EXECUTIVE COMMITTEE
AGENDA

Friday, October 8, 2004
8:00 a.m.
SANDAG
401 B Street
7th Floor Conference Room
San Diego, CA  92101

AGENDA HIGHLIGHTS

•  UPDATED BYLAWS AND BOARD POLICIES
•  LEGISLATIVE STATUS REPORT

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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.

San Diego Association of Governments  •  401 B Street, Suite 800, San Diego, CA  92101-4231
(619) 699-1900  •  Fax (619) 699-1905  •  www.sandag.org
Welcome to SANDAG. The regularly scheduled meeting of the San Diego Association of Governments Executive Committee has been called by its Chair for Friday, October 8, 2004, starting at 8 a.m. in the SANDAG offices, 401 B Street, Suite 800, 7th Floor Conference Room, San Diego. The Executive Committee may take action on any item appearing on the agenda.

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EXECUTIVE COMMITTEE
Friday, October 8, 2004

ITEM # | RECOMMENDATION
---|---
+1. | APPROVAL OF SEPTEMBER 10, 2004 MEETING MINUTES

2. | PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

CONSENT ITEMS

+3. | FY 2005 OVERALL WORK PROGRAM (OWP) AND BUDGET AMENDMENT (Kim Kawada)

The Executive Committee is asked to approve an amendment to the FY 2005 OWP and Program Budget to add $222,000 in funding from the U.S. Fish & Wildlife Service to the Regional Open Space and Natural Resource Strategies work element (#30027). A total of $109,000 would be passed through to the City of San Diego for its Vernal Pool Management Program, and $113,000 would be set aside for consultant services for SANDAG’s habitat conservation program work.

REPORTS

+4. | PROPOSED AMENDMENTS TO BYLAWS AND BOARD POLICIES (Julie Wiley)

Staff recommends updates and additions to the Bylaws and Board Policies that are necessary to reflect changes over the past year, and to clarify roles and responsibilities.

+5. | LEGISLATIVE STATUS REPORT (Ellen Roundtree)

This report will provide a review of significant federal and state legislation during the past year.

+6. | REVIEW OF DRAFT OCTOBER 22, 2004 BOARD AGENDA

7. | UPCOMING MEETINGS

The next Executive Committee meeting is scheduled for Friday, November 5, 2004 at 8:00 a.m.

8. | ADJOURNMENT

GARY L. GALLEGOS
Executive Director

+ next to an agenda item indicates an attachment
EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
September 10, 2004

Chairman Mickey Cafagna (North County Inland) called the Executive Committee meeting to order at 8:13 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

Upon a motion by Councilmember Jim Madaffer (City of San Diego) and a second by Vice Chair Mary Sessom (East County), the minutes of the July 9, 2004, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

There were no public comments, communications, or Committee member comments.

CONSENT (Items 3 through 5)

3. CALIFORNIA PERFORMANCE REVIEW (INFORMATION)

This report summarizes the California Performance Review (CPR) that was publicly released on August 3, 2004. The proposal contains over 1,200 recommendations that, if all were implemented, would have the potential to save the state $32 billion over the next five years, according to the authors of the report.

4. AMEND THE FY 2005 PROGRAM BUDGET AND OVERALL WORK PROGRAM WITH TWO NEW PUBLIC SAFETY PROJECTS (APPROVE)

The Executive Committee is asked to approve the following budget amendments: (1) accept $100,000 from the Centers for Disease Control and Prevention, and (2) increase ARJIS (Automated Regional Justice Information System) Project Management and Enhancements by $118,513 to implement the Regional Sex Offender Management System.

5. REVISED PUBLIC PARTICIPATION POLICY (RECOMMEND)

Staff has revised and updated SANDAG’s Public Participation Policy No. 025 to serve as an umbrella policy for all public participation activities related to comprehensive planning, development planning, design/build construction; transit service and fare changes; and Native American consultation. The Policy also addresses Title VI, related nondiscrimination
requirements, and reflects the principles of social equity and environmental justice. The Executive Committee is asked to recommend that the Board accept the Draft Public Participation Policy for a 45-day public review and comment period with the final Public Participation Policy coming back to the Board for adoption in November.

Action: Upon a motion by Vice Chair Sessom and a second by Councilmember Jack Feller (North County Coastal), the Executive Committee unanimously approved Consent Items 3 through 5.

REPORTS

6. PROPOSED SANDAG DISTRIBUTION OF AGENDA AND SUPPLEMENTAL MATERIALS POLICY (RECOMMEND)

Leslie Campbell, Director of Administration, showed a large stack of paper representing one month’s agenda items and reports. She stated that this typical package is transmitted to 250 interested parties for the two Board and six Policy Advisory Committee (PAC) meetings per month. Last year we mailed out three-quarters of a million pages of paper in agenda materials. She said that staff surveyed the Board members on their preference for receiving agenda materials, and more than half asked for hard copies. Therefore, we will continue to transmit hard copies of agenda materials to Board and PAC members.

Ms. Campbell stated that if an interested party would like a hard copy of agenda packages to everyone who requests them, which costs $84,000 a year. The second option is to save these materials onto compact discs (CDs) and transmit the CDs at a cost of about $28,000 a year. The third option would be an e-mail notification with a SANDAG Web site pointer for the particular meeting materials. The third option cost is about $13,000, with an additional one-time cost of $7,000 for a high-speed scanner. Staff recommends approval of Option 3 as the preferred method for distributing agenda materials to interested parties.

Chair Cafagna clarified that Board and PAC members will continue to receive a hard copy with everyone else receiving the e-mail notification and Web site pointer. He also stated that if an interested party would like a hard copy of the agenda materials, he/she will pay for it. Eric Pahlke, Chief Deputy Executive Director, clarified that there would be an annual subscription service offered at a rate that would recoup appropriate costs.

Councilmember Madaffer thought that Option 3 is the smart way to go. He liked the e-mail choice as it will take advantage of technology, but we should also maintain Americans with Disabilities Act (ADA) requirements to offer the materials in an alternative format, and we should be sensitive to those who don’t have the ability to obtain the agenda information electronically.

Chair Cafagna asked if we would be sending the materials in hard copy to Board and PAC alternate members as well. Ms. Campbell replied affirmatively, and added that there also will be a limited number of hard copies of materials available at the Board/PAC meetings. She mentioned that four cities are already sending agenda materials by the recommended method. Staff is proposing to implement this new process on January 1, 2005.
Mr. Pahlke noted that we are not implementing this new process until January 2005 to give us time to notify everyone on the mailing list of the change in process and to work out any problems with that implementation.

Ms. Campbell noted that Office Services Specialist Phil Johnston, on his own initiative, had already reduced the number of mailings from 400 to 250. The Committee provided a round of applause for Phil.

Councilmember Madaffer asked for a status report on the new process at the Executive Committee in November.

**Action:** Upon a motion by Councilmember Madaffer, and a second by Vice Chair Sessom, the Executive Committee unanimously voted to recommend to the Board of Directors that staff continue to send agenda materials to Board and PAC members and alternates via hard copy and that Option 3 (e-mail notification and Web site pointer) be approved as the preferred method of distributing Board and PAC agenda materials to interested parties.

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**7. FY 2003 MANAGEMENT LETTER AND FY 2005 BUDGET STAFFING AMENDMENT (INFORMATION/RECOMMEND)**

Marlene Kelleher, Financial Services Manager, reported that in conjunction with the annual audit of SANDAG’s financial statements for the year ended June 30, 2003, the auditor issued a Management Letter. This Letter was issued subsequent to the annual audit statements that were presented to the SANDAG Board at its June meeting. This report is for information only. There were five areas of discussion encountered during the annual audit related to processing accounting functions that could result in a lack of segregation of duties, reconciliation of accounts, and delays in audit preparation. Responses to these concerns were contained in the Management Letter and were satisfactory to the auditor.

Ms. Kelleher stated that in order to enhance internal controls and to ensure that accounting records are generated in a timely manner without incurring finance staff overtime another position is being recommended. The auditors indicated that the Finance Department was understaffed. A salary savings of $70,000 has been identified to support this position being added.

Councilmember Feller asked if the savings was a result of staff position elimination. Ms. Kelleher responded that the salary savings is from positions that have not been filled from the beginning of the fiscal year to this point in time.

Mr. Pahlke noted that the most significant part of the savings was the overtime hours that finance staff have incurred over the past year. Ms. Kelleher added that finance staff also work a lot of unpaid overtime.

**Action:** Upon a motion by Councilmember Feller, and a second by Councilmember Madaffer, the Executive Committee voted to recommend that the Board of Directors approve an amendment to the FY 2005 OWP/Budget that adds a new regular
SANDAG staff position to work in the Finance Department. Funds for this position will come from salary savings of approximately $70,000 from various staff vacancies.

8. LEGISLATIVE STATUS REPORT (INFORMATION/RECOMMEND)

Ellen Roundtree, Director of Government Relations, highlighted information related to Propositions 68 and 70. She said that at the last Transportation Committee meeting there was limited discussion on this matter and it was referred to the Executive Committee for discussion and possible future action by the Board. She stated that this year, included in the State Budget is about $1.2 billion from the Tribal State Compacts the Governor worked out with five Indian tribes. Assembly Bill (AB) 687 would split up this money to the State Highway Account ($457 million), the Traffic Congestion Relief Program (TCRP) ($290 million), local streets and roads ($192 million), and the Public Transportation Account capital expenditures ($275 million). If these propositions are passed they will void the Assembly Bill. Propositions 68 and 70 are supported by card clubs and race tracks.

Proposition 68 would pay 25 percent of the net gains to the state. Ms. Roundtree clarified that "net gain" means what is received before what is paid out for expenses. It would also require all 64 Tribal Governments to agree to the provisions of this Proposition within 90 days of its passage. Ms. Roundtree didn’t think all 64 tribes will come to agreement within 90 days. If this agreement doesn’t happen, specific card clubs and racetracks can operate up to 30,000 slot machines. The funds would come to local governments for specific purposes. Under either scenario provided in the Proposition, if tribes agree then funds go to a Gaming Revenue Trust Fund (GRTF). This GRTF would specify how those funds would be distributed.

Chair Cafagna asked if all 64 tribes don’t agree to the provisions of this proposition will they be taxed the 25 percent. Ms. Roundtree responded negatively, and added that the card clubs and race tracks would pay a total of 30 percent of their net win to the GRTF. Nothing comes from the existing casinos if they don’t agree to the proposition. If this proposition is passed, money would be lost to the state.

Councilmember Morrison (South County) noted that this proposition only relates to selected card clubs and racetracks that sponsored this measure.

Councilmember Feller indicated that the City of Oceanside has one card club and is the only city affected by this. The 2 percent has been calculated and it would result in about $8 million in revenue a year to the City of Oceanside. The County of San Diego would receive 1 percent. Every city would benefit from that money because it would be used for public safety purposes for the region.

Ms. Roundtree pointed out that all of the cities in the county would share in the revenue to the County, but the opposite side is that the state would lose money. She polled the cities in San Diego County and five of them have taken an oppose position, and three others are planning on taking an opposing position this month. Other cities have not responded because they have not yet taken a position or they don’t take positions on propositions. The public polls show that Proposition 68 has a 30 percent chance of approval.
Chair Cafagna asked what would prevent every city from opening card clubs. Ms. Roundtree replied that Proposition 68 provides for a permanent ban on the opening of any new card clubs in California.

