

REPORT TO SHASTA COUNTY RTPA

SUBJECT	MEETING DATE	ITEM NUMBER
RTPA BYLAWS AMENDMENT	04/28/09	4-9

RECOMMENDATION

It is recommended that the Board approve the attached amendment to the RTPA Bylaws.

SUMMARY

Staff recommends amending the RTPA Bylaws to allow more direct and formalized Board input regarding the performance of the RTPA Executive Director, and to clarify and simplify the procedure to amend the Bylaws.

DISCUSSION

Evaluation of the Executive Director - This item was discussed at the February 24 RTPA meeting. This proposed amendment would add Section 4 to Article 9.

The RTPA maintains an arms-length administrative relationship with Shasta County while staying under the umbrella of the County's organizational structure. As provided in the RTPA Bylaws, the County Public Works Director nominates, and the RTPA Board approves, a designee to serve as the RTPA Executive Director. The Executive Director is ultimately accountable to the RTPA Board and may be dismissed by a vote of the Board. The position is also "at will" to the County Board of Supervisors.

This RTPA staffing arrangement is unique in California; it is the only metropolitan-sized area that does not have independent staff or operate under a Joint Powers Authority. The Executive Director oversees various plans and programs involving transportation and land use policy. The Executive Director also makes discretionary recommendations to distribute over \$15 million in transportation funds annually. The Shasta County Public Works Director is not directly involved in these matters, since financial allocations by the RTPA can result in 'winners' and 'losers' among local agencies, including the County. As such, the Public Works Director does not guide and evaluate the Executive Director relative to RTPA decisions.

The proposed Bylaws would establish an annual evaluation process, the purpose of which is to provide a more direct and formal process for the RTPA Board and the Executive Director to develop and track agency goals. The results would be provided to the County for consideration in their evaluations and other actions affecting the RTPA.

The proposed Bylaws amendment provides for the preparation of a draft evaluation by the Executive Director for review by a subcommittee consisting of three Board members. The subcommittee report would then be reviewed and finalized by the full RTPA Board in closed session. Nothing in the Bylaws would preempt County oversight of RTPA administration; the RTPA remains under the County organizational structure as specified in the Bylaws.

Bylaws Amendment Procedure - This proposed amendment is a result of discussion at the February 24 Board meeting. It would change the language in Article 11. The proposed language would clarify and simplify the procedure to amend the Bylaws.

ALTERNATIVES

The Board may decline to take action or suggest other changes to the Bylaws.

OTHER AGENCY INVOLVEMENT

This item has been reviewed by the Technical Advisory Committee (TAC). TAC recommends approval.

FINANCING

No direct fiscal impact will result from approval of this item. One goal of the performance evaluation, however, is to improve efficiency within the organization.

A handwritten signature in black ink, appearing to read 'Daniel S. Little', is written over a horizontal line.

Daniel S. Little, AICP, Executive Director

DSL/JDS/jac

Attachments: Draft RTPA Bylaws Amendment

BYLAWS OF THE SHASTA COUNTY REGIONAL TRANSPORTATION PLANNING AGENCY

STATEMENT OF PRINCIPLES AND POLICIES

Shasta County and the incorporated cities within the County are members of an organization known as the "Shasta County Regional Transportation Planning Agency" (RTPA), to enable the cities and the County, as governmental agencies closest to the people, to exercise basic initiative and leadership in the transportation planning process. It will be the duty of this body to guide the development of the Regional Transportation Plan and State and Federal transportation improvement programs and their updates, review applications for funds, approve the allocation of and claims for Transportation Development Act funds, and to encourage active citizen participation in the development and monitoring of various transportation-related plans and programs.

To provide a framework wherein this RTPA may function, the following bylaws have been established. The RTPA is not a substitute for basic local government, but an organization through which individual governmental units can work on regional needs through coordination, collaboration, and partnerships.

ARTICLE 1 - DEFINITIONS

1. Board: Board means the governing board of the RTPA.
2. Chair: Chair means the Chairperson of the Board.
3. Executive Director: Executive Director means the Executive Director of the RTPA.
4. RTPA: RTPA means the Shasta County Regional Transportation Planning Agency.

ARTICLE 2 – GENERAL PROVISIONS

SECTION 1: These bylaws shall apply to the RTPA. The RTPA is the federally-designated metropolitan planning organization (MPO) and state-designated regional transportation planning agency for Shasta County.

