



Executive Committee Agenda

Friday, December 8, 2023

8:30 a.m.

Welcome to SANDAG. The Executive Committee (EC) meeting scheduled for Friday, December 8, 2023, will be held in person in the SANDAG Board Room. While EC members will attend in person, members of the public will have the option of participating either in person or virtually.

For public participation via Zoom webinar, click the link to join the meeting: <https://us02web.zoom.us/j/83792726070>

Webinar ID: 837 9272 6070

To participate via phone, dial a number based on your current location in the US:

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Public Comments: Members of the public may speak to the EC on any item at the time the EC is considering the item. Public speakers are generally limited to three minutes or less per person.

Persons who wish to address the members on an item to be considered at this meeting, or on non-agendized issues, may email comments to the Clerk at clerkoftheboard@sandag.org (please reference EC meeting in your subject line and identify the item number(s) to which your comments pertain). Comments received by 4 p.m. the business day before the meeting will be provided to members prior to the meeting. All comments received prior to the close of the meeting will be made part of the meeting record.

If you desire to provide in-person verbal comment during the meeting, please fill out a speaker slip, which can be found in the lobby. If you have joined the Zoom meeting by computer or phone, please use the "Raise Hand" function to request to provide public comment. On a computer, the "Raise Hand" feature is on the Zoom toolbar. By phone, enter *9 to "Raise Hand" and *6 to unmute. Requests to provide live public comment must be made at the beginning of the relevant item, and no later than the end of any staff presentation on the item. The Clerk will call on members of the public who have timely requested to provide comment by name for those in person and joining via a computer, and by the last three digits of the phone number of those joining via telephone. Should you wish to display media in conjunction with your comments, please inform the Clerk when called upon. The Clerk will be prepared to have you promoted to a position where you will be able to share your media yourself during your allotted comment time. In-person media sharing must be conducted by joining the Zoom meeting on the personal device where the content resides. Please note that any available chat feature on the Zoom meeting platform should be used by panelists and attendees solely for procedural or other "housekeeping" matters as comments provided via the chat feature will not be retained as part of the meeting record. All comments to be provided for the record must be made in writing via email or speaker slip, or verbally per the instructions above.

In order to keep the public informed in an efficient manner and facilitate public participation, SANDAG provides access to all agenda and meeting materials online at sandag.org/meetings. Additionally, interested persons can sign up for email notifications at sandag.org/subscribe. A physical copy of this agenda may be viewed at the SANDAG Toll Operations Office, 1129 La Media Road, San Diego, CA 92154, at any time prior to the meeting.

To hear the verbatim discussion on any agenda item following the meeting, the [audio/video](#) recording of the meeting is accessible on the SANDAG website.

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Message from the Clerk: In compliance with Government Code §54952.3, the Clerk hereby announces that the compensation for legislative body members attending the following simultaneous or serial meetings is: Executive Committee (EC) \$100, Board of Directors (BOD) \$150, and Regional Transportation Commission (RTC) \$100. Compensation rates for the EC and BOD are set pursuant to the SANDAG Bylaws, and the compensation rate for the RTC is set pursuant to state law.



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This meeting will be conducted in English, and simultaneous interpretation will be provided in Spanish. Interpretation in additional languages will be provided upon request to ClerkoftheBoard@sandag.org at least 72 business hours before the meeting.

Esta reunión se llevará a cabo en inglés, y se ofrecerá interpretación simultánea en español. Se ofrecerá interpretación en otros idiomas previa solicitud a ClerkoftheBoard@sandag.org al menos 72 horas antes de la reunión.

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Бесплатная языковая помощь | Assistência linguística gratuita | मुफ्त भाषा सहायता | Assistance linguistique gratuite |

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Безкоштовна мовна допомога | sandag.org/LanguageAssistance | (619) 699-1900

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Vision Statement: *Pursuing a brighter future for all*

Mission Statement: *We are the regional agency that connects people, places, and innovative ideas by implementing solutions with our unique and diverse communities.*

Our Commitment to Equity: *We hold ourselves accountable to the communities we serve. We acknowledge we have much to learn and much to change; and we firmly uphold equity and inclusion for every person in the San Diego region. This includes historically underserved, systemically marginalized groups impacted by actions and inactions at all levels of our government and society.*

We have an obligation to eliminate disparities and ensure that safe, healthy, accessible, and inclusive opportunities are available to everyone. The SANDAG equity action plan will inform how we plan, prioritize, fund, and build projects and programs; frame how we work with our communities; define how we recruit and develop our employees; guide our efforts to conduct unbiased research and interpret data; and set expectations for companies and stakeholders that work with us.

We are committed to creating a San Diego region where every person who visits, works, and lives can thrive.

Executive Committee

Friday, December 8, 2023

Comments and Communications

1. Non-Agenda Public Comments/Member Comments

Members of the public shall have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Executive Committee that is not on this agenda. Public speakers are limited to three minutes or less per person. Public comments under this agenda item will be limited to five public speakers. If the number of public comments under this agenda item exceeds five, additional public comments will be taken at the end of the agenda. Executive Committee members and SANDAG staff also may present brief updates and announcements under this agenda item.

Consent

+2. Approval of Meeting Minutes

Tessa Lero, SANDAG

Approve

The Executive Committee is asked to approve the minutes from its November 3, 2023, meeting.

[EC Meeting Minutes_110323.pdf](#)

+3. Review of Draft Board Agenda

Ariana Galvan, SANDAG

Approve

The Executive Committee is asked to approve the draft agenda for the January 12, 2024, Board of Directors meeting.

[Draft 011223 BOD Agenda.pdf](#)

+4. SANDAG Board of Directors Advisory Membership Request by Association of Planning Group - San Diego County

Supervisor Joel Anderson, County of San Diego

Recommend

The Executive Committee is asked to recommend that the Board of Directors approve the request of the Association of Planning Groups – San Diego County to be appointed as a regular advisory member of the SANDAG Board of Directors.

[New Advisory Membership Request.pdf](#)

[Att. 1 - Letter from APG to Chrwoman Nora Vargas.pdf](#)

[Att. 2 - FY 2024 SANDAG Comm WG TF List.pdf](#)

[Att. 3 - BOS Adopted Resolution.pdf](#)

+5. Legislative Status Report

Hannah Stern, Jose Alvarez, and Hector Vanegas, SANDAG

Information

This report provides an update on SANDAG legislative and policy activities.

[Legislative Status Report.pdf](#)

[Att. 1 - Report from Ellison Wilson.pdf](#)

[Att. 2 - Report from Peter Peyser Associates.pdf](#)

Reports

+6. Amendments to Bylaws and Board Policies

Discussion

The Executive Committee is asked to consider the amendments to the Bylaws and Board Policies.

[Amendments to Bylaws and Board Policies.pdf](#)

[Att. 1 - Bylaws_DRAFT 10 27 23.pdf](#)

[Att. 2 - Board Policy No. 002_DRAFT 10 27 23.pdf](#)

[Att. 3 - Board Policy No. 004_Draft 10 28 23.pdf](#)

[Att. 4 - Board Policy No. 005_DRAFT 10 27 23.pdf](#)

[Att. 5 - Draft Board Policy No. 007_2023 Update.pdf](#)

[Att. 6 - Draft Board Policy No. 008_2023 Update.pdf](#)

[Att. 7 - Board Policy No. 025_DRAFT.pdf](#)

[Att. 8 - Draft Board Policy No. 026_2023 Update.pdf](#)

[Att. 9 - Draft Board Policy No. 028_2023 Update.pdf](#)

7. Upcoming Meetings

The next meeting of the Executive Committee is scheduled for Friday, January 12, 2024, at 9 a.m.

8. Adjournment

+ next to an agenda item indicates an attachment

December 8, 2023

November 3, 2023, Meeting Minutes

[View Meeting Video](#)

Vice Chair Sean Elo-Rivera (City of San Diego) called the meeting of the Executive Committee to order at 9:01 a.m.

1. Public Comments/Communications/Member Comments

Truth, member of the public, commented in opposition to the road usage charge and government fraud.

Dr. Timothy Bilash, member of the public, commented regarding toxic fire ware.

Paul the Bold, member of the public, commented regarding alleged pressure on board members.

Phone #813, member of the public, commented regarding alleged corruption in governance.

Kathryn Rhodes, member of the public, commented regarding tidelands reclamation.

There were no member comments.

Consent

2. Approval of Meeting Minutes

The Executive Committee was asked to approve the minutes from its October 13, 2023, meeting.

3. Review of Draft Board Agendas

The Executive Committee was asked to approve the draft agendas for the December 8, 2023, Board meeting as amended to add a resolution in support of World Design Capital 2024; an item to follow up on security measures at SANDAG; and an update on toll operations; and the December 22, 2023, Board meeting.

Truth commented regarding Consent Agenda Items 2 and 3.

The OriginalDra, member of the public, commented regarding Consent Agenda Item 3.

Phone #813 commented regarding Consent Agenda Item 3.

Action: Upon a motion by Mayor Steve Vaus (North County Inland), and a second by Councilmember Jack Shu (East County), the Executive Committee voted to approve the Consent Agenda.

The motion passed.

Yes: Vice Chair Elo-Rivera, Second Vice Chair Lesa Heebner (North County Coastal), Councilmember Shu, Councilmember John Duncan (South County), and Mayor Vaus.

No: None.

Abstain: None.

Absent: County of San Diego.

Reports

4. Review of Bylaws, Board Policies, and Governance

Deputy General Counsel Amberlynn Deaton presented the item.

Mary Davis, member of the public, commented regarding various policy revisions.

Truth commented regarding various policy revisions.

Phone #813 commented regarding various policy revisions.

Kathryn Rhodes commented regarding Board Policy No. 004, and public comments.

Paul Henkin, member of the public, commented regarding more than one staff member briefing board members on agenda items.

The OriginalDra commented regarding public comments during meetings.

Action: Discussion only.

5. Legislative Status Report

Senior Government Relations Analyst Hannah Stern and Borders Program Manager Hector Vanegas presented an update on SANDAG legislative and policy activities.

Truth commented regarding proposed state legislation.

Phone #813 commented regarding the border legislative report.

Paul Henkin commented regarding the subject matter of public comments.

Kathryn Rhodes commented regarding the border sewage and Tijuana wastewater issue.

Blair Beekman, member of the public, commented regarding funding for border sewage treatment projects and border issues.

The OriginalDra commented regarding border security and economic benefit concerns.

Action: Information only.

Continued non-agenda public comments were taken at this time.

The OriginalDra commented regarding various alleged fraudulent actions by elected officials.

Blair Beekman commented regarding border partnerships and security and communication concerns.

6. Upcoming Meetings

The next meeting of the Executive Committee is scheduled for Friday, December 8, 2023, at 9 a.m.

7. Adjournment

Vice Chair Elo-Rivera adjourned the meeting at 10:04 a.m.

Confirmed Attendance at Executive Committee Meeting

Jurisdiction	Name	Member/ Alternate	Attend
City of San Diego	Council President Sean Elo-Rivera, Vice Chair	Primary	Yes
	Councilmember Vivian Moreno	Alternate	No
	Councilmember Marni von Wilpert	Alternate	No
County of San Diego	Chairwoman Nora Vargas, Chairwoman	Primary	No
	Supervisor Terra Lawson-Remer	Alternate	No
East County	Mayor Racquel Vasquez	Primary	No
	Councilmember Jack Shu	Alternate	Yes
North County Coastal	Mayor Lesa Heebner, 2nd Vice Chair	Primary	Yes
	Councilmember Melanie Burkholder	Alternate	Yes
North County Inland	Mayor Rebecca Jones	Primary	No
	Mayor Steve Vaus	Alternate	Yes
South County	Councilmember Andrea Cardenas	Primary	No
	Councilmember John Duncan	Alternate	Yes
Ex-Officio Members	Name		Attend
Chair, Transportation Committee	Councilmember Jack Shu		Yes
Chair, Public Safety Committee	Councilmember Jose Rodriguez		No
Chair, Borders Committee	Mayor Pro Tem Matthew Leyba-Gonzalez		No
Chair, Audit Committee	Deputy Mayor David Zito		No

December 8, 2023

Draft January 12, 2024, Board of Directors Meeting Agenda

Item No.

Action

Comments and Communications

1. Non-Agenda Public Comments/Member Comments

Members of the public shall have the opportunity to address the Board of Directors on any issue within the jurisdiction of SANDAG that is not on this agenda. Public speakers are limited to three minutes or less per person. Public comments under this agenda item will be limited to five public speakers. If the number of public comments under this agenda item exceeds five, additional public comments will be taken at the end of the agenda. Board members and SANDAG staff also may present brief updates under this agenda item.

Chair's Report

+2. 2023 Year in Review & 2024 Project Highlights

Chairwoman Nora Vargas and Coleen Clementson, SANDAG

Information

The Board of Directors will be provided an overview of 2023 achievements and major work efforts for the coming year.

Consent

+3. Approval of Meeting Minutes

Tessa Lero, SANDAG

Approve

The Board of Directors is asked to approve the minutes from its December 8, 2023, meeting.

+4. New Grant Funding: Project Safe Neighborhoods Fiscal Agent 2023

Dr. Octavio Rodriguez Ferreira, SANDAG

Approve

The Board of Directors is asked to approve a budget amendment to the FY 2024 Overall Work Program and Budget to accept \$1.33 million in funding on behalf of three U.S. Attorney's Offices in California from the U.S. Department of Justice.

- | | |
|--|---------------------------|
| <p>+5. Proposed FY2024 Program Budget Amendment: Transportation Network Company Access for All Grant Program
 <i>Benjamin Gembler, SANDAG</i></p> <p>The Board of Directors is asked to approve an amendment to the FY 2024 Program Budget accounting for all grant funding from the California Public Utilities Commission (CPUC) for FY 2022-2024, accepting \$1,078,724 in grant funding from the CPUC, and authorizing the CEO to enter into a grant agreement with the CPUC.</p> | <p>Approve</p> |
| <p>+6. FY 2023 Transportation Development Act (TDA) Audit Extension Requests
 <i>Ariana Galvan, SANDAG</i></p> <p>The Board of Directors is asked to approve TDA audit extension requests for the Cities of XX until March 27, 2024, as permitted by the California Public Utilities Code and the California Code of Regulations.</p> | <p>Approve</p> |
| <p>+7. Approval of Proposed Solicitations and Contract Awards
 <i>Kelly Mikhail, SANDAG</i></p> <p>The Board of Directors is asked to review and approve the proposed solicitations and contract awards.</p> | <p>Approve</p> |
| <p>+8. Policy Advisory Committee Actions
 <i>Francesca Webb, SANDAG</i></p> <p>The Board of Directors is asked to ratify the actions taken by the Policy Advisory Committees since the last Board meeting.</p> | <p>Approve</p> |
| <p>+9. San Dieguito Double Track & Special Events Platform Project - CM/GC Delivery Method
 <i>Angela Anderson, SANDAG</i></p> <p>The Board of Directors is asked to authorize the use of Construction Manager/General Contractor (CM/GC) construction delivery method for the San Dieguito Double Track & Special Events Platform Project.</p> | <p>Approve</p> |
| <p>+10. Meetings and Events Attended on Behalf of SANDAG
 <i>Francesca Webb, SANDAG</i></p> <p>This report provides an update on meetings and events attended by Board members.</p> | <p>Information</p> |
| <p>+11. Overview of Developments in the Financial Markets, Quarterly Finance Report as of September 30, 2023*
 <i>Andre Douzdzian and Ray Major, SANDAG</i></p> <p>This report provides an update on the latest developments in the financial markets, economy, sales tax revenues, and strategies being explored and implemented to minimize possible impacts to the TransNet Program.</p> | <p>Information</p> |
| <p>+12. Otay Mesa East Port of Entry: Toll Revenue Agreement Amendment
 <i>Betsy Blake, SANDAG; and Mario Orso, Caltrans</i></p> <p>This report provides information related to technical amendments to the 2022 Otay Mesa East Port of Entry Toll Revenue Agreement with Mexico.</p> | <p>Information</p> |

Reports

+13. 2025 Regional Plan: Initial Concept, Cost, and Revenues Workshop

Discussion

Antoinette Meier, Susan Huntington, and Dr. Cindy Burke, SANDAG

The Board of Directors will participate in a workshop to help inform development of the 2025 Regional Plan, including an overview of the initial concept to be used for modeling purposes.

14. Upcoming Meetings

The next Board of Directors meeting is scheduled for Friday, January 26, 2024, at 9 a.m.

15. Adjournment

+ next to an agenda item indicates an attachment

* next to an agenda item indicates that the Board of Directors also is acting as the San Diego County Regional Transportation Commission for that item

December 8, 2023

SANDAG Board of Directors Advisory Membership Request by Association of Planning Groups – San Diego County

Overview

On November 6, 2023, the Association of Planning Groups – San Diego County submitted a request to serve as an advisory member of the SANDAG Board of Directors (Attachment 1). On May 23, 2023, the San Diego County Board of Supervisors adopted a resolution supporting the addition of an advisory member to SANDAG, dedicated to representing the unincorporated residents of the County of San Diego (Attachment 3).

Key Considerations

The Board of Directors is composed of elected officials from each of the region's 19 local governments, including two representatives from the City of San Diego and the County of San Diego. Supplementing these voting members are advisory representatives from the San Diego County Airport Authority, Imperial County, the U.S. Department of Defense, Caltrans, San Diego Unified Port District, Metropolitan Transit System, North County Transit District, San Diego County Water Authority, Southern California Tribal Chairmen's Association, and Mexico.

SANDAG's Governing Law and Board Policy

California Public Utilities Code 132351.1(g) allows the Board of Directors to appoint advisory, nonvoting members to sit with it. In determining whether to supplement the Board with additional advisory members, Section 5 of [SANDAG Board Policy No. 004: Rules of Procedure for Board of Directors, Policy Advisory Committees, and Other Legislative Bodies](#), states that the Board will consider adding a new regular advisory member to the Board based upon the following considerations:

- Based on a review of existing Board and Policy Advisory Committee (PAC) membership structure, the additional advisory member would provide beneficial advice and information to the Board on matters of interest to the region that cannot be provided by the existing Board and Policy Advisory Committee membership structure. The existing SANDAG Board, PAC and Working Group Structure is included at Attachment 2.
- The additional advisory member has land use and/or eminent domain authority;
- The additional advisory member has regional authorities and responsibilities important to the SANDAG mission;
- Membership by the additional advisory member would enhance SANDAG's regional decision-making;
- The additional advisory member desires representation, submits a written request, and commits to participation;

Action: Recommend

The Executive Committee is asked to recommend that the Board of Directors approve the request of the Association of Planning Groups – San Diego County to be appointed as a regular advisory member of the SANDAG Board of Directors.

Fiscal Impact:

None. (Advisory Board Members do not receive a stipend or other compensation)

Schedule/Scope Impact:

This request is scheduled to be considered by the Board of Directors at its December 8, 2023, meeting.

- The additional advisory member is able to agree on the form of representation and who will represent it.

The Association of Planning Groups – San Diego County has addressed how it believes it fulfills these criteria in its attached request letter.

Next Steps

Pending a recommendation by the Executive Committee, this item will be considered by the Board of Directors at its December 8, 2023, meeting.

Robyn Wapner, Director of Public Affairs

Key Staff Contact: Robyn Wapner, (619) 699-1994, robyn.wapner@sandag.org

Attachments:

1. Letter from Association of Planning Groups – San Diego County to Chairwoman Nora Vargas dated November 6, 2023
2. FY 2024 Working Groups and Task Force List
3. BOS Adopted Resolution

ASSOCIATION OF PLANNING GROUPS - SAN DIEGO COUNTY

November 6, 2023

The Honorable Nora Vargas
Chair, SANDAG Board of Directors
401 B Street, Suite 800
San Diego, CA 92101

Re: Inclusion of a new Advisory Board Member onto the SANDAG Board of Directors representing the unincorporated communities of San Diego County through a Representative from the Association of Planning Groups - San Diego County.

Dear Madam Chair,

SANDAG's policy goals and funding decisions have a significant impact on the livelihood and future of the 513,000 residents in the traditionally underrepresented, unincorporated communities of San Diego County.

The current representation structure for the unincorporated communities does not ensure that a County Supervisor will live in an unincorporated community. The two Districts with the highest percentage of unincorporated communities - Districts 2 and 5 - may or may not be represented by a Supervisor who resides in the unincorporated area. This leaves the unincorporated communities underrepresented at best.

County Supervisors on the SANDAG Board of Directors represent not only the 513,000 residents of the unincorporated area, but also the residents of the 18 cities whose representatives are also on the SANDAG Board of Directors. This "double-representation" is a benefit that city residents receive, but not the unincorporated community residents.

The Association of Planning Groups - San Diego County (APG) was formed to ensure consistent and effective representation and productive two-way communication between SANDAG and the unincorporated communities.

Collaboration with the new Advisory Board Member representing the unincorporated communities will further SANDAG's stated diversity and inclusion goals. This collaboration benefits SANDAG and will support our vulnerable and geographically-disadvantaged, unincorporated community residents.

The Association of Planning Groups recognizes SANDAG's role in our County and trusts that SANDAG's mission statement will guide SANDAG to include unincorporated community representation with the addition onto the Board of Directors of a new Advisory Board Member through the APG.

The Association of Planning Groups meets SANDAG's criteria for "additional Advisory Membership on Board", including:

5.3.1 Agency/group has land use and/or eminent domain authority.

-The APG members have land use authority through their individual, elected Planning Group roles in the unincorporated area.