Ms. Roundtree reported that Proposition 70 is sponsored by one specific Indian tribe and would require the Governor to amend an existing compact or enter into a new renewable 99-year gaming compact with any tribe within 30 days of a tribe’s request. Opponents are concerned about the monopoly that would result from this measure. The Legislative Analyst’s Office (LAO) review indicated that there could be a tremendous amount of money gained or lost with this measure. There are five tribes in 2004 with compacts and if there are more compacts, there could be a lot more money to the state. However, tribes under the provisions of new compacts would not be subject to requirements for more extensive environmental reviews and negotiations with local governments related to the impacts of casinos.

Vice Chair Sessom asked about the positions of the League of California Cities and the CSAC (County Supervisors Association of California). Ms. Roundtree responded that both groups have taken an opposed position. She added that there are over 500 groups opposing Proposition 68. There has not been much activity on Proposition 70.

Ms. Roundtree commented that this was presented to the Executive Committee for information and she will come back next month with an update.

Chair Cafagna asked if the Board needs to take a position on these measures this month. Ms. Roundtree answered that action can wait until next month.

Councilmember Morrison stated that if we wait until next month then it will be too close to the election.

Councilmember Madaffer stated that Proposition 68 would just exacerbate an existing fiscal problem. He thought that Proposition 1A is a positive step toward fiscal reform. It was his opinion that the Indian gaming issue is out of control in this state.

Vice Chair Sessom complemented Ms. Roundtree on the analysis of the propositions, and suggested that each city in the county should get a copy of it. She also suggested that SANDAG distribute the information and not take a position on either of these propositions.

Councilmember Feller agreed that if cities are already taking a position, there is no reason for SANDAG to take one.

**Action:** Upon a motion by Councilmember Madaffer and a second by Councilmember Feller, the Executive Committee agreed not to take a position on Proposition 68 and Proposition 70, and directed staff to distribute the summary memo on these two positions to the cities and the County of San Diego.

Ms. Roundtree further reported that on the federal side, there are rumors of a $299 billion, six-year transportation reauthorization bill; however, the most likely scenario is that there will be another one-year extension. It will mean going back to the drawing board.
Regarding the FY 2005 appropriations, the Senate took action on a Bill but didn’t include any earmarks. This Bill was a little higher than the House version, at $34.9 million. On the State side, we are waiting for the Governor to sign the Value-Pricing bill that will allow implementation of value pricing on two corridors in San Diego. (This bill was signed later in the day.)

9. REVIEW OF DRAFT SEPTEMBER 24, 2004 BOARD AGENDA (APPROVE)

Mr. Pahlke reviewed the proposed Board meeting agenda. Agenda item No. 5 is a revision and update to the Regional Transit Service Planning Policy discussed at the last Transportation Committee meeting. Agenda item Nos. 6 and 7 are updates to the agency's Conflict of Interest Code to include the entire consolidated staff and to the Bylaws and policies. Item No. 8 concerns issuing the disadvantaged business enterprise (DBE) goals for public review in accordance with federal requirements. Agenda Item No. 9 is the quarterly progress report on transportation projects. Item No. 10 is the required quarterly report on investments held by SANDAG. Item No. 11 includes a revision to the Public Participation Policy which was on the Executive Committee’s consent calendar. Item No. 12 relates to an agreement for sales tax auditing services for recovering miscalculated and misreported TransNet sales tax revenues from the Board of Equalization. Under the Local Technical Assistance (LTA) policy, member agency projects that cost more than $1,000 or require more than three days' staff time must obtain Board approval; Item No. 13 is for transportation modeling and analysis for the City of Coronado and the County Departments of Planning, Land Use, and Public Works. Item No. 14 is related to the FY 2003 Management Letter and FY 2005 Budget Staffing Amendment that was presented today to the Executive Committee as Item No. 7. Item No. 15 is a refinement of the components of the Environmental Mitigation Program (EMP) as contained in the TransNet Extension Ordinance. Approval of this item would represent the concurrence of the Board in the setting of implementation guidelines that have been developed through meetings with representatives of the wildlife agencies and various environmental organizations. These guidelines would provide the basis for the required agreements that will need to be developed to implement the EMP consistent with passage of Proposition A in November. Item No. 17 would recognize participants who contributed to the preparation of the Regional Comprehensive Plan (RCP). Item No. 18 is Resolutions of Necessity for properties that were discussed in closed session at a recent Transportation Committee meeting. Item No. 19 would accept the Regional Housing Needs Assessment methodology for a 90-day public review period recommended by the Regional Planning Committee. Item No. 20 is a report on the Local Project Safe Neighborhoods Program through our Criminal Justice department.

Councilmember Morrison asked about the bylaws and policies amendments. Julie Wiley, Deputy General Counsel, explained that the proposed revisions were reviewed previously with him. Jack Limber, General Counsel, noted that these changes do not include the timing of the appointment of the chair and vice chair. The Nominating Committee will be meeting later on that issue.

Councilmember Morrison said he would like to see the proposed bylaws revisions come back before the Executive Committee next month for a final review. Ms. Wiley agreed to pull this item from the Board’s agenda and to schedule it for next month’s Executive Committee and Board meetings.
Action: Upon a motion by Councilmember Madaffer, and a second by Vice Chair Sessom, the Executive Committee voted to approve the agenda, as amended, for the SANDAG Board of Directors meeting on September 24, 2004.

10. UPCOMING MEETINGS

The next Executive Committee is scheduled for October 8, 2004, at 8:00 a.m.

11. ADJOURNMENT

Chair Cafagna adjourned the meeting at 8:51 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE
### SANDAG EXECUTIVE COMMITTEE MEETING
### SEPTEMBER 10, 2004

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FY 2005 OVERALL WORK PROGRAM (OWP) AND BUDGET AMENDMENT

Introduction

Through cooperative agreements originally signed in 1991 and 1997, the U.S. Fish and Wildlife Service (USFWS) has provided more than $3.2 million in funding over the past decade for the least Bell’s vireo habitat conservation plan, the Multiple Habitat Conservation Plan (MHCP), and the natural habitats component of the Regional Comprehensive Plan (RCP). A portion of the USFWS funding also has been passed through to the City of San Diego for its Multiple Species Conservation Plan (MSCP), the Otay and Los Penasquitos Wetland assessment work, and the Vernal Pool Management Program. A total of $222,000 in USFWS funding remains for FY 2005. The original FY 2005 OWP and Program Budget did not reflect these remaining funds.

Therefore, it is my

RECOMMENDATION

That the Executive Committee approve an amendment to the FY 2005 OWP and Program Budget to add $222,000 in USFWS funding to the Regional Open Space and Natural Resource Strategies work element (#30027).

Discussion

Of the $222,000 in added USFWS funding, a total of $109,000 would be passed through to the City of San Diego for its Vernal Pool Management Program, and $113,000 would be set aside for consultant services as needed for MHCP implementation and compiling and maintaining regional geographic information systems (GIS) databases. Attachment 1 shows the updated work element #30027.

GARY L. GALLEGOS
Executive Director

Attachment

Key Staff Contact: Kim Kawada, (619) 699-6994 or kka@sandag.org
PROGRAM WORK ELEMENT 30027  
REGIONAL OPEN SPACE AND NATURAL RESOURCE STRATEGIES  

BUDGET SUMMARY FOR OWP NO. 30027

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* U.S. Fish & Wildlife Service  
** City of San Diego

TOTAL  $ 382,678  TOTAL  $ 382,678

OBJECTIVE

The objective of this work element is to advance implementation of the region’s habitat preserve system by coordinating efforts with member agencies, other southern California counties, and the federal and state wildlife agencies. This work element includes activities designed to support ongoing habitat conservation planning and implementation in the San Diego region. In FY 2005, the emphasis will be identifying funding sources and administrative procedures for habitat implementation.

PREVIOUS AND ONGOING WORK

The focus of this ongoing work element has been working with local, state, and federal agencies to enable the protection of a regional habitat preserve system. SANDAG works with the local jurisdictions in the region to: (1) review and support state legislation designed to protect, fund, and manage the regional habitat preserve system; (2) review potential local funding opportunities; and (3) identify ways to coordinate implementation of the habitat conservation planning efforts.

SANDAG is a member of the five-County Funding Group, an ad hoc southern California group organized to lobby for state and federal funds for habitat conservation planning and implementation funds. The group continues to work with state and federal elected officials and state and federal agencies to identify opportunities for land acquisitions and coordinate land management activities.

SANDAG served on the California Legacy Project Stakeholders Advisory Committee. The California Legacy Project defined conservation objectives and priorities for the state, developed investment priorities, and provided local information to nest within a broad Geographic Information System (GIS).
SANDAG represents the region on the California Biodiversity Council, a statewide organization comprised of federal and state land management agencies and departments, the state Resources Agency, and local elected officials. The group works on ways to coordinate and collaborate on projects to better facilitate the protection of ecosystems to assure ecosystem health and function.

This element includes tasks to implement the North County Multiple Habitat Conservation Program (MHCP), which was adopted by the SANDAG Board in FY 2003. Implementation of the plan requires both regional and local actions.

This element also includes ongoing efforts to resolve, proactively and systematically, the open space/habitat issues associated with SANDAG’s Regional Comprehensive Plan (RCP) Implementation (work element #30002) and Regional Transportation Plan (RTP) (work element #30004), especially those components that require infrastructure investment and construction.

### TASKS

01 At the request of the seven North County cities, prepare a memorandum of agreement to manage and monitor the subregional habitat preserve system as identified in the Multiple Habitat Conservation Program and prepare an administrative structure for ongoing preserve implementation. (FY 2005 - 20%)

02 Work with SANDAG’s Technical Services department to develop a monitoring and tracking system for the habitat mitigation program. (FY 2005 - 20%)

03 Work with SANDAG’s Transportation Planning Division and Mobility Management and Project Implementation Department to coordinate transportation plans, programs, and projects with the habitat preserve infrastructure system, including developing an administrative structure for an environmental mitigation program. (FY 2005 - 20%)

04 As necessary, introduce and/or support federal and state legislation that supports open space and habitat conservation planning and implementation. (FY 2005 - 15%)

05 Continue membership on the California Biodiversity Council and the NCCP five-County Funding Group. (FY 2005 - 20%)

06 Continue to administer funds of the City of San Diego’s Vernal Pool Management Program (FY 2005 – 5%)

Committees: Transportation Committee and Regional Planning Committee; Working Groups: Regional Planning Technical Working Group and Regional Planning Stakeholders Working Group; Project Manager - Janet Fairbanks

### PRODUCTS

- Monitoring and tracking system for the habitat mitigation program. (Ongoing)
• Memorandum of agreement among the north county cities to manage and monitor the MHCP preserve system. (January 2005)

• Process by which potential infrastructure conflicts can be resolved. (January 2005)

FUTURE ACTIVITIES

Future activities that would be part of this ongoing work element include:

• Continue to track the regional habitat preserve system to evaluate acquisition, management, and biological monitoring activities in conjunction with the environmental mitigation bank (RCP strategic initiative).

• Continue to seek funds to support implementation of the regional preserve system (RCP strategic initiative).

• Continue to support the work of the five-County Funding Group, and the California Biodiversity Council.

