



City Selection Committee
Meeting Agenda

November 12, 2020 | 6PM
Virtual Meeting via Zoom

Register for Zoom webinar [\[HERE\]](#)

Note: Please disregard the webinar title; this link will register you for our City Selection Committee and Board of Directors meeting.

Meeting also livestreamed on YouTube by “Cities Association of Santa Clara County” [\[LINK\]](#)

More info on public comment and accessibility given at the end of the agenda.

Please submit letters of interest to csc@citiesassociation.org by November 3, 2020

Discussion & action may be taken on any of the items below. Times are approximate.

1. WELCOME AND ROLL CALL	
2. CONSENT AGENDA	Attachments
2a. Approval of minutes from August 13, 2020.	- Minutes
3. APPOINTMENTS	Attachments
<i>NOTICE: Per Rules and Regulations of the Santa Clara County City Selection Committee (CSC), reaffirmed at the Cities Association Board meeting on October 8, 2020, all appointees of the CSC must be an elected official. Appointments end on the same date a representative ceases to be an elected official.</i>	- CSC Rules
3a. Association of Bay Area Governments (ABAG)	Attachments
Appointment of 1 representative and 2 alternates. Background: <ul style="list-style-type: none"> • 2-year terms • Representative's term expires June 2022 (Hon. Chris Clark - Mountain View terming out) • Alternate's term expires June 2022 (Hon. Rod Sinks - Cupertino terming out, other seat vacant) 	- Website - Bylaws - Job Description - Roster
3b. Bay Area Air Quality Management District (BAAQMD)	Attachments
Appointment of two representatives. Background: <ul style="list-style-type: none"> • 2-year terms • Representative's term expires December 31, 2020 (held by Hon. Liz Kniss - Palo Alto) • One representative's term expires November 29, 2020 (Hon. Rod Sinks - Cupertino terming out) 	- Website - Bylaws - Job Description
3c. Metropolitan Transportation Commission (MTC)	Attachments
Appointment of one representative.	- Website

<p>Background:</p> <ul style="list-style-type: none"> • 4-year terms • Representative’s term expires March 2023* (Hon. Jeannie Bruins - Los Altos terming out) 	<ul style="list-style-type: none"> - Bylaws - Job Description - Procedures Manual - MTC Letter to CASCC
<p>3d. Recycling and Waste Reduction Commission (RWRC)</p>	<p>Attachments</p>
<p>Appointment of one North County Cities representative. (3 total)</p> <p>Background:</p> <ul style="list-style-type: none"> • 6-year terms, 2 terms maximum • <i>North County Cities</i> <ul style="list-style-type: none"> - Region encompasses Gilroy and Morgan Hill - Representative’s term expires January 2022 (Hon. Rod Sinks - Cupertino terming out) 	<ul style="list-style-type: none"> - Website - Bylaws - Job Description - Roster - Meeting Schedule
<p>3e. Santa Clara County Emergency Operational Area Council (OAC)</p>	<p>Attachments</p>
<p>Appointment of one Central County representative and one North County alternate. (2 total)</p> <p>Background:</p> <ul style="list-style-type: none"> • 2-year terms • Central County Cities representative’s term expires September 2021* (Hon. Debi Davis - Santa Clara terming out) • North County Cities alternate seat is vacant 	<ul style="list-style-type: none"> - Website - Bylaws - Member Cover Sheet
<p>3f. Silicon Valley Regional Interoperability Authority (SVRIA)</p>	<p>Attachments</p>
<p>Appointment of one alternate.</p> <p>Background:</p> <ul style="list-style-type: none"> • 3-year terms • Term expires October 2021* (Hon. Debi Davis - Santa Clara terming out) 	<ul style="list-style-type: none"> - Bylaws*
<p>3g. Sourcewise</p>	<p>Attachments</p>
<p>Appointment of one representative.</p> <p>Background:</p>	<ul style="list-style-type: none"> - Website - General Info - Job Description

<ul style="list-style-type: none"> • 3-year terms • Representative’s term expires June 2023 (prev held by Cricket Rubino - Morgan Hill) 	<p>- Application</p>
<p>4 PUBLIC COMMENT</p>	
<p>5 ADJOURNMENT – 6:55PM</p>	

*Awaiting verification from agency that information is up-to-date.

PUBLIC COMMENT

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to csc@citiesassociation.org.
 - Emails will be forwarded to the City Selection Committee.
 - IMPORTANT: identify the Agenda Item number in the subject line of your email. All emails received will be entered into the record for the meeting.
2. Provide oral public comments during the meeting:

Click the following link to register in advance to access the meeting via Zoom Webinar or copy and paste: bit.ly/register-CSC

- You will be asked to enter an email address and a name.
- Your email address will not be disclosed to the public. After registering, you will receive an email with instructions on how to connect to the meeting.
- When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified shortly before they are called to speak.
- When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair).
- Phone participants:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

ACCESSIBILITY

We strive for our meetings and materials to be accessible to all members of the public. Those requiring accommodations to participate in this meeting may contact our Office Assistant at audin@citiesassociation.org. Notification at least three business days prior to the meeting will allow us to best meet your needs.



RULES AND REGULATIONS OF SANTA CLARA COUNTY CITY SELECTION COMMITTEE

The Santa Clara County City Selection Committee, pursuant to the California Government Code Sections 50270 through 50279.2, have adopted the following as its rules and regulations:

1. Membership. The Santa Clara County City Selection Committee (the “CS Committee”) shall consist of the current mayor, or the mayor’s designee as provided in Section 4 below, of each city within Santa Clara County. In light of the close relationship between the Cities Association of Santa Clara County (“CASCC”) and the CS Committee, these Rules and Regulations provide organizational structure and assistance from the CASCC for the benefit of the CS Committee.

2. Officers. The Chairperson and Vice-Chairperson of the CS Committee shall be the President and First Vice President, respectively, of the CASCC, whether or not they are then currently serving as the mayor of their respective cities; provided, however, that if they are not so serving as the mayor then they will not be entitled to a vote unless their respective mayor so designates them as allowed below. Their term of office shall coincide with their term of office as President and First Vice President of CASCC, not to exceed four (4) years. The Executive Director of CASCC shall serve as the Clerk and secretary of the CS Committee, and shall be deputized, if possible, by the County Clerk pursuant to Government Code Section 50276.

3. Meetings. Regular meetings of the CS Committee shall be immediately prior to a CASCC Board meeting. Meetings of the CS Committee may be called at any time by the

Chairperson or upon the written request of fifty percent (50%) of the members of the CS Committee. It is anticipated that the CS Committee will meet at least annually to make appointments as required by law. The Clerk shall give notice of the time, date and place of the meeting to each member of the CS Committee at least two weeks prior to the date of any meeting. In the event a quorum is not present at a meeting duly called, then the meeting shall be postponed or adjourned to a subsequent time and place, as determined by the Chairperson, and reasonable notice of such adjourned time, date and place shall be given to each member of the CS Committee.

4. Voting. Only the mayors, or their designee, shall be entitled to vote on CS Committee business. Each mayor may designate a fellow council member as that mayor's designee for attending and voting at a meeting of the CS Committee; provided that such designation is in writing delivered to the Chairperson or Clerk at or prior to the meeting, or by an email sent by the mayor to the Clerk at least twenty four (24) hours prior to the meeting. All votes and action taken by the CS Committee shall be recorded in writing by the Clerk, including the name of each member voting and how that member voted, and maintained along with the minutes of CASCC.

5. Appointments. An appointee chosen by the CS Committee shall be an elected council member or Mayor of a Santa Clara City or Town ("Elected Official") at the time of the CS Committee's appointment. In the event an Elected Official appointed by the CS Committee ceases to be an Elected Official, the CS Committee appointment shall also end on the same date as the appointee ceases to be an Elected Official. Any vacancy so created shall be filled by the CS Committee within 60 days of the date the vacancy occurred."

These Rules and Regulations were duly adopted by the CS Committee on this 8th day of February, 2007. They were revised on the 21st day of February, 2008 and reaffirmed on the 8th day of October, 2020.



CITY SELECTION COMMITTEE MINUTES
THURSDAY, AUGUST 13, 2020 – 6:40 PM
OR AT THE CONCLUSION OF THE LEGISLATIVE ACTION COMMITTEE
VIRTUAL MEETING VIA [ZOOM](#)

Livestream available here: [Youtube.com → Cities Association of Santa Clara County Channel](#)

Welcome & Roll Call (Klein)

Present:

Campbell	Councilmember Liz Gibbons
Cupertino	Mayor Steven Scharf
Gilroy	Councilmember Marie Blankley Vice Mayor Neysa Fligor
Los Altos	Mayor Jan Pepper 6:47
Los Altos Hills	Mayor Michelle Wu
Los Gatos	Councilmember Marico Sayoc
Milpitas	Councilmember Carmen Montano
Monte Sereno	Councilmember Rowena Turner
Morgan Hill	Mayor Rich Constantine
Mountain View	Vice Mayor Margaret Abe-Koga
Palo Alto	Councilmember Liz Kniss
San José	Vice Mayor Chappie Jones
Santa Clara	Councilmember Debi Davis
Saratoga	Councilmember Mary-Lynne Bernald
Sunnyvale	Councilmember Larry Klein

Also present:

Kent Steffens, SCCMA, City of Sunnyvale
Andi Jordan, Executive Director
Councilmember Chris Clark, Mountain View
Councilmember Rod Sinks, Cupertino
Councilmember Glenn Hendricks
Other members of the public

Consideration of approval of consent agenda consisting of the May 14, 2020 Minutes

Motion by Gibbons

Second by Bernald

Motion passes: 11-0-0-4

AYES - 11 - *Gibbons (Campbell), Scharf (Cupertino), Fligor (Los Altos), Sayoc (Los Gatos), Montano (Milpitas), Abe-Koga (Mountain View), Constantine (Morgan Hill), Kniss (Palo Alto), Davis (Santa Clara), Bernald (Saratoga), Klein (Sunnyvale)*

NOS - 0

ABSTENTIONS - 0

ABSENT - 4 *Blankley (Gilroy), Wu (Los Altos Hills), Turner (Monte Sereno), Jones (San José),*

Consideration of appointments:

a. [Association of Bay Area Governments Executive Committee – 2 Representatives](#)

- Terms expire June 2022
- The representative shall be a councilmember of a member city
- Currently held by Councilmember Chris Clark (Mountain View) & Councilmember Liz Gibbons (Campbell), both eligible to continue serving

b. [Association of Bay Area Governments – 2 Alternates](#)

- Terms expire June 2022
- Alternatives shall be a councilmember of a member city
- Currently held by Councilmember Anthony Phan (Milpitas) & Councilmember Rod Sinks (Cupertino), both eligible to continue serving

Motion by Sayoc to appoint Councilmember Chris Clark (Mountain View) & Vice Mayor Liz Gibbons (Campbell) as representatives to ABAG Executive Board, and Councilmember Rod Sinks (Cupertino) as Alternate. Motion also asked Clark, Gibbons, Sinks to help identify replacements for Clark and Sinks after the November.

Second by Bernald

Motion passes 11-0-0-4

AYES - 11 - *Gibbons (Campbell), Scharf (Cupertino), Pepper (Los Altos), Sayoc (Los Gatos), Montano (Milpitas), Abe-Koga (Mountain View), Constantine (Morgan Hill), Kniss (Palo Alto), Davis (Santa Clara), Bernald (Saratoga), Klein (Sunnyvale)*

NOS - 0

ABSTENTIONS - 0

ABSENT - 4 *Blankley (Gilroy), Wu (Los Altos Hills), Turner (Monte Sereno), Jones (San José),*

Public comment – no public comment was received.

Adjourn until next meeting, TBD

Respectfully submitted,
Andi Jordan
Executive Director

Approved on DATE

Motion
Second

AYES
NAYES
ABSTENTIONS
ABSENT

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

As Amended June 11, 2020

ARTICLE I. PURPOSE

The Association of Bay Area Governments (hereinafter "Association") is hereby created as a separate entity established by agreement among its members pursuant to the Joint Exercise of Powers Act, California Government Code Sections 6500, et seq. (hereinafter "Act"). The Association is organized for the purposes of establishing a permanent forum for discussion and study of regional and subregional problems of interest and concern to the counties and cities of the San Francisco Bay Area, developing policies and actions, and providing services and undertaking actions addressing such problems.