5.3.2 Agency/group has regional authorities and responsibilities important to the SANDAG mission.

-The APG members review and advise regional governments on the impacts of projects, policies, funding and ordinances/laws through their individual, elected Planning Group roles in the unincorporated area.

5.3.3 Membership by agency/group would enhance SANDAG's regional decision-making.

-The APG has stated in its bylaws that its purpose is "to ensure consistent and effective representation and productive two-way communication between SANDAG and the unincorporated communities."

5.3.4 Agency/group desires representation, submits a written request, and commits to participation.

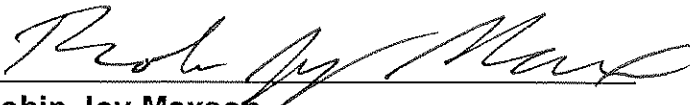
-The APG represents unincorporated communities through its members who are residents of an unincorporated community and elected to the community's Planning Group. Seventeen of eighteen Planning Groups agreed and publicly voted to join the APG. The remaining Planning Group (Potrero) has yet to hold a meeting. This demonstrates the unincorporated communities' unity and resolve to secure representation at SANDAG. The APG members are committed to participating on the SANDAG Board of Directors and will have, according to the APG Bylaws, elected a Representative and an Alternate for this role.

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

-The APG has formally organized into an Association with ratified Bylaws that include: an elected Chair, Vice Chair and Secretary and an elected Representative (and Alternate) to the SANDAG Board of Directors representing the unincorporated communities of San Diego County. The Representative to the SANDAG BOD will be selected with geographical location a consideration in order to achieve broad representation of the wide-ranging unincorporated area.

The Association of Planning Groups - San Diego County looks forward to working with SANDAG to ensure all San Diego County residents are included in the regional planning and funding entrusted to SANDAG.

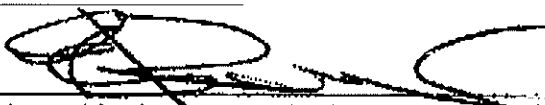
Respectfully,



Robin Joy Maxson

Chair, Association of Planning Groups - San Diego County

associationofplanninggroups@gmail.com



Vice-Chair, Association of Planning Groups - San Diego County

associationofplanninggroups@gmail.com

Alpine . Boulevard . Campo . Crest/Dehesa/Granite Hills/Harbison Canyon . Descanso Fallbrook .
Jamul/Dulzura . Julian . Lakeside . Pine Valley . Rainbow . Ramona
San Dieguito . Spring Valley . Sweetwater . Valle De Oro . Valley Center

FY 2024 WORKING GROUPS AND TASK FORCES

BOARD OF DIRECTORS: Ariana Galvan / Robyn Wapner
AUDIT COMMITTEE: Krystal Carranza / Courtney Ruby
BORDERS COMMITTEE: Hector Vanegas
EXECUTIVE COMMITTEE: Ariana Galvan / Robyn Wapner
PUBLIC SAFETY COMMITTEE: Octavio Rodriguez Ferreira / Cindy Burke
REGIONAL PLANNING COMMITTEE: Stacey Cooper
TRANSPORTATION COMMITTEE: Brian Lane

WORKING GROUPS

ITOC: Zara Sadeghian/Michelle Smith/Vanessa Leon					
Working Group Name	Membership	Responsibilities	Applicable Laws	Current Status	DCEO
ITOC Selection Committee	Chair: Appointed by the Selection Committee for each meeting.	The ITOC selection committee shall be established to select an ITOC member from the list of qualified candidates recommended by a technical screening committee. The selection committee shall consist of the following: two members of the County of San Diego Board of Supervisors; the mayor of the City of San Diego; a mayor from the cities of Chula Vista, Coronado, Imperial Beach, or National City selected by the mayors of those cities; a mayor from the cities of El Cajon, La Mesa, Lemon Grove, or Santee selected by the mayors of those cities; a mayor from the cities of Carlsbad, Del Mar, Encinitas, Oceanside, or Solana Beach selected by the mayors of those cities; and a mayor from the cities of Escondido, Poway, San Marcos, or Vista selected by the mayors of those cities.	Brown Act	Standing Meeting Schedule: as needed when vacancies occur	CFO Andre Douzdjian

TRANSPORTATION COMMITTEE						
Working Group Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
1	<p>Social Services Transportation Advisory Council (SSTAC)</p> <p>Staff lead: Zac Bradt</p>	<p>Chair: Public member appointed by SSTAC. Representatives of transit users who are seniors (aged 60 years or older), disabled, and/or persons with limited means; staff from social service providers serving seniors, persons with disabilities, and persons of limited means; representatives from the Consolidated Transportation Services Agency; and representatives from MTS and NCTD</p>	<p>Designated as the Local Review Committee for FTA Section 5310 grant applications, holds required unmet needs hearings, and advises on regional issues of accessible transportation provided by the public and private sector; fulfills state Public Utilities Code requirement; also, reviews and advises on transit capital improvement projects for Americans with Disabilities Act compliance</p>	Brown Act	<p>Standing</p> <p>Established: 1979</p> <p>Meeting schedule: Bimonthly</p>	Coleen Clementson
2	<p>Mobility Working Group (MOBWG)</p> <p>Staff lead: Jennifer Williamson Ashley Wiley</p>	<p>Chair: CM Jose Rodriguez</p> <p>Chair appointed by the Chair of the Transportation Committee.</p> <p>The Chair shall be a member of the Transportation Committee and serve as a non-voting Chair of the MOBWG for a period of one year. The MOBWG membership shall include one voting member and one alternate member from each SANDAG member agency, including the region's 18 cities, the County of San Diego, Metropolitan Transit System, North County Transit District, Port of San Diego, and the San Diego County Regional Airport Authority. Each member agency shall have one vote. MOBWG agency representatives shall be appointed by the membership agency for a two-year term and be an executive or senior staff level. Membership may also include participation from non-voting agency partners including, but not limited to, Caltrans, Department of Defense, Southern California Tribal Chairman's Association.</p>	<p>Provides an institutional forum and structure for regional stakeholders to:</p> <p>(1) collaborate, coordinate, research, and peer exchange innovative mobility solutions;</p> <p>(2) identify legislative and regulatory barriers and opportunities; (3) implement and operate regional solutions that require cross-jurisdictional coordination; (4) develop guidelines and adopt standards that will facilitate seamless implementation of mobility solutions across the region; and (5) promote best practices and technical assistance that prepare for the future of mobility. The MOBWG also provides SANDAG staff and the Transportation Committee with input and recommendations on preparation and implementation of the Regional Plan and other transportation projects, programs, and policies. MOBWG activities are identified through annual workplans. SANDAG staff will update the workplan in coordination with the MOBWG to foster collaboration and consensus on priority projects that advance the goals and projects contained in the Regional Plan as well as the TransNet Local Streets and Roads program.</p>	<p>Brown Act</p> <p>Conflict Laws/Form 700</p>	<p>Established: 2022</p> <p>Meeting Schedule: Bimonthly</p>	Coleen Clementson

REGIONAL PLANNING COMMITTEE						
Working Group Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
1	<p>Sustainable Communities Working Group (SCWG)</p> <p>Staff lead: Tuere Fa'aola Carrie Simmons</p>	<p>Chair: MPT Joy Lyndes</p> <p>Chair appointed by the Regional Planning Committee chair.</p> <p>Membership includes representatives from the region's 18 cities and the County of San Diego. Membership may also include participation from non-voting agency partners including, but not limited to, Caltrans, Metropolitan Transit System (MTS), North County Transit District (NCTD), San Diego County Regional Airport Authority, San Diego County Water Authority, Air Pollution Control District, the Local Agency Formations Commission (LAFCO), Department of Defense, Southern California Tribal Chairman's Association, and the Port of San Diego.</p>	<p>Provides an institutional forum and structure for regional stakeholders to: (1) collaborate, coordinate, research, and peer exchange innovative solutions to address regional issues related to land use, housing, sustainability, habitat conservation, climate resilience and equity; (2) identify legislative and regulatory barriers and opportunities; (3) implement regional solutions that require cross-jurisdictional coordination; (4) develop guidelines that will facilitate implementation of policies, programs and solutions across the region; and (5) promote best practices and technical assistance that helps local jurisdictions align policies and programs with the Regional Plan and SCS.</p>	<p>Brown Act</p> <p>Conflict Laws/Form 700</p>	<p>Established 2022</p> <p>Bimonthly</p>	Coleen Clementson
2	<p>Military Working Group (MWG)</p> <p>Staff lead: April DeJesus Jennifer Williamson</p>	<p>Chair: MPT Steve Goble</p> <p>Chair appointed by the BOD Chair.</p> <p>MWG is composed of thirteen members, including four representatives from the armed forces: Navy Region Southwest; Marine Corps Installation West; Marine Corps Recruitment Depot; and U.S. Coast Guard San Diego Sector. In addition, the voting membership includes one representative from the following jurisdictions and agencies: City of Coronado, City of Imperial Beach, City of Oceanside, City of National City, City of San Diego, County of San Diego, the Port of San Diego, the San Diego Metropolitan Transit System (MTS), and the North County Transit District (NCTD).</p>	<p>Provides a collaborative forum for the various branches of the military and SANDAG to address areas of mutual interest, including growth management, habitat, transportation, regional growth, housing, water, energy, and other related topics</p>	Brown Act	<p>Standing</p> <p>Established: 2012</p> <p>Meeting schedule: Quarterly</p>	Coleen Clementson

REGIONAL PLANNING COMMITTEE						
Working Group Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
3	<p>Social Equity Working Group (SEWG)</p> <p>Staff lead: Paula Zamudio Cat Matel</p>	<p>Chair: MPT Priya Bhat-Patel</p> <p>Chair appointed as non-voting member by Chair of BOD.</p> <p>12 representatives from community-based organizations (CBOs) or community collaboratives serving underserved/disadvantaged communities</p>	Reviews and provides input that will be used to develop and adopt the Regional Plan as well as provides a social equity perspective on other agency initiatives or planning efforts, including Public Participation Plan, and assists with associated public outreach and helps inform and encourage diverse, inclusive and active, public involvement in the Regional Plan	<p>Brown Act</p> <p>Conflict Laws/Form 700</p>	<p>Established: 2018</p> <p>Meeting schedule: Monthly</p>	Coleen Clementson
4	<p>Shoreline Preservation Working Group (SPWG)</p> <p>Staff lead: Courtney Pesce Kim Smith</p>	<p>Chair: CM Dwight Worden.</p> <p>The Chair is appointed by the Chair of the RPC and will be a member of the SPWG representing one of the bayfront and coastal cities to serve as Chair for a period of one year.</p> <p>The SPWG has eleven voting members which include one voting representative from each of the bayfront and coastal cities, the County of San Diego, the San Diego Unified Port District and the U.S. Navy. In addition, the SPWG includes non-voting: (1) technical advisors from the California Coastal Commission, State Department of Fish and Wildlife, State Department of Parks and Recreation, State Lands Commission, National Marine Fisheries Service, the U.S. Army Corps of Engineers; and (2) community advisors from the Southern California Tribal Chairmen's Association, non-profit coastal advocacy group, environmental justice/climate equity community, lobster and fishing associations, and the Scripps Institution of Oceanography</p>	<p>Advises on the implementation of the Shoreline Preservation Strategy, the Coastal Regional Sediment Management Plan, and San Diego Forward: The Regional Plan.</p> <p>Supports the region's ongoing and future beach nourishment efforts and other sea-level rise adaptation strategies</p>	Brown Act	<p>Standing</p> <p>Established 1980s</p> <p>Meeting schedule: Quarterly</p>	Coleen Clementson

PUBLIC SAFETY COMMITTEE						
Working Group Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
1	Chiefs’/Sheriff’s Management Committee (CSMC) Staff lead: Anthony (Tony) Ray Linda Cimmino	Chair: appointed by the members of CSMC. Sheriff and police chiefs from around the region, and SD County probation and District Attorney offices.	Reviews, evaluates, and provides recommendations and input to the Public Safety Committee on issues relating to the SANDAG ARJIS and Criminal Justice work programs and budgets; and evaluates and recommends regional public safety initiatives	Brown Act Conflict Laws/Form 700	Standing Established: 1981 Meeting schedule: Monthly	Ray Major

TASK FORCES

Task Force Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
1	Bayshore Bikeway Task Force Staff lead: Josh Clark	Chair: Vice Mayor Marcus Bush National City Councilmember Marcus Bush, Imperial Beach Councilmember Matthew Leyba-Gonzalez, San Diego Councilmember Vivian Moreno, Chula Vista Councilmember Jill Galvez, Coronado Councilmember Mike Donovan, County of San Diego Supervisor Nora Vargas, Port of San Diego Commissioner Sandy Naranjo, San Diego County Bicycle Coalition Executive Director Andy Hanshaw, Public Member Mike Woiwode	Plans for future improvements on the Bayshore Bikeway, provides oversight and support for projects being developed, advocates for funding to plan and construct projects, coordinates with local land use authorities to provide for future bikeway right-of-way, and promotes the bikeway as a regional transportation facility.	n/a	Standing Established: 2023* Meeting schedule: Quarterly or as needed *as a Task Force – previously established as a Working Group in 1989	Coleen Clementson
2	Regional Digital Divide Task Force Staff Lead: Chris Schmidt Krystal Ayala	Representatives from government organizations, educational institutions, community based organizations, Internet Service Providers, community technology training and network providers, and other social service and civic organizations that are actively working to bridge the digital divide. See membership list: committeeid_124_31667.pdf (sandag.org)	The SANDAG Regional Digital Divide task force brings together a wide range of stakeholders to develop and implement the Regional Digital Equity Strategy and Action Plan and to collaborate and provide expert input on regional digital equity programs and projects.	n/a	Standing Established: 2021 Meeting schedule: Quarterly or as needed	Coleen Clementson
3	Freight Stakeholders Task Force Staff Lead: Tim Garrett Mariela Rodriguez	Representatives from Caltrans, Port of San Diego, San Diego County Regional Airport Authority, Imperial County Transportation Commission, Federal Highway Administration, transit operators, railroads, trucking companies, chambers of commerce, and other private and nonprofit organizations.	Provides input on goods movement planning projects and activities to improve the efficiency of goods movement, advance the deployment of medium and heavy-duty zero-emission vehicles, and implement the SANDAG Regional Plan.	n/a	Standing Established: 2013 Meeting schedule: Quarterly	Coleen Clementson
4	Committee on Binational Regional Opportunities (COBRO) Staff lead: Hector Vanegas	Stakeholders from both sides of the United States/Mexico border, including representatives from local jurisdictions, businesses, and academia	Provides input on binational-related planning and project development issues	n/a	Standing Established: 1995 Meeting schedule: Bimonthly	Coleen Clementson

Task Force Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
5	Interagency Technical Task Force on Tribal Transportation Issues Staff lead: Tuere Fa'aola	Representatives from each of the 17 federally recognized tribal governments and California tribes in San Diego County	Discusses and coordinates tribal transportation issues of mutual concern with the various public planning agencies in the region, including SANDAG, Caltrans, the County of San Diego, and the transit operators	n/a	Standing Established: 2006 Meeting schedule: Quarterly	Coleen Clementson
6	San Diego Region Conformity Working Group* Staff lead: Kirsten Uchitel Keith Greer *name set by law but functionally a Task Force	Staff from the U.S. Environmental Protection Agency, FHWA, Federal Transit Administration (FTA), California Air Resources Board, Caltrans, and San Diego County APCD	Reviews and comments on Regional Transportation Plan and Regional Transportation Improvement Program transportation conformity and State Implementation Plan development or updates and fulfills federal and state requirements for interagency consultation.	n/a	Standing Established: 1994 Meeting schedule: Monthly	Coleen Clementson
7	AB 43 Task Force Staff lead: Josh Clark	Zoubir Ouadah - County of San Diego, Edd Alberto – City of Escondido, Maureen Gardiner and Phil Rust – City of San Diego, Cecily Taylor - SANDAG	At its June 11, 2021, meeting, the SANDAG Executive Committee approved taking a support position on Assembly Bill (AB) 43 and on October 8, 2021, the bill was approved by the Governor. The bill grants the California Department of Transportation (Caltrans) and local authorities greater flexibility in setting speed limits, this Task Force focuses on the impacts of AB 43.	n/a	Standing Established: April 19, 2022 Meeting schedule: Bimonthly, one week ahead of the Mobility Working Group	Coleen Clementson
8	ARJIS Business Working Group Staff lead: Vacant Linda Cimmino	Appointed staff members from each agency represented on the Chiefs'/Sheriff's Management Committee (CSMC)	Provides input to the CSMC on ARJIS matters relating to criminal justice information-sharing, business practices, crime statistics, data quality, and budget	n/a	Standing Established: 1998 Meeting schedule: Bimonthly	Ray Major

Task Force Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
9	ARJIS Technical Working Group Staff lead: Frank Prather II Linda Cimmino	Appointed staff members from each agency represented on the CSMC	Provides input to the CSMC on ARJIS matters relating to state-of-the-art information technology that enhances both officer and public safety	n/a	Standing Established: 1998 Meeting schedule: Bimonthly	Ray Major
10	Regional Digital Infrastructure Taskforce Staff Lead: Chris Schmidt Pricila Roldan	Consists of staff involved in permitting, development services, and engineering of the various local jurisdictions, tribes, and transportation agencies	Provides technical input to SANDAG in developing regional permitting standards and practices that streamline deployment of digital communications infrastructure to advance intelligent transportation solutions, smart cities, and broadband in underserved areas.	n/a	Standing Established: 2022 Meeting schedule: Monthly or as needed	Coleen Clementson
11	Regional Habitat Conservation Task Force Staff Lead: Kim Smith	<p>Staff representatives of the City of San Diego, County of San Diego, and the four SANDAG subregions (North County Coastal, North County Inland, East County and South County). The staff representatives from each SANDAG subregion will be from local jurisdictions with an adopted, or in development, habitat conservation plan.</p> <ul style="list-style-type: none"> Staff representatives of federal agencies, state agencies, and tribal governments that are directly involved in implementation of habitat conservation plans in the San Diego region (U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, California Wildlife Conservation Board, Caltrans, and the Southern California Tribal Chairman's Association). Staff representatives of the following organizations, representing disciplines and interests involved in implementation of regional habitat conservation plans. <ul style="list-style-type: none"> The Nature Conservancy (Land Acquisition) Conservation Resource Network (Land Management) U.S. Geological Survey (Science and Technology) 	Provides technical expertise, background knowledge and cross-agency coordination on regional habitat conservation issues, including input on issues related to coordination and implementation of the EMP.	n/a	Standing Established: 2004 Meeting schedule: Quarterly	Coleen Clementson

Task Force Name		Membership	Responsibilities	Applicable Laws	Current Status	DCEO
		<ul style="list-style-type: none"> ○ Endangered Habitats League (Environmental Policy) ○ Building Industry Association (Business) ○ San Diego Foundation (Land Acquisition and Endowments) ○ Resource Conservation District of Greater San Diego County (Land Management) ○ Natural History Museum (Science) ○ Alliance for Habitat Conservation (Business) 				



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: May 23, 2023

32

TO: Board of Supervisors

SUBJECT

**ADOPTING A RESOLUTION SUPPORTING THE ADDITION OF
UNINCORPORATED AREA REPRESENTATION TO THE SAN DIEGO
ASSOCIATION OF GOVERNMENTS BOARD OF DIRECTORS (DISTRICTS: ALL)**

OVERVIEW

The San Diego Association of Governments (SANDAG) Board of Directors is comprised of elected officials representing the region's eighteen cities and the County of San Diego who are authorized to vote on issues considered by the SANDAG Board. In addition to these voting members, the SANDAG Board permits ten additional non-voting representatives to serve as advisory board members. Voting and advisory board members provide the region's jurisdictions and other interested parties a "seat at the table" when discussing policy matters and funding decisions. Currently, the County Board of Supervisors represents the unincorporated area and brings a regional perspective to SANDAG's Board. However, more than half-a-million residents living in the County's unincorporated area do not have a single dedicated representative to present their unique perspective on their behalf.

SANDAG has publicly stated its commitment to equity and inclusion and has frequently added advisory Board members to include unique insight and alternative perspectives during the SANDAG Board's decision-making process. In alignment with this assurance and action, we recommend the adoption of a resolution requesting the addition of a non-voting advisory member to the SANDAG Board of Directors. If approved, this advisory member would be a resident of the County's unincorporated area and would serve as a dedicated representative for unincorporated community members.

RECOMMENDATION(S)

CHAIRWOMAN NORA VARGAS AND SUPERVISOR JOEL ANDERSON

1. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO SUPPORTING THE ADDITION OF AN ADVISORY MEMBER TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS BOARD OF DIRECTORS, DEDICATED TO REPRESENTING THE UNINCORPORATED AREA RESIDENTS OF THE COUNTY OF SAN DIEGO

SUBJECT: ADOPTING A RESOLUTION SUPPORTING THE ADDITION OF UNINCORPORATED AREA REPRESENTATION TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS BOARD OF DIRECTORS (DISTRICTS: ALL)

2. Direct the Chief Administrative Officer to assist the County's community planning groups in selecting two unincorporated area residents to serve as a primary representative and an alternate representative to the SANDAG Board of Directors, representing the County's unincorporated area communities, if the SANDAG Board approves adding this advisory position to its Board. The selection process to be used will mirror the process used to select the San Diego Local Agency Formation Commission's special district representatives.

EQUITY IMPACT STATEMENT

Although representatives of the region's eighteen incorporated cities each have a vote when serving as members of the SANDAG Board of Directors, there is no single dedicated Board representative for the County's unincorporated area residents, totaling over half-a-million individuals. The intent of adding an advisory member to the SANDAG Board to represent unincorporated residents is to further uplift these communities' perspectives in regional planning and funding decisions made by the SANDAG Board.

