritization (if applicable) of the projects list.
- iii. The Committee shall annually review and make recommendations regarding the Comprehensive County Transportation Improvement Program (“CTIP”).
- iv. The Committee shall review all Public Information Displays and Handouts and recommend changes, as applicable.
- v. The Committee Chair shall quarterly make a report/presentation to Council as to any findings and/or recommendations regarding the Transportation Penny.
- vi. Nothing herein shall give the Committee any right to direct staff, approve contracts or project lists, or define the scope of any project; such authority remains within the purview of the Council or professional staff.

b) Oversight and Reporting Duties

- i. Receive and review monthly expenditure reports provided by the County and/or the PDT to ensure compliance Transportation Penny ordinance. The Committee may at any time request copies of all monthly invoices for Transportation Penny expenditures. The Committee further has the authority to refer any potential discrepancies to the Richland County Internal Audit Committee for review and report.

- ii. Receive and review all executed contracts to be paid from Transportation Penny money, and report any problems, issues, or discrepancies to the Richland County Internal Audit Committee or Council, as applicable.
- iii. Prepare and present to Council an annual audit, or if the County has conducted an independent audit, review such audit and present its findings to Council.

4. Discussion of existing and revised TPAC role and responsibilities

**d) Alameda County Transportation Commission**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:





## Independent Watchdog Committee Bylaws

### Article 1: Definitions

**1.1 2000 Transportation Expenditure Plan.** The plan for expending transportation sales tax (Measure B) funds, presented to the voters in 2000, and implemented in 2002.

**1.2 2014 Transportation Expenditure Plan.** The plan for expending transportation sales tax (Measure BB) funds, presented to the voters in 2014, and implemented in 2015.

**1.3 Agency.** A business or government organization established to provide a particular service.

**1.4 Alameda County Transportation Commission (Alameda CTC).** Alameda CTC is a joint powers authority resulting from the merger of the Alameda County Congestion Management Agency ("ACCMA") and the Alameda County Transportation Improvement Authority ("ACTIA"). The 22-member Alameda CTC Commission ("Commission") is comprised of the following representatives:

**1.4.1** All five Alameda County Supervisors.

**1.4.2** Two City of Oakland representatives.

**1.4.3** One representative from each of the other 13 incorporated cities in Alameda County.

**1.4.4** A representative from Alameda-Contra Costa Transit District ("AC Transit").

**1.4.5** A representative from San Francisco Bay Area Rapid Transit District ("BART").

**1.5 Alameda County Transportation Improvement Authority (ACTIA).** The governmental agency previously responsible for the implementation of the Measure B half-cent transportation sales tax in Alameda County, as approved by voters in 2000 and implemented in 2002. Alameda CTC has now assumed responsibility for administration of the sales tax.

**1.6 Appointing Party.** A person or group designated to appoint committee members.

**1.7 At-Large Member.** One of the 10 Independent Watchdog Committee (IWC) members representing supervisorial districts as described in Section 3.1.1 below.

**1.8 Bicycle and Pedestrian Advisory Committee (BPAC).** The Alameda CTC Committee that involves interested community members in the Alameda CTC's policy, planning, and implementation efforts related to bicycling and walking.

**1.9 Brown Act.** California's open meeting law, the Ralph M. Brown Act, California Government Code, Sections 54950 *et seq.*

**1.10 Expenditures.** Costs incurred and paid for with funds generated from the Measure B and Measure BB sales taxes.

**1.11 Fiscal Year.** July 1 through June 30.

**1.12 Independent Watchdog Committee (IWC or "Committee").** The Alameda CTC Committee of individuals created by the Commission as required by Measure BB. This Committee was originally created by the ACTIA Board and called the Citizens Watchdog Committee as required by Measure B, and was continued by the Commission subsequent to the passage of Measure BB as the Independent Watchdog Committee. The Committee has the same composition as the Citizens Watchdog Committee required by Measure B. The Committee reports directly to the public and has the responsibility of reviewing all Measure B expenditures and reviewing and overseeing all Measure BB expenditures and performance measures of the agency, as appropriate. IWC members are Alameda County residents who are not elected officials at any level of government, nor individuals in a position to benefit personally in any way from the sales tax.

**1.13 Local Newspapers.** Periodical publications typically published weekly or daily that serves a city, cities or unincorporated communities within Alameda County, whereby the contents are reasonably accessible to the public. On-line publications of these periodicals are included in this definition.

**1.14 Measure B.** The measure approved by the voters authorizing the half-cent sales tax for transportation services now collected and administered by the Alameda CTC and governed by the 2000 Transportation Expenditure Plan. Collections for the sales tax authorized by Measure B began on April 1, 2002 and extends through March 31, 2022.

**1.15 Measure BB.** The measure approved by the voters authorizing the sales tax for transportation services collected and administered by the Alameda CTC and governed by the 2014 Transportation Expenditure Plan. Measure BB augments the half-cent Measure B sales tax by a half cent, beginning April 1, 2015 through March 31, 2022. The full one-cent sales tax authorized by Measure BB will begin April 1, 2022 and will extend through March 31, 2045.

**1.16 Measure B Program.** Transportation or transportation-related program specified in the 2000 Transportation Expenditure Plan for funding transportation programs and projects on a percentage-of-revenues or grant allocation basis.

**1.17 Measure BB Program.** Transportation or transportation-related program specified in the 2014 Transportation Expenditure Plan for funding transportation programs and projects on a percentage-of-revenues or grant allocation basis.

**1.18 Measure B Project.** Transportation and transportation-related capital projects specified in the 2000 Transportation Expenditure Plan for funding in the amounts allocated in the 2000 Transportation Expenditure Plan.

**1.19 Measure BB Project.** Transportation and transportation-related capital projects specified in the 2014 Transportation Expenditure Plan for funding in the amounts allocated in the 2014 Transportation Expenditure Plan.

**1.20 Monitor.** To observe, track, or keep a continuous record of a process to support committee activities.

**1.21 Organizational Meeting.** An organizational meeting of the IWC will be held in July to elect officers and adopt the annual calendar/work plan and review the Alameda CTC budget related to IWC.

**1.22 Organizational Member.** One of the seven IWC members representing organizations as described in Section 3.1.2 below.

**1.23 Oversee.** To watch over Measure BB expenditures and performance measures to support committee activities.

**1.24 Paratransit Advisory and Planning Committee (PAPCO).** The Alameda CTC Committee that meets to address funding, planning, and coordination issues regarding paratransit services in Alameda County. Members must be Alameda County residents and eligible users of any transportation service available to seniors and people with disabilities in Alameda County. PAPCO is supported by a Paratransit Technical Advisory Committee comprised of Measure B and Measure BB-funded paratransit providers in Alameda County.

**1.25 Performance Measures.** Quantifiable methods used to assess how well the Alameda CTC is achieving its adopted objectives for Measure BB projects and programs.

**1.26 Planning Area.** Geographic groupings of cities and Alameda County for planning and funding purposes. North County: Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont; Central County: Hayward, San Leandro, unincorporated county (near Hayward); South County: Fremont, Newark, Union City; East County: Dublin, Livermore, Pleasanton, the unincorporated area of Sunol.

**1.27 Subcommittee.** A subset of the IWC, less than a quorum, usually organized for a certain purpose.

## **Article 2: Purpose and Responsibilities**

**2.1 Committee Purpose.** The Committee is appointed pursuant to Measure B and Measure BB: 1) To review all expenditures of the Measure B transportation sales tax; and 2) to review and oversee all expenditures and performance measures, as appropriate, of the Measure BB transportation sales tax, to monitor projects and programs and to report directly to the public.

**2.2 Committee Roles and Responsibilities from Expenditure Plan.** As defined by the Measure B and Measure BB Transportation Expenditure Plans, the roles and responsibilities of the Committee include:

**2.2.1** Hold public hearings and issue reports, on at least an annual basis, to inform Alameda County residents about how the sales tax funds are being spent. The hearings will be open to the public and must be held in compliance with the Brown Act, California's open meeting law, with information announcing the hearings well-publicized and posted in advance.

**2.2.2** Have full access to Alameda CTC's independent auditor and have the authority to request and review specific information regarding use of the sales tax funds and to comment on the auditor's reports.

**2.2.3** Publish an independent annual report, including any concerns the committee has about audits it reviews. The report will be published in local newspapers and will be made available to the public in a variety of forums to ensure access to this information.

**2.2.4** Provide a balance of viewpoints, geography, age, gender, ethnicity and income status, to represent the different perspectives of the residents of the county.

**2.3 Additional Responsibilities.** Additional IWC member responsibilities are to:

**2.3.1** Communicate from time to time to the Alameda CTC by resolution suggestions and concerns pertinent to the administration and expenditure of Measure B and Measure BB funds.

**2.3.2** Communicate as necessary to recommend that an appointing party appoint a new member when there is a vacancy or upcoming end of term.

### **Article 3: Members**

**3.1 Number of Members.** The IWC will consist of 17 members.

**3.1.1** Ten members shall be at-large, two each representing the five supervisorial districts in Alameda County, one of the two nominated by a member of the Board of Supervisors and one of the two selected by the Alameda County Mayors' Conference.

**3.1.2** Seven of the members shall be nominated by the seven organizations specified in the 2014 Transportation Expenditure Plan: East Bay Economic Development Alliance; Alameda County Labor Council; Alameda County Taxpayers' Association; Alameda County Paratransit Advisory and Planning Committee; Bike East Bay, formerly known as East Bay Bicycle Coalition; League of Women Voters; and Sierra Club.

**3.2 Appointment.** The Commission will make appointments in the following manner:

**3.2.1** Each member of the Alameda County Board of Supervisors shall select one At-Large Member to represent his or her supervisorial district.

**3.2.2** The Alameda County Mayors' Conference shall select one At-Large Member to represent each of the five supervisorial districts.

**3.2.3** Each organization listed in Section 3.1.2 above shall, subject to approval by the Commission, select one organizational member.

**3.3 Membership Qualification.** Each IWC member shall be an Alameda County resident. An IWC member shall not be an elected official at any level of government; or be a public employee of any agency that oversees or benefits from the proceeds of Measure B and Measure BB transportation sales taxes; or have any economic interest in any project or program.

**3.4 Membership Term.** Appointments shall be for two-year terms. There is no maximum number of terms a member may serve. Members shall serve until the Commission appoints their successor.

**3.5 Attendance.** Members will regularly attend meetings. Accordingly, more than three consecutive absences is cause for removal from the Committee.

**3.6 Termination.** A member's term shall terminate on the occurrence of any of the following:

**3.6.1** The member voluntarily resigns by written notice to the chair or Alameda CTC staff.

**3.6.2** The member fails to continue to meet the qualifications for membership, including attendance requirements.

**3.6.3** The member becomes incapable of continuing to serve.

**3.6.4** The appointing party or the Commission removes the member from the Committee.

**3.7 Vacancies.** An appointing party shall have the right to appoint (subject to approval by the Commission) a person to fill the vacant member position. Alameda CTC shall be responsible for notifying an appointing party of such vacancy and for urging expeditious appointment of a new member, as appropriate.

#### **Article 4: Officers**

**4.1 Officers.** The IWC shall annually elect a chair and vice chair. Each officer must be a duly appointed member of the IWC.

**4.1.1 Duties.** The chair shall preside at all meetings and will represent the IWC before the Commission to report on IWC activities. The chair shall serve as a voting ex-officio

member of all subcommittees except a nominating subcommittee (when the IWC discusses the chair position). The vice chair shall assume all duties of the chair in the absence of, or on the request of the chair.

**4.2 Office Elections.** Officers shall be elected by the members annually at the Organizational Meeting or as necessary to fill a vacancy. An individual receiving a majority of votes by a quorum shall be deemed to have been elected and will assume office at the meeting following the election. In the event of multiple nominations, the vote shall be by ballot. Officers shall be eligible for re-election indefinitely.

## **Article 5: Meetings**

**5.1 Open and Public Meetings.** All IWC meetings shall be open and public and governed by the Brown Act. Public comment shall be allowed at all IWC meetings. The time allotted for comments by a member of the public in the general public comment period or on any agenda item shall be up to 3 minutes per speaker at the discretion of the chair. Written comments may be submitted prior to the meeting. The number of IWC meetings, including regular meetings, sub-committee meetings, special meetings and public hearings, will be limited to the number of meetings approved in Alameda CTC's annual overall work program and budget, as approved by the Commission.

**5.2 Regular Meetings.** The IWC shall have a regular meeting at least once per quarter. Prior to each Organizational Meeting, the outgoing chair shall cause all members to be canvassed as to their available meeting times and shall recommend the day and time that best accommodates the schedules of all members, giving due regard to accommodating the schedule of any continuing member who has missed meetings due to a conflict in the prior year. Annually, at the Organizational Meeting, IWC shall establish the schedule of regular meetings for the ensuing year. Meeting dates and times may be changed and additional regular meetings scheduled during the year by action of the IWC.

**5.3 Quorum.** For purposes of decision making, a quorum shall consist of at least half (50 percent) plus one of the total number of members appointed at the time a decision is made. Members will not take actions at meetings with less than 50 percent plus one members present. Items may be discussed and information may be distributed on any item even if a quorum is not present; however, no action can be taken, until the Committee achieves a quorum.

**5.4 Special Meetings.** Special meetings may be called by the chair or by a majority of the members requesting the same in writing given to the chair, with copies to the vice chair and the Executive Director, specifying the matters to be considered at the special meeting. The chair or vice chair shall cause notice of a special meeting stating the matters to be considered to be given to all IWC members and posted and published in accordance with the Brown Act.