ARTICLE II. DEFINITIONS

A. "Agreement" means the Agreement with the Association of Bay Area Governments entered into under the Act by the Association Members.

B. "Association" means the Association of Bay Area Governments as established by the Agreement and these Bylaws.

C. "Executive Board" means the Association's President, Vice President and Immediate Past President and the body of representatives which meet from time to time as provided in these Bylaws to govern the affairs of the Association between meetings of the General Assembly.

D. "General Assembly" means the body of the delegates of the Members of the Association as set forth in these Bylaws.

E. City, county, or city and county members of the Association may be referred to as "Members."

F. "Delegate" means a delegate of a Member of the Association to the General Assembly, or the alternate acting in the delegate's absence.

G. "Representative" means a representative to the Executive Board, or the alternate acting in the representative's absence.

H. "Regional Plan" means the comprehensive plan for the San Francisco Bay Region adopted and amended from time to time by the Association.

I. "Regional Problem" means an issue concerning the public health, safety or welfare of substantially all of the Association's Members, a solution to which may require intergovernmental cooperation or assistance of the Association.

J. "Subregional Problem" means an issue concerning the public health, safety or welfare of one or more of the Association's Members, a solution to which may require intergovernmental cooperation or assistance of the Association.

ARTICLE III. MEMBERSHIP

A. MEMBERS

(1) The counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, the City and County of San Francisco, and within the area of such counties all cities and incorporated towns (hereinafter referred to as "cities") now existing or formed in the future are eligible for membership in the Association.

(2) All eligible cities and counties become Members of the Association upon execution of the Agreement and payment of the annual assessment and annual membership fee.

B. COOPERATING MEMBERS

(1) Subject to the approval of the Executive Board or the Executive Director as set forth in Article III.B(4), any governmental entity, public agency, or non-profit organization not eligible for membership under Article III.A of these Bylaws may elect to join the Association as a Cooperating Member.

(2) Cooperating Members shall be entitled to attend all meetings of the General Assembly and of the Executive Board, but shall not be entitled to vote or participate in debate. No Cooperating Member shall be considered a "contracting party" as that term is used in the Act.

(3) Cooperating Members shall be entitled to receive data, studies, planning documents, special services, and other written materials and services of the Association subject to policies adopted by the Executive Board.

(a) The Executive Director of the Association may approve the admission of any governmental entity or public agency electing to join the Association as a Cooperating Member pursuant to this Article III.B.

(b) The Executive Board of the Association may approve the admission of any non-profit organization electing to join the Association as a Cooperating Member pursuant to this Article III.B.

ARTICLE IV. POWERS

A. GENERAL

The Association may exercise in its own name the following powers when the exercise of these powers is necessary to, in furtherance of, or in support of the Association, the exercise of any other powers provided for in these Bylaws or the Agreement, or any other authorized activity

undertaken by the Association: make and enter into contracts, memoranda of understanding, and other agreements; employ and appoint employees and agents; acquire, hold, protect, dispose of, construct, operate, and maintain real and personal property; incur debts, liabilities, obligations, and encumber or hypothecate real or personal property; sue and be sued; and, accept grants, gifts, donations, and other monies.

B. INFORMATION GATHERING

The Association may request, collect, store, correlate, transfer, and otherwise manage information and data in any manner necessary to, in furtherance of, or in support of the exercise of any other power under this Article or any other authorized activity undertaken by the Association.

C. STUDIES

The Association may perform studies to identify and/or analyze regional or subregional problems, the purpose and subject matter of such studies to be determined as provided in these Bylaws.

D. REGIONAL PLANNING

The Association shall have the power to perform regional or subregional planning without limitation as to subject matter:

- (1) that it is eligible or authorized to do; or,
- (2) that it is required to do under State or Federal authority; or,
- (3) that is authorized under other provisions of these Bylaws or as a result of the Association's studies of regional or subregional problems.

E. POLICIES AND ACTIONS

- (1) The Association may develop and adopt policies and/or actions.
- (2) The Association may advocate and otherwise act to advance its positions, studies, plans, and policies both within and outside the region and may accept delegations of authority from Federal, State, regional, or local bodies to this end.

F. INTERAGENCY COOPERATION

- (1) The Association may appoint representatives, in its own name, to other agencies, Boards, commissions, or official bodies to which it is required or eligible to make appointments.
- (2) The Association may perform and participate in governmental coordination and respond to efforts at such coordination.

(3) In the exercise of its powers under Article IV.F(1) and (2), the Association may request or transmit information or studies; exercise any voting or veto power given to it; participate in grant applications, administration, and disbursements; and, do any other acts necessary to or in support of the exercise of such powers.

G. INFORMATION, SERVICES, AND ASSISTANCE

(1) The Association may provide information, assistance, services, studies, plans, recommendations, and reports or such other information, assistance, and services requested by specific Members or nonmembers. Information, services, and assistance may include, without limitation, preparing or making of grant applications on behalf of or in conjunction with Members, training programs for local government staff, technical assistance on particular projects, or review of particular projects. The Association may provide information, assistance and services in conjunction with other entities and may organize and/or participate in committees, task forces, and subsidiary entities necessary to or in support of this or its other powers.

(2) The Association may charge reasonable fees for information, services, and assistance that it provides.

H. POWER TO FINANCE PROPERTY FOR MEMBERS

The Association shall have the power to finance and acquire, by lease purchase, installment sale or other financing agreements, both real and personal property necessary or convenient for the operation of the Members and Cooperating Members, and to sell or lease such property to such members pursuant to installment sale or lease purchase agreements between the Association and the members acquiring such property.

I. SELF-INSURANCE POOLS

Pursuant to Government Code Sections 989-991.2 and Labor Code Section 3700, as may be amended from time to time, ABAG shall have the power to provide insurance for some or all of its Members through self-insurance or the purchase of insurance, excess insurance or reinsurance against public liability, errors and omissions, inverse condemnation or workers' compensation; and, further, shall have such other reasonable and necessary powers, which are necessary or convenient to further, support or implement the self-insurance program, including without limitation, financing self-insurance reserve funds through the issuance of certificates of participation, or other instruments of indebtedness.

J. OTHER POWERS

The Association may exercise other reasonable and necessary powers in furtherance or support of any purpose of the Association or power granted by the Act, the Agreement, or the General Assembly or the Executive Board as provided for in these Bylaws.

ARTICLE V. RESTRICTIONS ON POWERS

Pursuant to Articles 1 and 5 of the Agreement and to the extent required by Government Code Section 6509, the Association shall be restricted in the exercise of its powers in the same manner as the City and County of San Francisco is restricted in its exercise of similar powers; provided that, if the City and County of San Francisco shall cease to be a Member of the Association, then the Association shall be restricted in the exercise of its powers in the same manner as the County of Alameda.

ARTICLE VI. GENERAL ASSEMBLY

A. MEMBERSHIP

(1) Each Member city and Member county shall have one seat in the General Assembly. San Francisco shall be counted as both a city and a county for purposes of membership in the General Assembly.

(2) The mayor or member of the governing body of each Member city and the chairperson of the board of supervisors or member of the governing body of each Member county, or their respective alternates, shall be delegates to the General Assembly.

(3) Each city council and board of supervisors may designate an alternate who shall be either a member of such body or the chief executive officer of the Member; provided that, the mayor of the City and County of San Francisco may designate as an alternate (a) any officer of the City and County of San Francisco who may be either an elected or principal appointed official of the City and County of San Francisco or (b) the chief executive officer of the City County of San Francisco.

(4) An alternate appointed pursuant to Article VI.A(3) may act in the absence of the delegate.

B. MEETINGS

(1) The time, date, and location of the annual meeting of the General Assembly shall be determined by the Executive Board, provided it is no later than June 30.

(2) Notice of the annual meeting of the General Assembly shall be given to the delegates of each Member city and Member county at least thirty (30) days prior to the meeting. An agenda for the meeting shall accompany the notice.

(3) Special meetings of the General Assembly may be called by the Executive Board upon its own motion. A special meeting shall be called by the Executive Board upon written request of fifteen (15) Member cities and three (3) Member counties.

(4) Ten-day written notice of special meetings shall be given to the delegates of each Member city and Member county. An agenda specifying the subject of a special meeting shall accompany the notice.

C. POWERS AND FUNCTIONS

The powers and functions of the General Assembly shall include:

- (1) Exercising as appropriate all of the powers of the Association as set forth in these Bylaws or the Agreement. The General Assembly shall have the power to limit the Executive Board's exercise of any power or authority set aside to the Executive Board under these Bylaws.
- (2) Any delegate may at any meeting of the General Assembly propose a subject or subjects for study by the Association. The General Assembly may take action upon such proposals and, if requested by any delegate, determine whether a study will be made of the subject or subjects so proposed or may refer such subject or subjects to the Executive Board.
- (3) Any delegate may at any meeting of the General Assembly request review by the General Assembly of any action of the Executive Board which has been taken between meetings of the General Assembly.
- (4) The budgetary duties and responsibilities set forth in Article XI.

ARTICLE VII. EXECUTIVE BOARD

A. EXECUTIVE BOARD

There shall be an Executive Board of the Association which shall be organized and shall be responsible for functions as hereinafter set forth:

- (1) Voting Membership. The voting membership of the Executive Board shall consist of a maximum of 38 voting members (representatives and ex officio members). The representative shall be either a councilmember of a Member city or a supervisor of a Member county of the Association, or be eligible to be Executive Board representative or alternate representative from the City and County of San Francisco under Article VII.A(1)(e), if that jurisdiction is an Association member. Representatives to the Executive Board shall be selected as follows:
 - (a) Alameda County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference, and three representatives to be appointed by the City Council of the City of Oakland.
 - (b) Contra Costa County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.
 - (c) Marin County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(d) Napa County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(e) San Francisco City and County. The Mayor and one other elective officer or member of the Mayor's staff of the City and County appointed by the Mayor; two representatives of the City and County appointed by the Board of Supervisors, and a fifth representative to be appointed alternately by the Mayor and the Board of Supervisors, with two-year appointments beginning in years evenly divisible by four to be made by the Mayor and with two-year appointments made in even-numbered years not evenly divisible by four to be made by the Board of Supervisors. When such fifth representative is selected by the Mayor, the representative may be an elective or appointive officer or member of the Mayor's staff of the City and County.

(f) San Mateo County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(g) Santa Clara County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference, and three representatives to be appointed by the City Council of the City of San Jose.

(h) Solano County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(i) Sonoma County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(j) Alternates. Each of the appointing bodies named in Article VII.A(1)(a)-(i) may designate an alternate for each of their representatives to act in the representative's absence. Appointments of alternates shall be made in the same manner, with the same qualifications and for the same term as representatives.

(2) Advisory Membership. The Association shall maintain effective communication and coordination with agencies of the State of California and the United States of America. To that end, the Executive Board shall invite, following nomination by the Association's President, such representatives of state and federal governments as it deems appropriate and desirable as advisory, non-voting members of the Executive Board. Such members shall serve at the pleasure of the Executive Board. No advisory member shall be considered a "contracting party" as that term is used in the Act.

(3) Terms of Office. Representatives shall serve for terms of two years. Appointments

of representatives to the Executive Board shall become effective biennially on July 1.

(4) Staggered Terms. The terms of the representatives to the Executive Board shall be staggered so that the terms of approximately one-half of the representatives expire each year. The terms of the representatives of the cities in the counties of Alameda, Marin, Napa, San Francisco (mayor and representative), and Santa Clara, and the representatives of the counties of Contra Costa, San Mateo, Solano, and Sonoma shall expire in the even-numbered years; the terms of the representatives of the cities in the counties of Contra Costa, San Mateo, Solano, and Sonoma, and the representatives of the counties of Alameda, Marin, Napa, San Francisco (representatives of the Board of Supervisors), and Santa Clara shall expire in the odd-numbered years.

(5) Officers. The President and the Vice President of the Association shall be Chairperson and Vice Chairperson, respectively, of the Executive Board.

(6) Duties.

(a) The Executive Board shall have the budgetary duties and responsibilities set forth in Article XI.

(b) The Executive Board shall submit a full report of its activities at the General Assembly's annual meeting.

(c) Subject to any constraint or limitation imposed by the General Assembly, the Executive Board shall exercise all powers of the Association between meetings of the General Assembly; provided that, the Executive Board shall not amend these Bylaws, nor shall it exercise the budgetary powers reserved to the General Assembly under Article XI of these Bylaws except as provided in Article XI B (5).

