

**SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION**

Rules & Regulations

Revised August/17/2017



**Santa Cruz County
Regional Transportation Commission**
1523 Pacific Avenue
Santa Cruz, California 95060
(831) 460-3200
www.sccrtc.org
info@sccrtc.org

SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION

RULES AND REGULATIONS

SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION

RULES AND REGULATIONS

I.	INTRODUCTION	1
A.	General.....	1
B.	Consistency with Memoranda of Understanding.....	1
II.	GENERAL RULES AND REGULATIONS.....	2
A.	Name and Purpose	2
B.	Membership	2
C.	Time and Place of Meetings	2
D.	Members' Reimbursement for Expense	3
E.	Election of Chair.....	3
F.	Staff.....	3
G.	Agenda	3
H.	Public Hearings.....	4
I.	Chair to Preside.....	4
J.	Quorum and Voting	4
K.	Reading of Minutes.....	5
L.	Rules of Debate.....	5
M.	Method of Voting & Recording Votes.....	5
N.	Abstaining from Voting	5
O.	Attendance at Meetings.....	5
P.	Adoption and Revision of Rules.....	5
Q.	Establishment of Committees	6
R.	Committee Bylaws.....	6
S.	Public Comment.....	6
T.	Conflict of Interest Code.....	6
III.	PROCEDURE FOR ESTABLISHING ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND APPORTIONMENTS	6
A.	Annual Revenue Estimates	6
B.	Budget and Apportionment Schedule	7
C.	Appropriation Priorities	7
D.	Budget and Apportionment Revisions	8
E.	Transportation Development Act and RTC Reserve Funds	8
F.	Transportation Development Act Surplus	9
G.	Special Allocations	9
H.	Transportation Development Act Funding Shortfall	9
I.	Apportionments - Unclaimed.....	9
IV.	CLAIMS FOR TDA ADMINISTRATION AND PLANNING PROGRAM FUNDS (ARTICLES 3 AND 8)	10
A.	Submission of Claims	10
B.	Claims by the Santa Cruz County Regional Transportation Commission for TDA Funds	10

SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION

RULES AND REGULATIONS

V.	CLAIMS FOR PUBLIC TRANSPORTATION FUNDS: TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 4 CLAIMS AND STATE TRANSIT ASSISTANCE (STA) CLAIMS	10
A.	Submission of Claims	10
B.	Claims by the Santa Cruz Metropolitan Transit District	11
C.	Claims for Research and Demonstration Projects	11
VI.	BICYCLE AND PEDESTRIAN FACILITIES AND OTHER CLAIMS FOR TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDS (ARTICLES 3 & 8)	13
A.	General.....	13
B.	Eligible Claimants.....	13
C.	Claims for Article 8 Funds.....	13
D.	Conditions for Approval	14
E.	Criteria for Article 8 Claims	14
F.	Commission and Committee Review.....	16
G.	Disbursements.....	16
H.	Appeal.....	17
I.	Amount of Claim	17
J.	Approved Claims	17
K.	Interest.....	17
VII.	TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIMS FOR SPECIALIZED TRANSPORTATION SERVICES (ARTICLE 8)	18
A.	Submission of Claims	18
B.	Claims for Specialized Transportation.....	18
C.	Commission and Committee Review.....	18
D.	Disbursements.....	19
E.	Appeal.....	19
F.	Amount of Claim	19
G.	Approved Claims	19
VIII.	THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP)	19
A.	General.....	19
B.	Eligible Applicants.....	20
C.	Eligible Projects/Programs.....	20
D.	Project Application and Programming Process	21
E.	Amendments to the Approved Program	23
F.	Reimbursement for RSTP/STBG or STIP Funds	24
G.	Project Monitoring/Assistance Program (<i>Adopted by RTC 8/6/98</i>).....	24
IX.	FEDERAL APPORTIONMENT (STP) EXCHANGE PROGRAM	24
A.	General.....	24

SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION

RULES AND REGULATIONS

B.	Eligible Claimants.....	24
C.	Eligible Uses of Funds.....	25
D.	Accrued Interest on RSTP Exchange Funds.....	25
E.	Disbursement Procedure for Federal Apportionment Exchange Program	25
F.	Return of Exchange Funds.....	26
G.	Advance Delivery of RSTP Exchange Projects (<i>Resolution 24-06</i>).....	26
X.	ENVIRONMENTAL REVIEW GUIDELINES.....	28
A.	Lead Agency	28
B.	Guidelines	28
XI.	DOCUMENT DISTRIBUTION AND PRICING	28
A.	Document Distribution.....	28
B.	Document Pricing	28

SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION

RULES AND REGULATIONS

EXHIBITS29

1. SCCRTC Committees29
2. By laws for Commission Committees31
3. Bicycle Advisory Committee.....37
4. Budget and Administration/Personnel Committee39
5. Elderly and Disabled Transportation Advisory Committee.....41
6. Interagency Technical Advisory Committee45
7. Transportation Policy Workshop47
8. SCCRTC Document Distribution and Pricing Policies49
9. SCCRTC Conflict of Interest Code53
10. SCCRTC Monitoring/Assistance Program for State and Federally
Funded Projects.....57
11. Rosenberg’s Rules of Order.....59

ADOPTED MAJOR REVISION SEPTEMBER 1979

REVISED DECEMBER 1980

REVISED NOVEMBER 1982

REVISED AUGUST 1984

REVISED JANUARY 1985

REVISED JANUARY 1989

REVISED FEBRUARY 1991

REVISED MARCH 1993

REVISED MAY 1994

REVISED MAY 1995

REVISED FEBRUARY 1996

REVISED SEPTEMBER 1997

REVISED NOVEMBER 2001

REVISED JANUARY 2002

REVISED NOVEMBER 2004

REVISED DECEMBER 2004

REVISED MARCH 2006

REVISED APRIL 2014

REVISED AUGUST 2014

REVISED JUNE 1, 2017

REVISED AUGUST 17, 2017

I. INTRODUCTION

A. General

1. These rules establish the regulations and procedure for the conduct of all meetings of the Santa Cruz County Regional Transportation Commission and its committees.
2. These rules and regulations provide for the implementation of the Transportation Development Act (TDA) of 1971 as amended. They are intended solely to interpret, make specific and otherwise carry out provisions of legislation and to be subject to it, and are in no way intended to be inconsistent therewith.
3. These rules and regulations delineate procedures for submittal of claims for TDA funds. Pursuant to Public Utilities Code (PUC) Section 99261 and 99401, these rules delineate specific procedures for submission of claims for bicycle and pedestrian facilities and other claims for funds as outlined in P.U.C Sections 99234 and 99400, respectively, and for other claims as specified. The rules for all other Transportation Development Act claims are generally defined herein and specifically defined in the California Code of Regulation under Title 21, Division 3, Chapter 2, titled "Transportation Development," and incorporated by reference as a part of these rules and regulations.
4. These rules and regulations outline administrative procedures for administering the funding programs of the federal transportation act (most recently named "Moving Ahead for Progress in the 21st Century" (MAP 21)) as included in Title 23 of the United States Code and implemented by state funding programs.

B. Consistency with Memoranda of Understanding

These rules and regulations are intended to complement and be consistent with the Commission's Administrative and Fiscal Policies, Memoranda of Understanding which the Commission has entered into with staff bargaining units, with the County of Santa Cruz for the provision of support services, and with the Association for Monterey Bay Area Governments, CALTRANS, the Santa Cruz Metropolitan Transit District, and other agencies delineating regional transportation planning and programming responsibilities.

II. GENERAL RULES AND REGULATIONS

A. Name and Purpose

The Santa Cruz County Regional Transportation Commission for the area within its boundaries is the Regional Transportation Planning Agency as established pursuant to Government Code Section 67940 and 67941.

The Santa Cruz County Regional Transportation Commission has also been designated as the Service Authority for Freeway Emergencies for Santa Cruz County, pursuant to Streets and Highways Code Sections 2550 to 2559.

B. Membership

1. Consistent with Government Code Section 67940 (b), membership of the Commission is composed of all five members of the Santa Cruz County Board of Supervisors, one member appointed by each of the cities of the county and three members appointed by the Santa Cruz Metropolitan Transit District.
2. The appointing authority, for each regular member, and the Santa Cruz County Board of Supervisors for each of its members, may appoint an alternate member to serve in the place of the regular member. Alternate members may act and vote as any regularly appointed member. The Secretary shall keep a list indicating composition of the Commission.
3. The District Director of the State Department of Transportation District in which Santa Cruz County is located, or the director's designated alternate, shall serve as an ex-officio representative to the Commission.

C. Time and Place of Meetings

1. The Commission shall hold regular monthly meetings on the first Thursday of each month in Santa Cruz County, except in the month of July.
2. The Commission shall hold monthly Transportation Policy Workshop meetings on the third Thursday of each month, as needed, as detailed in Exhibit 7.
3. All meetings of the Commission, and its committees shall be held in conformity with the provisions of the Ralph M. Brown Act specified in Sections 54950 through 54963 of the Government Code, and all subsequent amendments thereto.

D. Members' Reimbursement for Expense

The members shall serve without compensation, and shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties; provided; however, that in lieu of such reimbursement for attendance at Commission and Committee meetings, each member of the Commission who is not on the staff of an appointing agency shall receive a per diem of \$50 for attendance at Commission meetings, \$50 per month for attendance at one or more Commission committee meetings, not to exceed \$100 per month per member, plus the necessary traveling expenses as may be authorized by the Commission. The Commission shall pay all costs, pursuant to this section.

E. Election of Chair

The Commission shall, at its regular meeting in December of each year, choose one of its members to serve as Chair and one of its members to serve as Vice Chair, to serve for one year, beginning in January, or until the election of their successors.

Should the office of Chair or Vice Chair become vacant, the Commission shall, at the meeting at which the vacancy occurs, choose a successor to fill the vacancy for the balance of that year, or until the election of a successor.

F. Staff

1. The Executive Director is appointed by and serves at the pleasure of the Commission. All other staff appointments are made by the Executive Director in consultation with the appropriate manager and consistent with the Commission's Human Resources Policies.
2. The performance of the Executive Director shall be evaluated by the Regional Transportation Commission once every year. The Commission shall include a summary of their written evaluation in the Executive Director's Personnel file.