**5.5 Public Hearing.** At least annually, prior to publication of IWC's annual report, IWC shall conduct a public hearing on a draft of the IWC annual report. Each public hearing shall be conducted as part of a regular meeting.

**5.6 Agenda.** All meetings shall have a published agenda. Items for a regular meeting agenda may be submitted by any member to the chair and Alameda CTC staff. The Commission and/or Alameda CTC staff may also submit items for the agenda. Agenda planning meetings are held approximately three weeks prior to each IWC meeting. Alameda CTC staff will notify all IWC members when this meeting is established and remind members to submit any agenda item requests to the chair at least one day prior to the agenda planning meeting date. At the agenda planning meeting, the chair and Alameda CTC staff will discuss any agenda items submitted to the chair. Every agenda shall include a provision for members of the public to address the Committee. The chair and the vice chair shall review the agenda in advance of distribution. Copies of the agenda, with supporting material and the past meeting minutes, shall be mailed to members and any other interested parties who request it. The agenda shall be posted on the Alameda CTC website and in the Alameda CTC office and provided at the meeting, all in accordance with the Brown Act.

**5.7 Roberts Rules of Order.** The rules contained in the latest edition of "Roberts Rules of Order Newly Revised" shall govern the proceedings of the IWC and any subcommittees thereof to the extent that the person presiding over the proceeding determines that such formality is required to maintain order and make process, and to the extent that these actions are consistent with these bylaws.

**5.8 Place of Meetings.** IWC meetings shall be held at the Alameda CTC offices, unless otherwise designated by the Committee. Meeting locations shall be within Alameda County, accessible in compliance with the Americans with Disabilities Act of 1990 (41 U.S.C., Section 12132) or regulations promulgated thereunder, shall be accessible by public transportation, and shall not be in any facility that prohibits the admittance of any person, or persons, on the base of race, religious creed, color, national origin, ancestry, or sex, or where members of the public may not be present without making a payment or purchase.

**5.9 Meeting Conduct.** IWC members shall conduct themselves during meetings in a manner that encourages respectful behavior and provides a welcoming and safe environment for each member and staff member characterized by an atmosphere of mutual trust and respect. Members shall work with each other and staff to respectfully, fairly, and courteously deal with conflicts if they arise.

## **Article 6: Subcommittees**

**6.1 Establishment.** The IWC may establish subcommittees when advisable and as necessary subject to the approved Alameda CTC overall work program and budget as approved by the Commission to conduct an investigation or to draft a report or other document within the authority of the IWC or for other purposes within the IWC's authority.

**6.2 Membership.** IWC members will be appointed to subcommittees by the IWC or by the chair. No subcommittee shall have fewer than three members, nor will a subcommittee have sufficient members to constitute a quorum of the IWC.

## Article 7: Records and Notices

**7.1 Minutes.** Minutes of all meetings, including actions and the time and place of holding each meeting, shall be kept on file at the Alameda CTC office. Alameda CTC staff will prepare and include full minutes in meeting packets prior to each regular IWC meeting.

**7.2 Attendance Roster.** A member roster and a record of member attendance shall be kept on file at the Alameda CTC office.

**7.3 Brown Act.** All meetings of the IWC will comply with the requirements of the Brown Act. Notice of meetings and agendas will be given to all members and any member of the public requesting such notice in writing and shall be posted at the Alameda CTC office at least 72 hours prior to each meeting. Members of the public may address the IWC on any matter not on the agenda and on each matter listed on the agenda, in compliance with the Brown Act and time limits, up to three minutes per speaker, set at the discretion of the chair.

**7.4 Meeting Notices.** Meeting notices shall be in writing and shall be issued via U.S. Postal Service, Alameda CTC website, personal delivery, and/or email. Any other notice required or permitted to be given under these bylaws may be given by any of these means.

## Article 8: General Matters

**8.1 Per Diems.** Committee members shall be entitled to a per diem stipend for meetings attended in amounts and in accordance with policies established by the Alameda CTC.

**8.2 Conflicts of Interest.** A conflict of interest exists when any Committee member has, or represents, a financial interest in the matter before the Committee. Such direct interest must be significant or personal. In the event of a conflict of interest, the Committee member shall declare the conflict, recuse himself or herself from the discussion, and shall not vote on that item. Failure to comply with these provisions shall be grounds for removal from the Committee.

**8.3 Amendments to Bylaws.** These bylaws will be reviewed annually, and may be amended, repealed, or altered, in whole or in part, by a vote taken at a duly constituted Committee meeting at which a quorum is present, as a recommendation to the Commission for approval.

**8.4 Public Statements.** No member of the Committee may make public statements on behalf of the Committee without authorization by affirmative vote of the Committee, except the chair, or in his or her place the vice chair, when making a regular report of the Committee activities and concerns to the Alameda CTC. This does not include presentations about the Committee to city councils, which all Committee members have a responsibility to make.

**8.5 Conflict with Governing Documents.** In the event of any conflict between these bylaws and the July 2000 Transportation Expenditure Plan, the January 2014 Transportation Expenditure Plan, California state law, or any action lawfully taken by ACTIA or the Alameda CTC, the Transportation Expenditure Plans, state law or the lawful action of ACTIA or the Alameda CTC shall prevail.



**8.6 Staffing.** Alameda CTC will provide staffing to the Committee including preparation and distribution of meeting agendas, packets, and minutes; tracking of attendance; and stipend administration.

**8.7 Economic Interest.** Each Committee member shall, no later than March 15 of every year, prepare and file with Alameda CTC a statement of economic interest in the form required by law, currently Form 700 which can be found on the California Fair Political Practices Commission website, <http://www.fppc.ca.gov/index.php?id=500>.

4. Discussion of existing and revised TPAC role and responsibilities

e) **Arizona State Citizens Transportation Oversight Committee**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:



Fifty-second Legislature - Second Regular Session

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**28-6356. Citizens transportation oversight committee**

A. A citizens transportation oversight committee is established in counties with a population of one million two hundred thousand or more persons and that have levied a transportation excise tax pursuant to section 42-6105.

B. The citizens transportation oversight committee consists of the following members who are not elected officials of or employed by this state or any county, city or town in this state:

1. One member who serves as chairperson of the committee and who is appointed by the governor pursuant to section 38-211.

2. One member who represents each supervisorial district in the county and who is appointed by the board of supervisors. The board of supervisors shall consult with the mayors of each city and town located within each supervisorial district regarding appointments. At all times during the term, each member appointed pursuant to this paragraph shall legally reside in a different city or town located in the county.

Members appointed pursuant to this paragraph shall have expertise in transportation systems or issues.

3. One member who resides in the county and who is appointed by the governor pursuant to section 38-211.

C. Members shall be appointed for terms of three years.

D. The chairperson shall also serve as:

1. A nonvoting member of the departmental committee established by section 28-6951 only for issues relating to the regional transportation plan. The chairperson may appoint a designee to attend meetings of the departmental committee.

2. A voting member of the governing body of the regional planning agency in the county for all matters relating to the regional transportation plan.

3. A voting member of the transportation policy committee of the regional planning agency under section 28-6308 in the county for all matters relating to the regional transportation plan.

E. The citizens transportation oversight committee shall meet at least once each calendar quarter.

F. The citizens transportation oversight committee shall:

1. Review and advise the board, the governor, the director, the governing body of the regional planning agency and the board of directors of the regional public transportation authority on matters in the regional transportation plan.

2. Review and make recommendations regarding any proposed major amendment of the regional transportation plan by the governing body of the regional planning agency pursuant to section 28-6353.

3. Annually review and comment on the criteria developed pursuant to section 28-6354, subsection B.

4. Hold public hearings and issue public reports as it deems appropriate.

5. Annually contract with an independent auditor who is a certified public accountant to conduct a financial compliance audit of all expenditures from the regional area road fund and the public transportation fund and receive the auditor's report. The department shall reimburse the committee for the cost of this audit from the highway user revenue fund pursuant to section 28-6538, subsection B, paragraph 1.

6. In consultation with the auditor general, set parameters for the performance audit prescribed in section 41-1279.03, subsection A, paragraph 6 in the county, review the results of the auditor general's performance audit and make recommendations to the regional planning agency, the regional public transportation authority, the department, the speaker of the house of representatives, the president of the senate and the governor.

G. The committee may:

1. Receive written complaints from citizens regarding adverse impacts of any transportation project funded in the regional transportation plan, determine which

complaints warrant further review and make recommendations to the state transportation board regarding the complaints.

2. Receive written complaints from citizens relating to the regional planning agency's responsibilities as prescribed in this chapter, determine which complaints warrant further review and make recommendations to the regional planning agency regarding the complaints.

3. Make recommendations to the regional planning agency, the regional public transportation authority and the state transportation board regarding transportation projects and public transportation systems funded in the regional transportation plan, the transportation improvement program, the department's five year construction program and the life cycle management program.

H. Failure by the citizens transportation oversight committee to act does not bar the governing body of the regional planning agency or the board of directors of the regional public transportation authority from taking action.

I. Members of the committee are not eligible to receive compensation or reimbursement for expenses.

4. Discussion of existing and revised TPAC role and responsibilities

**f) City of Springfield Citizens Sales Tax Oversight Committee**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

### **Why was the Citizens Sales Tax Oversight Committee formed?**

The Citizens Sales Tax Oversight Committee was formed at the suggestion of a citizen in January 2010. The original purpose of the Committee was to provide oversight of the 3/4-cent Pension Sales Tax to ensure that 100% of the revenues received by the city from this tax are deposited into the city's Police / Fire Pension Fund as promised. The scope of the committee was later expanded to include oversight of the most recent 1/2-cent Transportation Sales Tax and the 1/4-cent Sales Tax for Capital Improvements.

### **▼ Citizens' Sales Tax Oversight Committee**

[Show All Answers](#)

1. **Why was the Citizens Sales Tax Oversight Committee formed?**
2. **When does the committee meet and are the meetings open to the public?**
3. **Does the committee approve the projects that are funded from the special sales taxes?**
4. **Where can I find a list of current projects that are funded by the 1/8-cent and 1/4-cent sales taxes?**
5. **How does the committee determine if the tax revenue is spent appropriately?**
6. **Does the committee report to City Council?**
7. **Who can I contact if I would like to ask the Committee members a question?**
8. **What is the sales tax rate in the City of Springfield?**
- 9.

### **Categories**

- [All Categories](#)
- [Laboratory Services](#)
- [Altering Historic Properties](#)
- [Animal Control](#)
- [Birth & Death Certificates](#)
- [Citizens' Sales Tax Oversight Committee](#)
- [City Employment](#)
- [Community Health & Epidemiology](#)
- [Cruse Dog Park](#)
- [Employment](#)
- [Environmental Health](#)
- [Farmers Market Permits & Information](#)
- [Fire FAQ](#)
- [Fire Services](#)
- [Firefighter Information](#)
- [Food Inspections](#)
- [Garage Sales](#)
- [Hazelwood Cemetery](#)
- [Health Risk Assessment](#)
- [HOME Program](#)
- [Maternal, Child, and Family Health](#)
- [Municipal Court](#)
- [NeighborWoods](#)
- [Nominating Historic Properties](#)
- [Owner Occupied Residential Loan Programs](#)
- [Owning Historic Properties](#)
- [Park Family Center](#)
- [Parks Discounted Memberships](#)
- [Planned Developments - Final Plan](#)
- [Police](#)
- [Police & Traffic Safety](#)
- [Police Officer Employment](#)
- [Public Works Engineering](#)

**Do the city sales taxes expire, or are they permanent?**

10. **Does the city collect sales tax from businesses located in the city?**
11. **How often does the state send the city sales tax revenue?**

- [Public Works Traffic Engineering](#)
- [Recycling](#)
- [Running for Council](#)
- [Sanitary Sewer Design](#)
- [Sexually Transmitted Diseases](#)
- [Smoke Alarms](#)
- [Smokefree Air Act](#)
- [Springfield Art Museum](#)
- [Springfield Art Museum Docents](#)
- [Springfield Health](#)
- [Tax Credits](#)
- [Urban Deer](#)
- [What to Recycle](#)
- [Women, Infants & Children](#)

4. Discussion of existing and revised TPAC role and responsibilities

**g) Fresno County, Measure "C" Citizens Oversight Committee**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:





**OVERSIGHT COMMITTEE**

Home / Authority Board / Oversight Committee

**LET YOUR VOICE BE HEARD**

The Measure "C" Citizens' Oversight Committee is in search of new members. Do you think you have what it takes to be a part of this influential team representing Fresno County? Download and complete the Nomination Form, below.

The deadline to submit applications is July 16, 2015.

[Nomination Form and Appendix G \(Revised June 30, 2015\)](#)

**MEASURE "C" CITIZENS' OVERSIGHT COMMITTEE MEMBERS**

With the passage of the 2006 Measure "C" Extension a 13-Member Citizens Oversight Committee was formed to inform the public and ensure that Measure "C" funding program revenues and expenditures are spent as promised to the public. The Fresno Council of Governments (Fresno COG) is responsible for staffing the Committee and providing technical and administrative assistance to support and publicize the Committee's activities, with the staff assignment subject to approval of the Committee.

The Committee may receive, review and recommend any action or revision to plans, programs, audits or projects that is within the scope of its purpose stated above. Specific responsibilities include:

- Receive, review, inspect, and recommend action on independent financial and performance audits related to the planning and implementation of the Measure "C" Extension program.
- Receive, review, and recommend action on other periodic reports, studies and plans from responsible agencies including the Authority, Fresno COG, the Cities, the County or other agencies. Such reports, studies and plans must be directly related to Measure "C" Extension programs, revenues, or expenditures.
- Review and comment upon Measure "C" Extension expenditures to ensure that they are consistent with the Expenditure Plan.
- Annually review how sales tax receipts are being spent and publicize the results. Present Committee recommendations, findings, and requests to the public and the Authority in a formal annual report.