SECTION 2: The Board of the RTPA shall consist of three members appointed by the Shasta County Board of Supervisors, three members appointed by a committee of mayors of the cities within the County, and one member representing the Redding Area Bus Authority (RABA), appointed by the RABA governing board. Appointees shall be elected officials of the agency appointing them and shall serve at the pleasure of that agency.

ARTICLE 3 - FUNCTIONS

The functions of the RTPA are as follows:

1. To carry out all responsibilities as the regional transportation planning agency as designated by California Government Code Section 65080 et seq.
2. To carry out all responsibilities as the metropolitan planning organization (MPO) as designated by 23 USC Section 134 and 49 USC Section 5303.
3. To serve as the lead agency for determination of air quality conformity between transportation plans, programs, and projects and any applicable State Implementation Plan.
4. To provide a venue for discussion and study of regional transportation problems of mutual interest to member agencies.

ARTICLE 4 - MEETINGS

SECTION 1: Regular meetings of the RTPA shall generally be held on the last Tuesday of the month in February, April, June, October, and December, or as necessary, at a time and location that is mutually agreeable to the Board. The Chair or Executive Director may reschedule regular meetings, as the need arises. The Executive Director shall cause written notice of all regular meetings to be given to all members of the Board at least 72 hours in advance of the meetings. The notice shall contain an agenda for the meeting, and the time and location of the meeting.

SECTION 2: Special meetings of the RTPA may be called by the Chair or upon written request of four members of the Board. The Executive Director shall cause notice of all special meetings to be given to all members of the Board, and to all media outlets that have requested notice in writing, at least 24 hours in advance of the meetings. The notice shall state the time, location, and purpose of the meeting. Only the matters specified in the notice may be considered at the special meeting.

SECTION 3: Any regular or special meeting may be adjourned to a time and location specified in the order of adjournment. If all Board members are absent, the Executive Director may adjourn the meeting to a stated time and location. If one or more Board members are present, but less than a quorum, the members present may adjourn the meeting to a mutually agreed upon time and location.

SECTION 4: When the majority of the Board determines that an emergency situation exists, it may call an emergency meeting. Telephonic notice must be provided to all media outlets that have requested that they receive notice of any special meetings at least one hour prior to the meeting, or as otherwise provided by the Ralph M. Brown Act (California Government Code Section 54950 et seq.).

SECTION 5: All meetings of the RTPA shall be open to the public and held in accordance with the Ralph M. Brown Act and open meeting laws.

SECTION 6: All committees and working groups of the RTPA shall meet on the call of the Executive Director. Each committee or working group member shall be notified of a meeting, either personally or by written notice, at least three calendar days prior to the meeting.

SECTION 7: When the Board is scheduled to consider a matter that requires a public hearing, notice of such public hearing shall be published in a local newspaper of general circulation at least 10 days prior to the hearing. In the case of the annual unmet transit needs hearing, held in accordance with California Public Utilities Code Section 99238.5, the notice of public hearing shall be published at least 30 days prior to the hearing. All notifications shall be consistent with the RTPA Public Participation Plan.

ARTICLE 5 - CONDUCT OF MEETINGS

SECTION 1: Except as herein or otherwise provided, Roberts Rules of Order shall govern all proceedings of the RTPA. In any event, all proceedings and conduct of meetings shall be in full compliance with the State of California Code.

SECTION 2: It shall be the policy of the RTPA to entertain the opinions of any person, firm, or corporation relative to any pending matter. The Chair shall, however, have the prerogative to limit the time of any presentations.

SECTION 3: The Chair may, with the approval of a majority of the representatives present, adjourn any meeting to a time and location of his/her choice.

SECTION 4: All votes shall be cast by the person or persons authorized to do so by the member government they represent. No proxy, absentee, or fractional votes may be cast.

SECTION 5: Closed sessions shall be held in conformance with the Government Code of the State of California.

ARTICLE 6 - QUORUM & VOTING

A quorum and voting at Board meetings shall be as follows:

SECTION 1: A majority of the members of the Board shall constitute a quorum.

SECTION 2: Each member of the Board shall have an alternate to represent said member.

SECTION 3: A quorum of the Board must be present to conduct business.

