

Attachment #2: Excerpts of CCTA Admin Code

ADMINISTRATIVE CODE

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

Ordinance #90-01

Adopted: February 21, 1990

As amended through:

May 20, 2009

SUMMARY

This ordinance prescribes rules for the proceedings of the Contra Costa Transportation Authority consistent with the laws of the State, as well as the powers and duties of officers and Board members, the method of their election or appointment and compensation and the methods, procedures and systems of operation and management of the Authority.

The Contra Costa Transportation Authority does ordain as follows:

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ARTICLE IV

OFFICERS AND DUTIES

104.1 In General.

(a) The Officers of the Authority shall consist of the Chair and a Vice Chair, each of whom shall be a Commissioner, an Executive Director and other such officers as the Board may appoint.

(b) Appointment of Chair and Vice Chair. The Board at its first meeting and annually thereafter, to be effective as of the first regular February Board meeting of each year, and at such other time as there may be a vacancy, shall elect a Chair who shall preside at all meetings and a Vice Chair who shall preside in his absence. The position of Chair shall be rotated annually and no person shall serve consecutive terms as Chair.

(c) Appointment of Executive Director and Other Officers. The Executive Director and such other officers as the Board may deem necessary, shall be appointed by the affirmative votes of a majority of the Commissioners.

(d) Removal of Officers and Employees. Officers may be removed by the affirmative vote of a majority of the Commissioners. Matters regarding the discharge of an employee shall be resolved by reference to the personnel policies set forth in the Personnel and Salary Manual and Procedures which are attached as Chapter 6 to this Code.

(e) Duties of Various Officers.

(1) Duties of Chair. The Chair shall, if present, preside at all meetings of the Board and shall exercise and perform such other powers and duties as may from time to time be assigned to him by the Board or prescribed herein.

(2) Duties of the Vice Chair. The Vice Chair shall perform the duties of the Chair in his absence and, when so acting, shall have all the powers of and be subject to all the restrictions upon the Chair, and shall exercise and perform such other powers and duties as may from time to time be assigned him by the Board.

(3) Chair Pro Tempore. In the event of the absence, or inability to act, of the Chair and Vice Chair, the Commissioners present at any meeting of the Board, by order entered in the minutes, shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have all of the authority of the Chair.

(4) Duties of Executive Director. The Executive Director shall be a full-time officer of the Authority. The powers and duties of the Executive Director are:

(A) To have full charge of the administration of the day-to-day business affairs of the Authority;

(B) To administer the personnel system of the Authority, including hiring, controlling, supervising, promoting, transferring, suspending with or without pay or discharging any employee in accordance with Chapter 6 attached hereto;

(C) Subject to any limitation and to the terms and conditions set forth in Chapter 5 hereto, to act as the purchasing agent for the Authority with powers to be exercised in the manner governing the exercise of the powers of the purchasing agent of the County;

(D) To keep the Board advised as to the needs and the status of operations of the Authority;

(E) To see that all rules, regulations, ordinances, policies, procedures and resolutions of the Authority are enforced;

(F) To execute and deliver contracts and agreements on behalf of the Authority following such approvals as may be required hereunder and to administer Authority contracts in accordance with and subject to the limitations set forth in Chapter 5 attached hereto;

(G) To authorize, approve and make expenditures in accordance with and subject to the limitations set forth in Chapters 2 and 3 hereof.

(H) To cause to be prepared and distributed the agenda for all Board meetings;

(I) To undertake such other duties, powers and responsibilities as may from time to time be assigned to him by the Board; and

(J) To accept and consent to deeds or grants conveying any interest in or easement upon real estate to the Authority pursuant to Government Code Section 27281 and to prepare and execute certificates of acceptances therefor from time to time as the Executive Director determines to be in furtherance of the purposes of the Authority. Such authority shall be limited to actions of a ministerial nature necessary to carry out conveyances authorized by the Board.