• Subject to the passage of the proposed TransNet extension, continue to work with local agencies, state and federal resource agencies, and interest groups to ensure adequate mitigation credits are available to facilitate implementation of regionally significant projects outlined in MOBILITY 2030 by establishing mitigation banks, obtaining and/or amending permits, and establishing criteria for obtaining credits for projects.
PROPOSED AMENDMENTS TO BYLAWS AND BOARD POLICIES

Introduction

Staff has conducted a review of the current Bylaws and Board Policies and determined that some updates are necessary to reflect changes over the past year. Additionally, some changes have been made to clarify roles and responsibilities and to streamline approval procedures.

Therefore, it is my

RECOMMENDATION

that the Executive Committee recommend Board approval of the amendments shown in the attached Bylaws and Board Policies.

Discussion

Highlights of the proposed amendments follow:

Bylaws: Article III is revised to change the reference from four Policy Advisory Committees (PACs) to five and allow for the Board to adopt a list of meetings for which Board members can be reimbursed their expenses. Article IV is revised to clarify the timing of notice for meetings and to add authority for the Transportation Committee to give final approval to real property transactions. This article is also revised to designate both the second and fourth Fridays of the month for SANDAG’s regular Board meetings. Article VI has been amended to clarify the delegation of approval authority for contracting and budget changes to the Executive Committee and Transportation Committee, and to add a provision delegating authority to the Public Safety Committee. Article X is revised to delete the requirement that additional notice be given for amendments to the Bylaws.

Board Policy 1 (Operations Policy) – A paragraph is added to the introductory section of this policy to provide more flexibility regarding delegation of authority from the Board to the Policy Advisory Committees. Additionally, clarification is provided regarding the level of financial responsibility that is held by the Transportation Committee and Executive Committee.

Board Policy 2 (Policies and Procedures for Policy Advisory Committees) – Section 7 is revised to remove the requirement that members be removed following three absences.
Board Policy 3 (Investment Policy) – Section 5 is revised to remove the requirement for annual delegation to the Executive Director. All references to the former position of the Director of Finance and Administration have been changed to reference the Director of Finance.

Board Policy 4 – (Rules of Procedure) – Section 1.6 is revised to clarify the exceptions to the effective date of an ordinance or amendment. Section 4 is revised to clarify that the ethics requirements apply to the members of all of the SANDAG’s legislative bodies. Section 6 has been added to create procedures applicable to SANDAG’s legislative bodies other than the Board and Policy Advisory Committees.

Board Policy 7 (EEO Program) – This policy is revised to reflect that the Director of Administration is responsible for implementation of SANDAG’s EEO Program.

Board Policy 8 (Legal Matters) – This policy is revised to add reference to SANDAG’s newly acquired responsibility to provide legal representation for ARJIS.

Board Policy 9 (Discrimination Complaint Procedures) – This policy is revised to clarify that the Office of General Counsel is SANDAG’s Compliance Officer and to update SANDAG’s contact phone numbers.

Board Policy 16 (Procurement of Services) - Section 7 of this policy is revised to clarify categories of contractors that are precluded from submitting proposals or bids to SANDAG based on potential conflicts of interest.

Board Policy 17 (Delegation of Authority) – Section 4.4 is revised to expand the Executive Director’s authority with regard to real property purchases. Section 4.9 is added to give the Executive Director authority to settle matters that do not exceed $100,000.

Board Policy 26 (Public Safety Policy Advisory Committee) – Section 4 is added to give this policy committee authority to approve contracts and budget changes that affect ARJIS or the Criminal Justice Division.

If these proposed changes are acceptable to the Executive Committee, this item will be brought to the Board on October 22, 2004, for final approval.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Julie Wiley (619) 699-6966; jwi@sandag.org
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 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 regular Board members from each subregion are provided an opportunity to participate in the selection process. 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 and 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 July. When serving on the Executive Committee, the Board Chair and Vice Chair shall serve as the Chair and 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 following rates shall apply.

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. The Vice Chair 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 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, not 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 SANDAG, 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.

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 and standing committees shall have as officers a Chair and Vice Chair, who are members of their respective Board or 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 Vice Chair shall perform the duties of the Chair in his or her absence and perform any duties that the Chair may require.

c. In the event of the absence of both officers of the Board of Directors or other standing committee, 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 June meeting.

Officers for the Board of Directors shall be elected in the following manner:

a. The Chair shall appoint a five-person nominating committee, who shall be members of the Board from each of the sub regions and a Board member from either the City or County of San Diego, at the regular May meeting who shall submit nominees for the Board offices in writing for mailing to Board members. Additional nominations for any office may be made by Board members at the June meeting.
b. In choosing the nominees, the nominating committee shall take into strong consideration the desired outcome of geographic rotation of officers from the sub regions and the benefits associated with having the Vice Chair succeed the outgoing Chair.

c. The officers shall be elected by a majority of the votes including weighted votes of those Board members present.

d. All officers shall be elected for a term of one year and shall serve until their successors are elected. They shall begin their term of office on July 1.

e. In the event that the Board member who has been elected Chair or Vice Chair is no longer a member of the Board of Directors, the office shall be considered vacant.

f. Any vacated office of Chair or 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 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 administrative manual, 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.

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, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Executive Committee as needed. The Executive 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

Deleted: shall
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

ESTABLISHMENT OF REGIONAL PLANNING AND GROWTH MANAGEMENT REVIEW BOARD

In addition to the purposes and powers set forth by law and these Bylaws, pursuant to Proposition C, a countywide measure approved by the voters in 1988, SANDAG is designated and shall serve as the Regional Planning and Growth Management Review Board.

Section 1

The issues the Regional Board shall address shall include, but not be limited to: quality of life standards and objectives; holding capacities; growth rate policies; growth phasing; regional land use distribution; growth monitoring; open space preservation; significant regional arterials; transportation system management; transportation demand management; siting and financing regional facilities; fiscal abilities and responsibilities; consistency of regional and local plans; and regional growth management strategy.

Section 2

Member Agencies may be requested, and have agreed, to determine (“self-certify”) the consistency of the pertinent elements of their general plans with regional plans. Upon request by a member agency, the Regional Board will review these self-certifications, and make comments and recommendations regarding consistency. Where determined by the Regional Board to be appropriate, the Regional Board shall use SANDAG’s Conflict Resolution Procedure for resolving disputes among Member Agencies. The Regional Board shall adopt rules to establish the self-certification process.

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 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. Each proposed amendment shall be considered by the Board of Directors and a copy thereof forwarded by the Secretary to the official representative of each Member Agency, his or her alternate and the Agency itself.

c. 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% of the weighted vote of Member Agencies.

Deleted: , at least 20 days prior to the meeting at which such proposed amendment will be voted upon.

Adopted July 2003 by the SANDAG Board of Directors
Revised November 2003 by the SANDAG Board of Directors
Amended October 2004 by the SANDAG Board of Directors
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 and Vice Chair. Such actions shall be reported to the Board at its next regular meeting.

Board Responsibilities

1. Approve Regional Comprehensive Plan 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 four 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.

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 Vice Chairperson of the consolidated agency shall be one of the six voting members if the Vice Chairperson represents an area of the region that is different from the area of the region represented by the 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.**

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 MTDB appointed by the Board of the MTDB, 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
5. Approve TDA Claim, RTIP, and STIP amendments
6. Recommend funding allocations to the Board
7. Approve transit operator budgets for funding
8. Approve Short Range Transit Plan
9. Consistent with the transition plans, approve regional fare policy
10. Conduct public hearings as delegated by Board

1 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 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.
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.

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 Regional Comprehensive Plan (RCP)
   and its components
2. Recommend regional infrastructure financing strategies to the Board
3. Represent the Board for outreach and public information on the Regional Comprehensive Plan
   and its components
4. Advise Board on regional planning policy issues

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 bi-national 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 bi-national and interregional policy-level issues

Public Safety Committee Membership and Responsibilities

The membership, authority and responsibilities for this committee are set forth in Board Policy 26.

(Amended October 2004)
POLICIES AND PROCEDURES FOR POLICY ADVISORY COMMITTEES

1. Membership

1.1 Executive Committee: Six members to include the City and County of San Diego Board members, and a Board member from each subregion (South County, East County, North County Coastal, North County Inland).

1.1.1 Alternates may be the second City of San Diego Board member or Board alternate, the County of San Diego Board alternate, and alternates selected from each subregion who shall be members of the Board.

1.2 Transportation Committee: Nine members to include a member from the City and County of San Diego governing bodies, a Board member or alternate from each subregion, and a member of NCTD, MTDB and the Airport Authority appointed by those agencies. There may be nine alternates chosen in the same manner.

1.3 Regional Planning Committee: Six members to include a member from the City and County of San Diego governing bodies, and a Board member or alternate from each subregion. There may be six alternates chosen in the same manner.

1.4 Borders Committee: Seven members to include a member from the City and County of San Diego governing bodies, a Board member or alternate from each subregion, and a mayor, councilmember, or supervisor from the County of Imperial. There may be seven alternates chosen in the same manner.

1.5 Public Safety Committee: Six members to include a member from the City and County of San Diego governing bodies and a Board member or alternate from each subregion. The five Associate Member organizations taking part in this committee shall have the following representation: two members from the County Chiefs/Sheriff Association, a member selected by the County Sheriff, a member of the Regional Homeland Security Committee, and a member selected by the State public safety agencies. In addition, there will be four non-voting Advisory Members selected as follows: Two persons selected by the Federal public safety agencies, one person selected from the San Diego County District Attorney’s or Probation Department Offices, and one person selected by the courts. There may be alternates chosen in the same manner.

2. Limitation on Committee Memberships

No Board member or alternate may serve as the regular member of more than three Policy Advisory Committees (“PACs”) at any one time. Committee membership may be expanded by the Board.
3. Ex-Officio Members

A PAC may include Ex-Officio members if appropriate to roles and responsibilities of the committee. The Board Chair and Vice Chair may serve as Ex-Officio members on any of the PACs.

4. Appointments

4.1 Public Agencies

4.1.1 The City and County of San Diego will make their appointments in December or January and when vacancies occur.

4.1.2 The SANDAG Chair will provide notice requesting that Board members from each of the subregions appoint a Board member or alternate as authorized to serve as a regular member on each PAC and one to serve as an alternate to each PAC. Each Board member shall be provided a reasonable opportunity to participate in the selection. Appointments will be made in January or as vacancies occur.

4.2 Associate Members

In addition to the members appointed pursuant to Section 4.2, the Public Safety Committee shall have voting members appointed from the organizations listed below by their respective appointing authorities in January of each year:

4.2.1 County Chief’s/Sheriff Association – 2 voting members
4.2.2 County Sheriff – 1 voting member
4.2.3 Regional Homeland Security Committee – 1 voting member
4.2.4 State Public Safety Agency Association – 1 voting member

4.3 Advisory Members

In addition to the voting members appointed pursuant to Sections 4.2 and 4.3, the Public Safety Policy Advisory Committee shall have the following non-voting members appointed from the following organizations by their respective appointing authorities in January of each year:

4.3.1 County Criminal Justice Association – 1 advisory member
4.3.2 Federal Justice Agency Association – 2 advisory members
4.3.3 Courts – 1 advisory member

4.4 If any subregion fails to make an appointment to a PAC within three weeks of mailing of the notice to proceed to appoint, the Chair of SANDAG shall make the appointment. If any organization referred to Sections 4.3 or 4.4 fails to make an appointment to the Public Safety Policy Advisory Committee, the current representative shall continue to serve until a replacement appointment is made by his/her organization.

