



Executive Committee Agenda

Friday, February 10, 2023
9 a.m.

Welcome to SANDAG. The Executive Committee meeting scheduled for Friday, February 10, 2023, will be held in person in the SANDAG Conference Room No. 7. While Executive Committee 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/83580451046>

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Public Comments: Members of the public may speak to the Executive Committee on any item at the time the Executive Committee 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 Executive Committee 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.

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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.

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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, February 10, 2023

Item No.		Action
1.	Public Comments/Communications/Member Comments Public comments under this agenda item will be limited to five public speakers. 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. Executive Committee members also may provide information and announcements under this agenda item. If the number of public comments under this agenda item exceeds five, additional public comments will be taken at the end of the agenda. Subjects of previous agenda items may not again be addressed under public comment.	
+2.	Executive Committee 101 <i>Robyn Wapner, SANDAG</i> Staff will present an overview of the Executive Committee to inform members of the Committee's membership and responsibilities, major milestones accomplished in 2022, and those ahead in 2023.	Information
Consent		
+3.	Approval of Meeting Minutes <i>Francesca Webb, SANDAG</i> The Executive Committee is asked to review and approve the minutes from its October 14, 2022, meeting.	Approve
+4.	Review of Draft Board of Directors Agendas <i>Robyn Wapner, SANDAG</i> The Executive Committee is asked to approve the draft Board of Directors agenda for February 24, 2023, and the proposed topics areas to be covered at the Board Retreat, scheduled for March 9-10, 2023.	Approve
Reports		
+5.	Preliminary FY 2024 Program Budget and Strategic Planning Framework <i>Andre Douzdjian, SANDAG</i> Staff will present preliminary information on development of the FY 2024 Program Budget.	Information

- +6. Audit Committee Recommendations**
Chair David Zito, SANDAG Audit Committee

Discussion/
Possible Action

+6A. Proposed Amendments to SANDAG Board Policy No. 039

The Executive Committee is asked to review amendments to SANDAG Board Policy No. 039: Audit Policy Advisory Committee and Audit Activities that have been proposed by the Audit Committee and to make a recommendation to the Board of Directors regarding those amendments. The Audit Committee's proposed amendments to Board Policy No. 039, and the supporting staff report from its October 13, 2022, meeting are attached for reference.

+6B. Independent Performance Auditor

Per SANDAG Board Policy No. 001 Section 3.1.9, the Executive Committee will be provided an update on the Independent Performance Auditor recruitment process. The Audit Committee's staff report from its January 13, 2023, meeting, on this issue, is attached for reference.

- +7. Proposed 2023 Legislative Program**
Hannah Stern and Jose Alvarez, SANDAG

Recommend

The Executive Committee is asked to recommend that the Board of Directors approve the proposed 2023 Legislative Program.

8. Upcoming Meetings

The next meeting of the Executive Committee is scheduled for Friday, March 10, 2023, at 9 a.m.

9. Adjournment

+ next to an agenda item indicates an attachment



Item Cover Page

EXECUTIVE COMMITTEE AGENDA ITEM REPORT

DATE: February 10, 2023

SUBMITTED BY: Alicia Isla, Public Affairs

ITEM TYPE: Information

AGENDA SECTION: Comments and Communications

SUBJECT: Executive Committee 101

SUGGESTED ACTION: Staff will present an overview of the Executive Committee to inform members of the Committee's membership and responsibilities, major milestones accomplished in 2022, and those ahead in 2023.

ATTACHMENTS:

[Executive Committee 101.docx](#)

[Att. 1 - SANDAG Bylaws.pdf](#)

[Att. 2 - SANDAG Board Policy No. 001.pdf](#)

[Att. 3 - SANDAG Board Policy No. 002.pdf](#)

[Att. 4 - SANDAG Board Policy No. 004.pdf](#)

February 10, 2023

Executive Committee 101

Overview

The Executive Committee is one of the six Policy Advisory Committees that reports to the Board of Directors.

The Committee is comprised of six voting members representing East County, North County Coastal, North County Inland, South County, the City of San Diego, and the County of San Diego.

The Chair, First Vice Chair, and Second Vice Chair of the Board automatically serve as voting members of the Executive Committee, as the representatives of their respective subregions. Additionally, any Chairs of any other Policy Advisory Committee who are not otherwise a member of the Executive Committee serve as advisory, non-voting members of the Executive Committee.

Action: Information

Staff will present an overview of the Executive Committee to inform members of the Committee's membership and responsibilities, major milestones accomplished in 2022, and those ahead in 2023.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.

Key Considerations

The Executive Committee provides oversight for the preparation of the agency budget and work program, provides recommendations on legislative proposals and agency policies, and sets the Board of Directors agenda. Recommendations of the Executive Committee are forwarded to the Board of Directors for action.

Additional details regarding the Committee's membership and responsibilities are outlined in SANDAG Bylaws and SANDAG Board Policies (Attachments 1-4).

Next Steps

The Executive Committee meets on the second Friday of every month.

Robyn Wapner, Director of Public Affairs

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

Attachments:

1. SANDAG Bylaws
2. SANDAG Board Policy No. 001: Allocation of Responsibilities
3. SANDAG Board Policy No. 002: Policy Advisory Committee Membership
4. SANDAG Board Policy No. 004: Rules of Procedure for Board of Directors, Policy Advisory Committees, and Other Legislative Bodies

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.

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(h).

- e. 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(h).

- f. 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.

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



ALLOCATION OF RESPONSIBILITIES

1. Board and Policy Advisory Committees Responsibilities

Shown below are responsibilities for the Board of Directors and each of the six Policy Advisory Committees (Executive, Transportation, Regional Planning, Borders, Public Safety, and Audit). Selected responsibilities are delegated by the Board to the Policy Advisory Committees to allow SANDAG to effectively address key public policy and funding responsibilities. All items delegated to the Policy Advisory Committees are subject to Board ratification.

All functions not specifically delegated by the Board to a Policy Advisory Committee may be delegated to a Policy Advisory Committee on a one-time basis upon request by the Chief Executive Officer and approval by the Chair. Such actions shall be reported to the Board at its next regular meeting.

2. Board Responsibilities

- 2.1 Approve the Regional Plan, which merges the Regional Comprehensive Plan (RCP), the Regional Transportation Plan, and the Sustainable Communities Strategy as well as plan components and other regional plans (e.g., Regional Energy Plan, MHCP, etc.)
- 2.2 Approve Regional Transportation Improvement Program (RTIP) and corridor studies
- 2.3 Fulfill responsibilities of the consolidated agency as set forth in the San Diego Regional Transportation Consolidation Act (Public Utilities Code §132350 *et seq.*)
- 2.4 Fulfill the responsibilities of the San Diego Regional Transportation Commission (RTC)
- 2.5 Approve programming of funds (TDA, CMAQ, STIP, etc.)
- 2.6 Certify/adopt project environmental documents pursuant to the National Environmental Policy Act or the California Environmental Quality Act
- 2.7 Approve Overall Work Program and Program Budget
- 2.8 Approve amendments to the Program Budget and Overall Work Program and authorize contracts with consultants for amounts equal to or greater than the amounts to be determined for administrative and policy committee authorization.
- 2.9 Approve the annual legislative agenda
- 2.10 Provide policy direction through Policy Development Board meetings
- 2.11 Appoint Committees and Board officers

- 2.12 Delegate responsibilities to Policy Advisory Committees and ratify Committee actions. All items delegated to the five Policy Advisory Committees are subject to direct Board action upon request of any members.
- 2.13 Delegate responsibilities to Board Chair consistent with Board criteria. Conference sponsorships and proclamations are hereby delegated subject to current or subsequently approved criteria.
- 2.14 Develop and adopt an administration 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 monitor the evaluation process on a regular basis.
- 2.15 Provide a report, developed by the Transportation Committee, to the Legislature consistent with Government Code section 9795 on or before July 1 of each year that outlines the public transit needs, transit funding criteria, recommended transit funding levels, and additional work on public transit, as delegated to the Transportation Committee by the Board, and specifying the funds spent explicitly on public transportation.
- 2.16 Develop and adopt internal control guidelines based on recommendations from the Audit Committee to prevent and detect financial errors and fraud based on the internal control guidelines developed by the state Controller pursuant to Government Code section 12422.5 and the standards adopted by the American Institute of Certified Public Accountants.
- 2.17 Vote on whether to remove the independent performance auditor for cause, such removal being subject to an approving vote by two-thirds of the Audit Committee and the Board.
- 2.18 Approve which firm to contract with to conduct the annual financial statement audits.
- 2.19 Approve the individual or firm to hire to carry out independent performance auditor responsibilities.
- 2.20 Approve the budget needed to carry out the annual audit plan of the independent performance auditor.

3. Executive Committee Membership and Responsibilities

- 3.1 The Executive Committee shall consist of six voting members with board members representing East County, North County Coastal, North County Inland, South County, and the representative, or the representative's alternate in their absence, from the City of San Diego and the County. The Chair, First Vice Chair and Second Vice Chair of the Board shall serve as voting members of the Executive Committee. Additionally, any Chair of any other Policy Advisory Committee who is not otherwise a member of the Executive Committee shall serve as an advisory, non-voting member of the Executive Committee.
 - 3.1.1 Set agenda for Board. Any Board member requesting that an item be considered for inclusion on the agenda must present such request in writing to the Chairperson prior to the Executive Committee's consideration of such agenda.
 - 3.1.2 Review and recommend Overall Work Program and Program Budget
 - 3.1.3 Approve amendments to the Program Budget and Overall Work Program and authorize contracts up to amount approved by the Board
 - 3.1.4 Review and act on state and federal legislation
 - 3.1.5 Comment on behalf of SANDAG or provide recommendations to the Board regarding comments on third party environmental documents
 - 3.1.6 Act upon and evaluate dispute resolution
 - 3.1.7 Advise on personnel actions
 - 3.1.8 Act on behalf of Board when timing requires
 - 3.1.9 Make policy recommendations to the Board
 - 3.1.10 Perform other duties as assigned by the Board
 - 3.1.11 Approve financial/contracting transactions, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment up to \$500,000, subject to increase by Board action.
 - 3.1.12 Annually review a list of all the SANDAG lower-level committees and working groups to determine the need to maintain the committee or working group and approve any revisions in functions or membership.
 - 3.1.13 Review all proposed amendments to the Bylaws or Board Policies and make recommendations to the Board regarding those amendments.
 - 3.1.14 Conduct expedited reviews and approvals of Energy Working Group actions on an as-needed basis.

- 3.1.15 If timing requires and if, in the exercise of due diligence a quorum of the Executive Committee cannot be convened to act to address such time-sensitive issue, with written concurrence from the First Vice Chair and Second Vice Chair, the Chair may act on behalf of the Executive Committee with regard to all items delegated to the Executive Committee. The Chair shall report any actions taken on behalf of the Executive Committee at its next meeting.

4. Transportation Committee Membership and Responsibilities

- 4.1 The Transportation Committee shall consist of ten voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, a member of the board of the MTS appointed by the board of the MTS, a member of the board of the NCTD appointed by the board of the NCTD, a member of the board of the San Diego County Regional Airport Authority appointed by the board of the Airport Authority, and a member of the board of the San Diego Unified Port District appointed by the board of the Port District.
 - 4.1.1 Provide oversight for consolidated transit responsibilities
 - 4.1.2 Provide policy oversight for transportation plans and corridor and systems studies
 - 4.1.3 Establish/approve transportation prioritization criteria for SANDAG programs
 - 4.1.4 Approve TDA and STA claim amendments and RTIP and STIP amendments
 - 4.1.5 Recommend funding allocations to the Board
 - 4.1.6 Approve transit operator budgets for funding
 - 4.1.7 Approve Regional Short Range Transit Plan and Coordinated Human Service and Public Transportation Plan
 - 4.1.8 Make recommendations regarding changes to Board Policy No. 018: Transit Service Policy and Board Policy No. 029: Regional Fare Policy and Comprehensive Fare Ordinance
 - 4.1.9 Conduct public hearings as delegated by Board
 - 4.1.10 Approve contracts for transit up to amount approved by the Board
 - 4.1.11 Advise Board on other transportation policy-level issues
 - 4.1.12 Recommend legislative program for transportation and transit
 - 4.1.13 Approve financial/contracting transactions, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment up to \$500,000 for transportation items, subject to increase by Board action
 - 4.1.14 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

4.1.15 Conduct hearings and authorize additional public meetings when appropriate pursuant to Board Policy No. 025 to hear official testimony from the public regarding Comprehensive Fare Ordinance amendments

4.1.16 Approve amendments to the Comprehensive Fare Ordinance

4.1.17 Accept for distribution, hold public hearings regarding, and adopt/certify environmental documents for projects within the Transportation Committee's Responsibilities

4.1.18 Approve loans of *TransNet* funds when such loans are incorporated into an RTIP amendment requiring an exchange of *TransNet* funds for funds from another source

4.1.19 Provide oversight and approvals for Coordinated Transportation Services Agency (CTSA) matters and appoint Transportation Committee representative to the CTSA Board

4.1.20 Approve revisions to funding allocations for Federal Transit Administration Section 5311 funding

4.1.21 Review the draft *TransNet* compliance audits consistent with Board Policy No. 031:

TransNet Ordinance and Expenditure Plan Rules

4.1.22 Provide input on project selection criteria for, and recommend projects for funding under, the statewide and *TransNet* active transportation programs, and other *TransNet* grant programs such as the Smart Growth Incentive Program and Environmental Mitigation Program

4.1.23 Provide oversight for Service Authority for Freeway Emergencies responsibilities and related motorist aid programs

4.1.24 Provide coordinated oversight with the Regional Planning Committee for recommendations on the preparation and implementation of components of the Regional Plan

4.1.25 Develop a report by July 1 of each year that specifies the funds spent explicitly on public transportation, outlines the public transit needs, transit funding criteria, recommended transit funding levels, and additional work on public transit, and recommend acceptance of such report to the Board.