G. Agenda

1. All reports, communications, resolutions, or other matters to be submitted to the Commission and included in the meeting packet should be submitted to the Executive Director not later than 5 pm on the Friday, thirteen days preceding a regular Commission meeting. Materials that are relevant to an agenda item and are received by noon on the day before the meeting will be copied by RTC staff and distributed at the meeting on the following day. Members of the public may provide materials for distribution at the meeting.

2. The Executive Director shall arrange the agenda and shall make a copy available to each member of the Commission, to all the cities within Santa Cruz County, to the Santa Cruz Metropolitan Transit District, to the County Counsel, to the County of Santa Cruz, and to the public at least 72 hours prior to the meeting.
3. Consistent with the provisions of the Ralph M. Brown Act, Government Code Sections 54950 through 54963, no action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by a two-thirds vote of the membership of the Commission, or if less than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the Commission subsequent to the agenda being posted.

H. Public Hearings

All public hearings scheduled by the Commission shall be identified as such in the agenda. Notice of a public hearing shall be published in newspapers of general circulation or be sent via e-mail announcements at least 10 days in advance of the hearing. The newspapers selected shall serve the area affected by the item under consideration. Staff will make available in its offices the information provided to the Commission of the item and, as appropriate, distribute that information to the public library system.

I. Presiding at Meetings

The Chair shall preside at the meeting of the Commission. If s/he is absent or unable to act, the Vice Chair shall serve until the Chair returns or is able to act. The Vice Chair has all of the powers and duties of the Chair while acting as Chair. The Vice Chair shall preside at the TPW meetings and if the Vice Chair is absent, the Chair shall preside at the TPW meetings. If both the Chair and the Vice-Chair are absent from a meeting, the Executive Director shall open the meeting and the Commission shall elect a Chair to preside only at that meeting.

J. Quorum and Voting

A majority of the voting members of the Commission shall constitute a quorum for the transaction of business. No act of the Commission shall be valid unless at least a majority of members present and casting votes on the item concur therein.

K. Reading of Minutes

Minutes may be approved on the consent agenda and shall include all “aye” and “no” votes and abstentions on all actions of the Commission.

L. Rules of Debate

1. The Chair or such other member of the Commission as may be presiding may move, second, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members; and s/he shall not be deprived of any of the rights and privileges of a commissioner by reason of her/his acting as the presiding officer.
2. Every member desiring to speak shall address the Chair; and, upon recognition by the presiding officer, shall confine him/herself to the question under debate.
3. Notwithstanding Sections II.L.1 and II.L.2, the meetings are to be conducted in accordance with the principles of Rosenberg’s Rules of Order (see Exhibit 11).

M. Method of Voting & Recording Votes

Voting on all motions, claims or resolutions may be done with a voice vote. Any Commissioner may request a vote by hand or roll call on any item. All “aye” and “no” votes and abstentions shall be recorded accurately and recorded in the minutes of the meeting.

N. Abstaining from Voting

A commissioner may abstain from voting.

O. Attendance at Meetings

Commissioners unable to attend meetings should make arrangements with their designated alternate to attend. Should any commissioner or alternate commissioner be absent for three consecutive regular meetings of the Commission without valid excuse, the Chair of the Commission shall, through the Executive Director, notify the appointing authority of such unexcused absences.

P. Adoption and Revision of Rules

All rules promulgated by the Commission, and all revisions of these rules, must be approved by a two-thirds vote of the members present.

Q. Establishment of Committees

Consistent with state law and local ordinance the Commission shall have the authority to establish temporary and standing Commission, advisory and oversight committees. Current committees are shown in Exhibit 1. Procedures for appointment to standing committees and the charge to such committees shall be established and maintained through committee bylaws approved by the Commission. Annual Commissioner appointments to Commissioner committees shall be made at the March Commission meeting by the Chair with concurrence of the Commission (Exhibit 2). When a Commissioner vacancy on a Committee is created, the Commission Chair shall make an interim appointment with concurrence of the Commission at the next meeting.

R. Committee Bylaws

Standing Commission Committees shall operate under the bylaws included as Exhibit 2.

S. Public Comment

At the beginning of each meeting, the Commission shall allow members of the public the opportunity to provide oral communications regarding items under the Commission's jurisdiction, which are not on the Commission's regular agenda, for a period not to exceed limits established by the Commission Chair. A copy of each letter from the public on policy issues shall be made available to the Commission for the next regular meeting of the Commission, in accordance with the timing in II.G.1.

T. Conflict of Interest Code

Commissioners and designated staff are subject to the Conflict of Interest Code included as Exhibit 9.

III. PROCEDURE FOR ESTABLISHING ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND APPORTIONMENTS

A. The TDA provides two funding sources:

1. Local Transportation Fund (LTF), which is derived from a ¼ cent of the general sales tax collected statewide.
2. State Transit Assistance fund (STA), which is derived from the statewide sales tax on diesel fuel.

B. Annual Revenue Estimates

1. By December 31, the Auditor-Controller shall provide the Commission with an estimate of Transportation Development Act LTF revenue for the ensuing fiscal year. This estimate shall include both new revenue and interest revenue. The Commission may also request the Auditor-Controller to provide the Commission with an estimate of the moneys expected to remain in the Local Transportation Fund at the end of the current fiscal year after all allocations are honored (California Administrative Code Section 6620).
2. The STA funds are appropriated by the Legislature to the State Controller's Office (SCO). The SCO allocates 50% of STA revenues, by population formula to regional planning agencies and 50% to transit agencies according to operator revenues from the prior fiscal year. The SCO provides estimates of STA funds anticipated to be available in the upcoming fiscal year, based on the state budget. STA allocations are deposited in the RTC's STA fund.

C. Budget and Apportionment Schedule

The staff shall prepare and the Commission shall adopt a Budget and Apportionment Schedule for the next fiscal year at its March meeting. The Budget will be based upon the estimate of the Auditor-Controller and priorities in allocating funds specified in Public Utilities Code Section 99233 and 99313 and in these rules and regulations.

D. Appropriation Priorities

Priorities for public transportation and other appropriations of Transportation Development Act LTF funds will be based on the following:

1. Consistent with Public Utilities Code (PUC) Section 99230 pertaining to allocation, 99233 pertaining to allocation purposes, 99233.1 pertaining to administration, PUC Section 99233.2 pertaining to planning and programming, PUC Section 99233.9 pertaining to miscellaneous transportation allocations, PUC Section 99400 pertaining to claim purposes and PUC Section 99402 pertaining to the transportation planning process; there shall be allocated to the Commission from the Local Transportation Fund such sums as are necessary to administer the provisions of the Transportation Development Act and to accomplish the Commission's annual work program including, but not limited to, expenditures for audits, legal and accounting services, office expense and transportation planning and professional services, as specified in Section IV. The intent of these allocations is to share the cost of regional transportation planning proportionately among all eligible claimants.

2. Consistent with PUC Sections 99233.8 and 99260 pertaining to Public Transportation (Article 4), eighty-five and one half percent of the remaining LTF funds, after making appropriations according to Section III.C.1 above, shall be appropriated to the Santa Cruz Metropolitan Transit District for public transportation purposes, as specified in Section V.
3. Consistent with PUC Section 99400(c) pertaining to Article 8 special transportation assistance claims, eight and four tenths percent of the remaining LTF funds, after making appropriations according to Section III.C.1 above, shall be appropriated to the Consolidated Transportation Services Agency for specialized transportation services, as specified in Section VII.
4. Consistent with PUC Section 99400(c) pertaining to Article 8 special transportation assistance claims, one percent of the remaining LTF funds, after making appropriations according to Section III.C.1 above, shall be appropriated to the Volunteer Center for specialized transportation services.
5. Consistent with PUC Sections 99400(a) pertaining to Article 8 claims for projects for use by pedestrians and bicycles and 99402 pertaining to the transportation planning process, the remaining fund, after the above appropriations have been made, shall be appropriated to the County of Santa Cruz and the cities in the County proportionately, according to their population as last certified by the California Department of Finance, for bikeway, pedestrian and other projects as specified in Section V.C.
6. Section 99400(c) of the Public Utility Code (PUC) allows STA to pay for administrative cost related to transportation services under contract. Section 6731(b) of the California Code of Regulations (CCR) also allows STA to pay for administrative services by operators under contract to provide transportation services.

E. Budget and Apportionment Revisions

The Commission's Budget and Apportionment Schedule and Work Program may be revised at any regular meeting to adjust for new information or work program amendments.

F. Transportation Development Act LTF and RTC Reserve Funds

1. The Commission shall maintain a Transportation Development Act LTF Reserve Fund of at least 8% of the annual revenue estimate. Should the reserve be depleted due to a deficit in TDA revenues or a special allocation in any fiscal year, new TDA revenues from subsequent years shall be allocated to the Reserve Fund as the first priority.

2. The Commission shall maintain a general RTC reserve fund of at least 30% of the RTC's operating budget, of which 8% shall be used as a cash flow reserve and 22% shall be restricted reserve. TDA surplus funds used to build this reserve shall be spent consistent with TDA requirements.

G. Transportation Development Act Surplus

Any surplus funds remaining in the Local Transportation Fund, after accounting for an adequate reserve, shall be reported to the Commission and appropriated by the Commission during its fall budget. The intention of this provision is to maintain the allocation priorities established in Section III.C. above; however, the Commission retains flexibility to appropriate a portion of the surplus to reserves or other high priority activities by special allocation.

H. Special Allocations

1. The Commission may use a portion of the Reserve Fund for a special allocation to a high priority project for which other funds are not available if the special allocation is accompanied by a plan to rebuild the Reserve Fund to the 8% target level in the following fiscal year.
2. The Commission may conduct a call for projects for special allocations.
3. Special allocations must be consistent with the Transportation Development Act and these Rules and Regulations.