(K) Unless specifically delegated to an officer appointed by the Executive Director with the approval of the Board, to assume the responsibilities of a Secretary and Treasurer of the Authority. Until such time as the Board appoints a Secretary and/or Treasurer, any reference in this Code to such officer shall be deemed to be a reference to the Executive Director or his appointee.

104.2 Standing Board Committees. The Board may, as it deems appropriate, appoint Standing Board Committees consisting of three or more Commissioners, to accomplish the purposes set forth herein.

(a) Organization of Standing Board Committees. Standing Board Committees shall be organized and operate as follows:

(1) Each such Standing Board Committee shall by majority vote elect a chairman at its first meeting who shall serve at the pleasure of the Standing Board Committee. Except with respect to the Executive Committee, the Standing Board Committees shall establish a schedule of monthly regular meetings; special meetings of Standing Board Committees may be scheduled by the Executive Director or by the Committee Chair as needed.

(2) Any meeting of such a committee shall be deemed to be a meeting of the Authority for purposes of compensation of the members of such Standing Board Committee only. The number of Commissioners serving on each Standing Board Committee shall be fixed and may be changed from time to time by the Board.

(3) Except with respect to the Executive Committee, the Board shall appoint Commissioners to serve on each Standing Board Committee, as set forth below. To the extent possible, Standing Board Committee assignments shall reflect geographical balance. Committee members shall be appointed annually at the first regular Board meeting to be conducted in February of each calendar year.

(4) Committee members shall hold such positions for a period of one year or until their successors are duly appointed. Any member appointed to fill a vacancy on a Standing Board Committee whether caused by the resignation or removal of a member or by an increase in the number of members of such committee shall hold such position until the next regular first February Board meeting only.

(5) Upon the removal or resignation of a Commissioner, such Commissioner shall cease to be a committee member on any Standing Board Committee upon which such Commissioner was serving on the date of his resignation or removal.

(6) A majority of the members of the Standing Board Committee shall constitute a quorum and approval of any action shall require the affirmative vote of a majority of Commissioners present at the meeting and constituting a quorum. In the event that a quorum is initially present at a Standing Board Committee meeting but a quorum is not present throughout the meeting, the members may continue to take action on behalf of the Standing Board Committee provided such action is approved by the number of members otherwise required for such action assuming the presence of a quorum.

(7) All Standing Board Committee meetings shall be open to all Commissioners, unless the presence of Commissioners who are not members of such committee would violate the provisions of the Brown Act.

(8) Except with respect to the Executive Committee, alternate members of Standing Board Committees may be appointed by the Board from remaining Commissioners, to attend Standing Board Committee meetings in the absence of the principal appointees to the committees. To the fullest extent possible, the Board shall appoint alternates so as to maintain geographical balance on such Standing Board Committee. If the Commissioner alternate appointed by the Board is not able to attend, the Commissioner's designated alternate shall attend the meeting. It shall be the responsibility of the Commissioner to inform such Commissioner's alternate when such Commissioner is unable to attend a Standing Board Committee meeting 72 hours in advance of the meeting whenever possible.

[Amended on November 16, 2005]

(b) Standing Board Committees. The following Standing Board Committees are hereby created:

(1) Administration and Projects Committee. The Administration and Projects Committee shall focus on near-term activities which relate directly to projects, programs, transit operations, finance and administrative matters. The Committee is responsible for the following specific activities: budget for projects, transit and paratransit programs, and general administration; finance and financial reporting; the Administrative Code and policies of the Authority; personnel; capital outlay projects, including project policies, reviews, approvals and allocations; the Strategic Plan; paratransit and transit programs; programming of state and federal funds for projects; and legislation involving the above.