SUSTAINABILITY IMPACT STATEMENT

Many of the decisions made by the SANDAG Board directly impact the infrastructure investment and livelihood of those living in unincorporated communities and commit limited resources for several decades. These decisions affect regional planning and critical transportation funding used to connect the region's residents with places of employment, schools and other destinations. The proposal to add an advisory member to the SANDAG Board, dedicated to representing the unique perspectives of this population, will help ensure the requests and needs of those living outside of our region's cities are considered by the Board during the decision-making process.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years. If additional resources are needed, staff would return to the Board with identified costs and proposed funding source(s) for consideration and approval.

BUSINESS IMPACT STATEMENT

On May 12, 2023, the SANDAG Board approved their agency's proposed Fiscal Year (FY) 2024 budget which totals over \$1.2 billion. Funding from the FY 2024 SANDAG budget will be used to pay for more than \$500 million in capital projects and several hundred million in TransNet projects, local system improvements and transit operations. Nearly 20% of the SANDAG budget gets distributed to local jurisdictions with about \$21.5 million to San Diego County's unincorporated area. The proposed projects commit regional tax dollars for multi-year projects located throughout San Diego County. By enhancing the representation of our unincorporated area residents, we can better ensure that SANDAG decisions will include consideration of these communities' perspectives.

ADVISORY BOARD STATEMENT

SUBJECT: ADOPTING A RESOLUTION SUPPORTING THE ADDITION OF UNINCORPORATED AREA REPRESENTATION TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS BOARD OF DIRECTORS (DISTRICTS: ALL)

N/A

BACKGROUND

The San Diego Association of Governments (SANDAG) Board of Directors is comprised of elected officials representing the region's eighteen cities and the County of San Diego who are authorized to vote on issues considered by the SANDAG Board. In addition to these voting members, the SANDAG Board permits ten additional non-voting representatives to serve as advisory board members. Voting and advisory board members provide the region's jurisdictions and other interested parties a "seat at the table" when discussing policy matters and funding decisions. Currently, the County Board of Supervisors represents the unincorporated area and brings a regional perspective to SANDAG's Board. However, more than half-a-million residents living in the County's unincorporated area do not have a single dedicated representative to present their unique perspective on their behalf.

SANDAG's leadership has stressed its intent to be inclusive for all San Diegans and backed up its interest in social equity by adopting a Commitment to Equity statement to serve as a foundation for the organization's Equity Action Plan. In addition, SANDAG staff shared with the SANDAG Board their goal of ensuring that those who have been traditionally unrepresented should have a seat at the table. These commitments provide an opportunity for all County residents, even those living outside of our cities, to meaningfully participate and be represented in SANDAG's decision-making process.

California law and SANDAG's Board Policy No. 004 permit their board of directors to add advisory members to its governing board to provide beneficial advice and information on matters of interest to the region. The process of adding advisory board members requires interested agencies or groups to meet certain criteria and to take specific actions, including the selection of an individual to represent them as an advisory member of the SANDAG Board.

To enhance the perspective of the current SANDAG Board, we recommend adding an advisory board member who is well versed in the unique challenges and needs of our County's unincorporated communities. This individual can provide the SANDAG Board with insight into the views and interests of our unincorporated area residents and serve as a single dedicated representative and voice for those who reside outside of our region's cities. In addition to supporting the inclusion of an unincorporated area representative on the SANDAG Board, the County can assist with the process to select an individual to fill this role.

Pursuant to SANDAG Board Policy No. 004, an agency or group interested in being represented by an advisory member of the SANDAG Board is required to submit a written request to SANDAG, commit to participating in meetings and be able to agree on the form of representation and who the representative will be. There are eighteen County community planning groups responsible for considering unincorporated area planning and land use-related matters and advising County staff and the Board of Supervisors. Because the community planning group members are elected by their community members to represent their interests, these officials should have a primary role in selecting an advisory member to represent the unincorporated area, if the Board of Supervisors' request to add an advisory member is approved by SANDAG. As County staff

SUBJECT: ADOPTING A RESOLUTION SUPPORTING THE ADDITION OF UNINCORPORATED AREA REPRESENTATION TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS BOARD OF DIRECTORS (DISTRICTS: ALL)

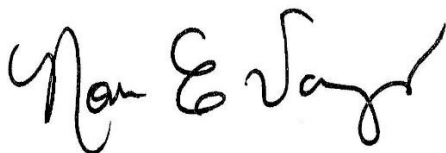
currently play an official role in supporting the community planning groups, it would be appropriate for the County to also assist in the selection of an unincorporated area resident to serve as the advisory member on the SANDAG Board.

We believe the most inclusive, fair and transparent selection process would be similar to that used by the San Diego County Local Agency Formation Commission (LAFCO) to select representatives of the region's special districts. Under this process, nominations would be submitted by community planning groups for a primary member and alternate member to serve on the SANDAG Board. After the nominations are received by County staff and distributed to the community planning groups, County staff will coordinate the selection of the primary and alternate unincorporated area advisory members to serve on the SANDAG Board. The chair/presiding officer of each community planning group will cast one vote for the primary representative and one vote for the alternate representative. The individuals receiving the highest number of votes for each position will be authorized to serve as the non-voting advisory primary and alternate members to the SANDAG Board representing the County's unincorporated area.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed actions support the County's 2023-2028 Strategic Plan Equity (Economic Opportunity) Initiative by dismantling barriers to expanding opportunities in traditionally underserved communities and businesses, especially communities of color and low income. The actions also support this initiative by advancing opportunities for economic growth and development to all individuals and the community. Additionally, the proposed actions support the Community (Engagement) Initiative by inspiring civic engagement, the Community (Communications) Initiative by creating proactive communication, and the Community (Partnership) Initiative by facilitating meaningful conversations, shared programming, potential grant opportunities, or other opportunities to maximize resources through community partnerships to benefit the region.

Respectfully submitted,



CHAIRWOMAN NORA VARGAS
Supervisor, First District



JOEL ANDERSON
Supervisor, Second District

ATTACHMENT(S)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO SUPPORTING THE ADDITION OF AN ADVISORY MEMBER TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS BOARD OF DIRECTORS, DEDICATED TO REPRESENTING THE UNINCORPORATED AREA RESIDENTS OF THE COUNTY OF SAN DIEGO

December 8, 2023

Legislative Status Report

Overview

Status reports on SANDAG legislative activities are provided to the Executive Committee on a regular basis.

Attachment 1 includes a summary from Ellison Wilson, LLC on state legislative activity related to SANDAG for November 2023.

Attachment 2 includes a summary from Peyser Associates, LLC on federal legislative activity related to SANDAG for November 2023.

Action: Information

This report provides an update on SANDAG legislative and policy activities.

Fiscal Impact:

None

Schedule/Scope Impact:

None

Robyn Wapner, Director of Public Affairs

Key Staff Contacts: Hannah Stern, (619) 925-0127, hannah.stern@sandag.org
 Jose A. Alvarez, (619) 361-2803, jose.alvarez@sandag.org
 Hector Vanegas, (619) 699-1972, hector.vanegas@sandag.org

Attachments: 1. Report from Ellison Wilson Advocacy, LLC
 2. Report from Peter Peyser Associates, LLC



TO: SANDAG BOARD OF DIRECTORS
FROM: ELLISON WILSON ADVOCACY, LLC
SUBJECT: SANDAG LEGISLATIVE REPORT – NOVEMBER 2023

Legislative Overview

The Legislature is currently in its Interim Study Recess and will not return to the Capitol until January 3rd, at which time they will commence the second year of the 2023-24 Legislative Session.

Speaker Rivas Selects New Pro-Housing Leadership and Committee Chairs

Since assuming the office of Speaker of the California State Assembly on June 30, 2023, aside from a few reconfigurations, Robert Rivas had been noticeably quiet on any major overhauls to committee chairmanships. Finally, on November 21st, Speaker Rivas announced several significant changes to his leadership team and committees, which will be effective immediately (unless otherwise noted below).

Overall, Speaker Rivas' selections indicate that he is determined to address the state's housing shortage – namely, affordable housing – through the promotion of pro-housing members and demotion of those who are less so.

Of key importance to SANDAG, Speaker Rivas made the following changes:

Assembly Transportation Committee – new Chair Lori Wilson

Assembly Member Lori Wilson (D-Suisan City) will take over as Chair of Assembly Transportation and former Chair Laura Friedman has been removed from the Committee (in most cases, old chairs have been removed from the committees completely so as to not undermine the new chair by influencing committee staff and other committee members). Assembly Member Wilson took over Jim Frazier's seat after his resignation in 2022 (which encompasses Solano County and parts of Contra Costa County, including the city of Oakley, and Sacramento County). She has not previously been a member of the Assembly Transportation Committee and has not authored any significant transportation legislation (last year she introduced an unsuccessful bill to provide tax relief for zero-emission public ferries, as well as a successful effort to regulate commercial nonfranchise solid waste haulers in certain counties.) Before joining the Legislature, Wilson was director of finance for the national homebuilding company, KB Homes.

When asked about her new position, Assembly Member Wilson responded: "Transportation policy should support housing creation, make travel shorter and our quality of life better. It's not doing that well enough right now at all, so I'm going to ask a lot of questions so we can get better answers that deliver better outcomes for Californians."

Assembly Housing and Community Development Committee – new Chair Chris Ward

Assembly Member Chris Ward (D-San Diego) will take over as Chair of Assembly Housing and former Chair Buffy Wicks has been removed from the Committee. Assembly Member Ward has developed a strong pro-housing reputation, including his authorship of last year's AB 68, dubbed the Housing and Climate Solutions Act, which would have prioritized the sustainable development of homes near jobs, schools, transit, and other resources while putting a cap on sprawl across the state. While the bill was unsuccessful, significantly in part due to opposition from builders, his selection as Chair of Assembly Housing suggests Speaker Rivas is supportive of Ward's pro-density position.

Upon his selection as Chair, Assembly Member Ward stated: "As a representative of San Diego where the cost of living has risen dramatically to be the highest in the nation, I hear regularly from constituents the need to be stronger to increase the affordable housing supply throughout California and make the dream of owning a home a reality for working Californians once again. From needs to unlock barriers to housing production, assist local governments in meeting goals, lower the costs associated with new housing, and support renters struggling to keep up, I look forward to the impact our committee can make through our hard work ahead."

Assembly Appropriations Committee – new Chair Buffy Wicks

Assembly Member Buffy Wicks (D-Oakland) has been selected to take over as Chair of the powerful Assembly Appropriations Committee from former Chair Chris Holden on January 22, 2024. Assembly Member Wicks has been an ardent Rivas supporter (and was a thorn at times in the side of former Speaker Rendon), and while she is also pro-housing, her ascent from Chair of the Assembly Housing and Community Development Committee to Chair of the Assembly Appropriations Committee – where virtually every bill with a state cost has to go – is likely a reward for her efforts in securing Rivas' speakership.

Assembly Budget Committee – new Chair Jesse Gabriel

Assembly Member Jesse Gabriel (D-Encino) will take over as Chair of the Assembly Budget Committee (but it appears that long-time Chair Assembly Member Phil Ting will remain on the Committee). The 2023 Budget Act signed by Newsom in June projected a \$14 billion shortfall in the next fiscal year, which begins July 1, 2024.

Assembly Majority Leader – Cecilia Aguilar-Curry

Assembly Member Cecilia Aguilar-Curry (D-Davis) will replace Isaac Bryan as the top lieutenant to Rivas (while Bryan will take over as Chair of the Assembly Natural Resources Committee). In a post-selection statement, Curry said: "I share the Speaker's commitment to collaboration with all of our colleagues in the Assembly, and our partners in the Senate and the Newsom Administration. I stand ready to support him, work for all Californians, and fight for the values of our Assembly Democratic Caucus in this new role."

In regards to Aguilar-Curry, Rivas stated: "The Majority Leader works closely with the Speaker and Speaker Pro Tempore to expedite proceedings and build agreement across our historically large caucus. Cecilia is a trusted friend and colleague who I'm proud to have worked with closely in the past, and has my full confidence for the work ahead. I thank Asm. Bryan for his exceptional work during my transition into the office of Speaker, and look forward to continuing our collaborative work for many years to come."

Peter A. Peyser

November 3, 2023

Transportation Update from Peyser Associates

Senate Clears Transportation Appropriations Bill as House Prepares to Act

The Senate on Wednesday passed its version of fiscal year 2024 appropriations for the Departments of Transportation and HUD by a strong bipartisan vote of 82-15. The “THUD” bill was part of a three-bill package also including the Military Construction-VA and Agriculture-FDA measure. No schedule has been announced for floor consideration.

The House meanwhile put some new energy behind its efforts to pass twelve individual appropriations measures as part of their effort to return to “regular order.” Their version of regular order includes not just the consideration of individual spending bills (i.e not in multi-bill packages) but also allowing for floor consideration of virtually any amendment that is germane to the measure. The result is lengthy floor time consumed by each measure. In order to accommodate this and still make progress, the Speaker kept the House in session until just past midnight last night on the Interior-EPA spending bill as it worked through dozens of amendments. The House will take up that measure again this morning. The Transportation-HUD appropriations bill, originally scheduled for this week, is now scheduled for action next week.

Also this week, the House passed a supplemental appropriations bill to provide \$14.3 billion in aid to Israel and cut a like amount of funding from IRS enforcement. While the inclusion of the IRS cut was billed as a move to “pay for” the Israel spending, the non-partisan Congressional Budget Office estimated on Wednesday that it would actually increase the deficit by \$14.5 billion over ten years because of reduced revenues. Because of the tie to the IRS cut, all but 12 House Democrats voted against the measure, which passed 226-196. President Biden has said he would veto the measure if it arrived on his desk.

Key Senators on a bipartisan basis have expressed strong opposition to the House bill. The Senate appears on track to consider a bill closer to the \$105 billion package proposed by the President that would fund Israel, Ukraine, humanitarian assistance for Gaza and border security. Republicans in the Senate are looking to add immigration policy provisions to the bill. Getting agreement on those provisions may push Senate floor consideration past next week.

Once the Senate acts, the path to final passage will be fraught with difficulty due to the House position that Ukraine aid should wait and aid to Gaza should not be included. That controversy will be playing out as Congress stares down the November 17 deadline for enacting a Continuing Resolution. Given the urgency of both matters, it is possible they will end up combined into one package over the next two weeks.

Washington, DC

FTA Publishes Guidance on Property Transfers for TOD

Last week's report noted the announcement from the White House and Secretary Buttigieg that DOT would be taking steps to promote Transit Oriented Development, especially for affordable housing. The FTA on Tuesday took one of those steps by releasing new interim guidance on how transit agencies can transfer surplus property to local governments, non-profits or for-profit developers for Transit Oriented Development and affordable housing.

National Transit Database Report for FY 2022 Released

FTA this week released its annual report of information reported by transit agencies to the National Transit Database. Here are some interesting data points from the report:

- Ridership nationwide was up 33% from FY 2021, but still 40% below the FY 2019 figure.
- The New York-NJ region accounted for 47% of national ridership.
- The remaining 7 of the UZA's identified as the "Big 8" accounted for 26% of the national total. Those regions include LA, Chicago, Philadelphia, DC, Boston, Seattle and the Bay Area.
- Transit operations nationwide were funded 40% by the Federal Government, 22% by states, 21% by local governments and 24% from the farebox. For FY 2019, those figures were 7% Federal, 23% states, 34% local and 36% farebox. This demonstrates the impact of the COVID aid packages on transit operations funding nationwide.

November 10, 2023

Transportation Update from Peyser Associates

House Fails to Clear Transportation-HUD Appropriations Bills

Over more than two centuries, the House of Representatives developed a process for the leadership to decide how many and what kind of amendments can be offered when a bill comes to the House floor. The process recognizes that in a body of 435 Members it is impractical to allow for a large number of amendments to be considered on the floor – especially on complicated government agency funding bills. Committees and subcommittees that specialize in the subject matter of the legislation are given the responsibility to dig into the details and make judgments on spending allocations for specific programs. Typically, leadership would then use the Rules Committee to set the rules for floor debate and allow for only a small number of major amendments to be offered. This is what has normally been considered part of the "regular order" of legislative procedure.

This week, we saw what happens when this long-established process breaks down. Continuing a commitment made by former Speaker Kevin McCarthy (R-CA) made to help secure the votes he needed in January to become Speaker, new Speaker Mike Johnson (R-LA) allowed for 74 amendments to be offered on the Transportation-HUD Appropriations bill that came to the floor

on Monday. During consideration of amendments, some of the House approved amendments by voice vote included the following:

- Prohibit funding for Transit Oriented Development
- Provide that the Secretary of Transportation may only travel in economy class on a commercial flight when he travels by air.
- Prohibit the purchase or lease of a vehicle for the use of the Secretary of Transportation
- Prohibit implementation of Biden Administration Executive Orders to encourage development of clean cars and trucks and clean energy industries.
- Prohibit funding for the Charging and Fueling Infrastructure Program

The House rejected by voice vote an amendment offered by Rep. Scott Perry (R-PA) to eliminate funding for the FTA Capital Investment Grant program. They also rejected on a vote of 125-297 a Perry amendment to eliminate Amtrak National Network Funding. An amendment offered by Rep. David Schweikert (R-AZ) to reduce all funding in the bill to FY 2019 levels was also rejected by a vote of 133-299.

When the House completed its action on amendments to the THUD appropriations bill, the Speaker decided to pull it from the floor because he did not have the votes to get it passed. There is still a small group of moderate GOP Members not prepared to vote for a bill that contains the deep cuts to Amtrak spending included in the measure. The same fate awaited the Financial Services – General Government Appropriations bill which came to the floor after THUD.

The House's failure to pass these two usually non-controversial bills, points out the stiff challenges Speaker Johnson faces in meeting his pledge to pass 12 individual spending bills this Fall so that the House has a strong negotiating position with the Senate and the Administration when the fiscal year 2024 appropriations process reaches its endgame. At the close of the week, the House had passed seven bills and the Senate three. It is unlikely further progress will be made before Thanksgiving since next week will be consumed by work on a Continuing Resolution to keep the government open.

No Clear Path Forward on Stopgap Measure to Avoid a Shutdown

With one week to go before the expiration of the current Continuing Resolution, the House and Senate have no agreed-upon plan for advancing a new one.

On the House side, Speaker Johnson has pledged to announce today his proposal for a Continuing Resolution. He has been discussing with his caucus a variety of options, including an exotic one of a “laddered” CR where spending for agencies would lapse at different times over the course of the term of the CR. As this is written, it is unclear what the terms of the resolution will be in relation to its duration or the degree spending cuts will be included. It does appear that Speaker Johnson's caucus is prepared to give him much more latitude to choose a course and gain the support he needs to pass it. However, passing it through the House does not mean it will be sent to the President's desk without another vote on a bill acceptable to the Senate.

For its part, the Senate appears poised to pass a relatively clean CR into mid-December or early January with no funding cuts. An effort over the past two weeks to package a CR with a Ukraine-Israel-Border supplemental funding bills faltered this week among disagreement in the Senate over the border funding and policy portion of that package.

Next week is likely to feature an attempt on Tuesday in the House to pass a CR followed shortly by Senate action on their version. After that, it's anybody's guess what transpires. A shutdown for Thanksgiving week and beyond could be on the table or a two-week CR to buy some more time. Predictions are futile.

November 17, 2023

Transportation Update from Peyser Associates

Government Shutdown Averted – Appropriations Process Stalls

This was a good news/bad news week in the world of federal budgeting. The good news is that Congress passed a Continuing Resolution without budget cuts or significant policy changes that will keep the entire government open until January 18, when part of it – including part of the Department of Transportation – will shut down in the absence of further appropriations. The bad news is that the House's difficulties in passing appropriations bills deepened during the week.

The passage of the CR by a broad bipartisan majority in both Houses was a welcome development. After House Speaker Mike Johnson (R-LA) announced last Saturday his plan for the “laddered” end dates for funding government agencies in a “clean” CR (i.e. one with no funding cuts or policy provisions) most House Republicans indicated they would support it and Democratic leaders, who had previously expressed opposition to the novel structure of the package, swung in behind it as well. The result was a vote of 336-95 in the House and an 87-11 vote in the Senate.

While these votes appear to indicate strong support for the Speaker's plan, the details of the House vote reveal the depth of the problem the Speaker will have in proceeding with fiscal 2024 appropriations bills. Of the 95 votes in opposition to the CR in the House, 93 of them were GOP Members. Given that the Speaker only has 4 votes to spare on any bill that lacks Democratic support, these 93 Members represent a rich vein of opposition to spending bills that can be mined by those seeking to enact bills with far-right policy positions and deep cuts.

The difficulties in proceeding to pass full-year spending bills were on full display after Tuesday's vote on the CR. On Tuesday and Wednesday the following actions took place (or didn't):

- The House completed work on amendments to the Labor-HHS-Education appropriations bill and then Speaker Johnson pulled it from the floor due to lack of support to pass it.
- The House rejected the Rule for debate on the Commerce-Justice Appropriations bill when 18 GOP Members voted against it in protest to the CR that had passed previously.
- The Speaker was unable to gain the necessary support to bring the Transportation-HUD bill back to the floor.

After the failure of the vote on the Rule for the Commerce-Justice measure Speaker Johnson threw in the towel for now and released the House on Wednesday – a day earlier than planned -

-for the Thanksgiving break. The next ten days will give him time to devise a new strategy for moving forward.