SECTION 4: Each Board member shall have one vote.

SECTION 5: The Board shall take no action except upon the affirmative vote of at least four members.

SECTION 6: The Board shall act by resolution or minute action. All resolutions shall be adopted by a vote recorded in the Board minutes, and signed by the Chair.

ARTICLE 7 - DUTIES OF OFFICERS

SECTION 1: The Chair shall preside at all meetings, decide questions of parliamentary procedure, call special meetings, and perform such other functions and duties which may be prescribed by appropriate authority or which is customary of the office of Chairperson.

SECTION 2: The Vice Chair shall perform the functions and duties of the Chair in the Chair's absence.

ARTICLE 8 - ELECTION OF OFFICERS

SECTION 1: Nomination and election of the Chair and Vice Chair shall be held at the first regular meeting of the Board during each odd-numbered year. Officers shall serve a two-year term. Any vacancy during the term shall be filled by nomination and election for such office for the remainder of the term.

SECTION 2: Nominations may include any member of the Board, and may be made by any member of the Board.

SECTION 3: The election for the office of Chair and Vice Chair shall be held immediately after all nominations have been declared closed by the Chair.

SECTION 4: Officers shall take office immediately after their election, or as soon thereafter as practicable, and serve until disqualified or until their successors are duly elected.

ARTICLE 9- EXECUTIVE DIRECTOR

SECTION 1: The Director of Public Works of the County of Shasta, or a designee appointed by the Director and approved by the Board, shall serve as the Executive Director of the RTPA. Sufficient funds shall be approved by the Board for the Executive Director and staff to carry out the planning and administrative responsibilities of the RTPA.

SECTION 2: The Executive Director shall perform or supervise the administrative and secretarial work of the RTPA. His/her specific duties entail serving as secretary to the RTPA; keeping accurate and sufficient records of all proceedings; receiving and transmitting all correspondence; maintaining files for all reports; directing and coordinating the work of the RTPA; preparing and administering the RTPA annual budget; maintaining a record of all financial transactions; and such other duties as are usually incidental to such position.

SECTION 3: The Executive Director shall:

- a) Advise all prospective Local Transportation Fund (LTF) claimants of the amounts of anticipated area apportionments in accordance with Section 6644 of the California Code of Regulations (CCR).
- b) Review claims submitted pursuant to Sections 6630 and 6732 of the CCR and prepare a proposed annual budget for Transportation Development Act (TDA) funds to be allocated to claimants as approved by the Board.
- c) Transmit allocation instructions to the County Auditor to pay from the LTF and State Transit Assistance funds those approved claims that are in the proper order and for which sufficient monies are available in accordance with Sections 6659 and 6752 of the CCR. Such payments shall be made in accordance with RTPA policies and procedures.
- d) Prepare an amended budget for TDA funds as needed to make mid-year allocation and claim adjustments.

SECTION 4: At or near the April 2009 RTPA meeting, and at or near the October 2010 meeting, and at or near the October meeting in each calendar year thereafter, the Board shall meet in closed session to review the performance of the Executive Director. The review shall include review of goals and past performance. The review may include input from RTPA member agency staff. A draft report shall be prepared by the Executive Director and reviewed by an Evaluation Committee consisting of the RTPA Chair, Vice Chair, and an optional third Board member selected by the Chair. After incorporating recommendations of the Evaluation Committee, the final draft evaluation will be available to the full Board for discussion in the closed session. The Board and Evaluation Committee may also provide recommendations to the County on the Executive Director's handling of personnel issues or other County of Shasta decisions affecting RTPA staff. This final evaluation report resulting from the closed session shall be confidential and may be forwarded to the Director of Public Works or County Board of Supervisors as appropriate for consideration in performance evaluations or other actions by the County of Shasta without sacrificing its confidentiality.

ARTICLE 10- OPERATIONS

SECTION 1: The vote on all agenda actions shall be by voice vote unless a roll call vote is requested by a Board member. If the roll is not called, the Chair may order the motion unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "aye."

SECTION 2: Subjects for inclusion on the agenda are to be directed to the Executive Director. Any subject of mutual interest to the members of the RTPA will be entertained, discussed, and if appropriate, voted upon.

- a) Subjects proposed for discussion by members of the RTPA shall be automatically placed on the agenda.