(d) The Executive Board shall be responsible for carrying out policy decisions made by the General Assembly.

(e) Recommendations from committees for policy actions shall be made to the Executive Board. Unless otherwise directed by the General Assembly, the Executive Board may take action on such recommendations.

(7) Per Diem. Each voting member of the Executive Board, or of a standing and/or joint committee, and where expressly designated by the Executive Board, individuals participating in special committees, task forces or other meetings, shall receive a per diem of \$150 for each meeting attended. The per diem shall be paid for a maximum of forty-eight (48) meetings per year. Per diem may also be received by a Board or committee member representing the Association before an agency or body of the State or Federal government.

B. MEETINGS

The Executive Board shall meet at least four times each year. Additional meetings shall be held upon the call of the Chairperson or upon the call of five voting members of the Executive

Board.

C. ADMINISTRATIVE COMMITTEE

There shall be an Administrative Committee of the Executive Board of the Association whose composition shall be determined by the Executive Board and which shall, subject to any constraint or limitation imposed by the Executive Board or the General Assembly, exercise all powers of the Executive Board between meetings of the Executive Board; provided that, the Administrative committee shall not:

- (1) Amend the Agreement or Bylaws;
- (2) Exercise the budgetary duties of the Executive Board set forth in Article XII;
- (3) Exercise the powers of appointment of officers as set forth in Article IX.

The Administrative Committee shall meet upon the call of the President or Vice President and in compliance with the Ralph M. Brown Act. Further, the Administrative Committee shall submit a full report of its activities to the Executive Board at the first meeting immediately following the Administrative Committee meeting.

ARTICLE VIII. VOTING

A. Voting in the General Assembly shall be conducted in the following manner:

- (1) A quorum of the General Assembly shall consist of a majority of the city delegates and a majority of the county delegates.
- (2) Each county delegate and each city delegate shall have one vote. Votes shall be tabulated separately for county delegates and for city delegates. The affirmative votes of a majority of a quorum of county delegates and of a majority of a quorum of city delegates are required for action by the General Assembly, except as provided for in Article XIV.

B. Voting in General Assembly meetings may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five delegates present, or at the discretion of the presiding officer.

C. Voting in the Executive Board shall be conducted in the following manner:

- (1) A majority of the voting members of the Executive Board shall constitute a quorum.
- (2) The affirmative votes of a majority of the members present provided that there is a quorum are required for action by the Executive Board.

D. Except as the Executive Board may otherwise provide, all other committees of the Association may act upon the affirmative vote of a majority of the committee members present.

ARTICLE IX. OFFICERS, ELECTIONS AND VACANCIES

A. Officers of the Association shall be:

- (1) The President, who shall serve as Chairperson of the Executive Board and General Assembly.
- (2) The Vice President, who shall serve as Vice Chairperson of the Executive Board and General Assembly.
- (3) The Immediate Past President.
- (4) An Executive Director and a Legal Counsel to be appointed by and serve at the pleasure of the Executive Board. Section 2.1 of the Contract for Services, dated May 30, 2017, between ABAG and the Metropolitan Transportation Commission (MTC) (the CS) provides that MTC's Executive Director shall perform the functions and duties with respect to ABAG and the local collaboration programs that were formerly performed by ABAG's Executive Director. For purposes of these Bylaws, so long as the CS is in effect, references to the "Executive Director" shall be deemed to refer to the MTC Executive Director. Section 3.4 of the CS provides that legal services shall be performed by MTC's Office of General Counsel. Subject to the terms of the CS pertaining to potential conflicts of interest, obtaining outside specialized legal services, and the discretion of ABAG or the local collaboration programs to directly retain outside counsel, references in these Bylaws to the legal counsel shall be deemed to refer to the MTC Office of General Counsel.

B. The President and Vice President of the Association shall be elected biennially by secret ballot of supervisors, mayors and city councilmembers of member jurisdictions. Nominations for the offices of the President and Vice President shall be by petition of at least fifteen (15) mayors, councilmembers or supervisors. A plurality vote shall be required for election to any office. All other election procedures shall be determined by the Executive Board, provided that these procedures shall be disseminated to all member jurisdictions at least thirty (30) days prior to the date determined and designated for counting of secret ballots. If, at the close of nominations, only one candidate is nominated for President or for Vice President, the election procedures may waive the ballot requirement and provide, instead, that the nominee be declared elected to that office.

C. The President and Vice President shall be either a councilmember of a Member city or a supervisor of a Member county of the Association, or a General Assembly delegate or alternate or Executive Board representative or alternate representative from the City and County of San Francisco if that jurisdiction is an Association member.

D. The terms of office of the President and Vice President shall be determined as follows:

- (1) Except as otherwise provided in this section, the term of office of the President,

Vice President and Immediate Past President is two (2) years.

(2) If the President vacates his/her office as required by Article IX.C. or any other reason, the Vice President shall assume the office of President for the balance of the original term. If the balance of the original term is less than five hundred forty-eight (548) calendar days, then the new President may choose to run for an additional one (1) year term as President. The new President shall notify the Executive Board no later than September 1 of the year in which the original term ends whether he/she shall run for an additional one (1) year term. The President's election to run for an additional one (1) year term shall also modify the term of office of the Vice President to conform to that of the office of the President.

(3) Article IX.B. shall govern the special elections for one (1) year terms in all other respects.

(4) In the event that the President is disabled or for any other reason temporarily unable to act, the Vice President shall act in place and perform the duties of President until return or recovery from disability.

(5) In the event of a vacancy in the office of Vice President due to the Vice President's permanently serving as President, vacating the office as required by Article IX.C., or for any other reason, the Executive Board shall fill the office of Vice President by appointment for the unexpired portion of the Vice President's term. In the event of a simultaneous vacancy in the offices of President and Vice President due to their vacating the respective offices as required by Article IX.C., or any other reason, the Executive Board shall fill both offices by appointment for the unexpired portion of the respective terms. In either event, the procedures of Article IX.I shall govern the process of filling said vacant office.

E. A newly elected President and Vice President shall take office on January 1 of the year following certification of the election results.

F. The President, subject to the advice and consent of the Executive Board, shall appoint committees and determine the committees' structure, charge, size and membership. Committees may be established to consider any matter within the jurisdiction of the Association. Committees shall operate according to the policies adopted by the Executive Board, and shall submit their reports and recommendations to the Executive Board. Committees shall meet on the call of their chairpersons, who shall be (1) an elected official or the elective or appointive officer of the City and County of San Francisco appointed by the Mayor of the City and County of San Francisco to the Executive Board or General Assembly, and (2) a member of such committee; and who shall be elected by the members of each committee. At the initial meeting of each committee, and annually thereafter at the first committee meeting following January 1 of each year, the committees shall elect their chairpersons and such other officers as may be specified. Committee chairpersons shall be subject to confirmation by the Executive Board. Unless otherwise authorized by the Executive Board, committees of the Association shall be advisory.

G. Each delegate or alternate to the General Assembly and each representative or alternate to the Executive Board shall cease to be such immediately upon ceasing to hold the

elective or appointive office which is required of a delegate or representative or their alternates under VI.A or VII.A(1).

H. In the event that any delegate or alternate to the General Assembly or any representative or alternate to the Executive Board shall for any reason cease to hold the elective or appointive office which is required of a delegate or representative or their alternates under Article VI.A or VII.A(1), the vacancy created thereby shall be filled for the unexpired term, in the same manner and with the same qualifications as the original appointment.

I. The Executive Board shall fill the office of Vice President or President pursuant to Article IX.D., at the first meeting of the Executive Board held after the occurrence of the event which causes the office(s) to be vacated. The meeting shall be chaired by the President, or if said office is vacant, by the Immediate Past President. Nominations for the vacant office(s) may be made from the floor. All nominations require a second. The office(s) may be filled only if a nominee receives a majority vote of the members of the Executive Board constituting the quorum for that meeting. If no nominee receives a majority vote on the first ballot, the two nominees receiving the highest number of votes shall be voted upon again until one of them receives a majority vote. If the selection process results in a tie, or no nominee receives a majority vote after three rounds of balloting, the acting Chairperson of the Executive Board may, at his or her discretion, decide the matter by lot between the two nominees then remaining.

ARTICLE X. EXECUTIVE DIRECTOR

The Executive Director shall be the Chief Administrative Officer of the Association. The powers and duties of the Executive Director are:

- A. To appoint and remove all employees of the Association.
- B. To perform the budgetary duties and responsibilities of the Executive Director as set forth in Article XI.
- C. To serve as the Secretary-Treasurer of the Association and of the Executive Board.
- D. To perform such other and additional duties as the Executive Board may require.

In the event the CS is terminated or is no longer in effect:

(1) The Executive Board shall have the authority to appoint, fix the salary of, and remove an Executive Director of the Association and shall have the authority to create and discontinue positions in the office of the Executive Director and fix salaries; provided however the Administrative Committee of the Executive Board shall not have the power to appoint, fix the salary of, or remove an Executive Director of the Association.

(2) In order to appoint or remove the Executive Director, the affirmative vote of not less than a majority of the voting members of the Executive Board present at the meeting of the Executive Board where the matter is considered, is required.

ARTICLE XI. FINANCES

A. FISCAL YEAR

The fiscal year of the Association shall commence on July 1.

B. BUDGET

(1) At least forty-five (45) days prior to the annual meeting of the General Assembly the Executive Director shall submit to the Executive Board, for the next fiscal year of the Association, a proposed general budget and summary work program. The proposed general budget shall include annual membership fee and assessment schedules and a summary of revenue and expenditures, actual or projected, for the preceding, current, and next fiscal years.

(2) The Executive Board shall review the proposed general budget and summary work program, amend them as necessary, and submit them to the General Assembly for review and adoption at the annual meeting of the Assembly.

(3) The General Assembly shall adopt a summary work plan and general budget, including yearly membership assessment and annual membership fee.

(4) The Executive Board shall adopt a detailed budget and work program on or before July 1 of each year, and thereafter monitor their execution and amend them as necessary. The work program shall give effect to any priorities set forth in the general budget and summary work program, unless financially infeasible.

(5) The Executive Director shall manage all expenditures, subject to control of the Executive Board. The Executive Board shall have power to transfer funds within the total detailed budget to meet unanticipated needs or changed situations and to amend the detail budget as necessary to accommodate new or additional grant or other revenue sources received after the July 1 adoption of the detail budget. Such action shall be reported to the General Assembly by an electronic communication within thirty (30) days of such amendment.

C. YEARLY MEMBERSHIP ASSESSMENT

The amount of each Member's assessment shall be determined in accordance with the formula set out in Paragraph D following. Any Member city or county whose annual assessment and annual membership fee has not been paid by the time of the annual meeting of the General Assembly shall not be entitled to vote at such meeting.

D. METHOD OF ASSESSMENT

The annual assessment for members of the Association shall be based upon population as determined by the State Controller in making the most recent allocations to counties and cities pursuant to California Revenue and Taxation Code Section 11005, except that, beginning in

1987-88, in the case of newly incorporated cities, until such time as an official census is conducted and population is established therewith, the population as estimated by the Executive Director shall be used for assessment purposes.

- (1) The General Assembly shall adopt a per capita rate or rates of assessment for each fiscal year.
- (2) For purposes of assessment San Francisco shall be considered as both a city and a county.

E. ANNUAL AUDIT

The Executive Board shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Executive Board shall employ a certified public accountant of its choosing. The audit report shall be made available to Association member counties and cities.

F. ANNUAL MEMBERSHIP FEE

The membership fee shall be uniform for all members of the Association and shall not be less than \$10.00 per month or \$120.00 per year.

G. DATE OF PAYMENT

Unless a Member has withdrawn as provided in Article XIII of these Bylaws, the Member's annual assessment and annual membership fee shall be due and payable to the Association on July 1 of the fiscal year for which it is levied.

ARTICLE XII. STATUTORY AUTHORITY

The Association is an agency established by a joint powers agreement among the Members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California. The Association is an entity separate and apart from its Members. The debts, liabilities and obligations of the Association shall not be debts, liabilities or obligations of the Association's Members.

