EXECUTIVE COMMITTEE AGENDA

Friday, December 5, 2008
9 to 10 a.m.

Caltrans Gallegos Room
4050 Taylor Street
San Diego, CA 92110

AGENDA HIGHLIGHTS

• ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS
• FEDERAL LEGISLATIVE STATUS REPORT
• RESOLUTION SUPPORTING CHILDREN’S OUTDOOR BILL OF RIGHTS

PLEASE TURN OFF CELL PHONES DURING THE MEETING

MISSION STATEMENT
The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus, makes strategic plans, obtains and allocates resources, plans, engineers, and builds public transit, and provides information on a broad range of topics pertinent to the region’s quality of life.
Welcome to SANDAG. Members of the public may speak to the Executive Committee on any item at the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Executive Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG’s Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Executive Committee meeting.

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EXECUTIVE COMMITTEE
Friday, December 5, 2008

ITEM # | RECOMMENDATION
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+1. | APPROVAL OF NOVEMBER 14, 2008, MEETING MINUTES

2. | PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Members of the public will have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

REPORTS (3 through 7)

+3. | ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (Julie Wiley)

The General Counsel has attached a draft of amendments to current Board Policies and Bylaws proposed by staff over the past year or that are appropriate for updating purposes. The Executive Committee is asked to recommend that the Board of Directors approve the proposed amendments to the Board Policies and Bylaws.

4. | FEDERAL LEGISLATIVE STATUS REPORT (Victoria Stackwick)

Staff will provide an oral report on the status of key federal legislation.

+5. | RESOLUTION SUPPORTING THE CALIFORNIA CHILDREN’S OUTDOOR BILL OF RIGHTS (Del Mar Deputy Mayor Crystal Crawford; Keith Greer)

At its October 8-9, 2008, meeting in Oakland, the California Biodiversity Council (CBC) discussed ways to encourage young people to become engaged with the natural environment. At the conclusion of the CBC meeting, State Secretary of the Resources Agency, Mike Chrisman, signed the California Children’s Outdoor Bill of Rights as drafted by the California Roundtable on Recreation, Parks, and Tourism. SANDAG, as one of the longest standing members of the CBC, was asked to sign a resolution supporting the Children’s Bill of Rights. The Executive Committee is asked to discuss this request to sign a resolution supporting the California Children’s Outdoor Bill of Rights, and either authorize an appropriate SANDAG representative to sign the resolution (in substantially the same form as Attachment 1), or provide direction to SANDAG staff.

+6. | REVIEW OF DECEMBER 19, 2008, DRAFT BOARD AGENDA

APPROVE
SANDAG staff will brief the Executive Committee about deployment of the Compass Card. Staff has informed the Board of Directors that the Compass Card would be available beginning on January 1, 2009, and that paper fare products would be phased out starting January 2009 and be completed by July 1, 2009. After working closely with both the Metropolitan Transit System and the North County Transit District, SANDAG staff has determined that delaying the rollout of the Compass Card until March 1, 2009 is necessary. As originally planned, all paper monthly passes would still be eliminated and replaced with the Compass Card by July 1, 2009.

8. UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for Friday, January 9, 2009, at 9 a.m.

9. ADJOURNMENT

+ next to an agenda item indicates an attachment
EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
NOVEMBER 14, 2008

Chair Mary Sessom (East County) called the Executive Committee meeting to order at 9:03 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

Upon a motion by Second Vice Chair Jerome Stocks (North County Coastal) and a second by First Vice Chair Lori Holt Pfeiler (North County Inland), the minutes of the October 10, 2008, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

Chuck Lungerhausen, a member of the public, asked what mode of travel makes the most efficient use of energy resources. He thought that high-speed rail makes sense and the time has come. It will cost us money but he thinks we need it. With the downturn in the economy and the amount of people losing jobs, we may need a project that will put people to work.

Clive Richard, a member of the public, expressed best wishes for those Board members who will not be returning next year, and said he looked forward to continuing to work with all of you who will be returning. With the economic downturn we will need to do some serious thinking about how we will pay for things. We have to have a sustainable, reliable way of funding transit operations.

REPORTS (3 through 8)

3. FY 2009 BUDGET AMENDMENTS: CALIFORNIA TRANSPORTATION PLANNING AND SPECIAL STUDY GRANTS (APPROVE)

Daniel Veeh, Regional Planner, said that this fall Caltrans awarded four transportation planning grants and a special study grant. The grants are intended for projects and studies that lead to implementation of projects that improve mobility in the region. Caltrans provides these funds on an annual basis. In January 2008 we applied for 13 grants and received funding for 4 totaling more than $700,000. The special study grants are for issues of particular interest to Caltrans. We successfully applied for a $250,000 grant to study the supply of aggregate in San Diego County. All of these grants have local match components. We will use Transportation Development Act (TDA) monies for the local match. He outlined the funding for each of the projects. These grants will require certain amendments to the FY 2009 Budget and Overall Work Program (OWP), and other matching funds will be provided during the development of the FY 2010 Budget and OWP.
Action: Upon a motion by Supervisor Greg Cox (County of San Diego), and a second by Second Vice Chair Stocks, the Executive Committee voted to adopt Resolution No. 2009-08 to amend the FY 2009 Budget and Overall Work Program to accept Caltrans Transportation Planning Grant funds totaling $738,728 and Transportation Planning Special Studies funds totaling $250,000, and to provide the required matching funds; and to authorize the Executive Director to enter into a contract with Caltrans for the San Diego Region Aggregate Supply Study.

4. COMPASS CARD CAPITAL BUDGET AMENDMENT (APPROVE)

James Dreisbach-Towle, Principal Technology Program Analyst, reported that the Compass Card is being prepared for launch to the general public in January 2009 and will eliminate all paper monthly passes by July 1, 2009. The final capital improvement still under construction is the installation of remaining rail platform Compass Card validators. These validators will serve as a “virtual gate” for the Trolley, COASTER, and SPRINTER systems. Completion of this work and the reprogramming of the Trolley Ticket Vending Machines (TVMs) to support the Comprehensive Fare Ordinance require an amendment to the capital budget. To date, validators have been installed on the COASTER, SPRINTER, and the Trolley Green Line with remaining work to be performed on the Trolley Orange and Blue Lines.

Due to unforeseen conditions, we have had to update the budget estimate. He reviewed the actions that have already been taken on the project budget. This request is for the use of SANDAG contingency reserve funds in the amount of $70,000. The use of SANDAG contingency reserve funds is governed by Board Policy No. 030. This request meets the conditions cited in that policy.

Mayor Cheryl Cox (South Bay) asked if this funding request will be sufficient to complete this project. Mr. Dreisbach-Towle replied affirmatively.

Action: Upon a motion by Mayor Cox and second by Supervisor Cox, the Executive Committee voted to: (1) authorize the use of $70,000 of SANDAG contingency reserve funds; and (2) increase the budget of the Automated Fare Collection Project (CIP No. 1145700) for the installation of rail station Compass Card validators. Additional actions taken by the Executive Director totaling $100,000 and by the Transportation Committee totaling $327,904 will result in an aggregate budget increase of $497,904.

5. DRAFT 2009 LEGISLATIVE PROGRAM (DISCUSSION/POSSIBLE ACTION)

Genevieve Morelos, Senior Legislative Analyst, reported that the draft 2009 Legislative Program is Attachment 1 to the agenda report. This program serves as a road map for Board and staff to follow as legislation is introduced during the state and federal legislative sessions. The program is organized into three distinct sections that relate to the level of effort needed to support corresponding legislative activities: (1) Sponsor, (2) Support/Oppose, and (3) Monitor. Within each section, individual goals are assigned a priority level. Staff has modified the 2008 program as a starting point for the Executive Committee’s discussion on the 2009 program.

Ms. Morelos reviewed proposed deletions, proposed modifications, and proposed new goals. Work was completed on Goal Nos. 2A, 3A, and 8B from the 2008 Legislative program,
so these goals would be deleted. Proposed modifications were reviewed for Goal Nos. 3A, 4A, 5A, and 6A. There is one new goal, No. 4B. The concept of protecting transportation funding is included in several goals in the 2008 program; however staff feels it is important include protecting transit funding as a separate, distinct goal, given the state’s recent history of diverting spillover funding and other transit revenues to programs historically funded by the General Fund.

She noted that the Public Safety Committee (PSC) will be reviewing the public safety related legislative goals at its December 12 meeting. If the PSC makes no changes to these goals, this item could go directly to the Board in December. If significant changes are proposed by the Executive Committee today or by the PSC in December, staff would bring the revised 2009 program back to the Executive Committee and the Board in January 2009.

Mayor Cox suggested an additional legislative goal. The Chula Vista City Council recently approved extending producer responsibility for products at the end of their life cycles. She has information about this new city requirement available for review. She recommended that since SANDAG acts as the Integrated Waste Management Task Force and has a technical committee, this could be added as a support component to the legislative program.

Chair Sessom suggested that this item be referred to the Integrated Waste Management technical advisory committee for its review.

Supervisor Cox stated that one of the things that could really expedite projects is to focus on a California Environmental Quality Act (CEQA) equivalent to the National Environmental Protection Act (NEPA). He suggested seeking assistance at the federal level for this, so that projects did not have to go through two separate environmental processes at the state and federal levels.

Mr. Gallegos agreed with Supervisor Cox. He stated that the key is not to lower the environmental standards, but rather to focus on streamlining the processes. To put some perspective on this, Caltrans is typically able to get CEQA documents completed in a couple of years, while similar projects at the federal level take as many as five years. There are a lot of redundant reviews that happen at the federal transportation agencies.

Second Vice Chair Stocks clarified that we are not looking for CEQA reform but for NEPA reform.

Supervisor Cox agreed with that statement. He is looking for more of a federal review that would allow every state to say this is our process for environmental review of projects and have it pass an environmental equivalency test.

First Vice Chair Pfeiler asked if this is possible. Mr. Gallegos responded that there currently is a federal pilot program where NEPA authority has been delegated to several states, and California is one of these states with delegated authority. In light of the current economic situation, this environment may be one in which we can begin a discussion about this kind of process streamlining issue.

Second Vice Chair Stocks agreed this is worthy of the effort. He suggested we solicit support from other metropolitan planning organizations (MPOs).
Mr. Gallegos stated that Caltrans Director Will Kempton and others have been working on principles for the next federal authorization. Streamlining the permit process both for the next transportation measure as well as for any possible economic stimulus measure has been one of the issues raised. Additional avenues to explore this goal are with the League of California Cities, the California State Association of Counties (CSAC), and the California Association of Councils of Governments (CALCOG).

National City Mayor Ron Morrison (South Bay) noted that the National Association of Regional Councils (NARC) also can be contacted on the national level.

Ms. Morelos asked if this should be included in an existing goal or as a separate goal. Mr. Gallegos suggested that we look at this issue separately.

Second Vice Chair Stocks noted his preference that this be a separate goal.

Chair Sessom stated that she and Mayor Morrison attended a recent Urban Land Institute dinner. The speaker at that event noted that Senate Bill 375 (SB 375) is beginning to be looked at on a national level as a possible planning model. We need to continue to work on how we implement this bill.

Mr. Gallegos stated that Mayor Pfeiler has asked that we expand the invitation list for the Board Policy meeting on December 5 to include all elected officials. The topic for the December 5 Board Policy meeting would be SB 375 implementation and would include a policy discussion about where we are on these issues.

Action: Upon a motion by First Vice Chair Pfeiler, and a second by Second Vice Chair Stocks, the Executive Committee voted to recommend that the SANDAG Board of Directors approve the 2009 Legislative Program, as amended.

6. **ANNUAL REVIEW OF AND PROPOSED AMENDMENTS TO BOARD POLICY NO. 033: IMPLEMENTATION GUIDELINES FOR SANDAG REGIONAL HOUSING NEEDS ASSESSMENT MEMORANDUM (RECOMMEND)**

Susan Baldwin, Senior Planner, reported that Policy No. 033 sets forth guidelines for incentives related to the Regional Housing Needs Assessment (RHNA) for the 2005-2010 housing element cycle for the San Diego region. As part of the approval of the final RHNA, the Board approved a memorandum that included certain financial incentives to jurisdictions based on housing element compliance and lower-income housing production. The policy requires an annual review. This review is being undertaken in anticipation of the TransNet Smart Growth Incentive Program (SGIP). A call for projects for this program is scheduled to be issued in November or December this year.

Ms. Baldwin stated that several amendments are being proposed. The Regional Planning Technical Working Group (TWG) and the Regional Housing Working Group (RHWG) discussed amendments during a number of meetings over the past several months. A report was presented to the Regional Planning Committee at its November 7 meeting. She noted that this is the first time amendments are being proposed to this policy. Six major issues have been addressed in this annual review. Two major issues that are most significant are housing element compliance and the award of incentive points. We are no longer requiring
that jurisdictions have a housing element in order for them to apply for funds under Policy No. 033. Instead, we have proposed incorporating the housing element compliance into incentive points to be awarded.

Ms. Baldwin said that the Board-approved memorandum states that 25 percent of the total points for each funding program are subject to Board Policy No. 033. The TWG recommends a significant change be made as to how these points are awarded. Instead of calculating lower-income housing production now based only on one factor (affordable housing produced), the TWG proposes that affordable housing performance be assessed using five factors. Each factor would be worth one-fifth of the total points. The five factors are: (1) Housing Element Compliance, (2) Greater RHNA Share Taken, (3) Regional Share of Cumulative Total of Lower-Income Units Produced, (4) Percent of Cumulative Alternate 3 Lower-Income RHNA Goal Met, and (5) Percent of Lower-Income Households. She noted that the SGIP capital project criteria total 300 points, which means that 75 points (25 percent) would be awarded consistent with Policy No. 033. What we are doing in creating this proposal is to broaden the factor to award points to include planning for affordable housing, producing affordable housing, and recognizing what kind of affordable housing is currently on the ground.

Mayor Morrison asked if Factor No. 3 is based on the percentage of housing produced compared to the total regional goal. He said that the City of San Diego would automatically receive all of the points in this category because of its size and share of housing numbers. The City of Del Mar could put in 90 percent of its affordable housing goal and receive fewer points.

Mr. Gallegos stated that the City of San Diego would produce more total units and would receive higher points in that category.

Ms. Baldwin said the purpose of that factor was to give credit to jurisdictions that are producing higher total numbers of affordable housing in the region.

Councilmember Matt Hall (North County Coastal) asked if the percentage is off the region’s total or the individual jurisdiction’s number. Ms. Baldwin replied that it is taken from the total number of affordable housing units in the region. She noted that Carlsbad’s specific share was 19 percent of total in the region.

Coleen Clementson, Principal Planner, stated that what staff originally presented to the RPC was a straight percentage. If your share was 19 percent your jurisdiction would receive 19 percent of the points allotted in that category. The RPC consensus was to maintain the five factors, but allow for individual jurisdictions to get 100 percent of the points in any given category. This proposal is the recommendation from the planning directors.

Ms. Baldwin reviewed how the percentage points would be calculated. She stated that these numbers are preliminary, because we would need to collect additional data from the local jurisdictions about acquired and rehabilitated units, not just new affordable units produced.

Second Vice Chair Stocks asked about how the percent of lower-income households would be calculated (Factor No. 5). Ms. Baldwin said that 40 percent of the households in the region fall in very low or low income categories. This percentage figure is based on the census data for each jurisdiction.
Ms. Baldwin reviewed how the points would be assigned for each jurisdiction under this factor.

Chair Sessom commented that Factor No. 3 provides the percent share of the cumulative total for each jurisdiction in the region, and Factor No. 4 shows the progress by individual jurisdictions that get us to the regional goal. She asked how units that are acquired/rehabilitated and rent restricted at affordable levels would be counted. Ms. Baldwin said these types of units would be counted in the total, either at full credit or half credit, depending on whether they were included in a jurisdiction's housing element. However, they would not be counted if they are already rent restricted.

Second Vice Chair Stocks asked about mobile homes. Ms. Baldwin answered that if they are new or become restricted during the time period they are counted.

Mayor Cox mentioned that the City of Chula Vista took over a motel and is completely rehabilitating it, and will get credit for that.

Councilmember Hall said that one thing we haven’t discussed is our Habitat Conservation Plans (HCPs). This should be considered in the award of incentive points.

Mr. Gallegos said that Board Policy No. 033 focuses solely on these five factors related to the production of affordable housing. There are other criteria in the Smart Growth Incentive Program that deal with other policy areas.

Ms. Baldwin clarified that the RHNA numbers were based on developable vacant land, or land not constrained by habitat plans. The RHNA numbers were based on the SANDAG growth forecast, which does not assume housing will be built on HCP lands.

Councilmember Hall noted that 30-40 percent of Carlsbad’s land area is dedicated to HCPs.

Mayor Cox indicated that the City of Chula Vista is in the same situation with regard to habitat. She spent time with city staff reviewing this proposal and they can support it. It is so much better for Chula Vista than the previous policy.

Second Vice Chair Stocks complimented staff on this report. This proposal represents a tremendous improvement over the previous system. Many cities don’t have an approved housing element but are putting affordable housing units on the ground.

Supervisor Cox said that he has not been involved in this process; however, the biggest question on these five components is why each factor is valued equally. He felt that some could be more significant than others. The goal should be to encourage production of more affordable housing. He mentioned that the County is about two years away from having an approved housing element.

Mr. Gallegos explained that this proposal deals with how you handle discretionary funds and how you provide an incentive. This is a precursor to a much larger debate, which is how to accommodate housing needs for the region’s population.

Councilmember Hall suggested a workshop be held on how the next RHNA numbers will be developed.
Second Vice Chair Stocks thought this could be discussed at a future Board Policy meeting.

First Vice Chair Pfeiler stated that we will have a lot of workshops on RHNA. In prior discussions, the Board was split on their feelings about RHNA. This Board Policy was a compromise solution to apply to discretionary funds. We have reduced the housing element compliance in this proposal. We want to reward affordable housing production.

Action: Upon a motion by First Vice Chair Pfeiler, and a second by Mayor Cox, the Executive Committee voted to recommend that the SANDAG Board of Directors approve the proposed amendments to Board Policy No. 033.

7. ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (DISCUSSION)

Chair Sessom said that this item was postponed to the next Executive Committee meeting. In the essence of time, Committee members should review the proposed amendments before that meeting and be prepared to quickly review the amendments at that time.

8. REVIEW OF DRAFT BOARD AGENDA FOR NOVEMBER 21, 2008 (APPROVE)

Kim Kawada, Policy and Legislative Affairs Program Manager, reviewed the draft agenda for the November 21 Board meeting.

Second Vice Chair Stocks suggested that Item No. 21, University Towne Centre Transit Center Funding, be placed on the Consent Calendar. Committee members agreed with this suggestion.

Chair Sessom noted that in the agenda paragraph for Item No. 13, Destination Lindbergh Ad Hoc Airport Regional Policy Committee Update, it states that a final concept is scheduled to be developed and presented to all stakeholders by February 2009. She asked staff to verify that timing.

Action: Upon a motion by Supervisor Cox, and a second by First Vice Chair Pfeiler, the Executive Committee voted to approve the agenda for the SANDAG Board of Directors meeting on Friday, November 21, 2008, as amended.

10. UPCOMING MEETINGS

The next Executive Committee meeting is scheduled for Friday, December 5, 2008.

Ms. Kawada noted that we are trying to schedule all SANDAG Board/Committee meetings on that date to be held at Caltrans District 11 offices.

11. ADJOURNMENT

Chair Sessom adjourned the meeting at 10:06 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE
### SANDAG EXECUTIVE COMMITTEE MEETING
#### NOVEMBER 14, 2008

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SAN DIEGO ASSOCIATION OF GOVERNMENTS
EXECUTIVE COMMITTEE

December 5, 2008

AGENDA ITEM NO.: 3

Action Requested: RECOMMEND

ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS

File Number 8000100

INTRODUCTION

Each year the Office of General Counsel solicits requests from staff for any suggested changes to Board Policies and Bylaws and reviews these documents to determine if updates or changes should be recommended to the Board of Directors. These proposed amendments are attached and are brought to the Executive Committee for discussion and recommendation to the Board.

DISCUSSION

The significant changes for each of the Board Policies proposed for amendment are discussed below. The actual language changes are tracked in the attached draft versions of the Board Policies and Bylaws.

Board Policy No. 001 – Operations Policy (Attachment 1)

The Transportation Committee (TC) would have its authority to review “use it or lose it” project funding policies and funding allocations narrowed so that the Regional Planning Committee (RPC) would instead have purview over such policies and funding allocations if they pertain to the TransNet Smart Growth Incentive Program. The authority of the TC would be extended for approving the Coordinated Human Service and Public Transit Transportation Plan. The TC would make recommendations regarding changes to Board Policy No. 018 and the Regional Comprehensive Fare Ordinance, but would no longer conduct hearings or have approval authority for Fare Ordinance changes. The RPC would be given authority to approve fund distributions from the Beach Sand Mitigation Fund, and to recommend funding and use or lose it policies for the Smart Growth Incentive Program. Finally a new section is proposed at the end of the policy concerning Board approval for requests for staff to perform more than four hours of work on a project that is not in the Overall Work Program or Budget.

Board Policy No. 004 – Rules of Procedure (Attachment 2)

A set of new concepts is proposed to be added to Section 3 to set up alternate procedures for public hearings. These procedures would make it easier for the public to attend public hearings as the hearings could take place outside of a regular meeting of the Board or a policy advisory committee. This means the hearings could be held in the evenings, on weekends, and in geographic locations more accessible to the public than downtown San Diego. The procedures authorize the Executive Director or his delegate to serve as a Hearing Officer and provide a written report to the legislative body at SANDAG making the recommendation or final decision regarding what occurred at the public hearing. The changes in Section 3 of this policy are tied to the changes proposed for Board Policy No. 025. A new Section 4.15 also is proposed, which would incorporate regulatory changes made by the Fair Political Practices Commission this year concerning record keeping and distribution.
requirements for gifts to the agency, its employees, and Board members. Section 6.4 has a proposed modification that would clarify that the Board can delegate final actions to other legislative bodies when the authority is given by Board action.

Board Policy No. 007 – Equal Employment Opportunity (Attachment 3)

The substantive proposed changes to this policy are in Sections 2.3 and 2.8. These changes would broaden the types of publication used for employee recruitments and the types of records kept regarding employees.

Board Policy No. 008 – Legal Matters (Attachment 4)

The substantive proposed changes to this policy begin in Section 1.7. Language in this section would be modified so that it more consistent with terminology used in state statute concerning tort claims and to clarify the timeline for receipt of claims. Additionally, a section is proposed for removal that is no longer relevant concerning the retroactive effect of this policy (Section 1.8).

Board Policy No. 011 – Travel Expenses (Attachment 5)

A sentence is proposed for removal from Section 1.2 of this policy to make it consistent with employee practices. Rather than the department directors providing an annual list to the Executive Director of proposed employee travel, the department directors would make requests for travel approval to the Executive Director on an as-needed basis.

Board Policy No. 016 – Procurement of Services (Attachment 6)

Most of the proposed changes to this policy relate to changes in federal guidance that were released in Circular 4220.1F in October 2008. When using federal funds the agency is now permitted to use the micro purchase method for procurements that do not exceed $3,000. New language is proposed in Section 3.2 to clarify that the agency may use “best value” determination to select a vendor. Additionally, the Circular expanded upon the types of situations when a sole source or limited competition procurement may be used. Changes proposed in Section 5 of this policy would allow staff the latitude to utilize additional justifications for these types of procurements if warranted.

Board Policy No. 017 – Delegation of Authority (Attachment 7)

A word change is proposed in Section 4.3 to make it clear that the Executive Director can execute all real property transfer documents not just those concerning right-of-way property transfers. Sections 4.11 and 4.12 are proposed as additions to this policy in order to authorize the Executive Director to execute tolling agreements to extend statutes of limitations for pending litigation in order to allow time for settlement discussions; and to authorize fund transfers in the SANDAG capital improvement program budget for the transit operators if the relevant transit operator board has already approved of the transfer.

Board Policy No. 018 – Regional Transit Service Planning and Implementation (Attachment 8)

Proposed changes to this policy include the addition of SANDAG’s responsibility to prepare corridor studies (1.1.1), and a Coordinated Public Transit and Human Services Transportation Plan (1.1.2). The obligation to prepare the Regional Short Range Transit Plan would be reduced from an annual to biannual commitment (1.1.2). Also, language at the end of Section 1.1.2 regarding service reductions being made based on maintaining “lifeline” services would be removed in favor of service reductions based on equity.
Board Policy No. 019 – Project Plans, Specifications and Estimates (Attachment 9)

The changes proposed to this policy are mostly nonsubstantive cleanup or clarification to existing language. The only substantive change is the addition of the Americans with Disabilities Act as a design standard in Section 3.8.

Board Policy No. 021 – Acquisition of Real Property Interests (Attachment 10)

The addition of one sentence is proposed in Section 2.1 to make it consistent with state law changes in the last year that require the agency to pay up to $5,000 of the costs for a property owner to have an independent appraisal property the agency wishes to acquire by eminent domain.

Board Policy No. 022 – Utility Agreements (Attachment 11)

Franchise utilities granted easements or licenses on publicly owned property are sometimes required by the terms of an agreement to pay some portion of the costs associated with relocating their improvements due to a project being constructed by SANDAG. Language is proposed for this policy that would clarify that in some instances SANDAG may cause the utility to pay some or all of the costs associated with the relocation of the improvements.

Board Policy No. 023 – Procurement & Contracting – Equipment & Supplies (Attachment 12)

As with Board Policy No. 016, this policy needs to be updated for consistency with federal Circular 4220.1F. Changes in Sections 1.1 and 4 of this policy are intended to accomplish the same revisions described above for Board Policy No. 016. Section 1.6.7 contains a change that would clarify the difference in performance bonding requirements for federally funded procurements.

Board Policy No. 024 – Procurement & Contracting – Construction (Attachment 13)

As with Board Policy No. 016, this policy needs to be updated for consistency with federal Circular 4220.1F. Changes in Sections 2 and 3 of this policy are intended to accomplish the same revisions described above for Board Policy No. 016. Additionally, a new Section 8 is proposed that describes SANDAG authority to use design build for transit projects in accordance with state law.

Board Policy No. 025 – Public Participation-Project Development & Construction (Attachment 14)

Changes are proposed to Section E of this policy to allow for greater public outreach and accommodation through innovative public hearing forums, rather than solely holding public hearings in the Board’s chambers, to obtain public input concerning proposed fare changes. Staff has determined that the public is more likely to attend meetings that are close to where they live or work and held at different times of the day. Staff obtained public comments from more people on the proposed fare changes during the spring and summer of 2008 during public outreach meetings that were held throughout the community and in some cases during nonwork hours than what was obtained during the SANDAG TC and Board meetings. SANDAG has had complaints from the public regarding the difficulty they have attending a public hearing in downtown San Diego during traditional work hours. Federal law allows SANDAG to utilize “town hall” type meetings rather than formal public hearings to gather public comments concerning proposed fare changes. Public comment would still be permitted at the regular SANDAG Board meetings during which the fare ordinance changes are being considered and all comments obtained from the public at the prior public meetings would be provided to the Board before it rendered a decision. SANDAG believes the changes proposed in this Section would be beneficial to the public and the agency. A new Section F, concerning short range transit planning, also is proposed to clarify agency responsibilities for this type of planning.
Board Policy No. 029 – Regional Fare Policy and Comprehensive Fare Ordinance (Attachment 15)

The substantive proposed changes to this policy begin in Section 2.3. Verbiage added to this section would make it clear that SANDAG will consider impacts under Title VI of the Civil Rights Act before making fare changes. A language change in Section 3.2 calls for a unified policy on transfers for the transit operators. Additional language in Section 3.3 would clarify that fare discounts apply to youth as well as senior patrons. The reference to tokens would be removed from Section 4.5 and language regarding stored value passes would be added. Changes proposed for Section 5 are either intended to cleanup outdated language or make the language of this policy consistent with changes proposed in Board Policy Nos. 018 and 025.

Bylaws (Attachment 16)

Only three substantive changes are proposed for the Bylaws. The first is in the definitions section. Staff proposes that the definition of “Regional Board” be removed since it is unnecessary now that SANDAG prepares the Regional Comprehensive Plan instead of functioning as the Regional Planning and Growth Management Review Board. The second proposed change is in Article IV, Section 3(b). This section concerns the duties of the nominating committee for the election of officers. Currently the language requires the committee to interview all candidates for office. Sometimes, however, there is only one candidate for an office and that candidate may be graduating from a lower office. In this situation the committee may feel it is unnecessary to interview the candidate. The language change would remove the mandatory language and allow the committee to decide whether to interview a candidate. Finally, changes are proposed in Article IV, Section 4 to make a broader reference to “administrative manuals and policies” rather than the narrow title “Administrative Rules and Regulations” since this title is no longer used by staff.

JULIE D. WILEY
General Counsel

2. Board Policy No. 004 – Rules of Procedure
4. Board Policy No. 008 – Legal Matters
5. Board Policy No. 011 – Travel Expenses
6. Board Policy No. 016 – Procurement of Services
7. Board Policy No. 017 – Delegation of Authority
8. Board Policy No. 018 – Regional Transit Service Planning and Implementation
10. Board Policy No. 021 – Acquisition of Real Property Interests
11. Board Policy No. 022 – Utility Agreements
12. Board Policy No. 023 – Procurement & Contracting – Equipment & Supplies
13. Board Policy No. 024 – Procurement & Contracting – Construction
14. Board Policy No. 025 – Public Participation-Project Development & Construction
15. Board Policy No. 029 – Regional Fare Policy and Comprehensive Fare Ordinance
16. Bylaws

Key Staff Contact: Julie D. Wiley, (619) 699-6966, jwi@sandag.org
OPERATIONS POLICY
Board and Policy Advisory Committees Responsibilities

Shown below are responsibilities for the Board of Directors and each of the five Policy Advisory Committees (Executive, Transportation, Regional Planning, Borders, Public Safety) of the new Agency. Selected responsibilities are delegated by the Board to the Policy Committees to allow the Agency to effectively address key public policy and funding responsibilities. All items delegated to the Policy Advisory Committees are subject to Board action upon request of any member.