4.1.26 Approve Federal Highway and Federal Transit Administrations' Transportation Performance Management targets required of Metropolitan Planning Organizations.

5. Regional Planning Committee Membership and Responsibilities

- 5.1 The Regional Planning Committee shall consist of six voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County, and the mayor or a council member from the City of San Diego, and a supervisor from the County of San Diego.
 - 5.1.1 Provide coordinated oversight with the Transportation Committee for recommendations on the preparation and implementation of components of the Regional Plan
 - 5.1.2 Recommend regional infrastructure financing strategies to the Board
 - 5.1.3 Represent the Board for outreach and public information on the Regional Plan and its components
 - 5.1.4 Advise Board on regional planning policy issues
 - 5.1.5 Approve distribution of funds from the California Coastal Commission Beach Sand Mitigation Fund and California Coastal Commission Public Recreational Beach Impact Mitigation Fund.
 - 5.1.6 Recommend project selection criteria for, and recommend projects for funding under, the *TransNet* Smart Growth Incentive Program and Environmental Mitigation Program

6. Borders Committee Membership and Responsibilities

- 6.1 The Borders Committee shall consist of seven voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, and a mayor, council member, or supervisor from the County of Imperial.
 - 6.1.1 Provide oversight for planning activities that impact the borders
 - 6.1.2 Provide oversight for the preparation of binational, interregional, and tribal planning programs
 - 6.1.3 Recommend border infrastructure financing strategies to the Board
 - 6.1.4 Establish closer SANDAG working relations with surrounding counties, Mexico, and the region's tribal nations
 - 6.1.5 Advise Board on binational, interregional, and tribal policy-level issues
 - 6.1.6 Review and comment on regionally significant projects in adjoining counties

7. Audit Committee Membership and Responsibilities

The membership, authority and responsibilities for this committee are set forth in Board Policy No. 039.

8. Public Safety Committee Membership and Responsibilities

The membership, authority and responsibilities for this committee are set forth in Board Policy No. 026.

9. Distribution of Meeting Materials

- 9.1 All agendas for meetings of the Board of Directors, Policy Advisory Committees, and all other SANDAG legislative bodies covered by the Brown Act (Government Code § 54950 *et seq.*) shall be posted on the SANDAG website, and copies of such agendas will be available for viewing by the public in the SANDAG business office reception area.
- 9.2 All closed session items shall be provided to appropriate Board and/or Policy Advisory Committee members prior to the closed session. Closed session meeting materials will be sent by a secure method and clearly labeled as confidential. If a representative will not be able to attend a meeting he/she should ensure the closed session materials are forwarded to the appropriate alternate to review prior to the meeting. All closed session meeting materials must be deleted or returned to the Office of General Counsel at the end of the closed session.

10. Work Assigned to Staff

Requests for staff to perform work on a project that is not specified in the Overall Work Program or Program Budget shall only be conducted following approval by the Board if the work is estimated to exceed four hours of staff time.

Adopted January 2003
Amended November 2004
Amended January 2006
Amended December 2006
Amended January 2010
Amended December 2012
Amended October 2013
Amended March 2014
Amended November 2014
Amended December 2015
Amended January 2017
Amended February 2018
Amended January 2019
Amended February 2021
Amended June 2021
Amended November 2022



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 Agency Association, one person selected from San Diego County Criminal Justice Association, a member of the Regional Homeland Security Committee, a member selected by the State Public Safety Agency Association, 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 Committee 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 Criminal Justice Association – 1 advisory member
- 4.3.2 Federal Justice Agency Association – 2 advisory members
- 4.3.3 Regional Homeland Security Committee – 1 advisory member
- 4.3.4 State Public Safety Agency Association – 1 advisory member
- 4.3.5 Regional Transit Services – 1 advisory member
- 4.3.6 Department of Defense – 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



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 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 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.

4. Standards of Conduct & Ethics Applicable to All 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.
- 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.

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

- 4.5.7.2 It is unlawful for any former SANDAG Board member, for compensation, to knowingly counsel or assist any person other than a public agency in connection with an appearance or communication in which the former SANDAG Board Member is prohibited from engaging pursuant to subsection 4.5.7.1 for a one year period immediately following termination of service with SANDAG.

4.6 Lobbying and Campaign-Related Activities

- 4.6.1 It is unlawful for any SANDAG Board Member to engage in campaign-related activities, such as fund-raising, the development of electronic or written materials, or research, for a campaign for any elective office using SANDAG facilities, equipment, supplies, or other SANDAG resources. Nothing in this section, however, shall prohibit the use of SANDAG resources to provide information to the public about the possible effects of any bond issue or other ballot measure relating to SANDAG activities, operations, or policies, provided that:

- 4.6.1.1 the use of public resources is otherwise legally authorized; and
- 4.6.1.2 the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

- 4.6.2 It is unlawful for any former SANDAG Board Member to engage in direct communication for the purpose of lobbying SANDAG if all of the following circumstances apply:

- 4.6.2.1 the former SANDAG Board Member served as a SANDAG Board Member within the previous twelve months; and
- 4.6.2.2 the former SANDAG Board Member received compensation from SANDAG for his or her service as a SANDAG Board Member; and
- 4.6.2.3 the former SANDAG Board Member is receiving compensation from a private business to engage in the direct communication with SANDAG.

- 4.6.3 The prohibitions contained in 4.6.2 shall not apply:

- 4.6.3.1 to prevent a former SANDAG Board Member from making or providing a statement, based on the former SANDAG Board Member's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses;
- 4.6.3.2 to prevent any former SANDAG Board Member from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before SANDAG;
- 4.6.3.3 to the activities of any former SANDAG Board Member who is an elected or appointed officer or employee of any public agency, or a consultant of any public agency, when that former SANDAG Board Member is solely representing that agency in his or her Board Member capacity as an officer, employee, or consultant of the agency;

- 4.6.3.4 to any ministerial action. A ministerial action is one that does not require a SANDAG Board Member to exercise discretion concerning any outcome or course of action; or
 - 4.6.3.5 to any individual who terminated status as a SANDAG Board Member prior to July 1, 2003, except that any such individual who returns to service as a SANDAG Board Member on or after July 1, 2003, shall thereafter be subject to the provisions of this section.
- 4.7 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item, and the Board will be making a decision regarding the agenda item during an open session meeting, the Board member must recuse himself or herself or, in the case of uncertainty, request a binding determination from the Board's legal counsel. If the Board member has a conflict, he or she may observe, but not participate, in the decision-making process.
 - 4.8 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item to be discussed during a closed session meeting, the Board member must state that he or she has a conflict of interest and shall be disqualified and shall leave the room during such discussion so as not to make, participate in making, or in any way attempt to use his or her official position to influence the decision or discussion. In the case of uncertainty, the Board member must request a binding determination from the Board's legal counsel. In accordance with the Brown Act, any Board member who is disqualified shall be entitled to any information that is publicly reported. The Board member will not, however, be privy to any confidential or privileged information or communications pertaining to the closed session agenda item.
 - 4.9 No Board member shall disclose to any person, other than members of the Board and other Board staff designated to handle such confidential matters, the content or substance of any information presented or discussed during a closed session meeting unless the Board authorizes such disclosure by the affirmative vote of a majority of the Board.
 - 4.10 No Board member may disclose confidential or privileged information or communication to any person other than a Board member, counsel to the Board, or other Board staff designated to handle such matters, unless disclosure is mandated by law or the Board authorizes such disclosure by the affirmative vote of a majority of the Board.
 - 4.11 Confidential or privileged information concerning threatened, anticipated, or actual litigation or claims will not be disclosed to a Board member if he or she has an actual, potential, or apparent conflict of interest. In the case of uncertainty as 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. 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. Proof of attendance may be issued by SANDAG or any other local government agency providing an ethics training course that complies with these requirements.

- 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 website 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 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.

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



Item Cover Page

EXECUTIVE COMMITTEE AGENDA ITEM REPORT

DATE: February 10, 2023

SUBMITTED BY: Alicia Isla, Office of the Clerk of the Board

ITEM TYPE: Approve

AGENDA SECTION: Consent

SUBJECT: Approval of Meeting Minutes

SUGGESTED ACTION: The Executive Committee is asked to review and approve the minutes from its October 14, 2022, meeting.

ATTACHMENTS:
[EC October 14, 2022, Meeting Minutes.docx](#)

February 10, 2023

October 14, 2022, Meeting Minutes

[View Meeting Video](#)

Chair Catherine Blakespear (North County Coastal) called the meeting of the Executive Committee to order at 8:25 a.m.

1. Public Comments/Communications/Member Comments

Mary Davis spoke in support of holding in person meetings, and in support of infographics and other visual materials to assist public understanding.

Consent

2. Approval of Meeting Minutes (Approve)

The Executive Committee was asked to approve the minutes from its July 8, 2022, meeting.

3. Review of Draft Board Agenda (Approve)

The Executive Committee was asked to approve the Draft October 28, 2022, Board of Directors meeting agenda.

Action: Upon a motion by Second Vice Chair Alejandra Sotelo-Solis (South County) and a second by Vice Chair Gloria (City of San Diego), the Executive Committee voted to approve Consent Item Nos. 2 and 3.

Yes: Chair Blakespear, Vice Chair Gloria, Second Vice Chair Sotelo-Solis, Mayor John Minto (East County), and Mayor Rebecca Jones (North County Inland).

No: None.

Abstain: None.

Absent: County of San Diego.

4. FY 2023 Program Budget Amendment: Amendment to 2021 Regional Plan (Recommend)

The Executive Committee was asked to recommend that the Board of Directors approve the allocation of \$1,500,000 from the Contingency Reserve in FY 2023 to fund costs associated with an amendment to the 2021 Regional Plan (Overall Work Program Project No. 3102008).

Corinna Contreras, Climate Action Campaign, spoke about concerns with amending the 2021 Regional Plan.

Action: Upon a motion by Second Vice Chair Sotelo-Solis and a second by Vice Chair Gloria, the Executive Committee voted to approve Consent Item No. 4.

Yes: Chair Blakespear, Vice Chair Gloria, Second Vice Chair Sotelo-Solis, Mayor Minto, and Mayor Jones.

No: None.

Abstain: None.

Absent: County of San Diego.

Reports

5. Annual Review and Proposed Amendments to Board Policies (Discussion/Possible Action)

Deputy General Counsel Amberlynn Deaton presented the item.

There were no public comments on this item.

Action: Upon a motion by Vice Chair Gloria and a second by Vice Chair Sotelo-Solis, the Executive Committee recommended that the Board of Directors approve the proposed amendments to the Board Policies.

Yes: Chair Blakespear, Vice Chair Gloria, Second Vice Chair Sotelo-Solis, Mayor Minto, and Mayor Jones.

No: None.

Abstain: None.

Absent: County of San Diego.

6. Proposed FY 2023 Program Budget Amendment: Los Peñasquitos Lagoon Bridge Replacement Project (Recommend)

Senior Engineer Angela Anderson presented the item.

There were no public comments on this item.

Action: Upon a motion by Vice Chair Gloria and a second by Mayor Jones, the Executive Committee recommended the allocation of \$2,069,000 from the Contingency Reserve in FY 2023 to fund costs associated with the pending litigation pertaining to the Los Peñasquitos Lagoon Bridge Replacement Project (Capital Improvement Program Project No. 1145000).

Yes: Chair Blakespear, Vice Chair Gloria, Second Vice Chair Sotelo-Solis, Mayor Minto, and Mayor Jones.

No: None.

Abstain: None.

Absent: County of San Diego.

7. Legislative Status Report (Information)

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

There were no public comments on this item.

Action: Information only.

8. Upcoming Meetings

The next Executive Committee meeting is scheduled for Friday, November 4, 2022, at 8 a.m.

9. Adjournment

Chair Blakespear adjourned the meeting at 10 a.m.

Confirmed Attendance at SANDAG Executive Committee Meeting

October 14, 2022

Jurisdiction	Name	Member/ Alternate	Attend
North County Inland	Steve Vaus	Primary	No
	Rebecca Jones	Alternate	Yes
North County Coastal	Catherine Blakespear, Chair	Primary	Yes
	Lesa Heebner	Alternate	No
South County	Alejandra Sotelo-Solis	Primary	Yes
	Serge Dedina	Alternate	No
East County	Racquel Vasquez	Primary	No
	John Minto	Alternate	Yes
City of San Diego	Todd Gloria, Vice Chair	Primary	Yes
	Vivian Moreno	Alternate	No
	Marni von Wilpert	Alternate	No
County of San Diego	Terra Lawson-Remer	Primary	No
	Joel Anderson	Alternate	No



Item Cover Page

EXECUTIVE COMMITTEE AGENDA ITEM REPORT

DATE: February 10, 2023

SUBMITTED BY: Alicia Isla, Office of the Clerk of the Board

ITEM TYPE: Approve

AGENDA SECTION: Consent

SUBJECT: Review of Draft Board of Directors Agendas

SUGGESTED ACTION: The Executive Committee is asked to approve the draft Board of Directors agenda for February 24, 2023, and the proposed topics areas to be covered at the Board Retreat, scheduled for March 9-10, 2023.