[Measure C Citizen Oversight Committee Terms](#)

**Six Public-At-Large Appointees:**

The six public-at-large positions must meet the following requirements.

- Five (5) who must each respectively reside in each of the five Fresno County Supervisorial Districts.
- Three (3) must reside in the Fresno-Clovis Metropolitan Area (FCMA).
- Two (2) must reside in the unincorporated rural area of the County, one from the east side and one from the west side of the county.
- One (1) must reside in an incorporated city outside of the FCMA.

**VACANT**    **VACANT**    **Barry Mast**    **David Van Pelt**    **Murray McManus**    **Lee Delap**

Could represent the Fresno-Clovis metropolitan area living in any of the five Supervisory Districts.

**Seven Community Organization Appointees:**

There are currently FIVE VACANT Community Organization Representative positions available.

**Robert Allen**    **Kevin Hamilton**

Represents the Selma District Chamber of Commerce with a 4-year term which began July 1, 2014. He is currently the Chamber Executive Director, President elect of the Selma Rotary and he serves on the Selma Pioneer Village Commission.

**MEASURE 'C' IN THE NEWS**

**November 14, 2014**

SR-180 EAST, KINGS CANYON EXPRESSWAY SEGMENT 2 RIBBON CUTTING CEREMONY

[More](#)

**June 3, 2014**

WHAT: CONTINUOUS 30-DAY RAMP CLOSURE-NEW RAMP METERING PROJECT WHEN: NEW DATE: TUESDAY, JUNE 3RD BEGINNING AT 5:00 A.M. WHERE: CITY OF FRESNO; [...]

[More](#)

**February 28, 2014**

CONTINUING CONSTRUCTION REQUIRES ADDITIONAL LANE AND RAMP CLOSURES Additional construction requires multiple night and weekend closures of Eastbound (EB) and Westbound [...]

[More](#)

**COMMUTER PROGRAMS**

**Carpool Program**

The Commuter Carpool program will reward motorists who carpool to work or school. If you carpool at least twice a week, you can enter to win a \$1,000 cash prize to be given away each month. Each eligible weekly entry qualifies carpoolers in the annual Grand Prize Drawing.

[Main Link](#) | [Promotion](#) | [Promoción](#)

Vibrant Economy | Clean Air | Leveraging Funds

Download the Citizens' Oversight Committee nomination form, [HERE](#).  
Contact Brenda Veenendaal with Fresno COG at [brendav@fresnocog.org](mailto:brendav@fresnocog.org) for applications or call her at (559) 233-4148 ext. 219.

**Stay Connected**

[Subscribe](#)

**Recent Projects**

Projects For Bid TOD PROGRAM – CYCLE II CALL FOR PROJECTS NOW OPEN. BIDS DUE 04/19/13 AT 5:00 PM. This is Measure C's second round Call for Projects under the Transit Oriented for In-Fill Development subprogram. There will be a TOD information workshop [...]

[Read More](#)

**Traffic Issues**

FINAL 'BRAID' PATTERN TO COMPLETE TONIGHT

Eastbound SR180 to southbound SR 41-30-Day Full Connector Closure - NEW CONFIRMED DATE

CONTINUING CONSTRUCTION REQUIRES ADDITIONAL LANE AND RAMP CLOSURES

FISCAL YEAR 2013-14 ANNUAL FCTA EXTENSION OPERATING BUDGET HEARING NOTICE



**Contact Us**

Phone: (559) 600-3282 (FCTA)  
Fax: (559) 600-1499

[Facebook](#)

4. Discussion of existing and revised TPAC role and responsibilities

**h) Los Angeles County, Independent Citizens' Advisory and Oversight Committee (ICAOC)**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

**Go**  
Getting Around  
(/riding/)

**Grow**  
Projects & Programs  
(/projects/)

**Know**  
News & Media  
(/news/)

**Metro**  
About & Contact Us  
(/about/)

Home (/) > About Us (/about/) > Meetings (/about/meetings/) > Board Meeting (/about/meetings/board/) > Independent Citizens' Advisory and Oversight Committee (ICAOC) Public Hearing

# Independent Citizens' Advisory and Oversight Committee (ICAOC) Public Hearing Agenda\*

## Location & Date

Metro Board Room, One Gateway Plaza, 3rd Floor, Los Angeles  
Friday, April 3, 2015 11:30 a.m.

## Agenda

### PROPOSITIONS A & C AUDIT - FY 2014

#### Call to order:

Members:

Brian Russell, Chair  
Dwight Ham, Vice Chair  
Emina Darakjy  
Russ Lesser

1. Remarks by Hearing Officer, Brian Russell.
2. Statement by the Board Secretary's Office concerning publication of notices and dissemination of public information.
3. RECEIVE oral report on the difference between Prop A and Prop C revenues.  
([http://media.metro.net/board/Items/2015/04\\_april/20150403othericaocitem3.pdf](http://media.metro.net/board/Items/2015/04_april/20150403othericaocitem3.pdf))
4. Public Comment.
5. Motion to Close Hearing.

The Chair will determine order of appearance before the Board. Speakers will be limited to three minutes. If available, a written copy of testimony should be presented to Secretary.

## NOTICE OF PUBLIC HEARING

### Los Angeles County Metropolitan Transportation Authority

The Independent Citizen's Advisory and Oversight Committee (ICAOC) will hold a public hearing on Friday, April 3, 2015 at 11:30 a.m. in the Los Angeles County Metropolitan Transportation Authority Boardroom located at One Gateway Plaza, Los Angeles.

The ICAOC was appointed under the Metropolitan Transportation Authority (LACMTA) Reform and Accountability Act of 1998, approved by voters in November 1998. The hearing is being held in conformance with federal public hearing requirements outlined in Section 9 (e) (3) (H) of the Surface Transportation Assistance Act of 1982, as amended, and public hearing guidelines adopted by the LACMTA's Board of Directors in 1993, as amended.

The purpose of this hearing is to receive public comments on the result of the independent audit conducted on LACMTA's accountability of sales tax revenues and expenditures under Proposition A and Proposition C ordinances from July 1, 2013 - to June 30, 2014.

#### BACKGROUND

Proposition A and Proposition C are voter approved ordinances that provide for a one-half percent sales tax in the County of Los Angeles, the proceeds of which are to be used for transportation purposes as specified in the two ordinances.

The Los Angeles County voters approved the Metropolitan Transportation Authority (LACMTA) Reform and Accountability Act of 1998 (the Act) in November of 1998. The purpose of the Act was to provide accountability in the expenditure of Proposition A and Proposition C sales tax revenues through annual independent audits of transportation sales tax expenditures, the creation of an Independent Citizen's Advisory and Oversight Committee, and public hearings on the independent audit reports. The Act requires an annual independent audit of the Propositions A and C Sales Taxes Revenues and Expenditures.

The Independent Citizen's Advisory Oversight Committee in accordance with the Act provides this summary of the independent audit for fiscal year ending June 30, 2014.

**INDEPENDENT AUDITOR'S REPORT**

The Independent Auditor's Report provides schedules of revenues and expenditures for Propositions A and C for fiscal year ending June 30, 2014, showing amounts of transportation sales tax revenues received and expended by the LACMTA. These Propositions A and C schedules were prepared by the LACMTA and audited by the independent accounting firm of BCA Watson Rice, LLP (BCA). BCA conducted the audit of the Propositions A and C's financial schedules in accordance with generally accepted auditing standards in the United States of America.

Based on the results of the audit, the Independent Auditor's Report provides:

- > the independent auditor's opinion on whether the Proposition A and C financial schedules present fairly, in all material respects, the revenues and expenditures of Proposition A and C sales tax revenues;
- > the explanatory notes to the schedules of revenues and expenditures;
- > the independent auditor's report on compliance and internal control over financial reporting of Proposition A and C;

**Auditor's Opinion on Financial Schedule Presentation**

The Independent Auditor's Report provides the opinion that for fiscal year ending June 30, 2014, the LACMTA's schedules of revenues and expenditures for Proposition A and C present fairly, in all material respects, the revenues and expenditures of Proposition A and C sales tax revenue.

**LACMTA's Schedule of Proposition A and C Revenues and Expenditures**

(Amounts expressed in thousands)

	Revenues	Expenditures
Proposition A	\$ 779,904	\$ 300,674
Proposition C	829,964	851,101
	\$1,609,686	\$ 1,151,775

**Explanatory Notes to Schedule of Revenues and Expenditures**

The explanatory notes provide background information on the LACMTA, Propositions A and C, and the LACMTA's accounting policies.

**Auditor's Report on Compliance With Proposition A and C Provisions**

The report on compliance states that the independent audit included tests of compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of the revenue and expenditure amounts within the Schedules. The results of tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

**Auditor's Report on Internal Controls Over Financial Reporting**

The report on internal controls over financial reporting states that as part of the audit, BCA considered the LACMTA's internal control over financial reporting in order to determine auditing procedures that are appropriate in the circumstances for the purpose of expressing their opinion on the effectiveness of LACMTA's internal control. BCA noted no matters involving the internal control over financial reporting and its operation that BCA considers to be material weaknesses.

**Written comments on this matter will be accepted through Friday, April 3, 2015. All comments should be addressed to Board Administration, LACMTA, One Gateway Plaza, Mail Stop 99-3-39, Los Angeles, CA 90012-2952. Copies of the Independent Auditors Report on Schedule of Revenues and Expenditures for Proposition A Sales Tax Revenue and Proposition C Sales Revenue are available from Records Management Center at the LACMTA Plaza Level at (213) 922-2342.**

Go Metro to the Meeting

4. Discussion of existing and revised TPAC role and responsibilities

**i) Marin County, Citizens Oversight Committee (COC)**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

## Citizens' Oversight Committee

The Citizens' Oversight Committee (COC) is an advisory body tasked with the review of Measure A half-cent sales tax-related revenues and expenditures of TAM. The COC is composed of members who are private citizens residing in Marin County and who collectively represent its diversity. The committee consists of representatives from and nominated by:

Central Valley Planning Area (nominated by the respective TAM Commissioner)  
Northern Marin Planning Area (nominated by the respective TAM Commissioner)  
Ross Marin Planning Area (nominated by the respective TAM Commissioner)  
Southern Marin Planning Area (nominated by the respective TAM Commissioner)  
West Marin Planning Area (nominated by the respective TAM Commissioner)  
Bicyclists & Pedestrian Groups  
Environmental Organizations  
League of Women Voters  
Marin County Paratransit Coordinating Council  
Marin Major Employers  
School Districts  
Taxpayer Groups

[Citizens' Oversight Committee Roster](#)

[Citizens' Oversight Committee Bylaws](#)

[Citizens' Oversight Committee Member Handbook](#)

[Citizens' Oversight Committee Annual Reports](#)

[Citizens' Oversight Committee Meetings](#)

**CITIZENS' OVERSIGHT COMMITTEE  
BYLAWS**

**ARTICLE I  
GENERAL PROVISIONS**

**§ 1.1 Purpose**

These Bylaws govern the proceedings of the Citizens' Oversight Committee (Committee), an advisory committee established by the Commissioners of the Transportation Authority of Marin (TAM).

**§ 1.2 Construction of Bylaws**

Unless otherwise required, the general provisions, rules of construction and definitions set forth in the TAM Advisory Committees Standing Rules and Application and Appointment Procedures, with Article IV Section 104.3 of the TAM Administrative Code, shall govern the construction of these Bylaws. These Bylaws shall govern the Committee's proceedings to the extent they are consistent with Standing Rules and Application and Appointment Procedures, the TAM Administrative Code, and law.

**§ 1.3 Definitions**

As used in these Bylaws:

- "Committee" means the Citizens' Oversight Committee.
- "Chairperson" means the person chairing the Committee.
- "Authority" means the Transportation Authority of Marin (TAM).
- "Brown Act" means California's open meeting law, the Ralph M. Brown Act, California Government Code, Sections 54950 *et seq.*
- "Measure A Expenditure Plan" means the Marin County Transportation Sales Tax Expenditure Plan, the 20-year plan for expending the half-cent sales tax revenues contained in Measure A, approved by voters in 2004 and implemented in 2005.
- "Measure A" means the measure approved by voters of Marin County on November 2, 2004, that initiates a half-cent sales tax for transportation projects and programs.
- "Measure B Expenditure Plan" means the Marin County \$10 Vehicle Registration Fee Expenditure Plan, the plan for expending the \$10 vehicle registration fee revenue contained in Measure B, approved by voters in November 2010 and implemented in 2011.
- "Measure B" means the measure approved by voters of Marin County on November 2, 2010, that initiates a \$10 vehicle registration fee increase for transportation projects and programs.



**§ 1.4 Adoption and Amendment of Bylaws**

- The Committee shall have adopted Bylaws approved by the TAM Board of Commissioners within 90 days of Committee formation.
- These Bylaws shall be adopted and amended by the Committee by majority vote of its total membership, and with approval of the TAM Board of Commissioners.