All functions not specifically delegated by the Board to a Policy Advisory Committee may be delegated to a Policy Advisory Committee on a one-time basis upon request by the Executive Director and approval by the Chair. Such actions shall be reported to the Board at its next regular meeting.

A. Board Responsibilities

1. Approve Regional Comprehensive Plan (RCP) and plan components and other regional plans (e.g. Regional Energy Plan, MHCP, etc.)
2. Approve Regional Transportation Plan (RTP), Regional Transportation Improvement Program (RTIP) and corridor studies
3. Fulfill responsibilities of SB 1703 as consolidated agency
4. Fulfill the responsibilities of the San Diego Regional Transportation Commission (RTC)
5. Approve programming of funds (TDA, CMAQ, STIP, etc.)
6. Approve project environmental reports
7. Approve Overall Work Program and Program Budget
8. Approve amendments to the Budget and Work Program and authorize contracts with consultants for amounts equal to or greater than the amounts to be determined for administrative and policy committee authorization.
9. Approve the annual legislative agenda
10. Provide policy direction through Policy Development Board meetings
11. Appoint Committees and Board officers
12. Delegate responsibilities to Policy Advisory Committees and approve Committee actions. All items delegated to the five Policy Advisory Committees are subject to direct Board action upon request of any members.
13. Delegate responsibilities to Board Chair consistent with Board criteria. Conference sponsorships and proclamations are hereby delegated subject to current or subsequently approved criteria.

B. Executive Committee Membership and Responsibilities

The Executive Committee shall consist of six voting members with board members representing East County, North County Coastal, North County Inland, South County, and the representative, or the representative's alternate in their absence, from the City of San Diego and the County. The Chairperson of the consolidated agency shall be one of the six voting members. The First and
Second Vice Chairpersons of the consolidated agency shall serve as voting members if one or both of the Vice Chairpersons represent an area of the region that is different from the area of the region represented by the Chairperson or the other Vice Chairperson.

1. Set agenda for Board
2. Review and recommend annual work program and program budget
3. Approve amendments to the Budget and Overall Work Program and authorize contracts up to amount approved by the Board
4. Review and act on state and federal legislation
5. Comment on project EIR/EIS
6. Act upon and evaluate dispute resolution
7. Advise on personnel actions
8. Act on behalf of Board when timing requires
9. Make policy recommendations to the Board
10. Perform other duties as assigned by the Board
11. Approve financial/contracting transactions, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment up to $500,000, subject to increase by Board action.
12. Annually review a list of all the SANDAG lower-level committees and working groups to determine the need to maintain the committee or working group and approve any revisions in functions or membership.
13. Review all proposed amendments to the Bylaws or Board Policies and make recommendations to the Board regarding those amendments.
14. Conduct expedited reviews and approvals of Energy Working Group actions on an as-needed basis.

C. Transportation Committee Membership and Responsibilities

The Transportation Committee shall consist of nine voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, a member of the Board of the MTS appointed by the Board of the MTS, a member of the Board of the NCTD appointed by the Board of the NCTD, and a member of the San Diego County Regional Airport Authority appointed by the airport authority.

1. Provide oversight for consolidated transit responsibilities
2. Provide policy oversight for transportation plans and corridor and systems studies
3. Establish/approve transportation prioritization criteria
4. Establish/approve policies and monitor “use it or lose it” project funding, except for the TransNet Smart Growth Incentive Program
5. Approve TDA and STA claim amendments and RTIP and STIP amendments
6. Recommend transportation funding allocations to the Board, except for TransNet Smart Growth Incentive Program
7. Approve transit operator budgets for funding
8. Approve Regional Short Range Transit Plan and Coordinated Human Service and Public Transit Transportation Plan
9. Make recommendations regarding changes to the Regional Comprehensive Fare Ordinance Consistent with the transition plans, approve regional fare policy

To ensure seamless transit service for the transit users of the region the consolidated agency, in consultation with the transit agencies, will be responsible for the development of a Regional Fare Policy. The Regional Fare Policy will incorporate
10. Conduct public hearings as delegated by Board
11. Approve contracts for transit up to amount approved by the Board
12. Advise Board on other transportation policy-level issues
13. Recommend legislative program for transportation and transit
14. Approve financial/contracting transactions, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment up to $500,000 for transportation items, subject to increase by Board action
15. To convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation.
16. Approve the Congestion Management Program (CMP) and any updates to the CMP
17. Conduct hearings regarding fare setting and approve comprehensive fare ordinance amendments
18. Accept for distribution, hold public hearings regarding, and adopt/certify environmental documents where items can be approved through actions of the policy committee
19. Approve loans of TransNet funds when such loans are incorporated into an RTIP amendment requiring an exchange of TransNet funds for funds from another source
20. Provide oversight and approvals for Coordinated Transportation Services Agency (CTSA) matters and appoint Transportation Committee representative to the CTSA board

D. Regional Planning Committee Membership and Responsibilities

The Regional Planning Committee shall consist of six voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County, and the mayor or a council member from the City of San Diego, and a supervisor from the County of San Diego.

1. Provide oversight for preparation and implementation of the RCP and its components
2. Recommend regional infrastructure financing strategies to the Board
3. Represent the Board for outreach and public information on the RCP and its components
4. Advise Board on regional planning policy issues
5. Approve distribution of funds from the California Coastal Commission Beach Sand Mitigation Fund
6. Recommend funding allocations to the Board for the TransNet Smart Growth Incentive Program
7. Establish, approve, implement, and monitor “use it or lose it” project funding requirements for the TransNet Smart Growth Incentive Program

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a uniform fare structure, a transfer policy, and agreement for revenue sharing of regional tickets, tokens, and passes, while also allowing the consolidated agency to adopt specialized fare procedures for travel within each operator’s service area. Additionally, the consolidated agency will adopt a Comprehensive Fare Ordinance setting forth all fares for all operators, including their special fares.
E. Borders Committee Membership and Responsibilities

The Borders Committee shall consist of seven voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, and a mayor, council member, or supervisor from the County of Imperial.

1. Provide oversight for planning activities that impact the borders
2. Provide oversight for the preparation of binational and interregional planning programs
3. Recommend border infrastructure financing strategies to the Board
4. Establish closer SANDAG working relations with surrounding counties and Mexico
5. Advise Board on binational and interregional policy-level issues
6. Review and comment on regionally significant projects in adjoining counties

F. Public Safety Committee Membership and Responsibilities

The membership, authority and responsibilities for this committee are set forth in Board Policy No. 026.

G. Distribution of Meeting Materials

1. All agendas for meetings of the Board of Directors, Policy Advisory Committees, and all other SANDAG legislative bodies covered by the Brown Act (Government Code § 54950 et seq.) shall be posted on the SANDAG Web site and copies of such agendas will be available for viewing by the public in the SANDAG business office reception area.

2. All closed session items shall be provided to appropriate Board and/or Policy Advisory Committee members prior to the closed session. Closed session meeting materials will be sent in sealed envelopes and clearly labeled as confidential. If a representative will not be able to attend a meeting he/she should ensure the closed session materials are given to the appropriate alternate to review prior to the meeting. All closed session meeting materials must be returned to the Office of General Counsel at the end of the closed session.

H. Work Assigned to Staff

Requests for staff to perform work on a project that is not specified in the Overall Work Program or Budget shall only be conducted following approval by the Board if the work is estimated to exceed four hours of staff time.

Adopted January 2003
Amended November 2004
Amended January 2006
Amended December 2006
Amended December 2008
RULES OF PROCEDURE FOR BOARD OF DIRECTORS, POLICY ADVISORY
COMMITTEES AND OTHER LEGISLATIVE BODIES

This policy is intended to define and clarify Rules of Procedure for the Board and incorporate them in Board policy.

From time to time over the last 30 years the Board has utilized and amended rules of procedure. It is desirable to have these rules contained in Board Policy for ease of reference.

Procedures for the Board and Policy Advisory Committees

1. **Ordinances**

   1.1 Every ordinance shall be signed by the Chair of the Board, or for the comprehensive fare ordinance the Chair of the Transportation Committee, and attested by the Clerk of the Board.

   1.2 Upon the passage of an ordinance, the votes of the Board members or Transportation Committee members, as appropriate, shall be entered in the minutes.

   1.3 Ordinances shall not be passed within five days of their introduction, nor at any meeting other than a regular meeting. An urgency ordinance may, however, be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board or Transportation Committee members present, all ordinances shall be read in full at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

   1.4 The Clerk of the Board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the Board or Transportation Committee to be published at least once in a newspaper of general circulation in the SANDAG area of jurisdiction.

   1.5 The publication of an ordinance as required by this policy, may be satisfied by either of the following actions:

   1.5.1 Publication of a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by the Clerk of the Board and the Office of General Counsel. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the Clerk of the Board at least
five days prior to the meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, the Clerk of the Board shall publish a summary of the ordinance or amendment with the names of the Board or Transportation Committee members voting for and against the ordinance or amendment and the Clerk of the Board shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those members voting for and against the ordinance or amendment; or

1.5.2 If the person designated by the Board determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the Board or Transportation Committee so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the SANDAG area of jurisdiction shall be published at least five (5) days prior to the meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and prove information regarding, the adopted ordinance or amendment including information sufficient to enable the public to obtain copy of the complete text of the ordinance or amendment, and the name of those members voting for and against the ordinance amendment.

1.6 Ordinances and amendments shall take effect thirty (30) days after their final passage. Exceptions to this effective date are: 1. When the ordinance is for the immediate preservation of the public peace, health or safety, and contains a declaration of facts constituting urgency, and is passed by a two-thirds vote of the Board or Transportation Committee, the ordinance or amendment will take effect immediately; and 2. If otherwise provided by law.

2. Board Policies

2.1 Board policies shall be reviewed to determine if updates are needed no less often than every three years.

2.2 Once updated, policies shall contain a footer identifying the last date they were modified by the Board.

3. Public Comment & Public Hearings

3.1 Persons wishing to provide comment or testimony shall be permitted to address the Board or Policy Advisory Committee after submitting a written request to speak, identifying themselves and the agenda item on which they want to be heard. Ordinarily, each speaker will be allowed no more than three minutes. The Chair, however, may extend or limit the time for each presentation or may permit additional time to speakers representing a group of individuals or organizations to avoid duplicative testimony or for other reasons that are in the best interest of the Board or committee in the Chair’s discretion. Testimony must be limited to issues relevant to the agenda item.
3.2 Public comment on matters not on the agenda will be permitted on items of interest to the public that are within the subject matter jurisdiction of the Board or committee. Persons wishing to comment during the general public comment period must submit a written request in advance identifying themselves and the subject matter on which they wish to speak. The Chair may limit the time for each speaker. Ordinarily, each speaker will be allowed no more than three minutes.

3.3 The Board delegates authority to the Executive Director or higher delegate to act as the Hearing Officer at SANDAG public hearings that are not held during a meeting of a SANDAG legislative body. When a public hearing occurs before a Hearing Officer, the Hearing Officer shall accurately summarize all comments and information gathered from the public regarding the subject matter of the public hearing into the written records for the hearing, and forward those written records to the Board of Directors or other appropriate legislative body for review prior to the time designated for the relevant legislative body to render its recommendation or final decision.

3.4 The Hearing Officer’s written records regarding the public hearing must include, at least, the following elements:

3.4.1 An objective description of the subject matter of the public hearing.

3.4.2 A summary of public comments received by proponents and opponents of the hearing’s subject matter. The summary of public comments shall indicate the hour and minute when the public hearing was opened and closed.

3.4.3 A list of the notices that were published, mailed or World Wide Web-posted, including the date of mailing or publication, the name of any newspaper, address or website and a list of addresses and entities to which the notice was delivered. If multiple public hearings regarding the same subject matter are held throughout San Diego County, information regarding the notices and agendas for each public hearing shall be included in the Hearing Officer’s summary.

3.4.4 A copy of the agenda for the public hearing, including the time period during which public comment was heard. The agenda shall also list contact information for the transcriber attending the public hearing.

3.4.5 A reference to the location where an audio and/or video recording, or transcript of the public hearing is archived, and where all original written comments submitted to the Hearing Officer are available for viewing.

3.5 Before the Board of Directors or relevant legislative body takes action on the item that was the subject of a public hearing conducted by a Hearing Officer, it must properly notice a public meeting and allow additional public comment at the meeting.

3.6 By voting at the meeting, each voting member of the legislative body will be affirming that he or she has:
3.6.1 Thoroughly reviewed the Hearing Officer’s summary of, any minutes or transcript from, or listened to an audio or watched a sound video recording of, the public hearing(s); and

3.6.2 Given due consideration to any letters, e-mails, voicemails, or other comments submitted by the public that are part of the public hearing record.

3.7 If a voting member of a legislative body cannot attest that he or she has met the criteria listed in Section 3.6, he or she may participate in the discussion regarding the subject matter of the public hearing, and need not leave the Board’s chambers, but should not vote on the matter.

4. Standards of Conduct & Ethics Applicable to All of SANDAG Legislative Bodies

4.1 This policy shall be supplemental to the SANDAG Conflict of Interest Code and is not intended to supersede such Code or any provisions thereof. All Board and Policy Advisory Committee members, and all other members of committees or working groups covered by the Brown Act, including alternates, shall file a Statement of Economic Interests with SANDAG upon request by the SANDAG Office of General Counsel.

4.2 Each Board member and alternate occupies a position of public trust that demands the highest moral and ethical standards of conduct. All references to “Board members” in Section 4 of this Policy shall be read to include all Board and Policy Advisory Committee members, and all other members of committees or working groups covered by the Brown Act, including ex officio members and alternates.

4.3 Board members shall not engage in any business or transaction or have a financial or other personal interest, actual, potential, or apparent that is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of such duties. Such business, transaction, or interest shall constitute a conflict of interest.

4.4 Generally, no Board member shall engage in any enterprise or activity that will result in any of the following:

4.4.1 Using the prestige or influence of the Board office for private gain or advantage of the member or another person.

4.4.2 Using time, facilities, equipment, or supplies of the Board for the private gain or advantage of the member or another person.

4.4.3 Receiving or accepting money or other consideration from anyone other than the Board or another government agency for the performance of acts done in the regular course of duty.
4.4.4 Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the Board under circumstances from which it could reasonably be inferred that such was intended to influence such person in their duties or as a reward for official action.

4.4.5 Soliciting any gift or favor in the member’s official capacity, either directly or indirectly, when such solicitation might reasonably be inferred as to have a potential effect on the member’s duties or decisions, or when the individual’s position as a Board member would in any way influence the decision of the person being solicited.

4.5 Prohibited Interests

4.5.1 It is unlawful for any current SANDAG Board member to render a decision where a party to the decision has given the SANDAG Board member, promised to give the SANDAG Board member, or acted as an intermediary for the SANDAG Board member to have, an opportunity for compensation. For purposes of this section, opportunities for compensation provided to a SANDAG Board member include opportunities for compensation provided to the SANDAG Board member’s immediate family. When such an opportunity for compensation is provided to a member of the SANDAG Board member’s immediate family, the SANDAG Board member shall not participate in a decision involving a party to the decision unless the SANDAG Board member had no knowledge or involvement in securing the opportunity for compensation.

4.5.2 It is unlawful for any current SANDAG Board member to make, participate in making, or use his or her Board member position to influence a decision involving the interests of a person with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.

4.5.3 It is unlawful for any current SANDAG Board Member to be financially interested in any contract made by them in their Board member capacity. It is also unlawful for any contract to be made by SANDAG or any board or commission established by SANDAG if any individual member of the body has a financial interest in the contract.

4.5.4 Definitions

4.5.4.1 For purposes of the prohibitions set forth in this section, the term “financial interest” means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a noninterest prescribed in California Government Code section 1091.5, that would prevent SANDAG Board members involved from exercising absolute loyalty and undivided allegiance to the best interests of SANDAG.

4.5.4.2 For purposes of this section, “material financial effect” has the same meaning as that term is used in title 2, sections 18705 through 18705.5 of the California Code of Regulations.
4.5.4.3 For purposes of this section, "render a decision" means to take part personally and substantially in the project by rendering a decision, approval, or disapproval; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

4.5.4.4 For purposes of this section, "project" means any matter where a private business has made an application to SANDAG for discretionary funding or discretionary entitlements, or where SANDAG exercises discretion to enter into a lease, agreement, or contract with a private business.

4.5.5 Any SANDAG Board Member with a remote financial interest in a prospective contract of SANDAG must disclose the existence of the remote interest to the body of the board in which the SANDAG Board member is a member if that board has any role in creating, negotiating, reviewing, or approving the contract; and the SANDAG Board member must abstain from influencing or participating in the creation, negotiation, review, or approval of the contract.

4.5.6 It is unlawful for any SANDAG Board member to knowingly influence a decision of the SANDAG Board if it is reasonably foreseeable that the decision will have a material financial effect on:

4.5.6.1 the SANDAG Board member or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or any of the following economic interests:

4.5.6.1.1 any business entity in which SANDAG Board member or a member of SANDAG Board member’s immediate family has invested $2,000 or more; and

4.5.6.1.2 any business entity for which a SANDAG Board member or a member of the SANDAG Board member’s immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and

4.5.6.1.3 any real property which SANDAG Board member or a member of SANDAG Board member’s immediate family has invested $2,000 or more; and

4.5.6.1.4 any person from whom a SANDAG Board member or a member of the SANDAG Board member’s immediate family has received (or by whom you have been promised) $500 or more in income within twelve months prior to the decision; and
4.5.6.1.5 any person from whom a SANDAG Board member or a member of the SANDAG Board member’s immediate family has received gifts that total $300 or more within twelve months prior to the decision;

4.5.6.1.6 the personal expenses, income, assets, or liabilities of a SANDAG Board member or a member of SANDAG Board member’s immediate family.

4.5.7 Prohibitions Applicable to Former Board Members

4.5.7.1 It is unlawful for any former SANDAG Board Member who received compensation from SANDAG to render a decision on a particular project during his or her SANDAG service to engage in direct communication with SANDAG, for compensation, with regard to any pending application for discretionary funding or discretionary entitlements before SANDAG relating to that particular project on behalf of any person other than a public agency for a one year period immediately following the last payment from SANDAG to the Board Member.

4.5.7.2 It is unlawful for any former SANDAG Board member, for compensation, to knowingly counsel or assist any person other than a public agency in connection with an appearance or communication in which the former SANDAG Board Member is prohibited from engaging pursuant to subsection 4.5.7.1 for a one year period immediately following termination of service with SANDAG.

4.6 Lobbying and Campaign-Related Activities

4.6.1 It is unlawful for any SANDAG Board Member to engage in campaign-related activities, such as fund-raising, the development of electronic or written materials, or research, for a campaign for any elective office using SANDAG facilities, equipment, supplies, or other SANDAG resources. Nothing in this section, however, shall prohibit the use of SANDAG resources to provide information to the public about the possible effects of any bond issue or other ballot measure relating to SANDAG activities, operations, or policies, provided that:

4.6.1.1 the use of public resources is otherwise legally authorized; and

4.6.1.2 the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

4.6.2 It is unlawful for any former SANDAG Board Member to engage in direct communication for the purpose of lobbying SANDAG if all of the following circumstances apply:
4.6.2.1 the former SANDAG Board Member served as a SANDAG Board Member within the previous twelve months; and

4.6.2.2 the former SANDAG Board Member received compensation from SANDAG for his or her service as a SANDAG Board Member; and

4.6.2.3 the former SANDAG Board Member is receiving compensation from a private business to engage in the direct communication with SANDAG.

4.6.3 The prohibitions contained in 4.6.2 shall not apply:

4.6.3.1 to prevent a former SANDAG Board Member from making or providing a statement, based on the former SANDAG Board Member's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses;

4.6.3.2 to prevent any former SANDAG Board Member from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before SANDAG;

4.6.3.3 to the activities of any former SANDAG Board Member who is an elected or appointed officer or employee of any public agency, or a consultant of any public agency, when that former SANDAG Board Member is solely representing that agency in his or her Board Member capacity as an officer, employee, or consultant of the agency;

4.6.3.4 to any ministerial action. A ministerial action is one that does not require a SANDAG Board Member to exercise discretion concerning any outcome or course of action; or

4.6.3.5 to any individual who terminated status as a SANDAG Board Member prior to July 1, 2003, except that any such individual who returns to service as a SANDAG Board Member on or after July 1, 2003, shall thereafter be subject to the provisions of this section.

4.7 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item, and the Board will be making a decision regarding the agenda item during an open session meeting, the Board member must recuse himself or herself or, in the case of uncertainty, request a binding determination from the Board's legal counsel. If the Board member has a conflict, he or she may observe, but not participate, in the decision-making process.

4.8 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item to be discussed during a closed session meeting, the Board member must state that he or she has a conflict of interest and shall be
disqualified and shall leave the room during such discussion so as not to make, participate in making, or in any way attempt to use his or her official position to influence the decision or discussion. In the case of uncertainty, the Board member must request a binding determination from the Board’s legal counsel. In accordance with the Brown Act, any Board member who is disqualified shall be entitled to any information that is publicly reported. The Board member will not, however, be privy to any confidential or privileged information or communications pertaining to the closed session agenda item.

4.9 No Board member shall disclose to any person, other than members of the Board and other Board staff designated to handle such confidential matters, the content or substance of any information presented or discussed during a closed session meeting unless the Board authorizes such disclosure by the affirmative vote of a majority of the Board.

4.10 No Board member may disclose confidential or privileged information or communication to any person other than a Board member, counsel to the Board, or other Board staff designated to handle such matters, unless disclosure is mandated by law or the Board authorizes such disclosure by the affirmative vote of a majority of the Board.

4.11 Confidential or privileged information concerning threatened, anticipated, or actual litigation or claims will not be disclosed to a Board member if he or she has an actual, potential, or apparent conflict of interest. In the case of uncertainty as whether a conflict of interest exists, the Board’s legal counsel will issue a binding determination.

4.12 No Board member shall represent a position on an issue to be the Board’s position unless the Board has formally adopted such position at a public meeting.

4.13 Any violation of this policy shall constitute official misconduct if determined as such by an affirmative vote of the majority of the Board in an open and public meeting. The Board may elect to censure the Board member and the violation may be subject to criminal and/or civil penalties as provided for by applicable law.

4.14 All SANDAG Board or committee members (including alternates) who may receive any type of stipend, compensation, salary, or reimbursement for travel expenses from SANDAG must attend at least two hours of ethics training every two years. All such persons who hold office with SANDAG as of January 1, 2006, must complete their first course no later than January 1, 2007. The ethics training course materials must be approved by the Fair Political Practices Commission and Attorney General’s Office in compliance with the requirements of Government Code § 53234 et seq. Proof of attendance may be issued by SANDAG or any other local government agency providing an ethics training course that complies with these requirements.

4.15 Pursuant to Section 18944.1 and 18944.2 of Title 2 of the California Code of Regulations, the procedures below must be followed in order for a payment or gift (travel, tickets, seats at an event, food, etc.) to be considered a gift to SANDAG instead of to an individual SANDAG public official or designated employee. If this procedure is not followed, the public official or employee must disclose the gift or
4.15.1 The payment or gift (vouchers, tickets, check, etc.) must be given to the SANDAG’s Chief Deputy Executive Director. The Chief Deputy Executive Director or designee has the authority to determine and control the use of gifts to SANDAG. The Chief Deputy Executive Director or his/her designee cannot select himself or herself as the gift recipient.

4.15.2 The donor of the payment or gift may identify a purpose for the payment or gift, but the donor must not designate by name, title, class, or otherwise, the individual who will use the payment or gift.

4.15.3 The payment or gift must be used for official agency business.

4.15.4 SANDAG must report the payment or gift on a Form 801, post the form on the SANDAG Web site, and provide a copy of the form to the County of San Diego for filing with the California Fair Political Practices Commission within 30 days after use of the payment or gift.

4.15.5 The Clerk of the Board shall keep a log and copy of all Form 801s for a period of at least four years.

5. Additional Advisory Membership on Board

5.1 From time to time, the Board may determine it is in best interest of SANDAG to supplement the Board with additional members that can provide beneficial advice and information to the Board on matters of interest to the region.

5.2 The criteria for selection of additional advisory members shall be as follows:

5.2.1 Agency/group has land use or eminent domain authority;

5.2.2 Agency/group has regional authorities and responsibilities important to the SANDAG mission;

5.2.3 Membership by the agency/group would enhance SANDAG regional decision-making;

5.2.4 Agency/group desires representation, submits a written request, and commits to participation; and

5.2.5 Agency/group is able to agree on the form of representation and who will represent it.

6. Procedures Applicable to SANDAG Legislative Bodies Other Than the Board and Policy Advisory Committees

The Brown Act is a state law which governs open meetings for local governmental bodies. The Brown Act (also “Act”) is contained in the Government Code at § 54950 et seq., and establishes rules designed to ensure that actions and deliberations of public bodies of local agencies are taken
openly and with public access and input. The Brown Act governs the meetings of all local “legislative bodies,” that is, all multi-member committees and the like, of a local governmental agency such as SANDAG. Bodies created by ordinance, resolution, or formal action of the SANDAG Board or one of the Policy Advisory Committees are covered by the Act.

6.1 All of the SANDAG legislative bodies are required to comply with the requirements of the Act, including but not limited to the following:

6.1.1 Agendas for all regular meetings must be posted at least 72 hours in advance of the meeting and all meetings must be open to the public.

6.1.2 The Act applies whenever a majority of the voting members of the legislative body meet to discuss, deliberate or acquire information about a matter within the subject matter of the body.

6.1.3 A public comment period must be provided at each meeting.

6.1.3 The Act prohibits “serial meetings.” Serial meetings are a series of in-person meetings, phone calls, emails, or other types of communication that ultimately involve a majority of the legislative body to develop a consensus as to action to be taken on a matter coming before the body. This prohibition is based on the Act’s goal to ensure that the public’s business is in fact conducted in public. In addition, a third party cannot be used to communicate among the members to obtain a consensus; an intermediary cannot be used to accomplish the actions directly prohibited by the Act.

6.1.4 Secret ballots and anonymous voting are prohibited.

6.1.5 An attendance, registration, or sign-in sheet may be used at public meetings to document the presence of persons other than the members of the legislative body, however, the sheet must clearly state that its completion is voluntary and not a precondition for attendance.

6.1.6 Meetings may not be held in facilities that are inaccessible to disabled persons or in facilities that prohibit the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry or sex.

6.1.7 Meetings must be held within the County of San Diego, unless some exception under the Act applies. Questions regarding the applicability of the Act should be directed to the SANDAG Office of General Counsel.

6.1.8 The agenda must list all items that will be discussed or acted upon by the legislative body. That listing should be described in an informative way so that members of the body as well as members of the public understand the general nature of the agenda item and can make an informed decision whether to attend the meeting or not. The Act provides that this description need not exceed 20 words, but as many words as necessary to give adequate notice should be used.
6.1.9 Members may take action to add an item to the agenda of a regular meeting if, by two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, the body determines that there is a need to act immediately, that the body’s consideration of the matter cannot await the next meeting and that the need for immediate action arose after the posting of the agenda. This should only occur in very rare occasions, and the SANDAG Office of General Counsel should be consulted before relying on this exception.

6.2 In addition to the requirements of the Act, SANDAG legislative bodies must also comply with the following requirements:

6.2.1 Only the regular members, or in their absence, a designated alternate, may vote on action items. Seating or placards at meetings should be arranged so that it is clear which persons in the room are voting members, as compared to nonvoting members, alternates, speakers, or members of the public. Nonvoting members and alternates in attendance may participate in the body’s discussion, but may not vote.

6.2.2 The members of a legislative body may only designate an alternate if their service on the legislative body is based on their capacity as a representative of another group; members selected for their individual qualifications do not act as a representative of another group and may not designate an alternate.

6.2.3 A quorum shall be a majority of the voting members of a legislative body. A majority of the quorum must approve all actions taken by the legislative body.

6.2.3 Unless otherwise provided by the Board or Policy Advisory Committee, each legislative body should select a chair and vice chair by a vote of the majority of a quorum on an annual basis.

6.2.4 Roberts Rules of Order should be used by legislative bodies for guidance on procedural matters such as the making of motions and voting.

6.2.5 The chair of a legislative body may direct that comments from the public shall be limited to no more than three minutes per person. Comments from the public should be requested following introduction of each agenda item. Efforts should be made to make it clear to the members of the legislative body and audience when a comment is being made by a member of the public versus a member of the legislative body.

6.2.6 In the event a legislative body is having difficulty taking action on items due to lack of attendance to create a quorum, the legislative body may make a recommendation regarding changes to membership and seek approval of these recommendations from the Board or Policy Advisory Committee that created the legislative body.
6.3 The scope of topics within the jurisdiction of the legislative body shall be limited to those issues delegated to the legislative body by the Board or relevant Policy Advisory Committee.

6.4 Legislative bodies created by the Board or a Policy Advisory Committee do not have authority to take action on behalf of SANDAG, make a final determination on behalf of SANDAG, and/or take a position on behalf of SANDAG, unless that authority has been specifically delegated by an action of the Board.