One tool Speaker Johnson says he is removing from his tool chest is a further CR. He said this week he would not support another one. The enactment this week of a CR that goes beyond January 1 means that, under the provisions of the Fiscal Responsibility Act passed last Spring, a full-year CR with a 1% cut in non-mandatory spending will take effect on April 30 unless all 12 full-year appropriations bills are passed by that date

Of course, passage in the House is only one step in the appropriations process. Another is passage in the Senate of their versions of these measures. While the Senate has, as is its wont, been slow to move on spending bills, the table is set for votes in December on a series of “minibus” appropriations bills that could result in that body completing action on all 12 measures by the end of the year. The final step in the process – agreement between the House and Senate – will be a gargantuan task, given the likely differences between the two bodies if they can both manage to pass bills. If Speaker Johnson holds to his No-CR position, a partial government shutdown beginning on January 18 and deepening on February 2 is very much a possibility.

FTA Releases NOFO for Grants to Support Mobility for Seniors, Disabled and Low-Income Riders

The FTA on Wednesday published a NOFO for the Innovative Coordinated Access and Mobility Pilot Program (ICAM). The purpose of grants under this program is to improve coordination of transportation and Non-Emergency Medical Transportation services. FTA will award \$4.7 million in FY 23 funds under this NOFO and, if they are appropriated before the award date, an additional \$4.8 million FY 24 funds.

Applications are due on February 13, 2024.

December 8, 2023

Amendments to Bylaws and Board Policies

Overview

At its [meeting on November 3, 2023](#), the Executive Committee considered proposed amendments to its Bylaws and Board Policies aimed at ensuring consistency with current law, agreements, or requirements; helping to clarify or improve agency operations; and improving and/or implementing current SANDAG policies and procedures. Those potential amendments are reflected in redline in Attachments 1 through 9. In addition, the Executive Committee considered various changes to Board Policy No. 039 recommended by the Audit Committee. Members of the Executive Committee expressed the desire that the agency's new Independent Performance Auditor have an opportunity to review and consider proposed amendments to Board Policy No. 039. The Chair of the Audit Committee, with the concurrence of the Independent Performance Auditor, has requested that this policy be brought back to the Committee at a later date with further input from the IPA.

Action: **Discussion/Possible Action**

The Executive Committee is asked to consider the amendments to the Bylaws and Board Policies.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.

Key Considerations

Prior to considering a recommendation to the Board of Directors, the Executive Committee requested additional analysis of certain items, which is provided below.

Rules of Procedure for Board of Directors, Policy Advisory Committees and Other Legislative Bodies

Proposed updates to Board Policy 4 (Attachment 3) include the addition of rules of decorum for Board and Policy Advisory Committee meetings. In an effort to ensure the safety of agency staff, there was a request for analysis to consider applying the same or similar rules to SANDAG-sponsored events and activities.

Recent changes to the Brown Act (SB 1100, 2022) provide legislative bodies clear authorization to restore order to meetings in the event of actual disruptions that are disturbing, disrupting, impeding or rendering infeasible the orderly conduct of a meeting and, thereby, preserve the rights of other members of the public to participate in the meeting. The legislative body may enforce this requirement of the Brown Act by adopting reasonable and lawful regulations regarding conduct which will be deemed to be disruptive. Gov. Code section 54957.95. The proposed amendments to Board Policy No. 004, section 3.9 seek to establish these rules of conduct.

The legislation permitting public agencies to establish rules of conduct is specific to public meetings of a legislative body conducted under the Brown Act. For events and activities that are not a public meeting of a legislative body, the agency may still impose reasonable "time, place and manner" restrictions on members of the public attending events and activities, so long as they do not relate to the content or viewpoint of the speech or activity. Staff have prepared for the Committee's consideration proposed rules of decorum for SANDAG-sponsored events and activities, which are reflected as an addition to Board Policy No. 025: Public Participation Policy, section H. (Attachment 7.)

SANDAG Bylaws

There was a request for additional information regarding the authorities of the Board Chair under Article V, Section 2 of the SANDAG Bylaws. The Board has implemented this provision through its Bylaws and Policies by delegating certain authorities to the Board Chair, described generally as follows:

- Select the Chair and Vice Chair of Policy Advisory Committees (Bylaws, Art. III, section 3; Board Policy 2, section 6)
- Act on behalf of the Executive Committee if timing requires, with concurrence of the First and Second Vice Chairs (Board Policy 1, section 3.1.15)
- Approve the delegation of any functions not already delegated to a Policy Advisory Committee on a one-time basis upon request by the Chief Executive Officer (Board Policy 1, section 1)
- Make subregional appointments should the subregion fail to do so (Board Policy 2, section 4.4)
- Serve as an Ex Officio member on any Policy Advisory Committee (Board Policy 2, section 3)
- Determine the time allotted for public comment (Board Policy 4, section 3)
- Appoint members of the Board or the CEO to act as a public meeting officer (Board Policy 4, section 3.4)
- Grant the request of an agency/group for a temporary advisory seat to participate in a specific Board or PAC agenda item (Board Policy 4, section 5.2.2)
- Authorize staff to create new committees upon request of the CEO (Board Policy 4, section 7.6)
- Make changes to the Chair or Vice Chair of any legislative bodies other than PACs (Board Policy 4, section 7.9)
- Consider sponsorship requests of \$5,000 or less (Board Policy 5)
- Approve proclamations or certificates of appreciation, subject to certain criteria (Board Policy 6)
- Decide which Board and Committee members should attend conferences and meetings (Board Policy 11)
- Approve contract amendments that will cause a project budget to be changed in an amount exceeding \$300,000 when waiting for Board approval could potentially delay a project or increase the cost of the change (Board Policy 16, section 12.2)
- With the CEO, modify an agenda modify the Board of Directors meeting agenda regarding issues that arise after the most recent Executive Committee (Board Policy 17, section, 4.14)
- Recommend to the Board the members to serve on the Audit Committee (Board Policy 39, section 4.1.1)
- Select participants to serve on the Audit Committee member selection panel, subject to Board confirmation (Board Policy 39, section 4.2.3)

Finally, the Board has also delegated to the Chair the more general power to “preside over Board and committee meetings and have general supervision of Board and committee affairs.” (Bylaws, Art. V, section 1).

Next Steps

Staff will return to the Executive Committee to address additional requested revisions, if any. The Executive Committee could also consider a recommendation to the Board of Directors of some or all of the proposed amendments.

John Kirk, General Counsel

Key Staff Contact: Amberlynn Deaton, (619) 595-1405, Amberlynn.Deaton@sandag.org

Attachments:

1. Bylaws
2. Board Policy No. 002: Policy Advisory Committee Membership
3. Board Policy No. 004: Rules of Procedure for Board of Directors, Policy Advisory Committees and Other Legislative Bodies
4. Board Policy No. 005: Sponsorship of Events
5. Board Policy No. 007: Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) Programs
6. Board Policy No. 008: Legal Matters
7. Board Policy No. 025: Public Participation Policy
8. Board Policy No. 026: Public Safety Policy Advisory Committee
9. Board Policy No. 028: Asset Ownership and Disposition

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 the San Diego Regional Transportation Consolidation Act (the "Act"¹), 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. "Board Member" shall mean a voting member of the Board of Directors.
- b. "Region" shall mean that territory physically lying within the boundaries of San Diego County.
- 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.
- d. "Member Agencies" shall mean the cities within San Diego County and the County of San Diego collectively.
- e. "Subregion" shall mean one of the following six geographic areas: San Diego County; the City of San Diego; "North County Coastal," which includes the cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; "North County Inland," which includes the cities of Vista, San Marcos, Escondido, and Poway; "South County," which includes the cities of Chula Vista, National City, Imperial Beach, and Coronado; and "East County," which includes the cities of El Cajon, Santee, La Mesa, and Lemon Grove.

¹ Public Utilities Code §132350 *et seq.*

ARTICLE III
MEMBERSHIP AND ORGANIZATION

Section 1

Membership in this organization shall be as provided in state law, Board Policies, and these Bylaws.

Section 2

- a. All powers of SANDAG 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 SANDAG Clerk of the Board by each participating Member Agency.

Section 3

There shall be at least six standing committees which shall be known as Policy Advisory Committees with the membership set forth in the Act or Board Policy.

- a. The procedure for subregional appointments to the Policy Advisory Committees shall be established by Board policy. In the case of the subregional appointments, the policy shall ensure a noticed, formal process wherein all Board Members (including alternates) from each subregion are provided an opportunity to participate in the selection process. Each subregion shall ensure that SANDAG staff is notified of the date, time, and location for that subregion's meeting. After the meeting for each subregion is set by the primary Board Members, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection by January 31. An alternate member may vote in the absence of the primary member. In appointing persons to the Transportation Committee, to the extent possible, the subregions and other agencies should avoid duplication of representation from any city other than the City of San Diego.
- b. Procedures for Policy Advisory Committee attendance and voting shall be established by Board policy. The policy shall ensure the formal delineation of the voting membership at each meeting.
- c. The Board Chair, First Vice Chair and Second Vice Chair may serve as ex-officio, non-voting members of the Policy Advisory Committees.
- d. The Board Chair shall select the Chair and Vice Chair of all Policy Advisory Committees except the Executive Committee and Audit Committee, annually in or around February.
- e. The Board Chair shall serve as the chair of the Executive Committee. The Board First Vice Chair shall serve as the First Vice Chair of the Executive Committee. The Board Second Vice

Chair shall serve as the Second Vice Chair of the Executive Committee.

- f. The Chair and Vice Chair of the Audit Committee shall be selected as set forth in Board Policy No. 039.

Section 4

The Board of Directors or a Policy Advisory Committee with delegated authority shall have the authority to appoint all additional committees or working groups and may provide for the appointment of alternates to these committees if permitted by a Board Policy.

- a. Additional Policy Advisory Committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.
- b. Ad hoc specialized subcommittees or working groups may be appointed by the Board of Directors as the need arises to accomplish specific tasks. The Policy Advisory Committees may appoint working groups to advise them. Upon completion of its assignment, each ad hoc subcommittee or working group shall disband.

Section 5

In addition to any compensation mandated by state law for Board meetings, the rates below shall apply. Persons must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation.

- a. For attendance by Board Members, or alternates in their absence, at Board meetings or Board subcommittee meetings, \$150 per meeting.
- b. For attendance by all voting members and their alternates of a Policy Advisory Committee, \$100 per meeting.
- c. For attendance by Board Members and alternates, or advisory Board members when serving as a chair of a Working Group, \$100 per meeting.
- d. The limit on the total number of paid Board, Policy Advisory Committee, and Working Group meetings is six meetings per individual per month. In no event shall a member of a Policy Advisory Committee or Working Group receive more than one stipend for attendance at a concurrent meeting.
- e. The Chair of the Board shall receive additional monthly compensation of \$700 per month, which shall include compensation for attendance at one in-person staff briefing per scheduled meeting of the Board. Any additional meetings or events attended in-person by the Chair of the Board shall be compensated in accordance with the requirements of Article III, section 5(g).
- f. Both the First Vice Chair and Second Vice Chair of the Board shall receive additional monthly compensation of \$350 per month, which shall include compensation for attendance at one in-person staff briefing per scheduled meeting of the Board. Any additional meetings or events attended in-person by the Vice Chair of the Board shall be compensated in accordance with the requirements of Article III, section 5(g).

g. For attendance by Board Members at meetings or events other than those described above when serving as an official representative of SANDAG or from which SANDAG will, at the discretion of the Chair of the Board, derive a specific benefit through the in-person attendance of a representative, \$100 per each day of the meeting or event in which business is conducted if within the County of San Diego, or \$150 per each day of the meeting or event in which business is conducted if outside of the County of San Diego. Ethics training and similar classes of an educational nature shall not constitute an event for which compensation will be paid unless the Board Member is attending the training as an official representative of SANDAG.

g.h. For attendance at any Board, Policy Advisory Committee, and when serving as Chair of Working Group meetings, or when serving as an official representative of SANDAG in accordance with Article III, section 5(g), members shall be reimbursed for the cost of operating their personal automobiles at the prevailing rate established by the Internal Revenue Service or, for those members not otherwise eligible for a transit pass, the cost of a roundtrip transit ticket from the transit station nearest their jurisdiction's usual place of business to the location of the meeting or event.

ARTICLE IV MEETINGS

Section 1

- a. A quorum for a meeting of the Board of Directors shall be as provided for in Section 5 of this Article.
- b. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. A simple majority of the appointed members of a committee shall constitute a quorum. All decisions by a committee shall be by simple majority of the quorum.

Section 2

Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order except as otherwise modified by state law, Board Policy, or these Bylaws. SANDAG shall forward notice of the meetings of the Board of Directors and each Policy Advisory Committee, stating the time, location, and the agenda of business to the respective members and alternates of the Board of Directors or the Policy Advisory Committees, at the earliest time possible, but in no event less than 72 hours prior to meetings, except that such written notice of regular Board of Directors' meetings may be forwarded by first class mail or other appropriate means not less than seven days prior to such meeting.

Section 3

All meetings of a SANDAG legislative body, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code). Closed session items should be heard by the Board of Directors unless timeliness requires consideration by the Executive Committee or, for

transportation matters the Transportation Committee. The Audit Committee may hold closed sessions on matters within its purview. In any event, the Transportation Committee is authorized to convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation. The Transportation Committee will report real property transaction purchase amounts at the next regular meeting of the Board occurring after final execution of the purchase documents.

Section 4

The Board and committees shall meet according to the following schedule:

- a. The Board of Directors and Policy Advisory Committees shall hold their regular meetings on Fridays unless otherwise determined from time to time by the Board of Directors or

Policy Advisory Committee. Regular meetings of the Board of Directors shall be held on the second and fourth Friday mornings of the month at the SANDAG offices 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 (Sections 132351.2 and 132352.1 of the Public Utilities Code)

- a. There are 19 Member Agencies on the Board and a majority of the Member Agencies constitutes a quorum for the transaction of business. In order to take final action on any item, except the final vote(s) electing the Chair and First Vice Chair of the Board, which shall require use of the weighted vote procedure as described below in subsection b, a majority vote of the Board Members present on the basis of one vote per agency (tally vote) is required. After the tally vote of the Board Members is taken, a weighted vote may be called by the Board Members of any two Member Agencies unless otherwise required by law. Approval under the weighted vote procedure requires the vote of not less than four Board Members representing separate Member Agencies and not less than 51 percent of the total weighted vote to supersede the original action of the Board.
- b. The election of the Chair and First Vice Chair of the Board shall require use of the weighted vote procedure set forth in Public Utilities Code Section 132351.2(e) without a prior tally vote requirement. In the event approval using the procedure in Public Utilities Code Section 132351.2(e) cannot be obtained to allow final action on the election, one or more preliminary votes may be taken using the tally vote method in order to narrow the options sufficiently to obtain approval on the final action as required by Public Utilities Code Section 132351.2(e).
- c. The City and County of San Diego shall each determine how to allocate their tally vote between their two members by resolution and shall provide their resolutions to the SANDAG Clerk of the Board. The City and County of San Diego shall allocate their weighted votes equally.
- d. For the weighted vote, there shall be a total of 100 votes, except additional votes shall be

allowed pursuant to subdivision (h). Each Member Agency 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 50 votes, and there shall be no fractional votes in the allocation of votes to each Member Agency:

- (1) If any agency has 50 percent or more of the total population of the San Diego County region, allocate 50 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 50 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 50, drop all fractions and the whole numbers are the votes for each Member Agency.
 - (D) If the answer to subparagraph (B) is less than 50, the remaining vote(s) is allocated one each to the Member Agency having the highest fraction excepting those whose vote was increased to one pursuant to subparagraph (B) above.
 - (E) If the answer to subparagraph (B) is more than 50, the excess vote is taken one each from the Member Agency with the lowest fraction. In no case shall a Member Agency's vote be reduced to less than one.
- (3) Total the population determined in paragraph (1) and compute the percentage of this total that each Member 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 Member Agency.
 - (C) If the answer to subparagraph (A) is less than 100, the remaining vote(s) is allocated one each to the Member Agency having the highest fraction excepting those whose vote was increased to one pursuant to subparagraph (A) above.
 - (D) If the answer to subparagraph (A) is more than 100, the excess vote(s) is taken one each from the agency with the lowest fraction. In no case shall a Member Agency's vote be reduced to less than one.
- e. 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.
- f. The weighted vote formula shall be recomputed in the above manner every July 1.
- g. For purposes of subsection d, the population of the County of San Diego is the population in the unincorporated area of the county. In those years when the primary representative of the San Diego County Board of Supervisors to the SANDAG Board of Directors is from a district that is substantially an incorporated area, a supervisor who represents a district that is substantially an unincorporated area shall be appointed to the Board as the secondary

representative. Alternatively, in those years when the primary representative of the San Diego County Board of Supervisors is from a district that is substantially an unincorporated area, a supervisor who represents a district that is substantially an incorporated area shall be appointed to the Board as the secondary representative.

- h. Any newly incorporated city shall receive one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote formula, at which time the new agency shall receive votes in accordance with the recomputed formula. Until this recomputation, the total weighted vote may exceed 100.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 1

The Board of Directors shall have as officers a Chair, First Vice Chair and Second Vice Chair who are primary members of the Board. Policy Advisory Committees shall have as officers a Chair and Vice Chair, who are primary or alternate members of the Board and primary members of their respective committees. The Executive Director shall be the Secretary of the Board and each Policy Advisory Committee.

- a. The Chair shall preside over Board and committee meetings and have general supervision of Board and committee affairs. The Chair shall sign all official documents when directed to do so by the Board and committees respectively.
- b. The First Vice Chair shall perform the duties of the Chair in his or her absence and perform any duties that the Chair may require. The Second Vice Chair shall perform the duties of the First Vice Chair in his or her absence and perform any duties that the Chair may require.
- c. In the event of the absence of all officers of the Board, the Immediate Past Chair may preside or the Board Chair may appoint a voting member of the Board or committee in advance to act as acting chair of the body for that meeting.

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 every two years during a regular meeting on or before January 15. A majority of the Board Members may approve variations to the schedule in this Section in the event of a vacancy or other exigency. All officers of the Board shall be from different subregions. Officers for the Board of Directors shall be elected in the following manner:

- a. Nominations for any office may be made by Board Members at the election meeting.

Only candidates who are primary members nominated from the floor on the day of election will be considered for office.

- b. Nominations shall take into account the nominee's availability, experience, skills, geographic diversity, and the benefits associated with having the First Vice Chair succeed the outgoing Chair and the Second Vice Chair succeed the outgoing First Vice Chair.
- c. The Chair and First Vice Chair shall be elected pursuant to the weighted vote process set forth in Article IV, Section 5(b) of these Bylaws.
- d. All officers shall be elected for a term(s) of two years or until their successors are elected. They shall begin their term of office immediately following the election.
- e. In the event that the Board Member who has been elected Chair, First Vice Chair or Second Vice Chair is no longer a primary member of the Board of Directors, the office shall be considered vacant.
- f. Any vacated officer position may be filled at the next regular Board meeting by nominations from the floor, and the election shall be carried out pursuant to the voting procedure otherwise applicable to the vacated officer position.

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 and shall be permitted to utilize the title of Executive Director and/or Chief Executive Officer interchangeably with equal force and effect. The Executive Director shall have charge of all projects and property of SANDAG. The Executive Director and if she or he is an employee, the independent performance auditor, 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.
- b. The Executive Director will be responsible to the SANDAG Board of Directors as set out in Board Policies and administrative policies and manuals 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; (5) execution of the adopted personnel, purchasing, and budgetary systems; and (6) development of a recommended administrative policy that includes a process to conduct staff performance evaluations on a regular basis to determine if the knowledge, skills, and abilities of staff members are sufficient to perform their respective functions, and which is brought to the Board for review on an annual basis.
- c. Any additional staff support services provided by Member Agencies or others shall be coordinated by the Executive Director.
- d. The Executive Director is hereby enabled to develop and maintain an Employee Handbook, as well as all other administrative policies governing the administrative procedures of SANDAG, and to administer SANDAG's personnel system in accordance therewith.

- e. 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. In addition to any applicable employment contract provisions, the Executive Director shall carry out his or her duties consistent with the requirements of the Bylaws, Board Policies, Employee Handbook and other administrative policies of SANDAG, listed in the stated order of precedence.

ARTICLE VI FINANCIAL

Section 1

The Board of Directors shall consider a draft budget for approval no later than April 1 of each year, and again during the month of May. Upon initial consideration, the Board of Directors may approve the draft budget as presented, or direct staff to either make specified revisions to the draft budget or provide the Board with additional information regarding projected revenues or proposed expenditures in the draft budget. After approval of a draft budget, the Board of Directors shall adopt a final budget no later than June 30 of each year. A copy of the draft 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, who shall be permitted to use the title of Chief Financial Officer with equal force and effect, 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 shall issue a Comprehensive Annual Financial Report by December 31 after the close of each fiscal year and a copy shall be provided to each of the 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 SANDAG. 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 \$300,000 to the Executive Director, subject to increase by Board action, or as may be modified in Board Policy No. 017 concerning delegation of authority to the Executive Director.
- b. Up to \$500,000 to the Executive Committee for any item, subject to increase by Board action.
- c. Up to \$500,000 to the Transportation Committee for transportation items, subject to increase by Board action.
- d. Up to \$500,000 to the Public Safety Committee for ARJIS and Criminal Justice Division items, subject to increase by Board action.
- e. The Executive Director, Executive Committee, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Board of Directors at least quarterly.

Section 6

The amount budgeted for Member Assessments related to Criminal Justice database access shall be as adopted by the Board of Directors and divided among the Member Agencies using a formula based on population. 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.

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, SANDAG 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 SANDAG that requires implementation should include designation of the agency or agencies directly responsible for such implementation.

