

REPORT TO SHASTA COUNTY RTPA

SUBJECT		MEETING DATE	ITEM NUMBER
Adopt Bylaws for the RTPA		6/26/07	4-6

RECOMMENDATION

It is recommended that the Board adopt the attached bylaws for the RTPA.

SUMMARY

Staff has drafted bylaws for the RTPA. The bylaws are intended to update and replace the existing "rules" of the RTPA, and eliminate provisions now addressed by adopted policies.

DISCUSSION

The existing "Rules of the Shasta County Regional Transportation Planning Agency" were adopted in 1996. They were adopted primarily in response to Transportation Development Act (TDA) provisions now covered by RTPA policies.

Staff has drafted proposed bylaws that are intended to clean up the "rules" and focus more on the purpose and structure of the RTPA -- functions, meetings, voting, officers, operations, and committees. The "structural" provisions of the existing rules have been incorporated into the proposed bylaws, which will replace the rules. No substantive changes to current practices are proposed. A copy of the current rules is attached for comparison.

Staff recommends that the Board adopt the attached bylaws.

ALTERNATIVES

The Board could choose not to replace the existing rules with the proposed bylaws or otherwise modify the bylaws. This alternative is not recommended because the bylaws more accurately describe current practices and regulations.

OTHER AGENCY INVOLVEMENT

The proposed bylaws have been reviewed by the Technical Advisory Committee which recommends approval.

FINANCING

Replacement of the existing "rules" with the proposed "bylaws" will not have any fiscal effects.

Daniel S. Little, AICP, Executive Officer

DSL/JDS/jac

Attachment: Draft Bylaws of the Shasta County Regional Transportation
Planning Agency
Rules of the Shasta County Regional Transportation Planning
Agency (Metropolitan Planning Organization)

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 ~~for the following fiscal year~~ 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.

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.

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:

- 1) 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.
- 2) 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

SECTION 1: 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

SECTION 1: 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.

Norma Connick, Chair
Shasta County Regional
Transportation Planning Agency

Date

RULES OF THE
SHASTA COUNTY
REGIONAL TRANSPORTATION PLANNING AGENCY
(METROPOLITAN PLANNING ORGANIZATION)

CHAPTER I

GENERAL PROVISIONS

SECTION 1. These rules shall apply to the Shasta County Regional Transportation Planning Agency, and are adopted pursuant to the authority vested in the Regional Transportation Planning Agency by Article 11, Chapter 2, Division 3, Title 3 of the California Government Code and Chapter 3, Title 21 of the California Code of Regulations. The Shasta County Regional Transportation Planning Agency is the designated metropolitan planning organization (MPO) as well as the Local Transportation Commission (LTC) for Shasta County.

SECTION 2. The governing board (herein "Board") of the Shasta County Regional Transportation Planning Agency shall consist of three (3) members appointed by the Board of Supervisors, three (3) members appointed by a committee of the mayors of the cities within Shasta County, and one (1) 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.

CHAPTER II

BOARD MEETINGS

SECTION 3. The regular meetings of the Board of the Regional Transportation Planning Agency shall be held on the last Tuesday of the month in March, June, September, and December, or as necessary, at a time and location that is mutually acceptable to Board members. The Chair or Executive Officer may reschedule regular meetings if the need arises. The meeting agenda must be posted at least 72 hours prior to the meeting (Government Code Sec. 54954.2).

SECTION 4. Special meetings may be called at any time by the Chair of the Board, or by four of the members of the Board, by serving notice of the time, place and purpose of the meeting upon each member of the Board, the Executive Officer, and the news media. Such notice shall be served at least 24 hours before the time set for the meeting. No business shall be considered at a special meeting other than that set forth in the notice of meeting (Government Code Sec. 54956).

SECTION 5. When the Board is scheduled to consider matters that require a public hearing, notice of such public hearing shall be placed in a local newspaper of general circulation at least ten (10) days prior to the

hearing, on at least two (2) consecutive days, except in the case of the annual unmet transit needs hearing held in accordance with California Public Utilities Code Section 99238.5, in which case the hearing notice shall be published at least thirty (30) days in advance of the hearings.

CHAPTER III

ELECTION, POWERS, AND DUTIES OF CHAIR AND VICE CHAIR, CONDUCT OF MEETINGS

SECTION 6. Every two years the members of the Board shall elect a Chair and a Vice-Chair, at the March meeting, who shall serve until the election of a successor.