**ARTICLE II  
DUTIES AND AUTHORITY**

**§ 2.1 Duties**

- Review all Measure A related expenditures for consistency with the voter-approved Marin County Transportation Sales Tax Expenditure Plan including, but not limited to, the performance criteria as set forth in the plan.
- Review all Measure B related expenditures for consistency with the voter-approved Marin County Vehicle Registration Fee Expenditure Plan.
- Hold public hearings and issue reports, on at least an annual basis, to inform Marin County residents whether Measure A and Measure B funds are being spent in conformance with their Expenditure Plans.
- Publish an annual report on both the Measure A and Measure B expenditures. Copies of this document must be made widely available to the public at large.
- Approve an audit scope consistent with the requirements of Government Code Section 26909 and the *California Code of Regulations*, Title 2, Division 2, Chapter 2, Subchapter 5.
- Recommend an independent auditor, selected through a competitive process, to the TAM Board of Commissioners for award of a contract.
- Review the findings of compliance audits of Measure A and Measure B recipients, when such audits are required by the TAM Board of Commissioners.

**§ 2.2 Authority and Limitations**

- The Committee will have full access to the Authority's independent auditor and will have the authority to request and review specific information and to comment on the auditor's reports.
- The Committee shall only have advisory powers to the Authority.
- Except for those reports where the Measure A and Measure B Expenditure Plans require the Committee to report directly to the public, the Committee shall not have the authority to communicate externally, but all communications by the Committee shall go to and through the Authority. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member shall be entitled to reimbursement for travel or other expenses except as authorized by the Authority.

## **ARTICLE III MEMBERSHIP**

The Committee shall be composed of 12 members who are private citizens and who collectively represent the diversity of Marin County. Members shall neither be elected officials nor public employees from any agency that either oversees or benefits from the proceeds of the transportation sales tax. Membership shall be limited to Marin County residents without economic interest in any of the Authority's projects. Members will be required to comply with the disclosure and conflict of interest requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. (as amended).

Each organization represented on the Committee shall nominate its representative, with final appointments approved by the governing board of the Authority. The TAM Board of Commissioners shall retain discretion to rescind any Committee appointment(s) as deemed necessary. Members of this Committee shall be appointed to their full terms, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code.

### **§ 3.1 Membership Composition**

- One member selected from each of the planning areas in Marin County by the Authority Commissioners, representing that area (Northern Marin, Central Marin, Ross Valley, Southern Marin, and West Marin), totaling 5 members.
- Seven members selected to reflect a balance of viewpoints across the County. These members shall be nominated by their respective organizations and appointed by the TAM Commission as follows:
  - One representative from a tax payer group;
  - One representative from the environmental organizations of Marin County;
  - One representative from a major Marin employer;
  - One representative from the Marin County Paratransit Coordinating Council, representing seniors and persons with disabilities;
  - One representative from the League of Women Voters;
  - One representative from an advocacy group representing bicyclists and pedestrians;
  - One representative from a school district. (Parents are considered eligible candidates.)

### **§ 3.2 Alternates**

- Each Committee member shall have a designated alternate, nominated by the nominating organization and appointed by TAM, who shall attend Committee meetings in the event that the appointed Committee member is unable to attend. It shall be the responsibility of the appointed Committee member to inform their designated alternate when they are unable to attend a meeting of the Committee.
- Alternates do not vote unless they are taking the place of an absent member.

### **§ 3.3 Terms**

- Members and alternates shall be appointed for a term of four years.

- To provide for staggered terms, at the first meeting of the Committee, the members will draw lots to determine whether their and their alternate's initial appointment is for two or four years.
- All initial appointment terms shall commence on August 1, 2005 and, subject to earlier removal or termination, shall expire on May 31, 2007, as to two-year terms, and on May 31, 2009, as to four-year terms. Thereafter, terms shall commence on June 1 and shall terminate on the fourth anniversary date of such commencement date.
- Committee candidates are required to complete and submit an application. Applications shall be submitted to the TAM Executive Director.
- Existing members who wish to continue serving in their appointed capacity for an additional term are required to complete and submit a new application or may update and resubmit their original application if no pertinent information has changed. Applications shall be submitted to the TAM Executive Director.

### **§ 3.4 Vacancies**

- If a Committee member or alternate is unable to complete his or her term, a replacement member will be nominated by the nominating organization and appointed by the TAM Board of Commissioners to fill the vacancy and complete the appointed term.
- All qualifying applications for the vacancy will be submitted to the Authority for consideration, selection, and appointment. When a vacancy exists on the Committee and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The TAM Board of Commissioners may, at any time, move to continue an appointment to a subsequent date.

### **§ 3.5 Conduct**

- Members shall be responsible for having a working knowledge of the establishing ordinance, Bylaws, federal or state mandates, and any other governing regulations that define and set forth the intent and purpose of their appointment and shall only represent and take action on matters related thereto.
- Members shall not misrepresent the scope of their influence or authority, in matters assigned, or represent recommendations of the Committee as official TAM policy until such time as formal action has been taken by the Authority.
- Unless authorized as the designated spokesperson by the Committee, an individual member may not represent the Committee before any other committee or agency or to the press or general public.

### **§ 3.6 Subcommittees**

- The Committee may elect to form subcommittees to perform specific parts of its mission, such as reviewing audits and issuing reports. All subcommittees shall have an odd number of members so that tie votes are less likely.
- Any special or ad hoc advisory committees may be abolished upon the accomplishment of its purpose or by a majority vote of the Committee. .

## **ARTICLE IV OFFICERS**

The Committee shall elect a Chairperson and a Vice-Chairperson. The Committee may choose to establish other elected positions as well. Terms for the Chairperson and the Vice-Chairperson, and other elected positions, shall be two-years. Elections for all positions shall take place at the first meeting of the even-numbered years.

### **§ 4.1 Chairperson and Vice-Chairperson**

A Chairperson and Vice-Chairperson shall be elected by a majority of the Committee members present through a process of nomination and seconding. If more than one person is nominated and seconded, the appointment will be by a majority vote. In the event of a vacancy in the Chairperson's position, the Vice-Chairperson shall succeed as Chairperson for the balance of the Chairperson's term, and the Committee shall elect a successor to fill the vacancy in the Vice-Chairperson's position. In the event of a vacancy in the Vice-Chairperson's position, the Committee shall elect a successor from its membership.

- Duties of the Chairperson:
  - Call the meetings to order;
  - Preside over each meeting;
  - Identify items of interest for future committee agendas that are relevant to the Committee's responsibilities;
  - Appoint the members of each Subcommittee that the Committee chooses to form;
  - Attend, or appoint another Committee member to attend, meetings of the Authority at which expenditures of Measure A sales tax revenues represent an action item;
  - Serve as liaison to TAM staff between meetings;
  - Serve as the designated spokesperson for the Committee.
  
- Duties of the Vice-Chairperson:
  - Perform the duties of the Chairperson when the Chairperson is absent.

## **ARTICLE V MEETINGS**

### **§ 5.1 Regular Meetings**

- Regular meetings of the Committee shall be held, as needed, on the third (3<sup>rd</sup>) Monday of the month, not less often than every six months. The Committee meeting shall commence at 5:00 p.m. at the Authority's office in San Rafael California.
- Whenever a regular meeting falls on a holiday observed by the Authority, the meeting shall be held on another day or canceled at the direction of the Committee.
- A rescheduled regular meeting shall be designated a regular meeting.
- All meeting locations shall be ADA compliant.

**§ 5.2 Special Meetings**

- A special meeting may be called by the Chairperson with the approval of the TAM Executive Director. The meeting shall be called and noticed as provided in Section 5.3 below.

**§ 5.3 Calling and Noticing of Open Meetings**

- All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Brown Act, which mandates open meetings for legislative bodies. Information announcing the hearings must be well publicized and posted in advance. The TAM Executive Director shall be given notice of all meetings. The Committee may meet in a session closed to the public only for purposes permitted by the Brown Act.
- Writings which are public records and which are distributed during the Committee meeting shall be made available for public inspection at the meeting if prepared by the Authority or a member of the Committee, or after the meeting if prepared by some other person.

**§ 5.4 Quorum; Vote; Committee of the Whole**

- The presence of a majority of the Committee members shall constitute a quorum for the transaction of business. All official acts of the Committee shall require the presence of a quorum and the affirmative vote of a majority of the members present. A quorum for this Committee is 7.
- At any regularly called meeting not held because of a lack of a quorum, the members present may constitute themselves a “committee of the whole” for the purpose of discussing matters on the agenda of interest to the committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.

**§ 5.5 Attendance**

- Members are expected to attend all meetings; however, it is anticipated that some members may not be able to attend all meetings for various reasons. If a member is unable to attend a meeting, he or she should notify TAM staff and the designated alternate as soon as possible prior to the scheduled meeting.
- If a member is absent from four Committee meetings in any twelve-month period or for three consecutive meetings without notifying TAM staff and the designated alternate, the position shall automatically be vacated, and a successor shall be appointed to fill the remainder of that member’s term.

**§ 5.6 Matters Requiring Committee Action**

- A matter requiring Committee action shall be listed on the posted agenda as an action item before the Committee may act upon it, with the potential action that will be taken noted.

**§ 5.7 Public Comment**

- For a regular meeting, members of the public shall be given an opportunity to address the Committee either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the scope of the Committee, under the agenda item heading "Public Comments."
- Each member of the public shall limit their comments to three minutes. Any person addressing the Committee may submit written documents to complement their comments.
- The Chairperson may change the time limit and/or the order of public comments as deemed appropriate but may not reduce the time limit to less than two minutes.

**§ 5.8 Ground Rules**

- When presentations are being made, they should proceed without interruption. Questions and comments should be made following the completion of the presentation.
- The Chairperson may order any person removed from the Committee meeting who causes a disturbance, and the Chairperson may direct the meeting room cleared when deemed necessary to maintain order, unless the rest of the Committee determines otherwise by a majority vote.

**§ 5.9 Robert's Rules**

- All rules of order not herein provided for shall be determined in accordance with *Robert's Rules of Order*, latest edition.

**ARTICLE VI  
AGENDAS AND MEETING NOTICES**

**§ 6.1 Agenda Format**

- Starting time and meeting location
- Introductions
- Review and approval of draft action minutes from the last meeting
- Scheduled monthly agenda items
- Confirm date and time of the next meeting
- Public Comment

**§ 6.2 Agenda Preparation**

- TAM staff shall produce the agenda for each meeting in consultation with the Authority and the Committee Chairperson. Material intended for placement on the agenda shall be delivered to staff on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting, which is two weeks before the meeting. TAM staff may withhold placement on the agenda of

any matter which is not received in a timely manner, lacks sufficient information or is in need of staff review and report prior to Committee consideration.

**§ 6.3 Agenda Posting and Delivery**

- The written agenda for each regular meeting shall be posted by TAM staff at least 72 hours before the meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to the public. Together with supporting documents, the agenda shall be delivered to each Committee member and the TAM Executive Director at least 72 hours before each regular meeting and at least 24 hours before each special meeting.

**§ 6.4 Meeting Notices**

- TAM staff shall provide notice of every regular meeting, and every special meeting to each person who has filed a written request for notice with TAM. The notice shall be provided at least one week prior to the date set for the meeting. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given as TAM staff deems practical. All notices shall clearly indicate that reasonable accommodations will be provided on request.

**§ 6.5 Meeting Minutes**

- The Committee shall cause to be kept at the offices of TAM a record of minutes of all meetings and actions of the Committee and its subcommittees with the time and place of holding, the names of those present at the Committee meetings and subcommittee meetings, and the proceedings.
- Draft minutes will be prepared by TAM staff and will be distributed with agendas before the next meeting. Adoption of minutes shall occur at the next meeting with the support of the majority of the members present.

**ARTICLE VII  
MISCELLANEOUS**

**§ 7.1 Public Information List of Members**

- The TAM Executive Director shall maintain a public information list of members and designated alternates appointed to the Committee. The list shall include the name of the appointee, the date the term expires, and the affiliation and/or nominating organization. The list shall be updated whenever there are changes in membership.

**§ 7.2 Staff Support**

- TAM staff shall prepare and distribute the Committee's agendas, notices, minutes, correspondence and other documents. TAM staff shall maintain a record of all proceedings of the Committee as required by law and shall perform other duties as provided in these Bylaws.

**Certificate of Chairperson**

I am the duly elected Chairperson of the Citizens' Oversight Committee for the Transportation Authority of Marin, and I hereby certify that the foregoing is a true and correct copy of the Bylaws of the Committee as of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature



4. Discussion of existing and revised TPAC role and responsibilities

**j) Miami-Dade County, Citizens Transportation Oversight Committee**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

- **ARTICLE LXXXIV. - MIAMI-DADE COUNTY CITIZENS' TRANSPORTATION OVERSIGHT COMMITTEE<sup>[94]</sup>**

- **Sec. 2-1161. - Creation of Miami-Dade County Citizens' Transportation Oversight Committee.**

There is hereby created an advisory and oversight committee to be known as the Miami-Dade County Citizens' Transportation Oversight Committee ("Oversight Committee").

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1162. - Composition and appointment.**

The Oversight Committee shall consist of sixteen (16) members. Thirteen (13) members shall be selected by the Board of County Commissioners from a slate of candidates submitted by a nominating committee as provided in [Section 2-1162\(a\)](#). The additional three (3) members shall be appointed as provided in [Section 2-1162\(b\)](#).