Section 5

The general and specific references to the construction authority of SANDAG in SB 1703 shall be interpreted as applicable solely to its responsibilities for project development and construction of transit projects which were previously within the purview of the transit development boards and are consolidated under the authority of SANDAG.

ARTICLE VIII INFORMATION AND EVALUATION

Section 1

- a. SANDAG shall disseminate information concerning its work program and activities. The required information system should be organized and categorized so that it will continue to allow full and efficient use of information by the public and private sectors.
- b. Adequate provision for public 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 SANDAG's goals, purpose, structure, and performance, directed toward continually improving the planning, coordination, and implementation process.

ARTICLE IX AMENDMENTS

Section 1

The Board of Directors shall be responsible for making all amendments to these Bylaws.

- a. Proposed amendments may be originated by the Board of Directors, the Executive Committee, or any member of the Board of Directors.
- b. Prior to being taken to the Board of Directors for approval, proposed amendments should be taken to the Executive Committee preliminarily for review and discussion and then brought to the Executive Committee at a subsequent meeting for a recommendation for

approval to the Board.

- c. A copy of any proposed amendments shall be forwarded by the Clerk of the Board to the official representative of each Member Agency, his or her alternate and the Member Agency itself, at the same time as the proposed amendments are mailed as a report attachment to the agenda for the preliminary Executive Committee meeting referred to in subsection b of this section.
- d. Amendments to these Bylaws (except those provisions mandated by state law) shall require the vote of a majority of the Member Agencies using the voting process described in Article IV, Section 5(a) of these Bylaws.

Adopted July 2003 by the SANDAG Board of Directors
Revised November 2003 by the SANDAG Board of Directors
Amended November 2004 by the SANDAG Board of Directors
Amended January 2006 by the SANDAG Board of Directors
Amended July 2007 by the SANDAG Board of Directors
Amended December 2008 by the SANDAG Board of Directors
Amended January 2010 by the SANDAG Board of Directors
Amended March 2014 by the SANDAG Board of Directors
Amended November 2014 by the SANDAG Board of Directors
Amended December 2015 by the SANDAG Board of Directors
Amended January 2017 by the SANDAG Board of Directors
Amended February 2018 by the SANDAG Board of Directors
Amended January 2019 by the SANDAG Board of Directors
Amended April 2020 by the SANDAG Board of Directors
Amended February 2021 by the SANDAG Board of Directors
Amended June 2021 by the SANDAG Board of Directors
[Amended 2023 by the SANDAG Board of Directors](#)



BOARD POLICY NO. 002

POLICY ADVISORY COMMITTEE MEMBERSHIP

1. Membership

- 1.1 Executive Committee: Six members to include a Board member from each subregion
(South County, East County, North County Coastal, North County Inland, City of San Diego, County of San Diego).
 - 1.1.1 Alternates may be the second City of San Diego Board member or alternate, the second County of San Diego Board member or alternate, and alternates elected from each subregion who shall be primary members of the Board.
 - 1.1.2 Any Chair of any other Policy Advisory Committee (PAC) who is not otherwise a member of the Executive Committee shall serve as an advisory, non-voting member of the Executive Committee.
- 1.2 Transportation Committee: Ten members to include a Board member or alternate from each subregion, and a member of NCTD, MTS, the Airport Authority and San Diego Unified Port District appointed by the governing body of those agencies. There may be ten alternates chosen in the same manner.
- 1.3 Regional Planning Committee: Six members to include 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 Board member or alternate from each subregion, and a mayor, council member, or supervisor from the County of Imperial. There may be seven alternates chosen in the same manner.
- 1.5 Audit Committee: Five voting members appointed by the Board of Directors. Two of the members shall be board members or alternates and three shall be members of the public. There may be alternates chosen as described in Board Policy No. 039: Audit Policy Advisory Committee and Audit Activities.
- 1.6 Public Safety Committee: Six members to include a Board member or alternate from each subregion. The six Associate Member organizations taking part in this committee shall have the following representation: two members from the Chiefs'/Sheriff's Management Committee, a member selected by the County Sheriff, a member representing the San Diego County District Attorney's Office, a member from regional Fire/Emergency Medical Services, and a member representing the City of San Diego Police Chief. In addition, there will be eight nonvoting Advisory Members selected as follows: two persons selected by the Federal Justice Agencies Association, one person selected from San Diego County Public Safety Group Criminal Justice Association, a member of the Regional Homeland Security Committee, a member selected by the California Highway Patrol State Public Safety Agency Association, one person selected by the Regional Transit Agencies, one

person selected by the Department of Defense, and one representative of the Southern California Tribal Chairmen's Association. There may be alternates chosen in the same manner.

2. Limitation on Committee Memberships

No Board member or alternate may serve as the primary member of more than two PACs at any one time, except those Board members serving on the Audit Committee. 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, First Vice Chair, and Second Vice Chair may serve as ex officio members on any of the PACs. Unless otherwise stated in a Board Policy or Board action applicable to a particular committee, all ex officio members on SANDAG's Board or committees shall be nonvoting members.

4. Appointments for PACs Other Than the Audit Committee

4.1 Public Agencies

- 4.1.1 The mayor and council of the City of San Diego and the governing body of each of the other member agencies will make their appointments to the Board annually by January 10, and when vacancies occur. Each member agency shall confirm the appointment of its primary and alternate Board members by sending a written letter to the SANDAG Clerk of the Board. All such appointments shall go into effect immediately following approval by the member agency's governing body.
- 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 primary member on each PAC and one or more to serve as an alternate to each PAC. At the time this notice is given, all primary and alternate Board members will be provided with an attendance record for all primary and alternate members currently serving on the Board or a PAC. Each subregion shall ensure that SANDAG staff is notified of the date, time and location for that subregion's meeting. After the meeting is set by the primary members of each subregion, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection. An alternate member may vote in the absence of the primary member. The Chair shall be sent a letter from the subregion's representatives informing him/her of the names of the persons who have been selected for appointment to each PAC. Appointments will be made by January 31 or as vacancies occur. Appointments shall go into effect immediately upon approval by the subregion.

4.2 Associate Members

In addition to the members appointed pursuant to Section 4.1, the Public Safety Committees shall have voting members appointed from the organizations listed below by their respective appointing authorities by

January 31 of each year:

- 4.2.1 Chiefs'/Sheriff's Management Committee – 2 voting members
- 4.2.2 County Sheriff – 1 voting member
- 4.2.3 San Diego County District Attorney's Office – 1 voting member
- 4.2.4 Regional Fire/Emergency Medical Services – 1 voting member
- 4.2.5 City of San Diego Police Chief – 1 voting member

4.3 Advisory Members

In addition to the voting members appointed pursuant to Sections 4.1 and 4.2, the Public Safety Policy Advisory Committee shall have the following nonvoting members appointed from the following organizations by their respective appointing authorities by January 31 of each year:

- 4.3.1 County ~~of San Diego Public Safety Group~~Criminal Justice Association – 1 advisory member
- 4.3.2 Federal Justice Agency ~~Association~~ (Seat A rotates between the U.S. Attorney's Office, Transportation Security Administration, and U.S. Customs and Border Protection and Seat B rotates between the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshal) – 2 advisory members
- 4.3.3 Regional Homeland Security Committee (primary seat rotates between City of San Diego's Office of Emergency Services and County of San Diego's Office of Emergency Services) – 1 advisory member
- 4.3.4 ~~California Highway Patrol~~State Public Safety Agency Association – 1 advisory member
- 4.3.5 Regional Transit ~~Agencies~~Services (primary seat rotates between MTS and NCTD) – 1 advisory member
- 4.3.6 Department of Defense (primary seat rotates between Navy Region Southwest and U.S. Marine Corps) – 1 advisory member
- 4.3.7 Southern California Tribal Chairmen's Association – 1 advisory member.

4.4 Failure to Appoint

If any subregion fails to make an annual appointment to a PAC by January 31 or within three weeks of mailing of the notice to proceed to appoint to fill a vacancy, the Chair of SANDAG shall make the appointment. If any organization referred to in Sections 4.1, 4.2 or 4.3 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 PACs, other than the Executive Committee and Audit Committee, shall be appointed by the Board Chair in February or as vacancies occur. The officers of the PACs (except for the Executive Committee, whose officers are dictated by the Bylaws, and the Audit Committee, whose officers are dictated in Board Policy No. 039) can be primary or alternate members of the Board but must be primary members of the PAC they will chair. The appointment shall go into effect immediately unless otherwise directed by the Board Chair.

The Board Chair shall serve as the Chair of the Executive Committee. The First Vice Chair of the Board shall serve as the First Vice Chair of the Executive Committee. The Second Vice Chair of the Board shall serve as the Second Vice Chair of the Executive Committee.

7. Attendance

- 7.1 Primary and alternate members are strongly 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 nonvoting alternates in attendance may participate in Committee discussion but shall not be authorized to act on any item.
- 7.2 Board alternates selected to chair a Policy Advisory Committee are strongly encouraged to attend all Board meetings to represent their committee and provide information to the Board concerning actions taken at the committee meetings.
- 7.3 If an organization with voting rights or a subregion is unrepresented at three Committee meetings during the term described in Section 4 of this Policy, a letter will be sent to the applicable appointing body or group, as well as to the Chair and Vice Chair of the Committee concerning the absences.
- 7.4 In order to ensure a quorum, full participation, fairness, and comprehensive knowledge of the items discussed at SANDAG meetings, members who are eligible for compensation for attendance at a SANDAG meeting must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation in accordance with Article III, Section 5 of the Bylaws.

8. Compensation

Primary 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.

9. 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.

Adopted January 2003
Amended December 2003
Amended November 2004
Amended December 2005
Amended December 2006
Amended July 2007
Amended November 2010
Amended March 2014
Amended September 2014
Amended December 2015
Amended January 2017
Amended February 2018
Amended January 2019
Amended February 2021
Amended November 2022
[Amended ____ 2023](#)



BOARD POLICY NO. 004

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 of Directors and Policy Advisory Committees (PACs).

Procedures for the Board and Policy Advisory Committees

1. Ordinances

- 1.1 Every ordinance shall be signed by the Chair of the Board, or for the comprehensive fare ordinance the Chair of the Transportation Committee, and attested by the Clerk of the Board.
- 1.2 Upon the passage of an ordinance, the votes of the Board members or Transportation Committee members, as appropriate, shall be entered in the minutes.
- 1.3 Ordinances shall not be passed within five days of their introduction, nor at any meeting other than a regular meeting. An urgency ordinance may, however, be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board or Transportation Committee members present, all ordinances shall be read in full at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.
- 1.4 The Clerk of the Board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the Board or Transportation Committee to be published at least once in a newspaper of general circulation in the SANDAG area of jurisdiction.
- 1.5 The publication of an ordinance as required by this policy, may be satisfied by either of the following actions:
 - 1.5.1 Publication of a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by the Clerk of the Board and the Office of General Counsel. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted ~~in the office of the Clerk of the Board on~~ [SANDAG's website](#) at least five days prior to the meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, the Clerk of the Board shall publish a summary of the ordinance or amendment with the names of the

Board or Transportation Committee members voting for and against the ordinance or amendment and the Clerk of the Board shall post ~~in the office of the clerk~~ on SANDAG's website a certified copy of the full text of the adopted ordinance or amendment along with the names of those members voting for and against the ordinance or amendment; or

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

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

- 3.1 Persons wishing to provide comment or testimony shall be permitted to address the Board or PAC 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 The Board wishes to maximize the number of people who can address SANDAG legislative bodies within the time limits set for the meeting while a quorum is present. The Board believes that meetings that last longer than the time set for meeting adjournment can discourage public participation and can hinder the conduct of government business due to loss of a quorum. Therefore, meetings of SANDAG legislative bodies shall be adjourned by the end time set forth in the agenda, unless extended to a specific time by a majority vote of the legislative body. The meeting shall be extended no more than once and may be adjourned to a later date. The Board of Directors wishes to maximize the number of people who can address SANDAG legislative bodies within the time limits set for the meeting while a quorum is present. Accordingly, the chair of a SANDAG legislative body may reduce the speaking time allocated for each speaker or establish a time certain for completion of one or more agenda items when the number of speakers and/or number of items on the agenda are reasonably likely to prevent the conclusion of business prior to the time the meeting is set to adjourn. Decisions by the chair shall be based on the time allocated for the meeting, the number of agenda items, the complexity of each item, and the number of persons wishing to address the legislative body on each item.
- 3.3 Public comment on matters not on the agenda will be permitted on items of interest to the public that are within the subject matter jurisdiction of the Board or committee. Persons wishing to comment during the general public comment period must submit a ~~written~~ request in advance identifying themselves and the subject matter on which they wish to speak. The Chair may limit the time for each speaker. Ordinarily, each speaker will be allowed no more than three minutes.
- 3.4 The Board or a PAC Chair, as applicable, will determine with staff's assistance whether additional public meetings at which formal public testimony will be taken outside of regularly scheduled Board or PAC meetings are appropriate. Such additional public meetings may take the form of scoping meetings, focus group meetings, open houses, workshops or similar alternative formats. The applicable Chair will appoint one or more members of the relevant legislative body to act as public meeting officer(s) at SANDAG public meetings that are not held during a meeting of a SANDAG legislative body. If no Board or PAC members are available to serve as public meeting officers, the Chair may appoint the Executive Director or his/her delegate to serve as the public meeting officer. When a public meeting occurs before a public meeting officer, the public meeting officer or Clerk of the Board shall ensure that all official public testimony given at the public regarding the subject matter of the public meeting are accurately included in the written records, and ensure those written records are forwarded to the Board of Directors or PAC for review prior to the time designated for the relevant legislative body to render its recommendation or final decision.
- 3.5 The public meeting officer's written records regarding the public meeting must include, at least, the following elements:
- 3.5.1 An objective description of the subject matter of the public meeting.

- 3.5.2 The public comments received by proponents and opponents of the meeting's subject matter. The records shall indicate the hour and minute when the public meeting was opened and closed.
- 3.5.3 A list of the notices that were published, mailed, or Internet-posted, including the date of mailing or publication, the name of any newspaper, Internet address or web site, and a list of addresses and entities to which the notice was delivered. If multiple public meetings at which official public testimony is taken regarding the same subject matter are held throughout San Diego County, information regarding the notices and agendas for each public meeting shall be included in the public meeting records.
- 3.5.4 A copy of the agenda for the public meeting, including the time period during which public testimony was heard. The agenda also shall list contact information for the transcriber attending the public meeting.
- 3.5.5 A reference to the location where an audio and/or video recording, or transcript of the public meeting is archived, and where all original written comments submitted to the public meeting officer are available for viewing.
- 3.6 Before the Board of Directors or PAC takes action on the item that was the subject of a public meeting conducted by a public meeting officer, it will allow additional public comment at a regularly scheduled meeting of the legislative body.
- 3.7 By voting at a meeting where a public meeting officer's records will be relied upon, each voting member of the legislative body will be affirming that he or she has:
 - 3.7.1 Thoroughly reviewed the public meeting officer's records of any minutes or transcript from, or listened to an audio or watched a sound video recording of, the public meeting(s); and
 - 3.7.2 Given due consideration to any letters, emails, voicemails, or other comments submitted by the public that are part of the public meeting record.
- 3.8 If a voting member of a legislative body cannot attest that he or she has met the criteria listed in Section 3.6, he or she may participate in the discussion regarding the subject matter of the public meeting, and need not leave the legislative body meeting room, but should not vote on the matter.
- 3.9 The Board wishes to ensure that business is conducted in an orderly fashion and that all have an equal opportunity to observe and participate in the proceedings. Each person who addresses the Board or PAC shall not use loud, threatening, profane, or abusive language that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. Any such language or any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting is prohibited.
 - 3.9.1 The Chair may rule that a speaker is impeding the orderly conduct of the meeting if the comment is "off topic," or otherwise unrelated to the agenda item under consideration, or if the speaker's conduct violates any other provision in this policy, and the speaker may forfeit their remaining time on that item.

3.9.2 No person in the audience at a meeting shall engage in conduct that disrupts the orderly conduct of any meeting, including, but not limited to, the utterance of loud or threatening language, whistling, clapping, stamping of feet, speaking over or interrupting the recognized speaker, repeated waving of arms or other disruptive acts.

3.9.3 The Chair has the authority to issue a warning to a person violating this policy. If the person continues to violate this policy and disrupt the meeting, the Chair may order that person to leave the meeting. Any person removed from a meeting shall be excluded from further attendance at the remainder of the meeting.

3.9.4 In the event that any meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible, the Chair may recess the meeting or order the person, group or groups of persons willfully interrupting the meeting to leave the meeting.

3.9.5 Placards, banners, signs, flags, or other large objects designed to interrupt or disrupt the orderly conduct of the meeting are not permitted in the meeting room.

3.7.33.9.6 In the event that any meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the person or persons willfully interrupting or disrupting the meeting, the Chair may recess the meeting or order the meeting room cleared and continue in session. Only matters appearing on the posted agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend or remain in the meeting.

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

- 4.1 This policy shall be supplemental to the SANDAG Conflict of Interest Code and is not intended to supersede such Code or any provisions thereof. All Board and PAC members, and all other members of committees or working groups covered by the Brown Act, including alternates and advisory members, shall file a Statement of Economic Interests in accordance with the California Fair Political Practices Commission guidelines and deadlines imposed by the Political Reform Act. –Failure to file a Statement of Economic Interests by the deadlines imposed by the Political Reform Act shall result in a loss of voting privileges for the member and the member shall be ineligible to receive or accrue any type of stipend, compensation, salary or reimbursement for travel expenses until compliance is verified.

- 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 PAC members, and all other members of committees or working groups covered by the Brown Act, including ex officio members and alternates.
- 4.3 Board members shall not engage in any business or transaction or have a financial or other personal interest, actual, potential, or apparent that is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of such duties. Such business, transaction, or interest shall constitute a conflict of interest.
- 4.4 Generally, no Board member shall engage in any enterprise or activity that will result in any of the following:
- 4.4.1 Using the prestige or influence of the Board office for private gain or advantage of the member or another person.
 - 4.4.2 Using time, facilities, equipment, or supplies of the Board for the private gain or advantage of the member or another person.
 - 4.4.3 Receiving or accepting money or other consideration from anyone other than the Board or another government agency for the performance of acts done in the regular course of duty.
 - 4.4.4 Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the Board under circumstances from which it could reasonably be inferred that such was intended to influence such person in their duties or as a reward for official action.
 - 4.4.5 Soliciting any gift or favor in the member's official capacity, either directly or indirectly, when such solicitation might reasonably be inferred as to have a potential effect on the member's duties or decisions, or when the individual's position as a Board member would in any way influence the decision of the person being solicited.
- 4.5 Prohibited Interests
- 4.5.1 It is unlawful for any current SANDAG Board member to render a decision where a party to the decision has given the SANDAG Board member, promised to give the SANDAG Board member, or acted as an intermediary for the SANDAG Board member to have, an opportunity for compensation. For purposes of this section, opportunities for compensation provided to a SANDAG Board member include opportunities for compensation provided to the SANDAG Board member's immediate family. When such an opportunity for compensation is provided to a member of the SANDAG Board member's immediate family, the SANDAG Board member shall not participate in a decision involving a party to the decision unless the SANDAG Board member had no knowledge or involvement in securing the opportunity for compensation.

- 4.5.2 It is unlawful for any current SANDAG Board member to make, participate in making, or use his or her Board member position to influence a decision involving the interests of a person with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.
- 4.5.3 It is unlawful for any current SANDAG Board Member to be financially interested in any contract made by them in their Board member capacity. It is also unlawful for any contract to be made by SANDAG or any board or commission established by SANDAG if any individual member of the body has a financial interest in the contract.
- 4.5.4 Definitions
- 4.5.4.1 For purposes of the prohibitions set forth in this section, the term "financial interest" means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a noninterest prescribed in California Government Code section 1091.5, that would prevent SANDAG Board members involved from exercising absolute loyalty and undivided allegiance to the best interests of SANDAG.
- 4.5.4.2 For purposes of this section, "material financial effect" has the same meaning as that term is used in title 2, sections 18705 through 18705.5 of the California Code of Regulations.
- 4.5.4.3 For purposes of this section, "render a decision" means to take part personally and substantially in the project by rendering a decision, approval, or disapproval; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.
- 4.5.4.4 For purposes of this section, "project" means any matter where a private business has made an application to SANDAG for discretionary funding or discretionary entitlements, or where SANDAG exercises discretion to enter into a lease, agreement, or contract with a private business.
- 4.5.5 Any SANDAG Board Member with a remote financial interest in a prospective contract of SANDAG must disclose the existence of the remote interest to the body of the board in which the SANDAG Board member is a member if that board has any role in creating, negotiating, reviewing, or approving the contract; and the SANDAG Board member must abstain from influencing or participating in the creation, negotiation, review, or approval of the contract.
- 4.5.6 It is unlawful for any SANDAG Board member to knowingly influence a decision of the SANDAG Board if it is reasonably foreseeable that the decision will have a material financial effect on:
- 4.5.6.1 the SANDAG Board member or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or any of the following economic interests:

- 4.5.6.1.1 any business entity in which SANDAG Board member or a member of SANDAG Board member's immediate family has invested \$2,000 or more; and
 - 4.5.6.1.2 any business entity for which a SANDAG Board member or a member of the SANDAG Board member's immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and
 - 4.5.6.1.3 any real property which SANDAG Board member or a member of SANDAG Board member's immediate family has invested \$2,000 or more; and
 - 4.5.6.1.4 any person from whom a SANDAG Board member or a member of the SANDAG Board member's immediate family has received (or by whom you have been promised) \$500 or more in income within twelve months prior to the decision; and
 - 4.5.6.1.5 any person from whom a SANDAG Board member or a member of the SANDAG Board member's immediate family has received gifts that total \$420¹ 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.