5. Vacancies

Vacancies on PACs shall be filled as they occur in the same manner as appointments.
6. Chair/Vice Chair

The Chair and Vice Chair of the PAC, other than the Executive Committee, shall be appointed by the Board Chair in July or as vacancies occur. The Board Chair, and the Vice Chair when serving as a member of the Executive Committee, shall serve as the Chair and Vice Chair of the Executive Committee. The Vice Chair conducts the meetings in the absence of the Chair. In the event of the absence of both the Chair and Vice Chair for a PAC or other standing committee, the quorum of members present shall elect a chairperson pro tem to preside for that meeting. The Executive Director or a Chief Deputy Executive Director, with a quorum present, shall call the meeting to order and preside during such election of chairperson pro tem; he/she shall immediately relinquish the chair upon completion of the election.

7. Attendance

Regular and alternate members are encouraged to attend all Committee meetings. Roll call shall be taken by the Chair at the beginning of the meeting to determine the voting members present at that time. The voting members shall be seated collectively in order for the public to recognize them as such. Other non-voting alternates in attendance may participate in Committee discussion but shall not be authorized to act on any item.

8. Quorum

A simple majority of members (either regular or alternates) constitute a quorum.

9. Voting

Regular members vote on all committee actions. Alternates vote only when their corresponding regular member from their area is absent. A simple majority of the quorum of regular and eligible alternate members voting constitutes approval. A quorum shall be required for the conduct of any business of a PAC.

10. Compensation

Regular and alternate members of the PACs will be compensated $100 per meeting attended subject to the limitations on number of meetings per month set forth in the SANDAG Bylaws.

11. Meetings

PAC meetings should normally be held on Fridays or when called by the committee Chair. Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order, Newly Revised.
12. Working Groups & Subcommittees

The PACs shall have the authority to appoint PAC working groups and may provide for the appointment of alternates to these working groups. Ad hoc working groups may be appointed by the Board or PACs as the need arises to accomplish specific tasks. Upon completion of its assignment, each working group shall disband. Standing subcommittees may be appointed by the Board as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board. As the Board creates standing subcommittees, it shall specify the method for appointing persons to those subcommittees.

Revised 12/2003
Amended October 2004
INVESTMENT POLICY

1. Introduction

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy, and to organize and formalize investment-related activities.

The investment policies and practices of the San Diego Association of Governments (SANDAG) are based upon state law and prudent money management. All funds will be invested in accordance with SANDAG’s Investment Policy, and California Government Code Sections 53600 et seq. The investment of bond proceeds will be further governed by the provisions of relevant bond documents.

2. Scope

It is intended that this policy cover all funds and investment activities, with the exception of bond proceeds, under the direction or care of the San Diego Association of Governments (SANDAG), including funds of the San Diego County Regional Transportation Commission and SourcePoint, SANDAG’s chartered nonprofit corporation. Investment of bond proceeds shall be subject to the conditions and restrictions of bond documents and Treasury regulations related to arbitrage restrictions on tax-exempt bonds.

3. Prudence

Investments shall be made with judgment and care — under circumstances then prevailing — which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4. Objectives

The primary objectives, in priority order, of SANDAG’s investment activities are:
1. Safety. Safety of principal is the foremost objective of the investment program. Investments of SANDAG shall be undertaken in a manner that seeks to ensure preservation of capital in the portfolio.

2. Liquidity. The investment portfolio of SANDAG will remain sufficiently liquid to enable SANDAG to meet its cash flow requirements.

3. Return on Investment. The investment portfolio of SANDAG shall be designed with the objective of attaining a market rate of return on its investments consistent with the constraints imposed by its safety objective and cash flow considerations.

5. Delegation of Authority

The Board of Directors delegates the authority to invest or to reinvest funds, or to sell or exchange securities so purchased, to the Executive Director. The Executive Director is charged with the responsibility for carrying out the policies of the Board of Directors and shall assume full responsibility for investment transactions until the delegation of authority is revoked or expires. In accordance with SANDAG’s established system for internal control, all financial transactions of SANDAG require the signature of at least two individuals authorized by the Executive Director.

For the purposes of carrying out this investment policy, any two of the following individuals are hereby authorized to make investment decisions, in strict accordance with this investment policy, on behalf of SANDAG:

   Executive Director
   Deputy Executive Director
   Director of Finance
   Financial Services Manager
   Such other individuals authorized, in writing, by the Executive Director.

All accounts established for the purpose of investing SANDAG funds shall require the written authorization of the Executive Director.

No single individual, acting alone, may engage in an investment activity.

The Executive Director may delegate investment management and decision authority, via written agreement, to one or more professional investment advisors/managers who are duly qualified and registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940. All agents engaged in this capacity shall make all investment decisions and transactions in strict accordance with state law and this investment policy.

The daily management responsibility for the investment program is assigned to the Director of Finance, who shall monitor and review all investments for consistency with this investment policy.
6. Ethics (Conflict of Interest)

Officers, employees, and agents thereof involved in the investment process shall comply with state law and refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions.

7. Selection of Financial Institutions and Broker/Dealers

SANDAG shall transact business only with banks, savings and loan associations, and registered investment securities dealers. The purchase by SANDAG of any investment other than those purchased directly from the issuer shall be either from an institution licensed by the State as a broker/dealer, as defined in Section 25004 of the Corporation Code, who is a member of the National Association of Securities Dealers, or a member of a federally-regulated securities exchange, a National or State-Chartered Bank, a Federal or State Association (as defined by Section 5102 of the Financial Code), or a brokerage firm designated as a Primary Government Dealer by the Federal Reserve Bank. The Director of Finance shall investigate all institutions which wish to do business with SANDAG, in order to determine if they are adequately capitalized, make markets in securities appropriate to SANDAG’s needs, and agree to abide by the conditions set forth in SANDAG’s Investment Policy.

The Director of Finance shall maintain a list of authorized broker/dealers and financial institutions which are approved for investment purposes, and it shall be the policy of SANDAG to purchase securities only from those authorized institutions and firms. If SANDAG has contracted investment advisors/managers, the Director of Finance may approve and use a list of authorized broker/dealers provided by the investment advisor/manager.

8. Permitted Investment Instruments

Government Code §53601 states that when there is a percentage limitation for a particular category of investment, that percentage is applicable only at the date of purchase.

Treasury Obligations: Government obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest.

Federal Agencies and U.S. Government Sponsored Enterprises: Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

State of California Obligations: Registered state warrants, treasury notes or bonds of the State of California, including bonds payable solely out of revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority of the state. Such obligations must be rated A-1/P-1, or equivalent or better short-term; or Aa/AA or better long-term by at least one of the nationally-recognized rating agencies.
Local Agency Obligations: Bonds, notes, warrants, or other evidences of indebtedness issued by any local agency within the State, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency. Such obligations must be rated A-1/P-1, or equivalent or better short-term; or Aa/AA or better long-term by one of the nationally-recognized rating agencies.

Repurchase Agreements: Repurchase Agreements used solely as short-term investments not to exceed 90 days.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to SANDAG's custodian bank or handled under a properly executed tri-party repurchase agreement. The total of all collateral for each Repurchase Agreement must equal or exceed, on the basis of market value plus accrued interest, 102 percent of the total dollar value of the money invested by SANDAG for the term of the investment. Since the market value of the underlying securities is subject to daily fluctuation, the investments in repurchase agreements shall be in compliance if the value of the underlying securities is brought back up to 102 percent no later than the next business day.

Market value must be calculated each time there is a substitution of collateral.

SANDAG or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to Repurchase Agreement.

SANDAG may enter into Repurchase Agreements with (1) primary dealers in U.S. Government securities who are eligible to transact business with, and who report to, the Federal Reserve Bank of New York, and (2) California and non-California banking institutions having assets in excess of $1 billion and in the highest short-term rating category, as provided by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

SANDAG will have properly executed a Public Securities Association (PSA) agreement with each firm with which it enters into Repurchase Agreements.

Bankers' Acceptances: Bankers' Acceptances issued by domestic banks or domestic branches or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest rating category by Moody's Investors Services or by Standard & Poor's Corporation.

Purchases of Bankers' Acceptances may not exceed 180 days maturity or 40 percent of SANDAG's surplus money. No more than 10 percent of SANDAG's surplus funds may be invested in the Bankers' Acceptances of any one commercial bank.

Commercial Paper: Commercial paper rated in the highest short-term rating category, as provided by Moody's Investors Service, Inc., Standard & Poor's Corporation or Fitch Financial Services, Inc.; provided that the issuing corporation is organized and operating within the United States, has total assets in excess of $500 million, and has an “A” or higher rating for its long-term debt, if any, as provided by Moody’s, Standard & Poor’s or Fitch.
Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10 percent of the outstanding paper of an issuing corporation. No more than 10 percent of SANDAG’s surplus funds may be invested in Commercial Paper of any one U.S. corporation.

Purchases of commercial paper may not exceed 25 percent of SANDAG’s surplus money which may be invested.

Medium-Term Notes: Medium-term notes, defined as all corporate and depository institution securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or depository institutions licensed by the United States or any state and operating within the United States. Medium-term notes shall be rated in a rating category of “A” or better by a nationally-recognized rating service.

Purchase of medium-term corporate notes may not exceed 30 percent of the agency’s surplus money. No more than 10 percent of SANDAG’s surplus funds may be invested in the Medium-Term Notes of any one corporation.

Negotiable Certificates of Deposit: Negotiable certificates of deposit issued by a nationally- or state-chartered bank or a state or federal savings and loan association or by a state-licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated “AA” or better by Moody’s or Standard & Poor’s.

Purchase of negotiable certificates of deposit may not exceed 30 percent of SANDAG’s surplus money.

State of California’s Local Agency Investment Fund: State of California’s Local Agency Investment Fund (LAIF) may be invested in for the benefit of local agencies up to $40million.

San Diego County Treasurer’s Pooled Investment Fund: Deposits in the County pooled investment fund shall be limited to the dollar maximums of the State LAIF.

Savings/Money Market Accounts: Insured savings account or money market account.

California Asset Management Program: Shares in a portfolio of the California Asset Management Program, so long as the portfolio is rated among the top two rating categories by one of the nationally-recognized rating agencies.

Money Market Funds: Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.). To be eligible for investment pursuant to this subdivision, these companies shall either: (1) attain the highest ranking letter or numerical rating provided by not less than two of the three largest nationally-recognized rating services, or (2) have an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less than five years experience managing money market mutual funds with assets under management in excess of $500,000,000.
The purchase price of shares shall not include any commission that the companies may charge. The purchase of shares may not exceed 20 percent of SANDAG’s surplus money.

Mortgage and Asset-Backed Obligations: Any mortgage pass-through security collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-pass-through certificate, or consumer receivable-backed bond of a maximum of 5 years maturity. Such obligations must be rated Aa/AA or higher by two national rating agencies and the issuer of such obligations must be rated Aa/AA or higher by two of the national rating agencies as well.

Purchases of securities authorized by this section may not exceed 20 percent of SANDAG’s surplus funds that may be invested pursuant to this section.

Ineligible Investments: Security types which are thereby prohibited include, but are not restricted to:

(a) Reverse repurchase agreements.
(b) “Complex” derivative securities such as range notes, dual index notes, inverse floating-rate notes, leveraged or deleveraged floating-rate notes, or any other complex variable-rate or structured note.
(c) Interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity.
(d) Securities lending.