6.5 The SANDAG Committee and Working Group Guidelines should be used for additional guidance.

6.6 New committees shall not be created by SANDAG staff without approval of either (1) the Board, (2) a Policy Advisory Committee, or (3) the Executive Director with the concurrence of the Chair of the Board. A Policy Advisory Committee or the Board must approve all charter or membership changes for committees that are created by ordinance, resolution, or formal action of the Board or one of the Policy Advisory Committees. An informational report shall be provided to the Board on an annual basis concerning the status of all standing and ad hoc committees and working groups.

6.7 Upon assuming office, the Chair of Board shall be provided with a list of all of the SANDAG legislative bodies that are not Policy Advisory Committees and the Chairs and Vice Chairs of those bodies. The Chair shall determine if a new Chair and/or Vice Chair should be appointed for these bodies and shall report any changes he/she wishes to make at a Board meeting. When making decisions concerning the Chair and Vice Chair appointments to legislative bodies, the potential appointee's participation at the Policy Advisory Committee reported to by the legislative body shall be taken into consideration.

Adopted June 2003
Amended November 2004
Amended January 2006
Amended December 2006
Amended December 2007
Amended December 2008
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM

The purpose of this policy is to establish an equal employment opportunity program for employees and contractors.

Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. The SANDAG administrative manuals, policies, and procedures mandate equal employment opportunities in recruitment, hiring, and employment for applicants to, and employees of, SANDAG. SANDAG also has separate written policies which forbid discrimination and provide grievance procedures for employees and visitors to SANDAG who believe they have been a victim of discrimination. In addition, SANDAG incorporates an EEO requirement in its contracts with third parties.

Procedures

1. EEO Program

   1.1 It is the policy of SANDAG to recruit, hire, train, and promote all applicants and employees in accordance with Title VII of the Civil Rights Act of 1964, as amended. SANDAG will ensure that recruiting, selecting, hiring, and promoting procedures do not adversely affect the employment of persons protected by Title VII and, in addition, that all SANDAG hiring and promoting criteria, requirements, and tests are job-related. Unless impracticable, SANDAG will adhere to the affirmative action provisions of Executive Order 11246, the Equal Employment Opportunity Guidelines, and all other applicable standards for affirmative action, taking into account its present size and expected growth.

   1.2 It is SANDAG policy to assure that discrimination based on race, color, religion, ancestry, national origin, gender, age (over 40 years), marital status, medical condition, sexual orientation, or disability does not occur in relationships that may exist between SANDAG and any employee or applicant for employment. Such relationships include, but are not limited to, recruitment, hiring, promotion, compensation, benefits, terminations, transfers, layoffs, recalls, or SANDAG-sponsored training, education, or social and recreational programs.

   1.3 It is SANDAG policy to require the contractors and consultants that it contracts with to have EEO policies in place that forbid discrimination in violation of Title VII.
SANDAG maintains a Disadvantaged Business Enterprises (DBE) Program that is approved annually by the California Department of Transportation. The DBE Program sets forth annual goals for participation by DBE businesses.

Responsibility for implementation of the EEO Program is assigned to the Director of Administration. All management personnel within SANDAG are expected to support and implement this EEO Program in performance of their job duties and responsibilities. Any employee or applicant who feels they have been discriminated against, has a right to file a complaint under SANDAG policies.

When developing and implementing its employment and contracting policies, SANDAG will base its decisions solely on the individual’s qualifications and merit, the evaluation criteria in the solicitation, and the feasibility of any necessary accommodations.

2. Procedures

2.1 The Director of Administration will review employment statistics annually to determine whether there is a need to set goals for any under-represented groups and then recommend goals to the Executive Director if necessary.

2.2 The Executive Director will approve or disapprove the Director of Administration’s recommendation(s) at his/her discretion.

2.3 The Director of Administration will update and maintain current contact lists of women’s and minority media, community resource organizations, community leaders, media sources, and colleges/vocational schools minority placement offices as needed, for the use of SANDAG staff in recruiting for employees, interns, consultants, and contractors.

2.4 The Director of Administration will communicate this EEO Program to all employees.

2.5 SANDAG staff will solicit community involvement by under-represented groups on issues of importance to the region that fall within its jurisdiction.

2.6 All of SANDAG requests for proposals, requests for qualifications, and invitations for bids will contain language encouraging participation by DBE consultants, contractors, and subcontractors.

2.7 Consultants and contractors awarded contracts with DBE Program goals will be required to submit Employment Utilization Reports with their invoices and/or a DBE Final Utilization Report with their final invoice.

2.8 The Director of Administration will maintain records on each job applicant recruitment efforts, new employees, each promotional opportunity, and employee termination data separations, which
documents whether the affected individuals are in a class protected by Title VII.

2.9 In January of each year, the Board of Directors will review an EEO report prepared by the Director of Administration, which covers the preceding year. The report will include employment results, DBE Program results, and a review of EEO Program goals for the upcoming year.

2.10 This EEO Program will be posted in the employee lounge and will be incorporated into the SANDAG employee Web site.

2.11 All employment ads and job postings will contain a reference that contain the following language: “SANDAG is an equal employment opportunity employer.”

2.12 Required federal and state posters concerning EEO will be displayed in the employee lounge.

2.13 All successful consultants and contractors will be notified of their obligations under the EEO Program in their contracts with SANDAG.

Adopted June 2003
Amended November 2004
Amended December 2005
Amended December 2006
Amended December 2008
LEGAL MATTERS

To establish procedures for the filing of claims and institution of claims and lawsuits, for obtaining the review and concurrence or comment from the Office of General Counsel on all requests to the Board for authority to file lawsuits in court, and for handling process servers or individuals serving other legal documents.

Under Public Utilities Code section 132354(a), SANDAG can sue or be sued. All claims for money or damages against SANDAG are governed by Part 3 (commencing with section 900) and Part 4 (commencing with section 940) of the Government Code (the Tort Claims Act). Government Code section 935 authorizes SANDAG to adopt local claims procedures for claims that are not governed by any other statutes or regulations. From time to time it may be necessary for SANDAG to initiate litigation in order to resolve issues of significant concern to SANDAG. The Board desires to have the concurrence or written review from the Office of General Counsel relative to the merits of such lawsuits prior to their consideration by the Board. For these reasons, it is necessary to establish these procedures.

Procedures

1. **Claims and Actions Against SANDAG**

   Any and all claims for money or damages against SANDAG must be presented to, and acted upon, in accordance with the following procedures. Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code 900 et seq.

   1.1 **Form of Claims**

   All claims must be presented to SANDAG using the form entitled “Claim Against SANDAG” available on the SANDAG’s Web site as an attachment to this Policy or upon request to the SANDAG Office of General Counsel.

   1.2 **Time Limitations**

   1.2.1 Claims for money or damages relating to a cause of action for death, injury to person or personal property, or growing crops, shall be presented to the Board not later than six (6) months after the accrual of the cause of action (Government Codes 905 and 911.2).

   1.2.2 Claims for money or damages as authorized in Government Code 905 that are not included in Paragraph 1 above shall be filed not later than one year from the date the cause of action accrues (Government Codes 905 and 911.2).
1.2.3 Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six (6) months after the accrual of the cause of action (Government Codes 905, 911.2, and 935).

1.3 Late Claims

1.3.1 Claims under "Time Limitations" Paragraphs 1.2.1 and 1.2.3 above, which are filed outside the specified time limitations, must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. If a claim is filed later than the specified time limitation and is not accompanied by an application to file a late claim, the Board or Executive Director may, within forty-five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action.

1.3.2 The application shall state the reason for the delay in presenting the claim. The Board or Executive Director shall grant or deny the application within forty-five (45) days after it is presented. By mutual agreement of the claimant and the Board, such forty-five (45) day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within forty-five (45) days, it shall be deemed to have been denied on the forty-fifth (45th) day unless such time period has been extended, in which case it shall be deemed to have been denied on the last day of the period specified in the extension agreement.

1.3.3 If the application to present a late claim is denied, the claimant shall be given notice as required by Government Code section 911.8 (Government Codes 911.3, 911.4, 911.6, 911.8, 912.2, and 935).

1.4 Delivery and Form of Claim

1.4.1 A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Executive Director or deposited in a post office, sub-post office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to SANDAG’s offices with postage paid (Government Codes 911.4, 915, and 915.2).

1.4.2 Claims must contain the information set forth in Section 910 and 910.2 of the Government Code (Government Codes 910, 910.2, and 910.4).

1.5 Notice of Claim Insufficiency

The Executive Director shall cause all claims to be reviewed for sufficiency of information. The Executive Director or designee may, within twenty (20) days of receipt of claim, either personally deliver or mail to claimant a notice stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least fifteen (15) days after such notice is sent (Government Codes 910.8, and 915.4).
1.6 Amendments to Claim

Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

1.7 Action on Claim

1.7.1 If the Board acts properly to reject the claim, the claimant has only six (6) months from such rejection to institute a lawsuit. If the Board takes no action, the claim is deemed rejected after forty-five (45) days from SANDAG’s receipt of the claim, but the claimant has two (2) years to institute a suit against the SANDAG. The notice of rejection must comply with requirements of Government Code 913 unless the claim has no address on it.

1.7.2 If the claim is filed late and not accompanied by an application for leave to present a late claim, then the Board or its agent must notify the claimant that no action was taken due to the claim being filed late.

1.7.3 Within forty-five (45) days after the presentation or amendment of a claim, or upon such further time as may be allowed pursuant to Government Code 915.2, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the forty-five (45) day period or before legal action is commenced or barred by legal limitations. The Executive Director or designee shall transmit to the claimant a notice of action taken. If no action is taken by the Board, the claim shall be deemed to have been rejected (Government Code 945.6).

1.7.4 The Board delegates to the Executive Director the authority to take action on claims under one hundred thousand dollars ($100,000) (Government Code 935.4).

1.8 Retroactivity of This Policy

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages. Any claim filed later than twelve (12) months following accrual of the cause of action is barred, regardless of whether the cause of action accrued before the effective date of this policy. (First Adopted by Board Resolution March 22, 2002.)

2. Claims & Actions Initiated by SANDAG

It is the policy of the Board that except as may be otherwise determined by the Board, prior to Board authorization and direction to the Office of General Counsel to file a lawsuit in court, the Office of General Counsel shall be consulted as to the merits of such a lawsuit. Any request or recommendation for authorization and direction from the Board to the Office of General Counsel to file a lawsuit in court shall be accompanied by written views of the Office of General Counsel with regard to the merits of the case, provided however, that the Office of General Counsel may, in lieu of such written concurrence or written views, request that the matter be discussed with the Board in Closed Session. As part of this
attorney-client review, all requests or recommendations on potential lawsuits will be reviewed for comment by the Executive Director prior to being submitted to the Office of General Counsel.

3. **Legal Counsel for SourcePoint and ARJIS**

SANDAG shall provide legal counsel to SourcePoint and the Automated Regional Justice Information System Joint Powers Agency (ARJIS) to the extent time allows, and as long as no potential conflict of interest exists. In general, SANDAG’s Office of General Counsel should ensure consistent legal treatment of all matters. In areas involving a need for special expertise, substantial time commitments, or separate counsel, SANDAG, on behalf of SourcePoint or ARJIS, may contract with an outside firm and SourcePoint or ARJIS will pay for those services out of its own funds. Such contracts shall be reported to the SANDAG Board.

4. **Acceptance of Garnishments, Wage Attachments, Summons & Complaints**

4.1 The SANDAG Office of General Counsel will accept service of a summons and complaint upon SANDAG and/or any Board members being sued in his or her official capacity as a member of SANDAG’s Board of Directors.

4.2 In compliance with California Civil Code of Procedure 415.20, SANDAG will also accept service of a summons and complaint upon one of its employees at its offices under the substituted services of process method provided for in that statute.

4.3 Whenever SANDAG, as employer, is served with a garnishment and wage attachment, the server should be instructed to present such document to SANDAG’s Office of General Counsel.

5. **Execution of Litigation or Alternative Dispute Resolution Documents**

5.1 All pleadings, discovery, and other documents that are filed with a court, arbitrator, or other alternative dispute resolution authority on behalf of SANDAG shall be signed by the Office of General Counsel and/or the Executive Director or his/her designee.

Adopted June 2003
Amended November 2004
Amended December 2006
Amended December 2008
TO THE HONORABLE BOARD OF DIRECTORS OF THE SAN DIEGO ASSOCIATION OF GOVERNMENTS:

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. NAME OF CLAIMANT: ___________________________________________________________
   ADDRESS OF CLAIMANT: _________________________________________________________
   PHONE NO.: HOME WORK

2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:

3. Occurrence or event from which the claim arises:
   a. DATE: _____________________
   b. TIME: _____________________
   c. PLACE (exact and specific location):
   d. Specify the circumstances of the occurrence, event, act or omission which you claim caused the injury, damage or loss (use additional paper if necessary):
   e. State how or in what manner SANDAG or its employees were at fault:

4. Give a description of the injury, property damage or loss incurred so far as is known at the time of this claim. If there were no injuries, state "no injuries." (If your claim involves a vehicle, include license, year, make and model.)
5. Give the name(s) of the SANDAG employee(s) causing the injury, damage or loss, if known:

6. Name and address of any other person injured:

7. Name and address of the owner of any damaged property:

8. Damages claimed:
   a. Amount claimed as of this date: $ ____________________
   b. Estimated amount of any future costs: $ ____________________
   c. Total amount claimed: $ ____________________
   d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.):

9. Names and addresses of all witnesses, hospitals, doctors, etc.

10. Any additional information that might be helpful in considering claim:

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM
(Penal Code § 72; Insurance Code § 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this ____ day of ____________________ 20__
at_________________________________________________

Claimant’s Signature:_________________________________________________________________________
TRAVEL EXPENSES

This policy is intended to establish a basis for budgeting Board member and employee attendance at conferences, training, seminars, or other meetings and provide guidelines for Board members and employees who have been approved to travel on behalf of SANDAG.

It is desirable and beneficial to SANDAG and its constituents to have Board members and employees participate in state and national activities, training, and conferences related to SANDAG’s subject matter jurisdiction.

Procedures

1. **Budgeting**

   1.1 Each year the Executive Director will survey the Board and committee (Board) members to ascertain their interest in attending upcoming conferences and meetings. These conferences may include legislative and annual meetings for the California Transit Association, the American Public Transit Association, and the National Association of Regional Councils, as well as California Transportation Commission meetings and legislative hearings. The Chair of the Board will make the final decision regarding who should attend all conferences and meetings. Upon return, Board members will be asked to present their experiences to the Board in order to share the knowledge obtained from their attendance.

   1.2 Employees also may attend conferences related to their respective disciplines. **Employees also may attend conferences related to their respective disciplines. Each year, the department directors will submit a list of desired conferences and other meetings to be attended to the Executive Director. The Executive Director will make the final decision regarding which employees should attend conferences and meetings within the adopted budget. Upon return, employees will submit a report to their director in order to share the knowledge obtained from their attendance.**

   1.3 Board member and employee attendance will be funded in the annual budget subject to the availability of funds and based on the results reported by previous attendees. As part of the budgeting process, the Executive Director or his/her designee will set objectives to ensure minimum representation at key conferences, and to make sure that cumulative attendance by Board members and employees at any one conference is not excessive.

   1.4 The number of Board members or committee members attending any conference or meeting should not exceed a quorum unless this provision is specifically waived by the Board after seeking advice from legal counsel.

   1.5 Basic travel arrangements for flights, hotels, and rental cars will be made by the Clerk of the Board or other designated staff. Board members and employees are
responsible for contacting the Clerk of the Board or the designated staff if itinerary changes are needed. Board members or employees desiring different travel arrangements will contact the Clerk of the Board or other designated staff to place her/him on notice and will be financially responsible for any costs over and above those determined by SANDAG’s travel agent for the basic trip.

1.6 If a Board member or employee initiates a change in travel plans that is not due to a medical/death emergency by the Board member or employee, or his/her immediate family, then the Board member or employee will be responsible for the cost impacts of those changes.

1.7 Employees must fill out a travel request form prior to traveling out of San Diego County on SANDAG business. The project code, purpose of travel, and trip budget must be filled in on the form. The form must be approved by a department director prior to the time of travel, unless a department director is the traveler, in which case the Chief Deputy Executive Director must approve the travel. The Clerk of the Board or Executive Assistant will fill out the top portion of the travel request form for Board members. The expense report must document that expenses meet existing SANDAG policy. All documents related to reimbursable expenditures are public records subject to disclosure under state and federal law.

1.8 Penalties for falsifying expense reports include, but are not limited to the following:

1.8.1 Loss of reimbursement privileges
1.8.2 Restitution to SANDAG
1.8.3 Civil penalties for misuse of public resources
1.8.4 Prosecution for misuse of public funds
1.8.5 Disciplinary action for employees

2. Out-of-Town Travel Expense Reimbursement

2.1 The lower portion of the travel request form must be used by Board members and employees to record actual trip expenses. The report must be completed within one week from the return date. For employees, the actual expenses must be approved by a department director unless a department director is the traveler, in which case the Chief Deputy Executive Director must approve the expenses. For Board members, the actual expenses must be approved by the Chief Deputy Executive Director. The form should then be forwarded to the Finance Department for processing, with a personal check attached for any funds due to SANDAG. Failure to submit expense reports within the required time frame may result in the traveler not being reimbursed or collection action being taken if money is owed to SANDAG. Late expense reports must be approved by the Chief Deputy Executive Director.

2.2 All expenses should be itemized, including items SANDAG may have paid for in advance so that the report provides a complete record of expenses. It is the traveler’s responsibility to submit a completed report in order to receive prompt reimbursement.
2.3 Receipts for expenditures must be attached to the expense report for all expenses where a receipt is practicably attainable. A receipt is mandatory for all expenses in excess of $10 unless a written satisfactory explanation is provided. Such written explanations are subject to approval by the Finance Department.

2.4 Travel advances may be requested. Any travel advance shall not exceed the total estimated amount of the trip, minus any items prepaid by SANDAG, such as airfare and registration.

2.5 Board members and employees will be reimbursed for reasonable travel expenses up to the reimbursement amounts stated in IRS Publication 1542, as updated by the IRS. The expenditure guidelines in IRS Publication 1542 should be observed as upper limits unless the circumstances dictate otherwise and the expense is approved by a department director or the Chief Deputy Executive Director. Notwithstanding the foregoing, travel to Sacramento, California and Washington, D.C. will be reimbursed up to a maximum daily rate of $300 per day for lodging and food expenses instead of the amounts listed in IRS Publication 1542.

2.5.1 Air Travel - Air travel is to be coach class for the most direct route. Travelers are encouraged to book at least 21 to 14 days in advance to qualify for the lowest airfares. SANDAG will cover the cost if it is more cost-effective (i.e., difference in airfare as compared to the additional cost for hotel and meals) to include a Saturday stay. Travelers should consider this option, when practical.

2.5.2 Personal Auto Use - In the event that a private auto is used for the trip, mileage shall be paid at the currently established Internal Revenue Service rate. Maximum reimbursement shall not exceed the cost of using a rental car, train, or commercial airline to reach the same destination.

2.5.3 Ground Transportation - In using surface transportation, the least expensive alternative must be utilized where practical. For example, an airport shuttle should be used instead of a taxi. Such transportation should be used for travel to and from the airport and for reasonable business-related trips at the location.

2.5.4 Parking - SANDAG will reimburse the lesser of the parking cost for a personal auto left at the airport or the cost of a shuttle service or cab to and from the airport.

2.5.5 Personal Travel - If a traveler wishes to combine SANDAG travel with personal travel, or to travel with family members, the traveler may do so, provided that it does not exceed the cost equivalent of a single-person trip.

2.5.6 Rental Car - Use of rental cars must be pre-approved. SANDAG will only reimburse for the cost of renting the least expensive size vehicle necessary for the number of people traveling. SANDAG will not reimburse for rental car insurance coverage because employee are included under SANDAG general automobile insurance coverage.
2.5.7 Meals – SANDAG will pay for meals while the traveler is in travel status.

2.5.8 Business Meals – Reasonable business meals involving outside persons or when necessary to conduct SANDAG-related business are permitted. All such meals must be itemized with justification on the Expense Report to determine if eligible for reimbursement.

2.5.9 Hotel – Travelers will be reimbursed for the cost of a moderate and reasonably priced single occupancy hotel room. Travelers should request the “government rate” when making hotel reservations. If a hotel stay is needed in connection with a conference or other education activity, lodging costs shall not exceed the maximum group rate published for the conference. If the group rate is not available, the traveler must use comparable lodging.

2.5.10 Other Business-Related Expenses – Other business-related expenses that arise when traveling such as supplies, equipment rental, reprographics, facsimiles, and other documented business-related expenses may be reimbursed when traveling on SANDAG business and used for SANDAG purposes.

2.5.11 Travel Outside of the U.S. – Reimbursement for travel to a foreign country will be calculated at the average exchange rate during the trip as posted by the Federal Reserve. All reimbursement for any Value Added Taxes (VAT) charged for hotel accommodations must be reimbursed to SANDAG.

2.5.12 Telephone Calls – Reimbursement for telephone calls made while traveling are permitted, provided that such calls are directly related to SANDAG business. Personal calls are permitted to a maximum of $10 per day. Calls charged to personal calling cards or wireless phone accounts may be submitted for reimbursement no later than thirty days for the time that the expense report is submitted.

2.5.13 Registration – Travelers requesting to attend a conference or training that requires registration should do so in sufficient time to take advantage of any discounts.

2.5.14 Cancellation Penalties – In the event that registration, airfare, hotel deposit, or similar items that require prepayment are paid and nonrefundable and the traveler is unable to attend, then the traveler will be responsible for reimbursing SANDAG for all prepaid amounts, unless the inability to attend is for valid medical reasons or personal emergencies, as approved by the Executive Director for employees or the Executive Committee for Board members.

2.5.15 Nonallowable Expenses – SANDAG will not provide any reimbursement for personal entertainment expenses, travel expense for family members, movies in hotels, personal items, charitable contributions, alcohol, air travel insurance, or any other expenses not deemed necessary for business purposes. SANDAG also will not provide reimbursement for the purpose of
attending political events or for expenses incurred with any private club that discriminates on the basis of race, gender, religion, sexual orientation, disability, or any other discriminatory criteria in its membership policy.

3. **Local Expense Reimbursement**

3.1 Expense reports must be submitted that record any potentially eligible expenses. The form must be submitted together with all receipts and should be submitted within thirty days of the expense being incurred. The report must describe the item or the destination (if mileage reimbursement is requested) and the purpose. The traveler should indicate which project number each item should be charged to.

3.2 Expenses are eligible for reimbursement if they are related to and necessary to carrying out SANDAG business. They may include, but are not limited to: phone calls, business meals or meetings, mileage, parking, and miscellaneous out-of-pocket expenses. The Director of Finance or Executive Director may disallow any extraordinary or inappropriate expense. Whenever possible, travel should be by public transportation.

3.3 All necessary approvals must be obtained in advance and the form must be submitted to the Finance Department for processing. Reimbursement will ordinarily occur within thirty days.

Adopted June 2003
Amended January 2006
Amended December 2006
Amended December 2008
PROCUREMENT OF SERVICES

Pursuant to Public Utilities Code section 132352.4, the following statutory requirements apply to procurements of services. If the estimated total cost of required services exceeds one hundred thousand dollars ($100,000), the services will not be performed by another government entity, and the services are not within the category of services defined in Section 4525 of the Government Code, SANDAG must solicit bids in writing and award the work in a competitive procurement process that is in the best interest of SANDAG. Services defined in Section 4525 include: architectural, landscape architectural, engineering, environmental, land surveying services, and construction project management services, as those terms are defined in Government Code section 4525 (hereinafter “Section 4525 Services”). If Section 4525 Services with a contract value in excess of $50,000 must be procured or the contract will be funded with federal money SANDAG will make the procurement pursuant to the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code. SANDAG must use the procedures of the Brooks Act if federal funds are used and the services are architectural or engineering in nature (hereinafter “A&E Services”). Contracts that do not exceed these statutory limitations may be procured using simplified procedures. All references to the Executive Director in this policy also apply to the Executive Director’s designee.

Procedures

1. Micro Purchase Agreements ($3,000 or less). These procedures apply to the procurement of all services.
   1.1 For purchases below $3,000 a micro purchase procurement method may be used. A micro purchase is a noncompetitive purchase technique; however, the price of the item must still be fair and reasonable.
   1.2 There should be equitable distribution among qualified service providers in the local area and no splitting of procurements to avoid competition.
   1.3 A bid is only required from the vendor of choice and a purchase order, invoice, or simple letter agreement may be used instead of the standard services agreements.

2. Small Purchase Agreements ($3,001 - $100,000). These procedures apply to the procurement of all services excluding Section 4525 Services.
   2.1 If the estimated value of the contract is $100,000 or less, staff may select a qualified proposer whose proposal is most advantageous to the Board, price and all other factors considered, with the approval of their division director or department director.
   2.2 The Executive Director shall determine the selection procedure for contracts valued between $3,002 and $100,000 to distribute work in a fair and equitable manner. Prior approval of the selection procedure shall be obtained from the applicable level
of management. An informal competitive process shall be followed with price, rate quotations or best value obtained from an adequate number of qualified sources to ensure that SANDAG is obtaining a fair and reasonable price. The informal competitive process must be documented by staff. In obtaining price or rate quotations, a scope of work shall be developed and supplied to all bidders.

3. Major Service Agreements ($100,001 and greater). These procedures apply to the procurement of all services, except Section 4525 Services, of $100,001 or more and procurement of Section 4525 Services in excess of $302,501.

3.1 Normally, a "one-step" selection procedure will be used for service contracts in excess of $100,000. The "one-step" competitive process is as follows:

3.1.1 Firms shall submit a response to a SANDAG Request for Proposals (RFP) or Request for Qualifications (RFQ). The RFP/RFQ shall include:

3.1.1.1 Pass/fail criteria to be used as an initial screening of responses. Such criteria shall include, but not be limited to, insurance requirements, licensing, and any other consideration which would make the proposer ineligible to perform the work.

3.1.1.2 All evaluation factors and their relative importance.

3.1.1.3 The standard contract language that the successful proposer will be required to comply with, including applicable federal clauses and certifications.

3.1.2 Notice of the professional services required shall be published at least once in a newspaper of general circulation in San Diego County and in one or more Disadvantaged Business Enterprises (DBE)/Small business directed newspapers and in such other minority or community newspapers as appropriate in San Diego County, at least three weeks before the proposal due date. The notice shall state that SANDAG is interested in receiving responses from qualified firms, and indicate how additional information can be obtained, and the time and place for receiving responses.

3.1.3 Notice shall also be sent to firms or individuals previously known to be interested in providing the required services, including small and emerging businesses on SANDAG various interested party lists, and to appropriate DBE firms or individuals listed in the SANDAG vendor database and the California Unified Certification Program (CUCP) Database.

3.1.4 Responses to an RFP/RFQ shall list all proposed subconsultants and subcontractors, their area of the work, and identify which of them are certified DBEs.

3.1.5 Responses to an RFP/RFQ shall include a detailed cost estimate.

3.1.5.1 For Section 4525 Services, separately bound or sealed cost proposals shall be submitted as part of the process and shall not be opened
until after the evaluation committee has ranked the proposers. Cost proposals shall be excluded as an evaluation factor and will only be used by the Executive Director, when negotiating within the prescribed budget, except as provided in 3.1.5.2 below.

3.1.5.2 For all other services, the cost proposal shall be submitted along with the technical proposal and will be used as an evaluation factor by the evaluation committee.

3.1.6 The responses shall be evaluated by an evaluation committee. The evaluation committee should consist of SANDAG staff and at least one person from outside the agency.

3.2 The top-ranked firm(s) shall then be interviewed, if deemed necessary. The final list of qualified firms shall be based on the response to the RFP/RFQ, references, the interview, and other relevant factors. Selection may be based on a best value determination. “Best value” means a value determined by objective criteria and may include, but is not limited to, price, features, functions, life-cycle costs, and other criteria deemed appropriate by SANDAG. The project manager will summarize the findings of the evaluation committee in a recommendation memo to the Executive Director. The memo shall include the evaluation committee’s recommendation for negotiations with one or more firms in the competitive range.

3.2.1 The Executive Director will approve or reject the recommendation based upon information provided by the evaluation committee, and other factors as deemed appropriate, including, but not limited to, qualifications, ability to meet schedule and budget, cost of work, meeting insurance requirements, and DBE participation for federally funded projects. The Executive Director may also interview one or more of the firms prior to making a selection.

3.2.2 Approval by the Executive Director of the recommendation shall be deemed approval to enter into negotiations with one or more firms in the competitive range.

3.2.2.1 For contracts for Section 4525 Services, the separately submitted cost proposal shall be used as a basis for negotiation. Negotiations will be conducted by the Executive Director, and can include factors other than cost, such as staffing levels, project schedule, etc. Should negotiations fail, the Executive Director, will enter into negotiations with the next ranked firm. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the Executive Director. Only the cost proposal of the firm in negotiations shall be opened. At the end of the process, all unopened cost proposals shall be disposed of or returned unopened to the respective companies via certified mail. Alternatively, companies may, at their option, arrange to pick up their sealed cost proposals in person by contacting the SANDAG Contract Administrator.
3.2.2.2 For all other service contracts, the cost proposals from the firm(s) in the competitive range shall be used as a basis for negotiation. Negotiations will be conducted by the Executive Director, and can include factors other than cost, such as staffing levels, project schedule, etc. If negotiations are only conducted with one firm and those negotiations fail, staff will enter into negotiations with the next ranked firm. If negotiations are conducted with more than one firm in the competitive range, then staff may attempt to obtain the most favorable terms by negotiating with all of the firms. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the Executive Director.