ATTACHMENTS:
[Draft Agendas](#)

February 10, 2023

Draft February 24, 2023, Board of Directors Meeting Agenda

Item No.		Action
1.	Public Comments/Communications Public comments under this agenda item will be limited to five public speakers. Members of the public shall have the opportunity to address the Board 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. If the number of public comments under this agenda item exceeds five, additional public comments will be taken at the end of the agenda. Subjects of previous agenda items may not again be addressed under public comments.	
2.	Chief Executive Officer's Report <i>Hasan Ikhata, SANDAG</i> Chief Executive Officer Hasan Ikhata will present an update on key programs, projects, and agency initiatives.	Discussion
Consent		
+3.	Approval of Meeting Minutes <i>Francesca Webb, SANDAG</i> The Board of Directors is asked to approve the minutes from its January 27, 2023, meeting.	Approve
+4.	ARJIS Joint Powers Agreement and Fee Structure <i>Tony Ray, SANDAG</i> The Public Safety Committee recommends that the Board of Directors approve the ARJIS Joint Powers Agreement and fee structure.	Approve
+5.	Safe Streets and Roads for All Grant Award <i>Marisa Mangan and Sam Sanford, SANDAG</i> The Transportation Committee recommends that the Board of Directors accept \$2.5 million in Safe Streets and Roads for All grant funds from the U.S. Department of Transportation for regional safety planning.	Accept
+6.	Approval Of Proposed Solicitations and Contract Awards <i>Kelly Mikhail, SANDAG</i> The Board of Directors is asked to review and approve the proposed solicitations and contract awards.	Approve

- | | | |
|-------------|---|--------------------|
| +7. | Proposed 2023 Legislative Program
<i>Robyn Wapner, SANDAG</i>

The Executive Committee recommends that the Board of Directors approve the proposed 2023 Legislative Program. | Approve |
| +8. | SR 94/125 Interchange and Arterial Operational Improvements
<i>Karen Jewel, Caltrans</i>

The Transportation Committee recommends that the Board of Directors approve the SR 94/125 Interchange and Arterial Operational Improvement project and scope modifications. | Approve |
| +9. | Regional Plan Social Equity Working Group Charter Revisions
<i>Tuere Fa'aola, SANDAG</i>

The Board of Directors is asked to approve the proposed revisions to the Regional Plan Social Equity Working Group charter. | Approve |
| +10. | Sustainable Communities Working Group Charter Amendment
<i>Allison Wood, SANDAG</i>

The Board of Directors is asked to approve the proposed revisions to the Sustainable Communities Working Group charter. | Approve |
| +11. | Specialized Transportation Grant Program Cycle 12 Funding Recommendations*
<i>Zachary Rivera, SANDAG</i>

The Transportation Committee recommends that the Board approve the funding recommendations for the STGP Cycle 12 Call for Projects. | Approve |
| +12. | TransNet Regional Transportation Congestion Improvement Program Fee Adjustment*
<i>Michael Terlep, Marcia Smith, SANDAG</i>

The Board of Directors is asked to approve a X percent adjustment to the Regional Transportation Congestion Improvement Program, raising the minimum fee from \$XXX to \$XXX beginning July 1, 2023. | Approve |
| +13. | Policy Advisory Committee Actions
<i>Francesca Webb, SANDAG</i>

The Board of Directors is asked to ratify the actions taken by the Policy Advisory Committees since the last Board meeting. | Approve |
| +14. | Executive Director Delegated Actions*
<i>Kim Monasi, SANDAG</i>

In accordance with various SANDAG Board Policies, this report summarizes certain delegated actions taken by the Executive Director since the last Board meeting. | Information |

- | | |
|--|--------------------|
| +15. Meetings and Events Attended on Behalf of SANDAG
<i>Francesca Webb, SANDAG</i>

This report summarizes external meetings and events attended by Board members on behalf of SANDAG. | Information |
| +16. Office of the Independent Auditor-2nd Quarter Fraud, Waste and Abuse Report for FY 2022-2023
<i>Mary Khoshmashrab, IPA</i>

The Board of Director is provided this report as information. | Information |
| +17. Quarterly Progress Report on SANDAG Capital Program Through December 2022
<i>Michelle Smith, SANDAG</i>

This quarterly report provides an update on the status of the projects that make up SANDAG's Capital Program as approved in the FY 2023 Program Budget. | Information |

Chair's Report

- | | |
|---|----------------|
| +18. Appointment of Policy Advisory Committee Members and Designation of Transit Representatives to the Board of Directors

This item summarizes the voting and advisory members appointed to the Policy Advisory Committees, including the Committee Chairs and Vice Chairs appointed by the SANDAG Chair, and the designation of Board members as transit representatives for the purpose of meeting federal requirements. The Board of Directors is asked to approve the Board members of the SANDAG Audit Policy Advisory Committee as recommended by the SANDAG Chair. | Approve |
|---|----------------|

Reports

- | | |
|---|--------------------|
| +19. 2023 Board Retreat
<i>Robyn Wapner, SANDAG</i>

Staff will present an overview of the Board Retreat agenda and objectives. | Information |
| 20. SANDAG 101: Data Science
<i>Cindy Burke, SANDAG</i>

Staff will present an overview of the data that SANDAG uses and provides to advance the region's priorities. | Information |
| +21. SANDAG 101: Environmental Mitigation Program*
<i>Kim Smith, SANDAG</i>

Staff will present an overview of the SANDAG Environmental Mitigation Program, including its annual report. | Information |

22. Member Comments

Board members shall have the opportunity to provide information and announcements on any issue within the jurisdiction of SANDAG that is not on this agenda. Subjects of previous agenda items may not again be addressed under member comments.

23. Upcoming Meetings

The next Board of Directors meeting is scheduled for Friday, March 10, 2023, at 10 a.m.

24. 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

SANDAG

2023 Board Retreat

THURSDAY – FRIDAY
MARCH 9-10

**VIEJAS CASINO
AND RESORT**
5000 Willows Road

The SANDAG Board of Directors traditionally has met on an annual basis to focus on major topics of interest. This year's Retreat will focus on how we can partner together to create a San Diego region where every person who visits, works, and lives can thrive.

Survey responses from Board members collected at the January 24, 2023, meeting described shared interest in the following topics (in no particular order):

- Regional Plan
- Priority projects
- Equity
- Weighted vote
- Data
- Funding & financing

Several Board members shared that success at the Retreat would include feeling a sense of collaboration and meaningful partnership with fellow Board members and staff. There was also a focus on better understanding of regional priorities and the ability to have an open and honest dialogue.

Staff is building an itinerary based on this feedback that will be shared with the Board of Directors for consideration at its February 24, 2023, meeting. Some of the topic areas that will be covered include:

How Did We Get Here?

We hear a lot about what has been promised and what has been delivered - how things used to be at SANDAG. Let's spend some time getting into the good and the bad; including an overview of projects that have been delivered, the role of the community, weighted voting process, and Board collaboration.

Where Are We Going?

We have a lot to do! Staff will get members up to speed on our current priority projects, major milestones, and decision points in 2023.

Now what?

Based on these conversations, the Board will identify potential process improvements and areas of collaboration.

Community Conversation

As a taxpayer-funded agency, SANDAG exists to serve the people. This will be an opportunity for the Board and community members to engage.

Fact or Fiction

The work that SANDAG does is complicated. From the Regional Plan to project delivery – it's important that we as an agency are providing accurate information to the community we serve. So, we are asking the experts to join us and help clear up some of the most pressing questions swirling around these days.

Regional Plan Puzzle

Regional Plans are like the Rubik's cube of planning. Projects, programs, policies, and funding all have to come together to meet dozens of requirements, laws, and regulations – while still serving the needs and priorities of a beautifully diverse region. Let's have some fun and see if we can crack the code together.

Yes, No, Maybe So

Let's get real and have an honest conversation about where we can and can't work together.



Item Cover Page

EXECUTIVE COMMITTEE AGENDA ITEM REPORT

DATE: February 10, 2023

SUBMITTED BY: Alicia Isla, Finance Services

ITEM TYPE: Information

AGENDA SECTION: Reports

SUBJECT: Preliminary FY 2024 Program Budget and Strategic Planning Framework

SUGGESTED ACTION: Staff will present preliminary information on development of the FY 2024 Program Budget.

ATTACHMENTS:

[Preliminary FY 2024 Program Budget .docx](#)
[Att. 1 - FY 2024 Strategic Planning Framework.pdf](#)
[Att. 2 - Overall Authority, Responsibilities, and Mandates.pdf](#)
[Att. 3 - Current Funding Environment.pdf](#)
[Supporting Materials.pdf](#)

February 10, 2023

Preliminary FY 2024 Program Budget and Strategic Planning Framework

Overview

Development of the FY 2024 Program Budget is under way. As part of this process, staff considers work elements related to meeting federal, state, and local mandates; the strategic direction of the agency, including progress on prioritized projects and initiatives; and the current funding environment and economic outlook for the region, state, and nation.

Key Considerations

The annual Program Budget reflects the programs, projects, services, and activities that SANDAG intends to carry out in the upcoming year to support implementation of the agency's strategic plan. A set of Priority Projects and Strategic Initiatives provide context for the goals that will be undertaken in FY 2024 (Attachment 1). The FY 2024 Program Budget prioritizes an investment in six regionally significant projects while also meeting our mandates and other agency responsibilities. In addition, the strategic initiatives establish a strong foundation to ensure our success as an organization, and build the capacity needed to effectively deliver priority projects.

Attachment 2 demonstrates various agency responsibilities that are either mandated by federal law, state law, or regulation, or delegated to SANDAG through local agreement.

Attachment 3 provides an overview of the current funding environment, including the source of most funding, which includes local sales tax, federal and state revenue, and other revenue and grants.

Next Steps

Staff will seek authorization from the Executive Committee at its meeting on March 17, 2023, to distribute the Draft FY 2024 Program Budget to funding agencies for review. Pending recommendation from the Executive Committee, the Board of Directors is scheduled to consider the Draft FY 2024 Program Budget for approval in late March.

In April and May 2023, staff will provide additional reviews, as needed, to the Executive Committee. The Board shall adopt the Final FY 2024 Program Budget no later than June 30, 2023.

André Douzdzian, Chief Financial Officer

Key Staff Contact: Julian Podgruszewski, (619) 595-5637, julian.podgruszewski@sandag.org

Attachments:

1. FY 2024 Strategic Planning Framework
2. Overall Authority, Responsibilities, and Mandates
3. Current Funding Environment

Action: Information

Staff will present preliminary information on development of the FY 2024 Program Budget.

Fiscal Impact:

Total spending in the FY 2024 Program Budget will be presented as part of the Draft FY 2024 Program Budget presentation in March.

Schedule/Scope Impact:

Staff will return to the Executive Committee in March 2023 with the complete Draft FY 2024 Program Budget document for review.

Strategic Planning and Budget Framework

In FY 2022, SANDAG embarked on a strategic planning process to become a more effective organization. This work builds upon the organization assessment conducted in 2019 and incorporates feedback provided by stakeholders, Board members, and employees. The FY 2024 Program Budget was shaped by the strategic plan and is designed to better align our organization to achieve our vision, mission, guiding principles and core values:

Vision

Pursuing a brighter future for all

Mission

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

Our Guiding Principles:

Imagine the possibilities, partner for success, make it happen.

Core Values:

The advancement of equity and inclusion is embedded in everything we do.

Our organizational culture inspires people to do their best work.

We effectively use data and analytics to inform decision making.

Strategic Initiatives

Five strategic initiatives are the focus in FY 2024. These strategic initiatives establish a strong foundation to ensure our success as an organization, and build the capacity needed to effectively deliver priority projects.

1. *Establish an organizational structure and systems that allow us to dynamically assemble resources and mobilize teams to advance and complete priority projects*
2. *Ensure that necessary technology and systems are in place*
3. *Communicate internally and externally in a clear, authentic, and transparent manner*
4. *Adopt practices that attract and retain highly qualified and motivated staff*
5. *Establish processes that allow quick access to needed talent and expertise*

In addition to implementing the strategic initiatives, the FY 2024 budget reflects a focused investment in the following regionally significant priority projects:

The 2025 Regional Plan

The Regional Plan, which is updated every four years, is the guiding document for much of SANDAG's work. Our priority projects and regional initiatives listed below are in service of the Regional Plan.

We have begun the update to the Regional Plan for 2025 using a data-driven planning process that builds on the work completed for the 2021 Regional Plan and the 5 Big Moves. This update of the Regional Plan will be guided by input from our diverse communities, agency partners, Board, Policy Advisory Committees, and working groups. Recommendations provided by the California Air Resources Board (CARB) in their "Evaluation of the San Diego Association of Governments' SB 375 2021 Sustainable Communities Strategy" will also provide critical input.

As we continue to move forward with the update, we will conduct a robust engagement process that brings along all stakeholders at every stage. An update of our Public Involvement Plan (PIP) and the input from our Social Equity Working Group and community-based partners will help guide these efforts.

Otay Mesa East Port of Entry

Mexico is California's number one trading partner, fueling commerce and economic opportunity throughout the San Diego-Baja California binational region. The Otay Mesa East Port of Entry will create a modern border crossing that will strengthen border security and safety, bolster the binational economy, enhance mobility and efficiency, and foster innovative technology solutions, all while improving regional air quality. This project has been in the works for more than ten years, and we are making considerable progress.