¹ This amount is subject to adjustment by the Fair Political Practices Commission.

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 to whether a conflict of interest exists, the Board's legal counsel will issue a binding determination.
- 4.12 No Board member shall represent a position on an issue to be the Board's position unless the Board has formally adopted such position at a public meeting.
- 4.13 Any violation of this policy shall constitute official misconduct if determined as such by an affirmative vote of the majority of the Board in an open and public meeting. The Board may elect to censure the Board member and the violation may be subject to criminal and/or civil penalties as provided for by applicable law.

- 4.14 All SANDAG Board or committee members (including alternates) who may receive any type of stipend, compensation, salary, or reimbursement for travel expenses from SANDAG must attend at least two hours of ethics training every two years and two hours of sexual harassment prevention training and education within the first six months of taking office and every two years thereafter. ~~All such persons who hold office with SANDAG as of January 1, 2006, must complete their first course no later than January 1, 2007.~~ The ethics training course materials must be approved by the Fair Political Practices Commission and Attorney General's Office in compliance with the requirements of Government Code § 53234 et seq. Sexual harassment prevention training and education must be administered in compliance with Government Code § 53237.1. Proof of attendance may be issued by SANDAG or any other local government agency providing an ~~ethics training~~ course that complies with these requirements. Any SANDAG Board or committee member (including alternates) who is not in compliance with the above training requirements is ineligible to receive or accrue any type of stipend, compensation, salary or reimbursement for travel expenses until compliance is verified.
- 4.15 Pursuant to Section 18944.1 and 18944.2 of Title 2 of the California Code of Regulations, certain procedures must be followed in order for a gift (travel, tickets, seats at an event, food, etc.) to be considered a gift to SANDAG instead of to an individual SANDAG public official or designated employee. A document entitled "Guidance Regarding Gifts" shall be posted on the SANDAG Web site to provide information regarding SANDAG practices, which are intended to assist public officials and designated employees in complying with regulations promulgated by the California Fair Political Practices Commission.

5. Additional Advisory Membership on Board and PACs

- 5.1 From time to time, the Board may determine it is in best interest of SANDAG to supplement the Board with additional members that can provide beneficial advice and information to the Board on matters of interest to the region.
- 5.2 In determining whether to supplement the Board with additional regular or temporary advisory members, the Board will first review whether the existing Board and PAC membership structures provide the opportunity for beneficial advice and information to SANDAG on matters of interest to the region.
- 5.2.1 The Board will consider adding a new regular advisory member to the Board or a PAC if it finds that the additional advisory member would provide beneficial advice and information to the Board or PAC, and that such advice/information cannot be provided by the existing Board and PAC membership structures. The agency/group wishing to become a regular advisory member shall submit a written request to the Board Chair or PAC Chair. For new regular advisory Board or PAC members, the finding and review required by this Section 5.2.1 as well as the selection criteria in Section 5.3 shall apply.
- 5.2.2 From time to time, the Board or a PAC may determine it is in best interest of SANDAG to provide an agency/group with temporary advisory "seat" at the Board or at one of its PACs when specific agenda items arise. The

agency/group wishing to obtain a temporary advisory seat shall meet the criteria listed in Section 5.3 and shall submit a written request to the Board Chair or PAC Chair at least three days prior to the meeting, identifying the reasons for its request and the specific agenda item(s) to be considered. The decision about whether to fulfill the request shall be at the sole discretion of the Board Chair or PAC Chair.

- 5.3 The following criteria for selection of additional advisory members also apply:
- 5.3.1 Agency/group has land use and/or eminent domain authority;
 - 5.3.2 Agency/group has regional authorities and responsibilities important to the SANDAG mission;
 - 5.3.3 Membership by the agency/group would enhance SANDAG's regional decision-making;
 - 5.3.4 Agency/group desires representation, submits a written request, and commits to participation; and
 - 5.3.5 Agency/group is able to agree on the form of representation and who will represent it.

6. Agenda Creation for PACs

- 6.1 PAC agendas will be developed jointly by the Committee's Chair and SANDAG staff.
- 6.2 Any request by a primary member of the Board or PAC to add an item to a PAC agenda shall be presented in writing to the PAC Chair and the Board Chair for consideration.

7. Procedures Applicable to All SANDAG Legislative Bodies

- 7.1 The Brown Act is a state law which governs open meetings for local governmental bodies. The Brown Act (also "Act") is contained in the Government Code at § 54950 et seq., and establishes rules designed to ensure that actions and deliberations of public bodies of local agencies are taken openly and with public access and input. The Brown Act governs the meetings of all local "legislative bodies," that is, all multi-member committees and the like, of a local governmental agency such as SANDAG. Bodies created by ordinance, resolution, or formal action of the SANDAG Board or one of the PACs are covered by the Act.
 - 7.1.1 All of the SANDAG legislative bodies are required to comply with the requirements of the Act, including but not limited to the following:
 - 7.1.1.1 Agendas for all regular meetings must be posted at least 72 hours in advance of the meeting and all meetings must be open to the public.
 - 7.1.1.2 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.
 - 7.1.1.3 A public comment period must be provided at each meeting.
 - 7.1.1.4 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.

- 7.1.1.5 Secret ballots and anonymous voting are prohibited.
- 7.1.1.6 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.
- 7.1.1.7 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 any category protected by federal, state or local law. race, religious creed, color, national origin, ancestry or sex.
- 7.1.1.8 Meetings must be held within the County of San Diego, unless some exception under the Act applies. Questions regarding the applicability of the Act should be directed to the SANDAG Office of General Counsel.
- 7.1.1.9 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.
- 7.1.1.10 Members may take action to add an item to the agenda of a regular meeting if, by two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, the body determines that there is a need to act immediately, that the body's consideration of the matter cannot await the next meeting and that the need for immediate action arose after the posting of the agenda. This should only occur in very rare occasions, and the SANDAG Office of General Counsel should be consulted before relying on this exception.

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

- 7.2.1 Only the regular members, or in their absence, a designated alternate, may vote on action items. Seating or placards at meetings should be arranged so that it is clear which persons in the room are voting members, as compared

to nonvoting members, alternates, speakers, or members of the public. Nonvoting members and alternates in attendance may participate in the body's discussion, but may not vote.

- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 Unless otherwise provided by the Board or PAC, each legislative body should select a chair and vice chair by a vote of the majority of a quorum on an annual basis.
- 7.2.5 Roberts Rules of Order should be used by legislative bodies for guidance on procedural matters such as the making of motions and voting.
- 7.2.6 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.
- 7.2.7 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 PAC that created the legislative body.
- 7.3 The scope of topics within the jurisdiction of the legislative body shall be limited to those issues delegated to the legislative body by the Board or relevant PAC.
- 7.4 Legislative bodies created by the Board or a PAC do not have authority to take action on behalf of SANDAG, make a final determination on behalf of SANDAG, and/or take a position on behalf of SANDAG, unless that authority has been specifically delegated and ratified by an action of the Board.
- 7.5 The SANDAG Committee and Working Group Guidelines should be used for additional guidance.
- 7.6 New committees shall not be created by SANDAG staff without approval of either (1) the Board, (2) a PAC, or (3) the Executive Director with the concurrence of the Chair of the Board. A PAC or the Board must approve all charter or membership changes for committees that are created by ordinance, resolution, or formal action of the Board or one of the PACs.
 - 7.6.1 When appointing new committees or working groups, PACs may provide for the appointment of alternates.
 - 7.6.2 As the Board creates standing subcommittees, it shall specify the method for

appointing persons to those subcommittees.

- 7.6.3 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.
- 7.6.4 An informational report shall be provided to the Board on an annual basis concerning the status of all standing and ad hoc committees and working groups.
- 7.7 A quorum shall be required for the conduct of any business. A simple majority of members (either primary or alternates) shall constitute a quorum.
- 7.8 Primary members vote on all legislative body action items. Alternates vote only when their corresponding primary member from their area is absent. A simple majority of the quorum of primary and eligible alternate members voting constitutes approval.
- 7.9 Upon assuming office, the Chair of Board shall be provided with a list of all of the SANDAG legislative bodies that are not PACs and the Chairs and Vice Chairs of those bodies. The Chair shall determine if a new Chair and/or Vice Chair should be appointed for these bodies and shall report any changes he/she wishes to make at a Board meeting. When making decisions concerning the Chair and Vice Chair appointments to legislative bodies, the potential appointee's participation at the PAC reported to by the legislative body shall be taken into consideration.

Adopted June 2003

Amended November 2004

Amended January 2006

Amended December 2006

Amended July 2007

Amended December 2007

Amended September 2008

Amended January 2010

Amended February 2012

Amended November 2015

Amended June 2021

[Amended ____ 2023](#)



BOARD POLICY NO. 005

SPONSORSHIP OF EVENTS

The purpose of this policy is to provide criteria to assist ~~the Chair~~ SANDAG staff in deciding whether to accept or deny sponsorship and/or co-sponsorship requests. SANDAG will evaluate all sponsorship proposals on a viewpoint-neutral basis.

SANDAG continues to gain visibility and notoriety in communities throughout the region. As more private and public organizations, businesses and individuals use our information, requests for SANDAG event sponsorship and/or co-sponsorship have increased.

SANDAG defines sponsorship as an arrangement under which an entity provides financial or in-kind support to achieve marketing advantages.

Procedures for Providing Sponsorships

~~1. Consistent with Article V, Section 2 of the SANDAG Bylaws the Chair will apply the criteria in this policy when SANDAG considers requests for event sponsorship and/or co-sponsorship so long as the cost of the sponsorship is less than \$5,000 and adequate funds are available in the SANDAG budget. When sponsorship costs are expected to exceed \$5,000 the decision to sponsor an event is subject to Board approval.~~

~~2.1. The criteria and procedure for approval are separated into two categories that can will be used in determining the potential for SANDAG sponsorship of events, including but not limited to public workshops, summits, planning meetings, community, civic and business forums, and other special events, are outlined below.~~

~~2.1.1~~ Substantive Criteria

~~2.1.1.1.1~~ The subject matter of the event is within SANDAG's purview and will have regional significance.

~~2.1.2.1.2~~ There are no perceived or actual conflicts of interest with SANDAG.

2.1.1 The subject of the event or position that results from the event will be consistent with SANDAG adopted policy.

2.1.2 The subject of the event or position that results from the event will not conflict with the authority of any SANDAG member agency.

~~2.2.1.2~~ Procedural ~~Criteria~~

~~2.2.1.2.1~~ The event's agenda, program, and supporting materials must be provided, reviewed and be in accordance with this policy.

~~2.2.2.1.2.2~~ An explicit definition of SANDAG's commitment to the event (speakers, logistics, funding, indirect support) must be known and considered.

~~2.2.1~~ The status of other participants' and/or stakeholders' commitments must be determined prior to a decision concerning sponsorship.

1.3 SANDAG reserves the right to refuse and approve sponsorship requests. All requests for SANDAG to provide sponsorships will be documented and will adhere to SANDAG procurement policies.

~~3.—All requests for sponsorship will be documented in a memo from the Executive Director to the Chair and will require Chair approval.~~

Procedures for Accepting Sponsorships

2. Sponsorship of SANDAG events and activities will be in-kind only; no monetary funds will be accepted. The criteria and procedure for approval that will be used when considering requests from outside parties to sponsor a SANDAG event or activity, including but not limited to SANDAG marketing campaigns, programs, events and other activities, are outlined below.

2.1 Criteria

2.1.1 The outside party's intent aligns with SANDAG's purview

2.1.2 There are no perceived or actual conflicts of interest with SANDAG

2.2 Procedure

2.2.1 The SANDAG event agenda, program and supporting materials must be readily available to interested parties upon request.

2.2.2 Sponsor's level of commitment (speakers, logistics, in-kind contributions, trade values, support, etc.) must be known and considered.

~~3.1.3~~ SANDAG reserves the right to refuse and approve sponsorship requests. All requests for SANDAG to accept sponsorships will be documented and will adhere to SANDAG procurement policies.

Adopted June 2003

Amended ____ 2023



EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAMS

This policy documents the purpose of the SANDAG Equal Employment Opportunity program and Disadvantaged Business Enterprise program for employees and contractors. This policy is consistent with SANDAG's Commitment to Equity statement.

Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. The SANDAG Employee Handbook and other administrative manuals, policies, and procedures mandate equal employment opportunities in recruitment, hiring, and employment for applicants to, and employees of, SANDAG. SANDAG also has 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 the requirements for fair and equitable employment practices in its U.S. Department of Transportation (DOT) funded contracts with third parties.

1. EEO Program

- 1.1. It is the policy of SANDAG to actively recruit, hire, train, promote, and make all other employment decisions for all applicants and employees in accordance with Title VII of the Civil Rights Act of 1964, as amended, and other relevant federal and state statutes. SANDAG will ensure that procedures for recruiting, selecting, hiring, promoting, training, terminating, compensating, providing benefits, as well as decisions regarding terms and conditions of employment 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. SANDAG will adhere to the EEO requirements of FTA Circular 4704.1A, and all other applicable standards to the extent required by applicable law.
- 1.2. It is SANDAG policy to ensure that discrimination based on race, color, religion, creed, national origin, ancestry, age (40 or older), gender identity or expression, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), medical condition, physical or mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran or current or prospective services in the uniformed services, or any other category protected under federal, state, or local law 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, selection, hiring, promotion, compensation, benefits, terminations, transfers, layoffs, recalls, or SANDAG-sponsored training, education, or social and recreational programs.
- 1.3. SANDAG complies with the Americans with Disabilities Act regarding the employment of individuals with disabilities. When requested, SANDAG shall provide reasonable accommodations to applicants and employees who are qualified for a job, so that they may perform the essential job duties of the position.

- 1.4. SANDAG is prohibited from retaliating against any person because they reported discrimination, made charges, testified, or participated in any complaint under Title VII.
- 1.5. The Senior Director of Organization Effectiveness is designated as the SANDAG EEO Officer and is responsible for assuring diversity in employment, including oversight for fair and equitable recruitment, selection, and employment practices, assuring compliance with applicable laws and regulations, and overseeing the development, maintenance, and implementation of the EEO Program. All management personnel within SANDAG share in the responsibility for upholding the principles of fairness, equity, and non-discrimination with respect to employment, and for implementing the practices outlined in the EEO Program in performance of their job duties.
- 1.6. When developing and implementing its employment policies, SANDAG will base its decisions solely on the individual's qualifications and merit, and the feasibility of any necessary accommodations. Any employee or applicant who feels they have been discriminated against has a right to file a complaint under SANDAG policies.
- 1.7. With respect to contractors, consultants, and sub-recipients:
 - 1.7.1. It is SANDAG policy to require the contractors and consultants that it contracts with to have policies in place that ensure fair and equitable employment practices and forbid discrimination in violation of Title VII.
 - 1.7.2. Responsibility for ensuring contractors, consultants, and sub-recipients comply with this requirement is assigned to the Director of Diversity and Equity.
 - 1.7.3. Capital construction projects greater than \$10,000 funded with federal financial assistance must comply with EEO requirements set forth by the Office of Federal Contract Compliance Programs (OFCCP).
 - 1.7.4. SANDAG is responsible for EEO oversight as required in FTA Circular 4704.1A for subrecipients or transit delivery contractors receiving federal funding of at least \$250,000 for planning-related projects or \$1 million for capital projects.

2. DBE Program

- 2.1. SANDAG maintains a DBE Program as required by the Federal Transit Administration ([FTA](#)) and Federal Rail Administration ([FRA](#)). SANDAG also uses the California Department of Transportation's (Caltrans) DBE Program for Federal Highway Administration ([FHWA](#)) funded contracts. [Each FTA \(including FRA\) and FHWA DBE Programs](#) sets forth a triennial goal for participation by DBEs. The Director of Diversity and Equity shall serve as the Disadvantaged Business Enterprise Liaison Officer (DBELO).
- 2.2. Responsibility for implementation of the DBE Program is assigned to the Director of Diversity and Equity. All management personnel within SANDAG are expected to support and implement the DBE Program in performance of their job duties and responsibilities.
- 2.3. When developing and implementing its contracting policies, SANDAG will base its contract selection decisions solely on the bidder's qualifications and merit, the evaluation criteria in the solicitation, and the bidder's compliance with DBE Program requirements.

3. EEO Procedures

- 3.1. The Senior Director of Organization Effectiveness will review employment statistics to determine whether there is a need to set goals for any under-represented groups and, if necessary, recommend goals to the Chief Executive Officer.
- 3.2. The Chief Executive Officer will approve or disapprove the Senior Director of Organization Effectiveness' recommendation(s) at their discretion.
- 3.3. The Senior Director of Organization Effectiveness will maintain current contact lists of community resource organizations, community leaders, media sources, and colleges/vocational schools for SANDAG staff to use in recruiting for employees.
- 3.4. The Senior Director of Organization Effectiveness will communicate the EEO Program to all employees.
- 3.5. SANDAG staff will solicit community involvement by under-represented groups on issues of importance to the region that fall within its jurisdiction.
- 3.6. The Senior Director of Organization Effectiveness will maintain records on recruitment efforts, new employees, promotional opportunities, disciplinary actions, training, and employee separations which document whether the affected individuals are in a class protected by Title VII.
- 3.7. The Board of Directors will review an EEO report prepared by the Senior Director of Organization Effectiveness, or designee, on an annual basis. The report will include employment results and a review of EEO Program goals for the upcoming year.
- 3.8. The Senior Director of Organization Effectiveness will ensure the EEO policy is posted in employee breakrooms, other suitable locations throughout the SANDAG offices, and to an Intranet site accessible SANDAG employees.
- 3.9. All employment ads and job postings will contain a reference that SANDAG is an equal employment opportunity employer.
- 3.10. The Senior Director of Organization Effectiveness will ensure all federal and state posters concerning EEO will be displayed in employee breakrooms or other suitable locations throughout the SANDAG offices.
- 3.11. With respect to contractors, consultants, and sub-recipients:
 - 3.11.1. The Director of Diversity and Equity shall notify OFCCP each time a construction contract is awarded for a value of more than \$10,000 and includes federal financial assistance. Each contract shall require the contractor to notify the OFCCP of each subcontract of at least \$10,000.
 - 3.11.2. The Director of Diversity and Equity shall ensure that SANDAG contracts include the requirement for the contractor in federally-assisted construction contracts, and their subcontracts with a value of at least \$10,000, to take affirmative action steps as required by OFCCP to ensure equal employment opportunities in all aspects of their employment practices and this requirement shall be in each contract and non- exempt subcontract.
 - 3.11.3. The SANDAG Contracts Division shall ensure that each subrecipient meeting the FTA thresholds is required to sign certificates and assurances that they will meet the FTA EEO requirements and the Office of Diversity and Equity shall monitor their compliance.

- 3.11.4. The SANDAG Contracts Division shall ensure that each transit service delivery contractor meeting the FTA thresholds is required by contract to adhere to the FTA EEO requirements and the Office of Diversity and Equity shall monitor their compliance.

4. DBE Procedures

- 4.1. The Director of Diversity and Equity will develop triennial overall DBE goals for FTA-funded ([including FRA-funded](#)) contracts in accordance with DBE regulations. SANDAG overall DBE goals will be reviewed annually to determine if DBE commitments meet the established overall DBE goal. If a shortfall exists, ODE will prepare a shortfall analysis and determine the best course of action to ensure SANDAG is able to meet the triennial goal or revise the triennial goal based on the shortfall analysis.
- 4.2. The Chief Executive Officer will approve or disapprove the triennial overall DBE goal prepared by the Director of Diversity and Equity.
- 4.3. The Director of Diversity and Equity will ensure SANDAG complies with the Caltrans DBE Program and the Caltrans Local Agency Procedures Manual (LAPM) requirements for all FHWA- funded contracts passed through to SANDAG by Caltrans.
- 4.4. The Director of Diversity and Equity will be responsible for setting contract goals on FTA, [FRA](#), and FHWA-funded projects when appropriate. The ODE staff will conduct reviews of proposals and bids to determine if DBE contract goals are met or if good faith efforts (GFE) evaluations are required. GFE evaluations shall be conducted by the ODE.
- 4.5. The Director of Diversity and Equity will be responsible for monitoring compliance with the DBE Program for all FTA, [FRA](#), and FHWA-funded contracts. ODE staff will monitor performance of DBE firms, payments to DBE firms, and ensure contractors fulfill their commitments to use listed DBE firms on FTA, [FRA](#), and FHWA-funded contracts.
- 4.6. The Director of Diversity and Equity will communicate the DBE Program and its requirements to all SANDAG employees and applicable contractors and consultants.
- 4.7. Office of Diversity and Equity staff will conduct outreach to small businesses, minorities, women, disabled veterans, and other groups to notify these businesses about SANDAG contracting opportunities. Outreach efforts may include, attending outreach events and professional association conferences, participating in pre-bid meetings, and conducting procurement networking events.
- 4.8. All SANDAG requests for proposals, requests for qualifications, and invitations for bids with FTA, [FRA](#), and FHWA federal funding will contain required language based on 49 CFR Part 26, and encourage participation by DBE consultants, contractors, and subcontractors.
- 4.9. Consultants and contractors awarded contracts with DBE Program goals will be required to submit DBE commitment forms, report monthly payments to DBE subcontractors (currently through a web-based system), and complete a DBE Final Utilization Report with their final invoice.