SECTION 7. The Chair shall be the presiding officer of the Board. The Chair shall preserve strict order and decorum at all meetings of the Board, state questions coming before the Board, and announce the Board's decision on all subjects. All questions of order will be decided by the Chair; subject, however, to an appeal to the Board as a whole, in which event a majority vote shall govern and conclusively determine such questions of order. The Chair shall vote on all questions, and shall sign all resolutions and directives approved by the Board.

SECTION 8. Any regular or special meeting may be adjourned to a time and place specified in the order of adjournment. If all members are absent, the Executive Officer of the Board may adjourn the meeting to a stated time and place in accordance with Section 54955 of the California Government Code. If one or more member is present, but less than the majority necessary for a quorum, the members present may adjourn the meeting to a mutually agreed upon time and place.

SECTION 9. The Vice-Chair shall, in the absence of the Chair, perform all of the functions and duties of the Chair.

SECTION 10. The business of each regular meeting of the Board shall be transacted in accordance with an agenda prepared by the Executive Officer.

SECTION 11. Minutes summarizing the Board's transaction of business shall be kept by the Executive Officer or such other person as may be designated by the Executive Officer. 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 in opposition to, such matter. As soon as possible after each meeting, the Executive Officer shall forward a copy of the minutes to each member. Unless the reading of

the minutes of a meeting is requested by a member, such minutes may be approved without reading if each member has been previously furnished a copy.

SECTION 12. The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of an objection, 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 13. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall take no action except upon the affirmative vote of at least four members.

SECTION 14. The Board shall act by resolution or minute order. All resolutions shall be adopted by a vote recorded in the Board minutes, and signed by the Chair. The minutes of the Board shall be signed by the Executive Officer.

CHAPTER IV

EXECUTIVE OFFICER

SECTION 15. 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 Officer of the Shasta County Regional Transportation Planning Agency. Sufficient funds shall be approved by the Board for the Executive Officer and staff to carry out the planning and administrative responsibilities of the Regional Transportation Planning Agency.

SECTION 16. Annually, after receiving the Local Transportation Fund (LTF) estimates from the County Auditor, the Executive Officer shall advise all prospective claimants of the amounts of all area apportionments from the LTF for the following fiscal year in accordance with Section 6644 of the California Code of Regulations.

SECTION 17. At least 90 days prior to the June meeting, the Executive Officer shall receive from each eligible applicant a claim for funds under the Transportation Development Act, supported by a budget or financial plans setting forth a statement of estimated financial needs.

SECTION 18. The Executive Officer shall ensure that all claims submitted are accompanied by the supporting information and assurances required under the appropriate sections of the Transportation Development Act and implementing regulations, and otherwise meet all of the requirements of the Act.

SECTION 19. The Executive Officer shall prepare a proposed annual budget and report upon which the Board can evaluate and review the eligible claimants' proposed claims, corresponding budgets or financial plan, and an amended budget and report as needed to make mid-year allocation and claim adjustments. The Board may approve, modify or reject projects proposed allocations and claims for the Local Transportation Fund ("LTF") and State Transit Assistance Fund ("STAF") monies, and approve for each claimant annual allocations, to be incorporated in an annual LTF/STAF budget, and a consistent "approved annual claim," based on this report and other relevant information.

SECTION 20. The Executive Officer shall review, on behalf of the Board, claims received from eligible claimant agencies and is authorized to transmit allocation instructions to the County Auditor to pay from the LTF and the STA Funds those claims that are in the proper order and for which sufficient monies are available. Such payments shall be made in accordance with the time schedule established in Section 37 of these Rules.

SECTION 21. The Executive Officer shall attend each meeting of the Board and maintain a record of all proceedings thereof as required by law and these rules.

SECTION 22. The Executive Officer shall prepare an agenda for each meeting including such items as the Board may have previously directed. The agenda shall include those matters addressed to the Regional Transportation Planning Agency requiring action of the Board on file with the Executive Officer, and all matters which have previously been set for hearing at such meeting.

SECTION 23. The Executive Officer will notify all Board members of the time and place for any special meetings.

CHAPTER V

COMMITTEES/ADVISORY COUNCIL

SECTION 24. The Board shall be assisted in discharging its responsibilities by the Technical Advisory Committee, and the Citizens Transportation Advisory Committee, the latter of which shall include the Social Services Transportation Advisory Council, as set forth below. The Executive Officer shall provide staff support for the activities of these advisory bodies.

SECTION 25. The Technical Advisory Committee shall be composed of two members each from the staffs of Shasta County and the Cities of Redding, Shasta Lake, and Anderson, and one member each from Redding Area Bus Authority, Redding Airports, Shasta County Air Quality Management District, and Caltrans. This committee shall review and evaluate all programs and projects for consideration by the Board, and shall provide its recommendations to the Board.