Central Mobility Hub Airport Transit Connection

For the San Diego region to live up to its potential as a functional and successful big city, it is necessary that we have a transportation core. The Central Mobility Hub project will provide fast and convenient regional transit connections to San Diego International Airport. This new, multimodal transit center in Downtown San Diego will increase transit ridership, reduce traffic, and advance climate action goals. It will also boost economic development in the region's urban core by supporting new opportunities for housing and revitalized public space. In 2023, we will start the environmental documentation process.

LOSSAN/Del Mar Bluffs

The Del Mar Bluffs stabilization project protects the LOSSAN Corridor from erosion while long-term plans to relocate the tracks are implemented. The LOSSAN Corridor is the second busiest intercity rail corridor in the nation and the only viable rail freight link to the rest of the country. It moves more than 7.6 million passengers and \$1 billion in goods and services annually. This corridor is also part of the Strategic Rail Corridor Network (STRACNET) identified by the U.S. Department of Defense for its importance in providing access to the Marine Corps Base Camp Pendleton and the Port of San Diego. We plan to start the design and engineering process in 2023 and move the tracks off the bluffs in Del Mar by 2030. This project will reduce travel time from San Diego to Los Angeles from four hours to two.

Smart Corridors

Smart Corridors are all about leveraging new technologies to transform existing roadways into a smart and sustainable transportation network. By integrating automated and electric vehicles, accommodating all modes of travel, and providing convenient first- and last-mile connections, we will reduce gridlock and keep our region running smoothly and safely for decades to come. In 2023, we will roll out pilot projects throughout the region which to start to bring the 5 Big Moves to life. These changes will bring everyday benefits to residents by reducing traffic and giving people options for getting where they need to go. Working with private sector partners, we will implement strategies to make our roadways safer, reduce congestion, and help transit to be faster and more reliable.

Blue/Purple Line

SANDAG is making a commitment to high quality transit systems in the region. We will continue to explore the potential to connect the Blue Line Trolley across the border. And we will begin to plan for a new Purple Line—a commuter rail that will connect our major job centers from the border to Sorrento Valley. This next phase of the Trolley's 21st century transformation will connect our most densely populated residential areas and largest employment centers. These convenient rail links will serve as viable alternatives to congested commutes and make taking transit faster than driving.

Overall Authority, Responsibilities, and Mandates

The Board of Directors carries out various responsibilities that are either mandated by federal, state law, or regulation, or delegated to SANDAG through local agreement. Throughout the year, the Board sets direction, revises policies, and discusses priorities for allocating budget resources to these authorized activities. Some of the most important designations and critical responsibilities are listed below.

- **Metropolitan Planning Organization (Federal)**

Allocate federal transportation revenues and meet comprehensive planning requirements of the Infrastructure Investment and Jobs Act in order to be eligible for funds. Adopt the long-range Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP), including air quality conformity analyses. Adopt the annual Overall Work Program consistent with federal requirements and funding regulations.

- **Intelligent Transportation Systems Architecture (Federal)**

The U.S. Department of Transportation and federal regulations require that federally funded projects be consistent with an adopted regional Intelligent Transportation System architecture.

- **Co-Lead Agency for Air Quality Planning (Federal and State)**

Carry out air quality planning mandates in cooperation with the San Diego County Air Pollution Control District (APCD). Determine conformity of transportation plans and programs – RTP and RTIP – with an air quality plan.

- **Area-Wide Clearinghouse (Federal and State)**

Review projects with regional impacts under California Environmental Quality Act and National Environmental Policy Act.

- **Regional Transportation Planning and Fund Allocation Agency (State)**

As the regional transportation planning agency, SANDAG adopts the RTP (long-range plan) and RTIP, the five-year programming of state and federal transportation funds. The agency also allocates Transportation Development Act funds (local quarter-percent sales tax collected statewide and returned to the county based on the amount collected).

- **San Diego Regional Consolidated Agency (State)**

Effective January 1, 2003, Senate Bill 1703 (Chapter 743, Statutes of 2002) designated SANDAG as the San Diego Regional Consolidated Agency to strengthen how regional public policy decisions are made. The law mandated membership in the consolidated agency from the area's 18 cities and county government. It also consolidated regionally significant transit planning, programming, project development, and construction into SANDAG, and left responsibilities for day-to-day operations with the existing transit operators. SANDAG is authorized by statute to place a ballot measure before the voters and use revenues from the sales tax to provide for infrastructure needs that are important to maintain and improve the region's quality of life such as habitat conservation, shoreline preservation, water quality enhancement, and public transit.

- **Housing (State)**

SANDAG determines each jurisdiction's share as part of the Regional Housing Needs Assessment and establishes performance criteria for self-certification of housing elements.

- **Otay Mesa East Toll Facility Act (State)**

This legislative act authorizes SANDAG to establish highway toll projects to facilitate the movement of goods and people along the State Route 11/Otay Mesa East Port of Entry Corridor.

- **San Diego County Regional Airport Authority Reform Act of 2007 (State)**

Senate Bill 10 (Chapter 287, Statutes of 2007) defines the responsibilities of SANDAG and the San Diego County Regional Airport Authority (SDCRAA) regarding aviation and surface transportation planning. The SDCRAA is responsible for developing the Regional Aviation Strategic Plan in coordination with SANDAG.

- **Congestion Management Agency (State and Local)**

All 18 cities and the county government have designated SANDAG as the Congestion Management Agency responsible for adopting a Congestion Management Program (CMP), overseeing preparation of deficiency plans, and monitoring local agency compliance with the CMP.

- **San Diego County Regional Transportation Commission (Local and Voter Approval)**

SANDAG is the designated commission and administers the local half-cent sales tax, *TransNet*, for transportation purposes.

- **Council of Governments (Local)**

This designation makes SANDAG the public forum for regional decision-making among the area's 18 cities and county government relating to a broad range of topics pertinent to the region's quality of life. Some of the regional topics include strategic planning; allocation of resources; and the creation of accurate, timely, and useful demographic, economic, transportation, planning, borders, environmental, and public safety information.

- **Regional Census Data Center (Local)**

The Regional Census Data Center was established to increase the accuracy, availability, and use of census data by coordinating with the Census Bureau, the State Census Data Center network, and local agencies in all aspects of census planning and data analysis.

- **Regional Criminal Justice Clearinghouse (Local)**

The Regional Criminal Justice Clearinghouse provides the means to seek and secure research funds from local, state, and federal sources to assess the effectiveness and efficiency of crime control programs. Assistance to member agencies occurs through various avenues: publishing crime and arrest reports, sharing resources and information, quality assurance studies of crime-related data, impact assessments of crime-reduction strategies, long-term evaluations of critical issues, and grant writing assistance for agencies seeking grant funding. Through the Regional Criminal Justice Clearinghouse, staff also conducts analyses of offender drug use.

- **North County Multiple Habitat Conservation Program (Local)**

Undertaken on behalf of the seven North County cities, SANDAG serves as the policy body for the program.

- **Regional Toll Authority (Congestion Management and Infrastructure Financing)**
Responsible for the delivery and operation of pricing programs such as the Interstate 15 Express Lanes and future high-occupancy toll facilities that allow single-occupant vehicles to use available capacity for a fee. Fees support the operation and maintenance of the program and provide additional funding for *Rapid* transit and vanpool services in the corridor.
- **Automated Regional Justice Information System**
The purpose of the Automated Regional Justice Information System (ARJIS) Joint Powers Agency is to develop and maintain state-of-the-art criminal justice information technology that provides its members with seamless, cross-jurisdictional access to essential, accurate, real-time data via a secure criminal justice enterprise network. As the convening agency for regional justice technology, ARJIS enhances both officer safety for the local, state, tribal, and federal law enforcement agencies that operate in the region and public safety for the region's residents and visitors.
- **Freeway Service Patrol Administration**
Provide rapid assistance during peak traffic periods for stranded motorists on various highways, reducing congestion and increasing safety.
- **Successor Agency for the San Diego Service Authority for Freeway Emergencies**
Administer the Motorist Aid Call Box Program in San Diego County, which provides lifeline support for stranded motorists. Managed by SANDAG since January 1, 2013, the program is funded by a \$1 vehicle registration fee paid by residents in San Diego County.
- **Regional Transportation Demand Management Program Administration**
Provide and administer the regional program (iCommute) consisting of carpool, vanpool, and transit programs; Bike Parking Program; telework; employer and school outreach; and other projects.
- **State Route 125 Toll Facility**
Administer toll collection on the State Route 125 Toll Road under a long-term lease with the State of California. This SANDAG responsibility was approved by the Board in December 2011.
- **Intergovernmental Review**
Conduct review of regionally significant projects that may impact the implementation of the RTP and/or its Sustainable Communities Strategy. The review ensures these projects are coordinated appropriately with local jurisdictions, Caltrans, transit agencies, APCD, and other agencies.
- **Regional Information System**
The Regional Information System (RIS) is a nationally recognized integrated system of data, computer models, state-of-the-art analytical tools, and staff expertise. It is the San Diego region's most comprehensive databank of historic, current, and forecasted demographic, economic, land use, criminal justice, and transportation-related information. SANDAG, its member and partner agencies, and the public rely on the RIS as the foundation for planning, policy research, analyses, and studies of local and regional issues.

- **SANDAG Service Bureau**

Provide research and technical products and services on a fee-for-service basis to government agencies and private organizations and individuals. Examples include custom compilation and analysis of demographic and economic information, custom mapping, transportation modeling and analysis projects, geographic information system analysis, and survey design and analysis.

- **Fee-for-Services**

Memoranda of understanding (MOU) or contractual agreement where SANDAG agrees to perform specific services in exchange for fees, which provide the funding for the applicable task or product budgeted.

- **Master Agreement with Caltrans**

Commitment through a Master Fund Transfer Agreement between SANDAG and Caltrans District 11.

- **Memoranda of Understanding with Member Agency(ies)**

Commitments through an MOU between SANDAG and one or more of the member agencies.

- **Memoranda of Understanding with Metropolitan Transit System and North County Transit District**

Commitments through an MOU between SANDAG, the Metropolitan Transit System, and the North County Transit District.

- **Local, State, or Federal Grant Conditions**

Project-specific local, state, or federal grant agreement where reimbursement of costs is conditioned upon completion of applicable activities, tasks, or products.

- **Regional Beach Sand Replenishment Program**

Administer the regional program in coordination with federal, state, and local agencies.

Current Funding Environment

SANDAG has conducted the following analysis of funding trends:

Local Sales Tax Revenue – Overall sales tax revenues were flat in FY 2020 but saw a healthy gain of 9.2% in FY 2021 (\$334.0 million). Spurred by a high demand for taxable goods, government stimulus, a re-opening economy, and rising inflation, FY 2022 showed an unprecedented 21.5% year-over-year increase in TransNet revenue (\$405.9 million). Through January 2023 of FY 2023, sales tax revenue is pacing 8.8% ahead of FY 2022 collections. This growth rate shows a slight moderation from the 9.8% through the first six months of FY 2023. We do not expect additional growth for the entire year, as inflation wanes and rising interest rates begin to slow the economy. A modest growth rate of 1% is expected for FY 2024.

Federal and State Revenue – Current revenue projections are expected to increase in FY 2024 based on preliminary estimates received from the state and federal governments (which are subject to both the state and federal governments approving annual budgets). Actual appropriation of metropolitan planning organization (MPO) planning funds will be announced in subsequent notices appearing in the Federal Register.

Federal formula funds for capital projects are expected to increase pursuant to the Infrastructure Innovation and Jobs Act (IIJA) and based on the region's air quality redesignation from moderate to severe which increased the share of the annual Congestion Mitigation and Air Quality program apportionment. SANDAG and the transit agencies are also eligible for formula funds under several state programs that include planning, operations, and capital funding. Additional funding may become available through formula appropriation depending on how the State of California distributes the additional funds made available through the passage of the IIJA.

The COVID-19-related disruption did not result in a reduction in federal revenues nor most state revenues available to SANDAG. IIJA was signed into law by President Biden on November 15, 2021, significantly increasing transportation funding for core programs and creating several new programs. At the state level, the California Transportation Commission monitored the state's financial situation closely and did not recommend any slowing of fund allocations for capital projects.

Other Revenue and Grants – Dedicated grants, enterprise revenue, and ongoing multi-year state and federal grant programs provide funding for projects and programs in the OWP, capital, and regional operations budget components. In particular, SANDAG and the transit agencies are eligible for discretionary funds under many federal and state programs with awards continuing in FY 2023 and FY 2024.

The revenue generated on the State Route 125 (SR 125) toll road and the Interstate 15 (I-15) Express Lanes continues to recover from the effects of the COVID-19 pandemic. Traffic and revenue on the SR 125 toll road and the Interstate I-15 Express Lanes increased during FY 2022 and the first quarter of FY 2023. The SR125 toll road returned to pre-pandemic traffic levels in the second quarter of FY 2022.

As we continue to see stabilization from pre-pandemic levels, we expect SR 125 revenues to rise by 4% in the 2024 fiscal year compared to the forecast for 2023, and revenue from I-15 Express Lanes will see a 3% increase as travel patterns and dynamic pricing return to pre-pandemic.