ARTICLE XIII. WITHDRAWAL

Any member county or city may, at any time up to 30 days prior to the beginning of the Association's fiscal year, withdraw from the Association effective the next fiscal year; provided that the intent to withdraw must be stated in the form of a resolution executed by the legislative body of the jurisdiction wishing to withdraw. The resolution must be given to the Executive Director at least 30 days prior to the effective date of the withdrawal.

ARTICLE XIV. AMENDMENTS

Amendments to these Bylaws may be proposed by a delegate or by the Executive Board.

If proposed by a delegate, the amendment shall be submitted to the Executive Board at least 45 days prior to an annual meeting of the General Assembly. Each proposed amendment shall be considered by the Executive Board and a copy thereof, with the recommendations of the Executive Board and its reasons therefor, forwarded to the delegate of each Member jurisdiction at least 30 days prior to the meeting at which such proposed amendment will be voted upon.

A majority vote of the county delegates present and a majority vote of the city delegates present are required to adopt an amendment to these Bylaws.

ARTICLE XV. EFFECTIVE DATE

These Bylaws shall go into effect immediately upon the effective date of the Agreement.

ABAG Executive Board

The Executive Board usually meets the third Thursday of every other month. Of the 38 voting memberships on the Executive Board, 35 are appointed to reflect the population size of each Bay Area county. The president, vice president, and immediate past president also serve as voting members of the Executive Board. Advisory, non-voting members representing state or federal agencies may be invited to serve at the pleasure of the Executive Board. County representatives are selected by their boards of supervisors. City representatives are appointed by the mayors of member cities in each county. (Those officials representing the City of Oakland and the City of San Jose are appointed by their respective councils; the City of San Francisco representative is appointed by the mayor.) Each of these appointing authorities may appoint alternates to the members selected.

Meetings: Usually meets the third Thursday of every other month

The Executive Board responsibilities are: carry out policies established by the General Assembly, make operating decisions and controls expenditures, review proposed annual general budget and summary work program for submittal to General Assembly, submit recommended policy decisions to the General Assembly for action, receive, review, and act on recommendations from other Association committees, review local applications for federal funds, approve president's appointments of members to standing committees, interagency committees, and task forces, and appoint four representatives to the San Francisco Bay Conservation and Development Commission and one representative to the Metropolitan Transportation Commission.

For appointments to the MTC Commission, contact Kimberly Ward, MTC Commission Secretary, at kward@bayareametro.gov or (415) 778-5367

PRESIDENT	Mayor Jesse Arreguin, City of Berkeley
VICE PRESIDENT	Supervisor Belia Ramos, County of Napa
IMMEDIATE PAST PRESIDENT	Supervisor David Rabbitt, County of Sonoma
SECRETARY-TREASURER	Therese W. McMillan, MTC Executive Director
LEGAL COUNSEL	Adrienne Weil, MTC General Counsel

County of	Representative	Alternate
ALAMEDA	** Supervisor Scott Haggerty	Supervisor Keith Carson
ALAMEDA	** Supervisor Nathan Miley	Supervisor Richard Valle
CONTRA COSTA	* Supervisor Karen Mitchoff	Supervisor John Gioia
CONTRA COSTA	* Supervisor Candace Andersen	Supervisor Diane Burgis
MARIN	** Supervisor Dennis Rodoni	Supervisor Damon Connolly
NAPA	** Supervisor Belia Ramos	Supervisor Ryan Gregory
SAN FRANCISCO	** Supervisor Rafael Mandelman	To Be Appointed
SAN FRANCISCO	** Supervisor Gordon Mar	To Be Appointed
SAN MATEO	* Supervisor David Canepa	To Be Appointed
SAN MATEO	* Supervisor Dave Pine	To Be Appointed
SANTA CLARA	** Supervisor Cindy Chavez	Supervisor Mike Wasserman
SANTA CLARA	** Supervisor David Cortese	Supervisor Joe Simitian
SOLANO	* Supervisor Erin Hannigan	Supervisor Monica Brown
SONOMA	* Supervisor David Rabbitt	Supervisor Susan Gorin

Cities in the County of	Representative	Alternate
ALAMEDA	* Mayor Jesse Arreguin (Berkeley)	Mayor Pauline Russo Cutter (San Leandro)
ALAMEDA	* Mayor Barbara Halliday (Hayward)	To Be Appointed
CONTRA COSTA	** Mayor Julie Pierce (Clayton)	Mayor Tom Butt (Richmond)
CONTRA COSTA	** Councilmember Dave Hudson (San Ramon)	Councilmember Kevin Wilk (Walnut Creek)
MARIN	* Mayor Pro Tem Pat Eklund (Novato)	Councilmember Joan Cox (Sausalito)
NAPA	* Mayor Leon Garcia (American Canyon)	To Be Appointed
CITY OF SAN FRANCISCO	* Mayor London Breed	Amy Chan, Director
CITY OF SAN FRANCISCO	* Rich Hillis, Director, Planning	AnMarie Rodgers, Senior Policy Advisor, Planning
SAN FRANCISCO	*** To Be Appointed	To Be Appointed
SAN MATEO	** Mayor Rich Garbarino (South San Francisco)	Vice Mayor Carlos Romero (East Palo Alto)
SAN MATEO	** Councilmember Wayne Lee (Millbrae)	Councilmember Sam Hindi (Foster City)
SANTA CLARA	* Councilmember Chris Clark (Mountain View)	Councilmember Rod Sinks (Cupertino)
SANTA CLARA	* Vice Mayor Liz Gibbons (Campbell)	Councilmember Anthony Phan (Milpitas)
SOLANO	** Mayor Lori Wilson (Susun City)	To Be Appointed
SONOMA	** Vice Mayor Jake Mackenzie (Rohnert Park)	Councilmember Michael Carnacchi (Sebastopol)
CITY OF OAKLAND	* Councilmember Lynnette Gibson McElhaney	Councilmember Dan Kalb
CITY OF OAKLAND	* Councilmember Loren Taylor	To Be Appointed
CITY OF OAKLAND	* Councilmember Nikki Fortunato Bas	To Be Appointed
CITY OF SAN JOSE	* Councilmember Lan Diep	Councilmember Sylvia Arenas
CITY OF SAN JOSE	* Councilmember Maya Esparza	Councilmember Pam Foley
CITY OF SAN JOSE	* Councilmember Raul Peralez	Councilmember Sergio Jimenez

Advisory Members	Representative	Alternate
RWQCB	Jayne Battey	William Kissinger

* Term of Appointment: July 1, 2020 - June 30, 2022

** Term of Appointment: July 1, 2019 - June 30, 2021

*** Alternating 5th Seat Appointed by the Board of Supervisors: July 1, 2020 - June 30, 2022

State of California

HEALTH AND SAFETY CODE

40200. A district, which is called the Bay Area Air Quality Management District, which was formerly known as the Bay Area Air Pollution Control District, is hereby continued in existence within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and those portions of the Counties of Solano and Sonoma within the boundaries of the Bay Area Air Pollution Control District as it existed on January 1, 1976. Any reference to the Bay Area Air Pollution Control District shall be deemed to be a reference to the Bay Area Air Quality Management District.

(Amended by Stats. 1978, Ch. 1025.)

40201. The bay district shall continue to transact business and exercise its powers under this division in the counties, and portions of counties, specified in Section 40200.

(Added by Stats. 1975, Ch. 957.)

40210. The city selection committee organized in each county within the bay district pursuant to Article 11 (commencing with Section 50270), Chapter 1, Part 1, Division 1, Title 5 of the Government Code shall make the appointments to, and submit recommendations for appointments to, the bay district board as prescribed in Section 40221.5.

(Amended by Stats. 1976, Ch. 517.)

40221. A county with a population of 300,000 or less shall appoint one member of the bay district board; a county with a population of 750,000 or less, but more than 300,000, shall appoint two members of the bay district board; a county with a population of 1,000,000 or less, but more than 750,000, shall appoint three members of the bay district board; and a county with a population of more than 1,000,000 shall appoint four members of the bay district board.

(Added by Stats. 1976, Ch. 517.)

40221.5. (a) The members of the bay district board shall be appointed as follows:

(1) For a county entitled to appoint one member of the bay district board, the board of supervisors shall appoint either a member of the board of supervisors or a person from a list submitted to the board of supervisors by the city selection committee of that county.

(2) For a county entitled to appoint two members of the bay district board, the city selection committee of that county shall appoint one member and the board of supervisors shall appoint the other member, which member may either be a member of the board of supervisors or a person on the list submitted to the board of supervisors by the city selection committee.

(3) For a county entitled to appoint three members of the bay district board, two members shall be appointed as provided in paragraph (2) and the third member shall be appointed by the board of supervisors and shall either be a member of the board of supervisors or a person on the list submitted to the board of supervisors by the city selection committee of that county.

(4) For a county entitled to appoint four members of the bay district board, the city selection committee of that county shall appoint two members and the board of supervisors shall appoint the other two members, either one or both of whom may be members of the board of supervisors or persons on the list submitted to the board of supervisors by the city selection committee.

(b) Any member of the bay district board appointed, and any person named on the list submitted to the board of supervisors by the city selection committee, shall be either a mayor or a city councilperson of a city in that portion of the county included within the district. The member appointed by a city selection committee pursuant to paragraph (3) of subdivision (a) or Section 40212 may designate a deputy to act on his or her behalf on the bay district board or any of its committees. The board member shall be responsible for the acts of the deputy acting in his or her official capacity on the bay district board or any of its committees under this designation. (Amended by Stats. 2002, Ch. 1001, Sec. 1. Effective January 1, 2003.)

40222. Each member appointed by the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor, and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. (Added by Stats. 1975, Ch. 957.)

Accessed October 28, 2020 from <https://leginfo.legislature.ca.gov/>

JOB DESCRIPTION
Board of Directors
Bay Area Air Quality Management District

- Authority:** The Board of Directors is the governing body of the district and exercises all district powers, as prescribed in State law.
- Meetings:** 1st and 3rd Wednesdays of each month
9:30 a.m. – noon
BAAQMD offices – San Francisco
Members may also be appointed to Board Committees.
- Stipend:** \$100/day plus mileage for Board and Committee meetings; maximum of \$6,000 per year.
- Term:** Two city representatives will be chosen to fill two-year terms.
- Reporting Requirements:** The City Selection appointee is requested to report to the Board of Directors of the Cities Association regarding relevant BAAQMD activities.
- For more Information:** Jack P. Broadbent, Executive Officer/Air Pollution Control Officer
(415) 749-5052

GOVERNMENT CODE - GOV

TITLE 7.1. METROPOLITAN TRANSPORTATION COMMISSION [66500 - 66536.2]

(Title 7.1 repealed and added by Stats. 1970, Ch. 891.)

66500.

This title shall be known as the Metropolitan Transportation Commission Act.

(Repealed and added by Stats. 1970, Ch. 891.)

66502.

There is hereby created, as a local area planning agency and not as a part of the executive branch of the state government, the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.

As used in this title, "region" means the region described in this section.

(Amended by Stats. 1971, Ch. 1652.)

66503.

The commission shall consist of 21 members as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Contra Costa and San Mateo, and three members each from the Counties of Alameda and Santa Clara. With respect to the members from the City and County of San Francisco, the mayor shall appoint one member and the board of supervisors shall appoint one member. With respect to the members from Alameda, Contra Costa, San Mateo, and Santa Clara Counties, the city selection committee organized in each county pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, shall appoint one member and the board of supervisors shall appoint one member. The Mayor of the City of Oakland shall be self-appointed or shall appoint a member of the Oakland City Council to serve as the third member from the County of Alameda. The Mayor of the City of San Jose shall be self-appointed or shall appoint a member of the San Jose City Council to serve as the third member from the County of Santa Clara.

(b) One member each from Marin, Napa, Solano, and Sonoma Counties. The city selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors shall appoint one of the nominees to represent the county.

(c) One representative each appointed by the Association of Bay Area Governments and the San Francisco Bay Conservation and Development Commission. The representative appointed by the San Francisco Bay Conservation and Development Commission shall be a member of the commission and a resident of the City and County of San Francisco, and shall be approved by the Mayor of San Francisco.

(d) One representative, who shall be a nonvoting member, appointed by the Secretary of Transportation.

(e) One representative each appointed by the United States Department of Transportation and Department of Housing and Urban Development. However,

these representatives shall serve only if the agencies they represent are amenable to these appointments. These representatives shall be nonvoting members.