In the event that SANDAG possesses ineligible investments purchased prior to the adoption of this policy, SANDAG may hold these investments to their maturity dates. The limitation in this section shall not apply to SANDAG’s investments in shares of beneficial interest issued by diversified management companies registered under the Investment Company Act of 1940.

9. Maximum Maturity

Investment maturities shall be based upon a review of cash flow forecasts. Maturities will be scheduled so as to permit SANDAG to meet all projected obligations.

The maximum maturity will be no more than five years from purchase date to maturity date.

10. Performance Standards

The investment performance of SANDAG’s portfolio shall be evaluated and compared to appropriate indices in order to assess the success of the investment program. The comparable benchmarks should be consistent with SANDAG’s portfolio in terms of maturity and composition, which includes credit quality and security type.

11. Reporting Requirements

The Director of Finance shall submit to the Board annually a statement of investment policy, which the Board shall consider at a public meeting.
A monthly report of all investment transactions shall be submitted to the Board Members within 60 days following the end of the month covered by the report.

Quarterly investment reports shall be submitted to the Board within 60 days following the end of the quarter covered by the report. The reports should include the following information for each individual investment, and all returns should be reported net of all fees:

- Description of investment instrument
- Interest rate or yield to maturity
- Exact issuer name
- Coupon rate (if applicable)
- Call/Refunding date and price (if applicable)
- Purchase date
- Maturity date
- Purchase price
- Par value
- Book value
- Current market value (include source of valuation)
- Discounts or premiums, if any
- Accrued interest paid at purchase, if any
- Accrued interest to date
- Portfolio weighted average maturity
- Yield on cost
- Yield at market
- Overall portfolio yield
- Sale date (if investment is sold prior to maturity)

The report shall summarize the investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturity distribution, asset allocations, risk characteristics.

The quarterly report shall state compliance of the portfolio with this policy, or manner in which the portfolio is not in compliance. Each quarterly report shall indicate any area of policy concern and suggested or planned revision of investment strategies.

The Director of Finance shall include a statement denoting the ability of SANDAG to meet its expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

Together with the annual independently audited financial report each fiscal year, the Director of Finance shall prepare a comprehensive report utilizing the audited financial statements on SANDAG's investment program and investment activity. Such annual report shall include any other item of significance which may enhance the understanding of the investment program.

SANDAG shall establish the following reporting and accounting standards for callable U.S. Government, Agency and Instrumentality securities. These are securities with a stated
maximum maturity date that could, at the issuer's option, be retired at a date or number of
dates prior to maturity.

All securities holdings reports for SANDAG shall disclose the maximum maturity liability to
SANDAG (the stated maturity), as well as the first call date of each callable security held. The
weighted average maturity, as well as computation of the yield on each callable security, in
SANDAG's portfolio will be calculated using professional judgment as to the most likely
principal redemption date. If the investments coupon rate is greater than market levels, then
the security shall be valued to the next call date. Otherwise, the security shall be valued to
the maturity date. In any case, the “yield to worst” should be calculated and disclosed.

Included in the report should be any securities which have been downgraded from the
previous quarter. If there are any securities downgraded below the minimum credit rating
criteria permitted by this investment policy, the Director of Finance should be notified
immediately. The decision to retain the security in question until maturity, sell (or put) the
security, or other action shall be approved by the Director of Finance.

12. Safekeeping and Custody

All security transactions, including collateral for repurchase agreements, entered into by
SANDAG shall be conducted on a delivery-versus-payment (DVP) basis. Securities shall be
held by a third party custodian and evidenced by safekeeping receipts.

The only exception to the foregoing shall be securities purchases made with: (i) local
government investment pools; and, (ii) money market mutual funds, since the purchased
securities are not deliverable.

Amended October 2004
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 and attested by the Clerk of the Board.

   1.2 Upon the passage of an ordinance, the votes of the Board members 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 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 to be published at least once in a newspaper of general circulation in the Board’s 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 The Board may publish 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 Board meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, the Board shall publish a summary of the ordinance or amendment with the names of the Board 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 Board 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 so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the Board’s area of jurisdiction shall be published at least five (5) days prior to the Board 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 provide information regarding, the adopted ordinance or amendment including information sufficient to enable the public to obtain a copy of the complete text of the ordinance or amendment, and the name of those Board 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, 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

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.

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

4.1 This policy shall be supplemental to SANDAG’s Conflict of Interest Code and is not intended to supercede 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 SANDAG’s 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 non-interest 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.

5. Additional Advisory Membership on Board

5.1 From time to time, the Board may determine it is in SANDAG’s best interest 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 SANDAG’s mission;

5.2.3 Membership by the agency/group would enhance SANDAG’s 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.

Procedures Applicable to SANDAG’s Legislative Bodies Other Than the Board and Policy Advisory Committees

6. 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 SANDAG’s Board or one of the Policy Advisory Committees are covered by the Act.

6.1 All of SANDAG’s 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 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 SANDAG’s 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 SANDAG’s 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 non-voting members, alternates, speakers, or members of the public. Non-voting 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 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.

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

Amended October 2004
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. SANDAG’s Administrative Rules & Regulations 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’s 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’s 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’s policies.

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

### 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 lists of women’s and minority media, community organizations, and college minority placement offices as needed, for the use of SANDAG’s 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’s 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 a record on each job applicant, each promotional opportunity, and employee termination data, 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 SANDAG’s employee Web site.

2.11 All employment ads will 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.

Amended October 2004
DISCRIMINATION COMPLAINT PROCEDURES

This policy is intended to establish a procedure under which complaints alleging discrimination in SANDAG’s provision of services or SANDAG activities can be made by persons who are not employees of SANDAG.

Background

It is SANDAG policy to comply with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964 (Title VI) and other federal and state discrimination laws. SANDAG prohibits discrimination by its employees, contractors and consultants. The responsibility for the implementation of the discrimination complaint procedures is assigned to the Office of General Counsel. SANDAG does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, or sexual orientation in conducting government business. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations required by law, have the right to use this grievance procedure.

Procedures

1. **Applicability**

   This complaint procedure is applicable to all persons who are not employees of SANDAG. This includes, but is not limited to, visitors to SANDAG, members of the public viewing SANDAG publications, Board, committee, and working group members, vendors, or any other person transacting business with SANDAG or using SANDAG’s services. In general, it is designed to address disputes concerning the following:

   1.1 Disagreements regarding a requested service, accommodation, or modification of a SANDAG practice or requirement;

   1.2 Inaccessibility of a program, publication, or activity;

   1.3 Harassment or discrimination on the basis of disability;

   1.4 Violation of privacy in the context of disability.
2. **Compliance Officer**

SANDAG's Office of General Counsel is the Compliance Officer and is responsible for administering this complaint procedure as well as ensuring compliance with applicable laws. The Office of General Counsel can be contacted at: (619) 699-1900 (Voice), (619) 699-1904 (TTY), Fax (619) 699-1995.

3. **Preliminary Review Process**

3.1 Informal Resolution - Prior to initiating the formal complaint procedure set forth below, and as a prerequisite to it, the complaining party shall contact the Compliance Officer for assistance in resolving the matter informally within fifteen (15) calendar days of the time the grievant became aware of the SANDAG act or omission that is the subject of the complaint. If the Compliance Officer is not successful in quickly achieving a satisfactory resolution (that is, generally within approximately thirty (30) calendar days), the Compliance Officer will take the steps described in subparagraph “B.” below.

3.2 Review Panel - The Compliance Officer will convene an ad-hoc review panel to review the issue(s) raised. The panel will consist of the following (or their designees): the Compliance Officer, a member of the management staff, a Deputy Executive Director, and (depending upon the issues) such other personnel as may be appropriate. This panel will review the request, investigate and attempt to resolve the issues within approximately thirty (30) calendar days of the request for or initiation of a second review. No formal report need be issued by the panel, but the panel will document the outcome of its review in a letter to the complaining party. If the complaining party is not satisfied with the panel’s disposition of the matter, the complaining party may file a formal complaint in accordance with the procedure described below.

4. **Formal Complaint**

If the procedure set forth above for preliminary review does not yield a successful resolution, then the complaining party may file a formal complaint in the following manner:

4.1 When To File Complaint - Complaints must be in writing and must be filed within ten (10) calendar days of the end of the preliminary review process described above.

4.2 What To File - A complaint must be in writing and include the following:

   4.2.1 The complaining party’s name, address, e-mail address and phone number;

   4.2.2 A full description of the problem;

   4.2.3 A statement of the remedy requested; and

   4.2.4 A copy of the letter from the Review Panel setting forth the outcome of the preliminary review procedure described above.
4.3 Where To File Complaint - The complaint shall be filed with the Compliance Officer at SANDAG, 401 B Street, Suite 800, San Diego, CA 92101; Fax number (619) 595-5625.

4.4 Notice of Receipt - Upon receipt of the complaint, the Compliance Officer will review the complaint for timeliness and appropriateness for this grievance procedure, and will provide the complaining party with written notice acknowledging its receipt.

4.5 Investigation - The Compliance Officer or his or her designee shall promptly initiate an investigation. In undertaking the investigation, the Compliance Officer may interview, consult with and/or request a written response to the issues raised in the complaint from any individual the Compliance Officer believes to have relevant information, including staff and members of the public. The Compliance Office also may hold an informal hearing at his or her discretion.

4.6 Representation - The complaining party and any party against whom the grievance is directed shall have the right to have a representative. The party shall indicate whether he or she is to be assisted by a representative and, if so, the name of that representative. For purposes of this procedure, an attorney is not an appropriate representative.

4.7 Findings And Notification - Upon completion of the investigation, the Compliance Officer will prepare and transmit to the complaining party, and to any party against whom the complaint is directed, a final report containing a summary of the investigation, written findings and a proposed disposition. This transmission will be expected within forty-five (45) calendar days of the filing of the formal complaint. The deadline may be extended by the Compliance Office for good cause. The final report shall also be provided, where appropriate, to any person whose authority will be needed to carry out the proposed disposition or to determine whether any personnel action is appropriate.

4.8 Final Disposition - The disposition proposed by the Compliance Officer shall be put into effect promptly. The complaining party or any party against whom the complaint or the proposed disposition is directed may appeal. The appeal to the Executive Director (as set forth below) will not suspend the implementation of the disposition proposed by the Compliance Officer, except in those circumstances where the Executive Director decides that good cause exists making the suspension of implementation appropriate.

5. Urgent Matters

Whenever the application of any of the time deadlines or procedures set forth in this complaint procedure creates a problem due to the nature of the complaint, the urgency of the matter, or the proximity of the upcoming event, the Compliance Officer will, at the request of the complaining party, determine whether an appropriate expedited procedure can be fashioned.

6. Remedies

Possible remedies under this complaint procedure include corrective steps, actions to reverse the effects of discrimination or to end harassment, and measures to provide a reasonable accommodation or proper ongoing treatment. As stated above, a copy of the Compliance
Officer's report may, where appropriate, be sent to appropriate persons to determine whether any personnel action should be pursued.

7. **Appeal**

7.1 Within ten (10) calendar days of the issuance of the final report, the complaining party or any party against whom the complaint is directed may appeal to the Executive Director the Compliance Officer's determination.

7.2 An appeal is taken by filing a written request for review with the SANDAG Executive Director, 401 B Street, Suite 800, San Diego, CA 92101; Fax (619) 699-1995.