Preliminary FY 2024 Program Budget and Strategic Planning Framework

Executive Committee | Item 5

Susan Huntington
February 10, 2023

1

Components of our Strategic Planning Framework

- Mandates
- Agency Strategic Initiatives
- Priority Projects

SANDAG | 2

2

Overall Authority, Responsibilities, and Mandates

(Attachment 2 excerpts)

Metropolitan Planning Organization (Federal)	San Diego Regional Consolidated Agency (State)	San Diego County Regional Transportation Commission (Local and Voter Approval)
<ul style="list-style-type: none"> Adopt the long-range Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP), including air quality conformity analyses. Adopt the annual Overall Work Program consistent with federal requirements and funding regulations. 	<ul style="list-style-type: none"> Senate Bill 1703 mandated membership in the consolidated agency from the area's 18 cities and county government. It also consolidated regionally significant transit planning, programming, project development, and construction into SANDAG. 	<ul style="list-style-type: none"> San Diego County Regional Transportation Commission (Local and Voter Approval) SANDAG is the designated commission and administers the local half-cent sales tax, TransNet, for transportation purposes.

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3

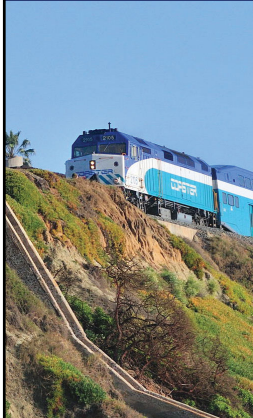
Agency Strategic Initiatives

Organizational Structure	Technology	Communication	Recruitment and Retention	Processes
Establish an organizational structure and systems that allow us to dynamically assemble resources and mobilize teams to advance and complete priority projects	Ensure that necessary technology and systems are in place	Communicate internally and externally in a clear, authentic, and transparent manner	Adopt practices that attract and retain highly qualified and motivated staff	Establish processes that allow quick access to needed talent and expertise

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4

Priority Projects



**LOSSAN
Corridor and
Del Mar Bluffs**



**Otay Mesa
East Port
of Entry**



**Central
Mobility Hub**



**Purple Line
and Blue Line
Commuter Rail**

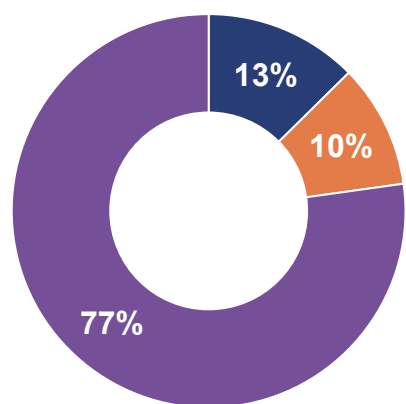


**Smart
Corridors**

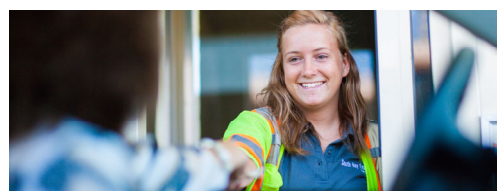
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5

Annual Budget



- Overall Work Program
- Regional Operations and Services
- Capital Budget



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6

Funding Estimates



Local Sales Tax

- TransNet ($\frac{1}{2}\%$)
- TDA ($\frac{1}{4}\%$)



Toll Road/Managed Lane Revenue

- SR-125
- I-15



Federal and State Revenue

- Formula allocations
- Discretionary grants

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EXECUTIVE COMMITTEE AGENDA ITEM REPORT

DATE: February 10, 2023

SUBMITTED BY: Alicia Isla, Office of the Independent Performance Auditor

ITEM TYPE: Discussion / Possible Action

AGENDA SECTION: Reports

SUBJECT: Audit Committee Recommendations: Proposed Amendments to SANDAG Board Policy No. 039

SUGGESTED ACTION: The Executive Committee is asked to review amendments to SANDAG Board Policy No. 039: Audit Policy Advisory Committee and Audit Activities that have been proposed by the Audit Committee and to make a recommendation to the Board of Directors regarding those amendments.

ATTACHMENTS:

[Att. 1 - SANDAG Board Policy No. 039 Redline.pdf](#)

[Att. 2 - Audit Committee_October 14_BP039 Report.pdf](#)



BOARD POLICY NO. 039

AUDIT POLICY ADVISORY COMMITTEE AND AUDIT ACTIVITIES

1. Purpose

The purpose of this policy is to specify the functions of the Audit Committee and the SANDAG Independent Performance Auditor.

2. Governance and Role of the Audit Committee

- 2.1 The Audit Committee shall be overseen by the SANDAG Board of Directors and shall govern itself in accordance with Public Utilities Code Sections 132351.4 and 132354.1, and the policies and procedures applicable to all SANDAG Policy Advisory Committees.
- 2.2 Membership of the Audit Committee shall be as set forth in Board Policy No. 002:
- 2.3 Policy Advisory Committee Membership. The Audit Committee shall consist of five voting members with two members of the Board of Directors and three members of the public, all of which shall be appointed by the Board of Directors. Due to the qualification requirements and selection process described in this policy, Audit Committee members and alternates shall be selected according to the processes below.
- 2.4 ~~The Chair of the Board will select~~The Audit Committee members themselves will select by a majority vote of the Committee which members of the Audit Committee will hold the Chair and Vice Chair positions on the Audit Committee ~~every two years or whenever a position is vacant~~for a term of one year.
- 2.5 The role of the Audit Committee is to assist the Board in fulfilling its oversight responsibilities and provide a forum for pursuing the opportunities for improvements in operations, financial reporting and internal controls identified through the agency's audit products.

3. Authority of the Audit Committee

- 3.1 The Audit Committee may hear items within the subject areas of audits, internal controls and investigations into fraud, waste, or impropriety, and may be asked to provide actions or recommendations on other matters within the Audit Committee's purview. The responsibilities of the Audit Committee include:
 - 3.1.1 Recommend to the Board which firm to contract with to conduct the annual financial statement audits and oversee the conduct of such audits.
 - 3.1.2 Meet with management and the independent performance auditor to review and discuss SANDAG's annual financial statement audits, internal control reports and other audits performed by external auditors.

- 3.1.3 Review and oversee the implementation of corrective action to address noted audit deficiencies.
- 3.1.4 Based on the Board's direction regarding whether to hire an individual or firm, recommend to the Board which individual or firm to hire to carry out independent performance auditor responsibilities.
- 3.1.5 Recommend to the Board the annual compensation of the independent performance auditor.
- 3.1.6 Oversee the work of the independent performance auditor in preparing and issuing audit and investigative reports and other audit, review or attest activities.
- 3.1.7 Approve the annual audit plan after discussion with the independent performance auditor, pursuant to Public Utilities Code Section 132354.1(b), and make recommendations to the Board regarding the budget needed to carry out the annual audit plan of the independent performance auditor.
- 3.1.8 Monitor the implementation of the annual audit plan and provide an annual report to the Board.
- 3.1.9 Monitor the implementation of corrective action identified in audit and investigative reports and inform the Board when corrective action is insufficient or untimely.
- 3.1.10 Independently communicate with the IPA consistent with the limitations set forth in the Brown Act.
- 3.1.11 Conduct the independent performance auditor's annual performance evaluation against performance measures established and adopted by the Audit Committee.
- 3.1.12 Vote on whether to remove the independent performance auditor for cause including, but not limited to incompetence, dishonesty, unethical behavior, violation of state or federal laws, or failure to maintain required professional certifications; such removal being subject to an approving vote by two-thirds of the Audit Committee and the Board.
- 3.1.13 Recommend internal control guidelines to be adopted by the Board to prevent and detect financial errors and fraud based on the internal control guidelines developed by the State Controller pursuant to Government Code Section 12422.5 and the standards adopted by the American Institute of Certified Public Accountants.

4. Selection of Audit Committee Members

- 4.1 The Board members serving on the Audit Committee shall be appointed by the Board using the procedures in this subsection 4.1.
 - 4.1.1 The two Board members and any Board member alternates serving on the Audit Committee shall be recommended for appointment by the Chair of the Board. The Chair of the Board shall select Board members to recommend to the Board based on the following criteria:

- 4.1.1.1 The Board member shall have served on the Board for at least three years;
 - 4.1.1.2 The Board member shall have a basic understanding of the role of the Audit Committee; and
 - 4.1.1.3 The Board member shall express a willingness to work through the Audit Committee to pursue opportunities for improvements in operations, financial reporting, and internal controls identified through the agency's audit products.
- 4.1.2 The Board members recommended by the Chair of the Board shall be subject to approval by a majority vote of the Board.
- 4.1.3 Audit Committee members shall serve until their successors are appointed. In the event that the Board member who has been appointed to serve on the Audit Committee is no longer a primary or alternate member of the Board of Directors, the position shall be considered vacant. If and when vacancies in the voting membership of the Audit Committee occur, the same selection process as outlined above shall be followed to select a replacement.
- 4.1.4 Board members appointed to the Audit Committee shall serve a term of two years. At the completion of a term, eligible incumbent members will need to apply for reappointment for another term. In no case shall any member serve more than ~~five-six~~ years on the Audit Committee, but may reapply after a hiatus of a full term.
- 4.2 The public members serving on the Audit Committee shall be appointed by the Board using the procedures in this Subsection 4.2.
 - 4.2.1 Whenever there is a vacancy for a public member seat on the Audit Committee, application forms will be made available on the SANDAG website for persons interested in applying for an Audit Committee position. Applications shall be due within 30 days after the application forms are posted. Only candidates who submit an application by the deadline will be considered.
 - 4.2.2 Applicants shall possess the independence, experience, and technical expertise necessary to carry out the duties of the Audit Committee. This expertise includes, but is not limited to, knowledge of accounting, auditing, and financial reporting. The minimum professional standards for public members shall include at least ten years of experience as a certified public accountant or as a certified internal auditor, or ten years of other professional accounting, financial, or legal experience in audit management.
 - 4.2.3 ~~The candidates shall be recommended by a majority vote of a screening committee composed of a member of the Board selected by the Chair of the Board, the chief financial officer or finance director of a SANDAG member agency, and at least one outside financial expert appointed by the other two members of the screening committee and confirmed by the Board. A~~ Selection Committee shall be convened comprised of a Board Member or Board Member Alternate sitting on the Audit Committee, a Public Member

or Public Member Alternate sitting on the Audit Committee, SANDAG's current Independent Performance Auditor and SANDAG's Chief Financial Officer. Persons serving on the screening committee shall sign a declaration establishing that they do not have a conflict of interest.

- 4.2.4 The screening committee may interview one or more of the candidates. The screening committee shall submit its recommended nominee(s) for the position(s). The screening committee also may nominate alternates from among the applicants. The Selection Committee shall score the applicants against criteria which are informed by section 4.2.2 above and which are agreed upon by the Audit Committee.
- 4.2.5 In the event that the screening committee is unable to recommend any of the applicants for any or all positions, or an insufficient number of applications have been received, the screening committee may recommend a supplemental process, subject to Board approval. The constraints set forth in the normal nomination process shall not be mandated to apply to the supplemental process. The Selection Committee may choose to interview applicants to help determine finalists to be considered, and the results of such interviews shall be incorporated into the final scoring.
- 4.2.6 The public members nominated by the screening committee shall be subject to approval by a majority vote of the Board. Applicants scoring within no more than 20% of the top-scoring candidate shall be considered finalists.
- 4.2.7 The applicant to be forwarded to the Board for approval shall be chosen by a random draw from the finalists.
- 4.2.8 In the event that the Selection Committee is unable to recommend any of the applicants for any or all positions, or an insufficient number of applications have been received, the process will be re-initiated beginning with 4.2.1 in this section above.
- 4.2.9 Public members nominated by the Selection Committee shall be subject to approval by a majority vote of the Board.
- ~~4.2.74.2.10~~ Audit Committee members shall serve until their successors are appointed. If and when vacancies in the voting membership of the Audit Committee occur, the same selection process as outlined above shall be followed to select a replacement to fill the remainder of the term.
- 4.2.11 Public members appointed to the Audit Committee shall serve a term of ~~two~~ three years. At least two months prior to the completion of a term, eligible incumbent members ~~will need to apply for reappointment for another term; may request reappointment for another term, and it will be at the discretion of the Selection Committee either to approve such request or require the full advertisement and selection process described above in this section. Other than instances in which a term is extended because of a delay in selecting a successor or to otherwise avoid having all three public members term out in the same year, members may not serve more than six consecutive years on the Audit Committee, but may reapply following a~~

hiatus of at least one full term. To avoid having all three public members termed out at the same time, the Selection Committee will be given the discretion to lengthen the term of a sitting public member by no more than one year. In no case shall any member serve more than five years on the Audit Committee.

4.2.12 A public member non-voting alternate shall also be selected, with a term pursuant to 4.2.11. Such public member alternate shall be chosen by the Selection Committee from volunteers among prior public members. Should no prior public member volunteer, the selection committee will select a member from finalists, per 4.2.4 above, not selected for Committee membership.

5. Selection of Independent Performance Auditor

- 5.1 The independent performance auditor shall serve a two-year term and shall be selected by the Board on the basis of qualifications and experience, which include, but are not limited to:
 - 5.1.1 At least ten years of experience performing audits under Government Audit Standards;
 - 5.1.2 At least five years of management experience;
 - 5.1.3 A Bachelors or higher degree in business, public administration, finance, accounting or a related field; and
 - 5.1.4 Possession of a Certified Public Accountant or Certified Internal Auditor license or certificate.