(f) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(g) No more than three members appointed pursuant to subdivisions (a), (b), and (c) shall be residents of the same county.

(Amended by Stats. 2013, Ch. 352, Sec. 315. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

66504.

Each commissioner's term of office is four years; provided, however, that the commissioners appointed by the Mayor of the City of Oakland and the Mayor of the City of San Jose shall have an initial term of office ending in February 2015. A commissioner appointed as a public officer vacates his or her commission seat upon ceasing to hold such public office unless the appointing authority consents to completion of the term of office. Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation.

(Amended by Stats. 2012, Ch. 88, Sec. 2. (AB 57) Effective January 1, 2013.)

66504.1.

The members shall serve without compensation, but shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. However, in lieu of this reimbursement for attendance at commission or committee meetings, each member of the commission may receive a per diem of one hundred dollars (\$100), but not to exceed a combined total of five meetings in any one calendar month, plus the necessary traveling expenses as may be authorized by the commission. The commission shall pay all costs pursuant to this section.

(Amended by Stats. 1984, Ch. 1257, Sec. 2.)

66505.

The commission shall appoint an executive director who shall have charge of administering the affairs of the commission, subject to the direction and policies of the commission.

The executive director shall, subject to the approval of the commission, appoint such employees as may be necessary to carry out the functions of the commission.

(Repealed and added by Stats. 1970, Ch. 891.)

Accessed October 27, 2020 from <https://leginfo.legislature.ca.gov/>

**Job Description
Commissioner
Metropolitan Transportation Commission**

- Authority:* The Metropolitan Transportation Commission is the local area planning agency that provides comprehensive regional transportation planning for the nine Bay Area counties.
- Meetings:* Fourth Wednesday of each month
10 a.m. - 12 noon
MTC offices – San Francisco
All Commissioners members serve on standing committees.
- Stipend:* A \$100 per diem (Up to a maximum of \$500 per month), plus Commission-authorized travel expenses, are paid to member for attendance at meetings of their committees, the Commission, and public hearings held by the Commission.
- Other:* Commissioners also serve as members of the Bay Area Toll Authority. This Authority meets once a month. The stipend for this position is \$100 per meeting.
- Term of appointment:* One city representative will be chosen to fill a four-year term that expires February 9, 2023
- Reporting requirements:* The City Selection appointee is requested to report to the Board of Directors of the Cities Association regarding relevant MTC activities.
- For more information:* Rosy Leyva, Secretary to the Commission
Steve Heminger, Executive Director, 415-778-5210.

I. THE COMMISSION AND COMMISSIONERS

1.01. Commissioners. Effective January 1, 2013, there are eighteen voting commissioners. The City and County of San Francisco and the Counties of Contra Costa and San Mateo, each have two commissioners, and the Counties of Alameda and Santa Clara each have three commissioners, appointed as follows: the Board of Supervisors of each county appoints one commissioner; in San Francisco, the Mayor appoints one commissioner; in each of the remaining counties, the City Selection Committee appoints one commissioner; and in the Counties of Alameda and Santa Clara, the Mayors of the Cities of Oakland and San Jose shall be self-appointed or shall appoint a member of their respective City Councils to serve as the third commissioner . The Counties of Marin, Napa, Solano, and Sonoma each have one commissioner who is appointed by the county's Board of Supervisors from a list of three nominees furnished by the Mayor's Selection Committee. The Association of Bay Area Governments appoints one commissioner who shall not be from the Counties of Alameda or Santa Clara or from the City and County of San Francisco. The San Francisco Bay Conservation and Development Commission appoints one commissioner, who shall be a resident of the City and County of San Francisco approved by the Mayor of San Francisco. All appointments are subject to Section 1.02.

Effective September 28, 2016, any sitting commissioner who also serves on the board of a public transit agency shall be deemed to be a representative of a provider of public transportation within the meaning of the FAST Act ("Transit Representative"). Subsequent to September 28, 2016, at the beginning of each Commission term, the Chair shall designate and the Commission shall approve any sitting commissioner who also serves on the board of a public transit agency as a Transit Representative. Upon a vacancy occurring during a Commission term of a commissioner then serving as a Transit Representative, the Chair shall designate, and the Commission shall approve, one or more representatives not then currently designated, if any, from the commissioners then currently on the board who are also serving on a board of a transit agency as a Transit Representative.

The Commission's enabling legislation provides for three non-voting members, one appointed by the Secretary of the Business, Transportation and Housing Agency, and one each appointed by the United States Department of Transportation, and the United States Department of Housing and Urban Development.

1.02. Selection. The basis for selection of a commissioner is special familiarity with the problems and issues in the field of transportation. Elected or appointed public officers may serve as commissioners during their terms of public office. The effect of this is that such public officers are not prohibited from being commissioners; i.e., the two positions are not necessarily incompatible. No more than three voting members of the Commission shall be residents of the same county.

1.03. Term of Office. The term of office of a commissioner is four years. Since the initial term for commissioners commenced February 10, 1971, the organizational meeting date of the Commission, the four-year terms of commissioners shall commence quadrennially from that date. The current appointment term began February 10, 2011. Except as provided in the next sentence, the next appointment dates are February 10, 2015 and February 10, 2019. The commissioners appointed by the Mayors of the Cities of Oakland and San Jose shall have an initial term of office commencing January 1, 2013 and ending in February 2015. Appointments to fill a resignation or vacancy during a term shall be only for the balance of such term. Commissioners shall continue to serve as such until reappointed or until their successor is appointed; provided that, where a commissioner has been appointed as a public officer, the commissioner must vacate his/her Commission seat upon ceasing to hold such public office, unless the appointing authority consents to completion of the commissioner's term (Government Code Section 66504).

1.04. Oath of Office. Commissioners shall complete oath of office forms when they are appointed to the Commission, which are then notarized. The original is kept on file at the MTC offices.

1.05. Conflict of Interest Code. The Commission adopted a conflict of interest code by Resolution No. 1198, Revised (Appendix A), which was subsequently approved by the State of

California Fair Political Practices Commission. Commissioners are required to file annual statements of economic interest and within thirty days of assuming or leaving office.

1.06. Alternates. There is no provision for voting alternates for the voting commissioners. Substitutes may sit on behalf of non-voting commissioners.

1.07. Reimbursement. Commissioners serve without compensation. Commissioners are entitled to receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. In lieu of such reimbursement for attendance at Commission or committee meetings, each commissioner shall receive one hundred dollars (\$100.00) per meeting for a maximum of five (5) such meetings in any one calendar month, plus necessary travel expenses as authorized by the Commission pursuant to the rates and terms set forth in Appendix B to this manual. Commissioners may be reimbursed a separate per diem for each such meeting in any one day up to the monthly maximum reimbursement number of meetings. The monthly maximum is calculated and applied separately to MTC and BATA. BAIFA and BAHA meeting per diem is applied and counts toward the BATA monthly maximum. No reimbursement applies to MTC SAFE meetings.

1.08. Travel Expenses. Commissioners shall be paid necessary traveling expenses as may be authorized from time to time by the Commission. The Commission policy for travel expenses is set forth in Appendix B to this manual. The policy applies to all MTC employees as well.

1.09. Orientation for New Commissioners. When a new commissioner is appointed to the Commission, the Secretary to the Commission will provide the commissioner, along with administrative materials, copies of the current major MTC, BATA, MTC SAFE, BAIFA and BAHA documents and an overview of the content of these documents. The Secretary will also arrange an orientation session for the new commissioner with the Executive Director and section managers.



**METROPOLITAN
TRANSPORTATION
COMMISSION**

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

November 10, 2020

Scott Haggerty, Chair
Alameda County

Alfredo Pedroza, Vice Chair
Napa County and Cities

Eddie Abn
San Francisco Bay Conservation
and Development Commission

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Cities of Santa Clara County

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Marin County and Cities

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Santa Clara County

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Cities of Alameda County

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U.S. Department of Transportation

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Contra Costa County

Nick Josefowitz
San Francisco Mayor's Appointee

Sam Liccardo
San Jose Mayor's Appointee

Jake Mackenzie
Sonoma County and Cities

Gina Papan
Cities of San Mateo County

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Association of Bay Area Governments

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Therese W. McMillan
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director,
Local Government Services

The Honorable Larry Klein
President
Cities Association of Santa Clara County
P.O. Box 3144
Los Altos, CA 94024

Dear President Klein:

Pursuant to the Metropolitan Transportation Commission's (MTC) enabling legislation, all Commissioners are appointed to concurrent four-year terms. The current term of your representative on MTC, Jeannie Bruins, expires on February 9, 2023. We understand that Ms. Bruin will be leaving her current elective office prior to February 9, 2023, namely November 30, 2020.

I have been asked by the Commission to request that the Cities Association of Santa Clara County begin consideration of whether to nominate a new representative to complete Ms. Bruins' current MTC term. An additional alternative that the Cities Association of Santa Clara County could consider would be to consent to Ms. Bruin continuing her current term until February 9, 2023, and the nomination of a new representative for a four-year term that commences February 10, 2023.

Enclosed for your information is a copy of MTC's enabling legislation. MTC Commission members may be elected or appointed officials, or members of the general public. Pursuant to Government Code Section 66504: "Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation." According to MTC's enabling legislation, the City Selection Committee of Santa Clara County shall appoint a member to the Commission.

MTC Commissioners should expect to serve on one or more of the Commission's standing, special or advisory committees. Usually, the Commission and each committee meet once a month in San Francisco. From time to time, the Commission may conduct public hearings in the MTC region, which MTC Commissioners may be requested to attend. A \$100 per diem (up to a maximum of \$500 per month), plus Commission-authorized travel expenses, are paid to members for attendance at meetings of their committees, the Commission, and public hearings held by the Commission.

The Honorable Larry Klein
November 10, 2020
Page 2

Should you wish additional information concerning the Commission or the responsibilities of its members, please feel free to contact me. The Commission would appreciate being notified of the appointment or reappointment of a representative as soon as possible.

Sincerely,

DocuSigned by:

B34A6461955440D...
Kimberly Ward
Secretary to the Commission

KW:rc

Enclosure (1)

cc: Andi Jordan, Executive Director, Cities Association of Santa Clara County
Megan Doyle, Clerk of the Santa Clara County Board of Supervisors
Commissioner Jeannie Bruins

J:\SECTION\EXEC\COUNSEL\Commissioners\Commissioner Appointments\2018 Commissioner Appointments\2021 Commissioner Appointments\L_Cities Assn of Santa Clara County_Jeannie Bruins_Nov 2020.docx

West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66500

§ 66500. Short title

[Currentness](#)

This title shall be known as the Metropolitan Transportation Commission Act.

Credits

(Added by Stats.1970, c. 891, p. 1624, § 2.)

West's Ann. Cal. Gov. Code § 66500, CA GOVT § 66500

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Ann.Cal.Gov.Code § 66501

§ 66501. Repealed by Stats.1970, c. 891, p. 1624, § 1

[Currentness](#)

West's Ann. Cal. Gov. Code § 66501, CA GOVT § 66501

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Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66502

§ 66502. Creation

Currentness

There is hereby created, as a local area planning agency and not as a part of the executive branch of the state government, the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.

As used in this title, “region” means the region described in this section.

Credits

(Added by Stats.1970, c. 891, p. 1624, § 2. Amended by Stats.1971, c. 1652, p. 3557, § 1.)

West's Ann. Cal. Gov. Code § 66502, CA GOVT § 66502

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West's Ann.Cal.Gov.Code § 66502.1

§ 66502.1. Repealed by Stats.1970, c. 891, p. 1624, § 1

[Currentness](#)

West's Ann. Cal. Gov. Code § 66502.1, CA GOVT § 66502.1

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West's Annotated California Codes

Government Code (Refs & Annos)

Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66503

§ 66503. Membership

Effective: July 1, 2013

[Currentness](#)

The commission shall consist of 21 members as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Contra Costa and San Mateo, and three members each from the Counties of Alameda and Santa Clara. With respect to the members from the City and County of San Francisco, the mayor shall appoint one member and the board of supervisors shall appoint one member. With respect to the members from Alameda, Contra Costa, San Mateo, and Santa Clara Counties, the city selection committee organized in each county pursuant to Article 11 (commencing with [Section 50270](#)) of Chapter 1 of Part 1 of Division 1 of Title 5, shall appoint one member and the board of supervisors shall appoint one member. The Mayor of the City of Oakland shall be self-appointed or shall appoint a member of the Oakland City Council to serve as the third member from the County of Alameda. The Mayor of the City of San Jose shall be self-appointed or shall appoint a member of the San Jose City Council to serve as the third member from the County of Santa Clara.