(a)

*Nominating Committee.* Thirteen (13) members of the Oversight Committee shall be appointed in the manner set forth in this subsection. A nominating committee ("Nominating Committee") comprised of at least twenty-two (22) members shall be appointed as follows:

(1)

The Mayor of Miami-Dade County shall appoint one (1) member of the Nominating Committee;

(2)

The Chief Judge of the Eleventh Judicial Circuit shall serve as a member of the Nominating Committee;

(3)

The Mayor of each municipality with a population of 50,000 or more residents shall serve as a member of the Nominating Committee;

(4)

The Executive Director of the Miami-Dade League of Cities shall serve as a member of the Nominating Committee;

(5)

The Greater Miami Chamber of Commerce ("Greater Miami Chamber") shall appoint one (1) member of the Nominating Committee who shall be the Chairperson of the Greater Miami Chamber or one (1) of its members;

(6)

The Camara de Comercio Latina de los Estados Unidos ("CAMACOL") shall appoint one (1) member of the Nominating Committee who shall be the President of CAMACOL or one (1) of its members;

(7)

The North Dade Regional Chamber of Commerce ("North Dade Chamber") shall appoint one (1) member of the Nominating Committee who shall be the Chairperson of the North Dade Chamber or one (1) of its members;

(8)

- The Chamber South shall appoint one (1) member of the Nominating Committee who shall be the Chairperson of Chamber South or one (1) of its members;
- (9) The Miami-Dade Chamber of Commerce shall appoint one (1) member of the Nominating Committee who shall be the President of the Miami-Dade Chamber of Commerce or one (1) of its members;
- (10) The President of Florida International University or his or her designee shall serve as a member of the Nominating Committee;
- (11) The President of Miami-Dade Community College or his or her designee shall serve as a member of the Nominating Committee;
- (12) The President of the Trust for Public Land or his or her designee shall serve as a member of the Nominating Committee;
- (13) The Chairperson of the United Way or his or her designee shall serve as a member of the Nominating Committee;
- (14) The Chairperson of the Champion Our Children Initiative or his or her designee shall serve as a member of the Nominating Committee;
- (15) The Chairperson of the Cultural Affairs Council or his or her designee shall serve as a member of the Nominating Committee;
- (16) The Chairperson of the Greater Miami Visitors and Convention Bureau or his or her designee shall serve as a member of the Nominating Committee;
- (17) The Chairperson of the Urban Economic Revitalization Task Force or his or her designee shall serve as a member of the Nominating Committee;
- (18) The Chairperson of the Citizen's Transportation Advisory Committee shall serve as a member of the Nominating Committee; and
- (19) The Hialeah Chamber of Commerce & Industries ("Hialeah Chamber") or the Hialeah-Miami Springs Northwest Dade Area Chamber of Commerce ("Hialeah-Miami Springs Chamber") shall appoint one (1) member of the Nominating Committee. The Board of County Commissioners shall by resolution determine whether the Hialeah Chamber or the Hialeah-Miami Springs Chamber shall appoint one (1) member of the Nominating Committee.
- The Nominating Committee shall submit a slate of four (4) candidates from each Commission District to the Board of County Commissioners for selection. The Board must select from the slate submitted by the Nominating Committee; however, the Board may request additional nominations.

(b)

*Additional members.* In addition to the thirteen (13) members of the Oversight Committee appointed pursuant to Subsection (a), the following persons shall serve on the Oversight Committee:

(1)

The Chairperson of the Miami-Dade County Commission on Ethics and Public Trust shall serve as a member of the Oversight Committee;

(2)

The Chairperson of the Alliance for Ethical Government shall serve as a member of the Oversight Committee; and

(3)

One (1) member of the Efficiency and Competition Commission shall serve as a member of the Oversight Committee. Said member shall be appointed by the Mayor of Miami-Dade County and shall not be an elected official.

Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties. The provisions of [Section 2-11.38](#) which provide that no member of a county board shall become a candidate for elective political office during his or her term shall not apply to members of the Nominating Committee appointed pursuant to [Section 2-1162\(a\)\(3\)](#).

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1163. - Additional qualifications.**

Each member of the Oversight Committee shall be a United States citizen, resident of Miami-Dade County and shall be of outstanding reputation for integrity, responsibility and commitment to serving the community. The members of the Oversight Committee shall have no financial interest in the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit. The members of the Oversight Committee should be representative of the community-at-large and should reflect the racial, gender and ethnic make-up of the community.

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1164. - Applicability of Conflict of Interest and Code of Ethics Ordinance.**

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](#) of the Code of Miami-Dade County, Florida, shall be applicable to members of the Oversight Committee.

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1165. - Term of service.**

At the first meeting of the Oversight Committee, a blind lottery shall be held to determine the initial staggered terms of the sixteen (16) members. These initial terms shall be: five (5) members shall serve for a period of one (1) year; five (5) members shall serve for a period of two (2) years; and six (6) members shall serve for a period of three (3) years. Upon expiration of each initial term, all appointments shall serve a two-year term. Appointments to fill any vacancy on the Oversight Committee shall be for the remainder of the unexpired term of office.

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1166. - Organization of the Oversight Committee.**

The Mayor of Miami-Dade County shall appoint the Chairperson of the Oversight Committee who shall be one (1) of the members appointed pursuant to [Section 2-1162](#). The Oversight Committee shall hold regular meetings. All meetings of the Oversight Committee shall be public and written minutes of the proceedings thereof shall be maintained by the Oversight Committee. All actions taken at the meetings of the Oversight Committee shall be promptly and properly recorded. Copies of all minutes and resolutions of the Oversight Committee shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Oversight Committee.

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1167. - Powers, duties and jurisdiction.**

The Oversight Committee shall have the following duties, functions, powers, responsibilities and jurisdiction:

- (a) To audit, investigate, monitor, oversee, inspect and review the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit;
- (b) To require reports from the Mayor, County Commission, Manager, County agencies and instrumentalities regarding the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit;
- (c) To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit; and
- (d) To review any proposed amendments to Ordinance No. 99-68 prior to adoption by the County Commission, and to file a report with the Mayor and the County Commission regarding such proposed amendments.

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1168. - Staff support.**

The County Manager shall provide appropriate staff support to the Oversight Committee.

(Ord. No. 99-87, § 1, 7-27-99)

- **Sec. 2-1169. - Inspector General.**

The Inspector General shall be charged with the responsibility of overseeing the activities of the Oversight Committee. In order to perform his or her oversight function, the Inspector General shall, pursuant to [Section 2-1076](#) of the Code, be empowered to, among other things, require reports from the Oversight Committee, perform audits, subpoena witnesses, administer oaths and require the production of records. The Inspector General or his or her designee shall attend all meetings of the Oversight Committee. The Office of the Inspector General shall, on at least an annual basis and subject to budgetary limitations, audit the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit. The Office of the Inspector General shall provide the Oversight Committee with a copy of each audit report.

(Ord. No. 99-87, § 1, 7-27-99)

- **Secs. 2-1170—2-1190. - Reserved.**

4. Discussion of existing and revised TPAC role and responsibilities

**k) San Diego (SANDAG), Independent Taxpayer Oversight Committee (ITOC)**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

## **INTRODUCTION**

The *TransNet Extension* Ordinance and Expenditure Plan, approved by the voters in November, 2004 as Proposition A, established the Independent Taxpayer Oversight Committee (ITOC). The ITOC is intended to provide an increased level of accountability for expenditures made under the *TransNet Extension*, in addition to the independent annual fiscal and compliance audits required under the existing *TransNet* program. The ITOC is to function in an independent, open and transparent manner to ensure that all voter mandates are carried out as required in the Ordinance and Expenditure Plan, to support the implementation of the objectives of Proposition A to reduce congestion and improve regional mobility, and to develop positive, constructive recommendations for improvements and enhancements to the financial integrity and performance of the *TransNet* program. The ITOC reports to the public and makes recommendations to the SANDAG Board of Directors, which has the responsibility for decisions related to the implementation of the *TransNet* program. These bylaws are based on the provisions related to the ITOC that were included as part of Proposition A.

### **A. MEMBERSHIP**

There shall be seven ITOC voting members with the characteristics described below. The intent is to have one member representing each of the specified areas of expertise. If, however, after a good faith effort, qualified individuals have not been identified for one or more of the areas of expertise, then no more than two members from one or more of the remaining areas of expertise may be selected. For each of the areas of expertise listed below, an individual representing one of the region's colleges or universities with a comparable level of academic experience also would be eligible for consideration. The criteria established for the voting members of the ITOC are intended to provide the skills and experience needed for the ITOC to carry out its responsibilities and to play a valuable and constructive role in the ongoing improvement and enhancement of the *TransNet* program. Applications will be requested from individuals interested in serving on the ITOC through an open, publicly noticed solicitation process. The seven voting members are to include:

1. A professional in the field of municipal/public finance and/or budgeting with a minimum of ten years in a relevant and senior decision making position in the public or private sector.
2. A licensed architect, civil engineer or traffic engineer with demonstrated experience of ten years or more in the fields of transportation and/or urban design in government or the private sector.
3. A professional with demonstrated experience of ten years or more in real estate, land economics, and/or right-of-way acquisition.
4. A professional with demonstrated experience of ten years or more in the management of large-scale construction projects.
5. A licensed engineer with appropriate credentials in the field of transportation project design or construction and a minimum of ten years experience in a relevant and senior decision making position in the government or private sector.



6. The chief executive officer or person in a similar senior-level decision making position, of a major private sector employer with demonstrated experience in leading a large organization.
7. A professional in biology or environmental science with demonstrated experience of ten years or more with environmental regulations and major project mitigation requirements and/or habitat acquisition and management.
8. Ex-Officio Members: SANDAG Executive Director and the San Diego County Auditor

## **B. SELECTION PROCESS**

### **1. Technical Screening Committee**

A technical screening committee will be established to review applications received from interested individuals. This committee will consist of three members selected by the SANDAG Executive Director from high-level professional staff of local, regional, state or federal transportation agencies outside of the San Diego region, or from one of the region's colleges or universities in a transportation-related field, or a combination thereof. The committee will develop a list of candidates determined to be qualified to serve on the ITOC based on the criteria established for the open position(s) on the ITOC. The technical screening committee will recommend two candidates for each open position from the list of qualified candidates for consideration by the Selection Committee. The recommendations shall be made within 30 days of the noticed closing date for applications.

### **2. Selection Committee**

A selection committee shall be established to select the ITOC members from the list of qualified candidates recommended by the technical screening committee. The selection committee shall consist of the following:

- Two members of the County of San Diego Board of Supervisors
- The Mayor of the City of San Diego
- A mayor from the Cities of Chula Vista, Coronado, Imperial Beach, or National City selected by the mayors of those cities.
- A mayor from the Cities of El Cajon, La Mesa, Lemon Grove, or Santee selected by the mayors of those cities.
- A mayor from the Cities of Carlsbad, Del Mar, Encinitas, Oceanside, or Solana Beach selected by the mayors of those cities.
- A mayor from the Cities of Escondido, Poway, San Marcos, or Vista selected by the mayors of those cities.

The selection of ITOC members shall be made within 30 days of the receipt of recommendations from the technical screening committee. All meetings of the selection committee shall be publicly noticed and conducted in full compliance with the requirements of the Brown Act. Should the selection committee be unable to reach agreement on a candidate from the qualified candidates

recommended by the technical screening committee, the selection committee shall request the technical screening committee to recommend two additional qualified candidates for consideration.

## **C. TERMS AND CONDITIONS FOR ITOC MEMBERS**

### **1. Length of Term**

ITOC members shall serve a term of four years, except that initial appointments may be staggered with terms of two to four years. Term limits for ITOC members should be staggered to prevent significant turnover at any one time.

### **2. Additional Term**

For a member eligible to serve for an additional four year term, an application for reappointment to continue as a member of the ITOC must be submitted to the Selection Committee for approval at least 120 days prior to the end of the member's current term. If the Selection Committee does not approve the additional term, the position will be considered vacant at the end of the member's current term and the selection process for a new member will be initiated. In no case shall any member serve more than eight years on the ITOC.

### **3. Removal From Membership**

Members of the ITOC may be removed for cause including the member's failure to attend more than 50% of the regular ITOC meetings, not including special meetings or subcommittee meetings, in one calendar year or for failure to comply with the ITOC's conflict of interest provisions. The Selection Committee will be automatically notified when an ITOC member has failed to meet the established standard for attendance and will consider any appeal or review of extenuating circumstances prior to initiating the process to select a new member.

### **4. Vacancies**

If mid-term vacancies occur as a result of Section C(3) or due to the death, disability, or resignation of a member, the process for replacement shall generally follow the same process as established for regular appointments described in Section B. The Selection Committee may modify the process as may be necessary given the particular circumstances. Every effort should be made to fill the vacancy in the same area of expertise.

### **5. Selection of Chair and Vice-Chair:**

The ITOC shall select a Chair and Vice-Chair by majority vote of the committee. The Chair and Vice-Chair shall serve a term of one year. The selection will be made at the first regular meeting following commencement of the SANDAG fiscal year.

### **6. Responsibilities of the Chair**

The Chair will run the ITOC meetings, work with staff to set the agenda for the meetings, and serve as the primary spokesperson for the ITOC to the SANDAG Board of Directors and Transportation Committee, other groups and organizations, and the media.

## **7. Responsibilities of the Vice-Chair**

The Vice-Chair serves in the capacity of the Chair when the Chair is not available.

## **8. Compensation**

ITOC members shall serve without compensation except for direct expenses (parking/ mileage for attendance at meetings) related to the work of the ITOC.

## **9. Conflict of Interest**

The ITOC shall be subject to SANDAG's conflict of interest policies. ITOC members shall have no legal action pending against SANDAG and are prohibited from acting in any commercial activity directly or indirectly involving SANDAG, such as being a consultant to SANDAG or to any party with pending legal actions against SANDAG during their tenure on the ITOC. ITOC members shall not have direct commercial interest or employment with any public or private entity, which receives *TransNet* sales tax funds authorized by this Ordinance. Each ITOC member shall be required to sign a conflict of interest statement and an annual statement of economic interests.

