



CONTRA COSTA
transportation
authority

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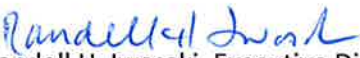
Kevin Romick

Robert Taylor

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MEMORANDUM

To: Matt Todd, TRANSPAC
Lisa Bobadilla, SWAT
Jamar Stamps, TRANSPLAN, TVTC
John Nemeth, WCCTAC
Ellen Clark, LPMC

From: 
Randell H. Iwasaki, Executive Director

Date: March 17, 2017

Re: Items of interest for circulation to the Regional Transportation Planning Committees (RTPCs)

At its March 15, 2017 meeting, the Authority discussed the following items, which may be of interest to the Regional Transportation Planning Committees:

1. **Status of the Growth Management Program (GMP) Checklist**

Approvals. The Measure J GMP requires that every two years local jurisdictions report GMP compliance activities to the Authority by submittal of a Compliance Checklist. The deadline for submittal of the Calendar Years (CY) 2014 & 2015 GMP Checklist is June 30, 2017. At present, 9 of the 20 local jurisdictions have submitted a Checklist. The remaining 11 jurisdictions must either submit a completed Checklist by July 1, 2017, or submit a "Statement of Progress" indicating the schedule for submittal. Failure to submit a Checklist or "Statement of Progress" constitutes non-compliance with the GMP and potential withholding of Measure J Local Street Maintenance and Improvement funds (18 percent). *The Authority Board received a status update on the GMP Checklist Approvals and accepted the report. Staff was directed by the Planning Committee to include a monthly status GMP Compliance checklist submittal report in future meeting agendas.*

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Executive Director

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2. **Adoption of Ordinance 17-01 to Amend the Contra Costa Transportation Authority's (Authority) Administrative Code, Chapter 1, Article IV, Section 104.6 (c).** Staff seeks adoption of Ordinance 17-01 to approve the proposed revisions to amend the Authority's Administrative Code, Chapter 1, Article IV, Section 104.6 (c). *The Authority Board adopted Ordinance 17-01 to amend the Authority's Administrative Code, Chapter 1, Article IV, Section 104.6 (c) to allow Ex-Officio Representatives to also serve as Authority Board Member alternates if appointed by their RTPCs providing that the representative cannot simultaneously at any given meeting serve as both the representative and alternate.*

**ORDINANCE 17-01****AN ORDINANCE OF THE CONTRA COSTA TRANSPORTATION AUTHORITY AMENDING
CHAPTER 1, ARTICLE IV, OF THE AUTHORITY'S ADMINISTRATIVE CODE TO REVISE
SECTION 104.6 (C)**

WHEREAS, the Contra Costa Transportation Authority (the "Authority") adopted the Administrative Code (the "Code") as Ordinance No. 90-01 on February 21, 1990 as amended through March 15, 2017; and

WHEREAS, the purpose of the Code is to assist the Authority in establishing and maintaining the public trust, specifying the powers and duties of Authority officials, and promulgating policies and procedures aimed at the efficient and effective operation of the Authority; and

WHEREAS, Chapter 1 of the Code establishes the powers and duties of the Authority officers, the method of appointing Authority employees, and methods, procedures and systems of operation and management of the Authority; and

WHEREAS, Chapter 1, Article IV of the Authority's Administrative Code shall be amended to revise Section 104.6 (c) to allow a Board Ex-Officio Representative to also serve as an alternate to a Board Commissioner; and

WHEREAS, the Representative will not be able to simultaneously serve at any given meeting as both the representative and alternate; and

WHEREAS, the Board Ex-Officio Representative must be an Elected Official; and

WHEREAS, by allowing a Board Ex-Officio Representative to also serve as an alternate to a Board Commissioner the Authority will have the opportunity to appoint the individual to serve on other related transportation boards as a representative to the Authority.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS that the Contra Costa Transportation Authority hereby:

- 1) Amends Chapter 1, Article IV of the Authority's Administrative Code to revise Section 104.6 (c) as provided for in Exhibit A, attached hereto and incorporated herein by reference, to allow a Board Ex-Officio Representative to also serve as an alternate to a Board Commissioner providing that the Representative does not serve simultaneously at any given meeting as both the representative and the alternate.

SEVERABILITY: If any provision or clause of this Ordinance or the application thereof is held unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance which can be implemented without the invalid provision, clause, or application, it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, adopted and/ or ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, and/or phrases may be declared invalid or unconstitutional.