(b) One member each from Marin, Napa, Solano, and Sonoma Counties. The city selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors shall appoint one of the nominees to represent the county.

(c) One representative each appointed by the Association of Bay Area Governments and the San Francisco Bay Conservation and Development Commission. The representative appointed by the San Francisco Bay Conservation and Development Commission shall be a member of the commission and a resident of the City and County of San Francisco, and shall be approved by the Mayor of San Francisco.

(d) One representative, who shall be a nonvoting member, appointed by the Secretary of Transportation.

(e) One representative each appointed by the United States Department of Transportation and Department of Housing and Urban Development. However, these representatives shall serve only if the agencies they represent are amenable to these appointments. These representatives shall be nonvoting members.

(f) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(g) No more than three members appointed pursuant to subdivisions (a), (b), and (c) shall be residents of the same county.

Credits

(Added by Stats.1970, c. 891, p. 1625, § 2. Amended by Stats.1972, c. 1232, p. 2377, § 14, eff. Dec. 13, 1972; Stats.1974, c. 544, p. 1255, § 30; Stats.1993, c. 1153 (A.B.1732), § 192, eff. Oct. 11, 1993; Stats.1994, c. 704 (S.B.1699), § 3; Stats.1994, c. 929 (A.B.2900), § 6; Stats.2012, c. 88 (A.B.57), § 1; Stats.2013, c. 352 (A.B.1317), § 315, eff. Sept. 26, 2013, operative July 1, 2013.)

West's Ann. Cal. Gov. Code § 66503, CA GOVT § 66503

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66504

§ 66504. Term of office; vacation of seat; qualifications

Effective: January 1, 2013

[Currentness](#)

Each commissioner's term of office is four years; provided, however, that the commissioners appointed by the Mayor of the City of Oakland and the Mayor of the City of San Jose shall have an initial term of office ending in February 2015. A commissioner appointed as a public officer vacates his or her commission seat upon ceasing to hold such public office unless the appointing authority consents to completion of the term of office. Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation.

Credits

(Added by Stats.1970, c. 891, p. 1625, § 2. Amended by Stats.1977, c. 151, p. 605, § 1; [Stats.2012, c. 88 \(A.B.57\), § 2.](#))

West's Ann. Cal. Gov. Code § 66504, CA GOVT § 66504

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West's Ann.Cal.Gov.Code § 66504.1

§ 66504.1. Compensation; expenses; reimbursement

Currentness

The members shall serve without compensation, but shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. However, in lieu of this reimbursement for attendance at commission or committee meetings, each member of the commission may receive a per diem of one hundred dollars (\$100), but not to exceed a combined total of five meetings in any one calendar month, plus the necessary traveling expenses as may be authorized by the commission. The commission shall pay all costs pursuant to this section.

Credits

(Added by Stats.1972, c. 110, p. 150, § 1, eff. June 2, 1972. Amended by Stats.1974, c. 1005, p. 2163, § 1; Stats.1984, c. 1257, § 2.)

West's Ann. Cal. Gov. Code § 66504.1, CA GOVT § 66504.1

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West's Ann.Cal.Gov.Code § 66505

§ 66505. Executive director; employees

[Currentness](#)

The commission shall appoint an executive director who shall have charge of administering the affairs of the commission, subject to the direction and policies of the commission.

The executive director shall, subject to the approval of the commission, appoint such employees as may be necessary to carry out the functions of the commission.

Credits

(Added by Stats.1970, c. 891, p. 1625, § 2.)

West's Ann. Cal. Gov. Code § 66505, CA GOVT § 66505

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West's Annotated California Codes

Government Code (Refs & Annos)

Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66505.5

§ 66505.5. Repealed by Stats.1967, c. 1656, p. 4022, § 76

[Currentness](#)

West's Ann. Cal. Gov. Code § 66505.5, CA GOVT § 66505.5

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66506

§ 66506. Powers

Currentness

The commission may:

- (a) Accept grants, contributions, and appropriations from any public agency, private foundation, or individual.
- (b) Appoint committees from its membership and appoint advisory committees from other interested public and private groups.
- (c) Contract for or employ any professional services required by the commission or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.
- (d) Do any and all other things necessary to carry out the purposes of this title.

Credits

(Added by Stats.1970, c. 891, p. 1625, § 2.)

West's Ann. Cal. Gov. Code § 66506, CA GOVT § 66506

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66507

§ 66507. Assumption of planning and related responsibilities; files and data

[Currentness](#)

The commission shall assume the planning and related responsibilities of the Bay Area Transportation Study Commission and its interim successor, the Regional Transportation Planning Committee. The files and planning data of the two organizations shall be transferred to the commission.

Credits

(Added by Stats.1970, c. 891, p. 1626, § 2.)

West's Ann. Cal. Gov. Code § 66507, CA GOVT § 66507

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West's Ann.Cal.Gov.Code § 66508

§ 66508. Regional transportation plan; transportation systems

Currentness

The commission shall adopt, by June 30, 1973, a regional transportation plan for the region. Prior to the adoption of such a plan, the operation, construction, and modification of those transportation systems under the purview of the commission may be undertaken without the approval of the commission.

Credits

(Added by Stats.1970, c. 891, p. 1626, § 2.)

West's Ann. Cal. Gov. Code § 66508, CA GOVT § 66508

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66509

§ 66509. Considerations for development of plan

Currentness

In developing the regional transportation plan, the commission shall consider:

(a) The plan recommended by the Bay Area Transportation Study Commission, with such modifications recommended by the Regional Transportation Planning Committee.

(b) The ecological, economic, and social impact of existing and future regional transportation systems upon various facets of the region, including, but not limited to, housing, employment, recreation, environment, land-use policies, and the economically disadvantaged.

(c) The regional plans prepared and adopted by organizations concerned with policies and programs designed to meet the near- and long-term planning needs of the region. Such consideration by the commission shall include, but not be limited to, plans prepared and adopted by the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission, and the State Office of Planning.

Credits

(Added by Stats.1970, c. 891, p. 1626, § 2.)

West's Ann. Cal. Gov. Code § 66509, CA GOVT § 66509

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West's Ann.Cal.Gov.Code § 66510

§ 66510. Inclusions in plan

Currentness

The regional transportation plan shall include, but not be limited to, the following segments of the regional transportation system:

- (a) The national system of interstate and defense highways, the California freeway and expressway system, and other highways within the state highway system.
- (b) The transbay bridges.
- (c) Mass transit systems.

The commission shall pay particular attention to the interfacing of the various modes of transportation.

Credits

(Added by Stats.1970, c. 891, p. 1626, § 2.)

West's Ann. Cal. Gov. Code § 66510, CA GOVT § 66510

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West's Ann.Cal.Gov.Code § 66511

§ 66511. Estimates of need; schedule of priorities

Currentness

The regional transportation plan shall also include an estimate of the regional transportation needs during the ensuing 10 years and a schedule of priorities for the construction, modification, and maintenance of various segments of the regional transportation system on a project basis to meet such needs.

Credits

(Added by Stats.1970, c. 891, p. 1626, § 2.)

West's Ann. Cal. Gov. Code § 66511, CA GOVT § 66511

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West's Ann.Cal.Gov.Code § 66512

§ 66512. Financial plan; proposals; sources of revenue

Currentness

In addition, the regional transportation plan shall include a financial plan for the regional transportation system. The financial plan shall include a proposal for each segment of the system, including the amount and sources of revenues necessary to construct and operate that segment.

In developing the financial plan, the commission shall consider various sources of revenues, without regard to any constraints imposed by law on expenditures from such sources, necessary to assure adequate financing of the system and, if necessary, recommend appropriate legislation to the Legislature to secure such financing.

Credits

(Added by Stats.1970, c. 891, p. 1626, § 2.)

West's Ann. Cal. Gov. Code § 66512, CA GOVT § 66512

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West's Ann.Cal.Gov.Code § 66513

§ 66513. Review of plan; adoption of revisions

Effective: January 1, 2007

[Currentness](#)

The regional transportation plan shall be subjected to continuous review by the commission, with revisions prepared as the need may arise. The commission shall adopt revisions to the plan, consistent with [Section 65080](#).

Credits

(Added by Stats.1970, c. 891, p. 1627, § 2. Amended by [Stats.1994, c. 704 \(S.B.1699\)](#), § 4; [Stats.2006, c. 673 \(S.B.1587\)](#), § 2.)

West's Ann. Cal. Gov. Code § 66513, CA GOVT § 66513

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66514

§ 66514. Transbay bridge; approval of commission; other bridges

[Currentness](#)

The construction of any transbay bridge in the region shall not be commenced without the approval of the commission. This section shall not apply to modifications of existing bridges, except modifications which provide for the construction of additional lanes of traffic on existing bridges or for the construction of rapid transit facilities on existing bridges.

Credits

(Added by Stats.1970, c. 891, p. 1627, § 2. Amended by Stats.1972, c. 492, p. 864, § 1; Stats.1982, c. 681, § 23.)

West's Ann. Cal. Gov. Code § 66514, CA GOVT § 66514

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West's Ann.Cal.Gov.Code § 66514.5

§ 66514.5. Repealed by Stats.1970, c. 891, p. 1624, § 1

[Currentness](#)

West's Ann. Cal. Gov. Code § 66514.5, CA GOVT § 66514.5

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West's Ann.Cal.Gov.Code § 66515

§ 66515. Multicounty transit system; approval of commission

[Currentness](#)

No public multicounty transit system using an exclusive right-of-way which is proposed to be constructed within the region shall be constructed or operated without the approval of the commission.

Credits

(Added by Stats.1970, c. 891, p. 1627, § 2. Amended by Stats.1982, c. 681, § 24.)

West's Ann. Cal. Gov. Code § 66515, CA GOVT § 66515

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66515.5

§ 66515.5. Physical compatibility with BART system; unified
management and operation of interconnecting facilities

Currentness

Any public multicounty transit system entirely within the region using an exclusive right-of-way shall incorporate physical characteristics compatible with the system of the San Francisco Bay Area Rapid Transit District, and provision shall be made for the unified management and operation of any interconnecting facilities.

Credits

(Added by Stats.1972, c. 865, p. 1537, § 1.)

West's Ann. Cal. Gov. Code § 66515.5, CA GOVT § 66515.5

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West's Ann.Cal.Gov.Code § 66516

§ 66516. Rules and regulations to promote coordination of fares and schedules; joint fare revenue sharing agreements

Currentness

The commission, in coordination with the regional transit coordinating council established by the commission pursuant to [Section 29142.4 of the Public Utilities Code](#), shall adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction. The commission shall require every system to enter into a joint fare revenue sharing agreement with connecting systems consistent with the commission's rules and regulations.

Credits

(Added by [Stats.1989, c. 692, § 1](#). Amended by [Stats.1996, c. 256 \(S.B.1474\), § 1](#).)

West's Ann. Cal. Gov. Code § 66516, CA GOVT § 66516

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West's Ann.Cal.Gov.Code § 66516.5

§ 66516.5. Powers of commission

Currentness

The commission may do the following:

- (a) In consultation with the regional transit coordinating council, identify those functions performed by individual public transit systems that could be consolidated to improve the efficiency of regional transit service, and recommend that those functions be consolidated and performed through inter-operator agreements or as services contracted to a single entity.

- (b) Improve service coordination and effectiveness in those transit corridors identified as transit corridors of regional significance by the commission in consultation with the regional transit coordinating council by recommending improvements in those corridors, including, but not limited to, reduction of duplicative service and institution of coordinated service across public transit system boundaries.

Credits

(Added by [Stats.1996, c. 256 \(S.B.1474\)](#), § 2.)

West's Ann. Cal. Gov. Code § 66516.5, CA GOVT § 66516.5

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West's Ann.Cal.Gov.Code § 66517

§ 66517. Assistance; feeder service to multicounty transit systems

[Currentness](#)

The commission shall render all available assistance to transit systems operated within the region by any city or public agency to ensure adequate feeder service to public multicounty transit systems.

Credits

(Added by Stats.1970, c. 891, p. 1627, § 2.)