## **D. ITOC FUNDING AND ADMINISTRATION**

### **1. Annual Funding**

Beginning with the implementation of the *TransNet Extension* on July 1, 2008, costs incurred in administering the activities of the ITOC, including related fiscal and performance audit costs, shall be paid annually from the proceeds of the *TransNet* sales tax. The funds made available to the ITOC shall not exceed \$250,000 annually, as adjusted for inflation annually for the duration of the program. Any funds not utilized in one fiscal year shall remain available for expenditure in subsequent years as part of the annual budget process.

### **2. Transition Period**

During the initial transition period through July 1, 2008, the ITOC's activities will be phased in to the extent possible within the budget constraints of the one percent administrative cap under the initial *TransNet* Ordinance. Through June 30, 2008, the provisions of the initial *TransNet* Ordinance will remain in effect with requirements such as the completion of the annual fiscal audits of *TransNet* recipients being administered by SANDAG using the 1% administrative funds. Staff will work in coordination with the ITOC on key activities that will become ITOC responsibilities after July 1, 2008 and seek ITOC's input as appropriate during this transition period.

### **3. Duration of the ITOC**

Given the forty-year duration of the *TransNet* tax extension, the ITOC shall continue as long as funds from the current authorization remain available. These activities would include conducting annual fiscal audits of recipients until *TransNet* funds are fully expended and the development of related project close-out procedures. The ITOC budget for FY 2048 should reflect the estimated funding required to complete the close-out of the *TransNet* program.

#### **4. Audits of ITOC Expenditures**

The expenditures of the ITOC shall be audited annually as part of the same fiscal audit process used for all other *TransNet*-funded activities.

#### **5. Annual Budget Process**

An annual ITOC operating budget shall be prepared and submitted to the SANDAG Board of Directors for its approval 90 days prior to the beginning of each fiscal year, starting April 1, 2008 for the 2008-09 Fiscal Year.

#### **6. Open Meeting Requirements**

All ITOC meetings, including any standing subcommittees of the ITOC which may be established, shall be public meetings conducted in full compliance with the Brown Act. The ITOC will meet on a regular basis, at least quarterly, to carry out its roles and responsibilities.

#### **7. Meeting Procedures**

Except as otherwise provided by the *TransNet* Ordinance or its bylaws, the ITOC shall conduct its business in accordance with generally accepted parliamentary procedures based on the principles of Roberts Rules of Order, as applicable to committees similar to the ITOC.

#### **8. Quorum**

A quorum of the ITOC shall consist of a minimum of four members. To pass a motion, fifty percent plus one of the members present and voting must vote in favor (a minimum of three votes at the minimum quorum level).

#### **9. Access to Records**

ITOC members and their designated auditors shall have full and timely access to all public documents, records and data with respect to all *TransNet* funds and expenditures.

#### **10. Consultant Selection**

All consultants hired by the ITOC shall be selected on an open and competitive basis with solicitation of proposals from the widest possible number of qualified firms as prescribed by SANDAG's procedures for procurement. The scope of work of all such consultant work shall be adopted by the ITOC prior to any such solicitation.

### **E. STAFFING AND SUPPORT OF THE ITOC**

#### **1. General Support for ITOC**

At the ITOC's request, SANDAG shall provide reasonable staff support and shall provide meeting space for regularly scheduled meetings at the SANDAG offices (401 B Street, Suite 800, San Diego, CA 92101). SANDAG will provide supplies and incidental materials adequate for the ITOC to carry

out its responsibilities and conduct its affairs. Such staffing and administrative support shall not be charged against the funds set aside for the administration of the ITOC provided under Section D(1).

## **2. Compliance with Public Meeting Requirements**

SANDAG shall assist the ITOC in terms of compliance with the public meeting laws, including posting meeting notices and agendas. An Internet webpage for the ITOC will be maintained by SANDAG as part of its website containing ITOC agenda materials, reports, and other information related to the ITOC. As a general practice, the agenda and related materials will be distributed to ITOC members one week prior to the scheduled meeting.

## **3. Preserving ITOC Independence**

SANDAG Directors and staff will fully cooperate with and provide necessary support to the ITOC to ensure that it successfully carries out its duties and obligations, but should limit involvement to the provision of information required by the ITOC to ensure the independence of the ITOC as it carries out its review of the *TransNet* program and develops its recommendations for improvements.

## **F. ITOC ROLES AND RESPONSIBILITIES**

The *TransNet* Ordinance specifies the roles and responsibilities for the ITOC and describes the intent of the ITOC as a functional partner to SANDAG in the ongoing implementation of the *TransNet* program. As stated in the *TransNet* Ordinance, in carrying out its responsibilities, the ITOC shall conduct its reviews in such a manner that does not cause unnecessary project delays, while providing sufficient time to ensure that adequate analysis can be completed to allow the ITOC to make objective recommendations and to provide the public with information about the implementation of the *TransNet* program.

### **1. Intent**

The *TransNet* Extension Ordinance (pp. 44-45) contained intent language that summarized the foundation of the desired relationship between ITOC and SANDAG. That intent language is included below and provides general guidance for how the ITOC and SANDAG should interact as the ITOC carries out each of the specific roles and responsibilities.

- **Resource**—it is the intent that the ITOC will serve as an independent resource to assist in SANDAG’s implementation of *TransNet* projects and programs. The Committee’s membership is designed to provide to SANDAG a group of professionals who, collectively, can offer SANDAG the benefit of their experience to advance the timely and efficient implementation of *TransNet* projects and programs. The ITOC will work in a public way to ensure all deliberations are conducted in an open manner. Regular reports from the ITOC to the public and to the SANDAG Board of Directors (or policy committees) are expected with regard to program and project delivery, and overall performance.
- **Productive**—it is the intent that the ITOC will rely upon data and processes available at SANDAG, studies initiated by the ITOC, and other relevant data generated by reputable sources. It is understood, however, that SANDAG will be continuously striving to improve the reliability of data and to update analytical and modeling processes to be consistent with the state-of-the-art,

and that the ITOC will be kept abreast of any such efforts, and invited to participate in development of such updates in a review capacity.

- Cost-efficient—it is the intent that the ITOC will not add cost burden to SANDAG's implementation of the *TransNet* program and projects. Rather, through a cooperative and productive working relationship between ITOC and the SANDAG implementation team, it is the objective that costs will be saved.
- Flexible—it is the intent that the ITOC will assist SANDAG to be opportunistic to take advantage of changing situations in the future with regard to technologies and transportation developments.

## **2. Implementation Procedures**

A set of implementation procedures for each of the basic ITOC responsibilities established in the Ordinance will be developed by the ITOC and updated from time to time as necessary. These implementation procedures will be based on the basic Ordinance language for each ITOC responsibility with additional background information, a detailed description of the way in which the ITOC is to approach each area of responsibility, and a schedule or general timing for when each activity should be undertaken.

## **G. EFFECTIVE DATE AND AMENDMENTS:**

### **1. Effective Date**

These Bylaws shall become effectively upon adoption by a majority vote of the ITOC.

### **2. Amendments:**

These Bylaws may be amended or repealed and new Bylaws adopted by majority vote of the ITOC members in office at that time.

#### Attachments:

1. Full Text of the *TransNet Extension* Ordinance and Expenditure Plan
2. Summary of major Brown Act requirements for public meetings
3. Key provisions of Roberts Rules of Order for conducting meetings
4. ITOC Guidelines

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Note: Attached materials on Brown Act, Roberts Rules of Order, and related administrative guidelines for conducting meetings were prepared by Julie Wiley, SANDAG General Counsel and were distributed at the first ITOC meeting on May 18, 2005.

## **STATEMENT OF UNDERSTANDING REGARDING THE IMPLEMENTATION OF THE INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE FOR THE *TRANSNET* PROGRAM**

### **Purpose of the ITOC**

The Independent Taxpayer Oversight Committee (ITOC) is intended to provide an increased level of accountability for expenditures made under the *TransNet Extension*, in addition to the independent annual fiscal and compliance audits required under the existing *TransNet* program. The ITOC should function in an independent, open and transparent manner to ensure that all voter mandates are carried out as required in the Ordinance and Expenditure Plan, and to develop positive, constructive recommendations for improvements and enhancements to the financial integrity and performance of the *TransNet* program.

### **Intent of the ITOC as a Functional Partner to SANDAG**

The *TransNet* Ordinance contains a summary of the ITOC's role and responsibilities consistent with the above Purpose. In this document, additional and supplementary details with regard to the ITOC are delineated. These pertain to the process for selecting members of ITOC, terms and conditions governing membership, responsibilities, funding and administration, and conflict of interest provisions.

It is noteworthy that these details have been developed in a cooperative process between SANDAG and representatives of the San Diego County Taxpayers Association, and with the involvement of other transportation professionals within the region. This document is understood to provide the basis for describing how the ITOC will function once the Ordinance is approved.

In addition to the details outlined in this document the intent that provides the foundation for the desired partnership between ITOC and SANDAG, as viewed by the principal authors, is summarized as follows:

- **Resource**—it is the intent that the ITOC will serve as an independent resource to assist in SANDAG's implementation of *TransNet* projects and programs. The Committee's membership is designed to provide to SANDAG a group of professionals who, collectively, can offer SANDAG the benefit of their experience to advance the timely and efficient implementation of *TransNet* projects and programs. The ITOC will work in a public way to ensure all deliberations are conducted in an open manner. Regular reports from the ITOC to the SANDAG Board of Directors (or policy committees) are expected with regard to program and project delivery, and overall performance.
- **Productive**—it is the intent that the ITOC will rely upon data and processes available at SANDAG, studies initiated by the ITOC, and other relevant data generated by reputable sources. It is understood, however, that SANDAG will be continuously striving to improve the reliability of data and to update analytical and modeling processes to be consistent with the state-of-the-art, and that the ITOC will be kept abreast of any such efforts, and invited to participate in development of such updates in a review capacity.

- Cost-efficient—it is the intent that the ITOC will not add cost burden to SANDAG’s implementation of the TransNet program and projects. Rather, through a cooperative and productive working relationship between ITOC and the SANDAG implementation team, it is the objective that costs will be saved.
- Flexible—it is the intent that the ITOC will assist SANDAG to be opportunistic to take advantage of changing situations in the future with regard to technologies and transportation developments. Therefore, the provisions contained below are viewed through 2048 based upon a 2004 perspective and are not meant to be unduly restrictive on ITOC’s and SANDAG’s roles and responsibilities.

**Membership and Selection Process**

1. Membership: There shall be seven ITOC voting members with the characteristics described below. The intent is to have one member representing each of the specified areas of expertise. If, however, after a good faith effort, qualified individuals have not been identified for one or more of the areas of expertise, then no more than two members from one or more of the remaining areas of expertise may be selected. For each of the areas of expertise listed below, an individual representing one of the region’s colleges or universities with a comparable level of academic experience also would be eligible for consideration.
  - A professional in the field of municipal/public finance and/or budgeting with a minimum of ten years in a relevant and senior decision making position in the public or private sector.
  - A licensed architect, civil engineer or traffic engineer with demonstrated experience of ten years or more in the fields of transportation and/or urban design in government or the private sector.
  - A professional with demonstrated experience of ten years or more in real estate, land economics, and/or right-of-way acquisition.
  - A professional with demonstrated experience of ten years or more in the management of large-scale construction projects.
  - A licensed engineer with appropriate credentials in the field of transportation project design or construction and a minimum of ten years experience in a relevant and senior decision making position in the government or private sector.
  - The chief executive officer or person in a similar senior-level decision making position, of a major private sector employer with demonstrated experience in leading a large organization.
  - A professional in biology or environmental science with demonstrated experience of ten years or more with environmental regulations and major project mitigation requirements and/or habitat acquisition and management.
  - Ex-Officio Members: SANDAG Executive Director and the San Diego County Auditor

The criteria established for the voting members of the ITOC are intended to provide the skills and experience needed for the ITOC to carry out its responsibilities and to play a valuable and constructive role in the ongoing improvement and enhancement of the *TransNet* program.



Applications will be requested from individuals interested in serving on the ITOC through an open, publicly noticed solicitation process.

2. **Technical Screening Committee:** A technical screening committee will be established to review applications received from interested individuals. This committee will consist of three members selected by the SANDAG Executive Director from high-level professional staff of local, regional, state or federal transportation agencies outside of the San Diego region, or from one of the region's colleges or universities in a transportation-related field, or a combination thereof. The committee will develop a list of candidates determined to be qualified to serve on the ITOC based on the criteria established for the open position(s) on the ITOC. The technical screening committee will recommend two candidates for each open position from the list of qualified candidates for consideration by the Selection Committee. The recommendations shall be made within 30 days of the noticed closing date for applications.
3. **Selection Committee:** A selection committee shall be established to select the ITOC members from the list of qualified candidates recommended by the technical screening committee. The selection committee shall consist of the following:
  - Two members of the County of San Diego Board of Supervisors
  - The Mayor of the City of San Diego
  - A mayor from the Cities of Chula Vista, Coronado, Imperial Beach, or National City selected by the mayors of those cities.
  - A mayor from the Cities of El Cajon, La Mesa, Lemon Grove, or Santee selected by the mayors of those cities.
  - A mayor from the Cities of Carlsbad, Del Mar, Encinitas, Oceanside, or Solana Beach selected by the mayors of those cities.
  - A mayor from the Cities of Escondido, Poway, San Marcos, or Vista selected by the mayors of those cities.