SECTION 26. The Citizens Transportation Advisory Committee shall consist of one representative appointed by each County Supervisor to represent that board member's district, in addition to the members of the Social Service Transportation Advisory Council, who shall be approved by, and serve at the pleasure of the Board. This committee shall review and make recommendations to the Board on such plans, programs and projects as may be referred to it by the Board.

SECTION 27. A Social Service Transportation Advisory Council shall be composed and shall conduct its activities as specified in California Public Utilities Code Sections 99238 and 99238.5.

CHAPTER VI

APPROVAL OF PROPOSED BUDGETS FOR EXPENDITURE OF FUNDS FROM THE LOCAL TRANSPORTATION FUND AND STATE TRANSIT ASSISTANCE FUND

SECTION 28. The Board shall, by not later than its June meeting each year, receive reports of the Executive Officer on those projects for which eligible applicants desire to expend money out of the Local Transportation Fund or State Transit Assistance Fund and proposed LTF/STAF allocations for the subsequent fiscal year. The Board shall evaluate and review, and may approve or modify the reports and proposed allocations, and approve those claims on which it will make payments during the next fiscal year. The Board shall then approve a budget for the Regional Transportation Planning Agency, including annual allocations to each claimant jurisdiction and consistent "approved annual claims" for the next fiscal year.

SECTION 29. The Board shall give first priority to claims under Articles 4 and 4.5, Chapter 4 of the Public Utilities Code (Transportation Development Act) and thereafter to claims made under Article 8. Claims under Article 8 may be made by an eligible claimant for:

- (a) Local streets and roads, including pedestrian and bicycle facilities;
- (b) Payments for passenger rail service;
- (c) Contract payments for transportation service;
- (d) Administrative and planning costs with respect to transportation services under subdivision (c);
- (e) Specified transit capital expenditures.

SECTION 30. Before any claims for streets and roads are approved for a particular claimant jurisdiction, the Board shall determine, and a specific finding shall be made for that jurisdiction consistent with PUC Section 99401.5, that there are no unmet transit needs therein which can reasonably be met either through expansion of existing public transportation systems or by establishing new systems. The Board shall make these

claimant jurisdiction findings, and approve resulting allocations and claims, based on how the Board has previously defined the terms "unmet transit needs" and "reasonable to meet," as those terms are used in Section 99401.5, which definitions may take into consideration such factors as equity, timing, feasibility, community acceptance, economy (long-term and short-term), cost-effectiveness, and other factors related to transit services deemed appropriate by the Board. Individual findings for each affected jurisdiction may be made in a single Board resolution. A public hearing, which shall be noticed at least 30 days in advance, shall be conducted in conjunction with this allocation and claim approval process. The documentation for the Board's unmet transit needs findings shall be submitted to the Department of Transportation in accordance with Section 99401.6 of the California Public Utilities Code.

SECTION 31. Any monies in the Local Transportation Fund that are not necessary to satisfy the approved claims and other budget items in any one fiscal year shall be available for claims in subsequent years. The Board may, in its approval of annual claims, obligate claimant funds for future years. Such funds shall be encumbered by resolution of the Board and shall be retained by the County Auditor on behalf of the affected claimant(s). If the Board allocates to an applicant less than the applicant's apportionment, the amount representing the difference between the allocation and the apportionment shall be retained in the fund for later allocation to the same applicant.

SECTION 32. Allocations to the Regional Transportation Planning Agency from the State Transit Assistance Fund that are not further allocated to a claimant by the close of the second fiscal year after the initial year of allocation shall revert to the State Transportation Planning and Development Account.

SECTION 33. Upon approval of a resolution approving, revising, or rescinding an allocation to a claimant from the State Transit Assistance Fund, a copy of the resolution must be forwarded to the Secretary of the Business, Transportation, and Housing Agency within 30 days of such action.

CHAPTER VII

REVIEW OF CLAIMS

SECTION 34. A claimant's approved claim may be reviewed by the Board upon its own motion, at the Executive Officer's recommendations, or at the request of the claimant, either during the fiscal year or thereafter. Any such review shall include an adjustment to reconcile the estimates on which the approved claim was based and the actual costs and funds when these figures are available.

SECTION 35. If a reconciliation is necessary, such an adjustment shall be made during the remaining months of the fiscal year or the following fiscal year.

SECTION 36. The Board shall, in reviewing budgets, allocations or claims, give due consideration to the level of the applicant's passenger fares, if applicable, and the efficiency of the applicant's operating policies and practices. The Board shall also review the extent to which the applicant is meeting the transportation needs of the area served, and the extent to which the applicant is making full use of other available sources of revenue.