I. Transportation Development Act Funding Shortfall

TDA shortfall is defined as a shortfall in actual revenues available in the Local Transportation Fund in relation to the estimated TDA revenue for a fiscal year. This includes new TDA revenues and interest earnings in that fiscal year and funds available in the TDA Reserve Fund. It excludes unclaimed allocations from prior years. If in any fiscal year there is a TDA shortfall, this shortfall shall be applied to claimants proportionate to their share of the total TDA apportionment in the fiscal year in which the shortfall occurred. Their claims for the subsequent fiscal year will then be reduced by their proportionate share of the prior year's shortfall. The TDA allocation adjustment for the following fiscal year budget shall occur at the August Commission meeting. If, however, the Commission determines that there is an emergency situation with regard to cash flow in the Local Transportation Fund, the TDA allocation adjustment may be made in the fiscal year in which the shortfall occurred.

J. Apportionments - Unclaimed

Annual Article 8 or Article 4 apportionments not claimed shall be carried over from year to year, and may be later claimed by the appropriate applicant.

IV. CLAIMS FOR TDA ADMINISTRATION AND PLANNING PROGRAM FUNDS
(ARTICLES 3 AND 8)

A. Submission of Claims

The Transportation Development Act applicable California Administrative Code Title 21, Chapter 3, subchapter 2, provides regulations for the submission of claims for administration of the Transportation Development Act and for conduct of the transportation planning and programming process by the designated Regional Transportation Planning Agency, the Santa Cruz County Regional Transportation Commission.

B. Claims by the Santa Cruz County Regional Transportation Commission for TDA Funds

1. Claims for Transportation Development Act Administration may be filed by the Santa Cruz County Regional Transportation Commission Executive Director. Allowable expenses include but are not limited to legal fees, audits, postage, duplicating, office expense and staff work on administration functions.
2. Claims for the transportation planning and programming process to be conducted by the Santa Cruz County Regional Transportation Commission may be filed by the Santa Cruz County Regional Transportation Commission Executive Director. Allowable expenses include but are not limited to short and long range multi-modal transportation planning, transportation improvement programming, transportation monitoring, bicycle and pedestrian planning and safety education, specialized transportation planning, transportation systems management, budget and work program development, plan coordination, and public information, consistent with the Commission's adopted annual work program and budget. The Commission may, at its discretion, contract with other entities to accomplish portions of its adopted work program.

V. CLAIMS FOR PUBLIC TRANSPORTATION FUNDS: TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 4 CLAIMS AND STATE TRANSIT ASSISTANCE (STA) CLAIMS

A. Submission of Claims

The Transportation Development Act and the applicable California Administration Code Title 21, Chapter 3, subchapter 2, provide regulations for the submission of claims for Public Transportation. By this reference, they are incorporated in the rules and regulations of the Santa Cruz County Regional Transportation Commission.

B. Claims by the Santa Cruz Metropolitan Transit District

1. Claims may be filed under PUC Sections 99260 and 99313 for the support of public transportation systems and for aid to public transportation research and demonstration projects by the Santa Cruz Metropolitan Transit District, consistent with the Commission's adopted budget and work program.
2. In accordance with Transportation Development Act regulations, Public Utilities Code (PUC) Section 6645 (relating to operators in urbanized and non-urbanized areas), the Transit District shall meet fare revenue to operating cost ratios (farebox recovery ratio) as set forth by state law, and show different ratios for urban and rural service.
3. The Transit District shall submit a written report of its current and upcoming activities along with its annual claim, including planned productivity improvements.
4. The annual claim shall be submitted utilizing the SCCRTC's TDA Claim Form.
5. The Commission shall transfer one-quarter of the Transit District's annual TDA allocation by the last day of October, January, April and July, subject to the availability of TDA funds.

C. Claims for Research and Demonstration Projects

1. The RTC may elect to designate a portion of TDA revenues for research and/or demonstration projects. Claims for TDA funds for research and demonstration projects may include funds for all tasks associated with the planning, design, construction, operation and maintenance of a project (or program). Claims for these purposes will be analyzed and evaluated on the basis of the following criteria:
 - a. The potential of the project to meet the intent of the Regional Transportation Plan and the Transportation Development Act.
 - b. The transferability or applicability of the project on a countywide, regional, and statewide basis.
 - c. A well-defined measure of success or completion of the project.

- d. The amount of funding available for projects of this nature.
 - e. The availability of other funding sources for the proposed project.
 - f. The degree to which the project is coordinated with existing projects.
2. The claim shall be accompanied by the following data:
- a. Description of the project.
 - b. Justification for the project, including a statement regarding its consistency with and relationship to the Regional Transportation Plan.
 - c. The anticipated schedule and time period of the proposed project. A maximum two-year period is encouraged, but this may vary according to the nature of the project. The determined time period should be included as a condition of claim approval.
 - d. Estimated cost of the project, including percent to be funded by the Commission and sources of other funding.
 - e. Proposed funding for continuation of the project should it prove successful.
3. Process
- a. The Transportation Commission may conduct a call for projects.
 - b. Review by one or more SCCRTC committee(s) may be required for certain projects.
 - c. After Commission approval, the claimant and the Transportation Commission shall sign a grant acceptance agreement.
4. Disbursement of funds
- a. When a claimant approves a contract or otherwise begins work on a project after the effective date of the claim, the claimant may request a disbursement or disbursements not to exceed a total of 90 percent of the approved claim amount for that project, prior to completion of project.
 - b. A claimant may request a disbursement for the final 10 percent of expenditures upon the completion of an approved project.
 - c. The Executive Director is authorized to make these disbursements in accordance with these rules and regulations and the resolution approving the claim.

- d. A final report on the project must be submitted to the Regional Transportation Commission prior to final disbursement.

VI. BICYCLE AND PEDESTRIAN FACILITIES AND OTHER CLAIMS FOR TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDS (ARTICLES 3 & 8)

A. General

1. The Transportation Development Act in Article 3, Section 99233.3 and Article 8, Section 99400 provides for the allocation of funds for pedestrian and bicycle facilities and for other claims. The following rules and regulations do not release a claimant from meeting the requirements of the Transportation Development Act and appropriate administrative code.
2. Pedestrian and bicycle allocations under Article 3 are limited by state law to two percent of a County's apportionment. Pedestrian and bicycle allocations under Article 8 are not subject to this limitation, and will therefore be used by the SCCRTC instead of Article 3 monies to fund bicycle and pedestrian projects under the TDA.

B. Eligible Claimants

The County of Santa Cruz and each city in the county qualify as eligible claimants for Article 8 funds under this section.

C. Claims for Article 8 Funds

1. Prior to 60 days before the start of the fiscal year, the Commission shall notify each applicant of its apportionment for the year.
2. A claim for the entire year may be submitted by an applicant after it has adopted its annual budget.
3. Changes may be submitted any time during the year.
4. Claims shall be submitted utilizing a TDA Claim Form developed by the RTC. The claim form includes the following information:
 1. Description of the project(s) adequate for a review by the Commission and its advisory committees (including performance measures and a proposed schedule of regular progress reports with a year-end evaluation—see VIII.G, Project Monitoring/Assistance Program).

2. Justification for the project, including a statement regarding its consistency and relationship with the Regional Transportation Plan.
 3. Estimated cost of the project, including other funding sources.
 4. A statement agreeing to maintain funded project in the condition in the submitted plans for a period of 20 years. Any change to the agreement must be approved by the Commission.
 5. Assurances from the TDA Eligible Claimant indicating their role and responsibilities.
 6. Preferred method and schedule of disbursement, consistent with Section H, Disbursements.
5. Claims must be reviewed by the Bicycle Advisory Committee (bike related projects) or the Elderly and Disabled Transportation Advisory Committee (pedestrian related projects), as appropriate, and submitted to be approved by the Commission prior to initiation of the project.

D. Conditions for Approval

Before a claim can be approved, the Commission must find that each project for which funds are claimed is in conformance with the Regional Transportation Plan. This finding must be included in the resolution submitted to the Commission for approval.

E. Criteria for Article 8 Claims

1. Joint operations and planning are encouraged.
2. Claims should be for:
 - a. Transportation planning - comprehensive planning and special projects.
 - 1) Refinement of the Regional Transportation Plan
 - 2) Transportation System and Demand Management Planning
 - 3) Transit Planning
 - 4) Bicycle and Pedestrian Planning
 - 5) Guideway or Rail Planning
 - 6) Development of a comprehensive neighborhood or area circulation system

- 7) Preliminary engineering for approved projects
 - 8) Bicycle and/or Pedestrian Safety Education Programs
 - 9) A comprehensive bicycle and pedestrian facilities plan, with an emphasis on bicycle projects intended to accommodate bicycle commuters rather than recreational bicycle users. An allocation for this purpose may not be made more than once every five years to each city or the county.
- b. New facilities: capital investments, operations and construction, including related engineering expenses, on new and old rights of way, where budget in the claim is specifically attributable:
- 1) Transit, including special bus stops
 - 2) Bikeways and trails
 - 3) Pedestrian facilities
 - 4) Turnouts, rest stops
 - 5) Scenic overlooks
 - 6) Where the project, on new or old rights of way, is critical to transit operations and/or will allow transit controlled or transit only use (i.e., bus-actuated or bus only routes)
 - 7) Sidewalks, curb cuts and other pedestrian facilities
- The project should fit into an overall planned network that is part of the best available transit or transportation plan; however, these funds should not be used for projects for which other funds are available.
- 8) Facilities provided for the use of bicycles may include projects that serve the needs of commuting bicyclists, including, but not limited to, new trails serving major transportation corridors, secure bicycle parking at employment centers, park and ride lots, and transit terminals where other funds are unavailable.
- c. Landscaping and medians for use with the items listed in "b" above.
- d. Maintenance or development of new safety features on the existing transportation network for use with the items listed in "b" above,

where needed for the safety of transportation modes other than automobiles.

- e. Lighting that contributes to bike, bus, and pedestrian safety.
- 7. Demonstration projects, as specified in Section V.C.
- 8. Up to 20 percent of the amount available each year to a city or county pursuant to Section 99233.3 may be allocated to re-stripe class II bicycle lanes.

3. Other Provisions

- a. Funding of bicycle lane and sidewalk projects that are part of a general road improvement project will be limited to the cost of providing the bicycle lane/sidewalk portion. Bicycle lane designs shall be consistent with guidelines found in the California Highway Design Manual, Sections 1000, Bikeway Transportation Design. Deviations from this standard may be allowed by the Commission after design review and comment by its Bicycle Advisory Committee.
- b. All projects must submit evidence of environmental review at the time the claim is submitted.
- c. Funds may be used as a match to secure other grants.