EFFECTIVE DATE: This ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Contra Costa Transportation Authority Board of Directors in Walnut Creek, State of California, on March 15, 2017, by the following vote:

AYES: Chair Butt, Vice Chair Glover, and Commissioners Abelson, Arnerich, Haskew, Hudson, Mitchoff, Pierce, Romick, Taylor and Trotter
NOES: None
ABSENT: None
ABSTAIN: None



Tom Butt, Chair

This Ordinance 17-01 was entered into at a meeting of the Contra Costa Transportation Authority held on March 15, 2017, in Walnut Creek, California, and shall become effective as provided above.

Attest:



Tarianne Grover, Clerk of the Board

EXHIBIT A

CHAPTER 1

ADMINISTRATIVE CODE

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

ARTICLE IV

OFFICERS AND DUTIES

ARTICLE IV
OFFICERS AND DUTIES

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 governmental 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 Administrative and Projects Committees of the Board and to participate in the discussion of matters brought before such Committees;

(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. The Board may consider permitting an appointed official as the Representative, if requested by the entity and evidence is provided why an appointed official rather than an Elected Official is more beneficial in that particular circumstance. Each Representative shall have an alternate designated by the entity represented from among eligible candidates for Representative. Representatives shall hold office for one or more terms 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, but may serve as an alternate, provided that such Representative does not serve simultaneously at a meeting as both a Representative and an alternate and is an Elected Official. ~~Representatives and~~ shall have none of the rights or powers of such Commissioners, unless serving as an alternate, 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 Standing or Advisory Committee thereof, unless expressly authorized to attend and participate by the Board or Committee.

1.0 (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; December 21, 2011, March 15, 2017]

Administration and Projects Committee **STAFF REPORT**

Meeting Date: March 2, 2017

Subject	<u>Adoption of Ordinance 17-01 to Amend the Approval of Proposed Revisions to Contra Costa Transportation Authority's (Authority) Administrative Code, Chapter 1, Article IV, Section 104.6 (c)</u>
Summary of Issues	The proposed revisions would clarify and make consistent various sections of the Authority's Administrative Code, Chapter 1, Article IV, Section 104.6 (c).
Recommendations	Staff seeks <u>adoption of Ordinance 17-01 to approve approval</u> of the proposed revisions to <u>amend</u> the Authority's Administrative Code, Chapter 1, Article IV, Section 104.6 (c).
Financial Implications	None
Options	<ol style="list-style-type: none"> 1. Do not approve the recommendation to revise the Administrative Code. 2. Suggest alternative language for the revision.
Attachments (Revised Attachment A)	A. <u>Ordinance 17-01 to Amend the Authority's Administrative Code, Chapter 1, Article IV, Section 104.6 (c), with proposed revisions, redline/strikeout - Revised</u>
Changes from Committee	<i>None. The Committee was advised that an Ordinance was being drafted for adoption at the Authority Board.</i>

Background

Article IV, Section 104.6 (c)

This revision would provide language to allow for a Board Ex-officio Representative to also serve as an alternate to a Board Commissioner providing that the Representative cannot simultaneously at any given meeting serve as the representative and alternate. Currently the administrative code language does not allow a Representative to also be an alternate.

In some instances, the Authority has an opportunity to appoint Commissioners to represent the Authority on other related transportation boards. The Administrative Code, as written, is clear that Representatives (ex-officio representatives) are not Commissioners, and Commissioner Alternates are considered Commissioners. The Administrative Code clarifies the determination that Representatives shall not be Commissioners for the following reasons:

1. Representatives do not have the right to vote;
2. Representatives cannot be counted for purposes of a meeting quorum;
3. Representatives are not eligible for election or appointment as an officer;
4. Representatives are not entitled to receive attendance fees or other compensation for attendance at meetings; and
5. Representatives are not entitled to attend or participate in closed sessions of meetings.

The revision, as proposed, would not be in any conflict of these stated reasons because at any particular meeting the Representative would either be the ex-officio representative or the alternate, but not both. If the representative was needed to sit as the alternate for a given meeting the representative's alternate would take the representative's seat. Staff seeks approval of adoption of Ordinance 17-01 to approve the proposed revisions to the Authority's Administrative Code, Chapter 1, Article IV, Section 104.6 (c).