The selection of ITOC members shall be made within 30 days of the receipt of recommendations from the technical screening committee. All meetings of the selection committee shall be publicly noticed and conducted in full compliance with the requirements of the Brown Act. Should the selection committee be unable to reach agreement on a candidate from the qualified candidates recommended by the technical screening committee, the selection committee shall request the technical screening committee to recommend two additional qualified candidates for consideration.

#### **Terms and Conditions for ITOC members**

- ITOC members shall serve a term of four years, except that initial appointments may be staggered with terms of two to four years.
- ITOC members shall serve without compensation except for direct expenses related to the work of the ITOC.
- In no case shall any member serve more than eight years on the ITOC.

- If and when vacancies in the membership of the ITOC occur, the same selection process as outlined above shall be followed to select a replacement to fill the remainder of the term. At the completion of a term, eligible incumbent members will need to apply for reappointment for another term.
- Term limits for ITOC members should be staggered to prevent significant turnover at any one time. The initial appointment process should be based on this staggered term limit concept.

### **ITOC Responsibilities**

The ITOC shall have the following responsibilities:

1. Conduct an annual fiscal and compliance audit of all TransNet-funded activities using the services of an independent fiscal auditor to assure compliance with the voter-approved Ordinance and Expenditure Plan. This annual audit will cover all recipients of TransNet funds during the fiscal year and will evaluate compliance with the maintenance of effort requirement and any other applicable requirements. The audits will identify expenditures made for each project in the prior fiscal year and will include the accumulated expenses and revenues for ongoing, multi-year projects.
2. Prepare an annual report to the SANDAG Board of Directors presenting the results of the annual audit process. The report should include an assessment of the consistency of the expenditures of *TransNet* funds with the Ordinance and Expenditure Plan and any recommendations for improving the financial operation and integrity of the program for consideration by the SANDAG Board of Directors. This consistency evaluation will include a review of expenditures by project type for each local jurisdiction. The ITOC shall share the initial findings of the independent fiscal audits and its recommendations with the SANDAG Transportation Committee 60 days prior to their release to resolve inconsistencies and technical issues related to the ITOC's draft report and recommendations. Once this review has taken place, the ITOC shall make any final amendments it deems appropriate to its report and recommendations, and adopt its report for submission directly to the SANDAG Board of Directors and the public. The ITOC shall strive to be as objective and accurate as possible in whatever final report it adopts. Upon completion by the ITOC, the report shall be presented to the SANDAG Board of Directors at its next regular meeting and shall be made available to the public.
3. Conduct triennial performance audits of SANDAG and other agencies involved in the implementation of TransNet-funded projects and programs to review project delivery, cost control, schedule adherence and related activities. The review should include consideration of changes to contracting, construction, permitting and related processes that could improve the efficiency and effectiveness of the expenditure of TransNet revenues. These performance audits shall be conducted using the services of an independent performance auditor and should include a review of the ITOC's performance. A draft of the ITOC's report and recommendations regarding the performance audits shall be made available to the SANDAG Transportation Committee at least 60 days before its final adoption by the ITOC to resolve inconsistencies and technical issues related to the ITOC's draft report and recommendations. Once this review has taken place, the ITOC shall make any final amendments it deems appropriate to its report and related recommendations, and adopt its report for presentation directly to the SANDAG Board of Directors and the public. The ITOC shall strive to be as

objective and constructive as possible in the text and presentation of the performance audits. Upon completion by the ITOC, the report shall be presented to the SANDAG Board of Directors at its next regular meeting and shall be made available to the public.

4. Provide recommendations to the SANDAG Board of Directors regarding any proposed amendments to the Ordinance and Expenditure Plan.
5. Provide recommendations as part of the 10-year review process. This process provides an opportunity to undertake a comprehensive review of the TransNet program every 10 years and to make recommendations for improving the program over the subsequent 10 years. This review process should take into consideration the results of the TransNet-funded improvements as compared to the performance standards established through the Regional Transportation Plan and the Regional Comprehensive Plan.
6. Participate in the ongoing refinement of SANDAG's transportation system performance measurement process and the project evaluation criteria used in development of the Regional Transportation Plan (RTP) and in prioritizing projects for funding in the Regional Transportation Improvement Program. The focus of this effort will be on TransNet-funded projects. Based on the periodic updates to the RTP, as required by state and federal law, the oversight committee shall develop a report to the SANDAG Transportation Committee, the SANDAG Board of Directors and the public providing recommendations for possible improvements and modifications to the TransNet program.
7. On an annual basis, review ongoing SANDAG system performance evaluations, including SANDAG's "State of the Commute" report, and provide an independent analysis of information included in that report. This evaluation process is expected to include such factors as level of service measurements by roadway segment and by time of day, throughput in major travel corridors, and travel time comparisons by mode between major trip origins and destinations. Such information will be used as a tool in the RTP development process.
8. Review and comment on the programming of *TransNet* revenues in the Regional Transportation Improvement Program (RTIP). This provides an opportunity for the ITOC to raise concerns regarding the eligibility of projects proposed for funding before any expenditures are made. In addition to a general eligibility review, this effort should focus on significant cost increases and/or scope changes on the major corridor projects identified in the Ordinance and Expenditure Plan.
9. Review proposed debt financings to ensure that the benefits of the proposed financing for accelerating project delivery, avoiding future cost escalation, and related factors exceed issuance and interest costs.
10. Review the major Congestion Relief projects identified in the Ordinance for performance in terms of cost control and schedule adherence on a quarterly basis.

In carrying out its responsibilities, the ITOC shall conduct its reviews in such a manner that does not cause unnecessary project delays, while providing sufficient time to ensure that adequate analysis can be completed to allow the ITOC to make objective recommendations and to provide the public with information about the implementation of the *TransNet* program.

## **ITOC Funding and Administration**

1. All costs incurred in administering the activities of the ITOC, including related fiscal and performance audit costs, shall be paid annually from the proceeds of the *TransNet* sales tax. The funds made available to the ITOC shall not exceed \$250,000 annually, as adjusted for inflation annually for the duration of the program. Any funds not utilized in one fiscal year shall remain available for expenditure in subsequent years as part of the annual budget process.
2. The expenditures of the ITOC shall be audited annually as part of the same fiscal audit process used for all other *TransNet*-funded activities.
3. The process for selecting the initial ITOC members shall be started no later than April 1 of the year following the passage of the Ordinance by the voters. Because the funding for this activity would not be available until Fiscal Year 2008-09, the ITOC activities during the initial transition period will be phased in to the extent possible within the budget constraints of the one percent administrative cap under the current *TransNet* Ordinance. Given the forty-year duration of the *TransNet* tax extension, the ITOC shall continue as long as funds from the current authorization remain available.
4. An annual ITOC operating budget shall be prepared and submitted to the SANDAG Board of Directors for its approval 90 days prior to the beginning of each fiscal year.
5. All ITOC meetings shall be public meetings conducted in full compliance with the Brown Act. The ITOC will meet on a regular basis, at least quarterly, to carry out its roles and responsibilities.
6. SANDAG Directors and staff will fully cooperate with and provide necessary support to the ITOC to ensure that it successfully carries out its duties and obligations, but should limit involvement to the provision of information required by the ITOC to ensure the independence of the ITOC as it carries out its review of the *TransNet* program and develops its recommendations for improvements.
7. ITOC members and their designated auditors shall have full and timely access to all public documents, records and data with respect to all *TransNet* funds and expenditures.
8. All consultants hired by the ITOC shall be selected on an open and competitive basis with solicitation of proposals from the widest possible number of qualified firms as prescribed by SANDAG's procedures for procurement. The scope of work of all such consultant work shall be adopted by the ITOC prior to any such solicitation.
9. SANDAG shall provide meeting space, supplies and incidental materials adequate for the ITOC to carry out its responsibilities and conduct its affairs. Such administrative support shall not be charged against the funds set aside for the administration of the ITOC provided under No. 1 above.

## **Conflict of Interest**

The ITOC shall be subject to SANDAG's conflict of interest policies. ITOC members shall have no legal action pending against SANDAG and are prohibited from acting in any commercial activity directly or indirectly involving SANDAG, such as being a consultant to SANDAG or to any party with pending legal actions against SANDAG during their tenure on the ITOC. ITOC members shall not have direct commercial interest or employment with any public or private entity, which receives *TransNet* sales tax funds authorized by this Ordinance.



## **BASIC RULES OF ORDER FOR COMMITTEE PROCEEDINGS**

ALL SANDAG committee, subcommittee, task force, stakeholders or working group (hereinafter collectively referred to as "committee") members should use the following guidelines regarding rules of order during a SANDAG procedure.

1) The Presiding Officer or Chair of the committee shall call the meeting into order and dismiss the meeting when all prescribed business is concluded. The **order of business** should be as follows:

1. Reading and approval of minutes
2. Public and committee member comments
3. Consent items on agenda
4. Items on the agenda for discussion
5. Adjournment

2) All SANDAG committee, subcommittee or working groups must have a **quorum** (majority) of members who must be present at the meetings in order to legally transact business.

3) All **motion procedures** should be as follows:

1. Person making motion must be a member of the committee (other than Chair)
2. Person requests recognition by the Chair (or Chair calls for a motion)
3. The Chair recognizes the member by name or title; member then has the floor
4. Member makes the motion in words member wishes the committee's final official statement of action to be
5. Member passes the motion to the Chair as soon as motion is made
6. Another member seconds the motion
7. The Chair restates the motion
8. The motion is then open for debate and discussion
  - All discussion and debate must relate to the motion, if no debate is necessary than the Chair may call for a direct vote
9. When all debates and discussions have been heard, the Chair will call for the motion to be voted upon or a member may "call for the question" if they feel sufficient discussion has occurred.

4) Members **vote** on the motion by a show of hands or by stating "aye" or "no." The result should be stated by the Chair.

5) **Adding an issue** not on the agenda is done as follows:

1. After a motion is seconded, the Chair may call for a vote on the motion to add the issue if:
  - (1) The issue requires immediate action
  - (2) The need for action on the issue came to the attention of the committee subsequent to the posting of the agenda

2. In order for the issue to be heard before the committee, two-thirds of the voting members must be present and two-thirds of those voting members present must vote in favor of adding the issue to the agenda.

6) Ways to **amend a motion**:

1. **After** a motion has been made and **before** the question has been stated by the chair, any member can suggest **modifications**
  - The motion maker can accept or reject these modifications as they wish
  - This method should be limited to minor changes where it is unlikely that members will disagree
2. **After** a motion has been made and **after** the question has been stated by the chair, the **maker** of the motion can request **unanimous** consent to modify the motion
  - If any member objects the modification must be introduced in the form of a **motion to amend**
3. If the above options do not apply, then members other than the maker can make a motion to amend the proposed motion
  - Proposed changes to the **wording** (inserting, striking, and substituting words) and limited changes to the **meaning** of the motion can be made
  - If someone wants to substantially modify the wording, he/she can make a **substitute** motion
  - Amended and substitute motions must be **voted on before** the original motion
  - Amended and substitute motions must be:
    - **seconded**,
    - are **debatable**, and
    - require a **majority** vote for adoption
  - If the amended or substitute motion **passes** the original motion is dropped, however, if the amended or substitute motion **fails** a vote can then be taken on the original motion

7) When the normal **Chair** is **not present**, ways to appoint a temporary Chair:

1. The Chair can appoint a temporary Chair if there is not one already approved of in advance
2. A temporary Chair is elected by the committee
  - (1) Can be nominated by: the Chair or by a committee member
  - (2) A vote takes place immediately and terminates upon the arrival of the pre-elected Chair or vice-chair

8) Filling **vacancies** with **alternates**:

1. If the Chair is not present, the vice-chair takes his/her place
2. If members were not selected for their individual qualifications then a certain number of alternates equal to the number of members can be selected by the members or the groups they represent if the committee so desires

## ITOC GUIDELINES

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### **I. CONDUCT**

As an official member of ITOC, you should either sit at the conference room table located in the room being used for the meeting or a nameplate or some other device should be used to delineate your status. Attendees who are not members or alternates should request permission to speak from the Chair. The Chair should recognize requests from non-members to speak and ask them to identify themselves if they have not already been introduced.

SANDAG has implemented policies that apply to all persons at SANDAG including ITOC members. These policies include prohibitions against harassment, discrimination, and violence. A copy of these policies can be obtained upon request to the Office of General Counsel or on SANDAG's Web site. Persons who violate the policies will receive at least a warning and may be asked to leave SANDAG's premises.

### **II. CONFLICTS OF INTEREST**

One of the goals of these Guidelines is to manage real or perceived conflicts of interest. SANDAG has determined that a system of self-disclosure will be the most effective since conflicts of interest must be dealt with on a case by case basis. Discussion and disclosure generally can resolve issues related to conflict of interest.

A conflict of interest occurs when there is a divergence between an individual's professional, private, or personal relationships or interests and his/her obligations to SANDAG as a subcommittee member such that an independent observer might reasonably question whether the individual's actions or decisions are determined by considerations of personal benefit, gain or advantage. A conflict of interest or the appearance of it depends on the situation, and not necessarily on the character or actions of the individual. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict. Thus, individuals are asked to report potential conflicts so that appearances can be separated from reality.

It is wrong for an individual's actions or decisions made in the course of his or her SANDAG activities to be determined by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the ITOC and SANDAG.

All members have an affirmative duty to disclose any potential financial interest to the SANDAG project manager assigned to the ITOC. Notification of the actual or potential conflict should be given to the project manager. Members with an actual or potential conflict of interest should be asked to leave all meetings or portions of meetings where the conflict may arise. If a member must leave their post due to a conflict of interest he/she may continue to attend the meeting(s) as a member of the public.