(2) Planning Committee. The Planning Committee shall focus on longer-term planning issues, and the funding allocations for demand management oriented activities. The Committee is responsible for the following specific activities: the Growth Management Program (GMP), including preparation of the Countywide Comprehensive Transportation Plan, GMP policies and requirements, checklist review and approval, facilitation of program implementation; and the Congestion Management Program (CMP), including preparation of the biennial Congestion Management Plan, CMP policies and requirements, deficiency plan guidelines and review of deficiency plan when prepared, checklist review, the Congestion Management Plan Capital Improvements Program, and facilitation of program implementation; oversight of computerized transportation demand modeling and land use data base; review and comment on the Metropolitan Transportation Commission's (MTC's) biennial Regional Transportation Plan (RTP) and related processes; planning studies conducted with other agencies; carpools, vanpools and park and ride funds; Transportation Fund for Clean Air (TFCA) policies, oversight and allocations; Congestion Management Agency (GMP, CMP and TFCA) budget; and legislation involving the above.

(3) Executive Committee. The Executive Committee, the membership of which shall consist of the Board Chair, the Board Vice Chair and the Chairs of the Administration and Projects Committee and the Planning Committee, shall be responsible for responding on behalf of the Authority in the event of an emergency which makes it

impossible for the full Board to act. During intervals between the meetings of the Board, the Executive Committee, in all cases in which specific directions shall not have been given by the Board, shall have and may exercise the power and authority of the Board, subject only to the limitation regarding Official Acts set forth in Section 103.5 hereof. In the event that, for any reason, the Executive Committee is unable to obtain a quorum of members, so many of the following alternate member(s), in the order indicated, as is necessary to achieve a quorum of the Executive Committee, may serve in their stead: (1) the Vice Chair of the standing committee for which the Committee Chair is absent or otherwise unavailable; (2) the Vice Chair of the other standing committee; (3) so many of the remaining members of the Board, in the order of their appointment to the Board (earliest to most recent) as may be necessary to achieve a quorum. A quorum of the Executive Committee shall consist of three members.

(c) Other Committees. The Board may establish such other standing, special, ad hoc or other Board Committees as it deems necessary or advisable from time to time.

[Amended on April 21, 1993; December 21, 1994; September 19, 2001]

104.3 Standing and Advisory Committees. The following committees have been established to assist in the creation of the Authority and the development of the Ordinance and the Expenditure Plan, to assist in the development of programs and projects under the Expenditure Plan and Ordinance, and to continue as standing committees. The standing and advisory committees are as follows:

(a) Regional Transportation Planning Committees. For each of the Central, East, West and Southwest County regions, a regional transportation planning committee has been established with responsibility for transportation issues within such area. Relative to the Authority's programs and processes, the Board shall prescribe the powers, duties and responsibilities of each RTPC. The RTPCs shall cooperate with the Authority in furtherance of Authority purposes. Each RTPC is responsible for developing a transportation plan for its area and updating it periodically, for incorporation by the Authority into a countywide transportation plan consistent with the Expenditure Plan and the Ordinance authorized by the voters and as amended from time to time by the Authority.

(b) Each RTPC shall consist of Elected Officials from each City in the region as well as a member or members of the Board of Supervisors representing the unincorporated area within the region. RTPCs may also include planning commissioners from the Cities and/or County represented on such RTPC as well as members from the policy board of other public bodies such as transit organizations, the Metropolitan Transportation Commission and ports, airports, or other agencies concerned with transportation. For election or recall of Commissioners, only City and County Elected Officials shall vote, and each City and Board of Supervisors shall have one vote for each such action. Other voting rights and procedures of the RTPCs governing the conduct of their activities shall be determined by each such RTPC with the concurrence of the Authority. Robert's Rules of Order shall be observed in the conduct of all RTPC meetings.

(c) Each City RTPC member shall be appointed by the governing body of the City and in the case of Board of Supervisors' members, by the Board of Supervisors; provided, that the removal or resignation of any RTPC member who is a Commissioner shall not cause such Commissioner to be removed from the Board. Members from other public bodies and special interest groups shall be appointed by the RTPC and shall serve at the pleasure of the RTPC. Each RTPC shall, by vote of a majority of the members of such RTPC, elect a chair at its first meeting and thereafter from time to time as required.