- 4.10. A report on DBE Program results will be provided to the SANDAG Board of Directors when a new Triennial DBE goal is developed, and also for review in subsequent years as needed.
- 4.11. All successful consultants and contractors will be notified of their obligations under the DBE Program in their contracts with SANDAG.

Adopted June 2003
Amended November 2004
Amended December 2006
Amended December 2008
Amended November 2010
Amended February 2012
Amended January 2017
Amended February 2018
Amended January 2019
Amended November 2022
[Amended ____ 2023](#)

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BOARD POLICY NO. 008

LEGAL MATTERS

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

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

Procedures

1. Claims and Actions Against SANDAG

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

1.1 Form of Claims

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

1.2 Time Limitations

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

1.2.2 Claims for money or damages as authorized in Government Code 905 that are not included in Paragraph 1 above shall be filed not later than one year from the date the cause of action accrues (Government Codes 905 and 911.2).

- 1.2.3 Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six (6) months after the accrual of the cause of action (Government Codes 905, 911.2, and 935).

1.3 Late Claims

- 1.3.1 Claims under "Time Limitations" Paragraphs 1.2.1 and 1.2.3 above, which are filed outside the specified time limitations, must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. If a claim is filed later than the specified time limitation and is not accompanied by an application to file a late claim, the Board or Executive Director may, within forty-five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action.
- 1.3.2 The application shall state the reason for the delay in presenting the claim. The Board or Executive Director shall grant or deny the application within forty-five (45) days after it is presented. By mutual agreement of the claimant and the Board or Executive Director, such forty-five (45) day period may be extended by written agreement made before the expiration of such period. If the Board does not take action no action is taken on the application within forty-five (45) days, it shall be deemed to have been denied on the forty-fifth (45th) day unless such time period has been extended, in which case it shall be deemed to have been denied on the last day of the period specified in the extension agreement.
- 1.3.3 If the application to present a late claim is denied, the claimant shall be given notice as required by Government Code section 911.8 (Government Codes 911.3, 911.4, 911.6, 911.8, 912.2, and 935).

1.4 Delivery and Form of Claim

- 1.4.1 A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Executive Director or deposited in a post office, sub-post office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to SANDAG's offices with postage paid (Government Codes 911.4, 915, and 915.2).
- 1.4.2 Claims must contain the information set forth in Section 910 and 910.2 of the Government Code (Government Codes 910, 910.2, and 910.4).

1.5 Notice of Claim Insufficiency

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

1.6 Amendments to Claim

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

1.7 Action on Claim

- 1.7.1 ~~If the Board acts properly to reject~~ Upon rejection of the claim, the claimant has only six (6) months from such rejection to institute a lawsuit. If ~~the Board takes no action~~ no action is taken, the claim is deemed rejected after forty-five (45) days from SANDAG's receipt of the claim, but the claimant has two (2) years to institute a suit against the SANDAG. The notice of rejection must comply with requirements of Government Code 913 unless the claim has no address on it.
- 1.7.2 If the claim is filed late and not accompanied by an application for leave to present a late claim, then SANDAG ~~the Board or its agent~~ must notify the claimant that no action was taken due to the claim being filed late.
- 1.7.3 Within forty-five (45) days after the presentation or amendment of a claim, or upon such further time as may be allowed pursuant to Government Code 915.2, ~~the Board~~ SANDAG shall take action on the claim. This time limit may be extended by written agreement before the expiration of the forty-five (45) day period or before legal action is commenced or barred by legal limitations. The Executive Director or designee shall transmit to the claimant a notice of action taken. If no action is taken ~~by the Board~~, the claim shall be deemed to have been rejected (Government Code 945.6).
- 1.7.4 The Board delegates to the Executive Director the authority to take action on claims including accepting or rejecting claims, allowing or disallowing late claims, agreeing to extend the claim response deadline, and settling claims ~~in any when the~~ amount of the claim does not exceeding fifty thousand dollars (\$50,000) (Government Code 935.4).

2. Claims & Actions Initiated by SANDAG

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

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

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

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

- 4.1 The SANDAG Office of General Counsel will accept service of a summons and complaint upon SANDAG and/or any Board members being sued in his or her official capacity as a member of SANDAG's Board of Directors.
- 4.2 In compliance with California Civil Code of Procedure 415.20, SANDAG will also accept service of a summons and complaint upon one of its employees at its offices under the substituted services of process method provided for in that statute.
- 4.3 Whenever SANDAG, as employer, is served with a garnishment and wage attachment, the server should be instructed to present such document to SANDAG's Office of General Counsel.

5. Execution of Litigation or Alternative Dispute Resolution Documents

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

6. Appearances on Behalf of SANDAG

6.1 The Executive Director or his/her designee, in consultation with the Office of General Counsel, are authorized to appear on behalf of SANDAG in Small Claims Court.

6.1.2 The Office of General Counsel or outside counsel hired by the Office of General Counsel is authorized to appear or file documents on behalf of SANDAG in court proceedings when insufficient time is available to inform the Board in closed session of the matter. The Office of General Counsel shall report to the Executive Director regarding the need for and outcome of such appearances or filings and report on the results on a monthly basis as either a delegated action or in a closed session item.

Adopted June 2003

Amended November 2004

Amended December 2006

Amended December 2008
Amended January 2010
Amended November 2014
Amended January 2017
Amended June 2021
[Amended _____ 2023](#)

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OFFICIAL USE ONLY (Date/Time Stamp)	SANDAG	OFFICIAL USE ONLY
	CLAIM FOR DAMAGES	Claim Number:

Claims for death or injury to persons or personal property must be filed not later than six months after the occurrence. (Government Code §911.2)
 Claims for any other cause of action (ex: contracts and real property) must be filed not later than one year after the occurrence. (Government Code §911.2)
 Attach separate sheets, if necessary, to give full details and **sign each accompanying sheet.**

Claim must be mailed or delivered to (Gov. Code §915a):

San Diego Association of Governments
 401 B Street, 8th Floor
 San Diego, CA 92101
 Attn: Clerk of the Board

*Required fields per Government Code §910.

Other fields are optional, but will assist SANDAG in determining whether the claim has merit.

*Name of Claimant(s)				
*Home Address	*City	*State	*Zip	Home or Cell Phone No.
*Provide address to which Claimant desires notices to be sent. If same as above, leave blank.				
1. *How did the indebtedness, obligation, injury, damage or loss occur? Provide all details.				
2. Provide date, time and location of incident/occurrence.				
*Date:	Time:	*Location:		
3. *What particular act or omission by SANDAG or its employees do you claim caused the indebtedness, obligation, injury, damage or loss? Provide names of SANDAG employee(s), if known.				
4. *What indebtedness, obligation, injury, damage or loss do you claim resulted? (If your Claim involves property damage to a vehicle, include license, year, make and model of vehicle.)				

5. For personal injury claims, if eligible for Medicare, the following information is required pursuant to Section 111 of the Medicare, Medicaid and SHIP Extension (MMSEA) Act of 2007:		
Date of Birth:	Social Security Number:	Medicare Beneficiary Number (if applicable):

6. *What is the total amount of money you are seeking to recover? (Check one of the boxes below.)	
<input type="checkbox"/>	The total amount claimed is less than or equal to \$10,000.
<input type="checkbox"/>	The total amount claimed is more than \$10,000, but not over \$25,000; jurisdiction rests in Superior Court (Limited Civil).
<input type="checkbox"/>	The total amount claimed is more than \$25,000; jurisdiction rests in Superior Court (Unlimited Civil).

7. *If the claim is less than or equal to \$10,000, give the PRESENT AMOUNT you claim for each item of indebtedness, obligation, injury, damage or loss and basis of the computation (ex: bills, receipts, invoices, etc.). Please attach documents.

8. *Give the ESTIMATED AMOUNT you claim for each item of prospective (future) indebtedness, obligation, injury, damage or loss as far as you know. Give basis of the computation.

9. Provide name of insurance company and contact information for insurance agent. Provide amounts of insurance payments you have received, if any.

10. Provide name and address of witnesses, doctors and hospitals, if applicable.

Name	Address	Phone Number

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

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

Name of Agent *(if on behalf of Claimant)*

Address of Agent		City	State	Zip
Office Phone Number	Fax Number		Cellular Phone Number	
*Signature of Claimant <i>(or Agent)</i>				Date

**NOTE: Is this Claim being submitted on behalf of a Class (i.e., more than one person)?
If so, pursuant to Government Code §910, please attach to this claim, on a separate
sheet, the applicable information for each Claimant.**



BOARD POLICY NO. 025

PUBLIC PARTICIPATION PLAN POLICY

Purpose

This policy establishes a process for obtaining input from and providing information to the public concerning agency programs, projects, and program funding in order to ensure the public is informed and has the opportunity to provide SANDAG with input so plans can reflect the public's desire. SANDAG will review and update its Public Participation Plan and this policy periodically as required by law, but no less often than every five years. Various federal and state laws and regulations require that an agency such as SANDAG conduct and establish a Public Participation Plan to ensure that the public is involved and that community concerns are addressed. For example, planning of mass transit capital projects, development of short-range service policies and plans, and fare policy and structure changes to public transportation require public participation. The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) also have public information components that require an agency such as SANDAG to conduct public participation programs to ensure that the public is involved and that community concerns are addressed.

A significant component of the SANDAG mission is a strong commitment to public participation and involvement to include all residents and stakeholders in the regional planning process. SANDAG recognizes that the public has a right to expect the business of SANDAG to be conducted with efficiency, fairness, impartiality, and integrity. SANDAG's work carries with it an obligation to the public interest. SANDAG officials and employees are expected to have high standards of honesty and professionalism, as well as a straightforward and transparent communication approach, in order to promote and maintain public confidence and trust.

This policy is consistent with the requirements of Section 450.316(a)(1)(x) of Title 23 in the Code of Federal Regulations and Public Utility Code Section 132360.1, which reads as follows:

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

Social Equity and Environmental Justice

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

Environmental justice means ensuring that plans, policies, and actions do not disproportionately affect low income and minority communities.

Data Collection

SANDAG collects and uses racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance through SANDAG programs and projects. The agency uses the data to confirm that populations protected by Title VI are not subject to discrimination or disparate impacts by SANDAG.

Title VI Training

SANDAG provides training on Title VI, social equity, and environmental justice matters to its employees near the time of hire. Updates to Title VI training are provided periodically thereafter on an as-needed basis.

Complaint Process and Title VI Compliance Officer Contact Information

SANDAG does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, veteran status, 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 the discrimination complaint procedures in Board Policy No. 009. The SANDAG Office of General Counsel is the Title VI Compliance Officer for this policy and is responsible for administering this complaint procedure, as well as ensuring compliance with applicable laws. The Compliance Officer can be reached at: SANDAG, 401 B Street, Suite 800, San Diego, California 92101; (619) 699-1900.

Scope of Public Participation Efforts

The policy addresses public participation policies and public information efforts in the following areas:

- A. Overall Public Participation Plan
- B. Short Range Program – Regional Transportation Improvement Program
- C. Development Planning
- D. Design and Construction
- E. Fare Changes
- F. Short Range Transit Planning
- G. Native American Consultation

A. Overall Public Participation Plan -- *Unless otherwise noted or required, the Public Participation Plan provides SANDAG general policies for public participation for major planning initiatives such as the Regional Plan, Regional Short Range Transit Plan, and other planning and programming projects, including any tailored public involvement plans associated with them.*

1. The SANDAG Public Participation Plan is designed to inform and involve the region's residents in the decision-making process on issues such as growth,

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transportation, environmental management, housing, open space, air quality, energy, fiscal management, economic development, and public safety.

2. The Public Participation Plan seeks to involve all citizens, including but not limited to low income households, limited English proficient individuals, Hispanic, African American, Asian, Native American, senior, and other communities, persons with disabilities, as well as community and civic organizations, public agencies, business groups and associations, environmental organizations, and other stakeholders.
3. SANDAG Board meetings provide the public forum and decision point for significant regional issues. SANDAG Directors usually hold one or two Board meetings each month: a Board Policy Meeting the second Friday of each month and a Board Business Meeting the fourth Friday of each month. Meetings held at the SANDAG office are accessible by public transit. During these meetings, Directors adopt plans, allocate transportation funds, approve transit construction plans, approve transit fare changes, and establish policies and develop programs that are used by local governments as well as other public and private organizations.
4. The SANDAG Public Participation/Involvement Program shall comply with the Americans with Disabilities Act (ADA). SANDAG shall hold public meetings in buildings, rooms, or locations that are accessible to persons with disabilities. SANDAG shall provide public meeting information in alternate formats and shall provide special accommodations at public meetings with three business days notice.
5. The SANDAG Public Participation Plan is carried out as an integrated work element of the agency's Overall Work Program and Budget and as part of other programming, development, and implementation processes such as the Regional Plan, Regional Short Range Transit Plan, Regional Transportation Improvement Program, Environmental Impact Reports, transit capital project development, project construction, transit fare changes, corridor studies, and other projects.
6. SANDAG shall proactively seek and promote public participation in SANDAG workshops and public hearings, as well as participation and attendance at committees, working groups, and task forces. SANDAG shall follow local, state, and federal guidelines for posting public meeting and hearing notices. Depending upon the specific project, SANDAG shall endeavor to hold meetings at times that can attract as many participants as possible, including evenings and weekends and at locations in communities throughout the region. SANDAG shall endeavor to hold these meetings in locations that are accessible by public transit.
7. SANDAG shall inform the public in a timely manner about regional issues, actions, and pending decisions through a number of efforts. As needed or required, SANDAG shall post public notices in newspapers of general circulation for publication of legal notices. Other publication and distribution efforts can include mail distribution to residents, agencies, and city/county governments, the SANDAG website, email lists, text messaging, the SANDAG social media channels, and Region – the SANDAG monthly electronic newsletter. As needed, SANDAG also shall distribute press releases and media alerts to local, regional, and Mexico border area print and broadcast media.

8. SANDAG shall regularly inform local print, online, and broadcast media about SANDAG decisions, events, research, and other issues. SANDAG shall regularly distribute press releases to news services, Daily Transcript, East County Californian, El Latino, La Prensa, Los Angeles Times, San Diego Business Journal, San Diego Metropolitan, San Diego Union-Tribune, San Diego Voice & Viewpoint, The Star News, and numerous community newspapers. SANDAG shall also distribute information to local and Mexico radio and television stations.
9. SANDAG shall use its website and social media channels to provide the public with useful and timely information, including: project updates and construction information; meeting schedules and agendas; plans and environmental documents; reports and other publications; demographic profiles and data downloads; and interactive database and mapping applications.
10. As appropriate and as required by local, state, and federal guidelines, SANDAG shall translate into Spanish, and other languages, publications, announcements, and web content. In addition, numerous staff members are bilingual Spanish-English speakers and participate in public outreach and conduct presentations in Spanish. Translators shall be hired as outlined in the SANDAG Language Assistance Plan and as required by local, state, and federal guidelines to provide services in Spanish and other languages as appropriate.
11. SANDAG conducts periodic public opinion surveys as part of the outreach and citizen participation component of the SANDAG work program. These surveys shall be designed to include the San Diego region's residents in the regional planning process and to keep SANDAG officials aware of issues that are of concern to the people who live here.
12. SANDAG will endeavor to respond to general comments received by phone, fax, letter, or email within five (5) business days of receipt. Comments shall be routed to the SANDAG staff person who is responsible for that issue. Comments may be responded to in writing (email or letter) or may be resolved with the initial phone call. Some comments may need to be resolved by another agency or jurisdiction so the customer is referred to the appropriate entity. When a comment is submitted as part of a public review process (e.g., a plan or environmental report) the comment and response is logged into a database. Comments, concerns, and responses received as part of a public review process shall be included in the final plan or report. Comments received via SANDAG social media channels will be addressed as stated in the SANDAG Social Media Policy.

B. Short Range Program – Regional Transportation Improvement Program (RTIP) –
document updated every two years outlining major transportation projects to be implemented during a five-year period.

1. SANDAG shall follow the latest federal and state regulations regarding participation by interested parties.
2. As the document that implements the long range plan, the RTIP shall be incorporated as part of the Board-adopted public involvement process established for the Regional Plan, including participating in public outreach efforts, providing

adequate public notice (legal notice publications), employing visualization techniques, and holding public meetings at convenient and accessible locations.

3. SANDAG shall respond to any significant public input or comment received during the development of the biennial update and/or during the amendment cycle as part of its report to the Board or Transportation Committee (as appropriate).
4. The biennial RTIP update will be noticed in newspapers of general circulation, including in alternate languages, and a public hearing shall be held prior to final adoption by the Board of Directors.
5. During the amendment cycle, SANDAG will provide a draft of the amendment to all interested parties for a 15-day comment period.

C. Development Planning – *Planning, environmental, preliminary engineering activities on major capital projects.*

1. SANDAG shall follow current federal and state regulations regarding public involvement processes and procedures. SANDAG shall develop public involvement programs tailored to meet specific project needs which address the unique challenges presented by each project. Programs shall be developed using the joint Federal Highway Administration and Federal Transit Administration (FHWA/FTA) guidelines titled “Public Involvement Techniques for Transportation Decision-Making.”
2. The public involvement program shall set objectives, identify people to be reached, develop public involvement strategy, and define specific outreach techniques.
3. The public involvement program shall be developed so that critical community concerns and technical issues are identified in the study. The issues need to address the engineering, environmental, economic, and financial analyses that respond effectively to community needs and preferences and satisfy local, state, and federal environmental clearance requirements.
4. To facilitate community participation, lists of individuals, agencies, and organizations shall be developed for distribution of agency materials. These lists will include persons who have indicated an interest in transportation planning projects during previous public information efforts and/or focused on the specific project. Project information will be distributed to the persons on this list in conjunction with public meetings and workshops, to solicit comments and recommendations.
5. Environmental documents shall be prepared in accordance with California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), as appropriate, and in coordination and consultation with various federal, state, and local agencies, and with elected officials, community leaders, organizations, and other individuals from the neighborhoods and communities potentially affected by the proposed action. Coordination and public involvement shall be achieved through a variety of means, such as formal public hearings and

meetings, circulation of draft documents, mailings, focus group meetings, workshops, and individual/group contacts.

6. Formal scoping meetings, public hearings, and/or other meetings during the comment period and environmental document certification shall be held in accordance with the requisite environmental document. As required, meetings shall be announced in the Federal Register, local publications, and on the SANDAG website. Persons and organizations on the project mailing list and social media channels also will be notified. SANDAG shall endeavor to hold public meetings in locations accessible by public transit.
7. SANDAG shall prepare and distribute appropriate notices and communications to comply with CEQA and NEPA requirements.
8. A public information program shall be developed to inform the community of factors related to the project. The information program may include briefings for the news media, informational meetings, presentations to include community and professional associations and educational institutions, business groups and associations, environmental organizations, outreach via social media, and other public forums.
9. A project working group may be organized to review and comment on the project to build understanding and identify support for feasible alternatives. This group may consist of various elected officials/staff, community and neighborhood organizations, business organizations, property owners, and other stakeholders and interested parties. This group would be formed to provide comment and guidance regarding technical issues, review study alternatives and evaluation results, and provide community input regarding the alternatives. This iterative process would allow for identified issues and concerns to receive follow-up responses. Meeting summaries of project working group activities shall be produced. Meeting notices, agendas, and/or other information shall be posted to the SANDAG website.
10. Other public input opportunities include SANDAG Board of Directors meetings and meetings of SANDAG policy committees: Executive, Transportation, Regional Planning, Borders, and Public Safety. Other opportunities for public participation are at working group meetings, general public meetings, and presentations to planning and community groups.

D. Design and Construction – *Design and construction of capital projects.*

1. For all capital improvement projects with significant community impacts, SANDAG shall provide opportunities for members of the public to provide input and express concerns. SANDAG also shall implement a program designed to inform the public of progress, as well as safety and community impacts in the event of construction.
2. SANDAG shall hold publicly noticed meetings at key stages of project development and implementation in the area(s) being impacted. The location of the meetings shall depend upon the geographic location of the project. Meetings concerning projects exclusively within the North County Transit District (NCTD) service area shall be held in North County locations, and if appropriate, at SANDAG offices. Meetings concerning projects exclusively within the Metropolitan Transit System (MTS) service

area shall be held in MTS service areas affected, and if appropriate, at SANDAG offices. Meetings concerning all other projects shall be held at SANDAG offices or other locations specified in SANDAG agendas. SANDAG, MTS, and NCTD offices are accessible by public transit. SANDAG shall endeavor to hold off-site public meetings at locations accessible by public transit.

3. SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, business improvement districts, environmental organizations, neighborhood associations, limited English proficient populations, and senior and disabled riders. These stakeholders will be consulted during the design and construction of capital projects.
4. SANDAG shall work to advise the public regarding actual and perceived disruption during construction of capital projects by distributing informational, educational, and public information materials, and by using other traditional community relations tools.
5. SANDAG shall endeavor to meet citizen concerns as they arise and attempt to resolve those concerns.
6. For all projects requiring environmental review under CEQA and NEPA, such as major capital improvement projects, SANDAG shall provide opportunities for members of the public to provide input and comply with all related legal requirements.
 - 6.1 SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, and neighborhood associations.
 - 6.2 SANDAG shall incorporate public input into project planning and development where practical and feasible.
 - 6.3 SANDAG shall hold a public hearing to seek public comment whenever required under CEQA and/or NEPA.
 - 6.3.1 Published notifications for such hearings shall be published in newspapers of general circulation for publication of legal notices. Notices also may be published in regional, community, or Spanish-language newspapers to reach the affected area.
 - 6.3.2 Any item subject to a public hearing will be listed and described in the Board's published agenda, which shall be posted at least 72 hours in advance of the meeting at the Board's meeting place and on the SANDAG website.
 - 6.3.3 Public hearings shall be conducted by SANDAG at the published date, time, and place. The public hearing will allow for interested parties to be heard. The Board also will consider any written comments that were forwarded to the Board prior to the hearing.