F. Commission and Committee Review

- 1. The appropriate committee (the Bicycle Advisory Committee and/or the Elderly and Disabled Transportation Advisory Committee) and the Commission shall review each claim according to criteria in Section VI.F. and shall, from the analysis and evaluation thereof, recommend, approve, amend or reject the claim.
- 2. The appropriate committee may review and approve the final design for facilities prior to final disbursement. If the committee does not approve the final design, the Commission shall review and approve the final design for facilities prior to final disbursement.

G. Disbursements

- 1. Before disbursement of funds to previously approved Article 8 bikeway projects can occur, the Bicycle Advisory Committee, or the Commission must have approved the final project design plans prior to construction. Final project design plans will be a map of the project listing the project's "typical" dimension, surface, and alignment, and identifying any deviations from that "typical" cross section and other changes in the

surface and alignment. All planned parking restrictions along the route should be identified.

2. When a claimant approves a contract or otherwise begins work on a project after the effective date of the claim, the claimant may request a disbursement or disbursements not to exceed a total of 90 percent of the approved claim amount for that project, prior to completion of project.
3. A claimant may request a disbursement for the final 10 percent of additional unreimbursed expenditures upon the completion of an approved project.
4. The Executive Director is authorized to make these disbursements in accordance with these rules and regulations and the resolution approving the claim.
5. Any interest earned on Article 8 monies disbursed to a claimant and any unexpended Article 8 dollars must accrue to the Article 8 program and be allocated in the claim for the following year.

H. Appeal

In the event of disagreement, an applicant may file an appeal with the California State Secretary of Business and Transportation (Public utility Code Section 99235 and Section 6670, Title 21, Chapter 3, of the California Administrative Code).

I. Amount of Claim

No applicant may file claims for an amount that exceeds its apportionment.

J. Approved Claims

The approved claim shall be transmitted by the Executive Director of the Commission to the applicant, and the Auditor-Controller, upon receipt of an allocation instruction as per Section 6659, Title 21, Chapter 3, of the California Administrative Code, shall make disbursements in the manner and at the times determined by these rules and regulations and/or the resolution approving the claim.

K. Interest

Any interest generated by Transportation Development Act (TDA) funds distributed to claimants shall be considered TDA funds. Expenditure of any and all of this interest shall be approved by the Commission.

VII. TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIMS FOR SPECIALIZED TRANSPORTATION SERVICES (ARTICLE 8)

A. Submission of Claims

The Transportation Development Act applicable California Administrative Code Title 21, Chapter 3, subchapter 2, provides regulations for the submission of claims for specialized transportation services.

B. Claims for Specialized Transportation

1. Claims for specialized transportation services consistent with PUC Section 99400(c), the Regional Transportation Plan and the Short Range Transit Plan for Specialized Transportation may be filed by a city or county on behalf of the Consolidated Transportation Services Agency, consistent with an agreement between the local jurisdiction and the Consolidated Transportation Services Agency, and the Commission's adopted budget and work program. Claimants shall use the RTC TDA Claim Form.
2. Claims for specialized transportation services consistent with PUC Section 99400(c), the Regional Transportation Plan and the Short Range Transit Plan for Specialized Transportation may be filed by a city or county on behalf of the Volunteer Center, consistent with an agreement between the local jurisdiction and the Volunteer Center, and the Commission's adopted budget and work program.
3. Claims for specialized transportation for the exclusive use of the elderly and disabled require a minimum of 10 percent local match. The local match can take the form of fares, donations, agency charges, grants, revenue sharing, and other non-restricted sources of funding. In kind services may not apply toward the local match.
4. Each claimant shall submit a written report of its current and upcoming activities along with its annual claim.
5. Prior to approving a claim for specialized transportation programs, the Santa Cruz County Regional Transportation Commission shall make a finding that the transportation services contracted for are responding to transportation needs not otherwise being met within the community or jurisdiction of the claimant and that, where appropriate, the services are coordinated with other transportation services.

C. Commission and Committee Review

The Elderly and Disabled Transportation Advisory Committee and the Commission shall review each claim and the Commission shall approve, amend or reject the claim.

D. Disbursements

1. The Consolidated Transportation Services Agency may request a quarterly disbursement of the approved claim amount, with the first quarter being up to 35% of the annual claim amount, and the remaining quarterly payments being one-third of the remaining claim amount.
2. The Commission shall make the quarterly payments to the Consolidated Transportation Services Agency by the last day of October, January, April, and July, subject to the availability of TDA funds.
3. The Volunteer Center may request payment of the full approved claim amount in the first quarter.
4. The Executive Director is authorized to make these disbursements in accordance with these rules and regulations and the resolution approving the claim.

E. Appeal

In the event of disagreement, an applicant may file an appeal with the California State Secretary of Business and Transportation (Public Utility Code Section 99235 and Section 6670, Title 21, Chapter 3, of the California Administrative Code).

F. Amount of Claim

No applicant may file claims for an amount that exceeds its apportionment.

G. Approved Claims

The approved claim shall be transmitted by the Executive Director of the Commission to the applicant, and the Auditor-Controller, upon receipt of an allocation instruction as per Section 6659, Title 21, Chapter 3, of the California Administrative Code, shall make disbursements in the manner and at the times determined by these rules and regulations and/or the resolution approving the claim.

VIII. THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP)

A. General

1. Consistent with state and federal law, major sources of federal and state funding apportioned to the Commission for programming include:
 - a. Surface Transportation Block Grant Program (STBG) (also known as the Regional Surface Transportation Program (RSTP)).
 - b. Regional Share State Transportation Improvement Program (STIP).
2. These programs are established by the Federal Surface Transportation Acts, State Senate Bill 45 (SB45), Section 182.6 of the Streets and Highways Code, and Section 101a of Title 23 of the United States Code, and establish regional shares of funding. Rules governing use and distribution of these funds are also mandated by the California Transportation Commission, the California Department of Transportation (Caltrans) and the Memorandum of Understanding between Caltrans, the Association of Monterey Bay Area Governments (AMBAG) and other regional agencies in the AMBAG region.
3. As the Regional Transportation Planning Agency (RTPA) for Santa Cruz County, the Commission programs and monitors these funds through its Regional Transportation Improvement Program (RTIP). The RTIP is subsequently incorporated into the State Transportation Improvement Program, prepared by the California Transportation Commission, and the Federal Transportation Improvement Program (FTIP), prepared by the federally designated metropolitan planning organization for this region, AMBAG.

B. Eligible Applicants

Federal, state, regional and local public agencies may nominate projects to receive the regions share of state and federal funds (including RSTP/STBG, or STIP), subject to any limitations established in state or federal statute or guidelines. Other entities may apply for funds through sponsorship by a public agency.

For all transit related projects sponsored by an eligible agency, the Transit District should be the co-sponsor. If the eligible agency decides not to use the funds for its transit projects, then as a co-sponsor of the project, the Transit District may request that the funds be programmed for another underfunded transit project.

C. Eligible Projects/Programs

1. Regional Surface Transportation Program (RSTP)/Surface Transportation Block Grant Program (STBG)

Eligible RSTP/STBG projects/programs are listed in Section 133(b) of Title 23 of the United States Code. In general, these RTC-discretionary

funds are available for a wide range of surface transportation projects, including highway projects, roadway rehabilitation, safety improvements, rideshare projects, enhancement activities, and transit capital projects. These funds may not be used for projects on roads that are functionally classified as local or rural minor collectors. Bridge projects are not limited to these roads, but must be located on a public road.

2. State Transportation Improvement Program (STIP)

Eligible STIP projects/programs are listed in the *California Transportation Commission STIP Guidelines*. Eligible projects include capital projects that improve State highways, local roads, public transit (including buses), intercity and other rail, pedestrian and bicycle facilities, grade separations, transportation system management, soundwalls, intermodal facilities, and safety; project development/monitoring activities and rideshare programs. The California Transportation Commission provides final approval of the STIP and may specify priority projects. Other non-capital projects (e.g. road and transit maintenance) are not eligible.

3. Consistency with the *Regional Transportation Plan*

All projects receiving regional shares of state or federal transportation funds must be consistent with the adopted Regional Transportation Plan.

D. Project Application and Programming Process

1. Establish Criteria for Programming Funds

- a. According to federal and state guidelines, projects and programs compete for funding based on their merits.
- b. The screening criteria ensure that general conditions such as project type, eligibility, project definition, and funding requirements are met.
- c. Scoring criteria may be developed and applied by the Commission, consistent with state and federal law. Scoring criteria are used to evaluate the projects/programs based on relative merit.
- d. The Commission's Interagency Technical Advisory Committee will assist with development of applications and scoring criteria for each programming cycle.

2. Issue Call for Projects

The Commission shall notify eligible agencies of proposed funding cycles, approximate funding amounts, programming timeline, and programming process.

3. Workshop

To facilitate public participation, the Commission staff will hold a workshop early in the programming schedule to explain application and processing procedures to potential project applicants, as needed.

4. Project applicants shall submit applications containing the following information:

- a. Completed project application which includes project location, project description, proposed program year(s), project timeline, project budget, and satisfaction of applicable screening and evaluation criteria, including a Project Study Report (PSR) or PSR Equivalent for STIP projects.
- b. Letter of commitment to sponsorship or resolution signed by an official of the applicant agency, indicating the agency's authority to carry out the proposed project and a commitment to provide any matching funds (if applicable).

5. Project Review, Selection and Programming Process

- a. After screening and scoring criteria are applied, the Commission's Interagency Technical Advisory Committee (ITAC) and, as appropriate, the Bicycle Advisory Committee and/or Elderly and Disabled Transportation Advisory Committee shall review the staff recommendations and refer their recommendations to the Commission.

- b. The Commission shall hold a public hearing to receive public comment on the proposed program of projects, consider staff and committee recommendations and adopt a program of projects.

The Commission may elect to keep a portion of the available funds in reserve for future programming.

- c. The Commission shall amend the program of projects into the Regional Transportation Improvement Program (RTIP) and request that the Association of Monterey Bay Area Governments (AMBAG) include the program of projects in the current Federal Transportation Improvement Program (FTIP), as appropriate. The Commission shall also request the California Transportation Commission to include regional STIP projects in the State Transportation Improvement Program.