7.3 The written request for review must specify the particular substantive and or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the proposed disposition. Furthermore, the appeal must be directed only to issues raised in the formal complaint as filed or to procedural errors in the conduct of the complaint procedure itself, and not to new issues.

7.4 The review by the Executive Director or his or her designee normally shall be limited to the following considerations: Were the proper facts and criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear on the decision that substantially affected the decision to the detriment of the complaining party? Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the complaining party? Given proper facts, criteria, and procedure, was the decision one that a person in the position of the decision-maker might reasonably have made?

7.5 A copy of the Executive Director's written decision will be expected within thirty (30) calendar days of the filing of the appeal and shall be sent to the parties, the Compliance Officer and, if appropriate, to persons whose authority will be needed to carry out the disposition. The deadline may be extended by the Executive Director for good cause. The decision of the Executive Director on the appeal is final.

8. **Confidentiality**

SANDAG will take reasonable measures to protect the privacy of the complaining party and those individuals who may be the subject of a complaint. SANDAG cannot guaranty privacy, however, particularly if disclosure is necessary for a complete investigation or is required by law.

| Amended October 2004 |
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 SANDAG’s best interest. 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 Service Agreements ($2,500 or less).** These procedures apply to the procurement of all services excluding Section 4525 Services funded with Federal money.
   
   1.1 For purchases below $2,500 a micro purchase procurement method may be used. A micro purchase is a non-competitive 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. **Minor Service Agreements ($2,500 - $50,000).** These procedures apply to the procurement of all services excluding Section 4525 Services funded with Federal money.

   2.1 If the estimated value of the contract is $10,000 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 $10,001 and $49,999 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 or
rate quotations 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 ($50,000 and greater). These procedures apply to the
procurement of all services including procurement of Section 4525 Services.

3.1 Normally, a "one-step" selection procedure will be used for service contracts in
excess of $50,000. The "one-step" competitive process is as follows:

3.1.1 Firms shall submit a response to a SANDAG Request for
Proposals (RFP). The RFP 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 community newspapers, as appropriate, at least
three weeks before the proposal due date. For federally funded
projects, notice shall also be published in one or more DBE-
certified newspapers and in such other minority newspapers as
appropriate in San Diego County. The notice shall state that the
Board 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’s various interested
Responses to an RFP shall list all proposed subconsultants and subcontractors, their area of the work, and identify which of them are certified DBEs.

Responses to an RFP shall include a cost estimate.

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, or his/her designee, when negotiating within the prescribed budget, except as provided in 3.1.8 below.

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.

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.

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, references, the interview, and other relevant factors. 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.

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.

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.

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, or his/her designee, and can include factors other than cost, such as staffing levels, project schedule, etc. If negotiations fail, the Executive Director, or his/her designee, 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 or his/her designee. 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, unopened.

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, or his/her designee, 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 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 or his/her designee.

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 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-certified newspapers in San Diego County at least three weeks before the proposal due date and in such other minority and community newspapers, as
appropriate. The notice shall state that the Board 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.

3.4.4 “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.

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

3.4.6 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).

3.4.7 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. Non-Competitive Procurements (More than $2,500)

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

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

5.3.2 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.

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

5.3.4 The services are essential to maintain research or operational continuity.

5.3.5 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. General Conditions

6.1 In the event that circumstances dictate other than the processes indicated above for procurements that do not exceed $100,000, the Executive Director may authorize a variation within the limits of Public Utilities Code section 132352.4. For procedural variations on 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 SANDAG’s best interests.

6.4 The Executive Director may approve contract amendments totaling up to $100,000 that are necessary to complete services as 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 in excess of $100,000 or those contemplating a significant change in the original scope of services, must be processed in accordance with SANDAG’s procurement manual and policies.

6.5 For purchases involving no federal funds and not exceeding $25,000, a purchase order may be used. 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 $10,000, a contract must be used in order to ensure provisions are included to protect SANDAG’s interests.

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. 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: 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.

7.2 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” 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 RFPs. 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, potential, 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.

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 a 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 $25,000, 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 for which no written notice of 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 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. 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 or his or her designee 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 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 sign and file with SANDAG a certification of compliance.

11.5 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.

11.6 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.

11.7 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. Amendments to Service Contracts
12.1 All contracts may be amended by a suitable amendment processed in accordance with SANDAG's procurements manual and policies.

12.2 The Executive Committee or Transportation Committee or, if not practical, the Chairperson of the Board or the Vice Chairperson in the absence of the Chairperson, are hereby authorized to approve amendments exceeding $100,000 when waiting for Board approval could potentially delay a project or increase the cost of the change. 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.

Amended October 2004
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 SANDAG’s 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 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% 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's procurement or contracting process 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.

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's Administrative Rules and Regulations.

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 higher authority to other SANDAG staff.

Amended October 2004
1. Purpose

The purpose of the Public Safety Policy Advisory Committee (PSPAC) is to advise the Board on matters concerning the Automated Regional Justice Information System and the Criminal Justice Division.

2. Governance

2.1. The PSPAC shall be overseen by the Board and shall govern itself in accordance with the Automated Regional Justice Information System Joint Powers Agreement ("ARJIS JPA"), as amended on January 1, 2004, and the policies and procedures applicable to all of SANDAG's policy advisory committees.

2.2. If the ARJIS JPA is in conflict with state or federal statutes or regulations, the statutes or regulations shall supersede the conflicting provision of the JPA. If the ARJIS JPA is in conflict with SANDAG Board policy or procedure, SANDAG Board policy or procedure shall supersede the conflicting provision of the JPA.

3. PSPAC Subcommittees

3.1. There shall be a standing Management Subcommittee composed of standing members who shall be the Chief of Police, Sheriff, or Public Safety CEO of each Member Agency. The term "Member Agency" as used in this Policy shall have the same meaning as in the ARJIS JPA and shall refer to the voting members on the PSPAC. The Management Subcommittee may appoint advisory members to the Subcommittee as needed and shall serve at the pleasure of the Management Subcommittee.

3.2. Each Member Agency representative of the Management Subcommittee shall have one vote.

3.3. Whenever a member is not present at a meeting of the Management Subcommittee, a designated alternate selected by the member may act as a member.

3.4. The Management Subcommittee shall appoint members to standing working groups known as the Users, Technical, Business, and Crime Analysis working groups. The membership of these working groups shall be composed of members of public safety agencies who operate or use the ARJIS. Each member of these working groups shall have one vote.
3.5. The Management Subcommittee meetings shall be at least monthly or whenever called by its Chairperson. The Chairperson of the Management Subcommittee shall notify the members of the Management Subcommittee of any such scheduled meetings at least five days prior to the scheduled date of the meeting. Upon a finding by the Chairperson that an item has arisen that requires immediate action, he/she may call a meeting on 48 hours notice.

3.6. Other standing subcommittees and standing or ad hoc working groups shall meet whenever called by their respective chairperson.

3.7. Standing subcommittees and working groups shall have as elected officers a chairperson and vice chairperson, who are members or alternates of their respective Member Agency. The Chairperson and Vice Chairperson of each standing subcommittee or working group shall be elected from among its membership.

3.8. The functions of the Management Subcommittee shall be to: (1) review, evaluate, and provide preliminary approval of the ARJIS and Criminal Justice Division work plan and budget for final approval by the SANDAG Board of Directors; (2) evaluate and prioritize the ARJIS and Criminal Justice Division work plan; (3) oversee the implementation of the ARJIS and Criminal Justice Division work plan and budget; (4) establish policies and procedures; (5) approve and oversee the implementation of the recommendations from other subcommittees and working groups; and (6) perform other functions delegated by the PSPAC.

### 4. Authority

4.1 The PSPAC shall have the authority to 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 ARJIS and Criminal Justice Division items, subject to increase by Board action.

Adopted December 2003

Amended October 2004
LEGISLATIVE STATUS REPORT

Introduction

An update of federal and state legislative activity since the last report, organized by SANDAG’s Legislative Goals, is included as Attachment 1. Changes are shown in bold. Highlights of the October 2004 report include the status of the multi-year federal transportation program, known as TEA-21 (Transportation Equity Act for the 21st Century); the status of the FY 2005 Transportation Appropriations bill; and other federal legislation. The report also includes results of the 2004 State’s legislative session including the SANDAG-sponsored state bill on Value Pricing, legislation related to housing, and other legislative changes that SANDAG has been monitoring.

Discussion

Federal

Transportation Reauthorization

An eight-month extension of TEA-21 (H. R. 5183) has been signed into law. The extension which provides spending authority through May 31, 2005, for federal highway, transit, highway safety, and trucking safety programs, does not prevent Congress from finalizing a long-term bill before Congress adjourns nor does it prevent Congress from finalizing a long-term bill during the lame-duck session scheduled to begin on November 15. Enactment of the extension removes the pressure on legislators to finish a bill and avoid continued shutdown of program reimbursements. The extension does not include project earmarks but does include a partial ethanol fix by transferring 2.5 cents per gallon tax of ethanol fuel from the general fund to the Highway Trust Fund. The funds provided for under H.R. 5183 for the eight-month period total $28.8 billion ($23.6 billion for highway and other safety programs and $5.2 billion for transit programs).

Other highlights of the extension include:

- A donor state fix - Section 120(f) of the extension creates a new “supplement minimum guarantee” program to add contract authority to FY 2004 state apportionments as necessary to ensure that final apportionments for FY 2004 meet the 90.5 percent minimum guarantee rate of return.

- Freeing up of the rest of the obligation limit - Under the terms of the last extension, $1.9 billion of the $33.6 billion obligation provided for in the FY 2004 Appropriations bill was held in reserve. The extension frees up that remaining obligation limit and allows it to be carried over to FY 2005.

- Firewall extension - Sections 10 and 11 of the extension continues the budgetary firewalls established in TEA-21 that segregate highway and transit spending from the rest of the budget.
o Advances for FY 2005 – The extension continues to allow for advances on contract authority for highway and transit programs.

o Leaves obligation authority to appropriators – The bill does not assume an obligation limitation for FY 2005; but provides that only eight-twelfths of whatever obligation limitation is provided for by appropriators can be distributed.

o Prohibits transfers from Congestion Mitigation Air Quality (CMAQ) or Surface Transportation Program (STP) set-aside – Section 3)(e) prohibits states in FY 2005 from transferring funds out of CMAQ and STP set-asides.

FY 2005 Transportation Appropriations

On September 30, Congress approved a continuing resolution (CR) (H.J. Res. 107) extending appropriations for all regular programs, i.e. transportation, that do not have an FY 2005 Appropriations bill signed into law. The CR extends through November 20, 2004, funding at fiscal 2004 terms and conditions and spending rates. The transportation bill, along with ten others, is likely to be rolled into one omnibus FY 2005 spending bill. Congress will return for its lame-duck session on November 15 and with the intent to finalize a bill by November 24, prior to Thanksgiving recess. Without a final, long-term transportation authorization bill, appropriators would for a second year oversee and earmark surface transportation funding without input or guidance from the authorizing committees.

FY 2005 Homeland Security Appropriations

The House of Representatives and the Senate approved the FY 2005 Homeland Security Appropriations bill on June 18, and September 14, respectively. The bill provides $32 billion in discretionary spending for the Department of Homeland Security, which is $896 million more than the President’s fiscal year 2005 discretionary spending request and $2.8 billion more than the fiscal 2004 level. A conference committee has been established to address Senate amendments. It is anticipated that this appropriations bill will be finalized before Congress adjourns.