3.3 For those services that are able to be defined with a very explicit scope of work containing detailed, straight-forward specifications that will allow consistent responses (i.e., freeway service patrol services contracts), proposers will be considered qualified or not qualified based on predetermined criteria. Cost proposals will then be opened for those proposers considered qualified and the consultant with the lowest bid will be awarded the contract. The department directors will determine whether the nature of any of the services within their purview lend themselves to using this low bid procedure.

3.4 If desired, a “two-step” selection process may be followed, as follows:

3.4.1 Letters of Interest/Statements of Qualifications (LOIs/SOQs) shall be solicited from the current SANDAG consultant list for the particular services specialty.

3.4.2 Notice of the professional services required shall be published at least once in a newspaper of general circulation in San Diego County and in one or more DBE/Small business directed newspapers and in such other minority or community newspapers as appropriate in San Diego County, at least three weeks before the proposal due date. The notice shall state that SANDAG is interested in receiving LOIs/SOQs from qualified firms, and indicate how additional information can be obtained, and the time and place for receiving responses.

3.4.3 Requests for LOIs/SOQs may be sent to firms or individuals previously known to be interested in or capable of providing the required services. Reasonable effort shall be made to send requests to minority firms known to be capable of providing the required services.

“Pass/fail” criteria will be established by staff and clearly stated in the LOI/SOQ to be used as a screening of responses. Such criteria shall include, but not be limited to: adherence to project budget, insurance requirements, and DBE participation.

3.4.4 An evaluation committee will be formed, which should consist of SANDAG staff and at least one person from outside the agency.

3.4.5 The evaluation committee will evaluate the SOQs and the project manager will prepare a memo to the Executive Director summarizing the evaluation
committee’s findings and recommending one or more qualified firms to be invited to receive an RFP. Following approval by the Executive Director, staff shall then issue an RFP to the qualified firm(s). The RFP shall include all evaluation factors and their relative importance and the contract that the successful proposer will be expected to execute (including all applicable federal clauses and certifications).

3.4.6 From this point, the steps above for a one-step procurement should be followed.

4. Compliance with Brooks Act Provisions for Federally Funded Contracts. If federal funds are used and the services are A&E in nature, SANDAG shall comply with the provisions of the Brooks Act.

5. Other Than Full and Open Competition - Non-Competitive Procurements - Sole Source (More than $2,500)

Normally, SANDAG will utilize a full and open competition when soliciting bids or proposals for procurements in excess of $100,000. Under certain circumstances, however, a procurement may be justified that does not utilize full and open competition. These procurements are known as limited competition procurements. When less than full and open competition is used, SANDAG shall solicit offers from as many potential sources as is practicable under the circumstances. Noncompetitive procurement is known as sole source procurement. Noncompetitive and limited competition procurements shall only be permitted when the conditions below are met.

5.1 When the project will be paid for in whole or in part by federal funds one of the conditions set forth below must be met:

5.1.1 Unique Capability or Availability. The services are only available from one source. Services are only available from one source if one of the conditions described below is present:

5.1.1.1 Unique or Innovative Concept. Staff can demonstrate that the service consists of a unique or innovative concept or capability not available from another source. Unique or innovative concept means either a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to SANDAG only from one source and has not in the past been available to the recipient from another source; or

5.1.1.2 Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.

5.1.2 Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
5.1.3 Unacceptable Delay. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling SANDAG’s needs.

5.1.4 Single Bid or Proposal. Upon receiving a single bid or proposal in response to a solicitation, if staff determines that competition was adequate based on a review of the specifications for undue restrictiveness and/or a survey of potential sources that chose not to submit a bid or proposal.

5.1.5 Unusual and Compelling Urgency. SANDAG may limit the number of sources from which it solicits bids or proposals if staff documents that such an unusual and urgent need for the services exists that SANDAG would be seriously injured unless it were permitted to limit the solicitation. SANDAG also may limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the services.

5.1.6 Contractual Agreement. With some exceptions, when an agency awards a grant agreement or enters into a cooperative agreement with SANDAG for a project in which the funding agency has approved the participation of a particular firm or combination of firms in the project work, the grant agreement or cooperative agreement constitutes approval of those arrangements.

5.1.7 Circumstances authorized by Federal Acquisition Regulation Part 6.3 or the federal Common Grant Rules. Examples include a statutory authorization or requirement, compliance with Department of Transportation (DOT) appropriations laws that include specific statutory requirements, with the result that only a single contractor can perform certain project work.

5.1.8 National Emergency. To maintain a facility, producer, manufacturer, or other supplier available to provide supplies or services in the event of a national emergency or to achieve industrial mobilization.

5.1.9 Research. To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.

5.1.10 Protests, Disputes, Claims, Litigation. To acquire the services of an expert or neutral person for any current or anticipated protest, dispute, claim, or litigation.

5.1.11 International Arrangements. When precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or when prohibited by the written directions of a foreign government reimbursing the recipient for the cost of the acquisition of the supplies or services for that government.
5.1.12 National Security. When the disclosure of SANDAG’s needs would compromise the national security.

5.1.13 Public Interest. When SANDAG staff documents that full and open competition in connection with a particular acquisition is not in the public interest.

5.1.14 When Prohibited. Less than full and open competition is not justified under any circumstance based on:

5.1.14.1 Failure to Plan. Lack of advance planning.
5.1.14.2 Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, expiration of Federal assistance previously available for award).

5.1 Also known as sole source acquisitions, these shall only be permitted when the conditions below are met.

5.2 When the acquisition will be paid for in whole or in part by federal funds, one of the following conditions must be met:

5.2.1 There is an urgent need for the service due to an emergency or some other exigency that will not permit a delay resulting from competitive solicitation. Examples of such need include a danger to the public or loss of use of a transportation facility used by the public.

5.2.2 Staff solicited competitive bids and was unable to obtain a responsive bid from a responsible bidder.

5.2.3 The grantor agency providing funds for the project has approved sole source acquisition.

5.2.4 The service is only available from a single source.

5.3.15.2 When there are no federal funds involved one of the following additional factors may be utilized to justify a limited competition or sole source acquisition:

5.3.15.2.1 There is only one consultant capable of providing the services because the services are unique or highly specialized.

5.3.15.2.2 The services should be purchased from a particular consultant in the interest of economy or efficiency as a logical follow-on to services already in progress under a competitively awarded contract.

5.3.15.2.3 The cost to prepare for a competitive procurement exceeds the cost of the services.

5.3.15.2.4 The services are essential to maintain research or operational continuity.
The service is one with which staff members who will use the deliverables have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.

6.6 General Conditions

6.1 In the event that circumstances dictate other than the processes indicated above for procurements that will exceed $100,000, prior Board concurrence shall be obtained following submittal of a written statement by staff setting forth the reasons for not pursuing all or part of any of the processes.

6.2 Where proposals received are deemed inadequate by the Executive Director, the Board may authorize a negotiated contract with a recommended firm based on a newly approved scope of services, performance schedule, and/or instructions and conditions.

6.3 The Executive Director is not required to make a contract award if he/she determines that the proposals received or contract terms negotiated by SANDAG staff are not in the best interests of SANDAG.

6.4 The Executive Director may approve contract amendments that exceed the project budget totaling up to $100,000 that are necessary to complete services originally contemplated subject to the limitations set forth in Section 12.2 of this policy. The Board will be notified of all such amendments. Contract amendments that will cause the project budget to be exceeded by more than $100,000 or those contemplating a significant change in the original scope of services must be processed in accordance with the SANDAG procurement manual and policies.

6.5 For purchases in excess of $2,500 involving federal funds, all applicable federal requirements and certifications must be attached to the purchase order or contract. For purchases that exceed $50,000, a contract may be used in order to ensure provisions are included to protect the interests of SANDAG.

6.6 The Board’s Equal Employment Opportunity Program will be incorporated by reference in all services contracts. The Board’s Disadvantaged Business Enterprise (DBE) Program shall be incorporated by reference in all services contracts that are federally funded. DBEs shall have every possible opportunity to participate in the procurement of services as set forth in the Board’s DBE program.

7.7 Conflicts of Interest

7.1 A consultant is eligible for award of service contracts by SANDAG so long as the contract in question does not create an actual, potential, or apparent conflict of interest. A prohibited conflict of interest exists when a firm is or may be unable to render impartial, objective assistance or advice to SANDAG or where a firm would receive an unfair competitive advantage. Prohibited conflicts of interest include, but are not limited to, the following situations:
7.1.1 Any firm that provides design services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract to construct the improvements, which are the subject of the design services.

7.1.2 Any firm, except for General design/Engineering Consultants, for a design-bid-build project that provides design services to SANDAG will be ineligible for award of any contract to provide construction management services resulting from the specific project for which design services were provided.

7.1.3 Any General design/Engineering Consultant for a project is eligible for award of a contract to provide the following general construction management services for that project so long as a SANDAG employee will oversee the project and make all final decisions and approvals: Office Engineer, Assistant Resident Engineer, Inspector, and Administrative/Clerical Assistant. General design/engineering consultants for a project are not eligible for award of a contract to provide the following construction management services for that project: Project Manager and Resident Engineer.

7.1.4 Any firm that provides construction management services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract for which construction management services were or will be provided.

7.1.5 SANDAG shall not contract with, and will reject any bid or proposal submitted by, the following persons or entities, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:

7.1.5.1 Persons employed by SANDAG;

7.1.5.2 Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners or major shareholders;

7.1.5.3 Persons who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; or

7.1.5.4 Profit-making firms or businesses in which the former employees described in subsection 7.1.5.3 serve as officers, principals, partners or major shareholders.

7.2 General consultants or subconsultant firms may provide services on other SANDAG projects. A consultant shall not, however, participate in the review and analysis of, or render opinions regarding, its work performed on other SANDAG projects or as limited in this section. Unless otherwise defined by the Executive Director, a general consultant is a consultant whose procurement is typically for a two-year period with an option for one or more one-year option extensions to provide services as needed for
various assigned projects from time to time on a work order or task order basis, rather than for one specific predefined project. General consultants support SANDAG staff in managing other SANDAG consultants. General consultants are prime consultants to SANDAG. Subconsultants to general consultants are not classified as general consultants. General consultant procurements are identified as such during the RFP process.

7.3 A Notice of Potential for Conflict of Interest shall be included within any RFP for services issued by SANDAG. The Notice shall be the policy of the Board as listed herein. Any major service agreement issued in accordance with this policy shall include or make reference to the policy listed herein.

7.4 A “firm” shall be defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company, construction management company, and the construction company.

7.5 “Ineligible” firms shall include the prime consultant for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.

7.6 If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will, upon written request, provide a written ruling. This procedure is encouraged prior to submittal of proposals or bids. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the Executive Director within five calendar days of notice from SANDAG the conflict. The Executive Director shall determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.

7.7 The Executive Committee shall review and, if appropriate, waive any actual or apparent conflict of interest that may exist or arise as a result of concurrent legal representation of SANDAG and parties whose interests may conflict.

7.8 SANDAG staff and third parties with whom SANDAG does business shall comply with SANDAG administrative policies concerning Standard of Conduct and all relevant Board Policies.

8.8 Protests to Solicitation, Bid, or Award

8.1 SANDAG shall include in all contracts a procedure to be followed by interested parties who wish to protest a specification or procedure. The procedure shall include the following:

8.1.1 A requirement that protest submittals shall be in writing, be specific to the specification being protested, state the grounds for protest, and include all documentation needed to enable SANDAG to reach a decision.
8.1.2 A statement that the protest shall be submitted within clearly defined time limits prior to receiving proposals or opening bids or prior to award of contracts.

8.1.3 A statement specifying the review and determination process by SANDAG, including time limits for response.

8.1.4 Requirements for submittal of protest reconsideration.

8.1.5 A statement that the initial protest will be reviewed by a protest review committee and that protest reconsiderations will be reviewed by the Executive Director.

9. Procedure for Consultants with Claims Against SANDAG on Service Contracts

9.1 On all SANDAG services contracts estimated to cost more than $50,000, a section shall be included in the contract provisions that specifies how a consultant should file a "Notice of Potential Claim" and the procedures for review and disposition thereof.

9.2 Written notice of the potential claim must be given to the project manager prior to the time the consultant shall have performed the work giving rise to the potential claim, if based upon an act or failure to act of the project manager; or in all other cases, within 15 calendar days of the happening of the event, thing or occurrence giving rise to the potential claim.

9.3 It is the intention of this requirement that differences between the parties arising under and by virtue of the contract be brought to the attention of the project manager at the earliest possible time in order that such matters may be settled, if possible, or other appropriate action promptly taken. The consultant shall agree to have no right to additional compensation for any claim that may be based on any such act, failure to act, event, thing or occurrence giving rise to the potential claim as herein required was filed. A claim must be presented and acted upon as a prerequisite to suit thereon.

9.4 If a consultant files an appropriate "Notice of Potential Claim," the administrative procedure shall be as follows:

9.4.1 SANDAG staff shall respond in writing within 25 calendar days with an appropriate decision. It is expected that SANDAG staff shall investigate the area of claim thoroughly and shall issue a decision that is fair to all parties. It is further expected that every effort will be made to resolve the claim at the job level.

9.4.2 If it appears to staff that the claim cannot be settled, the project manager and contracts staff shall, as soon as practicable, forward the details of the claim to the Executive Director and shall so notify the consultant of the action.

9.4.3 The Executive Director shall direct the appropriate department director to obtain all pertinent information, including any oral or written presentation,
concerning the claim the consultant might wish to present. The department
director shall provide all information to the Executive Director, including any
recommendations.

9.4.4 The Executive Director shall report a final decision in writing to the
consultant. The written decision shall notify the consultant that this action
completes the consultant's administrative remedies and any further dispute
would have to be resolved by either a nonbinding Dispute Resolution Board
or binding arbitration if provided for in the provisions of the contract and
agreed to by both parties, or litigation.

9.4.5 The final recommendation of the Dispute Resolution Board or arbitration
shall be presented to the Executive Director for approval before going to the
Board for action.

9.4.6 Any claim disputes not resolved by the Executive Director shall be reported
to the Board at one of the Board's regular meetings.

9.5 If a contract amendment proposed for the settlement of a claim causes a budget
impact over $100,000, the amendment must be sent to the Board for approval.

9.6 Federal Transit Administration review and concurrence may be required for claim
settlements that exceed $100,000 if federal funds are involved.

9.7 A list of all outstanding claims exceeding $100,000 which involve the use of federal
funds shall be included in the federal grants quarterly report.

10.10 Debarment Procedures for Service Contracts

10.1 In addition to all other remedies permitted by law, SANDAG may, upon advice of the
Executive Director and Office of General Counsel, by resolution declare a proposer or
consultant ineligible to bid on SANDAG contracts for a period not to exceed three
years for any of the following grounds:

10.1.1 unjustified failure or refusal to timely provide or properly execute contract
documents;

10.1.2 unsatisfactory performance of contract;

10.1.3 excessive and/or unreasonable claims while performing work for SANDAG;

10.1.4 two or more occasions within a two year period of failure to submit bond or
insurance documents acceptable to SANDAG in the time periods required;

10.1.5 unjustified refusal to properly perform or complete contract work or
warranty performance;

10.1.6 unjustified failure to honor or observe contractual obligations or legal
requirements pertaining to the contract;
10.1.7 conviction under a state or federal statute or municipal ordinance for fraud, bribery, theft, falsification or destruction of records, receiving stolen property or of any other similar crime;

10.1.8 any offense or action which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the consultant on future contracts with SANDAG;

10.1.9 any debarment of the consultant by another governmental agency; and

10.1.10 two or more claims of computational, clerical, or other error in cost proposal submission within a two-year period.

10.2 SANDAG may permanently debar a firm for a conviction under federal or state antitrust statutes involving public contracts or the submission of bid proposals, for any corrupt practices involving the administration or award of a contract with SANDAG, or permanent debarment of the bidder or consultant by another governmental agency, as permitted by law.

10.3 The proposer or consultant shall be provided notice and an opportunity to present evidence and show cause before the Board why such ineligibility should not be declared after the Executive Director has established a factual basis for debarment.

10.4 A consultant’s debarment shall be effective amongst SANDAG and any of its subsidiary entities. Debarment prohibits SANDAG and subsidiary entities from executing contracts with the debarred consultant.

10.5 Debarment constitutes debarment of all divisions or other organizational elements of the consultant, unless the development decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarment decision may be extended to include any affiliate of the consultant if the affiliate is (1) specifically named, and (2) given written notice of the proposed debarment and an opportunity to respond.

10.6 Notwithstanding the debarment of the consultant, the Board may continue contracts in existence at the time the consultant is debarred, unless the Board directs otherwise, after receiving advice from the Executive Director as to the effects of termination of an existing agreement.

11. Contract Administration and Consultant Assurances

11.1 SANDAG consultants must meet all applicable laws concerning labor law, labor rates, EEO and licenses.

11.2 SANDAG shall ensure that all services requiring a licensed consultant shall be performed by licensed consultants.

11.3 Consultants will be responsible for complying with the provisions of the Fair Labor Standards Act of 1938 as amended.
11.4 Consultants must provide the minimum scope of insurance as stipulated in the contract.

11.5 Consultants shall be required to provide Workers' Compensation Insurance to their employees in accordance with the provisions of Section 3700 of the Labor Code. Prior to commencement of work, the consultant shall be required to provide a certificate of compliance to SANDAG.

11.6 The SANDAG requirements for consultant labor compliance shall be guided by the California Labor Code and the “Labor Compliance” section of the California Department of Transportation's Construction Manual.

11.7 Consultants shall comply with the EEO requirements set forth by Title VI of the 1964 Civil Rights Act on any project where federal funds are included, and any other requirements established by the Federal Transit Administration.

11.8 Consultants shall comply with Sections 1431 and 1735 of the Labor Code and Sections 300 and 317 through 323 of Title 8 of the California Administrative Code, which prohibits labor discrimination and requires the consultant to submit an Equal Opportunity Program and certification fee to the Fair Employment Practice Commission for contracts over $200,000.

12.12 Amendments to Service Contracts

12.1 All contracts may be amended by a suitable amendment processed in accordance with SANDAG procurements manual and policies.

12.2 The Executive Committee or Transportation Committee or, if not practical, the Chairperson of the Board or either Vice Chairperson in the absence of the Chairperson, are hereby authorized to approve amendments that will cause the project budget to be changed in an amount exceeding $100,000 when waiting for Board approval could potentially delay a project or increase the cost of the change. Approval of such items by the Chairperson or a Vice Chairperson is not the preferred practice and should only be used if a regular or special meeting of an authorized legislative body is infeasible or impractical. In such an instance, the Executive Director shall notify the Board of the Committee's action or Chairperson/Vice Chairperson's action at the next regular Board meeting.

12.3 All amendments that impact or potentially impact Board-adopted policies shall be brought before the Board for decision.

12.4 All amendments which utilize federal funds shall conform to the Code of Federal Regulations, Volume 49, Part 18 and Federal Transit Administration Circular 4220.1 E and any successors thereof that are applicable by law.

Adopted October 2003
Amended November 2004
Amended December 2006
Amended December 2007
Amended December 2008
DELEGATION OF AUTHORITY

The purpose of this policy is to establish the authority granted by the Board of Directors to the Executive Director. It also provides the Executive Director with the authority to delegate functions he or she has been delegated by the Board to SANDAG staff.

Definitions

The following words shall have the meanings indicated when used in this policy:

“Agreement” shall be interpreted to include contracts, memorandums of understanding, agreement amendments, purchase orders, invoices, money transfers, or any other document that could be enforced against SANDAG in a court of law.

“Budget” shall be interpreted to include the SANDAG annual budget, revisions and amendments thereto, and the Overall Work Program.

“Emergency or Urgent Need” for purposes of this policy shall mean a situation in which, in the Executive Director’s or his/her designee’s opinion, injury to persons, or significant injury to property or interruption of a public service will occur if immediate action is not taken.

Procedures

1. Adoption of a budget by the Board shall automatically authorize the Executive Director to enter into any agreements or take any other actions necessary to implement the budget items or other actions approved by the Board.

2. Any authority delegated to the Executive Director shall automatically vest with a Chief Deputy Executive Director when business must be conducted in the absence of the Executive Director.

3. In the event of emergency or an urgent need, the Executive Director is authorized to take all necessary actions to prevent significant unnecessary loss to SANDAG, a shut-down of public services, or to address a situation threatening the health or safety of persons or property, including, but not limited to, authorization to contract with a contractor or consultant on a sole source basis, consistent with applicable state or federal law without prior approval from the Board. In the event such an emergency or urgent need occurs, the Executive Director will consult with the Chair of the Board, promptly communicate all actions taken to the Board members, and submit a report to the Board at its next regular meeting in order to obtain ratification for those actions.

4. The Executive Director is hereby authorized to carry out the actions set forth below. In the event any of the authorities in this paragraph are exercised, the Executive Director will report actions taken to the Board in summary written form at the next regular meeting of the Board.
4.1 Enter into agreements not currently incorporated in the budget and make other modifications to the budget in an amount up to $100,000 per transaction so long as the overall budget remains in balance. This provision may not, however, be used multiple times on the same budget line item or contract in order to circumvent the $100,000 limit.

4.2 Approve all design plans, specifications and estimates for capital improvement projects.

4.3 Execute all right-of-way real property transfer documents, including but not limited to, rights of entry, licenses, leases, deeds, easements, escrow instructions, and certificates of acceptance.

4.4 Direct payment to persons for right-of-way property so long as the payment amount does not exceed 110 percent of the appraised value or $100,000 above the appraised value, whichever is greater.

4.5 Reject all bids and/or suspend the competitive procurement process.

4.6 Provide the final determination to persons or firms filing a protest regarding SANDAG procurement or contracting processes or procedures.

4.7 File administrative claims and to initiate and maintain lawsuits on behalf of the Board to recover for damage to or destruction of SANDAG property, or interruption of a public service.

4.8 Settle all lawsuits initiated under paragraph 4.7.

4.9 Settle all lawsuits, alternative dispute matters, and claims that SANDAG must defend when the settlement amount does not exceed $100,000. In the event the Executive Director exercises this authority he/she shall send a memo to the members of the Board as soon as possible in order to notify them of any action taken.

4.10 Accept reimbursement from member agencies for use of SANDAG on-call contracts.

4.11 Execute tolling agreements to extend the statute of limitations for litigation involving SANDAG as a potential plaintiff or defendant when deemed in the best interest of SANDAG by the Executive Director and Office of General Counsel.

4.12 Authorize transfers of funds in the SANDAG budget for capital improvement projects following approval of such a transfer by the affected transit operator’s board of directors or designated governing body.

5. The Executive Director shall act as the appointing authority for SANDAG with the authority to appoint, promote, transfer, discipline, and terminate all employees of SANDAG subject to the provisions of SANDAG administrative manuals, policies, and procedures.
6. Pursuant to Article V, Section 4, paragraph c of the Bylaws, the Executive Director shall promulgate an administrative policy governing the procedures for delegating his/her authority to other SANDAG staff.

Adopted October 2003
Amended November 2004
Amended December 2006
Amended December 2008
REGIONAL TRANSIT SERVICE PLANNING AND IMPLEMENTATION

This policy specifies the transit service planning and transit development project planning responsibilities of SANDAG (the consolidated agency) and the transit agencies (Metropolitan Transit System and North San Diego County Transit Development Board), and outlines a framework for transit service planning and roles and responsibilities for project development planning. Figure 1.1 includes a flow chart, based on the framework that documents the processes for transit service planning and implementation, for new services and adjustments to existing services. Figure 1.2 identifies the lead and support (active participant) agency responsibilities for both long and short-range transit service planning and development project planning.

This policy will allow the transit system to quickly and efficiently respond to changes in travel demand and operating/fiscal environment, while ensuring that the system is adjusted and developed consistent with longer range regional transportation and land use goals as incorporated into the Regional Comprehensive Plan (RCP), the Regional Transportation Plan (RTP), and the Regional Short Range Transit Plan (RSRTP). As a result, transit service changes that relate directly to implementation of regional policies, goals, and objectives (service changes with regional significance) are generally those that:

- Serve regional travel demand corridors that cross transit agency jurisdictional boundaries;
- Significantly affect passenger trip making (as defined by the guidelines contained in the RSRTP; for example, would be found to potentially have a detrimental impact on geographic connections, timed transfers, and the frequency/service span consistency of such services);
- Require additional regional operating funds above the overall transit agency-adopted budget and projected budget capacity; and
- Affect the policies, projects, services and facilities included in the RTP, RCP, and TransNet Ordinance.

1. **Agency Responsibilities** - SANDAG and transit agency responsibilities are described below and further specified in Figure 1.2. There is an inherent overlap of responsibilities between SANDAG and the transit agencies in conducting transit service planning and development project planning, as exhibited in Figure 1.2. Therefore, all planning responsibilities shall be conducted with coordination and consultation between SANDAG and the transit agencies.

1.1 **SANDAG Responsibilities** - carried out in collaboration with the transit agencies:

1.1.1 Prepare long-range transit plans and corridor studies as part of the Regional Transportation Plan (RTP).
1.1.2 Prepare, \textit{no less often than every two years} an annual basis, the five-year \textit{RSRTP and Coordinated Public Transit and Human Services Transportation Plan} that: (1) establishes the goals and objectives for short-range transit services and human services transportation; (2) defines the existing transit and human services transportation system; (3) sets the framework for a transit operations performance monitoring program as required by the Transportation Development Act \textit{and a monitoring program for human services transportation as defined by the Federal Transit Administration (FTA)}; (4) identifies transit and human service gaps and deficiencies; (5) evaluates existing transit and human services transportation services and programs; (6) establishes parameters for short-range (0-5 years) new and revised service development, as well as regionally significant and all other service adjustments; (7) defines a methodology for evaluating proposals for new and revised service; (8) identifies and prioritizes regional and subarea transit planning studies; and (9) evaluates and prioritizes new and revised services for implementation, including the adoption of an annual Regional Service Implementation Plan. SANDAG will initially maintain the existing service concepts upon which the service is based in order to preserve and improve mobility. FY 2003 budgeted revenue hours/miles will be considered as minimum levels of service for each transit agency and will assume net service levels to be added upon completion of the Oceanside to Escondido SPRINT and Mission Valley East rail projects. If future funding shortfalls occur, necessitating cutbacks in service, then there will be a regionwide process of examination of service levels \textit{in order to ensure that service reductions are equitably distributed, protecting a “lifeline” system of services}.

1.1.3 Conduct regional and subarea planning studies as prioritized in the RSRTP, RTP, and RCP.

1.1.4 Develop proposals and service plans for new services or for service adjustments with regional significance, with active participation from the transit agencies, in response to changes in regional travel demand, to address regional service gaps and deficiencies, and to implement plans and programs identified in RTP, RCP, RSRTP, and the TransNet Ordinance.

1.1.5 Plan, locate, and design transit infrastructure and facilities (stations, priority treatments, supporting facilities, etc.) for regionally significant transit projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance, with active participation from the transit agencies.

1.1.6 Develop proposals for new and revised services to be included in the Regional Service Implementation Plan.

1.1.7 Ensure that all new and revised services and service adjustments of regional significance are consistent with the goals and objectives of the RSRTP.
1.1.8 Coordinate with transit agencies to provide community outreach and conduct market research.

1.1.9 Conduct regional performance monitoring to provide input into the RSRTP and other short-range transit studies. The regional performance monitoring will be based on the type of service and type of service area. Any net service reduction in a specific transit agency area resulting from the service evaluation process that takes that transit agency below its FY 03 service level (pursuant to Section 1.1.2) will be reprogrammed to that transit agency service area for other improvements up to the FY 03 base level of service.

1.1.10 Provide technical assistance to transit operators for local route planning.

1.1.11 Prepare Environmental Justice or Title VI reports as required by federal regulations covering requirements for Metropolitan Planning Organizations (MPOs) and transit agencies at least once every three years or when a new federal census is available.

1.1.12 Develop and update, as required, with input from the transit agencies, the Coordinated Transportation Plan for San Diego County as required by SAFETEA-LU legislation. SANDAG also will manage the competitive process for granting Federal Transit Administration (FTA) funds available as a result of production of a Coordinated Transportation Plan.

1.1.13 Participate in development of transit vehicle specifications for vehicles acquired for regionally significant projects and services that are funded through projects identified in the RTP and the TransNet Ordinance.

1.1.14 Collaborate with the transit agencies on a branding framework, compatible with the transit agencies’ individual branding programs, that incorporates regionally significant projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance. The transit agencies and SANDAG will undertake a study to develop a mutually agreed upon branding framework for the region.

1.2 Transit Agency Responsibilities – carried out in collaboration with SANDAG:

1.2.1 Develop service and schedule adjustments to ensure system optimization and to respond to immediate operational issues (e.g., detours, overcrowding, on-time performance, and minor out-of-direction routing changes).

1.2.2 Conduct local transit studies and analyses within the transit agency’s service area in response to changes in local travel demand, to address service gaps and deficiencies, to develop service reductions/efficiencies, to address operating budget deficits, and to address goals and implement plans developed in the RSRTP.
1.2.3 Develop proposals for new and revised services to be included in the Regional Service Implementation Plan.

1.2.4 Develop proposals to reallocate unproductive resources to implement unfunded services identified as high priority in the Regional Service Implementation Plan or consistent with the RSRTP.

1.2.5 Develop a public input process and hold required public hearings for service changes. The transit agencies should ensure that the public input process for public hearings on service changes would be conducted in a manner to facilitate public input from the affected area.