### **III. SANDAG'S RESOURCES**

Except in a purely incidental way, SANDAG's resources, including but not limited to, facilities, materials, personnel, or equipment may not be used for non-ITOC business by a member unless written approval has been received in advance from the Executive Director or his/her designee. Such permission shall be granted only when the use of SANDAG's resources is determined to further SANDAG's or the ITOC's mission.



#### **IV. CONFIDENTIAL INFORMATION**

Proprietary or other confidential information that a SANDAG subcommittee member may be exposed to at SANDAG may never be used in external activities unless written approval is given in advance by SANDAG's Executive Director or his/her designee.

#### **V. RULES OF PROCEDURE FOR MEETINGS**

The ITOC is required to comply with California's open meeting laws, which are known as the Brown Act. Generally, the Brown Act requires that meetings be open to the public, that meetings be noticed in accordance with statutory deadlines, that the decision-making process of the members be carried out in a public meeting venue, and that the public be allowed to comment at the meeting. Questions regarding the applicability and implementation of Brown Act requirements should be referred to the Office of General Counsel.

The ITOC should also comply with Robert's Rules of Order. This publication provides procedures for matters such as making motions, amending and substituting motions, adjourning meetings, selecting a Chair, and voting. A summary of the most used aspects of Robert's Rules is attached to these Guidelines. Business cannot be conducted at a subcommittee without the presence of at least a quorum of voting members. A quorum is a majority of the voting members. For example, a nine member committee would require at least five voting members for a quorum. In order to take action, at least a majority of the quorum must vote in favor of the action in question. So, if five members of the nine total members attend a meeting, it would take at least three votes to pass a motion. Questions regarding Robert's Rules or other matters of procedure can be directed to the staff liaison or the Office of General Counsel.

#### **VI. AD HOC GROUPS**

The ITOC may form ad hoc groups to provide advice to the entire membership of the ITOC. Any ad hoc group the ITOC forms will be subject to the Brown Act unless the following requirements are met: 1) the group is composed of less than a majority of voting members, 2) only voting members serve on the group, and 3) the group solely provides advice and does not make decisions.

4. Discussion of existing and revised TPAC role and responsibilities

1) **San Francisco, County Transportation Authority**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

## San Francisco County Transportation Authority

MOVING THE CITY



### CITIZENS ADVISORY COMMITTEE

#### BACKGROUND

The Transportation Authority has appointed a Citizens Advisory Committee (CAC) consisting of eleven members representing a broad spectrum of transportation and community concerns. The CAC's mission is to assist the Transportation Authority by reflecting community values in the development of the mission and programs of the Transportation Authority; and communicating information about the Transportation Authority's mission and programs back to the community. The CAC accomplishes this by providing the Commissioners and staff of the Transportation Authority with input on nearly all matters that go before the Transportation Authority Board and its standing committees. This includes providing comments on transportation plans, programs and studies; the Prop K (half-cent sales tax) and Prop AA (\$10 vehicle registration fee) Strategic Plans; funding priorities; transportation-related legislation; and community transportation concerns. The CAC also assists in publicizing transportation projects and plans to neighborhoods, and solicits community input for feedback to the Transportation Authority.

Find out about [current opportunities \(//www.sfcta.org/node/620/\)](http://www.sfcta.org/node/620/) to join the CAC, or [sign up for notifications \(//www.sfcta.org/meetings-agendas-and-events/citizens-advisory-committee/join-citizens-advisory-committee#notify\)](http://www.sfcta.org/meetings-agendas-and-events/citizens-advisory-committee/join-citizens-advisory-committee#notify) when CAC openings occur.

#### CURRENT MEMBERS (AND REPRESENTATIVE DISTRICTS)

- Chris Waddling, Chair (D10)
- Peter Sachs, Vice Chair (D4)
- Myla Ablog (D5)
- Becky Hogue (D6)
- Brian Larkin (D1)
- John Larson (D7)
- Santiago Lerma (D9)
- John Morrison (D11)
- Jacqueline Sachs (D2)
- Peter Tannen (D8)
- Vacant (D3)

#### MEETINGS

The Transportation Authority holds CAC meetings from 6-8:00 p.m. on the fourth Wednesday of each month, with a few exceptions, at 1455 Market Street (between 10th and 11th Streets), 22nd Floor. The agendas, minutes and supporting materials are available at [www.sfcta.org/agendas \(//www.sfcta.org/agendas\)](http://www.sfcta.org/agendas).

#### APPLY TO THE CAC

The Transportation Authority accepts applications on a continuous basis. Applicants are required to attend one of the Transportation Authority's [Plans and Programs Committee \(//www.sfcta.org/meetings-agendas-and-events/transportation-authority-board\)](http://www.sfcta.org/meetings-agendas-and-events/transportation-authority-board) meetings to speak on their own behalf before being eligible for appointment. The Committee will then make recommendations for appointments to the full Transportation Authority Board of Commissioners, which makes the final decision. New applicants will be notified about the time and location of these meetings. Once your application is received, it will remain active for two years and will be considered for any openings, unless you submit in writing a withdrawal of your candidacy. You must be a San Francisco resident.

[Click here to submit an application \(//www.sfcta.org/application-advisory-committees\)](http://www.sfcta.org/application-advisory-committees).

For more information regarding the application process, email [CAC@sfcta.org \(mailto:CAC@sfcta.org\)](mailto:CAC@sfcta.org) or call 415.522.4800.

#### CONTACT THE CAC

If you would like to contact the CAC or the individual members, please send an email to [CAC@sfcta.org \(mailto:CAC@sfcta.org\)](mailto:CAC@sfcta.org). In the subject line, please indicate the intended recipient(s).

#### CAC BY-LAWS

##### ARTICLE I. AUTHORITY

**Section 1.** Per Section 5.3 of the Transportation Authority's Administrative Code, the eleven members of the Citizens Advisory Committee (CAC) are appointed by the San Francisco County Transportation Authority (Transportation Authority) to advise the Transportation Authority on the development and implementation of the Transportation Expenditure Plan.

##### ARTICLE II. MEMBERSHIP

**Section 1.** Per the Transportation Authority's Administrative Code, CAC members shall include representatives from various segments of the community, including public policy organizations, labor, business, senior citizens, the disabled, environmentalists and the neighborhoods. The Committee members shall be residents of San Francisco and shall serve for two-year periods.

**Section 2.** Per the Transportation Authority's Administrative Code, any member who is absent for four of any twelve regularly scheduled consecutive meetings shall automatically be terminated. Any resulting vacancy shall be filled for a new two-year period. Any terminated member who wishes to be reappointed shall contact his or her district Supervisor and shall reappear before the Plans and Programs Committee to speak on his or her behalf.

## **ARTICLE III. OFFICERS**

**Section 1.** The Officers of the CAC shall be a Chairperson and a Vice-Chairperson. Their duties shall be as follows:

**Chairperson:** Presides over CAC meetings; develops the monthly meeting agenda; appoints subcommittees and subcommittee chairpersons; represents the CAC's actions and decisions to the Transportation Authority, appropriate agencies, and to the community at large, or designates other CAC members to perform these duties.

**Vice-Chairperson:** Presides over the CAC meetings in the absence of the Chairperson; conducts the other duties of the Chairperson in his/her absence.

**Section 2.** Nominations for the Chairperson and Vice-Chairperson shall be made at the last CAC meeting of the calendar year (e.g. December) in order to be eligible for election at the first CAC meeting of the following year (e.g. January). A nomination must be accepted by the candidate. Self-nominations are allowed. Candidates are required to submit statements of qualifications and objectives to the Clerk of the Transportation Authority one week prior to the January CAC meeting to be included in the meeting packet.

**Section 3.** Selection of Officers shall be made as follows:

**Chairperson:** The Chairperson shall be elected by a majority of the appointed members at the January meeting. The term of office shall be for one year. If the term of appointment of the member elected Chairperson expires before the year is out and that member does not either seek reappointment or the Board does not grant such reappointment, the Vice-Chairperson will serve as Chairperson for the remainder of the term.

**Vice-Chairperson:** The Vice-Chairperson shall be elected by a majority of the appointed members at the January meeting. The term of office shall be for one year. If the term of appointment of the member elected Vice-Chairperson expires before the year is out and that member does not either seek reappointment or the Board does not grant such reappointment, the CAC shall hold an election at the next regular meeting of the CAC for a Vice-Chairperson to serve out the remainder of the term.

## **ARTICLE IV. MEETINGS**

**Section 1.** The regular meetings of the CAC shall be held on the fourth Wednesday of each month at 6:00 p.m. at the Transportation Authority offices.

**Section 2.** The CAC meetings are subject to the Ralph M. Brown Act and the Sunshine Ordinance.

**Section 3.** The rules contained within the current edition of Robert's Rules of Order (Newly Revised) shall govern the CAC in all cases to which they are applicable and in which they are not inconsistent with these by-laws, the Transportation Authority's Administrative Code and any special rules of order the CAC may adopt. A quorum is defined as a majority of currently appointed members.

## **ARTICLE V. SUBCOMMITTEES**

**Section 1.** Subcommittees and Ad Hoc Committees may be established by the Chairperson as necessary.

**Section 2.** Each Subcommittee shall consist of at least three but not more than five CAC members appointed by the CAC Chairperson.

## **ARTICLE VI. AMENDMENT OF BY-LAWS**

These by-laws may be amended at any regular meeting of the CAC by a two-thirds vote of the CAC members present and voting, and constituting not less than a majority of the CAC members appointed, provided that the amendment(s) has been submitted in writing at the previous regular meeting.

## **ARTICLE VII. CONFLICT OF INTEREST**

Per the Transportation Authority's Administrative Code, CAC members serve without any compensation. There shall be no personal or monetary gain by members of the CAC as a result of their membership and actions on the CAC.

## **ARTICLE VIII. CONDUCT OF MEMBERS**

No CAC member shall directly or indirectly by any form of words impute to another CAC member or to other CAC members any conduct or motive unworthy or unbecoming of a CAC member.

## **ARTICLE VIII. MAJORITY/MINORITY REPORTS**

CAC members may present separate reports on decisions and actions by the CAC under the following circumstances: A majority report will reflect at least two-thirds of the CAC members present and voting. A minority report will reflect at least one-fourth of the CAC members present and voting.

4. Discussion of existing and revised TPAC role and responsibilities

**m) Seattle, Bridging the Gap Oversight Committee**

Pros:

Cons:

Potential staffing requirements:

Miscellaneous notes:

Working for a safe, affordable, vibrant, innovative, and interconnected city.

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### BTG Citizen Oversight Committee

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Bridging the Gap is an opportunity for SDOT to improve Seattle's transportation system for all users with realistic and achievable goals and objectives with built-in systems of accountability.

#### **Bridging the Gap Oversight Committee Group provides accountability for transportation levy funds**

[Click here for Committee Roster](#)

The next meeting of the Levy Oversight Committee will be held:

**Next Meeting**  
**October 27, 2015**  
5:30 – 6:30 p.m.  
City Hall, Boards and Commissions Room (L-280)  
600 Fourth Avenue South  
Seattle, WA 98104

[Click here for the agenda](#)

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*(all meetings of the Levy Oversight Committee are open to the public)*

Subscribe to the BTG Email List to receive future Committee Agendas

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For more information about the Committee please contact Krista Bunch at [Krista.Bunch@seattle.gov](mailto:Krista.Bunch@seattle.gov) or 206-684-3967

#### **Oversight Committee Members:**

##### **Oversight Committee – Role and responsibilities**

The Bridging the Gap Citizen Oversight Committee serves as a vital mechanism of accountability on how BTG revenues are spent. The Oversight Committee is an advisory body that monitors revenues, expenditures, and program and project implementation. The Oversight Committee advises the City Council, the Mayor, and the Seattle Department of Transportation (SDOT) on responding to program and project cost savings or overruns.

In addition the Oversight Committee reviews SDOT's program and project priorities and financial plans, and makes recommendations to the Mayor and the City Council regarding the spending of levy proceeds. SDOT staffs the Oversight Committee and provides all of the required background and reference materials.

##### **Committee Letter to Community – 2012 Annual Report**

The Bridging the Gap Oversight Committee is responsible for providing accountability on the use of BTG funds through monitoring revenues and expenditures and through program and project implementation.

Over the last six years, this committee reviewed BTG projects that serve many users: neighborhoods, commuters, bicyclists, pedestrians, and the freight community. We actively focused on how BTG program and project funding is being integrated into other planning and programming at the Seattle Department of Transportation. Most recently, the committee reviewed and commented on the Transit Master Plan and implementation of the Neighborhood Street Fund large project program.

The committee believes strongly that one way to assure accountability is to be accessible to the public. To help ensure accessibility, each of our quarterly meetings is open to the public, with time set aside for people to share their views on BTG issues.

As evidenced in this report, the committee believes excellent progress has been made by SDOT over the first six years of *Bridging the Gap*. We look forward to more years of a well-run and highly accountable BTG program. The committee would like to say thank you to Seattle voters for passing Bridging the Gap in 2006. The improvements highlighted in this report would not have been possible without the support of Seattle voters.

In accordance with Council ordinance, the Oversight Committee is composed of 15 members:

- Chair of the Council Transportation Committee, or designee
- Director of Finance
- One representative from each of the following: Seattle Pedestrian Advisory Board; Seattle Bicycle Advisory Board; and Seattle Freight Advisory Board
- 5 Seattle residents appointed by the Mayor, and confirmed by City Council
- 5 Seattle residents appointed by the City Council

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