E. Amendments to the Approved Program

1. General Policy

Local project sponsors are required to obtain SCCRTC concurrence in allocation, extension, amendment or other requests for proposed changes to projects listed in the Regional Transportation Improvement Program (RTIP) prior to submittal of such request to Caltrans and the California Transportation Commission (for STIP projects) or AMBAG (for federally funded projects). Concurrence shall be handled administratively by SCCRTC staff unless substantive project issues (such as major schedule changes, requests for additional funds, major scope changes, or adding or deleting projects) require that concurrence be authorized by Commission action, during a public meeting. (*Per resolution 11-01*). Changes to the program cannot be to the detriment of other projects/programs included in the program and must not negatively impact air quality conformity determinations made on the FTIP, based on Caltrans policy.

2. Amendment Process

a. For projects/programs included in the approved RTIP which have secured other funding:

- 1) The project sponsor must certify that the original project is completely funded and will not compete again for any additional RTC-discretionary funds, such as STIP and STBG; and
- 2) The project sponsor may request to redirect those funds from the original project to another eligible project which is included in the approved RTIP. If the project sponsor does not have an alternate project in the RTIP or the RTC does not approve the shift of funds, then the funds return to the general regional share balance to be allocated in the subsequent programming cycle.

b. For projects/programs deleted from the RTIP

RTC-discretionary funds deprogrammed from projects will be placed in reserve for future programming as part of a competitive grant program, providing that the region is not at risk of losing those funds to timely use of funds requirements. (*approved by RTC 11/1/01*)

F. Reimbursement for RSTP/STBG or STIP Funds

RSTP/STBG or STIP funds are distributed on a reimbursement basis. Reimbursable expenses are determined by and administered through Caltrans and can be initiated following inclusion of the project in a federally approved Federal Transportation Improvement Program (FTIP), completion of a Caltrans field review, authorization to proceed (E-76), and/or receipt of an allocation for STIP projects from the California Transportation Commission, as applicable. Project sponsors shall coordinate STIP allocation requests with Regional Transportation Commission staff.

G. Project Monitoring/Assistance Program (Adopted by RTC 8/6/98)

The Commission has adopted a Monitoring and Assistance Program for state and federally funded transportation projects (Exhibit 10). The objectives of the program are to:

- Assure timely, cost-effective implementation of projects
- Ensure that the region as a whole meets the “timely use of funds” provisions of SB 45, AB 1012, and other state and federal requirements
- Provide regular information to Commissioners on project milestones
- Assist local agencies with trouble shooting, especially with state and federal agencies
- Help lead agencies obtain the resources and expertise needed
- Develop a regular, streamlined reporting process
- Devote extra attention to STIP and state highway projects

IX. FEDERAL APPORTIONMENT (STP) EXCHANGE PROGRAM

A. General

As authorized by Section 182.6 of the Streets and Highways Code, Caltrans has established a yearly Federal Apportionment Exchange Program which allows the Commission the option to exchange all or a portion of its annual apportionment of Surface Transportation Block Grant Program (STBG)/Regional Surface Transportation Program (RSTP) funds with Caltrans for non-Federal (State) funds.

B. Eligible Claimants

The Commission, County of Santa Cruz, each city in the county and other eligible public agencies as identified in Title 23 of the United States Code-Highways Sect. 133 whose projects have been programmed using Regional Surface Transportation Program (RSTP) or Surface Transportation Block Grant Program (STBG) funds are eligible claimants for the Federal Apportionment Exchange Program.

C. Eligible Uses of Funds

Exchange funds must be used for projects as defined in Sections 133(b) and 133(c) of Title 23 of the United States Code-Highways, and not excluded by Article XIX-Motor Vehicle Revenues of the State Constitution. Only direct project related costs are eligible. Local agency overhead and other non-direct charges are ineligible.

D. Accrued Interest on RSTP Exchange (RSTPX) Funds

Interest accrued in the regional RSTP Exchange account of the Commission will be available for future programming.

Interest accrued in the local jurisdiction's RSTP Exchange account must either be:

1. Applied to that particular project for which it was accrued; or
2. If the interest accrued cannot be applied to that project, the interest must be returned to the Commission for deposit in the regional RSTP Exchange account for future programming.

E. Disbursement Procedure for Federal Apportionment Exchange Program

1. A list of RSTP Exchange Projects for each cycle is approved by the Commission by adoption into the Commission's Budget and Work Program, or by separate resolution.
2. The Commission authorizes the Executive Director by resolution to disburse funds for the approved list of exchange projects.
3. Each exchange participant must have a signed Agreement between the Commission and the Recipients for the Federal Apportionment Exchange Program, which details requirements set forth for the program by Caltrans, on file prior to incurring reimbursable expenses.
4. Exchange participants have two options to receive exchange disbursement:

- a. Exchange participants may invoice for exchange projects on a project-by-project basis, for the total amount of the project no earlier than six months prior to that project's initiation date (i.e. for construction projects, the initiation date is considered the award of contract; for right-of-way acquisition, the initiation date is considered after CEQA clearance), or for projects with identifiable phasing (e.g. by preliminary engineering, right-of-way, construction etc.), at the initiation of each project phase; or
 - b. Exchange participants may invoice for exchange projects by reimbursement after the project, or project phase, is completed.
5. Commission staff reviews the invoices and submits them to the County Auditor-Controller for payment.

F. Return of Exchange Funds

In the event that exchange funds exceed the final total costs of the exchange project, those funds must be returned to the Commission regional exchange account for future programming.

G. Advance Delivery of RSTP Exchange Projects (Resolution 24-06)

In the event that an implementing agency [hereafter “Agency”] is ready to proceed with a project eligible for RSTP Exchange funds prior to the RTC disbursing (allocating) those exchange funds to that project, the project sponsor may implement that project and later request reimbursement (advance delivery) if the following terms and risks are agreed to:

1. Agency certifies that they understand the responsibilities and risks listed herein prior to proceeding with the project;
2. Agency receives approval from RTC staff to advance their project;
3. Agency uses its own funds to advance the project;
4. Agency follows the rules that apply to RSTPX-funded projects, as defined in the RTC’s Rules and Regulations and previously signed “Agreement Between the SCCRTC and the STP Recipients for the Federal Apportionment Exchange Program”;
5. The Commission will consider approval of reimbursement allocations of RSTPX funds once a year, after receiving a reimbursement allocation request from the project sponsor and when sufficient exchange funds are available.

6. Projects remain subject to the California Environmental Quality Act (CEQA);
7. Only those expenditures made by or under contract to the Agency for a project which is programmed for RSTP/STBG funds are eligible for reimbursement by the Commission;
8. Expenditures made more than 36 months prior to date of Commission approval of RSTP Exchange funds for the project are not eligible;
9. Expenditures which exceed the amount of RSTP/STBG funds that were or are programmed in the RTIP for the particular project component are not eligible;
10. Only expenditures made in accordance with the signed Agreement between the SCCRTC and the Recipients for the Federal Apportionment Exchange Program are eligible;
11. In the event that expenditures made by the local agency are determined to be ineligible, the SCCRTC has no obligation to reimburse those expenditures;
12. INDEMNIFICATION
 - a. The Agency assumes all risks, of proceeding ahead of schedule and understands that if RSTP Exchange funds do not materialize the sponsor may have to follow federal regulations in order to receive reimbursement for their project, in the form of federal RSTP/STBG funds.
 - b. The implementing agency agrees to defend, indemnify and hold harmless the SCCRTC from and against all claims, actions, proceedings, demands, liabilities, costs and expenses (including attorneys' fees), or damage claimed by third parties on account of any damage, loss, injury to, costs or attorneys fees incurred by said third parties related to the allocation or reimbursement of RSTP Exchange Program funding.
13. If exchange funds do not become available and a completed project is no longer eligible for federal-RSTP/STBG funds, the implementing agency may request the SCCRTC program a substitute project for federal RSTP/STBG funds; and
14. Any implementing agency intending to take advantage of these reimbursement provisions understands its obligations and the risk that is inherently involved.

The Commission will approve reimbursement allocations only when it finds that the expenditures were and are consistent with RSTP/STBG programming and that the project is itself eligible for RSTPX. The availability of state RSTPX funds and the lack of specific legal impediment do not obligate the Commission to approve an allocation ahead of other allocations.

X. ENVIRONMENTAL REVIEW GUIDELINES

A. Lead Agency

The Commission, under state legislation may be assigned responsibilities for the development of plans and projects which may require environmental review. In these cases where the Santa Cruz County Regional Transportation Commission is the lead agency, it may have the responsibility for complying with applicable environmental review requirements under the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA).

B. Guidelines

1. Any environmental documents certified by the Commission must be in conformance with the California Environmental Quality Act (CEQA), and, when applicable, with the National Environmental Policy Act (NEPA). In implementing CEQA and NEPA requirements, the Commission shall be guided by the latest state and federal CEQA and NEPA Guidelines.
2. The Commission may join with another agency, such as the Association of Monterey Bay Area Governments or the Santa Cruz Metropolitan Transit District, to jointly prepare environmental documents for joint projects or plans.

XI. DOCUMENT DISTRIBUTION AND PRICING

A. Document Distribution

The Commission shall distribute draft and final documents consistent with the policies listed in Exhibit 8.

B. Document Pricing

The Commission shall price documents based on printing and copying costs.

Exhibit 1

SCCRTC COMMITTEES

This document contains descriptions for the following committees:

BICYCLE ADVISORY COMMITTEE

BUDGET AND ADMINISTRATION/PERSONNEL COMMITTEE

ELDERLY AND DISABLED TRANSPORTATION ADVISORY COMMITTEE

INTER-AGENCY TECHNICAL ADVISORY COMMITTEE

MEASURE D TAXPAYER OVERSIGHT COMMITTEE

This document also contains a description of the special workshop meeting of the Commission:

TRANSPORTATION POLICY WORKSHOP

Exhibit 2

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
Bylaws for Commission Committees
August 17, 2017

CREATION OF COMMITTEES

As needs arise, the Santa Cruz County Regional Transportation Commission (Commission) can establish working Committees to serve as advisory or oversight bodies to the Commission for any designated length of time. Such Committees will adopt the bylaws below, as approved by the Commission, for rules and procedures.