1.2.6 Develop marketing and branding programs for the transit services within its jurisdiction and collaborate with SANDAG on a compatible branding framework that incorporates regionally significant projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance. The transit agencies and SANDAG will undertake a study to develop a mutually agreed upon branding framework for the region.

1.2.7 Provide community outreach and conduct market research, in coordination with SANDAG.

1.2.8 Develop operating plans for special event transit service and service contingencies.

1.2.9 Monitor existing operations and services to provide input into service analyses and short-range transit studies.

1.2.10 Conduct bus stop location planning.

1.2.11 Implement service, including scheduling, run-cutting, operations, contract services, service management, and labor contract administration.

1.2.12 Provide input on long- and short-range transit plans, and regional performance monitoring.

1.2.13 Prepare interim Environmental Justice or Title VI reports for transit system changes that affect over 25% of the transit service hours as required by federal regulations for transit agencies, and provide the reports to SANDAG and the federal government.

1.2.14 Actively participate in the development of service plans for service adjustments with regional significance, in response to changes in regional travel demand, to address regional service gaps and deficiencies and to implement plans and programs identified in RTP, RCP, RSRTP, and the TransNet Ordinance.
1.2.15 Actively participate in the planning, location and design of transit infrastructure and facilities (stations, priority treatments, supporting facilities, etc.) for regionally significant transit projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance.

1.2.16 Develop transit vehicle specifications, with active participation from SANDAG, for vehicles for all service types, including local bus, shuttles, bus rapid transit, rail, and others.

2. **Transit Service Planning Framework** - This framework allows the transit system to quickly and efficiently respond to changes in travel demand and operating/fiscal environment, while ensuring that the system is adjusted and developed consistent with longer range regional transportation and land use goals.

**Step 1: Guidance**

A RSRTP, consistent with SANDAG’s Regional Transportation Plan (RTP) and Regional Comprehensive Plan (RCP), will be drafted annually by SANDAG, with active participation from the transit agencies. The RSRTP will establish goals and objectives and provide guidance for service planning during the upcoming year and will balance the immediate needs of optimizing the transit system in response to operational and financial constraints, with the mid- and long-range system development goals established in the long-range plans.

**Step 2: Develop Service Adjustments**

Throughout the year, transit agency and SANDAG staff develop proposals, in accordance with the RSRTP, to adjust existing services and develop new services. These service adjustments help to optimize existing services, reflect changes to the operating and fiscal environment, respond to customer comments and requests, and begin to implement and support services envisioned in the long-range plans. Service adjustments can be a result of such things as schedule analysis, trip and route level evaluation, and subregional and regional transit studies. Service adjustments with regional significance should be developed as collaborative efforts between SANDAG and transit agency staff.

**Step 3: Evaluation and Approval**

Prior to approval for implementation, all service adjustments should be:

- Consistent with the RSRTP;
- Presented for public hearing in the impacted service area if required by SANDAG, the appropriate transit agency, or by Federal Transit Administration (FTA) policies and regulations; and
- Fully funded either through a reallocation of resources or as part of the budget process.
Service adjustments with regional significance should be endorsed by the appropriate transit agency and determined to be consistent with regional policies, goals and objectives by SANDAG prior to public hearing and implementation, while local and minor service adjustments may be approved for implementation by the transit agencies after advising SANDAG of the proposed changes.

**Step 4: Implementation**

As a general practice, service changes should be implemented during a regularly scheduled service change date (scheduled for winter, fall, and summer). Implementation should be preceded by community outreach, a marketing campaign, and public notices, as appropriate. Service implementation is the responsibility of the transit agencies.

**Step 5: Monitoring**

Performance monitoring will be conducted on an ongoing basis to evaluate new and existing services and service adjustments. SANDAG will monitor the transit system performance on a systemwide and transit agency level on an annual and quarterly basis. Transit agencies will monitor their operations performance on an annual, quarterly, and monthly basis, as appropriate. Performance measures will evaluate productivity, cost-effectiveness, and quality of service. Performance results will be used as a basis for developing the RSRTP, and other planning studies and analysis.

3. **Policy Review** – This policy was reviewed and revised by SANDAG, in collaboration with the transit agencies in May 2006. It shall be reviewed again by SANDAG, in collaboration with the transit agencies, in fall 2007.

Attachments:  
Figure 1.1 – Regional Transit Service Planning and Implementation Process  
Figure 1.2 – Roles and Responsibilities for Service Planning Activities

Adopted June 2003  
Amended September 2004  
Amended March 2005  
Amended August 2006  
**Amended December 2008**
Step 1: Establish Policy Framework
SANDAG
Transit Agencies

Step 2: Develop Service Proposals & Plan
SANDAG
Transit Agencies

Step 3: Develop Budgets
Transit Agencies

Step 4: Implement Service
Transit Agencies

FIGURE 1.2
ROLES AND RESPONSIBILITIES FOR SERVICE PLANNING ACTIVITIES

Step 1: Establish Policy Framework
SANDAG
Transit Agencies

Step 2: Develop Service Proposals & Plan
SANDAG
Transit Agencies

Step 3: Develop Budgets
Transit Agencies

Step 4: Implement Service
Transit Agencies

SERVICE CHANGES OCCUR THREE TIMES A YEAR:
- Feb-Aug/Sep
- Nov-May/Jun
- May-Jan/Feb

PUBLIC HEARINGS
- At Transit Agencies

LOCAL & MINOR CHANGES

REGIONALLY SIGNIFICANT CHANGES

SERVICES PROPOSALS
- New and Revised

RSRTP ADOPTION
- Consistency & Priority Determination
- Plan & Program Public Hearing

SANDAG APPROVES TRANSIT AGENCY BUDGETS FOR FUNDING
- Budget Public Hearing

ADMINISTRATIVE REVIEW OF SERVICE CONSISTENCY OR FINDING OF OVERRIDING CONSIDERATIONS
(Refer to Transportation Committee, if necessary)

SERVICE PLANNING FRAMEWORK & GUIDELINES
- Goals and Objectives
- Needs and Deficiencies
- Parameters and Performance Standards
- Regional Consistency Checklist

REGIONAL SHORT RANGE TRANSIT PLAN

SANDAG

ADMINISTRATIVE RE-REVIEW OF SERVICE CONSISTENCY OR FINDING OF OVERRIDING CONSIDERATIONS
(Refer to Transportation Committee, if necessary)

IMPLEMENT SERVICE
- Driver assignments
- Bus stop preparation
- Timetable printing

ADVISE SANDAG
### FIGURE 1.2
**ROLES AND RESPONSIBILITIES FOR TRANSIT PLANNING AND IMPLEMENTATION ACTIVITIES**

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* Includes Mid-Coast LRT/BRT, Super Loop, I-15 BRT, South Bay BRT, El Cajon Blvd BRT, Escondido Blvd. BRT, South Bay to Sorrento Mesa BRT
Revised July 2006
PROJECT PLANS, SPECIFICATIONS AND ESTIMATES

This policy provides direction concerning the design of major transit projects and for preparing and approving contract plans, specifications, and cost estimates.

Section 14085 et seq. of the State Government Code states that whenever any public entity is to receive state or federal funds for the purposes of project planning, design, rights-of-way, construction, acquisition, or improvement of exclusive public mass transit guideways (and their related fixed facilities, power systems, passenger facilities, vehicles, and equipment), it shall prepare plans for the complete project that are applicable to the type of project, and transmit them to the Department of Transportation for its review and approval of policies, procedures, and performance standards, prior to the implementation of the project or the project phases affected. This policy is intended to cover the following components of Section 14085: preliminary engineering investigations; plans, specifications, and cost estimates.

Procedures

1. Plans, specifications, and estimates (PS&Es) for SANDAG projects shall be prepared in the most functional and timely manner possible, by competent engineers in any combination of public agency staff, consultants, or SANDAG staff as appropriate.

2. PS&Es shall generally be prepared in accordance with SANDAG’s practices and standards and/or accepted practices as defined by major project administrators, such as Caltrans, North County Transit District (NCTD), and/or Metropolitan Transit System (MTS).

3. Design criteria shall be as adopted by the Board of Directors and in compliance with other accepted engineering standards, laws, and practices applicable to transportation systems. In the case of projects to be constructed on the NCTD/MTSDB-owned railroad right-of-way, such design standards shall include, but not be limited to:

   3.1 NCTD’s/MTSDB’s adopted System Safety Program Plan
   3.2 49 CFR Part 213: Track Safety Standards
   3.3 49 CFR Part 236: Installation, Inspection Maintenance and Repair of Signal and Train Control Systems, Devices, and Appliances
   3.4 Amtrak MW 1000 Limits and Specifications for the Safety, Maintenance, and Construction of Track
   3.5 SDNR Bridge Inspection and SDNR Signal Maintenance, Inspection, and Testing Manuals
3.6 American Railway Engineering and Maintenance-of-Way Association (AREMA) standards

3.7 California Public Utilities Commission (CPUC) general orders and standards as applicable

3.8 Americans with Disabilities Act statutes and regulations

4. As a guideline, PS&E packages should generally contain the following:

4.1 Plans -- The official project plans and Standard Plans and Profiles, typical cross sections, general cross sections, working drawings and supplemental drawings, or reproductions thereof, approved by the responsible Engineer licensed in California, which show the location, character, dimensions and details of the work to be performed.

4.2 Specifications -- Special provisions shall contain specific clauses setting forth conditions or requirements peculiar to the work and supplementary to the standard specifications. Standard Specifications shall provide the directions, provisions and requirements contained in published documents setting forth conditions and requirements that are reoccurring in like work.

4.3 Estimate -- The engineer's estimate shall list the estimated quantities of work to be performed and estimated costs of each item and for the total project construction.

Adopted November 2003
Amended December 2008
ACQUISITION OF REAL PROPERTY INTERESTS AND RELOCATION ASSISTANCE

The purpose of this policy is to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition programs carried out by SANDAG. This policy also covers relocation assistance provided by SANDAG to individuals, families, businesses, farm operations, and nonprofit organizations that are required to relocate as a result of projects constructed by SANDAG for the benefit of the public.

Section 14085 et seq. of the California Government Code states that whenever any public entity is to receive state or federal funds for the purposes of project planning, design, rights-of-way, construction, acquisition, or improvement of exclusive public mass transit guideways (and their related fixed facilities, power systems, passenger facilities, vehicles, and equipment), it shall prepare plans for the complete project that are applicable to the type of project, and transmit them to the Department of Transportation for its review and approval of policies, procedures, and performance standards, prior to the implementation of the project or the project phases affected. This policy is intended to cover the following components of Section 14085: acquisition of rights-of-way and other related real properties; and relocation assistance.

Additionally, Government Code sections 7260-7276, require public entities such as SANDAG to provide relocation assistance to displaced persons and to implement a relocation assistance program.

Procedures

1. Acquisition of rights-of-way and other related real properties will be prosecuted within the following policy parameters:

   1.2 All property owners will be dealt with fairly and equitably in the acquisition of lands or interests therein required by SANDAG.

   1.3 Settlements will be based on estimates of fair market value as supported by current appraisal practices.

   1.4 SANDAG shall pay for expenses which the owner(s) must incur for title and escrow fees incidental to conveying real property to SANDAG.

   1.5 SANDAG shall make reasonable efforts to acquire expeditiously by negotiation the required property interests.
1.6 Condemnation will be utilized where negotiations have reached an impasse or there is a requirement to meet time restraints imposed by funding sources or construction schedules.

1.7 The Relocation Assistance Program will be fairly administered to ensure that all owners receive any and all benefits to which they are legally entitled.

2. The following guidelines shall be utilized by SANDAG or its agents to ensure fair and equitable treatment of all property owners affected by SANDAG acquisitions as set out in Government Code Section 7267 et seq., as it may be amended from time to time:

2.1 The real property interests to be acquired shall be appraised and the fair market value established before the initiation of negotiations and the property owner shall be given the opportunity to accompany the appraiser during his inspection on the property. The property owner may request an independent appraisal to be conducted at SANDAG expense for an amount not to exceed $5,000. (Government Code Section 7267.1 and 7267.2)

2.2 SANDAG or its agents shall make a prompt offer to the property owner for the full estimate of market value established by the Board. SANDAG or its agents shall also provide the property owner with a written statement of, and summary of the basis for, the amount established as just compensation. The summary shall contain the following elements:

2.2.1 The owner’s name and address.

2.2.2 Zoning and present use of the property.

2.2.3 Highest and best use of the property.

2.2.4 Consideration to be paid by SANDAG.

2.2.5 Total property area and amount to be acquired.

2.2.6 Market value of the property to be acquired and a statement as to how the value was established, i.e., market data approach, income approach, or cost approach.

2.2.7 Amount of damages or a statement indicating that there are no compensable damages. (Government Code Section 7267.2)

2.3 SANDAG shall make reasonable efforts to acquire by negotiation the real property interests required so as to reduce the need for litigation. SANDAG shall strive at all times to assure consistent treatment of property owners involved in public improvement projects and to promote public confidence in SANDAG’s acquisition practices. (Government Code Sections 7267 and 7267.1a)
2.4 SANDAG shall schedule the construction or development of a public improvement, insofar as it is practicable, so that no person lawfully occupying real property shall be required to move from a dwelling or business, assuming a replacement dwelling is available, without at least 90 days written notice from the SANDAG. (Government Code Section 7267.3)

2.5 Should rental property become vacant, SANDAG may rent the vacated premises prior to acquisition.

2.6 The threat of condemnation shall not be used to coerce a property owner into agreement. (Government Code Section 7267.5 and 7267.6)

2.7 SANDAG will offer to acquire the entire property if the owner so desires where the acquisition of a portion of the property would leave the remaining portion in such shape or condition as to constitute an uneconomic remnant. (Government Code Section 7267.7)

3. Relocation assistance is a program that has been established by federal and state law to provide help to individuals, families, businesses, farm operations, and nonprofit organizations required to relocate as a result of a public improvement project. Its primary objective is to assist all project displacees to the end that they do not suffer disproportionate injury as a result of projects constructed for the benefit of the public as a whole.

3.1 Relocation assistance shall be in accordance with Section 7260-7276 of the State Government Code, as it may be amended from time to time.

3.2 No person will be required to relocate due to a proposed construction project until a replacement facility has been made available which meets the following standards:

3.2.1 Decent, safe, and sanitary.

3.2.2 Fair housing.

3.2.3 In areas not generally less desirable than the property to be acquired in regard to public utilities or public and commercial facilities.

3.2.4 Within the financial means of the displacee.

3.2.5 Reasonably accessible to the displacee's place of employment, public services, and commercial facilities.

3.2.6 Adequate to accommodate the displacee.

3.2.7 In an equal or better neighborhood.

3.2.8 Available on the market to the displacee.
3.3 In lieu of a replacement facility, the eligible owner or occupant may agree to accept a cash settlement as provided by state law.

3.4 Moving and related payments will be paid as provided by state law.

3.7.1 Individuals, businesses, and nonprofit organizations occupying the property to be acquired at the time of the first written offer to purchase and move as a result of SANDAG's acquisition, will be eligible for reimbursement of moving expenses.

3.7.2 Residential occupants will receive either the actual reasonable costs involved in moving family and personal property up to a maximum of 50 miles, or a payment based on a schedule relating to the size of their present dwelling, not to exceed $500.

3.7.3 Businesses, farms, and nonprofit organizations will be entitled to reimbursement for (1) actual reasonable costs involved in moving the operation and personal property up to a maximum of 50 miles, (2) actual reasonable expenses incurred in searching for a replacement property, and (3) actual direct losses of tangible property.

3.5 Instead of accepting an actual moving expense payment, a business owner may be paid an amount equal to the average annual net earnings of the farm or business for the last two years prior to relocation. The payment may not be less than $2,500 or more than $10,000. A business may qualify for an In Lieu Payment if the agency determines that the business cannot be relocated without a substantial loss of the existing dollar volume of business and it is not a part of a business having an additional establishment. A part-time individual or family occupation in the home that does not contribute materially to the income of the displaced owner is ineligible for an In Lieu Payment.

3.6 The Board hereby adopts the Department of Housing and Community Development relocation assistance regulations set forth in Title 25, Division 1, Chapter 6, Subchapter 1 of the California Administrative Code, except as supplemented herein, as SANDAG's Relocation Assistance Program for all projects that must have such regulations apply pursuant to Government Code section 7267.8.

3.7 Pursuant to section 6152 of Title 25 of the California Administrative Code, the provisions for review commencing with section 6150 shall be supplemented as follows:

3.7.1 In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, SANDAG shall furnish a written statement to the complainant stating the reason for the dismissal of the claim as soon as possible but no later than two (2) weeks from receipt of the last material submitted by the complainant or the date of the hearing, whichever is later.
3.7.2 Except to the extent the confidentiality of material is protected by law or its
disclosure is prohibited by law, the Board shall permit the complainant to
inspect all files and records bearing upon his claim or the prosecution of the
complainant's grievance. If a complainant is improperly denied access to any
relevant material bearing on the claim, such material may not be relied upon
in reviewing the initial determination.

3.7.3 The principles established in all determinations by SANDAG shall be
considered as precedent for all eligible persons in similar situations
regardless of whether or not a person has filed a written request for review.
All written determinations shall be kept on file and available for public
review.

3.7.4 Any aggrieved party has a right to representation by legal or other counsel
at his expense at any and all stages of the proceedings set forth in these
sections.

3.7.5 If a complainant, other than the owner of a displaced advertising sign, seeks
to prevent displacement, SANDAG shall not require the complainant to
move until at least twenty (20) days after it has made a determination and
the complainant has had an opportunity to seek judicial review. In all cases,
SANDAG shall notify the complainant in writing twenty (20) days prior to the
proposed new date of displacement.

3.7.6 Where more than one person is aggrieved by the failure of SANDAG to refer
them to comparable permanent or adequate temporary replacement
housing, the complainants may join in filing a single written request for
review. A determination shall be made by SANDAG for each of the
complainants.

3.8 Before any project may be undertaken which involves the displacement of people,
SANDAG or its agents shall complete a Replacement Housing Study to determine the
needs of the relocatees and the availability of replacement housing. The SANDAG
studies shall serve to assure that orderly relocation can be accomplished and that
realistic and adequate plans are developed for relocating all displaced persons.

3.9 Comparable replacement dwellings will be available or provided for each displaced
person within a reasonable amount of time. Such assurance is a part of the SANDAG
Relocation Assistance Program study process and must be specifically given on every
project requiring displacement.

3.10 Relocation advisory services will be provided to assist persons in relocating into safe,
decent, and sanitary housing that meets their needs and is within their financial
means. The same will be provided for displaced business and farm operators to aid
them in finding suitable replacement locations to continue operations. Assistance is
required throughout the acquisition phase of the project and starts at the time
SANDAG begins acquiring properties on a project.
3.11 No person lawfully occupying real property shall be required to move from a dwelling, assuming a decent, safe, and sanitary replacement dwelling is available, or to move a business or farm operation, without at least 90 days written notice from SANDAG, prior to the date the move is required.

3.12 SANDAG shall follow generally the procedures outlined in the following Caltrans guides: Right-of-Way; Relocation Assistance Handbook; and How to Make Relocation Studies and Plans

3.13 All cash payments to owners or occupants for any purpose shall be formally reported to the Board as to amount, rationale, and applicable code or statute.

Adopted November 2003
Amended December 2008
UTILITY AGREEMENTS AND RELOCATION

The purpose of this policy is to define and clarify matters relating to utility agreements and utility relocations. Relocations or adjustments and placement of public and privately owned utilities, for which SANDAG is legally obligated, may be made necessary by proposed construction of a SANDAG project. These utility placements and relocations may take place within SANDAG right-of-way or in other public agencies' rights-of-way.

Procedures

1. For the purpose of this policy, the term “utility” shall include water systems, gas lines, electrical systems, and other public facilities, as well as those normally used to deliver, or dispose of, products utilized by the general public.

2. Utility agreements will be negotiated with each major utility owner affected, or likely to be affected, by a SANDAG project. These agreements shall establish the general basis for determining costs, salvage and betterment credits, liabilities, methods of payment, encroachments and easements, and procedures for effecting specific and discrete elements of work. Utilities that must be replaced or rearranged shall be replaced or rearranged in-kind to the current code or standard. Board approval is required to improve utilities beyond the code or standard of the utilities being replaced.

3. Design and construction relative to SANDAG-required utility relocations shall generally be performed by, or under contract to, the utility owner. Where the utility agrees to have such work performed by a SANDAG contractor, however, the utility should be assigned final responsibility for accepting that portion of the contractor's work. Where applicable, SANDAG may cause franchise utilities to pay for expenses related to relocation.

4. SANDAG shall exercise reasonable discretion in acting on applications of utilities for permits to occupy SANDAG's right-of-way. SANDAG may, however, refuse to grant any applications for any crossings which would be inconsistent with public safety or the continued unobstructed use of the right-of-way for freight or transit purposes.

5. With the necessary modifications for the type of right-of-way and ownership thereof, SANDAG shall be guided by the California Streets and Highway Code, Section 680 and on any applicable case law, in carrying out this policy.

6. Nothing in this policy is intended to apply to relocations or adjustments and placement of public and privately owned utilities within North County Transit District (NCTD) or Metropolitan Transit System (MTS), MTD owns right-of-way. Any such relocations or adjustments and placements shall be governed by the policies of NCTD or MTD, or governed by separate agreements established on a case-by-case basis.

Adopted November 2003
Amended December 2008
PROCUREMENT AND CONTRACTING – EQUIPMENT & SUPPLIES

Purpose

To establish procedures for acquiring supplies, equipment, and materials.

Background

When purchasing equipment, supplies, and materials, SANDAG staff is required to use a competitive procurement process. Pursuant to Public Utilities Code section 132352.4(5), SANDAG is required to select the lowest responsible bidder meeting specifications for awards of $50,000 or more, not including sales tax. This section also states two exceptions to this requirement. First, if an article of a specified brand or trade name is the only article that will properly meet the needs of SANDAG, competitive procurement is not required. Second, the Board may approve a purchase of equipment, supplies, or materials that exceeds $50,000 without utilizing competitive procurement methods if it is in the best interest of SANDAG to do so. All references to the Executive Director in this policy also apply to the Executive Director's designee.

Policy

1. Supplies, equipment, and materials not otherwise provided for in a contract for construction or services, and estimated to cost more than $50,000, shall be listed separately in the budget or otherwise provided for by Board action or Executive Director approval before suppliers are asked to submit any binding offers.

2. For purchases in excess of $3,000 involving federal funds, all applicable federal requirements and certifications must be attached to the purchase order or contract. For purchases that exceed $50,000, a purchase order or a contract must be used in order to ensure provisions are included to protect the interests of SANDAG.

3. Sole source acquisition shall only be permitted when the conditions below are met.

   3.1. When the acquisition will be paid for in whole or in part by federal funds one of the following conditions must be met:

      3.1.1. There is an urgent need for the articles due to an emergency or some other exigency that will not permit a delay resulting from competitive solicitation. Examples of such need include a danger to the public or loss of use of a transportation facility used by the public.

      3.1.2. Staff solicited competitive bids and was unable to obtain a responsive bid from a responsible bidder.

      3.1.3. The grantor agency providing funds for the project has approved sole source acquisition.
3.1.4 The item is only available from a single source.

3.1.5 The item is an associated capital maintenance item as defined in 49 U.S.C. § 5307 (a)(1) that is procured directly from the original manufacturer or supplier of the item to be replaced. Written certification must first be provided to the federal funding agency stating that such manufacturer or supplier is the only source for such item, and that the price of such item is no higher than the price paid for such item by like customers. A cost analysis verifying the proposed cost data, the projections of the data, and evaluation of the specific elements of costs and profit, is required.

3. Normally, SANDAG will utilize a full and open competition when soliciting bids or proposals for procurements in excess of $50,000. Under certain circumstances, however, a procurement may be justified that does not utilize full and open competition. These procurements are known as limited competition procurements. When less than full and open competition is used, SANDAG shall solicit offers from as many potential sources as is practicable under the circumstances. Noncompetitive procurement is known as sole source procurement. Noncompetitive and limited competition procurements shall only be permitted when the conditions below are met.

3.2 When there are no federal funds involved the following additional factors may make limited competition or sole source acquisition procurement within the best interest of SANDAG. Therefore, a limited competition or sole source for these types of procurements may be permitted when one of the conditions in this section (3.21) or section 3.1 is met:

3.21.1 There is only one vendor capable of providing the item because the item is unique or highly specialized.

3.21.2 The item should be purchased from a particular vendor in the interest of economy or efficiency as a logical follow-on to an order already issued under a competitively awarded contract.

3.21.3 The cost to prepare for a competitive procurement exceeds the cost of the item.

3.21.4 The item is an integral repair part or accessory compatible with existing equipment.

3.21.5 The item is essential in maintaining research or operational continuity.

3.21.6 The item is one with which staff members who will use the item have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.

3.21.7 The procurement is of the type that may be made as a sole source procurement pursuant to the Public Contracts Code.

3.2 When the project will be paid for in whole or in part by federal funds one of the conditions set forth below must be met:
3.2.1. Unique Capability or Availability. The equipment or services are only available from one source. Services are only available from one source if one of the conditions described below is present:

3.2.1.1 Unique or Innovative Concept. Staff can demonstrate that the equipment is a unique or innovative concept or capability not available from another source. Unique or innovative concept means either a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to SANDAG only from one source and has not in the past been available to the recipient from another source; or

3.2.1.2 Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.

3.2.2. Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.

3.2.3. Unacceptable Delay. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling SANDAG’s needs.

3.2.4. Single Bid or Proposal. Upon receiving a single bid or proposal in response to a solicitation, if staff determines that competition was adequate based on a review of the specifications for undue restrictiveness and/or a survey of potential sources that chose not to submit a bid or proposal.

3.2.5. Unusual and Compelling Urgency. SANDAG may limit the number of sources from which it solicits bids or proposals if staff documents that such an unusual and urgent need for the services exists that SANDAG would be seriously injured unless it were permitted to limit the solicitation. SANDAG may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the services.

3.2.6. Contractual Agreement. With some exceptions, when an agency awards a grant agreement or enters into a cooperative agreement with SANDAG for a project in which the funding agency has approved the participation of a particular firm or combination of firms in the project work, the grant agreement or cooperative agreement constitutes approval of those arrangements.

3.2.7. Circumstances authorized by Federal Acquisition Regulation Part 6.3 or the federal Common Grant Rules. Examples include a statutory authorization or requirement, compliance with Department of Transportation (DOT)
appropriations laws that include specific statutory requirements, with the result that only a single contractor can perform certain project work.

3.2.8. National Emergency. To maintain a facility, producer, manufacturer, or other supplier available to provide supplies or services in the event of a national emergency or to achieve industrial mobilization.

3.2.9. Research. To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.

3.2.10. Protests, Disputes, Claims, Litigation. To acquire the services of an expert or neutral person for any current or anticipated protest, dispute, claim, or litigation.

3.2.11. International Arrangements. When precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or when prohibited by the written directions of a foreign government reimbursing the recipient for the cost of the acquisition of the supplies or services for that government.

3.2.12. National Security. When the disclosure of SANDAG’s needs would compromise the national security.

3.2.13. Public Interest. When SANDAG staff documents that full and open competition in connection with a particular acquisition is not in the public interest.

3.2.14. When Prohibited. Less than full and open competition is not justified under any circumstance based on:

3.2.14.1 Failure to Plan. Lack of advance planning.
3.2.14.2 Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, expiration of Federal assistance previously available for award).

4. For purchases below $23,050.00 a micro purchase procurement method may be used. A micro purchase is a noncompetitive purchase technique, however, the price of the item must still be fair and reasonable. There should be equitable distribution among qualified suppliers in the local area and no splitting of procurements to avoid competition. A bid is only required from the vendor of choice and no contract is required.

5. For purchases between $32,500.00 and $50,000, a simplified competitive procurement method may be used:

5.1. Staff shall obtain written bids or document oral bids from at least three suppliers in a manner that permits prices and other terms to be compared.
5.2 Staff shall recommend the supplier that will provide the best value to SANDAG, taking into account the possible range of competing product and materials available, fitness of purpose, manufacturer’s warranty, and other similar factors in addition to price.

5.3 Staff shall obtain approval as required in the administrative delegation of authority policy and the small procurement procedures for use of the recommended supplier.

6. For purchases of $50,000 or more, an invitation for bids (IFB) shall be issued and the award will be made to lowest responsible bidder submitting a responsive bid:

6.1 The IFB will be posted on the SANDAG Web site. In addition, notice of the IFB will be sent to suppliers previously known to be interested in providing the needed article(s).

6.2 Notice of the IFB will be published in at least one newspaper of general circulation in San Diego County. The IFB may also be published in one or more Disadvantaged Business Enterprise (DBE)/Small business directed newspapers and in such other minority or community newspapers and trade publications as appropriate at least two weeks before the bid opening date. The notice shall state that SANDAG is interested in receiving bids from qualified firms, and indicate how additional information can be obtained, the date, location and time for receiving and opening the sealed bids. For federally funded projects, the IFB must also be published in one or more Disadvantaged Business Enterprise-certified publications.

7. For purchases of $50,000 or more that are better suited for a Request for Proposals (RFP) (negotiated purchase) or purchase on the open market, instead of an IFB (low bidder), approval may be sought from the Contracts Manager to utilize a different procurement process. An alternate procurement process to the IFB may be in the best interest of SANDAG in the following example situations:

7.1 The purchase may be made at a lower price on the open market.

7.2 Competitive bidding is an inadequate method of procurement because it is necessary to purchase prototype equipment or modifications in order to conduct and evaluate operational testing.