Rail and Public Transportation Security Legislation

On September 23, 2004, Representative Robert Menendez (New Jersey) introduced H.R. 5132, titled the Rail and Public Transportation Security Act of 2004. Findings in the bill state that the Nation’s rail and public transit systems carry 16 times more passengers every day than the airlines, yet the Federal Government has spent 90 times more funding for airline security and that the Department of Homeland Security has reduced transit security funding by 22 percent between fiscal years 2003 and 2004. The Nation’s rail and public transit systems have identified $6 billion in critical security needs. The bill calls for a vulnerability assessment of freight and passenger rail transportation and would authorize over $10 billion to perform a variety of improvements including a vulnerability assessment; a feasibility study and pilot program related to passenger, baggage, and cargo screening on passengers trains; tunnel upgrades in New York, Washington D.C., and Baltimore; research and development for the purpose of improving freight and intercity passenger rail security; system-side Amtrak improvements; and mass transportation system security improvements.
State

The State 2003-2004 Legislative Session has come to a close. The following provides the status on SANDAG-sponsored bills and other bills of interest that are consistent with SANDAG’s legislative program.

Value Pricing

On September 9, the Governor signed the SANDAG-sponsored bill, Assembly Bill (AB) 2032, providing state authority to implement value pricing on two corridors in San Diego. Specifically, this bill provides the authority for a single-occupant vehicle to use a high-occupancy-vehicle (HOV) lane in exchange for a fee. The intent is to utilize unused capacity when available, and the system is managed by raising fees during heavy congestion periods. The legislation restricts the revenues earned for reinvestment in projects and services to relieve traffic congestion in the high-occupancy-toll (HOT) lane corridor.

SANDAG’s Mobility 2030 Plan includes three projects that implement value pricing: Interstate 805 (I-805), between State Route (SR) 905 and I-5; SR 52, east of I-15 to SR 125 in Santee; and I-5, from I-805 to Vandergrift Boulevard. As the legislation restricts the number of projects in San Diego to two, additional legislation would be needed to implement a third project. The bill does not define a specific project. Passage of this bill was dependent upon the tremendous efforts its principal authors, Assemblymembers Dutra and Kehoe, Senator Alpert, and co-authors Assemblymembers Horton and Houston, as well as project sponsors, Sunol Smart Carpool Lane Joint Powers Authority, Santa Clara Valley Transportation Authority, and Alameda County Congestion Management Agency.

A similar bill, AB 2628, authored by Assembly Member Pavley, was signed by the Governor on September 13. This bill allows vehicles meeting certain conditions, i.e., hybrid vehicles with fuel economy of 45 miles per gallon or greater, to utilize HOV lanes. Eligible vehicles would be identified with a decal, and only 75,000 decals shall be issued by the Department of Transportation. This is a demonstration program that expires January 1, 2008, and one that will be monitored closely.

The various opportunities to utilize unused HOV capacity and Roadway Tolling are being discussed in many parts of the country. The American Public Transportation Association (APTA) and the Value Pricing Working Group have been working towards the development of principles intended to expand tolling opportunities. SANDAG has been participating in these discussions to ensure that they support our region’s ability to implement future HOT lanes.

Housing/Land Use

There is a variety of bills related to self-certification and housing element reform and housing incentives.

The Governor signed Senate Bill (SB) 492 on August 23. The bill authored by Senator Ducheny extends the housing self-certification pilot program in San Diego by one year to June 30, 2010. The sunset date for the self-certification pilot program allows communities in San Diego County to self-certify their housing elements to coincide with the housing element sunset date.

On September 22, Governor Schwarzenegger signed AB 2158 (Lowenthal), enacting consensus-based changes for the regional housing needs allocation (RHNA). Its companion bill AB 2348 (Mullin) making numerous changes to the provisions of housing element pertaining to land inventory, adequate sites, and permitted use was signed by the Governor on September 23. Both proposals were based on the work of the Housing Element Work Group (HEWG), a task force that SANDAG staff participated in.
SB (SB) 1818, authored by Senators Hollingsworth and Ducheny, making various changes in the density bonus law was signed by the Governor on September 30. The changes are intended to strengthen existing law to address the state’s housing needs.

AB 2702, authored by Assemblymember Steinberg, would have restricted local governments’ ability to deny or place restrictions on the development of a second unit housing. The League of California Cities was opposed to this bill, and the Governor vetoed its passage on September 30. In his veto message, the Governor encouraged housing advocates and local governments to work with the Secretary of Business, Transportation and Housing to find ways to increase home ownership opportunities for all Californians. He believed that AB 2702 removed the control from local officials and moved it to a state bureaucracy in Sacramento.

Other Legislative Changes Being Pursued

Design-build

There were three separate bills related to design-build procurements. One of the bills, SB 1793 (McPherson), authorized four transportation authorities, including SANDAG, to use a design-build process for bidding on one highway construction project with a cost of at least $50 million within the jurisdiction of the applicable transportation authority. The other two related bills were AB 1210 (Torlakson and Ducheny) and AB 3048 (Oropeza).

AB 1210, was the only bill related to design-build to survive the legislative session and was signed by the Governor on September 27. This bill extends to January 1, 2010, a pilot program law authorizing the Department of Transportation to let design-sequencing contracts. The bill additionally adds a phase two pilot program authorizing the design and construction of not more than 12 transportation projects to be selected based on criteria established by the Director of the Department of Transportation.

While we were disappointed that SB 1793 did not survive this session, it is our understanding that the design-build concept is viewed favorably by the Governor, and we look forward to expansion of this concept next year.

SIGNIFICANT STATE SCHEDULE REMAINING

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>October 2</td>
<td>Bills enacted on or before this date take effect on January 1, 2005</td>
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<tr>
<td>November 30</td>
<td>Adjournment Sine Die (adjournment “without day” being set for reconvening. Final adjournment) midnight</td>
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<tr>
<td>December 6, 2004</td>
<td>Convening of the 2005-06 Regular Session</td>
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<tr>
<td>January 1, 2005</td>
<td>Statutes take effect</td>
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SIGNIFICANT FEDERAL SCHEDULE REMAINING

October 1    Target adjournment

GARY L. GALLEGOS
Executive Director

Attachment

Key Staff Contact: Ellen Roundtree, (619) 699-6960; ero@sandag.org
# STATUS OF LEGISLATIVE GOALS FOR CY 2004

**October 08, 2004**

<table>
<thead>
<tr>
<th>General Description of Goal</th>
<th>Priority</th>
<th>Board Position</th>
<th>Position Date</th>
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<td>Reauthorization of ½ percent sales tax (TransNet) for 40 years, which is estimated to bring over $14 billion (2002 dollars) to San Diego.</td>
<td>1</td>
<td>Highest</td>
<td>2003</td>
<td>X</td>
<td>X</td>
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<td>X</td>
<td>On May 28, 2004, the SANDAG Board of Directors approved the second reading and adopted the ordinance to place on the November 2004 ballot.</td>
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<td>Lower the current two-thirds voter requirement for special purpose taxes (i.e., transportation) to a simple majority vote.</td>
<td>2</td>
<td>Highest</td>
<td>2002</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>A myriad of bills were introduced last year: ACA 7 (Dutra) Inactive File; ACA 9 (Levine) Inactive File; ACA 14 (Steinberg) Inactive File. SCA 7 (Murray) held under submission; SCA 11 (Alarcon), Placed on the inactive file by request of author.</td>
</tr>
<tr>
<td>Reauthorization of a six-year transportation bill, including increased levels of funding for highway and transit programs, railroad and highway safety, goods movement, and other programs such as the New Starts and Small Starts Program, Intelligent Technology Systems (ITS), Borders, Bus, and Bus Related (including the eligibility of Bus Rapid Transit). Support for inclusion of Board-adopted principles including increased flexibility, environmental streamlining, change to the requirement for Regional Transportation Plans from three years to five years, and requests for earmarks for projects as included in the list of priority projects.</td>
<td>3</td>
<td>Highest</td>
<td>2002</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>The Administration’s Bill, SAFETEA proposes $256 billion; the Senate bill (S. 1072) proposes $318 billion; the House (H.R. 3550) proposes $275 billion and includes a re-opener to increase the guaranteed rate of funding returned to the states. Conferences include Senator Boxer and Congressman Filner. A sixth extension through 05/31/05 was granted.</td>
</tr>
<tr>
<td>FY 2005 Appropriation requests as included in the project funding request list.</td>
<td>4</td>
<td>Highest</td>
<td>2003</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>The House approved its transportation appropriations bill July 2004, included $34.63 billion for highways, #7.25 billion for transit; the Senate bill is pending. A continuing resolution extending funding at the FY 2004 levels through 11/20 was approved.</td>
</tr>
<tr>
<td>Legislation rewarding jurisdictions producing more housing, especially affordable housing (e.g., housing trust funds and other smart growth housing-related programs).</td>
<td>5</td>
<td>Highest</td>
<td>2002</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>A variety of housing bills relating to land use, housing elements, and local planning: AB 2158 (Lowenthal), enacts consensus based regional housing needs AB 2348 (Mullin), enacts various changes</td>
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# STATUS OF LEGISLATIVE GOALS FOR CY 2004