CHAPTER VIII

PAYMENT OF CLAIMS

SECTION 37. The approved annual claims shall be transmitted by the Executive Officer to the applicant. Except as may otherwise be determined appropriate by the Executive Officer or the Board, the Executive Officer shall authorize the County Auditor to disburse to the claimants 1/12 of their approved annual claim monthly for funds to be deposited by claimants in their road or special gas tax fund, provided that sufficient funds are available in the Local Transportation Fund to meet the payment. When a deficiency is determined by the Board to exist in the Fund, or is projected, payments shall be reduced to each claimant in proportion to the amount the annual claim represents of the Regional Transportation Planning Agency's total budget.

SECTION 38. Recipients of disbursements of monies from the Local Transportation Fund and the State Transit Assistance Fund by the County Auditor shall keep and maintain accurate and complete records of such monies received and expended. Within 90 days after close of the fiscal year, each recipient shall submit to the Executive Officer a report showing amounts of funds received and expended and the purposes for which such expenditures were made.

SECTION 39. All fiscal and accounting records and other supporting papers related to the Local Transportation Fund and State Transit Assistance Fund shall be maintained by claimants and by the transportation planning agency for a minimum of four fiscal years following the close of the fiscal year of expenditure, and shall be available for inspection and audit by RTPA representatives upon request.

CHAPTER IX

AUDITS AND REPORTS

SECTION 40. The Board shall ensure that all audits and reports required by state and federal regulations are completed and submitted to the appropriate agencies in a timely manner and in accordance with the applicable rules and guidelines.

SECTION 41. The Executive Officer shall arrange for the independent audits by the State Controller or another qualified accountant within the period of time specified by the applicable rules and regulations.

SECTION 42. Annually within 180 days after the end of the fiscal year, the County Auditor shall submit a report of fiscal audit of the Local Transportation Fund and State Transit Assistance Fund to the Board. The Board shall review the report and forward it to the Secretary of the Business, Transportation and Housing Agency (herein Secretary) with appropriate comments, if any.

SECTION 43. Annually, within 12 months after the end of each fiscal year, the Regional Transportation Planning Agency shall transmit a fiscal audit of its accounts and records for the preceding year to the Secretary. The audit report must include a determination of compliance with the Transportation Development Act Statutes and applicable Code of Regulations.

SECTION 44. At three-year intervals the Regional Transportation Planning Agency shall designate an independent entity to conduct a performance audit of its activities with respect to the Transportation Development Act. This audit shall be submitted to the Secretary by July 1, every third year from 1980.

SECTION 45. The Regional Transportation Planning Agency is responsible for ensuring that annual certified fiscal audits and triennial performance audits are conducted and submitted by claimants in accordance with the same audit schedules described in Sections 42 and 44 above.

SECTION 46. The Regional Transportation Planning Agency shall ensure that the designated auditor has access to all such information and documents as may be necessary to conduct the compliance portion of the audits required by this Chapter.

SECTION 47. Annually prior to October 1, the Regional Transportation Planning Agency shall submit to the State Controller a report of the Local Transportation Fund as specified in Section 6660 of the California Code of Regulations.

SECTION 48. The Regional Transportation Planning Agency shall ensure that each operator and transit service claimant prepares and submits an annual report of its operations in accordance with Section 6637 of the California Code of Regulations. Such reports shall be submitted to both the Regional Transportation Planning Agency and the State Controller within 90 days after the end of the fiscal year for which the report was prepared.

CHAPTER X

REGIONAL TRANSPORTATION PLANNING

SECTION 49. 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 50. The Regional Transportation Planning Agency 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 51. In discharging its comprehensive regional transportation planning responsibilities the Regional Transportation Planning Agency shall be guided by the terms and provisions of its Memorandum of Understanding with the state, its adopted public involvement procedures, and by the provisions of the Overall Work Program.

CHAPTER XI

STATE AND FEDERAL RULES AND REGULATIONS

SECTION 52. The State of California Business, Transportation and Housing Agency has the authority to establish rules for the expenditure of Transportation Development Act funds by the Regional Transportation Planning Agency. Those rules are made a part of the rules of the Shasta County Regional Transportation Planning Agency, and where conflicts exist between these rules and the State's rules, the latter shall prevail.

SECTION 53. Expenditure of federal transportation planning funds made available under the joint planning regulations of the U.S. Department of Transportation shall conform with those regulations, and shall be governed by the terms of the Memorandum of Understanding and the current annual Overall Work Program for the Shasta County Regional Transportation Planning Agency.



Richard Dickerson, Chair
Shasta County Regional Transportation
Planning Agency (MPO)

Date