6. Scope of Authority and Responsibilities of Independent Performance Auditor

- 6.1 The independent performance auditor shall report to the Audit Committee and shall be independent of SANDAG's internal management and administration, except that SANDAG's Director of Finance role shall maintain administrative oversight of the IPA's monthly timesheets and tracking of annual leave.

- 6.2 The objective of the IPA is to serve as the Board of Directors oversight function that objectively evaluates and recommends improvements to SANDAG including prioritizing its efforts by continuously facilitating an objective risk assessment. The Independent Performance Auditor's audit functions are designed to include timely reporting of significant issues to appropriate oversight authorities.
- 6.3 The IPA may facilitate and conduct a risk assessment process to assist management to logically identify key risks within SANDAG and its components and shall annually present and discuss risk with the Committee to receive input and feedback. As part of the aforementioned process, the IPA shall receive input from SANDAG's executive management and staff, the Committee, and the Board of Directors as to the risk factors that the Committee deems most important to SANDAG.
- 6.4 Based upon the results of the risk assessment, the independent performance auditor shall annually prepare an audit plan and conduct audits in accordance therewith. The independent performance auditor shall have authority to conduct, or to cause to be conducted, performance audits of SANDAG departments, offices, boards, activities, agencies, and programs and perform those other duties as may be required by the Board or as provided by the California Constitution and general laws of the state.
- 6.5 The IPA will oversee and conduct independent examinations, including audits, of SANDAG programs, functions, operations, or management systems and procedures. In performing such audits, the IPA will independently and objectively assess whether:
- 6.5.1 Activities and programs being implemented have been authorized by the appropriate governing laws or codes, state or local law, or applicable federal law or regulations.
 - 6.5.2 Activities and programs are in compliance, properly conducted, and funds expended in accordance with the applicable laws.
 - 6.5.3 The departments, divisions, or agencies are acquiring, managing, protecting, and using its resources, including public funds, personnel, property, equipment, and space, economically, efficiently, equitably, and effectively, and in a manner consistent with the objectives intended by the authorizing entity or enabling legislation.
 - 6.5.4 The entity, programs, activities, functions, or policies are effective, including the identification of any causes of inefficiencies or uneconomical practices.
 - 6.5.5 The desired result or benefits are being achieved.
 - 6.5.6 Financial and other reports are being provided that disclose fairly, accurately, and fully all information required by law, to ascertain the nature and scope of programs and activities, and to establish a proper basis for evaluating the programs and activities including the collection of, accounting for, and depositing of revenues and other resources.
 - 6.5.7 Management has established adequate operating and administrative procedures and practices, fiscal and accounting systems, and an adequate system of controls or internal management controls.

- 6.5.8 Indications of fraud, abuse, waste, misappropriation, or illegal acts are valid and need further investigation.
- 6.6 The IPA may also perform external reviews of contracts or service programs of entities that are awarded funds overseen by SANDAG.
- 6.7 The independent performance auditor shall from time to time advise the Audit Committee on existing and evolving governance practices that may be best suited for SANDAG.
- 6.8 The independent performance auditor shall follow the most recent version of Generally Accepted Government Auditing Standards as published by the United States Government Accountability Office.
- 6.9 The Committee shall approve the processes pertaining to follow-up audit procedures, if appropriate. The IPA shall have procedures in place to track, monitor, and evaluate the status of identified control issues with a tracking mechanism and with consideration to the risk of each issue and the cost and benefit of various audit procedure alternatives.
- All officers and employees of SANDAG shall furnish to the independent performance auditor unrestricted access to employees, information, and records, including electronic data, within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business required to conduct an audit or otherwise perform audit duties. It is also the duty of any consolidated agency officer, employee, or agent to fully cooperate with the auditor, and to make full disclosure of all pertinent information, with the exception of information that is protected by law from disclosure.
- 6.10 The IPA shall hold data and information obtained during the course of its audit activities with due care and the appropriate level of confidentiality. Unless otherwise mandated by law, the IPA shall have authority to grant, limit, and restrict access to work papers and records.
- 6.11 The IPA shall communicate results of its work and otherwise known issues to management and the Committee. The IPA shall form and report appropriate opinions based on audit evidence. Management shall provide responses to issues in a prompt and efficient manner. Written reports may be distributed to the Committee, SANDAG's Management, and if appropriate for reports containing significant issues or when there is a disagreement with management other than minor in nature, to the Board of Directors. The IPA shall provide summary information to the Committee pertaining to issues resulting from audit procedures as well as known issues outside of the audit scope of review. Additionally, the IPA shall provide the Committee with an annual assessment as to the effectiveness of management's attention to resolving identified control issues.
- 6.12 The independent performance auditor shall prepare a proposed budget and submit it to the Audit Committee for a recommendation to the Board of Directors for its approval 180 days prior to the beginning of each fiscal year or as otherwise requested by the Director of Finance.

- 6.13 The independent performance auditor shall have the power to appoint, employ, and remove assistants, employees, and personnel as deemed necessary for the efficient and effective administration of the affairs of the independent performance auditor. The independent performance auditor may prescribe the duties, scope of authority, and qualifications of employees and consultants overseen by the independent performance auditor. The independent performance auditor's authority shall be subject to the annual audit plan and the budget approved by the Board, SANDAG rules and policies related to the management and hiring of SANDAG employees and consultants, and the scope of the independent performance auditor's purview as determined by the Board.
- 6.14 The independent performance auditor may investigate any material claim of financial fraud, waste, or impropriety within SANDAG and for that purpose may summon any officer, agent, or employee of the consolidated agency, any claimant, or other person, and examine him or her upon oath or affirmation relative thereto. The independent performance auditor will conduct investigations generally following the procedures recommended by the Association of Certified Fraud Examiners' Fraud Examiners Manual for any allegations of financial fraud, waste or impropriety. ^[1]_{SEP} Prior to questioning any person under oath, the independent performance auditor shall advise the members of the Audit Committee of that intention, seek legal counsel from the Office of General Counsel or outside counsel under contract to SANDAG regarding the relevant legal issues, and document the reasons why the questioning must be done under oath instead of by some other form of affirmation.
- 6.15 The independent performance auditor shall coordinate audit functions such that there is no duplication of effort between the audits undertaken by the independent performance auditor and audits undertaken by the Independent Taxpayer Oversight Committee.
- 6.16 Pursuant to Government Code section 8546.7, when the amount of a contract will exceed \$10,000, SANDAG and the State Auditor, at the request of SANDAG or as part of any audit of SANDAG, have authority to examine and audit a contracting party for a period of three years after SANDAG's final payment on the contract, whether or not audit language is included in the contract document. As an additional measure, all SANDAG contracts with consultants, vendors, or agencies in excess of \$25,000 in aggregate within a fiscal year, which call for a contracting party to provide goods or services to SANDAG over a period of time, will be prepared with an adequate audit provision to allow the independent performance auditor access to the entity's records needed to verify compliance with the terms specified in the contract. The intent of this provision is to put parties contracting with SANDAG on notice that the independent performance auditor will have the right to audit both the party's accounting methods and performance on such contracts
- 6.17 Results of all audits and reports shall be made available to the public in accordance with the requirements of the California Public Records Act (Chapter 3.5 [commencing with Section 6250] of Division 7 of the Title 1 of the Government Code). Final versions of formal reports also shall be posted on the SANDAG website.

- 6.18 All materials or services needed by the independent performance auditor shall be procured using an open and competitive basis with solicitation of proposals from the widest possible number of qualified firms as prescribed by SANDAG procedures for procurement. The scope of work of all such consultant work shall be subject to approval by the independent performance auditor prior to any such solicitation.

Adopted: December 2017

Amended: January 2019

Amended: September 2019

Amended: 2023

DRAFT

SANDAG

Audit Committee

Item: **8**

October 14, 2022

Audit Committee Discussion on Proposed Amendments to SANDAG Board Policy No. 039

Overview

In accordance with Assembly Bill 805 (AB 805) (Gonzalez, 2017) SANDAG Board Policy No. 039: Audit Policy Advisory Committee and Audit Activities was established to provide guidance on how to carry out the bill. Each year policies are reviewed and if necessary, revised. Members of the Audit Committee are to discuss areas within Section 4 - Selection of the Audit Committee Members and determine if there are areas of the policy that would benefit revisions or clarifications and thus require Board of Directors action.

Key Considerations

SANDAG Board Policy No. 039 Audit Policy Advisory Committee and Audit Activity is the document that provides direction on how to carry out the AB 805 as it relates to the Audit Committee and the Office of the Independent Performance Auditor. The policy replaces the Audit Charter and covers areas that include the selection of the committee members, the appointment process of the Chair and Vice Chair, the selection process of public members, and the terms served. During the past three years through experience and time, matters have arisen that suggest sections of the policy would benefit discussion and possible revisions. Specifically, Section 4 – Selection of the Audit Committee Members are of interest and the topic of discussion today. The areas that members and the Independent Performance Auditor are asked to discuss are as follows:

1. Public Membership Selection Process and composition of selection committee and the need for a technical screening committee
2. Public Members term limits and staggering of members terms
3. Appointment of the Chair and Vice Chair
4. Addition of a Public Member to serve as an alternate

Next Steps

The Audit Committee is asked to recommend proposed revisions to SANDAG Board Policy No. 039 and request that the Executive Committee consider and recommend to the Board take action and direct staff to amend the policy.

Councilmember David Zito, SANDAG Audit Committee Chair

Key Staff Contact: Mary Khoshmashrab, (619) 595-5323, mary.khoshmashrab@sandag.org
Attachment: 1. SANDAG Board Policy No. 039

Action: Discussion/Possible Action

The Audit Committee is asked to discuss Section 4 of SANDAG Board Policy No. 039, determine proposed amendments, and recommend that the Executive Committee consider the proposed amendments, and recommend that the Board of Directors direct staff to amend the policy.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.



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EXECUTIVE COMMITTEE AGENDA ITEM REPORT

DATE: February 10, 2023

SUBMITTED BY: Alicia Isla, Office of the Independent Performance Auditor

ITEM TYPE: Discussion / Possible Action

AGENDA SECTION: Reports

SUBJECT: Audit Committee Recommendations: Independent Performance Auditor

SUGGESTED ACTION: Per SANDAG Board Policy No. 001 Section 3.1.9, the Executive Committee will be provided an update on the Independent Performance Auditor recruitment process.

ATTACHMENTS:

[Att. 1 - Audit Committee_January 13_ IPA Recruitment Report.pdf](#)



Audit Committee

Item: **5**

January 13, 2023

Independent Performance Auditor Retirement and Recruitment Process

Overview

In accordance with Assembly Bill 805 (Gonzalez, 2017) SEC. 13. Sec 132351.4. (a) (5) the Audit Committee shall recommend to the Board ... the hiring of the independent performance auditor. Board Policy 39, section 3.1.4, also states that the Audit Committee shall “Based on the Board’s direction regarding whether to hire an individual or firm, recommend to the Board which individual or firm to hire to carry out independent performance auditor responsibilities.

Key Considerations

The Independent Performance Auditor (IPA), Mary Khoshmashrab was hired April of 2019. After 26 years in public service Mary has announced her plans to retire as of June 30, 2023. In effort to find the next top-notch IPA, Mary has been searching diligently for her replacement. She has identified a few local preferences that she believes can fill her shoes and continue forward with the work she and the team have successfully accomplished. However, the SANDAG Audit Committee must first discuss and implement a desired recruitment process that will open up the opportunity to find the best replacement. The Audit Committee is asked to discuss the recruitment process, set steps to move forward, open recruitment, and as a final step recommend the top candidates to the Board of Directors for consideration and appointment. The goal would be for the IPA’s replacement to begin March or April of 2023, so that the current IPA can help with onboarding and acclimation. However, Mary is willing to extend her public service to August of 2023 to ensure a smooth transition. During this period, Mary would ensure that risk consideration for FY 2024 Audit Plan is performed, and the Audit Plan is developed and approved by the Audit Committee and Board.

Next Steps

Once the recruitment process is initiated, candidates are considered, interviews are performed, and the Audit Committee selects their final candidates for Board consideration, the names shall be forwarded to the Board for further consideration and appointment as the next SANDAG IPA.

Mary Khoshmashrab, Independent Performance Auditor

Key Staff Contact: Mary Khoshmashrab, (619) 595-5323, mary.khoshmashrab@sandag.org

Action: **Discussion/Possible Action**

Mary Khoshmashrab will brief the Audit Committee on her timeline for retirement and ask that the Audit Committee discuss the recruitment process and timelines for her replacement.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.



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EXECUTIVE COMMITTEE AGENDA ITEM REPORT

DATE: February 10, 2023

SUBMITTED BY: Alicia Isla, Public Affairs

ITEM TYPE: Recommend

AGENDA SECTION: Reports

SUBJECT: Proposed 2023 Legislative Program

SUGGESTED ACTION: The Executive Committee is asked to recommend that the Board of Directors approve the proposed 2023 Legislative Program.

ATTACHMENTS:

[Proposed 2023 Legislative Program.docx](#)
[Att. 1 - Proposed 2023 Legislative Program.pdf](#)
[Att. 2 - Ellison Wilson Legislative Activity Report â€ January 2023.pdf](#)
[Att. 3 - Peyser & Associates Legislative Activity Report - January 2023.pdf](#)

February 10, 2023

Proposed 2023 Legislative Program

Overview

Each year, the Executive Committee recommends a legislative program to the Board of Directors to guide SANDAG's legislative activities. Consistent with past programs, the proposed 2023 Legislative Program provides a framework to advance policies and legislative initiatives in support of the agency's mission, strategic goals, and long-term vision.