(d) Citizens Advisory Committee. The CAC is a citizens' advisory committee to the Authority. The purpose of the citizens' advisory committee is to provide citizen perspective, participation and involvement in Authority policy development and implementation.

(1) Membership. Each of the Cities and the County shall appoint one member to the CAC. In addition, three (3) members shall be appointed by the Authority as "at large" members. Members shall be selected to reflect community and business organizations and interests within the County. Members shall not serve in a representative capacity with respect to their appointing authorities.

(2) Terms of Membership. Members shall be appointed for four (4) year terms. There shall be no limit on the number of consecutive terms which a member may serve. At the discretion of the respective appointing body, CAC members are subject to recall at any time.

(3) Subcommittees, Select Committees and Ad Hoc Committees. The CAC may create such subcommittees, select committees and ad hoc committees, and shall fix the membership and duties thereof, as it determines necessary or advisable to carry out its functions. Except as otherwise provided herein, such subcommittees, select committees and ad hoc committees shall be advisory only, and their recommendations and reports shall be made to the CAC.

(4) Growth Management Compliance Checklist Review Subcommittee. A Growth Management Compliance Checklist Review subcommittee may be created, and its members appointed from the CAC membership by the full membership of the CAC. The subcommittee, if constituted, shall be charged with responsibility for reviewing and making recommendations to the Authority and any appropriate standing committee of the Authority with respect to Growth Management Checklists which have been submitted to the Authority by the Cities and the County in accordance with requirements of Ordinance 88-01 (as amended). In the interest of meeting timetables established by the Authority for review of Growth Management Checklists by the subcommittee, the report and recommendations of the Growth Management Compliance Checklist Review subcommittee may be submitted directly by the subcommittee to the Authority and/or any appropriate Authority standing committee. In such event, the report and recommendation need not be reviewed or approved by the full membership of the CAC. In the event the full membership of the CAC reviews reports and

recommendations made by the subcommittee, such review shall comply with the Authority timetable for review of the Checklists.

(5) CAC Bylaws. The CAC may develop and adopt bylaws setting forth procedures for meetings, election of officers, attendance requirements, and other matters as necessary to facilitate CAC functions. Initial adoption of the bylaws, and subsequent approval of any amendments to the bylaws, requires a two-thirds (2/3) vote of the CAC members present and voting at any regular meeting of the CAC, and subsequent approval by the full Authority Board.

[Amended on October 18, 2006]

(e) Technical Coordinating Committee.

(1) The TCC provides advice on technical matters that may come before the Authority. Members also act as the primary technical liaison between the Authority and the RTPCs. The TCC reviews and comments on project design, scope and schedule; provides advice on development of priority transportation improvement lists for submittal to the MTC for projects proposed under the federal Intermodal Transportation and Efficiency Act (ISTEA) as well as the state Flexible Congestion Relief (FCR) programs; reviews and comments on the Strategic Plan of the Authority and amendments and revisions thereto; reviews and comments on the Authority's Congestion Management Program and amendments and revisions thereto; reviews RTPC Action Plans and the merging of such Action Plans to form the Countywide Transportation Plan; and reviews and comments on the Authority's Growth Management Plan Implementation Documents.

(2) The TCC's membership shall consist of 24 representatives, as follows:

(A) twelve members, three appointed by each of the RTPCs, and representing planning, engineering and transportation disciplines;

(B) three members appointed by the Board of Supervisors representing the planning and engineering disciplines;

(C) five members, one appointed by each of the San Francisco Bay Area Rapid Transit District, the Central Contra Costa Transit Authority, the Alameda-Contra Costa Transit District, the East Contra Costa Transit Authority and the West Contra Costa Transit Authority;

(D) one member appointed by the City County Engineering Advisory Committee; and

(E) three members, one ex-officio, non-voting member appointed by each of the California Department of Transportation, the MTC and the Bay Area Air Quality Management District.