PURPOSES, POWERS AND DUTIES

A separate attachment describing the purpose, membership, quorum and meeting frequency and location of each authorized Committee is included with these bylaws.

MEMBERSHIP

Consistent with state law and local ordinance, the Commission shall designate the number of members and affiliations to serve on each Committee at the Commission's pleasure. Committees may include Commissioners and non-Commission members, representatives from other agencies and jurisdictions, and members of the general public as deemed appropriate by the Commission, state statute, or local ordinance. For each committee, an individual may be appointed to one membership seat only, as either member or alternate.

APPOINTMENTS

Commissioner appointments to Committees with RTC board member membership are made by the Commission Chair with the concurrence of the Commission. The Chair shall ensure fair Committee representation by the entities represented on the Commission itself. Non-Commissioner appointments to agency membership slots for Committees are made by the represented agency. Each represented agency shall inform the Commission in writing of its appointment. Appointments of members of the general public to Committees are made by the Commission based on an open application process and consistent with state law and local ordinance. Each of the cities and each member of the Board of Supervisors are encouraged to nominate members to the Bicycle Advisory Committee and the Elderly and Disabled Transportation Advisory Committee. The nominations are limited to representation for the appointing entity's jurisdiction. The nominations will be considered along with any other applications for the seats to be filled. Current membership lists shall be maintained by the Commission's Executive Director.

Commissioner appointments to committees shall be made annually at the March Commission meeting by the Chair with concurrence of the Commission. When a Commissioner vacancy on a

Committee is created, the Commission Chair shall make an interim appointment with concurrence of the Commission at the next meeting.

ALTERNATES

Commissioners' designated alternates shall serve as their alternates on Committees. Alternates for non-Commissioner committee member seats shall be appointed in the same manner as appointments to the corresponding regular membership slot.

VACANCIES

A vacancy may be created when an appointed member of the Committee misses three consecutive regular meetings without good cause so entered in the minutes. A vacancy shall be created when due to death, disability, or extenuating circumstances, an appointed member can no longer carry out responsibilities; when an appointed member resigns as a Committee member; or when a Commissioner appointed to a Committee resigns from the Commission. Vacancies are to be filled in the same manner as the original appointments were made.

Commission staff shall notify Committee members when they have missed two consecutive meetings without good cause so entered in the minutes, in order to inform them of the potential creation of a vacancy.

For membership slots filled by members of the public, Commission staff shall advertise the opening on the Commission website and in other manners as to notify the public of the membership opportunity.

The membership structure, including alternates and ex-officio members, of each Committee is included as separate attachments to these bylaws.

COMMITTEE MEMBERS ATTENDANCE RESPONSIBILITIES

A Committee Member on a given Committee shall be responsible for contacting his or her Alternate in the event the Committee Member cannot attend a scheduled meeting.

A Committee Member or Alternate on a given Committee shall be responsible for notifying staff 24 hours prior to the meeting that the Alternate will be serving as the representative to that Committee on behalf of the Committee Member or that neither the member nor alternate will be in attendance.

Should a Committee Member comply with the above (contacting the Alternate and notifying staff), in the event the Alternate does not attend the meeting, it will be noted in the minutes that the Committee Member is excused.

Should a Committee Member fail to notify staff that his or her Alternate will be serving as the representative to the Committee, and should the Alternate not be in attendance at the meeting,

the Committee Member shall be entered in the minutes as absent without cause and subject to the Vacancies requirement.

ALTERNATES ATTENDANCE RESPONSIBILITIES

An Alternate shall be required to attend Committee meetings only in the event that his or her Committee Member is unable to attend; however, the Alternate may attend and may participate as a member of the public (but may not vote) at Committee meetings even if the Committee Member is present.

TERMS OF OFFICE

Commissioners appointed to Committees shall serve a term of one year, and continue to serve until a new appointment is made. Non- Commissioner members of Committees shall serve three year terms. Alternates shall serve a term that coincides with the term of the committee member for whom they are an alternate. Terms of office for all Committee members are renewable by the Commission. At its discretion the Commission may review and change Committee appointments at any time.

OFFICERS

A Chairperson and Vice Chairperson for each Committee shall be elected to serve for a term of one or two years. The Chairperson shall preside at all meetings of the Committee. The Chairperson shall maintain order and decorum at the meetings, decide all questions of order, and announce the Committee's decisions. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. In the event both officers are absent from the Committee, the majority of quorum may appoint a presiding officer for that meeting. All officers shall continue in their respective offices until their successors have been elected and have assumed office.

COMMITTEE STAFF

The Executive Director of the Commission shall appoint a staff member to serve as the primary staff to each Committee.

ORGANIZATION AND PROCEDURES

- a) Meetings. Committee meetings are to be open and public in compliance with the Ralph M. Brown Act (Government Code Section 54950 et seq.). The meetings are to be held in a freely accessible location in order to facilitate the attendance of disabled members of the Committee and community in general. The scheduled meeting time for each committee is listed on the separate attachments but may be changed at the decision of a quorum of the Committee. The date, time and place of the meeting may also occasionally be changed due to availability of members or timeliness of agenda items.

- b) Quorum. A majority of the voting members shall constitute a quorum for the transaction of business. No official action shall be taken during any Committee meeting at which a quorum is not present. No act of a Committee shall be valid unless a majority of the members present concur therein.
- c) Voting. Voting on all matters shall be on a voice vote unless a roll call vote is requested by any member in attendance. Ex officio members of the Committee shall not be eligible to vote although they may participate freely in any and all discussions of the Committee.
- d) Agenda. Except as otherwise specified, all Committees shall comply with the notice and agenda requirements applicable to the Commission. All issues requiring a vote or Committee discussion must be included on the meeting's agenda. Written materials concerning these items must be included in the agenda packet of the meeting for which that item is scheduled for discussion. A Committee member may request that an issue not on the agenda be put on the next meeting's agenda for discussion and/or vote. By majority vote, the Committee may approve continuation of an agenda item to the next meeting.

Members who wish to place items on the agenda shall notify commission staff and provide appropriate documentation to staff at least two weeks prior to the meeting except for emergency items considered pursuant to requirements of the Brown Act.

- e) Limitation of Discussion. Discussion on any particular matter by either Committee members or by any member of the general public may be limited, at the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- f) Conduct of Meetings. The meetings are to be conducted in accordance with the principles of Rosenberg's Rules of Order (see Exhibit 11).
- g) Minutes. Official minutes recording the members and visitors present, motions entertained, actions taken, and the votes cast at each Committee meeting, shall be prepared by staff and submitted to the Committee for approval and to the Commission for its acceptance.
- h) Oral Communications. A time for Oral Communications will be included on all agendas to hear comments from non-committee members on items not on the Committee agenda but within the jurisdiction of the Committee's business. Permission to address the Committee must first be secured from the Presiding Officer. The general time limit is three minutes, unless more time is granted by the presiding officer. Matters raised during oral communications, or at other times, which require further information or investigation can be referred by the Committee to staff, and if action is required, placed on a future agenda.

- i) Bylaws. The information set forth herein shall be deemed sufficient to serve as the bylaws for the Commission's Committees subject to approval by the Commission. The committee descriptions included in the Commission's Rules and Regulations can be amended by a majority vote of the subject committee's members with approval by the Commission.

CONFLICTS OF INTEREST

A member of the Commission or its committees is prohibited from participating in a governmental decision, including, but not limited to the making of a contract, in which he or she has a financial interest.

Exhibit 2A

Committee: **MEASURE D TAXPAYER OVERSIGHT COMMITTEE**

Committee Objectives: Review the annual independent fiscal audit of the expenditure of the Measure D Transportation Tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.

1. Review Measure D Expenditure Plan expenditures on an annual basis to ensure that they conform to the Measure D Ordinance;
2. Review the annual audit and report prepared by an independent auditor, describing how funds were spent; and
3. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Committee Membership: The total membership shall not exceed five (5) members. Members shall be residents of Santa Cruz County who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the sales tax. Members will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users. The Committee shall include at least one person with an accounting or fiscal management background.

One resident from each of the five county supervisorial districts 5

Appointments: Appointments shall be made by the Regional Transportation Commission. Any vacancy which may occur from time to time shall be filled by the Board of Directors of the Authority as soon as reasonably possible.

Term: Members will serve without compensation for a term of two (2) years and may be reappointed up to three (3) times. Members will not serve more than two (2) consecutive terms, if there are other eligible applicants for the position.

Quorum: A quorum is three members, assuming that there are no vacant positions. If there are vacant positions, a quorum will be the lowest whole number representing more than fifty percent (50%) of filled positions.

Meeting Frequency and Time: The Measure D Oversight Committee shall meet at least once but no more than four times per year. Meetings will be announced at least 72 hours in advance and will be open to the general public.

Meeting Location: The Regional Transportation Commission conference room at 1523 Pacific Avenue in Santa Cruz unless otherwise announced at least 72 hours in advance.

Exhibit 3

Committee: **BICYCLE ADVISORY COMMITTEE**

Committee Objectives: Serves in an advisory capacity to the Regional Transportation Commission and its member agencies on bicycle-related issues, policies, plans, programs and projects.

1. Reviews claims submitted to the Commission that deal with bicycle facilities;
2. Reviews recommendations for the bicycle section of the Regional Transportation Plan, including policies, programs and capital improvement projects;
3. Reviews the bicycle sections of other studies, programs and plans prepared by the Commission;
4. Provides input into development of the Monterey Bay Sanctuary Scenic Trail Network as outlined in the adopted Master Plan. Review design and engineering plans for segments at the conceptual and design levels whether the RTC or another entity is the implementing body.
5. Reviews and advises implementing agencies in a timely manner on transportation capital improvement projects with bicycle elements for projects which are either funded by the SCCRTC or are otherwise major, regional level transportation projects. Project review by the Bicycle Advisory Committee involves review of the proposed concept and proposed design for the bicycle features of the transportation project. Local implementing agencies may seek the advice of the Bicycle Committee for more localized, locally funded bicycle projects at their discretion.
6. Advises the local jurisdictions' Public Works and Planning departments and Santa Cruz Metro, at their request, in their other functions as they relate to bicycling, including bicycle plans, policies and ordinances and bikeway maintenance activities.
7. Advises local agencies and the Commission on the implementation of bicycle promotion, safety or outreach programs funded by Commission funds;
8. Assists in the pursuit of local, state and federal funds for bicycle projects and advises the Commission on project priorities for funding and grant applications for bicycle projects;
9. Serves as advocates on behalf of the bicycling population regarding bicycle related issues before the Commission.