E. Fare Changes

1. SANDAG has adopted Board Policy No. 029 to provide policy guidance for fare changes. This section of this policy is designed to inform and involve public transit riders, stakeholders, and the general public about proposed changes in transit fares. It is not intended to apply to transit route changes within the purview of the transit operators.
 - 1.1 Consistent with Board Policy No. 004, SANDAG staff shall hold one or more public meetings to provide the public an opportunity to comment on proposed fare changes. A minimum of two public meetings shall be held prior to the first reading of any proposed fare change that affects services operating in both the MTS and NCTD service areas. At least one public meeting shall be held in the MTS service area, and at least one public meeting shall be held in the NCTD service area. If one or more public meetings are conducted by a public meeting officer pursuant to Board Policy No. 004, at least one of the public meetings shall be held with a starting time no earlier than 6 p.m. A public meeting for proposed fare changes that do not affect the entire region may be held exclusively within the general geographic area that is being affected by the fare change. Such public meeting shall be held at a time convenient for users and potential users of the affected service. Public meetings at which formal public testimony will be taken shall be held at locations that are accessible by users of public transit. An official transcriber or other means of recording all public input received shall be utilized at all public hearings, meetings, workshops or open-houses at which formal public testimony is taken. A record of the input received shall be provided to the Transportation Committee or Board of Directors at the time of the first and second readings of amendments to the fare ordinance for the purpose of adjusting fare prices.
 - 1.2 Public comments on proposed fare changes also shall be accepted at the SANDAG Board or Transportation Committee meeting before any final action is taken.
 - 1.3 *Take One*, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected public transit vehicles within the affected area at least 15 calendar days prior to the public hearing and will include a description of the proposed fare change, the date, time, intent and location of the public meeting, and the deadline for written, email, and phone comments from the public. The notices will be posted to the SANDAG and Transit Agency website(s).
 - 1.4 Print notice of public meetings at which formal public testimony will be taken will be provided at least 15 calendar days prior to the public meeting date in newspapers of general circulation in the affected area(s), including appropriate minority and community publications. Public notices will be printed in Spanish in Spanish-language newspapers. Such public meeting notices will include a description of proposed fare changes, the date, time, intent, and location of the public meeting(s), and the deadline for written, email, and phone comments from the public.

- 1.5 An open phone line will be made available to take public comments at least 15 calendar days prior to adoption of fare changes.
- 1.6 A Transportation Committee and/or Board report (as appropriate) will be completed and available for public review at least 72 hours prior to the public meeting at which the fare changes are proposed for adoption and posted to the SANDAG website(s).
2. After a fare change is approved by SANDAG:
 - 2.1. The public will be notified via news release(s)
 - 2.2. *Take One*, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected transit vehicles at least 15 calendar days prior to changes going into effect and posted to the SANDAG and Transit Agency website(s).
3. SANDAG shall follow federal Title VI and environmental justice requirements when implementing transit fare changes.
 - 3.1. Residential, employment, and transportation patterns of low-income, limited English speaking, and minority populations shall be identified so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed. SANDAG shall endeavor to involve the affected communities in evaluating the benefits and burdens of transportation investments.
 - 3.2. SANDAG shall evaluate and - where necessary - improve the public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

F. Short Range Transit Planning

1. Public information and involvement programs for the Regional Short Range Transit Plan and the Coordinated Human Resources and Public Transit Transportation Plan shall be the responsibility of SANDAG.
2. Public information and involvement programs for transit service changes will fall under adopted policies of MTS and NCTD.

G. Native American Consultation

1. SANDAG shall establish and adhere to government-to-government relationships when interacting with Tribal Governments, acknowledging these tribes as unique and separate governments within the United States.
2. SANDAG shall recognize and respect important California Native American rights, sites, traditions, and practices.
3. SANDAG engages in "consultation" with Tribal Governments prior to making decisions, taking actions, or implementing programs that may impact their communities.

4. To facilitate effective consultation with Tribal Governments, SANDAG has established a Tribal Government Liaison. The Liaison shall serve as an initial contact for Tribal Governments and communicates with tribal governments regarding SANDAG activities.
 - 4.1. "Consultation" is the active, affirmative process of: (1) identifying and seeking input from appropriate American Indian government bodies, community groups, and individuals; and (2) considering their interests as a necessary and integral part of the decision-making process.

H. The Board has a strong commitment to public participation and involvement and wishes to ensure that agency business is conducted in an orderly fashion and that all have an equal opportunity to observe and participate in public events and activities. Each person who participates in such public events or activities shall not use loud, threatening, profane, or abusive language that disrupts, disturbs, or otherwise impedes the orderly conduct of the event. Any such language or any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the event is prohibited.

1. The designated moderator of the event may rule that a person is impeding the orderly conduct of the event if the comment is "off topic," or otherwise unrelated to the subject matter of the event.
2. No person shall engage in conduct that disrupts the orderly conduct of the event, including, but not limited to, the utterance of loud or threatening language, whistling, clapping, stamping of feet, speaking over or interrupting the recognized speaker, repeated waving of arms or other disruptive acts.
3. The designated moderator of the event has the authority to issue a warning to a person violating this policy. If the person continues to violate this policy and disrupt the event, the designated moderator may order that person to leave the event area. Any person removed from an event shall be excluded from further attendance at the remainder of the event.
4. If any event is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the event unfeasible, the designated moderator may recess the event or order the person, group or groups of persons willfully interrupting the event to leave.
5. Placards, banners, signs, flags, or other large objects designed to interrupt or disrupt the orderly conduct of the event are not permitted in the event area.
6. If the event is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of such event unfeasible and order cannot be restored by the removal of the person or persons willfully interrupting or disrupting the event, the designated moderator of the event may, at their discretion, conclude the event.

Adopted November 2004
Amended March 2005
Amended January 2006
Amended December 2007
Amended December 2008
Amended January 2010
Amended November 2012

Amended September 2017
Amended February 2018
Amended 2023

DRAFT



BOARD POLICY NO. 026

PUBLIC SAFETY POLICY ADVISORY COMMITTEE

1. Purpose

The purpose of the Public Safety Policy Advisory Committee, also known as the Public Safety Committee (PSC), is to advise the Board on matters concerning the Automated Regional Justice Information System and the Criminal Justice Research Division.

2. Governance

- 2.1. The PSC shall be overseen by the SANDAG Board of Directors 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 SANDAG 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.
- 2.3. Membership of the PSC shall be as set forth in Board Policy No. 002: Policy Advisory Committee Membership.

3. PSPAC Subcommittees

- 3.1. There shall be a standing Chiefs'/Sheriff's Management Committee (CSMC) composed of standing members, who shall be the Chief of Police, Sheriff, or Public Safety CEO of each Charter Member Agency. The term "Charter 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 CSMC may appoint advisory members to the committee as needed, who shall serve at the pleasure of the CSMC.
- 3.2. Each Charter Member Agency representative of the CSMC shall have one vote.
- 3.3. Whenever a member is not present at a meeting of the CSMC, a designated alternate selected by the member may act as a member.
- 3.4. The CSMC may appoint members to standing working groups ~~known as the Users, Technical, and Business working groups~~. The membership of these working groups shall be composed of members of public safety agencies who operate or use ARJIS. Each member of these working groups shall have one vote.
- 3.5. The CSMC meetings shall be at least monthly or whenever called by its chairperson. The chairperson of the CSMC shall provide notification of any such scheduled meetings in accordance with the Brown Act.
- 3.6. ~~Other~~ sStanding 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 [Charter](#) 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 CSMC shall be to: (1) review, evaluate, and provide recommendations to the PSC on the ARJIS and Criminal Justice Research Division work plan and budget (including parameters for pursuit of grant opportunities); (2) monitor the implementation of the ARJIS and Criminal Justice Research Division work plan and budget; (3) develop and recommend operational policies and procedures necessary to carry out operations within SANDAG purview; (4) approve and oversee the implementation of the recommendations from other subcommittees and working groups within limitations of approved policies and procedures; (5) make recommendations on public policy issues upon request by the PSC; and (6) perform other functions delegated by the PSC.

4. Authority

- 4.1 The PSC may hear items within the subject areas of public safety, criminal justice research, and ARJIS and may be asked to provide actions or recommendations on other matters within the PSC's purview. The PSC 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 Research Division items, unless these transactions have potential public policy or liability implications within SANDAG purview.

Identification of items with potential public policy or liability implications for SANDAG under consideration by the PSC will be determined by senior Public Safety staff in consultation with the chairpersons of the PSC and CSMC. The Chief Executive Officer shall report this determination to the Chair of the SANDAG Board of Directors. This process will result in items being placed on PSC or CSMC agendas for action or recommendation as appropriate.

- 4.2 Grant opportunities of a time-sensitive nature not allowing for review through the committee structure as described above shall be presented to the PSC chairperson in writing (email or memorandum) describing the grant and its support of the SANDAG mission and strategic goals. Upon recommendation by the PSC chairperson, the Chief Executive Officer, ~~in consultation with the SANDAG Board Chair,~~ shall make the final determination whether to apply for the grant. This process shall be reported to the PSC and SANDAG Board in follow-up budget action upon award of the grant.

Adopted December 2003
Amended November 2004
Amended September 2014
[Amended 2023](#)



BOARD POLICY NO. 028

ASSET OWNERSHIP AND DISPOSITION

Purpose

This policy establishes guidelines and procedures for the ownership and disposal of SANDAG assets.

1. Ownership of Assets

- 1.1 SANDAG, North San Diego County Transit Development Board (NCTD), and the Metropolitan Transit Development Board, a California Public Agency operating the Metropolitan Transit System (MTS), are parties to a Master Memorandum of Understanding (MOU), which among other things, describes the manner in which acquired real property and personal property will be owned and managed by the three agencies. This policy is consistent with the terms of the Master MOU and its addenda. In addition, from time to time, a transfer of property from SANDAG to another entity will be appropriate if that entity will operate, maintain or have liability for the property.
- 1.2 Real Property
 - 1.2.1 Real property owned by NCTD, MTS, or an owner other than SANDAG (Third Party Owner) prior to construction of a project by SANDAG shall be referred to as "Pre-Owned Property" in this Policy.
 - 1.2.2 When SANDAG constructs physical improvements on Pre-Owned Property, the real property, including the improvements constructed by SANDAG, will be owned by the Third-Party Owner, unless otherwise agreed to in writing by the parties or prohibited by an entity funding the project.
 - 1.2.2.1 To enable SANDAG to construct improvements on MTS or NCTD Pre-Owned Property, the parties will enter into one or more addenda to the Master MOU that will set forth the legal rights and remedies between or among SANDAG and the affected operating agency(ies) (Affected Parties) to enable SANDAG to construct the project and MTS and/or NCTD to continue necessary operations during construction.
 - 1.2.2.2 To convey improvements developed on Pre-Owned Property to NCTD and MTS, the Affected Parties may enter into one or more addenda to the Master MOU that will set forth the legal rights and remedies amongst the parties to make the Affected Party responsible to operate and maintain the property and allocate liability for claims involving the property.
 - 1.2.3 When SANDAG constructs physical improvements to property acquired for the purpose of a project ("Subsequently Acquired Property"), the real

property, including the improvements constructed by SANDAG, may be transferred to another entity, if permitted by the funding source of the procurement, consistent with applicable funding requirements, laws and regulations, including, but not limited to the Surplus Land Act and Eminent Domain Law, and agreed to by the parties. Notwithstanding the foregoing, the parties involved with the project may agree to have one or more other entities own Subsequently Acquired Property.

1.2.3.1 To convey the real property including improvements developed on Subsequently Acquired Property to NCTD or MTS, the Affected Parties will enter into one or more addenda to the Master MOU that will set forth the legal rights and remedies amongst the parties to make the operating agency responsible to operate and maintain the property and allocate liability for claims involving the property to the operating agency.

1.2.3.2 In the event Subsequently Acquired Property may offer the opportunity to be further developed for other public transportation uses, SANDAG will retain the appropriate real property interest to enable it to develop such public transportation projects on the property in the future.

~~1.2.4 In the event real property is procured by SANDAG utilizing Federal Transit Administration (FTA) grants, said real property may be conveyed to a Third Party Owner with FTA approval, and if agreed to by the parties.~~

1.3 Personal Property

1.3.1 All property other than real property and its associated bundle of rights will be referred to herein as "Personal Property."

1.3.2 Personal Property procured by SANDAG for the operating purposes of ~~NCTD or MTS~~ a Third-Party Owner may be owned, operated and maintained by the Third-Party Owner operating agency if permitted by the funding source of the procurement, and if agreed to by the Affected Parties.

1.3.3 To the extent the funding source of the procurement of Personal Property requires SANDAG to retain ownership, SANDAG may convey possession of the Personal Property to one or more Third Party Owners pursuant to a lease which will obligate the Third-Party Owner to operate and maintain the Personal Property and account for its use and maintenance. Said lease will require the operating agency to retain full responsibility for the operation, maintenance, and liability associated with the use and possession of the Personal Property.

~~1.3.4 In the event Personal Property is procured by SANDAG utilizing FTA grants, the Personal Property may be conveyed to a Third Party Owner with FTA approval as applicable, and if agreed to by the parties.~~

2. Disposition Procedures for Personal Property

2.1 SANDAG has ~~various assets~~Personal Property which, over time, will be deemed obsolete due to normal use and wear, or new technology, or no longer needed due to project completion, underutilization, or surplus status. Therefore, ~~these assets~~the Personal Property become candidates for disposalmay be disposed of in accordance with this Policy and applicable laws, regulations, and funding requirements. Laws governing SANDAG's purchase of ~~such assets~~Personal Property typically require the use of a competitive procurement process. Likewise, the disposal or sale of ~~property~~Personal Property purchased with public funds should be done ~~so~~ in an open, competitive process, unless the property will be assigned to government or nonprofit entities and designated for public purposes, or unless otherwise provided herein. It is SANDAG policy to capitalize ~~assets~~Personal Property with a unit purchase value of \$5,000 or more. This policy is intended to ensure that when SANDAG disposes of ~~the personal assets or real property assets~~Personal Property, it will be done in a manner which is in the best interests of SANDAG, within the standards and procedures set forth herein.

2.2 Personal Property that is subject to an insurance settlement may be disposed of according to the terms of the settlement or consistent with the insurer's procedures.

~~2.2.3~~ Surplus ~~Personal Property properties are~~ may be made available for various public purposes, including assignment or negotiated sale to state and local governments and eligible nonprofit institutions, ~~or are sold competitively before a competitive sale~~ to the general public. State and local governments, eligible public institutions, and nonprofit organizations may acquire surplus ~~property~~Personal Property that SANDAG no longer needs on terms that SANDAG's Transportation Committee deems are in the best interest of SANDAG's goals and public need.

~~2.3~~2.4 Surplus ~~property~~Personal Property that is not conveyed to state/local governments or other eligible recipients for public purposes may be sold to private individuals and companies by ~~competitive bid~~procurement, consistent with the requirements in the relevant Board Policy No. 016, 023, or 024the methods described in section 2.5.

~~2.4~~2.5 Methods. The method of disposal must be approved by the Transportation Committee for ~~capital assets~~Personal Property with an individual or aggregate actual or depreciated value of \$100,000 or more. For ~~capitalized assets~~Personal Property valued under \$100,000, the Chief Executive Officer or designee may authorize disposal and the method. For audit purposes, a memorandum must be filed which certifies the actual or depreciated value of the asset and indicates the method of disposal. Such methods may include, but are not limited to, the following:

~~2.4.1~~2.5.1 Trade-in allowance - provided that an independent appraisal is conducted to determine the value, or an analysis is conducted which certifies that the sale price is fair and reasonable.

~~2.4.2~~2.5.2 Use of competitive auctions, such as a government agency-sponsored auction or a competitive public auction.

~~2.4.32.5.3~~ Competitive sale.

~~2.4.42.5.4~~ Negotiated sale.

~~2.4.52.5.5~~ Destruction

~~2.4.62.5.6~~ Trash

~~2.52.6~~ Competitive Sale. Under a competitive sale, the ~~following~~ procedures ~~in Board Policy Nos. 023 or 024~~ must be followed ~~with the exception that the award will be to the highest responsive, responsible bidder.:~~

~~2.5.1~~ Notification to the public. This would include, at a minimum, the placing of an advertisement in a newspaper(s) of general circulation. The ad must specify the item(s) to be sold, the condition and the terms for the sale, and the date/time/place sealed bids are to be received.

~~2.5.2~~ All bids must be sealed.

~~2.5.3~~ Prospective bidders may be afforded an opportunity to view the item(s) being disposed.

~~2.5.4~~ Award. The award will be to the highest responsive, responsible bidder.

~~2.62.7~~ Negotiated Sale. ~~Capital assets~~Personal Property with an individual or aggregate value in excess of \$100,000 may be disposed of on a negotiated sale basis provided a finding by the Transportation Committee by a two-thirds vote that special circumstances exist that make it in the best interest of SANDAG. Such circumstances may include the following:

~~2.6.12.7.1~~ Unique item(s) may have a limited resale market.

~~2.6.22.7.2~~ The financial interest of SANDAG would be best served by negotiation.

~~2.6.32.7.3~~ In the case of used buses, the Transportation Committee will give specific direction on the method of disposal to be followed on a case-by-case basis considering potential financial return and available alternatives, including the sale for scrap or other nonoperating purposes to avoid use of the vehicles and resultant air pollution in California and the San Diego region. A method of disposal may be approved even though the financial benefit may be less than other methods of disposal.

~~2.6.42.7.4~~ If approved, the Chief Executive Officer may be authorized to negotiate a sale price.

~~2.72.8~~ Ineligible Participants. SANDAG, NCTD, MTDB, SDTC, and SDTI employees, Board members and members of their immediate family may not participate in a competitive or negotiated sale of SANDAG ~~capital assets~~Personal Property.

~~2.9~~ Federal Grant Funded Assets. ~~Capital assets~~Personal Property which has~~ve~~ been purchased with ~~state or~~ federal capital grant funds must be disposed of in a manner consistent with ~~and proceeds must be distributed in accordance with~~, any applicable laws, ~~regulations and grant requirements, including FTA regulations. The proceeds from such disposal will be distributed in the percent of which was provided for the original purchase if the per unit fair market value of the asset exceeds \$5,000.~~

3. Disposition Procedures for Real Property

- 3.1 SANDAG owns real property which, over time, will be deemed no longer needed due to project completion, underutilization, or surplus status. Therefore, the real property may be disposed in accordance with this Policy and applicable laws, regulations, and funding requirements.
- 3.2 Where applicable, SANDAG will follow the provisions of the California Surplus Land Act, Government Code section 54220, et. seq., and the California Eminent Domain Law, Code of Civil Procedure section 1230.010, et seq., before SANDAG takes any action to dispose of the real property.
- 3.3 Real property may be made available for various public purposes, including assignment or negotiated sale to state and local governments and eligible nonprofit institutions, before a competitive sale to the general public. State and local governments, eligible public institutions, and nonprofit organizations may acquire real property that SANDAG no longer needs on terms that SANDAG's Board of Directors deems are in the best interest of SANDAG's goals and public need, and consistent with applicable laws, regulations and funding requirements.
- 3.4 Real property that is not conveyed to state/local governments or other eligible recipients for public purposes may be sold to private individuals and companies by the methods described in section 3.5 below.
- 3.5 Methods. SANDAG shall optimize the sales price of real property based on relevant factors, such as an appraisal reflecting current market value, prevailing economic conditions and market trends, and any benefits to SANDAG in the sale. The method of disposal must be approved by the Board of Directors for real property with value of \$100,000 or more. For real property valued under \$100,000, the Chief Executive Officer may authorize disposal and the method. For audit purposes, a memorandum must be filed which certifies the value of the real property and indicates the method of disposal. Such methods may include, but are not limited to, the following:
 - 3.5.1 Use of competitive auctions, such as a government agency-sponsored auction or a competitive public auction.
 - 3.5.2 Competitive sale on the open market.
 - 3.5.3 Negotiated sale.
- 3.6 Competitive Sale on the Open Market. SANDAG may elect to pay a real estate brokerage commission or fee for the sale of SANDAG-owned real property when it is deemed advisable by the Chief Executive Officer that the assistance of a real estate broker may cause a property to sell at a higher price or when additional expertise is needed to assist SANDAG staff in selling a property.
- 3.7 Negotiated Sale. Real property with a value in excess of \$100,000 may be disposed of on a negotiated sale basis provided a finding by the Board of Directors by a two-thirds vote that special circumstances exist that make it in the best interest of SANDAG. Such circumstances may include the following:
 - 3.7.1 The size, shape, location, or land use restrictions of a property may have limited resale market.

3.7.2 The financial interest of SANDAG would be best served by negotiation.

3.7.3 If approved, the Chief Executive Officer may be authorized to negotiate a sale price.

3.8 Ineligible Participants. SANDAG, NCTD, MTDB, SDTC, and SDTI employees, Board members and members of their immediate family may not participate in a competitive or negotiated sale of SANDAG real property.

3.9 Grant Funded Assets. Real property which has been purchased with state or federal capital grant funds must be disposed of in a manner consistent with, and proceeds must be distributed in accordance with, any applicable laws, regulations and grant requirements.

Adopted April 2004

Amended November 2010

Amended November 2014

Amended January 2019

Amended 2023