

## **TRANSPORTATION AGENCY FOR MONTEREY COUNTY BYLAWS**

01. These Bylaws are intended to supplement California Government Code Title 3, Division 3, Chapter 2, and the Public Utilities Code Division 10, Part 11, referencing the Transportation Development Act passed in 1972, and as amended.
02. These Bylaws outline the basic organization and the administration procedures used by the Transportation Agency for Monterey County, successor agency to the Monterey County Transportation Commission, when serving as the Local Transportation Commission, the Regional Transportation Planning Agency, and the Service Authority for Freeways and Expressways. When serving as the Local Transportation Commission, the Regional Transportation Planning Agency, and the Service Authority for Freeways and Expressways, the Transportation Agency for Monterey County is referred to as the "AGENCY."
03. **FUNCTIONS OF THE AGENCY WHEN SERVING AS THE  
LOCAL TRANSPORTATION COMMISSION AND AS THE  
REGIONAL TRANSPORTATION PLANNING AGENCY**
  - 3.1. As the Local Transportation Commission, administer the provisions of the Transportation Development Act in allocating Local Transportation Funds and State Transit Assistance Funds to the cities, County, and transit operators.
  - 3.2 As the state designated Regional Transportation Planning Agency, perform transportation planning activities for the County and Cities of Monterey County.
04. **FUNCTIONS OF THE AGENCY WHEN SERVING AS THE MONTEREY  
COUNTY SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS**
  - 4.1 The AGENCY shall enact a motorist aid program having the primary function of installing and monitoring roadside call boxes.
  - 4.2 This program shall be performed in accordance with Sections 2550 et seq. of the California Streets and Highways Code.
  - 4.3 The AGENCY has been designated as the Monterey County Service Authority for Freeways and Expressways by resolutions of the Monterey County Board of Supervisors and a majority of the Cities containing a majority of the incorporated population as required under Streets and Highways Code Section 2551. The program shall be developed in consultation with and with the cooperation of Caltrans and the California Highway Patrol.

## **05. ORGANIZATION**

- 5.1 **MEMBERSHIP:** The AGENCY shall be composed of each of the five members of the Monterey County Board of Supervisors, or his or her individually designated alternate, and one member appointed from each incorporated city within Monterey County or his or her designated alternate.
- 5.2 **EX-OFFICIO MEMBERSHIP:** The purpose of ex-officio membership is to permit the ex-officio member(s) to participate in AGENCY discussion before and after a matter is allowed for discussion by the public. Ex-officio members shall have no vote on matters brought before the AGENCY. Ex-officio membership is not intended to evolve into full voting membership.
- 5.2.1 The Association of Monterey Bay Area Governments, Caltrans, the Monterey Bay Unified Air Pollution Control District, Monterey Peninsula Airport District, Monterey-Salinas Transit, California State University at Monterey Bay and City of Watsonville may appoint one member each to the AGENCY to serve as ex-officio members. Ex-officio members may be added or deleted by amending the Bylaws. Additional ex-officio members shall be limited to public agencies only. This restriction to public agencies does not affect the permanent ex-officio members described in this paragraph. As used here, “public agency” means the State of California or any department or agency thereof, a county, city, public corporation, municipal corporation or public district.
- 5.3 **ALTERNATE MEMBERS:** Each appointing authority, for the regular member it appoints, may appoint up to two alternate members to serve in place of the regular member when the regular member is absent or disqualified from participating in the meeting of the AGENCY. Alternate members will have the same rights, responsibilities and privileges as regular members, except that they may not serve as officers of the AGENCY.
- 5.4 **APPOINTMENT:** City members, city alternate members, and ex-officio members, must all be appointed by the appropriate appointing authority from the affected jurisdiction. A letter signed by the City Manager or Mayor, minute action and/or a resolution making that appointment must be presented to the Executive Director before that member may participate in the AGENCY meetings. The Chair of the Board of Supervisors shall notify the AGENCY by letter to the Executive Director of the Board’s alternates.
- 5.5 **STIPEND:** Regular members may receive compensation for services performed for and on behalf of the AGENCY in accordance with written policies adopted by the Board of Directors in a public meeting.
- 5.6 **TRAVEL REIMBURSEMENT:** AGENCY Board Members (and alternates) are entitled to reimbursements for travel expenses involved in attending all regular and special meetings of the AGENCY. Reimbursement for travel expenses will be made on a per-mile basis at the current rate established by the TAMC Board for auto

expenses or actual cost of public transportation. TAMC Board members (and alternates) will receive automatic mileage reimbursement payments quarterly based on attendance records and their declared mileage to and from the TAMC meetings. Board Members attending conferences or other agency business meetings may request reimbursement for expenses in accordance with the AGENCY's administrative policies for travel reimbursement.