Committee Membership:

One person representing each of the five supervisorial districts	5
One person representing each of the four cities	4
A representative of Bike to Work	1
A representative of the Community Traffic Safety Coalition	1
	<hr/>
Total	11

Appointments: Members representing agencies specified above are appointed by that agency and accepted by the Commission; all other members are appointed by the Commission based on via open application process. The cities and the County Supervisors nominate individuals for Committee and Commission consideration.

Quorum: A quorum is six members, assuming that there are no vacant positions. If there are vacant positions, a quorum will be half plus one of the number of filled positions.

Meeting Frequency and Time: Set meeting time as 2nd Monday of every other month, or as needed from 6:00-8:30pm. The time may be changed by the Committee with a majority vote.

Meeting Location: Preferably, at least one meeting annually will be scheduled for an appropriate location outside of the City of Santa Cruz and in proximity to a major transit route.

Exhibit 4

Committee: **BUDGET & ADMINISTRATION/PERSONNEL COMMITTEE**

Committee Objectives: In order to ensure efficient and effective operations, the Budget & Administration Committee serves to review and monitor issues relating to the budget, work program, and other administrative functions of the Commission and makes recommendations to the Commission regarding such items. The committee also functions as the Personnel Committee to review personnel matters, and to conduct an annual performance evaluation of the Executive Director.

Committee Membership: Commission Chair and up to 5 other Commissioners. A Commissioner can be designated to serve in lieu of the Commission Chair, at the direction of the Commission Chair and with the concurrence of the Commission.

Meeting Frequency and Time: The Committee will meet at least quarterly; meeting times will be set as needed and noticed appropriately.

Exhibit 5

Committee: **ELDERLY AND DISABLED TRANSPORTATION ADVISORY
COMMITTEE (E&D TAC)**

Committee Objectives: Serves as the Social Services Transportation Advisory Council pursuant to Transportation Development Act statutes 99238. Advises the Santa Cruz County Regional Transportation Commission (SCCRTC), the Santa Cruz Metropolitan Transit District (Metro), the Consolidated Transportation Services Agency (CTSA), social service agencies and the local jurisdictions in Santa Cruz County on transportation issues, policies, plans, programs and projects for the elderly, disabled (includes physical and mental disabilities) and persons of limited means populations. (Committee duties specifically referenced in other documents are as noted: A - Transportation Development Act Statutes, B - 1992 Paratransit Implementation Plan)

1. Assists in the determination of transportation needs of the elderly, disabled and persons of limited means populations, including the annual assessment of unmet transit needs (A, B);
2. Solicits input of transit dependent and transit disadvantaged persons, including elderly, disabled and persons of limited means, for the unmet needs assessment process pursuant to Transportation Development Act statutes 99238.5 (A);
3. Reviews claims submitted to the Commission that deal with specialized transportation services or pedestrian issues;
4. Advises the SCCRTC, Metro, CTSA, the County and other providers on policy decisions including but not limited to the coordination and consolidation of specialized transportation services, paratransit and other transportation for the county's elderly and disabled residents and residents of limited means (B);
5. Reviews specialized transportation planning and the pedestrian sections of studies and plans prepared by the Santa Cruz County Regional Transportation Commission, the Santa Cruz Metropolitan Transit District, the Consolidated Transportation Service Agency, the local jurisdictions and other agencies, as necessary (A, B);
6. Reviews recommendations for the specialized transportation, transit and pedestrian sections of the Regional Transportation Plan, including policies, programs and capital improvement projects (A);
7. Reviews and advises implementing agencies on transportation capital improvement projects with pedestrian elements with regards to accessibility for projects which are either funded by the SCCRTC or are otherwise major, regional level transportation projects. Project review by the E&D TAC involves review of the proposed concept and proposed design for the accessible pedestrian features of the transportation project. Local implementing agencies may seek the advice of the E&D TAC for more localized, locally funded pedestrian projects at their discretion;

8. Monitors programs concerning transportation needs of elderly and disabled persons and persons of limited means initiated by the implementing agencies and proposes methods of using transportation to integrate the elderly, disabled and persons of limited means populations into the community (A, B);
9. Operates as a forum for communication between public and private agencies, users, and providers (B);
10. Assists in the pursuit of local, state and federal funds for specialized transportation and pedestrian projects and advises the Commission on project priorities for funding and grant applications for pedestrian projects and other projects and programs addressing transportation for the elderly, disabled and persons of limited means populations;
11. Serves as advocates on behalf of the elderly, disabled and persons of limited means populations regarding transportation related issues.

Committee Membership (*As required by the Transportation Development Act statutes):

<u>Representatives of:</u>	<u># of voting members</u>
potential transit users who are 60 years of age or older*	1
potential users who have a disability*	1
local social service providers for seniors*, potentially including one representative of the Santa Cruz County Seniors Commission	2
local social service providers for people with disabilities*, potentially including one representative of the Santa Cruz County Commission on Disabilities	2
local social service provider for persons of limited means*	1
for each of the five supervisorial districts, the elderly, persons with disabilities and/or persons of limited means	5
Santa Cruz County Consolidated Transportation Service Agency (CTSA)	2
Santa Cruz Metropolitan Transit District (Metro)	1
	Total 15

Appointments: Members representing agencies specified above are appointed by that agency and accepted by the Commission; all other members are appointed by the Commission based on an open application process

Quorum: A quorum is eight members, assuming that there are no vacant positions.

Meeting Frequency: Second Tuesday of every even numbered month at 1:30 pm.

Meeting Location: Preferably, one meeting annually will be scheduled for an appropriate location outside of the City of Santa Cruz and in proximity to a major transit route.

Bylaws Approval: Bylaws must be recommended for approval by the Elderly & Disabled Transportation Advisory Committee and approved by the Santa Cruz County Regional Transportation Commission. The Bylaws shall also be submitted to the Consolidated Transportation Services Agency Board for their review.

Exhibit 6

Committee: INTERAGENCY TECHNICAL ADVISORY COMMITTEE

Committee Objective: Serves to coordinate regional transportation capital improvement projects and transportation planning programs; serves as a technical and planning forum for local jurisdictions, SCMTD, AMBAG, UCSC, Cabrillo College, Caltrans and the Ecology Action Transportation Group; serves as a forum to consider technical and policy issues; land use-transportation/air quality issues, such as general plans, development projects, housing elements; serves as an arena to distribute and share information on state and federal funding opportunities and requirements; and makes recommendations to the Commission regarding these issues. Specific actions taken by the committee include, but are not limited to:

1. Provides recommendation for funding programmed by the Regional Transportation Commission (RTC) in the Regional Transportation Improvement Program (RTIP);
2. Reviews and provides recommendations on the Regional Transportation Plan, including policies, programs and capital improvement projects;
3. Reviews transportation studies, programs and plans prepared by the Commission;
4. Reviews and provides recommendations on the RTC’s Legislative Program.

Committee Membership:

voting members

City and County Public Works Department	5
City and County Planning/Community Development	5
Santa Cruz Metropolitan Transit District	2
Caltrans District 5 Transportation Planning Branch	1
Association of Monterey Bay Area Governments	1
Ecology Action Transportation Group	1
University of California, Santa Cruz	1
Monterey Bay Air Resources District (ex-officio)	
Cabrillo College (ex-officio)	
California Highway Patrol (ex-officio)	

voting members 16

The local jurisdiction members may also assign an alternate for a specific meeting as appropriate for the topics on the agenda.

Quorum:

One member from a local jurisdiction or the SCMTD may serve as proxy for the other voting member from that jurisdiction or agency for purposes of voting. A majority of members (including proxy votes) will constitute a quorum. Committee members or alternates should notify staff or other local jurisdiction staff prior to the meeting if a proxy will be representing the member in the member's absence.

Meeting Frequency and Time:

Committee meets on the third Thursday of the month at 1:30 pm, as needed.

Exhibit 7

Committee: **TRANSPORTATION POLICY WORKSHOP**

Policy Workshop Objectives: For the Commission to review and discuss major policy, funding and project development issues in greater detail and in a less formal setting than the regular meetings of the Commission. The intent is to provide the Commission and other attendees with an opportunity for detailed discussion of complex transportation issues, including the following:

1. Funding, development and implementation of major state highway projects such as improvements to Highways 1 and 17.
2. Planning, funding, development and implementation of the SCCRTC's major or regional projects, including projects within the Santa Cruz Branch Line Rail right of way (rail corridor).
3. Development of major planning documents such as the Regional Transportation Plan.
4. Programming of state and federal funds by the Commission, including Surface Transportation Program (STP), and State Transportation Improvement Program (STIP) regional share funds.

The Transportation Policy Workshop also hears oral presentations on topics of interest.

Committee Membership: The Transportation Policy Workshop is a meeting of the Commission; the membership is the full Commission.

Quorum: A quorum is seven Commissioners.

Meeting Frequency, Date and Time: Every month on the third Thursday of the month at 9:00 am, with the flexibility to meet less frequently at Commission discretion.

Meeting Location: Typically in the Commission offices.

Exhibit 8

SCCRTC DOCUMENT DISTRIBUTION AND PRICING POLICIES

Public Access to SCCRTC Documents

1. The SCCRTC posts all Commission and Committee agendas, all Commission packets and most Commission documents on the Commission website (www.sccrtc.org). In addition, these documents are available for viewing at the Commission office during normal business hours. Major Commission documents are also distributed to main public libraries. The Commission has an email notification list for meeting notices and agendas for the Commission and each SCCRTC committee. To reduce the use of non-renewable resources, the SCCRTC encourages the public to access Commission materials via the website, and by viewing copies available in the Commission office and at public libraries.

Agendas and Packets for Commission and Committee Meetings

1. Notification of availability of electronic versions of SCCRTC Commission and Committee packets are distributed free of charge to public agencies and members of the press.
2. Hard copies of commission and committee packets will be available to Commission members and alternates that request them.
3. Others who wish to receive hard copies of agenda packets or agendas may be charged a fee, computed annually and included on the SCCRTC Document Fee Schedule.
4. Annually, Commission staff will contact each recipient of a hard copy or email notification of a Commission or committee agenda or agenda packet, asking them whether they want to continue to receive the materials or notification. (Commission and committee members will automatically receive agenda materials and will be excluded from this annual renewal process.)