7.3 The article(s) to be procured is undergoing rapid technological changes and it is in the public’s interest to issue an RFP so that the broadest possible range of competing product and materials available, fitness of purpose, manufacturer’s warranty, and other similar factors in addition to price, can be taken into consideration.

8. If staff seeks authorization to utilize an alternate procurement process under section 7, documentation setting forth the reasons a deviation from the typical competitive bidding process is warranted, and a technical evaluation of the articles, prices, and suppliers shall be submitted in the requisition packet.

9. Conflicts of Interest
9.1 SANDAG shall not contract with, and will reject any bid or proposal submitted by, the following persons or entities, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:

9.1.1 Persons employed by SANDAG;

9.1.2 Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners or major shareholders;

9.1.3 Persons who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; or

9.1.4 Profit-making firms or businesses in which the former employees described in subsection 9.1.3 serve as officers, principals, partners or major shareholders.

9.2 SANDAG staff and third parties with whom SANDAG does business shall comply with SANDAG administrative policies concerning Standard of Conduct and all relevant Board Policies.

9.3 A Notice of Potential for Conflict of Interest shall be included when relevant in any procurement issued by SANDAG. The Notice shall be the policy of the Board as listed herein. Any agreement issued in accordance with this policy shall include or make reference to the policy listed herein.

9.4 A “firm” shall be defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company, construction management company, and the construction company.

9.5 “Ineligible” firms shall include the prime consultant for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.

9.6 If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will, upon written request, provide a written ruling. This procedure is encouraged prior to submittal of proposals or bids. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the Executive Director within five calendar days of notice from SANDAG the conflict. The Executive Director shall determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.

Adopted November 2003
Amended December 2006
Amended December 2007
Amended December 2008
BOARD POLICY NO. 024

PROCUREMENT AND CONTRACTING – CONSTRUCTION

Purpose

To establish a method for administering SANDAG construction contracts.

Background

Public Utilities Code section 132352.4 states that if the estimated total cost of any construction project or public works project will exceed fifty thousand dollars ($50,000), SANDAG must solicit bids in writing and award the work to the lowest responsible bidder or reject all bids. Section 132352.4 further mandates that SANDAG establish rules for procurement of construction of public works projects. Additionally, Government Code section 14085 et seq. requires that any public entity receiving state funds for a guideway project adopt policies and procedures for contract administration. Code of Federal Regulations, Volume 49, Part 18, and Federal Transit Administration Circular 4220.1E also establish procedures which SANDAG must follow when administering contracts using federal funds. All references to the Executive Director in this policy also apply to the Executive Director’s designee.

Policy

1. Bidding Process

A competitive bidding process shall be utilized to the greatest extent possible for all construction contracts.

1.1. Bid Procedure for Small Contracts

1.1.1 For construction contracts estimated to cost $32,050 or less, the work may be awarded without competition so long as the price is determined to be fair and reasonable. Otherwise, staff shall seek a minimum of three bids which may be either written or oral to permit prices and other terms to be compared.

1.1.2 For construction contracts estimated to cost more than $3,000 but not more than $50,000, the following procedures shall be followed:

1.1.2.1 Written Notices Inviting Bids (NIBs) will be sent to a minimum of three qualified bidders by mail or facsimile on the same date. The bid period will be a minimum of three calendar days. When possible, NIBs should be sent to at least two certified Disadvantaged Business Enterprise (DBE) firms. The NIB will contain the time and location for receiving and opening bids.
1.1.2.2 The contract will be awarded to the lowest responsive and responsible bidder after a Notice of Intent to Award has been issued to all bidders and a protest period of five working days has expired.

1.1.2.3 Bid bonds will only be required on bids that are $50,000 or less when requested by the Director of Mobility Management & Project Implementation or his or her designee.

1.2.  Bid Procedure for Contracts in Excess of $50,000

1.2.1 Public notice of a construction contract estimated to cost more than $50,000 shall be given by publication once a week for at least two consecutive weeks, at least three weeks before the day set for receiving bids, as follows:

1.2.1.1 In a newspaper of general circulation, published in San Diego County;

1.2.1.2 In a trade paper of general circulation published in Southern California devoted primarily to the dissemination of contract and building news among contractors and building materials supply firms (optional for projects estimated to cost less than $100,000); and

1.2.1.3 In at least one DBE/Small business directed newspaper or trade publication and in such other minority or community newspapers as appropriate.

1.2.2 Advertisements may also be placed in other minority and community newspapers, as appropriate. Appropriate DBEs listed in the current SANDAG vendor database will be notified of any work advertised under this policy.

1.2.3 The notice shall state the time and place for receiving and opening sealed bids and shall describe, in general terms, the work to be done.

1.3.  Contractor's Qualifications

1.3.1 SANDAG may, for prospective contractors whose bid could exceed $500,000, adopt and apply a uniform prequalification system for rating bidders, on the basis of a standard experience questionnaire and financial statement verified under oath in respect to the contracts upon which each bidder is qualified to bid. A contractor may request to be prequalified for a predetermined contract amount prior to bidding.

1.3.2 In no event shall any bidder be awarded a contract if such contract award would result in the bidder having under contract(s), work cumulatively in excess of that authorized by its qualification rating.
1.4. Form of Bids

1.4.1 SANDAG shall furnish each bidder with a standard proposal form, to be filled out, executed, and submitted as its bid.

1.4.2 All bids shall be submitted in a sealed envelope accompanied by one of the following forms of bidder's security: cash, a cashier's check, certified check, or a bidder's bond executed by an admitted surety insurer and made payable to SANDAG. A bid shall not be considered unless accompanied by one of the forms of bidder's security. Bidder's security shall be at least 10 percent of the amount bid. Bidder's bonds must be issued by bonding companies registered in the State of California.

1.4.3 Late bids shall not be accepted after the time and date designated in the notice.

1.4.4 Any bid may be withdrawn any time prior to the time fixed in the notice for bid opening only by written request to the SANDAG Executive Director. The request shall be executed by the bidder or its designated representative. Bids shall not be withdrawn after the time fixed for public opening.

1.4.5 On the day specified in the notice, staff shall publicly open sealed bids and announce the apparent lowest bidder(s).

1.5. Review of Bids

1.5.1 After the bids are publicly opened, the Director of Mobility Management & Project Implementation or his or her designee (hereinafter "Director"), shall review all bids in order to determine which bidder is the lowest responsive and responsible bidder. The term "lowest responsive and responsible bidder" shall mean the lowest monetary bidder (excluding taxes) whose bid is responsive and who is responsible to perform the work required by the solicitation and contract documents.

1.5.2 SANDAG may investigate the responsibility and qualifications of all bidders to whom the award is contemplated for a period not to exceed 90 days after the bid opening. The 90-day review period may be extended upon the written request by the Director and written approval by the affected bidders.

1.5.3 SANDAG reserves the right to reject any or all bids and to waive any immaterial irregularity. No bid shall be binding upon SANDAG until after the contract is signed by both the contractor and SANDAG.

1.5.4 The lowest monetary bidder's bid will be evaluated by the Director in order to determine whether or not that bid is responsive. The term "responsive" is not defined by California law, but generally means that the bid has been
prepared and submitted in accordance with the requirements of the solicitation and bid documents. These requirements shall generally include, but will not be limited to, the following:

1.5.4.1 Proposal and Cost Proposal - with bid amounts filled in.
1.5.4.2 Designation of Subcontractors - including dollar amounts.
1.5.4.2 Designation of Suppliers and Subcontractors - including dollar amounts.
1.5.4.3 Acknowledgment of Addenda.
1.5.4.4 Contractor's License Requirements.
1.5.4.5 Ability to Meet Minimum Insurance Requirements.
1.5.4.6 Public Contract Code 10162 Questionnaire.
1.5.4.7 Bidder's Bond.
1.5.4.8 Noncollusion Affidavit.
1.5.4.9 Certification of Restrictions on Lobbying.
1.5.4.10 Disclosure of Lobbying Activities.
1.5.4.11 Certification Regarding Debarment

1.5.5 If the lowest monetary bidder's bid is responsive, then the bidder's qualifications will be evaluated by the Director to determine whether or not the bidder is responsible to perform the work required by the contract documents. The term "responsible" is defined by California law, but generally means that the bidder is able to demonstrate that it possess:
(1) the capacity to perform the work required by the contract documents with respect to financial strength, resources available, and experience; and
(2) the integrity and trustworthiness to complete performance of the work in accordance with the contract documents. The Director shall review "responsibility" of bidders based upon factors set forth below.

1.5.6 For all contracts in excess of $500,000, the following uniform system of determining whether or not a bidder is "responsible" shall be applied. The Director will consider the following non-exclusive list of factors in relation to the work to be performed for this project:

1.5.6.1 Financial Requirements:

1.5.6.1.1 Contractors shall have evidence of the availability of sufficient working capital that, times a factor of ten, must exceed the contract bid price;

1.5.6.1.2 The largest value of all work any bidding contractor has had under contract over a previous similar time frame as the subject contract shall meet or exceed the total amount of the bid;

1.5.6.1.3 The dollar value of at least one of the previous individual contracts listed shall be at least 50 percent of the dollar value bid on the SANDAG contract; and
1.5.6.1.4 The contractor shall have successfully completed contracts during the previous five years that together exceed five times the annual value of the SANDAG contract.

1.5.6.2 Experience Requirements:

1.5.6.2.1 The contractor must demonstrate organization experience on work similar to the SANDAG contract by submitting a list, covering at least the previous five years, of all projects of any type that have been completed or are under construction. The list shall contain a name, title, address, and phone number for staff to contact to verify the contract details;

1.5.6.2.2 The contractor shall demonstrate individual experience by submitting a list of all officers, superintendents, and engineers who will be involved in the SANDAG contract. These key personnel shall have at least three years experience on contracts where the work is similar to the SANDAG contract. The individuals listed shall have been involved at the same level of responsibility on successfully completed contracts during the previous five years that together exceeds the value of the SANDAG contract. A resume for each individual listed shall include the name, title, address, and phone number of an individual or organization who can verify the individual's experience;

1.5.6.2.3 The contractor shall submit a summary of all claims made in the last five years arising out of previous contracts listed (this summary shall include all claims by owner against bidder or bidder against owner, and the final status of each claim);

1.5.6.2.4 The contractor shall state whether or not it has defaulted on a construction project within the last two years;

1.5.6.2.5 The contractor shall list any violation of the Apprenticeship Requirements under a State Business and Professions Code of Labor Code found by an appropriate authority within the last two years;

1.5.6.2.6 The contractor shall state whether they have been found guilty of failure to pay required prevailing wages on a public contract within the last two years;
1.5.6.2.7 The contractor shall state whether they have been formally found to be a nonresponsible bidder, for reason other than being nonresponsive, by a public agency within the last two years;

1.5.6.2.8 The contractor shall list how many construction projects the bidder will be working on concurrently with the SANDAG project;

1.5.6.2.9 The contractor shall state whether they have ever been terminated by an owner or client, or rejected from bidding in a public works project in the last five years;

1.5.6.2.10 The contractor shall state whether a surety ever completed any portion of the work of the bidder's project within the last five years;

1.5.6.2.11 The contractor shall state whether the bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of a law or safety regulation, and if so, explain the circumstances; and

1.5.6.2.12 For all items identified under 1.5.6.2.1 through 1.5.6.2.11 above, the contractor shall provide name of owner, title of project, contract amount, location of project, date of contract, and name of bonding company.

1.5.6.3 Reporting Forms: In order to demonstrate that the SANDAG financial and experience requirements are met, the contractor shall submit, when requested by SANDAG, a standard experience questionnaire and financial statement verified under oath that shall meet the requirements adopted herein.

1.5.6.4 Failure to provide accurate information relative to its financial status or experience may result in the debarment of the contractor from future SANDAG work.

1.5.6.5 Questionnaires and financial statements shall not be considered public records nor open for public inspection.

1.5.7 SANDAG will make its determination of responsibility based upon information submitted by bidders, and, if necessary, interviews with previous owners, clients, design professionals, or subcontractors with whom the bidder has worked. If a nonresponsible bidder submits
additional evidence, then that additional evidence shall be considered by the Director in making the recommendation to the Executive Director regarding determination of the lowest responsive and responsible bidder and award of the contract.

1.6 Award or Rejection of Bids

1.6.1 If the Director finds that the lowest monetary bidder submitted a responsive bid and that the bidder is responsible, then that bidder shall be deemed the apparent lowest responsive and responsible bidder, and the Director shall report the findings as recommendation to the Executive Director.

1.6.2 If the Director finds that the lowest monetary bidder's bid is not responsive or that the lowest monetary bidder is not responsible, then the Director may review the responsiveness and responsibility of the next low monetary bidder. If the Director finds that the next low monetary bidder is responsive and responsible, then that next low bidder shall be deemed the apparent lowest responsive and responsible bidder, and the Director shall report the findings as recommendations to the Executive Director. The Director may continue to review the responsiveness and responsibility of the next low monetary bidders until he/she finds the lowest monetary bidder that is also responsive and responsible, and deemed lowest responsive and responsible bidder. In the event that one or more low monetary bidders are found by the Director to be nonresponsive or nonresponsible, those bidders will be given notice and a reasonable opportunity to present additional evidence to the Director within five working days after the bidder receives the notice.

1.6.3 The Executive Director may authorize a Limited Notice to Proceed (LNTP) to the apparent lowest responsive and responsible bidder for an amount not to exceed $250,000 prior to the award of the construction contract if the Executive Director determines that the award of an LNTP is justified.

1.6.4 If it is for the best interest of SANDAG, the Executive Director may, on refusal or failure of the successful bidder to execute the contract, award it to the second-lowest responsive and responsible bidder.

1.6.5 If the second-lowest responsive and responsible bidder fails to execute the contract, the Executive Director may likewise award it to the third-lowest responsible bidder.

1.6.6 On the failure or refusal of any bidder to execute the contract, its bidder's security shall be forfeited to SANDAG.

1.6.7 For all contract awards in excess of $25,000, the successful bidder must furnish a performance bond equal to at least one-half of the contract price and a payment bond equal to at least one hundred percent of the contract price. Federally funded contract awards shall require a performance bond.
equal to one hundred percent of the contract price. Notwithstanding the foregoing, depending upon authorization from the funding source(s), the performance and payment bond requirements may be modified within the Invitation for Bids with prior approval of the Director.

1.6.8 Failure to furnish the required bonds shall constitute failure to execute the contract.

1.7 Return of Bidder's Security

1.7.1 SANDAG may withhold the bidder's security of the second- and third-lowest responsive and responsible bidders until the contract has been finally executed. SANDAG shall, upon request, return cash, cashier's checks, and certified checks submitted by all other unsuccessful bidders within 30 days after the bid opening, and the bidder's bonds shall be of no further effect.

1.8 Protests to Solicitation, Bid, or Award

1.8.1 SANDAG shall include in all contracts a procedure to be followed by interested parties who wish to protest a specification or procedure. The procedure shall include the following:

1.8.1.1 A requirement that protest submittals shall be in writing, be specific to the specification or procedure being protested, state the grounds for protest, and include all documentation needed to enable SANDAG to reach a decision.

1.8.1.2 A statement that the protest shall be submitted within clearly defined time limits prior to receiving proposals or opening bids or prior to award of contracts.

1.8.1.3 A statement specifying the review and determination process by SANDAG, including time limits for response.

1.8.1.4 Requirements for submittal of a protest reconsideration.

1.8.1.5 A statement that the initial protest will be reviewed by a protest review committee and that protest reconsiderations will be reviewed by the Executive Director.

1.8.1.6 A statement that protests will be rejected if they are not complete.
1.9 Procedure for Subcontractor Substitution Protest

1.9.1 Subcontractor substitutions shall be made only pursuant to the provisions of the Subletting and Subcontracting Fair Practices Act, Public Contract Code section 4100 et seq., as it may be amended from time to time. Notwithstanding the foregoing, nothing in this policy is intended to require SANDAG to strictly comply with the Subcontracting Fair Practices Act. The Executive Director is hereby designated to carry out the functions of the awarding authority under Section 4100 et seq., including the authority to conduct a hearing in the event of a protest to the substitution. The Executive Director shall make a written recommendation to the Board, the Board may adopt the recommendation without further notice or hearing, or may set the matter for a de novo hearing before the Board.

1.10 Procedure for Contractors with Claims Against SANDAG on Construction Contracts

1.10.1 On all SANDAG construction contracts estimated to cost more than $25,000, a section shall be included in the contract provisions that specifies how a contractor should file a "Notice of Potential Claim" and the procedures for review and disposition thereof.

1.10.2 Federal Transit Administration review and concurrence is required for claim settlements that exceed $1 million if FTA funds are involved.

1.10.3 A list of all outstanding claims exceeding $100,000 which involve the use of federal funds shall be included in the federal grants quarterly report.

1.11 Debarment Procedures for Procurement and Construction Contracts

1.11.1 In addition to all other remedies permitted by law, SANDAG may, upon advice of the Executive Director and Office of General Counsel, by resolution declare a bidder or contractor ineligible to bid on SANDAG procurement and construction contracts for a period not to exceed three years for any of the following grounds:

1.11.1.1 two or more claims of computational, clerical, or other error in bid submission within a two year period;

1.11.1.2 unjustified failure or refusal to timely provide or properly execute contract documents;

1.11.1.3 unsatisfactory performance of contract;

1.11.1.4 false, excessive and/or unreasonable claims while performing work for SANDAG;

1.11.1.5 two or more occasions within a two year period of failure to submit bond or insurance documents acceptable to SANDAG in the time periods required;
1.11.1.6 unjustified refusal to properly perform or complete contract work or warranty performance;

1.11.1.7 unjustified failure to honor or observe contractual obligations or legal requirements pertaining to the contract;

1.11.1.8 conviction under a state or federal statute or municipal ordinance for fraud, bribery, theft, falsification or destruction of records, receiving stolen property or of any other similar crime;

1.11.1.9 any offense or action which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the contractor on future contracts with SANDAG;

1.11.1.10 any debarment of the contractor by another governmental agency; and

1.11.1.11 false statements or certifications in documents submitted as part of a bid or any supplementary documentation thereto.

1.11.2 SANDAG may permanently debar such bidder or contractor for a conviction under federal or state antitrust statutes involving public contracts or the submission of bid proposals, for any corrupt practices involving the administration or award of a contract with SANDAG, or permanent debarment of the bidder or contractor by another governmental agency.

1.11.3 The bidder or contractor shall be provided notice and an opportunity to present evidence and show cause before the Board why such ineligibility shall not be declared after the Director has established a factual basis for debarment.

1.11.4 A contractor’s debarment shall be effective amongst SANDAG and any subsidiary entity. Debarment prohibits SANDAG and any subsidiary entity from executing contracts with the debarred contractor.

1.11.5 Debarment constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarment decision may be extended to include any affiliate of the contractor if the affiliate is (1) specifically named, and (2) given written notice of the proposed debarment and an opportunity to respond.

1.11.6 Notwithstanding the debarment of the contractor, the Board may continue contracts in existence at the time the contractor is debarred, unless the Board directs otherwise, after receiving advice from the Executive Director as to the effects of termination of an existing agreement.
2. **Contract Administration and Contractor Assurances**

2.1 SANDAG contractors must meet all applicable laws concerning labor law, labor rates, EEO and licenses. SANDAG shall ensure that the following requirements are carried out:

2.1.1 All bidders and contractors shall be licensed in accordance with the laws of California. Additionally, contractor requirements shall be guided by the provisions of Chapter 9 of Division 3 of the Business and Professions Code concerning the licensing of contractors.

2.1.2 The contractor may not, in any case, pay workers less than the stipulated prevailing rates paid for such work or craft in the San Diego area by the contractor or any of its subcontractors, unless it is otherwise authorized by law.

2.1.3 The contractor will be responsible for complying with the provisions of the Fair Labor Standards Act of 1938 as amended.

2.1.4 SANDAG contractors shall be required to provide Workers’ Compensation Insurance to their employees in accordance with the provisions of Section 3700 of the Labor Code. Prior to commencement of work, the contractor shall sign and file with SANDAG a certification of compliance.

2.1.5 Contractors must comply with the SANDAG contractor labor compliance program, which is based on the California Labor Code and the “Labor Compliance” section of the California Department of Transportation’s Construction Manual.

2.1.6 The contractor shall comply with the EEO requirements set forth by Title VI of the 1964 Civil Rights Act on any project where Federal funds are included.

2.1.7 The contractor shall also comply with Sections 1431 and 1735 of the Labor Code and Sections 300 and 317 through 323 of Title 8 of the California Administrative Code, which prohibits labor discrimination and requires the contractor to submit an Equal Opportunity Program and certification fee to the Fair Employment Practice Commission for contracts over $200,000.

3. **Construction Contract Change Orders**

3.1 All construction and procurement contracts may be amended by a suitable change order. The contract change orders shall be processed in accordance with SANDAG procurement and construction manual(s).

3.2 Construction contract change orders shall be approved by the Executive Director in accordance with SANDAG Board policies, administrative policies, and procedural manuals.
3.3 Except in an emergency, or in the case of a justifiable sole source procurement, a change order shall not be awarded without competitive bidding where the amount of such change order exceeds 25 percent of the price of the original or altered contract, or the change order is out of the original contract scope.

3.3.1 For purposes of this section, an emergency is defined as a sudden or unforeseen situation in which, in the Executive Director’s opinion, injury to persons, or significant injury to property or interruption of a public service will occur if immediate action is not taken.

3.4 All change orders that conflict or potentially conflict with Board-adopted policies shall be brought before the Board for decision.

3.5 All change orders which utilize federal funds shall conform to the Code of Federal Regulations, Volume 49, Part 18 and Federal Transit Administration Circular 4220.1E and any successors thereof, that are applicable by law.

4. Non-Competitive Procurements - Sole Source Other Than Full and Open Competition

Normally, SANDAG will utilize a full and open competition when soliciting bids or proposals for procurements in excess of $50,000. Under certain circumstances, however, a procurement may be justified that does not utilize full and open competition. These procurements are known as limited competition procurements. When less than full and open competition is used, SANDAG shall solicit offers from as many potential sources as is practicable under the circumstances. Noncompetitive procurement is known as a sole source acquisition. Noncompetitive and limited competition procurements shall only be permitted when the conditions below are met.

4.1 When the project will be paid for in whole or in part by federal funds one of the following conditions set forth below must be met:

4.1.1. There is an urgent need for the work due to an emergency or some other exigency that will not permit a delay resulting from competitive solicitation. Examples of such need include a danger to the public or loss of use of a transportation facility used by the public.

4.1.2 Staff solicited competitive bids and was unable to obtain a responsive bid from a responsible bidder.

4.1.3 The grantor agency providing funds for the project has approved sole source acquisition.

4.1.4 The work is only available from a single source.

4.1.5 The item is a capital maintenance item directly procured from the original manufacturer and that supplier is the only source for such item. Unique Capability or Availability. The services are only available from one source. Services are only available from one source if one of the conditions described below is present:
4.1.1 Unique or Innovative Concept. Staff can demonstrate that the service consists of a unique or innovative concept or capability not available from another source. Unique or innovative concept means either a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to SANDAG only from one source and has not in the past been available to the recipient from another source; or

4.1.1.2 Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.

4.1.2 Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.

4.1.3 Unacceptable Delay. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling SANDAG’s needs.

4.1.4 Single Bid or Proposal. Upon receiving a single bid or proposal in response to a solicitation, if staff determines that competition was adequate based on a review of the specifications for undue restrictiveness and/or a survey of potential sources that chose not to submit a bid or proposal.

4.1.5 Unusual and Compelling Urgency. SANDAG may limit the number of sources from which it solicits bids or proposals if staff documents that such an unusual and urgent need for the services exists that SANDAG would be seriously injured unless it were permitted to limit the solicitation. SANDAG may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the services.

4.1.6 Contractual Agreement. With some exceptions, when an agency awards a grant agreement or enters into a cooperative agreement with SANDAG for a project in which the funding agency has approved the participation of a particular firm or combination of firms in the project work, the grant agreement or cooperative agreement constitutes approval of those arrangements.

4.1.7 Circumstances authorized by Federal Acquisition Regulation Part 6.3 or the federal Common Grant Rules. Examples include a statutory authorization or requirement, compliance with Department of Transportation (DOT) appropriations laws that include specific statutory requirements, with the result that only a single contractor can perform certain project work.
4.1.8 National Emergency. To maintain a facility, producer, manufacturer, or other supplier available to provide supplies or services in the event of a national emergency or to achieve industrial mobilization.

4.1.9 Research. To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.

4.1.10 Protests, Disputes, Claims, Litigation. To acquire the services of an expert or neutral person for any current or anticipated protest, dispute, claim, or litigation.

4.1.11 International Arrangements. When precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or when prohibited by the written directions of a foreign government reimbursing the recipient for the cost of the acquisition of the supplies or services for that government.

4.1.12 National Security. When the disclosure of SANDAG’s needs would compromise the national security.

4.1.13 Public Interest. When SANDAG staff documents that full and open competition in connection with a particular acquisition is not in the public interest.

4.1.14 When Prohibited. Less than full and open competition is not justified under any circumstance based on:

4.1.14.2 Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, expiration of federal assistance previously available for award).

4.2 When there are no federal funds involved, additional factors may be used to justify a limited competition or sole source procurement as being within the best interest of SANDAG. For these types of procurements one of the conditions in this section (4.2) or section 4.1 must be met:

4.2.1 There is only one contractor capable of providing the work because the work is unique or highly specialized.

4.2.2 The work should be carried out by a particular contractor in the interest of economy or efficiency as a logical follow-on to work already in progress under a competitively awarded contract.

4.2.3 The cost to prepare for a competitive procurement exceeds the cost of the work.
5. Relief from Maintenance and Responsibility and Acceptance of Work

5.1 SANDAG will, upon written application by the contractor, consider granting relief from maintenance and responsibility on major elements of each major construction project as permitted in the contract specifications. The Executive Director is hereby delegated authority to grant said relief in writing to the contractor and shall report actions on contracts over $25,000 to the Board.

5.2 SANDAG will, upon written application by the contractor, accept the entire work on major construction contracts, provided that the work has been completed, in all respects, in accordance with the contract plans and specifications. The Executive Directors is hereby delegated the authority to accept contracts on behalf of the Board and shall report to the Board all contract acceptances over $25,000.

5.2.1 In determining whether to accept the entire work on major construction projects, these procedures should be followed:

5.2.1.1 The contractor shall request acceptance in writing.

5.2.1.2 Concurrence with the request by the SANDAG Resident Engineer shall be in writing to the Executive Director and include these findings: (1) that the contract has been completed in accordance with the plans and specifications, (2) a statement as to the financial condition of the contract, and (3) a statement as to whether the contract was completed on time or with an apparent overrun.

5.2.1.3 The Executive Director shall accept the action and report the findings to the Board.

6. Conflict of Interest

6.1 A contractor is eligible for award of service contracts by SANDAG so long as the contract in question does not create an actual, potential, or apparent conflict of interest. A prohibited conflict of interest exists when a firm is or may be unable to render impartial, objective assistance or advice to SANDAG or where a firm would receive an unfair competitive advantage. Prohibited conflicts of interest include, but are not limited to, the following situations:

6.1.1 Any firm that provides design services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract to construct the improvements, which are the subject of the design services.

6.1.2 Any firm, except for General design/Engineering Consultants, for a design-bid-build project that provides design services to SANDAG will be ineligible for award of any contract to provide construction management services resulting from the specific project for which design services were provided.

6.1.3 Any General design/Engineering Consultant for a project is eligible for award of a contract to provide the following general construction
management services for that project so long as a SANDAG employee will oversee the project and make all final decisions and approvals: Office Engineer, Assistant Resident Engineer, Inspector, and Administrative/Clerical Assistant. General design/engineering consultants for a project are not eligible for award of a contract to provide the following construction management services for that project: Project Manager and Resident Engineer.

6.1.4 Any firm that provides construction management services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract for which construction management services were or will be provided.

6.2 SANDAG shall not contract with, and will reject any bid or proposal submitted by, the following persons or entities, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:

6.2.1 Persons employed by SANDAG;

6.2.2 Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners, or major shareholders;

6.2.3 Persons who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; or

6.2.4 Profit-making firms or businesses in which the former employees described in subsection 6.2.3 serve as officers, principals, partners or major shareholders.

6.3 SANDAG staff and third parties with whom SANDAG does business shall comply with SANDAG administrative policies concerning Standard of Conduct and all relevant Board Policies.

6.4 A Notice of Potential for Conflict of Interest shall be included when relevant in any procurement issued by SANDAG. The Notice shall be the policy of the Board as listed herein. Any agreement issued in accordance with this policy shall include or make reference to the policy listed herein.

6.5 A “firm” shall be defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company, construction management company, and the construction company.

6.6 “Ineligible” firms shall include the prime consultant for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.
6.7 If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will, upon written request, provide a written ruling. This procedure is encouraged prior to submittal of proposals or bids. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the Executive Director within five calendar days of notice from SANDAG the conflict. The Executive Director shall determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.

7. Job Order Contracting

A Job Order Contract (JOC) is a competitively bid, firm fixed price, indefinite quantity contract that is based upon specific unit pricing contained in a unit price book (prepared by the public agency or by independent commercial sources) setting forth detailed repair and construction items of work, including descriptions, specifications, units of measurement and individual unit prices for each item of work. The JOC includes unit pricing for work at time of award, but not the specified quantity and location of the work to be performed. At the time a Job Order (JO) is issued, the scope of work will identify the quantity and specific location of the work to be performed. JOC may be used when it will result in a cost savings through economies of scale or expedite the delivery of work.