06. **QUORUM:** A majority of the voting members of the AGENCY shall constitute a quorum for transaction of AGENCY business; the quorum shall consist of a minimum of nine (9)-voting members, including a minimum of seven (7) city representatives and one (1) county representative.

## 07. VOTING

- 7.1 Except as specifically otherwise provided herein, the vote of a majority of the members of the AGENCY present at any regular, adjourned or special meeting shall be sufficient to pass or act upon any matter properly before the AGENCY, and each member of the AGENCY shall have one vote.
- 7.2 **POPULATION WEIGHTED VOTING:** Upon the call and request of any AGENCY member, present and able to vote, and a quorum being present, a weighted voting formula shall apply for any vote to be taken by the AGENCY, with each member having one or more votes based upon the population of the city or unincorporated county area such member represents. One vote will be granted to Supervisorial District 1, as its population is included with the City of Salinas.

In order for the AGENCY to take action under the provisions of this section two requirements must be fulfilled:

- a) A majority of the votes weighted by population must be cast in favor of the action, provided that not less than two-member agencies vote in favor of the action; and
- b) A majority of the members vote in favor of the action.

In the event a simple majority vote on a question has previously been taken, and a weighted vote is subsequently called; a roll call vote will be taken that tabulates both the weighted vote and the members voting. The vote weighted by a majority of those voting representing a majority of the population shall supersede the previous simple majority vote, provided that the vote of a single member may not defeat an action.

- 7.3 **POPULATION:** For the purposes of determining the weighted vote of Cities or the unincorporated area of the County, the weighted vote by population shall be based on the most current Census, and AGENCY staff shall update annually based on the California State Department of Finance population estimate when it becomes available.

## **08. OFFICERS**

- 8.1 The AGENCY officers shall consist of a Chair, a First Vice-Chair and a Second Vice-Chair. The AGENCY officers shall be elected from the AGENCY and shall serve a term of one year. Terms of the Chair shall not be consecutive full one-year terms. Election of officers shall take place every year at the beginning of the AGENCY's January meeting, and officers' terms shall commence immediately upon election.
- 8.2 The Chair, or in his or her absence, the First Vice-Chair, shall preside over all meetings, and may direct the Executive Director to call a special meeting of the AGENCY Board when he or she judges necessary. In the absence of the Chair and the First Vice-Chair, the Second Vice-Chair shall preside over all meetings and exercise all of the powers of the Chair and the First Vice-Chair.

## **09. STAFF:** The AGENCY staff shall consist of an Executive Director, and such other staff members as shall be authorized by the AGENCY budget and appointed by the Executive Director.

- 9.1 The AGENCY shall appoint the Executive Director to serve at the pleasure of the AGENCY.
- 9.2 The Executive Director will serve as Chief Executive Officer of the AGENCY.
- 9.3 The AGENCY shall appoint Counsel to serve at the pleasure of the AGENCY.
- 9.4 The AGENCY shall complete an annual performance evaluation of the Executive Director and Counsel.

## **10. MEETINGS**

- 10.1 The regular meetings of the AGENCY shall be held on the fourth Wednesday of each month or at such other time designated by the Board at a location in Monterey County. Special meetings shall be set with the notice required by law.
- 10.2 AGENCY meetings are open to the public and are conducted according to the Ralph M. Brown Act (Govt. Code Section 54950 et seq.) and Roberts Rules of Order. Time will be allotted at each meeting for the public to present their views to the AGENCY on transportation items, as set forth in Govt. Code Section 54954.3.

Public presentations on transportation matters not on the AGENCY's agenda are limited to three minutes each, unless extended at the discretion of the Chair.

The Chair may establish reasonable limitations on the time allotted for public presentations on any AGENCY agenda item.

- 10.3 The voting members of the AGENCY may meet in closed session to discuss those matters authorized by state law. Only appointed TAMC representatives and, in their absence, their appointed alternates, may attend Closed Sessions. Ex-officio members shall not be authorized to attend Closed Sessions.
- 10.4 The AGENCY Chair in consultation with the First Vice-Chair may cancel any regular meeting if there are no items presented that require the AGENCY's immediate attention.
- 10.5 The AGENCY Agenda will be prepared by the AGENCY staff. The agenda deadline is noon, Thursday, nine (9) working days before the regular meeting. Any member may request in writing an item to appear on the agenda. The request shall be made at or before the Executive Committee meeting prior to the regular meeting for which the item is proposed, or, in the case of an urgent matter, after consultation with the AGENCY Chair, or in the absence of the Chair, the First Vice Chair, by the agenda deadline. Any supporting papers must be furnished by the agenda deadline or be readily available.
- 10.6 Agenda packets shall be distributed to AGENCY members, alternates, and ex-officio members.
- 10.7 The AGENCY agenda shall also be supplied to other governmental agencies on written request, renewable annually.