- b) Subjects proposed for discussion by persons or organizations that are not members of the RTPA shall be placed on the agenda upon approval of the Chair or Executive Director.
- c) All written requests denied under the preceding sub-section shall be identified in the agenda under "communications", and read or distributed at the meeting upon the direction of the Chair or upon a majority vote of the Board.
- d) Non-members will be recognized by the Chair, who will have the prerogative to establish time limits or any other control measures he/she deems appropriate for presentations or comments.

SECTION 3: Minutes summarizing the Board's transaction of business shall be kept by the Executive Director or such other person as may be designated by the Executive Director. The minutes need only reflect such business as was actually acted upon by the Board and shall not be required to reflect any remarks of members or of any other person, except at the special request of a member. A record shall be made of the names and addresses of persons addressing the Board, the title of such matter to which their remarks related, and whether they spoke in support of, or opposition to, such matter. As soon as possible after each meeting, the Executive Director shall forward a copy of the minutes to each member. Unless a reading of the minutes is requested by a member, such minutes may be approved without reading if each member has been previously furnished a copy.

ARTICLE 11- AMENDMENTS

SECTION 1: These bylaws may be amended by ~~the following procedure: Written notice of any proposed amendment shall be submitted to all members of the Board at least 10 days prior to any regular or special meeting of the RTPA. Written notice need not be required if the proposed amendment is submitted to the Board at a regular meeting of the RTPA prior to the meeting at which the amendment is considered~~ a majority vote of the Board as an agenda item at any duly noticed RTPA meeting.

ARTICLE 12 - COMMITTEES

SECTION 1: The RTPA shall maintain two standing advisory committees to advise the RTPA on studies and projects on a continuing basis. The Executive Director shall provide staff support for the activities of these committees. The standing committees will include:

- a) Technical Advisory Committee: The Technical Advisory Committee (TAC) shall be composed of two members each of the staffs of Shasta County and the cities of Anderson, Redding, and Shasta Lake, and one member each from the Redding Area Bus Authority, Redding Airports, Shasta County Air Quality Management District, the designated Consolidated Transportation Services Agency, and Caltrans. The TAC shall review and evaluate all programs and projects for consideration by the Board, and shall provide its recommendation to the Board.

- b) Social Services Transportation Advisory Council: The Social Services Transportation Advisory Council (SSTAC) shall include members and conduct its activities in accordance with the Transportation Development Act (Public Utilities Code Section 99238 et seq.) and in accordance with the SSTAC Guidelines and Bylaws approved by the RTPA.

SECTION 2: The RTPA may establish additional committees or working groups as deemed necessary or convenient to fulfill the duties of the RTPA.

ARTICLE 13 – REGIONAL TRANSPORTATION PLANNING

SECTION 1: In all cases, the Board shall allocate funds only in accordance with a finding that the proposed expenditures are consistent with its adopted Regional Transportation Plan.

SECTION 2: The RTPA shall, through its adopted annual Overall Work Program, allocate to the various other participating agencies sufficient funds to permit such agencies to perform their planning responsibilities as designated in the Overall Work Program.

SECTION 3: In discharging its comprehensive regional planning program responsibilities, the RTPA shall be guided by the terms and provisions of its Memorandum of Understanding with the state, its adopted public participation procedures, and by the provisions of the Overall Work Program.

SECTION 4: The RTPA shall prepare and update, as necessary, policies and procedures for administration of planning and programming functions including the Overall Work Program, TDA claims, and other provisions related to federal, state and local funding requirements.

ARTICLE 14 - SERVICES

The RTPA shall contract out for legal services, independent audits, and other professional services, as deemed necessary for administration and operation purposes. These services shall be performed under supervision of the Executive Director in accordance with procedures prescribed by the Federal and State governments.

ARTICLE 15 - REFERRALS

The RTPA may accept by letter or resolution referrals for study and report from any duly constituted advisory or legislative body or their representatives. Reports will be made and returned to the referring body within a reasonable time.

ARTICLE 16 - ADOPTION AND CERTIFICATION

These bylaws were duly adopted by the Board of the Shasta County Regional Transportation Planning Agency, at a Board meeting held on ~~June 26, 2007~~ April 28, 2009.

Dick Dickerson, Chair
Shasta County Regional
Transportation Planning Agency

Date