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<tr>
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<td>to housing element requirements. The Governor signed both bills 09/22 and 09/23, respectively. SB 1777 (Ducheny), changes the requirement for the Department of Housing and Community Development to update the statewide housing plan from two years to four years. Signed by the Governor on 09/27.</td>
</tr>
<tr>
<td>Legislation assisting in the implementation of the Regional Comprehensive Plan, especially through funding incentives for smart growth (including, but not necessarily limited to, mixed-use projects, transit-oriented developments, and/or walkable communities).</td>
<td>6</td>
<td>Highest Support</td>
<td>2002</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Transit Village Plan, relates to the Transit Village Development Planning Act. AB 1320 (Dutra), Approved by the Governor 5/19/04.</td>
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<tr>
<td>Fiscal reform initiatives enabling regions to develop their own fiscal strategies and oppose unfunded mandates on local government.</td>
<td>7</td>
<td>Highest Support</td>
<td>2002</td>
<td>X</td>
<td></td>
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<td>SB 1212 (Ducheny) on Hold in the Appropriations Committee, 8/12; Other fiscal reform bills include SCA 22, SB 1774; ACA 30, AB 3105. SB 1774 canceled by authors. SCA 4, a protection measure for local government finance, was Chaptered by the Secretary of State on July 30, and will be on the November 2004 ballot as Proposition 1A.</td>
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<tr>
<td>Efforts to backfill the loss of Vehicle License Fees (VLF) to cities and counties.</td>
<td>8</td>
<td>Highest Support</td>
<td>2003</td>
<td></td>
<td></td>
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<td>On December 17, 2003, Governor Schwarzenegger exercised his executive branch power to ensure that scheduled payments will be made to cities and counties. Section 27 of the 2003 Budget Act allowed the Governor to spend approximately $2.7 billion for local governments over the balance of the current budget year. In addition, $150 million in current year spending was re-directed to local governments. AB 1457 (Committee on Budget) Urgency</td>
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<td>Efforts that would reduce transportation funding and challenges existing regional decision-making authority.</td>
<td>9 Higher</td>
<td>Oppose</td>
<td>2002</td>
<td>X</td>
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<td>The approved FY 2003-2004 Budget Act signed by the Governor on July 31 is more positive for transportation than the January proposal, with the proposal to repeal the TCRP program and suspend the $189 million appropriated in the 2003-04 Budget withdrawn and early repayment of prior loans. Proposition 42 was suspended for the third year, with a promise to pay back by 2008. AB 2498 (Longville) modifies the Freeway Service Patrol Grant program, this could potentially reduce funding for this program in San Diego if more entities join in the program and the base amount is not increased. Signed by the Governor 09/21. ACA 21 (Bogh) and SCA 21 (Murray) would provide a constitutional amendment that would change the vote requirement to 4/5 of membership of each house of the Legislature in order to enact a statute suspending in whole or in part the transfer of motor vehicle fuel sales tax revenue from the General Fund to the Transportation Investment fund-Location: ACA 21 failed passage; SCA 21 Senate Appropriations hearing postponed by author. ACA 29 (Harman) would delete the provision authorizing the Governor and</td>
</tr>
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**Legend:**
- T: Transportation
- R: Regional Planning
- P: Public Safety
- B: Borders
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<td>The Legislature to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund for a fiscal year during a fiscal emergency; Location: Assembly Appropriations, held under submission.</td>
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<td>ACA 24 (Dutra and Oropeza). Purpose of this measure is to stop future suspensions of Proposition 42 transfers; authorizing loans under certain conditions. Location: Assembly Appropriations, held under submission.</td>
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<td>On the federal side, there are current efforts (S. 1637, Grassley) to eliminate a financing tool that transit agencies have used since 1990, known as Cross Border Leasing. The region has realized over $20 million from this mechanism. Part of a larger bill to amend the IRS Code of 1986 to simplify the international taxaction rules. Passed the Senate 5/11/04</td>
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<td>Efforts assisting in the implementation of key environmental efforts including habitat conservation, planning beach restoration and replenishment, and water quality issues.</td>
<td>10</td>
<td>Higher Support</td>
<td>2002</td>
<td>X</td>
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<td>SB 2105, introduced by US Senator Lautenberg in February 2004, restores and maintains the shores, beaches, and other coastal resources of the United States and maintains funding levels to carry out beach and shore protection projects. AB 392 (Montanez) establishes a grant program for Community Based Transportation Planning and Environmental Justice: a single grant could not exceed $300,000. Failed Passage on 6/29.</td>
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<td>Mechanisms and funding to provide for the implementation of Mobility 2030 including Congestion Pricing Program, Managed Lanes, High-Occupancy-Toll (HOT) Lanes, and the alleviation of current constraints on transponder technology; and other mechanisms that provide for more efficient use of highways and local roads.</td>
<td>11</td>
<td>High Support</td>
<td>2002/2003</td>
<td>AB 2032, authored by Dutra, Kehoe and Alpert, authorizes single users to use HOV lanes for a fee. Passed Assembly Floor, Signed by Governor on 09/09</td>
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<td>Extending the housing element self-certification pilot program; participating in activities related to legislative and administrative reform of the state housing element law.</td>
<td>12</td>
<td>High Sponsor/ Support</td>
<td>2002</td>
<td>Other bills: AB 2980 (Salinas). This bill would establish a statewide alternative production-based, self-certification process for the housing elements of cities and counties. Assembly Appropriations, hearing postponed by committee 5/05. AB 2158 (Lowenthal). This bill enacts consensus-based changes to regional housing needs allocation (RHNA). Signed by Governor 09/22. AB 2348 (Mullin) proposes numerous changes to the provisions of housing element law pertaining to the land inventory, adequate sites, and permitted use. Both bills based on work by Housing Element Work Group (HEWG) and are dependent upon each other to become operative. Signed by Governor 09/23.</td>
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<td>Transit boards’ legislative program consistent with SANDAG policy.</td>
<td>13</td>
<td>High Support</td>
<td>2002</td>
<td>X</td>
<td></td>
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<td></td>
<td>AB 2085 (Montanez), sponsored by the Southern California Regional Rail Authority’s Metrolink Commuter Rail, increases the penalty for approaching or attempting to traverse a railroad grade crossing in an unsafe manner. Vetoed by Governor on 8/27.</td>
</tr>
<tr>
<td>In accordance with the Border Committee and COBRO recommendations, enhancing of border security and reducing wait times; pursuit of funding and legislation supporting interregional partnerships and bi-national trade and border projects.</td>
<td>14</td>
<td>High Support</td>
<td>2002</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>SB 817, (Ducheny) establishes within existing resources an Office of Foreign Affairs and International Protocol, would serve as a clearinghouse for information and assistance to other state agencies that are involved with Mexico. Bill amended on June 9 and re-titled Employment Training Panel.</td>
</tr>
<tr>
<td>Seek funds to implement the Regional Energy Strategy (RES); respond to legislation related to energy consistent with RES principles.</td>
<td>15</td>
<td>Higher Support/Sponsor</td>
<td>2002</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>There have been a variety of bills introduced related to energy: AB 1966 (Campbell) would develop incentives to produce hydrogen; Passed Assembly Floor, Hearing canceled by author on 6/08. AB 2473 (Wolk) related to the use of solar energy. Signed by Governor on 09/24.</td>
</tr>
<tr>
<td>Local Government Ballot Initiative, a constitutional amendment sponsored by the California League of California Cities, the California State Association of Counties, and the California Special Districts Association, that would allow voters to decide whether state government may appropriate local tax funds to fund state government operations and responsibilities.</td>
<td>16</td>
<td>High Support</td>
<td>2003</td>
<td></td>
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<td>On May 28, 2004, the Secretary of State notified the coalition that the Local Taxpayers and Public Safety Protection Act has qualified for the November Ballot. Current efforts by the Governor and local government on an alternative initiative are in process. The League of California Cities, the California State Association of Counties, and the California Special Districts Association</td>
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<td>have worked closely with the Governor and the Legislature on SCA 4 (now Proposition 1A). Both propositions will be on the ballot, and they have taken positions to support Proposition 1A and oppose Proposition 65.</td>
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<td>S. 2273 (McCain), a federal bill to provide increased rail transportation security.</td>
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<td>S. 2453 (Shelby) to award grants to public transportation agencies to improve security, includes authorization to appropriate for a capital security program, operational security assistance program, and research.</td>
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<td>H.R. 4476 (Lynch), would provide for the security and safety of rail and rail transit transportation systems.</td>
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<td>H.R. 4604 (Young, Quinn, and Porter); introduced on 6/17/04, titled “The Protecting Railroads against Enemy Efforts through Modernization, Planning and Technology Act” (PREEMPT) is designed to expand and improve anti-terrorist security programs of passenger railroad and freight rail systems.</td>
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<td>H.R. 4896 (Oberstar) introduced on</td>
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<td>Generation of new revenue sources and maximizing flexibility in the use of federal and state dollars, and increase regional decision-making authority.</td>
<td>18</td>
<td>Lower Support</td>
<td>2003</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Examples of potential new revenue sources: Federal bills: HR 3611-Metropolitan Congestion Relief Act to be funded at $2 billion annually for six years each fiscal year (FY 2004-09). HR 2220 related to NAFTA would authorize $200 million for corridors that connect borders between the U.S. and Mexico and the U.S. and Canada each fiscal year (FY 2004-09). SB 1614 (Torlakson) imposes a 10 cent fee on each gallon of gas, the revenues to be used to finance maintenance, operation, and construction of the state highway and local streets and road system for environmental programs. Hearing was canceled by author 5/04.</td>
</tr>
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<td>Legislation resulting in cost efficiencies and savings.</td>
<td>19</td>
<td>Lower Monitor and Support</td>
<td>2003</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AB 2737 (Dutra) Public Agency Tort Reform: Provides that a public entity and a public employee is not liable for an injury caused by the location of, the</td>
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<td>condition of, existing upon, or that occurs on, a street, highway, road, sidewalk, or other access adjacent to, or leading to or from, public property not owned or controlled by that public entity. Failed passage 05/04.</td>
</tr>
<tr>
<td>Legislation related to personnel matters, i.e., Workers Compensation, Public Employees Retirement System (PERS), benefits.</td>
<td>20</td>
<td>Lower Monitor and Respond</td>
<td>2003</td>
<td></td>
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<td></td>
<td>There was a myriad of bills related to Worker’s Compensation Introduced in the extraordinary session; a high priority of Governor Schwarzenegger is Workers Compensation Reform. SB 899 (Poochigan) signed into law on April 19 as an urgency measure and therefore effective immediately. AB 2785, signed by the Governor on 09/14, makes it an infraction to drive a transit vehicle while using a wireless telephone.</td>
</tr>
<tr>
<td>Legislation affecting solid waste, water supply, and storm water; support funding opportunities to assist in these areas.</td>
<td>21</td>
<td>Lower Monitor and Respond</td>
<td>2003</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>FY 2004 Appropriations: $750,000 for San Diego Water Authority; water desalination program, $800,000 for the Olivenhain Municipal Water District.</td>
</tr>
<tr>
<td>Other organizations’ legislative programs where consistent with SANDAG policy, i.e., CALCOG (California Association of Councils of Governments) APTA (American Public Transportation Association), AMPO (Association of Metropolitan Planning Organization), NARC (National Association of Regional Councils), and CTA (California Transit Association).</td>
<td>22</td>
<td>Lower Support</td>
<td>2003</td>
<td>X</td>
<td>X</td>
<td></td>
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<td>These organizations are closely monitoring federal legislation reauthorizing transportation programs as well as potential repercussions related to the state’s budget problems. Staff continues to participate in these discussions.</td>
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ACTION REQUESTED: APPROVE

REVIEWS OF OCTOBER 22, 2004 DRAFT BOARD AGENDA

ITEM #   RECOMMENDATION

1. APPROVAL OF MEETING MINUTES  APPROVE

2. ADDITIONS AND DELETIONS

3. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

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.

CONSENT ITEMS (4 through ----)

4. ACTIONS FROM POLICY ADVISORY COMMITTEES  APPROVE

5. PROPOSED AMENDMENTS TO BYLAWS AND BOARD POLICIES (Julie Wiley)  APPROVE

The Executive Committee recommends updates and additions to the Bylaws and Board Policies that are necessary to reflect changes over the past year, and to clarify roles and responsibilities.

6.

7.
REPORTS

8. LOCAL TECHNICAL ASSISTANCE (LTA) ANNUAL REPORT--FY 2004 INFORMATION (Karen Lamphere)

The LTA program provides member agencies access to SANDAG’s Regional Information System. Each year we assist local agency staffs on a variety of projects through the LTA program. In accordance with the policy guidelines approved by the SANDAG Board, this report summarizes the projects and activities conducted under the LTA program in FY 2004.

9. REGIONAL FARE POLICY AND COMPREHENSIVE FARE ORDINANCE APPROVE (Toni Bates)

The Transportation Committee is recommending that the Board approve an updated regional fare policy to establish guiding principles for fare setting. The policy outlines these principles which address regional participation, revenue production, fairness for transit operators and passengers, fare structure simplicity, and responsibilities for SANDAG, the transit agencies, and operators. This policy has been developed in consultation with the two transit agencies. A Comprehensive Fare Ordinance will follow in early 2005 that provides the details of the fare structure and levels.

10.

11.

12. UPCOMING MEETINGS INFORMATION

The next meeting is scheduled for Friday, November 19, 2004 at 9 a.m.

13. ADJOURNMENT

GARY L. GALLEGOS
Executive Director