West's Ann. Cal. Gov. Code § 66517, CA GOVT § 66517

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West's Ann.Cal.Gov.Code § 66517.5

§ 66517.5. Duties

Currentness

The commission shall develop regional transit service objectives, develop performance measures of efficiency and effectiveness, specify uniform data requirements to assess public transit service benefits and costs, and formulate procedures for establishing regional transportation priorities in the allocation of funds for transportation purposes.

The commission shall also establish and maintain standards relating to:

(a) A standardized reporting and accounting system under which public transit operators shall make quarterly reports to the commission on their revenues and expenditures and submit their annual proposed and adopted budgets for comment and evaluation. The system shall be consistent with the uniform system of accounts and records adopted by the State Controller pursuant to [Section 99243 of the Public Utilities Code](#).

(b) Maintenance of established levels of local support for public transit system operations.

(c) Operating efficiency and cost control.

Credits

(Added by Stats.1977, c. 1204, p. 4035, § 2.)

West's Ann. Cal. Gov. Code § 66517.5, CA GOVT § 66517.5

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Government Code (Refs & Annos)
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West's Ann.Cal.Gov.Code § 66518

§ 66518. Allocation of funds by California Transportation Commission

Currentness

When allocating funds for construction on the state highway system within the region, the California Transportation Commission shall conform to the regional transportation plan and the schedule of priorities for such construction included therein. The California Transportation Commission, however, may deviate from the regional transportation plan and the schedule of priorities established for construction on the interstate system and the state highway system within the region because of an overriding statewide interest.

Credits

(Added by Stats.1970, c. 891, p. 1627, § 2. Amended by Stats.1980, c. 212, p. 447, § 18.)

West's Ann. Cal. Gov. Code § 66518, CA GOVT § 66518

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Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66519

§ 66519. Repealed by Stats.1999, c. 1011 (S.B.428), § 1

Effective: January 1, 2000

[Currentness](#)

West's Ann. Cal. Gov. Code § 66519, CA GOVT § 66519

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66520

§ 66520. Applications for governmental funds; approval of transportation element

Currentness

Any application to the federal or state government for any grant of money, whether an outright or a matching grant, by any county, city and county, city, or transportation district within the region shall, if it contains a transportation element, first be submitted to the commission for review as to its compatibility with the regional transportation plan. The commission shall approve and forward only those applications that are compatible with the plan.

Review by the commission, however, is not required where revenues derived from the Motor Vehicle Fuel License Tax Law are subvented to local governmental entities in accordance with statutory provisions.

Credits

(Added by Stats.1970, c. 891, p. 1628, § 2.)

West's Ann. Cal. Gov. Code § 66520, CA GOVT § 66520

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West's Annotated California Codes

Government Code (Refs & Annos)

Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66521

§ 66521. Legislative intent; powers and duties of commission

Effective: July 1, 2013

[Currentness](#)

(a) It is the intention of the Legislature that the federal government, the state, and local agencies in the region will participate in support of the commission. The Legislature further intends that financial support of the activities of the commission will be made available from federal, state, and local sources normally available for transportation and general planning purposes in the region.

(b) The commission and the Transportation Agency shall negotiate contracts or agreements whereby federal-aid highway funds available for planning, and the necessary state matching funds from the State Highway Account in the State Transportation Fund, may be made available for support of the activities of the commission insofar as they relate to highway, road, and street planning for the region.

(c) The commission shall also negotiate, either directly or through the Office of Planning and Research or other appropriate agency, with the United States Department of Housing and Urban Development for grants or contributions of federal funds which may be available to support the study and planning activities of the commission.

(d) The commission shall negotiate equitable agreements with the City and County of San Francisco, and other counties and cities within the region, the Association of Bay Area Governments, the San Francisco Bay Area Rapid Transit District, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District for the contribution of funds or services for the general support of the activities of the commission and for required matching of federal funds as may be made available. Any county, city and county, or city may use its apportionments from the Motor Vehicle License Fee Account in the Transportation Tax Fund for these purposes.

Credits

(Added by Stats.1970, c. 891, p. 1628, § 2. Amended by Stats.1982, c. 681, § 26; [Stats.2013, c. 352 \(A.B.1317\), § 316, eff. Sept. 26, 2013](#), operative July 1, 2013.)

West's Ann. Cal. Gov. Code § 66521, CA GOVT § 66521

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West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66522

§ 66522. Regional government organization; merger or joinder

Currentness

The commission shall merge with or otherwise join any multifunctional regional government organization, if it has transportation planning responsibilities, within one year of the creation of such an organization.

Credits

(Added by Stats.1970, c. 891, p. 1628, § 2.)

West's Ann. Cal. Gov. Code § 66522, CA GOVT § 66522

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West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66525

§ 66525. Administration of county transportation expenditure
plan implementing retail transactions and use tax

Currentness

The commission shall administer any county transportation expenditure plan which includes a provision that the commission shall implement a retail transactions and use tax pursuant to Division 12.5 (commencing with [Section 131000](#)) of the [Public Utilities Code](#).

Credits

(Added by Stats.1986, c. 301, § 1, eff. July 14, 1986.)

West's Ann. Cal. Gov. Code § 66525, CA GOVT § 66525

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West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66530

§ 66530. Development of adequate funding sources for transportation projects

Currentness

The commission shall continue to actively, on behalf of the entire region, seek to assist in the development of adequate funding sources to develop, construct, and support transportation projects that it determines essential.

Credits

(Added by Stats.1986, c. 301, § 2, eff. July 14, 1986.)

West's Ann. Cal. Gov. Code § 66530, CA GOVT § 66530

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West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66531

§ 66531. County transportation plans

Currentness

(a) Each county within the jurisdiction of the commission, together with the cities and transit operators within the county, may, every two years, develop and update a transportation plan for the county and the cities within the county. The county transportation plan shall be submitted to the commission by the agency that has been designated as the agency responsible for developing, adopting and updating the county's congestion management program pursuant to [Section 65089](#), unless, not later than January 1, 1995, another public agency is designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county. Nothing in this section requires additional action by the cities and county, if a joint powers agreement delegates the responsibility for the county transportation plan to the agency responsible for developing, adopting, and updating the county's congestion management program pursuant to [Section 65089](#).

(b) The county transportation plans shall be consistent with, and provide a long-range vision for, the congestion management programs in the San Francisco Bay area prepared pursuant to [Section 65089](#). The county transportation plans shall also be responsive to the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991 ([Public Law 102-240](#)).

(c) The commission, in consultation with local agencies, shall develop guidelines to be used in the preparation of county transportation plans. These guidelines shall be consistent with the commission's preparation of the regional transportation plan pursuant to [Section 65081](#). These plans shall include recommendations for investment necessary to mitigate the impact of congestion caused by an airport that is owned by the county, or city and county, and located in another county. The plans may include, but are not limited to, the following:

(1) Recommendations for investments necessary to sustain the effectiveness and efficiency of the county portion of the metropolitan transportation system, as defined cooperatively by the commission and the agency designated pursuant to [Section 65089](#).

(2) Consideration of transportation system and demand management strategies which reinforce the requirements contained in [Section 65089](#).

(3) Consideration of transportation impacts associated with land use designations embodied in the general plans of the county and cities within the county and projections of economic and population growth available from the Association of Bay Area Governments.

(4) Consideration of strategies that conserve existing transportation system capacity, such as pricing policies or long-term land use and transportation integration policies jointly developed by the commission and the agencies designated pursuant to [Section 65089](#).

(5) Consideration of expected transportation revenues as estimated by the commission, the impact of these estimated revenues on investment recommendations, and options for enhanced transportation revenues.

(d) The commission shall adopt revised guidelines not later than January 1, 1995.

(e) The county transportation plan shall include recommended transportation improvements for the succeeding 10- and 20-year periods.

(f) The county transportation plans shall be the primary basis for the commission's regional transportation plan and shall be considered in the preparation of the regional transportation improvement program. To provide regional consistency, the county transportation plans shall consider the most recent regional transportation plan adopted by the commission. Where the counties' transportation plans conflict, the commission may resolve the differences as part of the regional transportation plan. The commission shall add proposals and policies of regional significance to the regional transportation plan.

(g) With the consent of the commission, a county may have the commission prepare its county transportation plan.

(h) The counties, together with the commission, shall jointly develop a funding strategy for the preparation of each county's transportation plan.

Credits

(Added by [Stats.1988, c. 752, § 3](#). Amended by [Stats.1994, c. 25 \(A.B.1619\), § 2](#).)

West's Ann. Cal. Gov. Code § 66531, CA GOVT § 66531

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.

West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66532

§ 66532. Emergency transportation system management plan

Currentness

The commission shall develop an emergency transportation system management plan which defines the continuing emergency services required during reconstruction of highway facilities which have been rendered inoperable by the earthquake.

The plan shall be in effect for the period of time needed to restore the damaged sections of State Route 880 in the County of Alameda and State Route 280 and the Embarcadero Freeway in the City and County of San Francisco.

It is the intent of the Legislature that funding shall be provided for those services by subsequent actions of the Legislature.

Credits

(Added by [Stats.1989-90, 1st Ex.Sess., c. 18, § 2, eff. Nov. 7, 1989](#). Amended by [Stats.1989-90, 1st Ex.Sess. c. 28 \(A.B.5\), § 2, eff. Aug. 13, 1990](#).)

West's Ann. Cal. Gov. Code § 66532, CA GOVT § 66532

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West's Annotated California Codes

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66535

§ 66535. Performance measurement criteria to evaluate new transportation projects and programs not yet identified as “Track One Investments” in 2002 regional transportation plan; goals and measurable objectives for planning corridors and subcorridors; costs

Effective: January 1, 2003

[Currentness](#)

(a) Not later than July 1, 2003, the commission shall establish performance measurement criteria on both a project and corridor level to evaluate all new transportation projects and programs (investments) that have not yet been identified as “Track One Investments” in the 2002 regional transportation plan. These performance measures shall apply to proposed projects, and the impact those projects will have on their respective corridors. The commission shall utilize these performance measurements to evaluate and prioritize alternative transportation investments in order to meet the goals and objectives for each corridor for inclusion in the 2004 regional transportation plan.

(b) The commission shall adopt goals and measurable objectives for planning corridors and subcorridors delineated by the commission. These goals and objectives shall be compatible and consistent with the requirements of the performance measurement criteria established by the commission pursuant to subdivision (a) for inclusion in the 2004 regional transportation plan.

(c) Any costs associated with this section incurred by the commission shall be paid solely from funds provided pursuant to [Section 99233.2 of the Public Utilities Code](#). If there is insufficient funding from this source, the commission is not required to perform the functions described in this section.

Credits

(Added by [Stats.2002, c. 470 \(S.B.1492\)](#), § 1.)

West's Ann. Cal. Gov. Code § 66535, CA GOVT § 66535

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Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66536

§ 66536. Legislative findings and declarations; regional
coordination between Association of Bay Area Governments and
Metropolitan Transportation Commission; joint policy committee

Effective: January 1, 2005

[Currentness](#)

The Legislature finds and declares the following:

(a) The Association of Bay Area Governments, known as ABAG for the purposes of this section and [Section 66536.1](#), and the Metropolitan Transportation Commission have collaborated on regional coordination.

(b) ABAG and MTC formed the “ABAG-MTC Task Force” in 2003 to review methods to improve comprehensive regional planning, including possible organizational and structural changes to ABAG and MTC.

(c) The ABAG-MTC Task Force agreed to set aside the issue of a merger between the ABAG and MTC and to develop a better structure for coordinated regional planning.

(d) The ABAG-MTC Task Force agreed to create a joint policy committee to develop staff support for that committee and to work on short- and long-term goals. Formation of the joint policy committee can result in substantial real progress in resolving regional transportation problems.

(e) The ABAG-MTC Task Force members agreed that structural changes were required in the working relationship between ABAG and MTC, and that the joint policy committee should have a substantial role in facilitating progress on regional transportation matters.

(f) There is a history of cooperation and coordination among the Bay Area Air Quality Management District, ABAG, and MTC.

(g) The three agencies are collectively responsible for developing and adopting air quality plans for national ambient air quality standards.

(h) Based on this history and collective involvement, and the interrelation between land use, transportation, and air quality, the Bay Area Air Quality Management District should be included as a represented agency on the joint policy committee by June

30, 2005. If the Bay Area Air Quality Management District has not been included by June 3, 2005, the Bay Area Air Quality Management District shall be included as a represented agency with an equal number of committee members.