(3) Appointments shall be for renewable terms of two (2) years. Terms shall expire on March 31 of each odd numbered year. The committee shall elect a chair and vice chair annually. The committee may form subcommittees for the purpose of dealing with major programmatic issues. The committee shall meet monthly; subcommittee meeting shall be scheduled as necessary.

(4) Each member, excluding non-voting members, shall have one vote on any matter to come before the committee for a vote; provided, that with respect to recommendations for including a project on the Capital Improvement Program list for ISTEA funding, each applicant which is represented on the committee for a project which is proposed to be included on the list shall be entitled to cast one vote on the list of projects to be recommended to the Authority.

(f) Growth Management Task Force. The Growth Management Task Force assists the PGA with the development and implementation of the growth and congestion management plans of the Authority. Membership of the Task Force consists of four members from CAC, one staff member from each RTPC and one staff member from the County. The Task Force shall make recommendations and comment on issues coming before it, but shall not vote. Actions of the Task Force shall be subject to approval by vote of the PGA.

[Amended on June 20, 1990; August 8, 1990; October 17, 1990; April 21, 1993, October 16, 1996; February 18, 2004; October 18, 2006]

104.4 Bonding Requirement. The officers or persons who have charge of, handle or have access to any property of the Authority shall be so designated and empowered by the Board. Each such officer or person shall be required to file an official bond with the Board in an amount which shall be established by the Board. The premiums on any such bonds attributable to the coverage required herein shall be expenses of the Authority.

104.5 Compensation. Compensation of employees, including the Executive Director, shall be as provided for from time to time by the Board in accordance with the Personnel and Salary Manual and Procedures which is Chapter 6 attached hereto; provided that the compensation of any such employee may be governed by contract approved by the Board pursuant to the Contract Policies and Procedures, Chapter 5 attached hereto. In accordance with Section 180109 of the Act, Staff salary and benefits shall not exceed one percent of the funds generated pursuant to the retail transactions and use tax authorized by the Ordinance. Compensation, benefits and related personnel matters are set forth more fully in Chapter 6 attached hereto.

104.6 Representatives.

(a) The Board shall have the authority to establish by resolution, representatives to the Authority, representing transportation and transit agencies and other entities interested or involved in transportation issues in Contra Costa. Each such person shall be referred to as a "Representative". Representatives shall have the following powers:

(1) the right to attend regular sessions of the Board and to participate in the discussion of matters brought before the Board for consideration;

(2) the right to attend regular committee meetings of the Planning and Government Affairs committee of the Board and to participate in the discussion of matters brought before such committee;

(3) the right to attend regular meetings of such other Board Committees and of such Standing and Advisory Committees as the Board may determine, and to participate in the discussion of matters brought before such committees.

(b) Each Representative shall be designated by the entity represented from among eligible candidates. Each such Representative shall be an Elected Official (i) elected to the Board of Supervisors of, or to the council of a town or city located within, the County, and appointed to the entity represented to the Authority, or (ii) elected to the legislative body of the entity represented to the Authority, and elected at large or to represent a district or ward of such entity which is located wholly or partially within the County. Each Representative shall have an alternate designated by the entity represented from among eligible candidates for Representative. Representatives shall hold office for a term of one year, subject to replacement by such Representative's alternate at the discretion of the Board if such Representative has been absent from four consecutive meetings of the Board.

(c) Representatives shall not be commissioners, and shall have none of the rights or powers of such commissioners except as expressly provided herein. Without limiting the generality of the foregoing, such Representatives shall not:

(1) have the right to vote with respect to any matter brought before the Board or any Board Committee or Standing or Advisory Committee;

(2) be counted for purposes of determining the number of persons attending any meeting for quorum or voting purposes;

(3) be eligible for election or appointment as an officer of the Authority;

(4) be entitled to attendance fees or other compensation for attendance at meetings of the Authority or any committee thereof;

(5) be entitled to attend or to otherwise participate in closed sessions of the Board or any committee thereof.

(d) The Board shall have the authority to establish such other conditions and limitations with respect to Representatives as it deems necessary or advisable.

[Amended on April 21, 1993]