## **11. BUDGET**

- 11.1 The AGENCY shall annually develop and adopt a budget in accordance with State and Federal requirements no later than the May meeting.
- 11.2 Each AGENCY member shall contribute toward AGENCY activities by means of the Regional Transportation Planning Assessment ("Assessment") in proportion to California Streets and Highways Code Highway Users Tax Account Section 2105 funds received by each AGENCY member to those received by all other AGENCY members. Such Assessment shall be paid from local funds of the member, in order to provide the greatest flexibility of use by AGENCY. AGENCY staff shall invoice each voting member each June for the following fiscal year.

- 12. **COMMITTEES:** Committees and subcommittees, whether standing or ad hoc, may be established, as the AGENCY may deem appropriate.

Standing committees shall be the following:

- 12.1 A Technical Advisory Committee (TAC) composed of one person representing each AGENCY member including ex-officio members, and transportation providers in Monterey County. Additional members from organizations and jurisdictions not presently represented may be appointed by the AGENCY. The Technical Advisory

Committee shall advise the Agency Board on regional transportation improvement projects, transportation planning programs, and transportation funding programs.

- 12.2 An Executive Committee composed of the Chair, First Vice-Chair, Second Vice-Chair, immediate past Chair, and two members selected by the AGENCY; one from the County members and one from the City members. If one of the above-designated persons is not available to serve on the Executive Committee, the AGENCY shall appoint another AGENCY member so that the Executive Committee shall have six members. The Executive Committee shall meet when directed to do so by the AGENCY, or when directed to do so by the Chair of the AGENCY, or by a majority of the Executive Committee members. The Executive Committee may meet for the following purposes:

- a. Review of budget and work program and personnel.
- b. Review adequacy of transportation funding and regional transportation planning and project delivery efforts.
- c. Review state and federal legislative matters.
- d. Review major AGENCY policy matters for recommendation to the Board.

Minutes of the Executive Committee meetings shall be distributed to all AGENCY members.

- 12.3 A Citizens Advisory Committee for Bicycle and Pedestrian Facilities composed of one representative from each city and supervisorial district. Additional members from organizations and jurisdictions not presently represented may be appointed by the AGENCY. The purpose of the committee is to advocate bicycle and pedestrian travel as viable alternative means of transportation, and advise the Transportation Agency, its member agencies, and private development with respect to bicycle and pedestrian facilities and travel.

- 12.4 A Rail Policy Committee composed of TAMC Board members or their alternates from the following jurisdictions on the rail lines: Cities of Salinas, Marina, Sand City, Seaside, and Monterey, Supervisorial District 1, Supervisorial District 2, Supervisorial District 4, Supervisorial District 5 and two representatives from South Monterey County: either (a) the 3<sup>rd</sup> District County Supervisor and a voting TAMC Board member from one of the South Monterey County Cities, or (b) two voting TAMC Board members from South Monterey County Cities. The TAMC Chair may appoint annually ex-officio members as needed.

The Committee shall select a Chair and Vice Chair from its membership for a two-year term at the end of the February meeting of every even year, beginning in 2008. The Chair may rotate between the County Supervisors and the Cities, and/or between Salinas Valley and the Monterey Peninsula or the existing Chair may be reappointed to a new term. To be eligible to serve as the Chair or Vice Chair, the person must be a voting AGENCY Board Member and have served on the Rail Policy Committee for at

least one year. The Rail Policy Committee advises the Transportation Agency Board on matters related to the establishment of passenger rail service in Monterey County.

- 12.5 Bylaws for any standing committee may be developed and adopted, or amended, by a majority vote of the AGENCY.
- 12.6 Except as otherwise provided herein, a majority of the voting members of each committee shall constitute a quorum for transaction of the business of the committee. For the Technical Advisory Committee (TAC); 5 members of the TAC, representing voting members of the Transportation Agency Board of Directors, constitute a quorum for transaction of the business of the committee.
- 12.7 The Transportation Agency has designated the Monterey-Salinas Transit Mobility Advisory Committee as the Social Services Transportation Advisory Council for Monterey County pursuant to the Transportation Development Act. The Agency will consult with the Mobility Advisory Committee regarding the Agency's annual unmet transit needs finding and the transportation needs of the elderly, persons with disabilities and other transit dependent groups.

### **13. PROCEDURE FOR APPROVING AND AMENDING BYLAWS**

- 13.1 Provided a quorum is present, these Bylaws may be amended at an AGENCY meeting by two-thirds (2/3) of the voting members.
- 13.2 Notice of the proposed amendment of the Bylaws shall be announced at the AGENCY meeting prior to the meeting at which the amendment will be voted upon.

### **14. AUDITS**

All revenues and expenditures of the AGENCY will be audited annually in accordance with General Accounting principles.

A triennial performance audit will be conducted as required by the Transportation Development Act.

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