Key Considerations

The proposed 2023 Legislative Program includes a new goal in support of Vision Zero and adds language to an existing goal to highlight support for zero fare public transit and sustaining transit operations funding. Other than that, there are no changes to the legislative program from the previous year.

Attachment 1 shows these additions in tracked changes.

Next Steps

If recommended by the Executive Committee and adopted by the Board, staff will use the Legislative Program to guide SANDAG legislative advocacy and activities.

Robyn Wapner, Director of Public Affairs

Key staff contacts: Hannah Stern, (619) 837-6507, hannah.stern@sandag.org
Jose Alvarez, (619) 744-8509, jose.alvarez@sandag.org

Attachments: 1. Proposed 2023 Legislative Program
2. Ellison Wilson Legislative Activity Report – January 2023
3. Peyser & Associates Legislative Activity Report – January 2023

Action: **Recommend**

The Executive Committee is asked to recommend that the Board of Directors approve the proposed 2023 Legislative Program.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.

2023 LEGISLATIVE PROGRAM

2023 Legislative and Policy Programs

The SANDAG Legislative and Policy Program provides a framework to advance policies and legislative initiatives in support of the agency's mission, strategic goals, and long-term vision. In 2023, SANDAG will work to support the following initiatives:

No.	SUPPORT
1	Efforts to inform the next Federal Surface Transportation Authorization, including appropriate funding levels, goods movement and border programs, transit investment and reforms, process improvements (including streamlined environmental processes), active transportation, and tribal transportation planning.
2	Resources and funding mechanisms consistent with financial strategies adopted in the Regional Plan, including but not limited to increasing revenues for transportation, cap-and-trade revenues, gas tax or equivalent revenue sources, bond measures, public/private partnerships, smart growth, and higher pass-through maintenance/preservation funding.
3	Expanded access to resources and technical tools that will enable SANDAG to implement the Regional Plan, including value pricing, Managed Lanes, High Occupancy Toll Lanes, the alleviation of current constraints on transponder technology, transit priority treatments, Transportation Demand Management, and other efforts that promote efficient use of highways and local roads.
4	Efforts that address border transportation infrastructure needs consistent with the Regional Plan and California-Baja California Border Master Plan.
5	Policy and/or legislative changes to streamline the California Environmental Quality Act (CEQA) for public transit improvements, active transportation projects, and other transportation projects located within existing rights-of-way.
6	Policy and/or legislative changes to improve the planning and implementation of the Regional Plan.
7	Public transit funding and continued support for intercity rail, including funding to promote zero fare public transit and sustaining operations funding .
8	Efforts to advance connected and autonomous vehicle technology to enhance transportation safety, sustainable and efficient mobility, a healthier environment, and economic growth and job creation.
9	Efforts to advance clean energy and clean transportation policies, programs, and legislation for the region that are consistent with the Regional Energy Strategy and Regional Plan.
10	Incentives to jurisdictions that provide opportunities for more housing, including affordable and transit-oriented developments, supports regional fair-share allocation of housing funds, and provides additional affordable housing funding with greater local/regional control.

No.	SUPPORT
<u>11</u>	<u>Policy and funding to ensure safe conditions for those who walk, cycle, roll, and use alternate transportation, and reach a Vision Zero goal.</u>
12	Efforts to pursue funding and enact policies, programs, legislation, and other initiatives that advance equity and inclusion, including eliminating the digital divide.
13	Policies and/or legislation implementing climate action and adaptation plans and programs, including cap-and-trade, that are consistent with the Regional Plan.
14	Efforts to pursue resources to improve regional public safety voice and data communications and interoperability, including connectivity with state and federal systems.
15	Efforts to pursue funding at both the state and federal levels to improve public safety and security in the San Diego region through Automated Regional Justice Information System operations and enhancements, regional transportation system improvements, and activities related to regional emergency preparedness, prevention, and response to catastrophic events.
16	Fiscal reform initiatives that enable regions to develop their own fiscal strategies and oppose unfunded mandates on local governments.
17	Efforts to lower the current two-thirds voter requirement for special purpose taxes, such as transportation and quality of life improvements, to a simple majority vote.
18	Efforts assisting in the implementation of key environmental issues, including habitat conservation, planning, beach restoration and replenishment, and water quality-related issues.
19	Efforts to expand available methods of transportation project delivery, including design-build, design sequencing, construction manager/general contractor, and other alternative methods that expedite connectivity with state and federal systems.
20	Efforts to support funding opportunities and legislation that promote the implementation of effective and collaborative strategies and programs that maintain public safety and promote quality of life and public health, including initiatives that address substance abuse and graffiti abatement and reduce youth and gang violence.
21	Efforts to support funding opportunities and legislation that promote the implementation of effective and collaborative strategies and programs that maintain public safety and promote quality of life and public health, including initiatives that address substance abuse and graffiti abatement and reduce youth and gang violence.
22	Legislation and/or policies that promote governmental efficiencies and cost savings.
23	Transit boards' legislative programs where consistent with SANDAG Policy.
24	Other organizations' legislative programs where consistent with SANDAG Policy (i.e., California Association of Councils of Governments, American Public Transportation Association, National Association of Regional Councils, California Transit Association, Self-Help Counties Coalition, League of California Cities, California State Association of Counties, Caltrans, International Association of Chiefs of Police, National Sheriffs' Association, California Police Chiefs Association, California State Sheriffs' Association, Coalition for America's Gateways and Trade Corridors (CAGTC), and National Association of Counties).

No.	MONITOR
25	Efforts to pursue legislative and/or administrative reform of the Regional Housing Needs Assessment process and state housing element law.
26	Proposals that limit the use of eminent domain for public infrastructure projects.
27	Legislation affecting solid waste, water supply, and storm water; support funding opportunities to assist in these areas, and implementation of the Regional Plan.
28	Legislation relating to personnel matters (i.e., workers' compensation, Public Employee Retirement System benefits) and other labor related issues.
29	Legislation requiring local agencies to implement new administrative compliance measures.
30	Legislative efforts related to offshore oil drilling in the coastal waters within the San Diego region.

Free Language Assistance | Ayuda gratuita con el idioma | Libreng Tulong sa Wika | Hỗ trợ ngôn ngữ miễn phí
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TO: SANDAG BOARD OF DIRECTORS
FROM: ELLISON WILSON ADVOCACY, LLC
SUBJECT: SANDAG LEGISLATIVE ACTIVITY REPORT – JANUARY 2023

LEGISLATIVE UPDATE

Legislative Overview

After a brief visit to Sacramento on December 5th to formally convene the 2023-24 Regular Session and concurrent special session on oil company profits, the Legislature returned to Sacramento on January 4th to begin the 2023-24 Session in earnest. February 17th is the deadline for all bills to be introduced in 2023.

San Diego's Capitol Delegation

Following the final tabulations from the November General Election, the following members have been elected to represent their respective districts in San Diego County. Districts, leadership positions, and committee assignments are noted below.

Senate

- **Senator Toni Atkins (D)** – President pro Tempore
 - 39th Senate District: includes most of the City of San Diego north of SR-94, the coastal cities of Coronado, Del Mar, and Solana Beach, and parts of unincorporated Rancho Santa Fe
 - Current Committee:
 - Senate Rules Committee (Chair)
- **Senator Catherine Blakespear (D)**
 - 38th Senate District: includes at least portions of the following cities in San Diego County – Carlsbad, Del Mar, Elfin Forest, Encinitas, Fairbanks Ranch, Lake San Marcos, Oceanside, Rancho Santa Fe, San Diego, Solana Beach, and Vista – as well as portions of Orange County
 - Current Committees:
 - Senate Governance And Finance Committee
 - Senate Housing Committee
 - Joint Committee On Fairs, Allocation And Classification (Vice Chair)
 - Joint Legislative Audit Committee (Vice Chair)
 - Joint Legislative Committee On Climate Change Policies
 - Senate Transportation Committee
- **Senator Brian Jones (R)** – Senate Minority Leader

- 40th Senate District: includes the cities of Escondido, Poway, San Marcos, Santee, San Diego City communities of Carmel Mountain Ranch, Del Sur, MCAS Miramar, Mira Mesa, Rancho Bernardo, Rancho Peñasquitos, Sabre Springs, Santa Luz, Scripps Ranch, San Pasqual Valley, Sorrento Valley, Torrey Hills, and University City, along with the San Diego County unincorporated communities of 4S Ranch, Alpine, Bonsall, Dehesa, Fallbrook, Harmony Grove, Hidden Meadows, Lakeside, Pala-Pauma, Pine Valley, Rainbow, Ramona, Twin Oaks, and Valley Center.
- Current Committees:
 - Senate Appropriations Committee (Vice Chair)
 - Senate Governmental Organization Committee
 - Senate Insurance Committee
- **Senator Steve Padilla (D)**
 - 18th Senate District: includes at least a portion of the following cities and communities in San Diego County – Bonita, Boulevard, Campo, Chula Vista, Imperial Beach, Jacumba, Jamul, National City, Potrero, and the City of San Diego, as well as portions in Imperial, Riverside, and San Bernardino counties.
 - Current Committees:
 - Senate Agriculture Committee
 - Senate Budget And Fiscal Review Committee
 - Senate Budget And Fiscal Review Subcommittee No. 4 On State Administration And General Government (Chair)
 - Senate Governmental Organization Committee
 - Senate Housing Committee
 - Joint Legislative Budget Committee
 - Joint Legislative Committee On Climate Change Policies
 - Senate Natural Resources And Water Committee

Assembly

- **Assembly Member David Alvarez (D)**
 - 80th Assembly District: includes at least a portion of the following cities and communities – Bonita, Chula Vista, Imperial Beach, National City, the City of San Diego
 - Current Committees:
 - Assembly Aging And Long-term Care Committee
 - Assembly Budget Committee
 - Assembly Budget Subcommittee No. 2 On Education Finance
 - Assembly Business And Professions Committee
 - Assembly Emergency Management Committee
 - Joint Legislative Audit Committee (Chair)
 - Assembly Military And Veterans Affairs Committee
- **Assembly Member Tasha Boerner Horvath (D)**
 - 77th Assembly District: includes at least a portion of the following cities – Carlsbad, Coronado, Del Mar, Encinitas, San Diego, and Solana Beach
 - Current Committees:
 - Assembly Communications And Conveyance Committee (Chair)
 - Assembly Health Committee
 - Joint Committee On Arts
 - Joint Legislative Audit Committee

- Assembly Local Government Committee
- Assembly Military And Veterans Affairs Committee
- **Assembly Member Laurie Davies (R)**
 - 74th Assembly District: includes at least a portion of the following cities in San Diego County – Vista and Oceanside – as well as portions in Orange County.
 - Current Committees:
 - Assembly Accountability And Administrative Review Committee
 - Assembly Communications And Conveyance Committee
 - Assembly Governmental Organization Committee
 - Assembly Military And Veterans Affairs Committee (Vice Chair)
 - Assembly Transportation Committee
 - Assembly Water, Parks And Wildlife Committee
- **Assembly Member Brian Maienschein (D)**
 - 76th Assembly District: includes at least a portion of the following cities and communities – Del Dios, Elfin Forest, Escondido, Fairbanks Ranch, Harmony Grove, Lake San Marcos, Rancho Santa Fe, City of San Diego, San Marcos.
 - Current Committees:
 - Assembly Communications And Conveyance Committee
 - Assembly Health Committee
 - Assembly Judiciary Committee (Chair)
- **Assembly Member Marie Waldron (R)**
 - 75th Assembly District: includes at least a portion of the following cities and communities in San Diego County – Bonsall, Escondido, Fallbrook, Hidden Meadows, Lake San Marcos, Rainbow, San Marcos, Valley Center – as well as portions in Riverside County.
 - Current Committees:
 - Assembly Banking And Finance Committee
 - Assembly Emergency Management Committee (Vice Chair)
 - Assembly Health Committee (Vice Chair)
 - Joint Committee On Rules
 - Joint Legislative Committee On Emergency Management
 - Assembly Local Government Committee
 - Assembly Rules Committee (Vice Chair)
- **Assembly Member Chris Ward (D) – Speaker pro Tempore**
 - 78th Assembly District: includes at least a portion of El Cajon and the City of San Diego
 - Current Committees:
 - Assembly Housing And Community Development Committee
 - Assembly Labor And Employment Committee
 - Assembly Natural Resources Committee
 - Assembly Transportation Committee
 - Assembly Water, Parks And Wildlife Committee
- **Assembly Member Akilah Weber (D)**
 - 79th Assembly District: includes at least a portion of the following cities and communities – Bonita, El Cajon, La Mesa, La Presa, Lemon Grove, City of San Diego, Spring Valley
 - Current Committees:

- Assembly Appropriations Committee
- Assembly Communications And Conveyance Committee
- Assembly Health Committee
- Assembly Higher Education Committee
- Special Committee On Legislative Ethics
- Assembly Water, Parks And Wildlife Committee

Governor Releases January Budget Proposal

On January 10th, Governor Newsom kicked off the state's annual budget process by releasing his proposed state budget for the 2023-24 fiscal year. Of critical note, the Governor's Budget forecasts that California now faces an estimated budget gap of \$22.5 billion in the 2023-24 fiscal year. As such, the Governor has proposed the following cuts/shifts of concern to funding for transportation and climate items that were included in last year's budget.