Copies of Documents

1. RTC documents shall be available for public review on the RTC website and at the RTC office.
2. A copy of a draft document produced by the SCCRTC (or its agents or contractors) that is being distributed for public comment will be available free of charge to each individual, group or agency that requests it during the comment period. Consistent with agency environmental efforts, some documents will only be available electronically. Hard copies will be available for public review at main libraries and at the RTC offices.
3. A copy of a final document will be available at the RTC offices, public libraries, and relevant public agencies.

4. Hard copies of SCCRTC documents will cost the price of printing that document. Documents listed as “free” on the Document Fee Schedule are exempt from this provision.

General

1. Free documents (as listed on the Document Fee Schedule) are generally limited to one per individual, agency or organization and are available while supplies last. For organizations and business that assist the SCCRTC in distributing free documents to the public, up to 100 copies may be requested. More than 100 copies may be provided to a third party as part of an event or promotion.
2. For single copies of portions of SCCRTC documents or Commission or committee agendas, the SCCRTC will charge the price listed on the SCCRTC Document Fee Schedule.
3. Document fees or packet fees may be waived at the discretion of the Executive Director.
4. SCCRTC staff will fulfill requests for copies in a timely fashion within the following guidelines: within one (1) business day for 20 pages or less; within two (2) business days for documents easily duplicated in-house; and within three (3) business days if an outside copy service is needed. More time may be required for copies mailed to a recipient.
5. For documents or materials prepared by consultants or other organizations for the Commission, Commission staff shall receive and process all requests for copies.
6. The SCCRTC Document Fee Schedule may be revised at any time and will be updated on a regular basis to reflect changes in duplicating, mailing, and administrative costs. Costs for new materials will be established at the time of publication.

SCCRTC DOCUMENT FEE SCHEDULE
(Revised May 2017)

– Subject to change at any time –

Fees are for hard copies. Most items are available for viewing or downloading
on the SCCRTC website: www.sccrtc.org

<u>Commission or Committee Meeting</u> <i>(includes mailing)</i>	<u>Annual Fee Full Packet</u>	<u>Annual Fee Agenda Only</u>
SCCRTC/Transportation Policy Workshop	\$100	\$5
Interagency Technical Advisory Committee	\$40	\$5
Bicycle Advisory Committee	\$40	\$5
Elderly and Disabled Transportation Advisory Committee	\$40	\$5
Budget and Administration/Personnel Committee	\$40	\$5
E-mail notification of agenda	n/a	free
Other committees and task forces	tbd	tbd

Costs for partial year mailings will be prorated.

Final Documents (most are available for viewing and downloading at www.sccrtc.org)

For printed copies, prices are as follows:

Regional Transportation Improvement Program	\$8.00
Regional Transportation Plan	\$40.00
SCCRTC Rules and Regulations	\$6.00

SCCRTC documents not listed above will be supplied at the cost of 5 cents per page or the cost of the outside copying service, if higher.

Free Documents - Except for informational materials, hard copies of free documents are generally limited to one per individual, agency or organization, while supplies last

Santa Cruz County Bikeway Map

Cost of Driving Brochure

Guide to Specialized Transportation (*available in English, Spanish and Large Print*)

SCCRTC Annual Report

Informational brochures and handouts produced by the SCCRTC

Single Copies of Portions of SCCRTC Packets or Documents

For small quantities that can be produced in-house:

- 5 cents per page, single sided
- 10 cents per page, double sided

All other copies:

- actual cost for outside copying service, if higher

Additional Charge for Mailing

The cost of mailing will be added to the copying cost charged to the person/organization ordering the document, unless otherwise specified above. (Please NOTE: Agenda pricing already includes postage costs.)

Exhibit 9

**CONFLICT OF INTEREST CODE OF THE SANTA CRUZ COUNTY REGIONAL
TRANSPORTATION COMMISSION**

SECTION 100. Incorporation of Model Code.

The terms of 2 C.C.R. § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of this Authority.

SECTION 200. Designated Positions.

The positions listed on Exhibit “9-A” are designated positions. Officers and employees holding those positions are deemed to make or participate in the making of decisions that may foreseeably have a material effect on a financial interest.

SECTION 300. Disclosure Statements.

A person holding a designated position shall be assigned to the disclosure category set forth on Exhibit “9-B” unless such persons are already required to file disclosure statements of economic interests under the provisions of Section 87200 of the California Government Code. Each person assigned a disclosure category shall file an annual statement disclosing that person’s interest in investments, real property, and income designated as reportable under the category to which the person’s position is assigned in Exhibit “9-A”.

SECTION 400. Place and Time of Filing.

(a) Filing Originals. All persons holding designated positions with an assigned disclosure category shall file the original statement of economic interests with this agency.

(b) Filing Copies. This agency shall make and retain a copy and forward the originals of these statements to the County Elections Department.

(c) Initial Statements – After Code Adoption. A person holding a designated position with an assigned disclosure category shall submit an initial statement of economic interest within 30 days after the effective date of this Code.

(d) Annual and Other Statements. Persons holding designated positions with an assigned disclosure category shall file annual statements of economic interest and other required statements pursuant to Section 5 of the Conflict of Interest Code provisions contained in 2 C.C.R. § 18730.

Exhibit 9-A

APPENDIX, CONFLICT OF INTEREST CODE

Appendix, 2 C.C.R. § 18730
As adopted by reference

*DESIGNATED POSITIONS

Category	Disclosure
1. Commission Members (including Alternate Members)	1
2. Executive Director	1
3. Deputy Director	1
4. Administrative Services Officer	1

*See Section 2, Conflicted Code (2 C.C.R. § 18730)

Exhibit 9-B

APPENDIX, CONFLICT OF INTEREST CODE

Appendix, 2 C.C.R. § 18730
As adopted by reference

DISCLOSURE CATEGORIES

CATEGORY 1. Interests in Real Property, Sources of Income, Investments and Business Positions Held by Designated Officer or Employee. All interests in real property located within Santa Cruz County. All income (including loans and gifts) from any source which contracts with or may in the foreseeable future contract with the Commission to provide services, supplies, equipment, or other property. All investments in any business entity or trust in which the designated officer or employee is a director, officer, partner, trustee, employee, or holds any position of management, which contracts with or may foreseeably contract with the Commission to provide services, supplies, equipment, or other property.

Exhibit 10

**SCCRTC's Monitoring/Assistance Program for
State and Federally Funded Projects**
(Adopted 8/6/98)

- 1. State Highway Regional Share or Jointly-Funded Interregional Projects**
 - a. Memorandum of Understanding (overall) between Caltrans and SCCRTC
 - b. Cooperative Agreement between Caltrans and implementing agency for each project
 - c. Project development team (includes local jurisdiction, SCCRTC, Caltrans, others)
 - d. SCCRTC staff assistance in coordination between local agencies and Caltrans
 - e. Quarterly scope, schedule and budget status reports by Caltrans to the Commission, monthly reports as the project nears construction
 - f. Submittal of early draft environmental and design documents by Caltrans to the project development team members for review
 - g. Monitoring of the project schedule and budget by project milestones by SCCRTC
 - h. Oversight of STIP amendments by SCCRTC

- 2. Local STIP Projects**
 - a. Biannual scope, schedule and budget status reports submitted by project sponsors to the Commission
 - b. Monitoring of the project schedule and budget by project milestones by SCCRTC
 - c. Submittal of early draft environmental and design documents (65% to 80% stage, basic drawings, not plans and specs) by project sponsor to SCCRTC staff for review
 - d. Review of project design (basic drawings) by the Bicycle Advisory Committee and/or Elderly and Disabled Transportation Advisory Committee (E&D TAC), if appropriate
 - e. Oversight of STIP amendments by SCCRTC
 - f. Notification to SCCRTC of STIP allocation request by project sponsors
 - g. Review of STIP allocation request and issuance of concurrence letter to Caltrans by SCCRTC staff to determine if project meets state law/guidelines and RTIP provisions; if issues exist, bring concurrence letter to Commission for approval.

- 3. Local Non - STIP Projects (e.x. TDA, RSTP/STBG)**
 - a. Annual scope, schedule and budget status reports by project sponsor to the Commission

- b. Submittal of early draft environmental by project sponsor to SCCRTC staff for review
- c. Review of project design (basic drawings) by the Bicycle Advisory Committee and/or Elderly and Disabled Transportation Advisory Committee (E&D TAC), if appropriate
- d. Local agency assistance by SCCRTC staff as requested, particularly in interactions with Caltrans and the Federal Highway Administration
- e. Hold informational workshops as appropriate and provide a forum for discussing common implementation issues (ITAC)
- f. Encourage non-transportation departments or agencies to seek assistance from local public works departments if project delivery issues arise
- g. Submittal of courtesy copies of Environmental Enhancement and Mitigation, Active Transportation Program, and other grant requests for regionally-significant and Monterey Bay Sanctuary Scenic Trail Network (MBSST) projects by local agencies to SCCRTC staff.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

© 2011 League of California Cities. All rights reserved.

ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

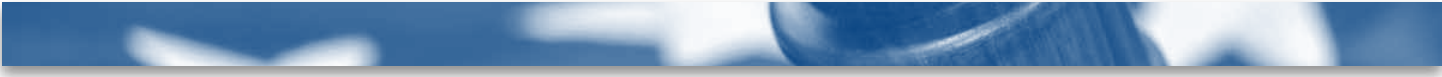


TABLE OF CONTENTS

About the Author	ii
Introduction	2
Establishing a Quorum.....	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion	2
Motions in General.....	3
The Three Basic Motions.....	3
Multiple Motions Before the Body.....	4
To Debate or Not to Debate.....	4
Majority and Super-Majority Votes	5
Counting Votes.....	5
The Motion to Reconsider.....	6
Courtesy and Decorum	7
Special Notes About Public Input	7

INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814
(916) 658-8200 | Fax (916) 658-8240
www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10

© 2011 League of California Cities. All rights reserved.

♻️ Printed on recycled paper.