7.1 General Requirements

7.1.1 Job Order Contracts shall be awarded under written agreement subject to the following limitations:

7.1.1.1 The specifications were advertised in accordance with Board Policy No. 024, Section 1, “Bidding Process” based on the maximum potential value of the Job Order Contract.

7.1.1.2 The specifications provided for sealed competitive bidding on unit-cost terms for all labor, material, and equipment necessary to perform all work contemplated for individual Job Orders.

7.1.1.3 The Job Order Contract does not exceed a term of three years in duration.

7.1.1.4 The Job Order Contract shall only be used for the performance of minor routine or recurring construction, or for the renovation, alteration, or repair of existing public facilities.

7.1.2 A Job Order Contract may not contain any provision which would guarantee the contractor cumulative Job Orders in excess of $50,000.
7.2 Issuance of Job Orders

7.2.1 Following award of a JOC, JOs may be issued by the Executive Director in accordance with SANDAG Board Policies, administrative polices, and procedural manuals upon certification by that individual that it is not in conflict with other Board Policies and it is the best interest of SANDAG to use the JOC procurement process because one or more of the following criteria have been met:

7.2.1.1 Use of the JOC process will result in a cost savings through economies of scale or expedite the delivery of work; or

7.2.1.2 Compliance with the traditional competitive bidding requirements will not produce an advantage to SANDAG; or

7.2.1.3 Advertising for bids is undesirable because it will be practically impossible to obtain what is needed or required by an unforeseen deadline if the traditional competitive bidding method is used; or

7.2.1.4 The entity or entities providing funds for the project have authorized use of the JOC process.

7.2.2 An individual Job Order may not exceed the sum of $2,000,000, except in the case of an emergency as defined in Section 3.3.1 of this Policy, or as specifically authorized by the Executive Director, whose authorization shall not be delegated.

7.2.3 No public work that logically should be performed as a single contractual transaction requiring the expenditure of more than $2,000,000 shall be separated into separate Job Orders for purposes of avoiding this limitation.

7.2.4 Non-prepriced items of work may be included in JOs provided that the non-prepriced items are within the scope and intent of the JOC and are priced reasonably and in conformity all applicable laws, regulations and policies.

7.3 Job Order Contract Intergovernmental Agreements

7.3.1 The SANDAG Executive Director may permit, subject to requirements of this section and subject to such terms and conditions that the Executive Director may prescribe, any public entity, including the California Department of Transportation, or any municipal corporation, school or other special district within San Diego County, to participate via the Service Bureau in JOs entered into by SANDAG, and may enter into any agreements necessary to do so.

8. Design Build Contracting

“Design build” is a contract procurement process in which both the design and construction of a project are procured from a single entity. Notwithstanding Section 1 of this Policy,
SANDAG is permitted to use the design build contracting method on transit projects in accordance with Public Contracts Code section 20209.5 et seq. A competitive negotiation process will be used to procure design build services.

Adopted November 2003
Amended December 2006
Amended December 2007
Amended December 2008
PUBLIC PARTICIPATION/INVOLVEMENT POLICY

Purpose

This policy establishes a process for obtaining input from and providing information to the public concerning agency programs, projects, and program funding in order to ensure the public is informed and has the opportunity to provide SANDAG with input so plans can reflect the public's desire. SANDAG will review and update this plan every three years. Various federal and state laws and regulations require that an agency such as SANDAG conduct public participation programs to ensure that the public is involved and that community concerns are addressed. For example, planning of mass transit capital projects, development of short range service policies and plans, and fare policy and structure changes to public transportation require public participation. The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) also have public information components that require an agency such as SANDAG to conduct public participation programs to ensure that the public is involved and that community concerns are addressed. A significant component of the SANDAG mission is a strong commitment to public participation and involvement to include all residents and stakeholders in the regional planning process.

The public participation policy is consistent with the requirements of Public Utility Code Section 132360.1 established with the passage of Assembly Bill 361 which reads as follows:

(c) The agency shall engage in a public collaborative planning process; recommendations from that process shall be made available and considered for integration into the plan. A procedure to carry out this process including a method of addressing and responding to recommendations from the public shall be adopted.

Social Equity and Environmental Justice

Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of SANDAG public participation activities. SANDAG policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations, and requirements, Title VI, related nondiscrimination requirements, and reflect the principles of social equity and environmental justice. Social equity means ensuring that all people are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind. Environmental justice means ensuring that plans, policies, and actions do not disproportionately affect low income and minority communities.

Scope

The policy addresses public participation policies and public information efforts in the following areas:
A. Overall Public Participation Process

B. Short Range Program – Regional Transportation Improvement Program

C. Development Planning

D. Design and Construction

E. Short Range Transit Service Planning and Fare Changes

F. Short Range Transit Planning

G. Native American Consultation

A. **Overall Public Participation Process** – Unless otherwise noted or required, these are SANDAG general policies for public participation for major planning initiatives such as the Regional Transportation Plan, Regional Comprehensive Plan, Regional Short Range Transit Plan, and other planning and programming projects

1. The SANDAG Public Participation/Involvement Program is designed to inform and involve the region’s residents in the decision-making process on issues such as growth, transportation, environmental management, housing, open space, air quality, energy, fiscal management, economic development, and public safety.

2. The Public Participation/Involvement Program seeks to involve all citizens, including but not limited to low income households, limited English proficient individuals, Hispanic, African American, Asian, Native American, senior, and other communities, persons with disabilities, as well as community and civic organizations, public agencies, business groups and associations, environmental organizations, and other stakeholders.

3. SANDAG Board meetings provide the public forum and decision point for significant regional issues. SANDAG Directors usually hold one or two Board meetings each month: a Board Policy Meeting the second Friday of each month and a Board Business Meeting the fourth Friday of each month. Meetings held at the SANDAG office are accessible by public transit. During these meetings, Directors adopt plans, allocate transportation funds, approve transit construction plans, approve transit fare changes, and establish policies and develop programs that are used by local governments as well as other public and private organizations.

4. The SANDAG Public Participation/Involvement Program shall comply with the Americans with Disabilities Act (ADA). SANDAG shall hold public meetings in buildings, rooms, or locations that are accessible to persons with disabilities. SANDAG shall provide public meeting information in alternate formats and shall provide special accommodations at public meetings with three business days notice.

5. The SANDAG Public Participation/Involvement Program is carried out as an integrated work element of the agency’s Overall Work Program and Budget and as part of other programming, development, and implementation processes such as the Regional Transportation Plan, the Regional Comprehensive Plan, Regional Short Range Transit Plan, Regional Transportation Improvement Program, Environmental Impact Reports, transit capital project development, project construction, transit fare changes, corridor studies, and other projects.
6. SANDAG shall proactively seek and promote public participation in SANDAG workshops and public hearings, as well as participation and attendance at committees, working groups, and task forces. SANDAG shall follow local, state, and federal guidelines for posting public meeting and hearing notices. Depending upon the specific project, SANDAG shall endeavor to hold meetings at times that can attract as many participants as possible, including evenings and weekends and at locations in communities throughout the region. SANDAG shall endeavor to hold these meetings in locations that are accessible by public transit.

7. SANDAG shall inform the public in a timely manner about regional issues, actions, and pending decisions through a number of efforts. As needed or required, SANDAG shall post public notices in newspapers of general circulation for publication of legal notices. Other publication and distribution efforts can include mail distribution to residents, agencies, and city/county governments, the SANDAG Web site, e-mail lists, and rEgion – the SANDAG monthly electronic newsletter. As needed, SANDAG also shall distribute press releases and media alerts to local, regional, and Mexico border area print and broadcast media.


9. SANDAG shall use its Web site to provide the public with useful and timely information including meeting schedules and agendas; plans and environmental documents; reports and other publications; demographic profiles and data downloads; and interactive database and mapping applications.

10. As appropriate and as required by local, state, and federal guidelines, SANDAG shall translate into Spanish, and other languages, publications, announcements, and Web content. In addition, numerous staff members are bilingual Spanish-English speakers and participate in public outreach and conduct presentations in Spanish. Translators shall be hired as needed and as required by local, state, and federal guidelines to provide services in Spanish and other languages as appropriate.

11. SANDAG conducts periodic public opinion surveys as part of the outreach and citizen participation component of the SANDAG work program. These surveys shall be designed to include the San Diego region’s residents in the regional planning process and to keep SANDAG officials aware of issues that are of concern to the people who live here.

12. SANDAG will endeavor to respond to general comments received by phone, fax, letter, or e-mail within five (5) business days of receipt. Comments shall be routed to
the SANDAG staff person who is responsible for that issue. Comments may be responded to in writing (e-mail or letter) or may be resolved with the initial phone call. Some comments may need to be resolved by another agency or jurisdiction so the customer is referred to the appropriate entity. When a comment is submitted as part of a public review process (e.g., a plan or environmental report) the comment and response is logged into a database. Comments, concerns, and responses received as part of a public review process shall be included in the final plan or report.

B. **Short Range Program – Regional Transportation Improvement Program (RTIP)** – document updated every two years outlining major transportation projects to be implemented during a five-year period.

1. SANDAG shall follow the latest federal and state regulations regarding participation by interested parties.

2. As the document that implements the long range plan, the RTIP shall be incorporated as part of the Board adopted public involvement process established for the Regional Transportation Plan (October 27, 2006) including participating in public outreach efforts, providing adequate public notice (legal notice publications), employing visualization techniques, holding public meetings at convenient and accessible locations.

3. SANDAG shall respond to any significant public input or comment received during the development of the biennial update and/or during the amendment cycle as part of its report to the Board or Transportation Committee (as appropriate).

4. The biennial RTIP update will be noticed in newspapers of general circulation including in alternate languages and a public hearing shall be held prior to final adoption by the Board of Directors.

5. During the amendment cycle, SANDAG will provide a draft of the amendment to all interested parties for a 15-day comment period.

C. **Development Planning** – Planning, environmental, preliminary engineering activities on major capital projects.

1. SANDAG shall follow current federal and state regulations regarding public involvement processes and procedures. SANDAG shall develop public involvement programs tailored to meet specific project needs which address the unique challenges presented by each project. Programs shall be developed using the joint Federal Highway Administration and Federal Transit Administration (FHWA/FTA) guidelines titled “Public Involvement Techniques for Transportation Decision-Making.”

2. The public involvement program shall set objectives, identify people to be reached, develop public involvement strategy, and define specific outreach techniques.
3. The public involvement program shall be developed so that critical community concerns and technical issues are identified in the study. The issues need to address the engineering, environmental, economic, and financial analyses that respond effectively to community needs and preferences and satisfy local, state, and federal environmental clearance requirements.

4. To facilitate community participation, lists of individuals, agencies, and organizations shall be developed for distribution of agency materials. These lists will include persons who have indicated an interest in transportation planning projects during previous public information efforts and/or focused on the specific project. Project information would be distributed to the persons on this list in conjunction with public meetings and workshops, to solicit comments and recommendations.

5. Environmental documents shall be prepared in accordance with California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), as appropriate, and in coordination and consultation with various federal, state, and local agencies, and with elected officials, community leaders, organizations, and other individuals from the neighborhoods and communities potentially affected by the proposed action. Coordination and public involvement shall be achieved through a variety of means, such as formal public hearings and meetings, circulation of draft documents, mailings, focus group meetings, workshops, and individual/group contacts.

6. Formal scoping meetings, public hearings, and/or other meetings during the comment period and environmental document certification shall be held in accordance with the requisite environmental document. As required, meetings shall be announced in the Federal Register, local publications, and on the SANDAG Web site. Persons and organizations on the project mailing list also will be notified. SANDAG shall endeavor to hold public meetings in locations accessible by public transit.

7. SANDAG shall prepare and distribute appropriate notices and communications to comply with CEQA and NEPA requirements.

8. A public information program shall be developed to inform the community of factors related to the project. The information program may include briefings for the news media, informational meetings, presentations to include community and professional associations and educational institutions, business groups and associations, environmental organizations, and other public forums.

9. A project working group may be organized to review and comment on the project to build understanding and identify support for feasible alternatives. This group may consist of various elected officials/staff, community and neighborhood organizations, business organizations, property owners, and other stakeholders and interested parties. This group would be formed to provide comment and guidance regarding technical issues, review study alternatives and evaluation results, and provide community input regarding the alternatives. This iterative process would allow for identified issues and concerns to receive follow-up responses. Meeting
summaries of project working group activities shall be produced. Meeting notices, agendas, and/or other information shall be posted to the SANDAG Web site.

10. Other public input opportunities include SANDAG Board of Directors meetings and meetings of SANDAG policy committees: Executive, Transportation, Regional Planning, Borders, and Public Safety. Other opportunities for public participation are at working group meetings, general public meetings, and presentations to planning and community groups.

D. **Design and Construction** - Design and construction of capital projects.

1. For all capital improvement projects with significant community impacts, SANDAG shall provide opportunities for members of the public to provide input and express concerns. SANDAG also shall implement a program designed to inform the public of progress, as well as safety and community impacts in the event of construction.

2. SANDAG shall hold publicly noticed meetings at key stages of project development and implementation in the area(s) being impacted. The location of the meetings shall depend upon the geographic location of the project. Meetings concerning projects exclusively within the North County Transit District (NCTD) service area shall be held in North County locations, and if appropriate, at SANDAG offices. Meetings concerning projects exclusively within the Metropolitan Transit System (MTS) service area shall be held in MTS service areas affected, and if appropriate, at SANDAG offices. Meetings concerning all other projects shall be held at SANDAG offices or other locations specified in SANDAG agendas. SANDAG, MTS, and NCTD offices are accessible by public transit. SANDAG shall endeavor to hold off-site public meetings at locations accessible by public transit.

3. SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, business improvement districts, environmental organizations, neighborhood associations, and senior and disabled riders. These stakeholders will be consulted during the design and construction of capital projects.

4. SANDAG shall work to advise the public regarding actual and perceived disruption during construction of capital projects by distributing informational, educational, and public information materials, and by using other traditional community relations tools.

5. SANDAG shall endeavor to meet citizen concerns as they arise and attempt to resolve those concerns.

6. For all projects requiring environmental review under CEQA and NEPA, such as major capital improvement projects, SANDAG shall provide opportunities for members of the public to provide input and comply with all related legal requirements.
6.1 SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, and neighborhood associations.

6.2 SANDAG shall incorporate public input into project planning and development where practical and feasible.

6.3 SANDAG shall hold a public hearing to seek public comment whenever required under CEQA and/or NEPA.

6.3.1 Published notifications for such hearings shall be published in newspapers of general circulation for publication of legal notices. Notices also may be published in regional, community, or Spanish-language newspapers to reach the affected area.

6.3.2 Any item subject to a public hearing will be listed and described in the Board’s published agenda, which shall be posted at least 72 hours in advance of the meeting at the Board’s meeting place and on the SANDAG Web site.

6.3.3 Public hearings shall be conducted by SANDAG at the published date, time, and place. The public hearing will allow for interested parties to be heard. The Board also will consider any written comments that were forwarded to the Board prior to the hearing.

E. Short Range Transit Service Planning and Fare Changes

1. SANDAG has adopted Transit Service Planning and Board Policy No. 029 to provide policy guidance for transit service and fare changes. This section of the policy is designed to inform and involve public transit riders, stakeholders, and the general public about proposed changes in transit fares. Public information and involvement programs for service changes would fall under adopted policies of the Metropolitan Transit System (MTS) and North County Transit District (NCTD).

1.1 Consistent with Board Policy No. 04, a public hearing will be held by SANDAG for transit fare changes. SANDAG staff shall hold a public hearing, which could consist of an open house or workshop, to provide the public an opportunity to comment on proposed fare changes. A minimum of five public meetings shall be held prior to first reading of any proposed fare change that affects services operating in the MTS and NCTD service area. The five meetings shall be held in North County Inland, North County Coastal, Central, South Bay and East County areas. At least one meeting shall be held with a starting time no earlier than 6:00 pm. The public hearings A minimum of two public hearings shall be held prior to the first reading of any proposed fare change that affects services operating in both the MTS and NCTD service areas. At least one public hearing shall be held in the MTS service area and at least one public hearing shall be held in
the MTS service area. At least one of the public hearings shall be held with a starting time no earlier than 6:00 pm. A public hearing for proposed fare changes that do not affect the entire region may be held exclusively within the general geographic area that is being affected by the fare change. Such public meeting shall be held at a time convenient for users and potential users of the affected service, will be held at the SANDAG offices during a regularly scheduled meeting of the SANDAG Transportation Committee and/or Board of Directors and/or in the general geographic area of the affected public at a special or relocated meeting of the SANDAG Transportation Committee or Board of Directors, as determined by the SANDAG Transportation Committee or Board. Public hearings shall be held at a time and location that is accessible by users of public transit. An official transcriber or other means of recording all public input received shall be utilized in attendance at all public hearings, meetings, workshops or open-houses. A record summary of the input received shall be provided to the Transportation Committee or Board of Directors at the time of the first reading of amendments to the fare ordinance for the purpose of adjusting fare prices. Public hearings for fare changes affecting North County and/or NCTD service area residents shall be held by SANDAG in the North County area. Public hearings for fare changes affecting MTS service area residents shall be held by SANDAG in the affected area.

1.2 Public comments on proposed fare changes shall also be accepted at the SANDAG Board or Transportation Committee on the day the item is being considered before any final action is taken.

1.21.3 Take One, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected public transit vehicles within the affected area at least 15 calendar days prior to the public hearing and will include a description of the proposed fare change, the date, time, intent and location of the public hearing/meeting, and the deadline for written, e-mail and phone comments from the public. The notices will be posted to the SANDAG and Transit Agency Web site(s).

1.31.4 Print notice of public hearings will be provided at least 15 calendar days prior to the public hearing/meeting date in newspapers of general circulation in the affected area(s), including appropriate minority and community publications. Public notices will be printed in Spanish in Spanish-language newspapers. The public hearing notice will include a description of proposed fare changes, the date, time, intent, and location of the public hearing/meeting(s), and the deadline for written, e-mail, and phone comments from the public.

1.41.5 An open phone line will be made available to take public comments at least 15 calendar days prior to public hearing.
1. SANDAG Policy Committee and/or Board report (as appropriate) will be completed and available for public review at least 72 hours prior to the public hearing and posted to the SANDAG Web site(s).

2. After a fare change is approved by SANDAG:

   2.1. The public will be notified via news release(s)

   2.2. Take One, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected transit vehicles at least 15 calendar days prior to changes going into effect and posted to the SANDAG and Transit Agency Web site(s).

3. SANDAG shall follow federal Title VI and environmental justice requirements when implementing transit fare changes.

   3.1. Residential, employment, and transportation patterns of low-income and minority populations shall be identified so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed. SANDAG shall endeavor to involve the affected communities in evaluating the benefits and burdens of transportation investments.

   3.2. SANDAG shall evaluate and - where necessary - improve the public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

F. Short Range Transit Planning

   1. Public information and involvement programs for the Regional Short Range Transit Plan and the Coordinated Human Resources and Public Transit Transportation Plan shall be the responsibility of SANDAG.

   2. Public information and involvement programs for transit service changes will fall under adopted policies of the Metropolitan Transit System (MTS) and North County Transit District (NCTD).

E. G. Native American Consultation

   1. SANDAG shall establish and adhere to government-to-government relationships when interacting with Tribal Governments, acknowledging these tribes as unique and separate governments within the United States.

   2. SANDAG shall recognize and respect important California Native American rights, sites, traditions, and practices.
3. SANDAG engages in “consultation” with Tribal Governments prior to making decisions, taking actions, or implementing programs that may impact their communities.

4. To facilitate effective consultation with Tribal Governments, SANDAG has established a Tribal Government Liaison. The Liaison shall serve as an initial contact for Tribal Governments and communicates with tribal governments regarding SANDAG activities.

4.1. “Consultation” is the active, affirmative process of: (1) identifying and seeking input from appropriate American Indian government bodies, community groups, and individuals; and (2) considering their interests as a necessary and integral part of the decision-making process.

Adopted March 2005
Amended January 2006
Amended December 2007
Amended December 2008
REGIONAL FARE POLICY AND COMPREHENSIVE FARE ORDINANCE

Purpose:

To establish guidelines for setting a uniform, fair, and equitable areawide fare structure consistent with revenue-producing requirements and established budgets.

Background

With the approval of Senate Bill (SB) 1703, the planning and programming functions of the San Diego Metropolitan Transit Development Board (MTDB), which is now the Metropolitan Transit System (MTS), and the North San Diego County Transit Development Board, which is now North County Transit District (NCTD), were consolidated under the San Diego Association of Governments (SANDAG). Contained within these functions is the responsibility for developing a Regional Fare Policy, including setting fares for transit services in the region through a Comprehensive Fare Ordinance. The Initial Transition Plan for the regional consolidation specifies that SANDAG will develop the Regional Fare Policy, carried out in consultation with the transit agencies and operators.

Regional Participation

For this policy to be effective, it will be necessary for all transit agencies and operators in the region to implement the regional policy according to the following guidelines:

1. A single, unified, regionwide fare policy and transfer system shall be maintained for all publicly subsidized operators.
   
   1.1 All publicly supported transit operators shall participate in the system to be eligible for public subsidy.
   
   1.2 All publicly supported transit operators shall use and accept regional fare media.

Production

Fare revenues shall meet or exceed the level necessary to support the level of service provided given the current public subsidies available.

2. SANDAG shall adopt a specific farebox recovery ratio objective for each transit agency each fiscal year, consistent with the requirements of the Public Utilities Code regarding the disbursement of Transportation Development Act funds. SANDAG’s farebox recovery ratio shall be higher than that set by the Public Utilities Code to encourage revenue growth and ridership.
2.1 The fare-pricing schedule shall be set to be consistent with meeting or exceeding the specified farebox recovery requirements.

2.2 The annual average fare (per passenger), over time, shall generally be consistent with annual increases in regionwide transit cost indicators and/or the rate of inflation.

2.3 SANDAG shall consider the financial and Title VI impacts of a fare change upon ridership, service provision, and operating budgets.

2.4 User-side subsidies and direct public/private funding shall be encouraged as sources of operating revenue, particularly for services with lower cost-effectiveness.

**Fairness**

The fare structure should be fair and equitable to all operators and passengers in the region.

3. Fare levels shall be consistent for similar types of service and similar service areas.

3.1 Fare levels shall reflect a combination of the type of service, distance, speed of travel, and customer amenities provided to the customer, with higher fares set for premium services.

3.2 There shall be a unified policy on transfers within the region and any supplementary charges or upgrades. Transfers between all routes shall be facilitated, with the cost of such transfers being related to any differences between the types of service and respective fare levels.

3.3 Regionwide fare discounts shall generally be limited to youth and senior patrons and patrons with disabilities, and prepaid fare programs, and any mandated federal, state, and local program.

**Simplicity**

The fare policy shall promote seamless travel throughout the region by developing one common and easily understood fare structure throughout the region.

4. The fare structure and transfer system shall be as simple and easy to understand for users as possible.

4.1 The number of fare, transfer, and pass options shall be minimized to promote user friendliness and efficient fare validation.

4.2 The pricing structure shall be based upon equal or easily identified coin increments.

4.3 The fare collection process aboard a transit vehicle shall be designed to be as expeditious as possible.
4.4 Vehicle driver/operator involvement in the fare collection process onboard the transit vehicle should be minimized.

4.5 Use of prepaid fares including passes and stored value (e.g., daily and monthly passes and tokens) shall be encouraged to speed the patron boarding process.

4.6 The automated fare collection system shall be developed to simplify fare payment and collection, while providing the region with the opportunity to develop specialized fare structures that will be transparent to the user and driver/operator.

Responsibilities

SANDAG, the transit agencies, and transit operators all have roles and responsibilities to ensure successful implementation of the Regional Fare Policy.

5. SANDAG develops and adopts the Regional Fare Policy and Comprehensive Fare Ordinance which incorporates a uniform fare structure, a transfer policy, and agreement for revenue sharing of regional tickets, tokens, and passes, while also allowing the consolidated agency to adopt—for adoption of—specialized fare procedures for travel within each operator’s service area. SANDAG will regularly update the Regional Fare Policy and set the basic fare pricing for transit services in the region through adoption—updates to the of a Comprehensive Fare Ordinance.

5.1 A Regional Fare Structure Working Group (comprised of staff from SANDAG, transit agencies, and operators) shall review the comprehensive fare ordinance each year during the annual budget process and propose changes to the ordinance, if appropriate.

5.2 Transit agency boards shall review and provide input on proposed changes to the fare ordinance and solicit public input in accordance with transit agency policies prior to SANDAG Board action.

5.3 SANDAG’s Transportation Committee shall review the fare ordinance and develop fare recommendations as part of the annual budget process, unless needed at other times for special circumstances.

5.4 SANDAG shall—may adopt specialized fares and procedures for travel within each transit agency’s service area.

5.5 Public notice of fare changes shall be provided as legally required, including written notice on all public transit vehicles, and legal notices to newspapers. The public will be provided with an opportunity(ies) to comment on proposed fare changes in accordance with Public hearings will be conducted by the SANDAG Transportation Committee according to SANDAG Policy No. 025, Public Participation/Involvement.

5.6 Transit operators shall implement and adhere to this Regional Fare Policy and Comprehensive Fare Ordinance. Transit operators shall take the necessary actions to authorize enforcement of the Comprehensive Fare Ordinance.
5.7 The two transit agencies shall have the ability to set special event fares. For special events the transit agencies are encouraged to achieve full recovery of their operational expenses. These fares because of their short-term/temporary nature would not need to be included in the Comprehensive Fare Ordinance and would not require a public hearing.

5.8 The two transit agencies shall have the ability to set temporary, promotional, and experimental fares. Temporary, promotional, and experimental fares are defined as fares implemented for no more than twelve months for seasonal events or for marketing purposes. These fares, because of their short-term/temporary nature, would not need to be included in the Comprehensive Fare Ordinance or require a public hearing as provided in SANDAG Policy No. 025, and the operators shall be responsible for any necessary Title VI or financial impacts analysis related to such fares.

5.9 The Regional Fare Policy should be reviewed every two years by SANDAG.

Adopted October 2004
Amended February 2006
Amended December 2008
SAN DIEGO ASSOCIATION OF GOVERNMENTS  
BYLAWS  

ARTICLE I  
NAME AND PURPOSE  

Section 1  
The name of this Organization shall be the San Diego Association of Governments (hereinafter referred to as SANDAG).  

Section 2  
The purposes of this Organization are as set forth in SB 1703 (Chapter 743 of the Statutes of 2002), as established by state and federal law, and as approved by the Board of Directors. The primary purpose for which this organization is created is to engage in regional cooperative comprehensive planning, programming and where authorized, implementation thereof, and to assist the Member Agencies. 

ARTICLE II  
DEFINITIONS  
The following terms shall have the meanings ascribed to them within this section unless the content of their use dictates otherwise:  

a. “Region” shall mean that territory physically lying within the boundaries of San Diego County.  
b. “Regional Board” shall mean the Regional Planning and Growth Management Review Board.  
c. “Population” of any Member Agency shall mean that population as defined in SB 1703.  
d. “Fiscal Year” shall mean that year beginning July 1, and ending June 30.  
e. “Member Agencies” shall mean the cities within San Diego County and the County of San Diego collectively.  
f. “Subregion” shall mean one of the five following portions of San Diego County: "North county coastal," which includes the Cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; "North county inland," which included the Cities of Vista, San Marcos, Escondido, and Poway; “South county,” which includes the Cities of Chula Vista, National City, Imperial Beach, and Coronado; “East county," which includes the Cities of El Cajon, Santee, La Mesa, and Lemon Grove; and “San Diego region," which includes the territory located within the boundaries of San Diego County.
ARTICLE III

MEMBERSHIP AND ORGANIZATION

Section 1

Membership in this Organization shall be as provided in state law, Board Policies, and these Bylaws.

Section 2

a. All powers of this Organization shall be exercised by the Board of Directors. The Board of Directors may choose to delegate several of its responsibilities from time to time in accordance with Board policy.

b. Only the duly selected official representative(s), or in his or her absence, his or her duly selected alternate or alternates, shall be entitled to represent his or her Member Agency in the deliberations of the Board of Directors.

c. When changes occur, names of the official representatives and alternates shall be communicated in writing to the Organization by each participating Member Agency.

Section 3

There shall be at least five standing committees which shall be known as policy advisory committees with the membership set forth in SB 1703 or Board Policy.

a. The procedure for City and County of San Diego and subregional appointments to the policy advisory committees shall be established by Board policy. In the case of the subregional appointments, the policy shall ensure a noticed, formal process wherein all Board members (including alternates) from each subregion are provided an opportunity to participate in the selection process. Each subregion shall ensure that SANDAG staff is notified of the date, time, and location for that subregion’s meeting. After the meeting for each subregion is set by the primary Board members, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection by January 31. An alternate member may vote in the absence of the primary member. In appointing persons to the Transportation Committee, to the extent possible, the subregions and other agencies should avoid duplication of representation from any city other than the City of San Diego.

b. Procedures for policy advisory committee attendance and voting shall be established by Board policy. The policy shall ensure the formal delineation of the voting membership at each meeting.

c. The Board Chair, First Vice Chair, and Second Vice Chair may serve as ex-officio non-voting members of the policy advisory committees.
d. The Board Chair shall select the chair and vice chair of all policy advisory committees except the Executive Committee, annually in February. When serving on the Executive Committee, the Board Chair, First Vice Chair, and Second Vice Chair shall serve as the Chair, First Vice Chair and Second Vice Chair of the Executive Committee.