- Transit Intercity Rail Capital Program – A reduction of planned funding in 2023 and 2024 from \$2 billion each year to \$1 billion in 2023-24 and \$500 million in each of 2024-25 and 2025-26. These funds are set to be allocated proportionally, by region, based on population. This maintains approximately \$5.7 billion (74%) of the original \$7.7 billion planned additional funds for local transit capital infrastructure projects. If there is sufficient General Fund in January 2024, this reduction will be restored.
- Active Transportation Program – A reduction of \$500 million General Fund, with \$300 million of the reduction being restored from State Highway Account funds, for a net reduction of \$200 million. This will allow the program to sustain all of the programming capacity approved in the 2023 programming cycle. This maintains approximately \$850 million (81%) of the original \$1.05 billion of additional funds for projects that increase the proportion of trips accomplished by walking or biking and increase the safety and mobility of non-motorized users.
- Climate Adaptation Program – A shift of \$200 million General Fund with \$200 million State Highway Account funding, leaving unaffected the project funding that supports climate resiliency and reduces infrastructure risk.
- Safety Grade Separations – A delay of \$350 million of funding originally planned to be available in 2023-24, which will instead be made available in 2025-26. Given the multi-year nature of these types of projects, this shift should not significantly impact the ability to deliver the same number of originally planned projects that improve safety for people walking, biking, and driving at rail crossings.

Budget subcommittee hearings will begin in a month or so, and revisions to the proposed budget are due in May, with the Legislature making final decisions after that. The Legislature must pass the final 2023-24 state budget and send it to the Governor by June 15th for his action by July 1st.

Peter A. Peyser

January 6, 2023

Transportation Update from Peyser Associates

Deadlock on House Speakership Affecting the Operation of the House and its Committees

The 118th Congress got off to a peaceful start in the United States Senate on Tuesday, when the body convened, swore in new and returning Senators, did some housekeeping and then adjourned for three weeks. Over on the House side, it is a different story.

House Republicans are locked in a struggle to choose one of their own to become Speaker of the House. Not since 1855 has Congress seen a Speaker election this contentious.

As Rep.-elect Kevin McCarthy (there are no House Members at this writing, only Members-Elect) seeks a deal to garner 218 votes from the 222 GOP Caucus Members-elect he has been steadily conceding some of the powers of the Speaker's position. According to media reports and statements from Members-elect, he has agreed to allow the group of 21 Members who have consistently voted against him to appoint Members to key committees, given up the Speaker-controlled Rules Committee's ability to restrict amendments on Appropriations bills and even indicated he would name at least one Member opposing his speakership to Chair of the Labor-HHS Appropriations Subcommittee and guarantee plum committee assignments to other holdouts.

One issue that some McCarthy opponents have raised is that of earmarking. In a speech yesterday nominating Rep.-elect Byron Donalds (R-FL) for Speaker, Rep.-elect Matt Rosendale (R-MT) cited earmarking as a part of the status quo that must, in his view, be changed. It is certainly possible that as holdout Members-elect seek additional concessions from McCarthy, an earmark ban may be on the table.

The House will reconvene at Noon ET today. It is expected they will take one more vote for Speaker – a 12th – and then adjourn shortly thereafter. The adjournment may be just for the day or for the weekend.

FTA Releases NOFO for Areas of Persistent Poverty Program

The FTA this morning released the Notice of Funding Opportunity for the Areas of Persistent Poverty (AoPP) discretionary grant program. Under this NOFO, \$20.04 million will be awarded. Grants are for planning, engineering or development of technical or financing plans for transit projects to assist Areas of Persistent Poverty or Historically Disadvantaged Communities.

Only recipients or subrecipients of FTA formula funds (i.e. transit agencies and MPOs) are eligible to apply. The NOFO encourages applicants to work with non-profit organizations and other local stakeholders in developing applications.

Applications will be due on March 10. Click [HERE](#) to see the NOFO.

Peter A. Peyser

January 13, 2023

Transportation Update from Peyser Associates

As Congress Organizes, Battle Lines Come into Focus

After last week's turmoil over the election of House Speaker Kevin McCarthy (R-CA), House GOP Members spent this week jockeying for positions on key committee assignments and started to sketch out their agenda for the year ahead. As they did that, the contours of this year's struggles for Congress to do its fundamental business of keeping the government running came into better focus.

On the organizing front, the House GOP began naming committee chairs. But subcommittee leadership positions, particularly on the House Committee on Appropriations are still unresolved. These posts will be crucial as the House tries to impose spending cuts on federal programs.

As noted in previous reports, House Republicans hope to use the need to raise the national debt limit sometime this summer as leverage to get Democrats to agree to deep spending cuts. The pressure for this linkage is strongest amongst Members of the House Freedom Caucus and the subset of that group who were holdouts during the Speaker election process. The extracted an agreement from Speaker McCarthy that he would pursue spending cuts as the price for agreeing to a debt limit increase.

While the linkage of spending cuts unpalatable to Democrats and the debt limit increase could portend a deadlock that would lead to a default on the national debt, it is important to note that the GOP has not specified what would satisfy them on the budget cutting side. Some GOP Members would apparently be satisfied with the passage of a Budget Resolution projecting a balanced budget in 10 years. While that would be very difficult to achieve, it is less difficult than hitting a specific spending reduction target in appropriations bills for the coming fiscal year.

The lack of specificity from GOP leaders on this point is giving observers some hope that a deal can be made between House Republicans and Senate Democrats to raise the debt ceiling. However, some Members are already working on plans to advance a debt limit increase with votes from all House Democrats and a handful of more moderate House GOP Members using the procedural gambit of a discharge petition that would force a floor vote on it. A discharge petition requires 218 votes to force a bill to the floor without action by the relevant committee.

Major Transit Agencies Open Push for Operating Assistance

The New York MTA is leading an effort by major transit agencies to seek additional operating assistance from the federal government as they stare down a "fiscal cliff" which would hit different agencies at different times over the next few years.

In a November 30 letter to Secretary of Transportation Pete Buttigieg, the MTA and 14 other agencies asked the Secretary to seek operating assistance in the President's fiscal 2024 budget. The agencies on the letter are from the New York, Chicago, Philadelphia, DC, Cleveland, Maryland, Atlanta and Bay Area regions. In conversations with the MTA, your reporter learned

that this list was not compiled strategically but is intended as an initial list in hopes it will grow over time as the effort matures. A copy of the letter is attached.

Aside from these major transit agencies, a group of local transit advocates coordinated at the national level under the banner of the National Campaign for Transit Justice is also pushing for operating assistance for transit. This group played a key role as advocates for the COVID aid packages that brought \$60 billion of operating assistance to public transit.

It is unclear how much traction this effort has with the Biden Administration. The President's Budget is in its final stages of development and it is by no means clear there is room in it for operating assistance.

CTA and SEPTA Move to Ease Certification Path for Small Businesses

The Chicago Transit Authority (CTA) and the Southeastern Pennsylvania Transportation Authority (SEPTA) this week signed an agreement to recognize one another's certifications of small and minority-owned businesses. This is reputed to be a first-of-its-kind agreement and is intended to ease the burden on small and disadvantaged businesses who must go through numerous certification processes to create a regional or national practice that extends beyond their home jurisdiction.

The agreement was touted by the Equity in Infrastructure Project, which was co-founded by former Deputy Secretary of Transportation John Porcari and former head of Los Angeles County MTA and Denver RTD Phil Washington. They are promoting the expansion of these kinds of agreements.

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Peter A. Peyser

January 20, 2023

Transportation Update from Peyser Associates

As US Reaches Debt Ceiling, Tensions Mount over the Path Forward

The Treasury Department yesterday announced the government has reached the national debt limit and that "extraordinary measures" will be undertaken to prevent a default on that nation's debt obligations. While there is no hard timeline on when those measures will be exhausted, experts are saying that limit will be reached before Independence Day. With that milestone having been reached, and with discussions about the potential of a default at the World Economic Forum in Davos this week, the tension is starting to build in Washington over how agreement can be reached to raise the debt limit.

This week, key players laid down their markers and their initial postures demonstrated the challenges ahead. The President and his top staff are making it clear in a variety of forums that

they will not negotiate with Republicans in Congress over the debt limit increase. House Speaker Kevin McCarthy (R-CA), on the other hand, says he is ready to begin negotiating an agreement to raise the debt limit that would include Democrats agreeing to a spending agreement that would point the way to a balanced budget in ten years. While those two positions would appear to point to a stalemate, the voice of reason is coming from Senate Minority Leader Mitch McConnell (R-KY). He told reporters this week that “America must never default on its debt. It never has and never will.” He went on to say that he believes the White House will negotiate over the conditions for raising the debt limit.

Given the history of the issue and of the personalities involved, McConnell’s statement appears to this observer to be the closest to reality. President Biden is nothing if not a negotiator and it will be hard for him to resist his instinct to sit the parties down and figure out how to get to an agreement. One potential outcome is that McConnell and Senate Democrats will negotiate something they can agree on, the White House will bless it and then House Democrats and a handful of moderate Republican Members will have to figure out how to get that on the floor in their body and pass it. Speaker McCarthy’s position is so weak that he is unlikely to be able to play a meaningful role in any negotiation.

All of this plays into a sense of uncertainty around the fiscal 2024 appropriations process. Even without a debt limit fight it would be very difficult to get congressional agreement on spending bills this year. With the addition of the debt battle, that prospect looks even more dim.

Rep. Tom Cole to Lead House THUD Appropriations Subcommittee

House Republicans this week announced that Rep. Thomas Cole (R-OK) will chair the House Appropriations Committee Subcommittee on Transportation-HUD. Rep. Cole replaces Rep.

Mario Diaz-Balart (R-Fl) as the top Republican on the subcommittee. Diaz-Balart was term-limited out of that role. He had sought a waiver of the term-limit but did not receive it.

Rep. Cole has served in the House for 20 years and has earned a reputation as a smart, hard-working Member. He has served as the top GOP Member on the Labor-HHS-Education Subcommittee in the past. Unlike Rep. Diaz-Balart, Rep. Cole does not have significant public transit in his district, which covers Southwest Oklahoma.

The rest of the Members of the Subcommittee on the GOP side have not been announced, nor have any of the Democratic Members been named.

Peter A. Peyser

January 27, 2023

Transportation Update from Peyser Associates

Two Sides in Debt Limit Debate Continue to Circle on Another in Preparation for Talks

President Biden and House Speaker Kevin McCarthy (R-CA) have both said this week that they will be meeting soon to discuss the agenda for 2023, including a conversation about increasing the national debt limit. While McCarthy has said he looks forward to meeting with the President to discuss a debt limit deal that also reins in spending, the White House continues to say the President will not be negotiating over raising the debt limit or tying spending cuts to any increase in borrowing capacity. A date for the meeting has not been set, but speculation is it will take place before the President's State of the Union Address on February 7.

Meanwhile, on Capitol Hill, Democratic leaders are echoing the President's position that the debt limit increase should be passed with no link to spending policy. At the same time, those same leaders appear to have settled on a strategy for dealing with the GOP's push for spending cuts. Their strategy is essentially to say "put up or shut up." Senate Majority Leader Chuck Schumer and House Minority Leader Hakeem Jeffries (both D-NY) said this week they wanted to see the detailed list of spending cuts from the GOP and then see if the House GOP has the votes to pass those cuts.

Jeffries said that once the GOP puts its cards on the table he would be willing to discuss spending limits with McCarthy, but only if McCarthy commits to pass a debt ceiling increase without condition.

As noted in last week's report, all this posturing does leave room for an agreement to pass the debt limit and then create a separate process for negotiating spending policies in the context of the fiscal 2024 appropriations process and/or the passage of a Congressional Budget Resolution later this year. But as also noted in last week's report, Speaker McCarthy is unlikely to have the standing within his own caucus to negotiate such a deal. Senate Minority Leader Mitch McConnell (R-KY), who is staying out of the line-of-fire at this point is more likely to be the interlocutor with whom Democrats will eventually make a deal to pass the debt limit and then tackle spending.

House Committees Completing Organizing and Preparing to Get to Work

House Democrats are caucusing as this is written to complete their roster of committee Members for the Appropriations, Transportation and Infrastructure and other committees. GOP Members of those committees have already been named.

The Democratic Caucus has already elected Rep. Rick Larsen (D-WA) as the Ranking Minority Member of the T&I Committee to serve alongside Chair Sam Graves (R-MO). Chair Graves has called an organizing meeting for next week, on February 1, to elect subcommittee Chairs and ranking Members and fill out subcommittee rosters.

Immediately after the organizing votes, the committee will hold its first hearing of the 118th Congress, hearing from witnesses discussing the state of the nation's infrastructure as it relates to the supply chain. Transit and passenger rail are not topics for this hearing, based on the witness list released by the committee.

The Appropriations Committee will also meet soon to organize for this Congress.

FTA Releases NOFO for \$1.7 billion in Discretionary Bus Grants

Today's Federal Register includes a posting from the Federal Transit Administration of a combined Notice of Funding Opportunity (NOFO) for the Low-No Emissions Discretionary Grant program and the Bus and Bus Facilities Discretionary Grant program. The NOFO contemplates funding \$1.22 billion in Lo-No grants and \$469 million in "regular" bus and bus facilities grants. Funds are from the Bipartisan Infrastructure Law and the Fiscal 2023 appropriation for transit programs.

The NOFO encourages applicants to apply for funding from both programs in the same application. Applications are due on April 13.

Click [HERE](#) to see the NOFO.