Section 4

The Board of Directors shall have the authority to appoint all additional committees or working groups and may provide for the appointment of alternates to these committees.

a. Additional standing committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.

b. Ad hoc specialized subcommittees or working groups may be appointed by the Board of Directors as the need arises to accomplish specific tasks. The policy advisory committees may appoint working groups to advise them. Upon completion of its assignment, each ad hoc subcommittee or working group shall disband.

Section 5

In addition to any compensation mandated by state law for Board meetings, the rates below shall apply. Persons must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation.

a. For attendance by Board members, or alternates in their absence, at Board meetings, $150 per meeting.

b. For meetings or events attended by Board members, other than committee meetings of SANDAG, where the members are officially representing the Board, $150 per meeting or event. The Board may adopt and amend from time to time a list of such meetings and events.

c. For members and alternates of policy advisory committees, $100 per meeting.

d. The limit on the total number of paid meetings for Board and policy advisory committee members or alternates per individual is six meetings per month.

e. The Chair of the Board shall receive additional monthly compensation of $500 per month.

f. Both the Vice Chairs of the Board shall receive additional monthly compensation of $250 per month.
ARTICLE IV
MEETINGS

Section 1

a. A quorum for a meeting of the Board of Directors shall be as provided for in Section 5 of this Article.

b. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. A simple majority of the appointed members of a committee shall constitute a quorum. All decisions by a committee shall be by simple majority of the quorum.

Section 2

Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order except as otherwise modified by state law, Board policy, or these Bylaws. The Secretary shall forward written notice of the meetings of the Board of Directors and each standing committee, stating the time, location, and the agenda of business to each member’s agency and to the respective members and alternates of the Board of Directors or the standing committees, at the earliest time possible, but in no event less than 72 hours prior to meetings, except that such written notice of regular Board of Directors’ meetings may be forwarded by first class mail or other appropriate means not less than seven days prior to such meeting.

Section 3

All meetings of a SANDAG legislative body, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code). Closed session items should be heard by the Board of Directors unless timeliness requires consideration by the Executive Committee or, for transportation matters the Transportation Committee. In any event, the Transportation Committee is authorized to convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation. The Transportation Committee will report real property transaction purchase amounts at the next regular meeting of the Board occurring after final execution of the purchase documents.

Section 4

The Board and committees shall meet according to the following schedule:

a. The Board of Directors and policy advisory committees shall hold their regular meetings on Fridays unless otherwise determined from time to time by the Board of Directors or policy advisory committee. Regular meetings of the Board of Directors shall be held on the second and fourth Friday mornings of the month at the offices of the Organization or at other locations within San Diego County, unless otherwise provided by the Board. Special
meetings of the Board of Directors or policy advisory committees may be called from time to
time by their respective Chair.

b. Other committees shall meet whenever called by their respective Chair.

Section 5 (Section 132351.2 of the Public Utilities Code)

a. A majority of the Member Agencies constitute a quorum for the transaction of business. In
order to act on any item, except consent items which only require the vote specified in
paragraph (1), the following voting formula in both paragraphs (1) and (2) shall apply:

(1) A majority vote of the members present on the basis of one vote per agency.

(2) A majority of the weighted vote of the Member Agencies present.

b. The City of San Diego shall determine how to allocate its single agency vote and its
weighted votes between its two members.

c. For the weighted vote, there shall be a total of 100 votes, except additional votes shall be
allowed pursuant to subdivision (f). Each representative shall have that number of votes
determined by the following apportionment formula, provided that each agency shall have
at least one vote, no agency shall have more than 40 votes, and there shall be no fractional
votes:

(1) If any agency has 40 percent or more of the total population of the San Diego County region,
allocate 40 votes to that agency and follow paragraph (2), if not, follow paragraph (3).

(2) Total the population of the remaining agencies determined in paragraph (1) and
compute the percentage of this total that each agency has.

   (A) Multiply each percentage derived above by 60 to determine fractional shares.

   (B) Boost fractions that are less than one, to one and add the whole numbers.

   (C) If the answer to subparagraph (B) is 60, drop all fractions and the whole numbers
are the votes for each agency.

   (D) If the answer to subparagraph (B) is less than 60, the remaining vote(s) is
allocated one each to that agency(s) having the highest fraction(s) excepting those
whose vote was increased to one in subparagraph (B) above.

   (E) If the answer to subparagraph (B) is more than 60, the excess vote(s) is taken one
each from the agency(s) with the lowest fraction(s). In no case shall a vote be
reduced to less than one.

(3) Total the population determined in paragraph (1) and compute the percentage of this
total that each agency has.

   (A) Boost fractions that are less than one, to one and add the whole numbers.
(B) If the answer to subparagraph (A) is 100, drop all fractions and the whole numbers are the votes for each agency.

(C) If the answer to subparagraph (A) is less than 100, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (A) above.

(D) If the answer to subparagraph (A) is more than 100, the excess vote(s) is taken one each from that agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

d. When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

e. The weighted vote shall be recomputed in the above manner every July 1.

f. Any other newly incorporated city shall receive one vote under the single vote procedure and one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote, at which time the new agency shall receive votes in accordance with the formula specified in subdivision (b). Until this recomputation, the total weighted vote may exceed 100.

ARTICLE V

OFFICERS AND THEIR DUTIES

Section 1

The Board of Directors shall have as officers a Chair, First Vice Chair, and Second Vice Chair, who are members of the Board. Standing committees shall have as officers a Chair and Vice Chair, who are members of their respective committees. The Executive Director shall be the Secretary of the Board and each standing committee.

a. The Chair shall preside over Board and committee meetings, and have general supervision of Board and committee affairs. The Chair shall sign all official documents when directed to do so by the Board and committees respectively.

b. The First Vice Chair shall perform the duties of the Chair in his or her absence and perform any duties that the Chair may require. The Second Vice Chair shall perform the duties of the First Vice Chair in his or her absence and perform any duties that the Chair may require.

c. In the event of the absence of the three officers of the Board of Directors or both officers of other standing committees, the immediate past Chair may preside or the quorum of members present shall elect a Chair Pro Tempore to preside for that meeting. The Secretary, with a quorum present, shall call the meeting to order and preside during such election of a Chair Pro Tempore; he or she shall immediately relinquish the chair upon completion of the election.
Section 2

The Board may delegate authority to the Board Chair for action consistent with Board approved criteria on categories of items.

Section 3

Election of officers of the Board of Directors shall be held annually during a regular December meeting. Officers for the Board of Directors shall be elected in the following manner:

a. In or around July of each year, application forms will be made available on the Board of Directors page of the SANDAG Web site for persons interested in applying for the Chair or a Vice Chair position on the Board of Directors. Applications shall be structured to screen for the best regional leaders from among the primary members and shall include questions concerning the candidate’s vision statement for SANDAG and his/her qualifications. Applications shall be due within 30 days after the application forms are posted. Only candidates who submit an application by the deadline or who are nominated from the floor on the day of election will be considered for office.

b. The Chair shall appoint up to a six-person nominating committee, who shall be members of the Board from each of the subregions and a Board member from the City and the County of San Diego, at a regular meeting in or around September of each year. The nominating committee shall not, however, include Board members from jurisdictions that have applicants for the Chair or a Vice Chair position on the Board of Directors. The nominating committee shall interview the candidates and submit a slate of nominees for the three Board offices in writing for mailing to Board members in or around November. Additional nominations for any office may be made by Board members at the election meeting.

c. In choosing the nominees from the Board membership, the nominating committee shall take into account the nominee’s availability, experience, skills, geographic diversity, and the benefits associated with having the First Vice Chair succeed the outgoing Chair and the Second Vice Chair succeed the outgoing First Vice Chair.

d. The officers shall be elected by a majority of the votes including weighted votes of those Board members present.

e. All officers shall be elected for a term(s) of one year and shall serve until their successors are elected. They shall begin their term of office on January 1.

f. In the event that the Board member who has been elected Chair, First Vice Chair, or Second Vice Chair is no longer a member of the Board of Directors, the office shall be considered vacant.

g. Any vacated office of Chair, First Vice Chair, or Second Vice Chair shall be filled at the next regular Board meeting by nominations from the floor, and a majority of votes from the members present.
Section 4

a. The Board of Directors shall appoint an Executive Director who shall hold office until he or she resigns or is removed by the Board of Directors. The Executive Director shall be the chief executive officer of SANDAG. The Executive Director shall have charge of all projects and property of the Organization and shall file with the Director of Finance of SANDAG an official bond in the minimum amount of $100,000 or such larger amount as the Board of Directors specifies, guaranteeing faithful performance of his or her duties. The Executive Director will be responsible to the SANDAG Board of Directors as set out in Board Policies and administrative policies and manual, the Administrative Rules and Regulations for the administration of SANDAG’s business, including: (1) development of program objectives, definition, directions and priorities; (2) management of SANDAG programs and coordination of staff and support services; (3) the development of financial support programs for SANDAG activities; (4) the recommendation and submission of an annual SANDAG program budget to the Board of Directors; and (5) execution of the adopted personnel, purchasing, and budgetary systems. The Executive Director shall perform such other and additional duties as is necessary to carry out the objectives and function of SANDAG and as directed by the Board of Directors.

b. Any additional staff support services provided by Member Agencies or others shall be coordinated by the Executive Director.

c. The Executive Director is hereby enabled to promulgate an employee administrative manual, known as the Administrative Rules & Regulations, as well as all other administrative policies governing the administrative procedures of the Organization.

ARTICLE VI

FINANCIAL

Section 1

The Board of Directors shall approve a preliminary budget no later than April 1 of each year. The Board of Directors shall adopt a final budget no later than June 30 of each year. A copy of the preliminary budget when approved and a copy of the final budget when adopted shall be filed with each Member Agency.

Section 2

Responsibility for supplying funds for that portion of the budget for SANDAG, which is to be supplied by the Member Agencies, as adopted by the Board of Directors, shall be divided among the Member Agencies based on their population with each Member Agency including within its budget as funds to be supplied to SANDAG that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote
as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.

Section 3

The Director of Finance of SANDAG shall establish and maintain such funds and accounts as may be required by good accounting practice, state and federal law, and these Bylaws. The books and records of SANDAG in the hands of the Director of Finance shall be open to inspection at all reasonable times by representatives of the Member Agencies. The Director of Finance of SANDAG within 120 days after the close of each fiscal year shall give a complete written report of all financial activities for each fiscal year to Member Agencies.

Section 4

The Director of Finance of SANDAG shall receive, have the custody of, and disburse SANDAG funds upon the warrant or check-warrant of the Finance Manager pursuant to the accounting procedures developed under Section 3 above, and shall make the disbursements required to carry out any of the provisions or purposes of the Organization. The Director of Finance of SANDAG may invest SANDAG funds in accordance with state and federal law. All interest collected on SANDAG funds shall be accounted for and posted to the account of such funds.

Section 5

Delegation of authority from the Board of Directors for final financial/contracting approvals, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment to serve as a limitation applicable to a particular job or program (not to be exceeded on a serial basis), shall be as follows:

a. Up to $100,000 to the Executive Director, subject to increase by Board action, or as may be modified in Board Policy No. 017 concerning delegation of authority to the Executive Director.

b. Up to $500,000 to the Executive Committee for any item, subject to increase by Board action.

c. Up to $500,000 to the Transportation Committee for transportation items, subject to increase by Board action.

d. Up to $500,000 to the Public Safety Committee for ARJIS and Criminal Justice Division items, subject to increase by Board action.

e. The Executive Director, Executive Committee, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Board of Directors at least quarterly.
ARTICLE VII

RELATIONSHIPS AND RULES OF PROCEDURE

Section 1
The functions of the Board of Directors and policy advisory committees shall be established by Board policy. The Board of Directors may delegate functions to the policy advisory committees as it deems appropriate.

Section 2
The Board of Directors shall provide guidance to committees and working groups. The Board may advise Member Agencies on the coordination of general plans, or on the resolution of conflicts between the general plans of agencies in the San Diego region.

Section 3
Conflicts between governmental agencies should be resolved among the affected agencies. In matters affecting more than one local government, and where requested by the affected agencies, the Organization shall have the authority to hear and make recommendations if the conflicts are not resolved to the satisfaction of each affected agency. Regional plans should serve as the guideline for the resolution of conflicts.

Section 4
Each action taken by the Organization which requires implementation should include designation of the agency or agencies directly responsible for such implementation.

Section 5
The general and specific references to the construction authority of SANDAG in SB 1703 shall be interpreted as applicable solely to its responsibilities for project development and construction of transit projects which were previously within the purview of the transit development boards and are consolidated under the authority of SANDAG.

ARTICLE VIII

REGIONAL COMPREHENSIVE PLAN

In addition to the purposes and powers set forth by law and these Bylaws, pursuant to Public Utilities Code Section132360 et seq., the Organization shall be responsible for preparing and adopting a regional comprehensive plan based on the local general and regional plans that integrates land uses, transportation systems, infrastructure needs, and public investment strategies, within a regional framework, in cooperation with member agencies and the public.
ARTICLE IX

INFORMATION AND EVALUATION

Section 1

a. The Organization shall disseminate information concerning its work program and activities. The required information system should be organized and categorized so that it will continue to allow full and efficient use of information by the public and private sectors.

b. Adequate provision for public citizen participation shall be provided as required by law and as directed by the Board of Directors.

c. The Board shall perform an annual evaluation of the Organization’s goals, purpose, structure, and performance, directed toward continually improving the planning, coordination, and implementation process.

ARTICLE X

AMENDMENTS

Section 1

The Board of Directors shall be responsible for making all amendments to these Bylaws.

a. Proposed amendments may be originated by the Board of Directors, the Executive Committee, or any member of the Board of Directors.

b. Prior to being taken to the Board of Directors for approval, proposed amendments should be taken to the Executive Committee preliminarily for review and discussion and then brought to the Executive Committee at a subsequent meeting for a recommendation for approval to the Board.

c. A copy of any proposed amendments shall be forwarded by the Secretary to the official representative of each Member Agency, his or her alternate and the Agency itself, at the same time as the proposed amendments are mailed as a report attachment to the agenda for the preliminary Executive Committee meeting referred to in subsection b of this section.

d. Amendments to these Bylaws (except those provisions mandated by state law) shall require the vote of a majority of the Member Agencies which also represents at least 51 percent of the weighted vote of Member Agencies.

Adopted July 2003
Revised November 2003
Amended November 2004
Amended January 2006
Amended December 2008
RESOLUTION SUPPORTING THE CALIFORNIA CHILDREN'S OUTDOOR BILL OF RIGHTS

Introduction

The California Biodiversity Council (CBC) met in Oakland, California on October 8-9, 2008, to learn about the increasing disconnect between children and nature. SANDAG Board Member, Del Mar Deputy Mayor Crystal Crawford attended the meeting as the SANDAG representative to the CBC. The CBC members heard from speakers that today fewer than two in ten children walk or bike to school, and the proportion of kids hiking, walking, fishing, or playing outdoors is declining. A recent study by the Pew Internet and American Life Project revealed that 97 percent of kids play video games on a regular basis leading to inactive lifestyles. Growing evidence proves that the simple act of unstructured play in nature results in healthier and happier children (San Francisco Chronicle, October 8, 2008).

Concerned that kids were becoming less connected with nature, the California Roundtable on Recreation, Parks, and Tourism in 2007 drafted a “Children's Outdoor Bill of Rights.” The Bill of Rights points to 10 activities or experiences children should have in the natural environment before they turn 14 years old.

At its meeting, the CBC discussed ways to encourage young people to become engaged with the natural environment again. Through hike or bike trips, wildlife watching, or picnics along the coast and under the redwoods, children gain the knowledge and experience they need to be good stewards of our environment. And, they develop a strong appreciation not only of where they come from but also of California’s rich past. The CBC meeting focused on how land management agencies can and should address this issue. The CBC learned from successful programs how to forge ahead as part of this rapidly growing national movement. At the conclusion of the CBC meeting, California State Secretary of the Resources Mike Chrisman signed the California Children's Outdoor Bill of Rights and requested other CBC members to do the same.

SANDAG, as one of the longest standing members of the CBC, was asked to sign a resolution supporting the California Children’s Outdoor Bill of Rights (Attachment 1). Deputy Mayor Crawford will present this item at the December 5, 2008, Executive Committee meeting.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment: 1. CBC Resolution of Support

Key Staff Contact: Keith Greer, (619) 699-7390, kgr@sandag.org
WHEREAS the member agencies of the California Biodiversity Council support efforts to provide opportunities and programs so that children may experience the excitement and wonder of the outdoors and be inspired to appreciate and sustain our natural and cultural treasures; and

WHEREAS the member agencies of the California Biodiversity Council recognize that these experiences are essential to the health and well being of all children; and

WHEREAS the California Children’s Outdoor Bill of Rights is an initiative that states that all children between the ages of four and fourteen should have the opportunity to participate in outdoor recreational activities and discover their connection to California’s story. These activities include discovering California’s past, splashing in the water, playing in a safe place, camping under the stars, exploring nature, learning to swim, playing on a team, following a trail, catching a fish, and celebrating their heritage; and

WHEREAS the member agencies of the California Biodiversity Council provide opportunities for children to experience the outdoors and/or provide stewardship of these magnificent outdoor environments; and

THEREFORE, the California member agencies resolve to support the goals of the Children’s Outdoor Bill of Rights as possible within each agency’s mission

THIS RESOLUTION IS ADOPTED by the San Diego Association of Governments, a member of the California Biodiversity Council, on October 9, 2008 in Oakland California at its meeting on “Connecting Children to Nature.”
REVIEW OF DECEMBER 19, 2008, DRAFT BOARD AGENDA

+1. APPROVAL OF NOVEMBER 21, 2008, MEETING MINUTES

Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG. Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk of the Board prior to speaking. Public speakers should notify the Clerk of the Board if they have a handout for distribution to Board members. Speakers are limited to three minutes. Board members also may provide information and announcements under this agenda item.

+3. ACTIONS FROM POLICY ADVISORY COMMITTEES

This item summarizes the actions taken by the Borders Committee on November 21, the Executive and Regional Planning Committees on December 5, and the Transportation and Public Safety Committees on December 12, 2008.

CONSENT ITEMS (4 through X)

+4. STATE TRANSIT ASSISTANCE CLAIM AMENDMENT FOR NORTH COUNTY TRANSIT DISTRICT (Sookyung Kim)

The FY 2009 North County Transit District (NCTD) State Transit Assistance (STA) claim was approved by the Board of Directors in June 2008. This was based on a conservative estimate of revenues, as in June, the state had not yet approved a budget and the exact amount of STA funds was not known. The proposed NCTD amendment would claim all available balances of STA. The Transportation Committee recommends that the Board of Directors approve Resolution No. 2009-XX amending the NCTD FY 2009 STA claim.

+5. PROPOSED RESOLUTIONS TO CONFIRM EMPLOYER PAID MEMBER CONTRIBUTIONS AND EMPLOYER PICK-UP TO CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (Laura Coté)

Internal Revenue Code (IRC) Section 414(h)(2) allows public agencies to designate required employee contributions to the California Public Employees Retirement System (CalPERS) as being “picked-up” by the employer and treated as employer contributions for tax purposes. The effect of a “pick-up” is to defer tax on employee
contribution amounts until the member retires and receives retirement benefits, or separates from employment and takes a refund of contributions. SANDAG currently "picks up" the employee contribution and therefore a resolution confirming the practice is required by the Internal Revenue Service. The Board of Directors is asked to adopt Resolution No. 2009-XX, approving the Resolution to Confirm Employer Paid Member Contributions, and adopt Resolution No. 2009-XX, approving the Resolution for Employer Pick-up to California Public Employees Retirement System.

6. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (Renee Wasmund)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director since the last Board meeting.

7. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (Kim Kawada)

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

8. CHAIR’S REPORT (XX)

The Nominating Committee unanimously recommends the following slate of candidates for SANDAG Board officers for calendar year 2009: Escondido Mayor Lori Holt Pfeiler for Chair, Encinitas Mayor Jerome Stocks for First Vice Chair, and Santee Councilmember Jack Dale for Second Vice Chair. Additional nominations for any officer may be made by Board members at the December meeting. The Board is asked to elect SANDAG Board Officers for the upcoming year.

10. REPORTS (11 through XX)

11. REGIONAL COMPREHENSIVE PLAN: 2008 PERFORMANCE MONITORING REPORT (Lemon Grove Councilmember Jerry Jones, Regional Planning Committee Chair; Christine Eary)

Monitoring progress in implementing the Regional Comprehensive Plan (RCP) occurs on an annual basis. In 2006, SANDAG released The Regional Comprehensive Plan: Establishing a Baseline for Performance Monitoring (Baseline Report). The 2008 Annual Performance Monitoring Report represents the second annual RCP
monitoring report since the Baseline Report was accepted by the SANDAG Board of Directors in October 2006. The Regional Planning Committee recommends that the Board of Directors accept the report as the second annual RCP monitoring report.

+12. PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (Escondido Mayor Lori Pfeiler, SANDAG First Vice Chair; Julie Wiley)*

The proposed amendments to Board Policies and Bylaws were reviewed by the Executive Committee at its December meeting. The Executive Committee recommends that the Board of Directors approve the proposed amendments to the Board Policies and Bylaws.

+13. FINAL 2009 LEGISLATIVE PROGRAM (Escondido Mayor Lori Pfeiler, SANDAG First Vice Chair; Genevieve Morelos)

Consistent with past programs, the proposed legislative program for calendar year 2009 includes policies and proposals for possible federal and state legislation and local activities. The Executive Committee recommends that the Board of Directors approve the 2009 SANDAG Legislative Program.

+14. FINANCIAL MARKET STATUS (Renée Wasmund and Marney Cox)

This monthly briefing is designed to keep the Board of Directors informed about the latest developments in the financial markets, the economy, and revenue forecasts, and the strategies we are exploring and implementing to minimize possible impacts to SANDAG.

+15. MID-COAST CORRIDOR TRANSIT PROJECT STATUS UPDATE (Santee Councilmember Jack Dale, Transportation Committee Vice Chair; Leslie Blanda)*

Staff will provide a report on the status of the Mid-Coast Corridor Transit Project. The report will provide an overview of the project, describe the scope and schedule of the current phase of project development, and describe the upcoming project development phases.

16.

17. UPCOMING MEETINGS

The next Board Policy meeting is scheduled for Friday, January 9, 2009, at 10 a.m. The next Board Business meeting of the SANDAG Board of Directors is scheduled for Friday, January 23, 2009, at 9 a.m.

18. ADJOURNMENT

+ next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego Regional Transportation Commission item
SAN DIEGO ASSOCIATION OF GOVERNMENTS

EXECUTIVE COMMITTEE

December 5, 2008

AGENDA ITEM NO.: 7

Action Requested: INFORMATION

COMPASS CARD DEPLOYMENT UPDATE

File Number 1145700

Introduction

SANDAG staff has informed the Board of Directors that the Compass Card would be available beginning on January 1, 2009, and that paper fare products would be phased out starting January 2009 and be completed by July 1, 2009. After working closely with both the Metropolitan Transit System (MTS) and the North County Transit District (NCTD), SANDAG staff has determined that delaying the rollout of the Compass Card until March 1, 2009 is necessary. Since last September there have been contract and construction delays installing the Compass Card validators along all COASTER, SPRINTER, and Trolley stations within the region. These delays have extended the implementation schedule and prevented full system testing from beginning in time to validate operations prior to January. In order to ensure that revenue operations and enforcement work properly, public rollout of the Compass Card needs to be delayed. As originally planned, all paper monthly passes would still be eliminated and replaced with the Compass Card by July 1, 2009.

Discussion

Since last September, there have been contract and construction delays installing the 169 Compass Card validators needed for rail operations. Currently, there are five remaining Trolley stations yet to be installed, which include 14 validators. SANDAG plans to finish the remaining stations by December 12, 2008. At that time all validators will be connected to the system, which will allow for comprehensive testing to be conducted.

Staff at all three agencies want sufficient time to test each device with the entire network system before going into revenue operation. We plan to start the official certification process on January 1, 2009, allowing us to fully test the system over a 60-day period. During this period MTS, NCTD, and SANDAG will cooperatively work to train enforcement staff and operators, educate the public, and develop additional reports to help manage the Compass Card program.

The updated schedule would replace Premium Express paper passes and COASTER monthly paper passes with the Compass Card beginning on March 1, 2009. On May 1, 2009, SPRINTER / Breeze monthly paper passes would be replaced by the Compass Card. Finally, on July 1, 2009, all the Regional monthly paper passes would be converted to new Compass Card.

The Regional Comprehensive Fare Ordinance does not require implementation of the Compass Card by a date-certain. The Ordinance does, however, state that the new 30-day and 14-day Rolling Passes are to be available by January 1, 2009, and staff had planned to offer these passes to the public via the Compass Card. Staff will provide an update on plans for implementation of the Rolling Passes to the Executive Committee at its meeting.

JACK BODA
Director of Mobility Management and Project Implementation

Key Staff Contact: James Dreisbach-Towle, (619) 699-1914, jdr@sandag.org
## EXECUTIVE COMMITTEE
Friday, December 5, 2008

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<td>+1.</td>
<td>APPROVAL OF NOVEMBER 14, 2008, MEETING MINUTES</td>
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<td>2.</td>
<td>PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS</td>
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Members of the public will have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

### REPORTS (3 through 7)

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<td>+3.</td>
<td>ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (Julie Wiley)</td>
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The General Counsel has attached a draft of amendments to current Board Policies and Bylaws proposed by staff over the past year or that are appropriate for updating purposes. The Executive Committee is asked to recommend that the Board of Directors approve the proposed amendments to the Board Policies and Bylaws.

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<td>4.</td>
<td>FEDERAL LEGISLATIVE STATUS REPORT (Victoria Stackwick)</td>
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Staff will provide an oral report on the status of key federal legislation.

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<td>+5.</td>
<td>RESOLUTION SUPPORTING THE CALIFORNIA CHILDREN’S OUTDOOR BILL OF RIGHTS (Del Mar Deputy Mayor Crystal Crawford; Keith Greer)</td>
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At its October 8-9, 2008, meeting in Oakland, the California Biodiversity Council (CBC) discussed ways to encourage young people to become engaged with the natural environment. At the conclusion of the CBC meeting, State Secretary of the Resources Agency, Mike Chrisman, signed the California Children’s Outdoor Bill of Rights as drafted by the California Roundtable on Recreation, Parks, and Tourism. SANDAG, as one of the longest standing members of the CBC, was asked to sign a resolution supporting the Children’s Bill of Rights. The Executive Committee is asked to discuss this request to sign a resolution supporting the California Children’s Outdoor Bill of Rights, and either authorize an appropriate SANDAG representative to sign the resolution (in substantially the same form as Attachment 1), or provide direction to SANDAG staff.

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<td>+6.</td>
<td>REVIEW OF DECEMBER 19, 2008, DRAFT BOARD AGENDA</td>
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SANDAG staff will brief the Executive Committee about deployment of the Compass Card. Staff has informed the Board of Directors that the Compass Card would be available beginning on January 1, 2009, and that paper fare products would be phased out starting January 2009 and be completed by July 1, 2009. After working closely with both the Metropolitan Transit System and the North County Transit District, SANDAG staff has determined that delaying the rollout of the Compass Card until March 1, 2009 is necessary. As originally planned, all paper monthly passes would still be eliminated and replaced with the Compass Card by July 1, 2009.

8. UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for Friday, January 9, 2009, at 9 a.m.

9. ADJOURNMENT

+ next to an agenda item indicates an attachment
San Diego Association of Governments

EXECUTIVE COMMITTEE

December 5, 2008

AGENDA ITEM NO.: 7

Action Requested: INFORMATION

COMPASS CARD DEPLOYMENT UPDATE

File Number 1145700

Introduction

SANDAG staff has informed the Board of Directors that the Compass Card would be available beginning on January 1, 2009, and that paper fare products would be phased out starting January 2009 and be completed by July 1, 2009. After working closely with both the Metropolitan Transit System (MTS) and the North County Transit District (NCTD), SANDAG staff has determined that delaying the rollout of the Compass Card until March 1, 2009 is necessary. Since last September there have been contract and construction delays installing the Compass Card validators along all COASTER, SPRINTER, and Trolley stations within the region. These delays have extended the implementation schedule and prevented full system testing from beginning in time to validate operations prior to January. In order to ensure that revenue operations and enforcement work properly, public rollout of the Compass Card needs to be delayed. As originally planned, all paper monthly passes would still be eliminated and replaced with the Compass Card by July 1, 2009.

Discussion

Since last September, there have been contract and construction delays installing the 169 Compass Card validators needed for rail operations. Currently, there are five remaining Trolley stations yet to be installed, which include 14 validators. SANDAG plans to finish the remaining stations by December 12, 2008. At that time all validators will be connected to the system, which will allow for comprehensive testing to be conducted.

Staff at all three agencies want sufficient time to test each device with the entire network system before going into revenue operation. We plan to start the official certification process on January 1, 2009, allowing us to fully test the system over a 60-day period. During this period MTS, NCTD, and SANDAG will cooperatively work to train enforcement staff and operators, educate the public, and develop additional reports to help manage the Compass Card program.

The updated schedule would replace Premium Express paper passes and COASTER monthly paper passes with the Compass Card beginning on March 1, 2009. On May 1, 2009, SPRINTER / Breeze monthly paper passes would be replaced by the Compass Card. Finally, on July 1, 2009, all the Regional monthly paper passes would be converted to new Compass Card.

The Regional Comprehensive Fare Ordinance does not require implementation of the Compass Card by a date-certain. The Ordinance does, however, state that the new 30-day and 14-day Rolling Passes are to be available by January 1, 2009, and staff had planned to offer these passes to the public via the Compass Card. Staff will provide an update on plans for implementation of the Rolling Passes to the Executive Committee at its meeting.

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