Credits

(Added by [Stats.2004, c. 791 \(S.B.849\)](#), § 1.)

West's Ann. Cal. Gov. Code § 66536, CA GOVT § 66536

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West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66536.1

§ 66536.1. Joint policy committee; report; membership; drafting of documents

Effective: January 1, 2009

[Currentness](#)

(a) The joint policy committee shall prepare a report analyzing the feasibility of consolidating functions separately performed by ABAG and MTC. The report shall be reviewed and approved by MTC and the ABAG executive board and submitted to the Legislature by January 1, 2006.

(b) The combined membership of the joint policy committee shall include at least one representative from each of the nine regional counties: Alameda, Contra Costa, Marin, Napa, Sonoma, San Mateo, San Francisco, Santa Clara, and Solano. Effective January 1, 2011, a majority of the representatives appointed to the joint policy committee by the San Francisco Bay Conservation and Development Commission shall be locally elected officials.

(c) The joint policy committee shall coordinate the development and drafting of major planning documents prepared by ABAG, MTC, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, including reviewing and commenting on major interim work products and the final draft comments prior to action by ABAG, MTC, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. These documents include, but are not limited to, the following:

(1) Beginning with the next plan update scheduled to be adopted in 2008, the regional transportation plan prepared by MTC and described in [Section 66508 of the Government Code](#).

(2) The ABAG Housing Element planning process for regional housing needs pursuant to Article 10.6 (commencing with [Section 65580](#)) of Chapter 3 of Division 1 of Title 7.

(3) The Bay Area Air Quality Management District's Ozone Attainment Plan and Clean Air Plan.

(4) The San Francisco Bay Plan and related documents.

Credits

(Added by [Stats.2004, c. 791 \(S.B.849\)](#), § 2. Amended by [Stats.2008, c. 442 \(A.B.2094\)](#), § 1.)

West's Ann. Cal. Gov. Code § 66536.1, CA GOVT § 66536.1

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Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66536.2

§ 66536.2. Joint policy committee; regulatory authority; regional planning

Effective: January 1, 2009

[Currentness](#)

(a) The Legislature finds and declares:

(1) The Association of Bay Area Governments, the Bay Area Air Quality Management District, and the Metropolitan Transportation Commission have been working together through a joint policy committee to coordinate and improve the quality of land use, transportation, and air quality planning in the Bay Area.

(2) The San Francisco Bay Conservation and Development Commission has comprehensive planning and regulatory authority in all nine Bay Area counties for the San Francisco Bay, Suisun Marsh, their respective shorelines, certain waterways, salt ponds, and managed wetlands, and through that authority plays a critical role in the land use and transportation future of the Bay Area.

(3) The San Francisco Bay Conservation and Development Commission has an active interest in regional planning, as it has expressed a desire to join the joint policy committee, and the joint policy committee has determined it would benefit by adding the San Francisco Bay Conservation and Development Commission as a member.

(b) The joint policy committee shall include the San Francisco Bay Conservation and Development Commission as a represented agency with an equal number of committee members as other represented agencies by January 1, 2009.

Credits

(Added by [Stats.2008, c. 442 \(A.B.2094\)](#), § 2.)

West's Ann. Cal. Gov. Code § 66536.2, CA GOVT § 66536.2

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.

West's Annotated California Codes
Government Code (Refs & Annos)
Title 7.1. Metropolitan Transportation Commission (Refs & Annos)

West's Ann.Cal.Gov.Code § 66537

§ 66537. Repealed by Stats.2007, c. 484 (A.B.15), § 2, operative Jan. 1, 2010

Effective: January 1, 2010

[Currentness](#)

West's Ann. Cal. Gov. Code § 66537, CA GOVT § 66537

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County of Santa Clara

Recycling and Waste

Reduction Division

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Commission Bylaws

ARTICLE I. NAME

The name of this organization is the RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY, which may be abbreviated as “RWRC”. The organization may also be referred to as the AB 939 Local Task Force for Santa Clara County, which may be shortened to “Local Task Force”, or “LTF.”

ARTICLE II. PURPOSE

The purpose of the RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY is:

1. To serve as the principal advisory body to city councils and the Board of Supervisors on countywide solid waste planning issues and the Countywide Integrated Waste Management Plan;
2. To provide for balanced consideration and representation of the viewpoints, problems, and issues regarding solid waste management in different areas of the county; provide countywide involvement in the solid waste management planning process; and identify and recommend solutions to solid waste management problems requiring joint jurisdictional action.

Related Links

[Implementation Committee Meeting Minutes and Agendas](#)

[TAC Committee Meeting Minutes and Agendas](#)

[TAC Subcommittee Meetings Minutes and Agendas](#)

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3. To make recommendations to regional agencies whose jurisdiction includes Santa Clara County on solid waste management issues - such recommendations are to be transmitted via the Board of Supervisors of the county.
4. To provide a forum for decision making, coordination among local jurisdictions, and mutual assistance in development of specific projects to meet local solid waste management needs.
5. To carry out the responsibilities in waste management planning which are mandated by State law under the Integrated Waste Management Act of 1989 and other legislation and regulations;
6. To identify goals, policies, and procedures that will aid local jurisdictions in meeting solid waste reduction and recycling goals; review and provide written comments on local Source Reduction and Recycling Elements; and assist local jurisdictions in the implementation of those elements.
7. To sponsor countywide public outreach activities, services, and programs, and participate in regional cooperative activities.

ARTICLE III. MEMBERSHIP

The Commission shall be composed of ten (10) members. All members may serve on subcommittees and/or ad hoc task forces. The members and their designated alternates shall be elected officials, except in the case of the Santa Clara Valley Water District, where the member may be either an elected or appointed member of the Board of Directors. The members shall be appointed by the following public agencies or organizations:

Membership

1. One (1) County Supervisor appointed by the Board of Supervisors of Santa Clara County.
2. One (1) city councilmember appointed by the City Council of the City of San Jose.
3. One (1) city councilmember from one of the following cities:
Cupertino, Los Altos, or Los Altos Hills to represent North County Cities.
4. One (1) city councilmember from one of the following cities:
Milpitas or Santa Clara to represent Central County Cities.
5. One (1) city councilmember from one of the following cities:
Campbell, Los Gatos, Monte Sereno, or Saratoga to represent West Valley Cities.
6. One (1) city councilmember from one of the following cities: Mountain View, Palo Alto, or Sunnyvale to represent SMaRT Station Cities.
7. One (1) city councilmember from one of the following cities:
Gilroy or Morgan Hill to represent South County Cities.
8. Two (2) city councilmembers to serve as members-at-large. The Members-at-large shall be drawn from any city that does not already have a representative on the Commission.
9. One (1) director appointed by the Board of Directors of the Santa Clara Valley Water District.

Alternates

Each Commission member may designate from among the elected officials of its council, board, or eligible cities an alternate representative to serve in the absence of the regular member. Alternates may serve on subcommittees, and/or ad hoc task forces.

Term of Office

1. Except for the term of office of the initial members of the Commission, the term of office of each Commission member shall be six (6) years, and the number of terms shall be limited to two (2) terms. The term of office of the members first appointed to the Commission shall be deemed to have commenced on July 1, 1992.
2. The initial members of the Commission shall classify themselves by lot so the initial term of office of one (1) member shall be one (1) year, of one (1) member is two (2) years, of one (1) member is three (3) years, of two (2) members is four (4) years, of two (2) members is five (5) years, of two (2) members is six (6) years.
3. Each member of the Commission shall serve at the pleasure of the appointing authority, provided, however, that membership shall automatically terminate upon termination of the member's incumbency in elected or appointed office.
4. Attendance by Commission members at all Commission meetings is vital to the proper functioning of the Commission. Three (3) consecutive absences are sufficient grounds to warrant the Chairperson to request a replacement.

Vacancies

1. A vacancy shall exist whenever a member ceases to hold elected or appointed office on the public agency from which that person was appointed, whenever the term of office expires, or whenever a member resigns from his/her position on the Commission.

2. When a vacancy occurs for a representative of the County, the City of San Jose, or the Water District, the Chairperson shall, by letter, request that the eligible agency appoint a new member from that organization.
3. When a vacancy occurs for one of the other representatives, the Chairperson shall, by letter, request that the Santa Clara County Cities Association make an appointment to the vacant position from among the city councils of the eligible cities.

Officers

1. The officers of this organization shall be the Chairperson and Vice-Chairperson who shall be elected by the Commission at the first meeting following July 1 of each year and shall serve at the pleasure of the Commission.
2. The Chairperson shall preside at meetings of the Commission, call special meetings where necessary, and perform other duties customarily performed by a chairperson.
3. The Vice-Chairperson shall serve in the absence, inability, or unwillingness of the Chairperson to act. In the absence of the Chairperson and Vice-Chairperson, the Commission members shall appoint one of the members to act as Chairperson pro tempore. When the office of Chairperson or Vice-Chairperson becomes vacant, the Commission shall elect a successor at the earliest meeting practicable.

ARTICLE IV. MEETINGS / AGENDA

1. The Commission shall meet bi-monthly, on the fourth Wednesday of every second month at 5:15 PM. The Commission shall establish a meeting calendar at the first meeting of each year. Special meetings of the Commission may be called by the Chairperson or by any three (3) members.
2. The Chairperson shall provide every member of the Commission with seven (7) days written notice of regular or special Commission meetings.
3. Requests for items to be placed on any Commission meeting agenda shall be submitted ten (10) working days in advance of the meeting.
4. The agenda for each meeting shall be developed by staff to the Commission and shall include items requested by any member of the Commission, by the Recycling and Waste Reduction Technical Advisory Committee, by city councils and city managers, by the Board of Supervisors, and by staff. Items suggested by others may be placed on the agenda or may be referred to staff or committee for review and/or analysis. Questions about the appropriateness or timing of an agenda item shall be resolved by the Chairperson or Vice-Chairperson.

ARTICLE V. CONDUCT OF BUSINESS

Voting

Six (6) members shall constitute a quorum of the Commission. Actions of the Commission shall be taken by majority vote.

Subcommittees

Subcommittees may be appointed by the Chairperson, as the Chairperson deems necessary to carry out the

work of the Commission. The Chairperson shall be an ex-officio member of all subcommittees.

Subcommittees may be composed of representatives of public agencies, private volunteer groups and public members, but members of the Commission must make up a majority of any subcommittee.

Reporting

The Commission shall report to the Cities Association and the Board of Supervisors. Upon a vote of the Commission, the Commission may provide information and/or recommendations directly to city councils.

The Commission shall adopt program and policy recommendations to be made to the Cities Association, City Councils, and the Board of Supervisors. The Commission shall advise the Board of Supervisors and city councils on matters of intergovernmental concern which include reviewing and recommending policies and procedures related to solid waste management planning as listed in Article II, above. In addition, members shall periodically report to their councils or boards, the Intergovernmental Council, and other local and regional agencies in order to inform other elected officials of solid waste management issues.

Staff Responsibilities

Staff shall:

1. Prepare and distribute agendas, agenda packets, summary minutes, reports, recommendations, and other materials;
2. Inform the Commission of solid waste issues and Commission responsibilities under State laws and regulations;

3. Act as the designated agent for the Recycling and Waste Reduction Commission, as requested;
4. Forward recommendations and decisions of the Commission to the appropriate agencies and jurisdictions, and perform follow up actions, as necessary.

Recycling and Waste Reduction Technical Advisory Committee

1. The Recycling and Waste Reduction Commission shall be advised by a Recycling and Waste Reduction Technical Advisory Committee (TAC). TAC voting membership shall include:
 - a. One (1) representative from each local city;
 - b. Three (3) representatives of the County;
 - c. One (1) representative of the Santa Clara Valley Water District;
 - d. In addition, the Recycling and Waste Reduction Commission shall designate other organizations eligible to provide voting members to the TAC. Membership from other organizations shall be drawn from solid waste management representatives from the private sector, representatives of community organizations, and other organizations which have an expressed interest in solid waste management, however no member or members shall represent a single for-

profit company. The Recycling and Waste Reduction Commission may add or remove voting memberships for such organizations.

2. Each member of TAC shall serve at the pleasure of the appointing organization; terms of membership shall not be limited as long as the member remains the official designee of the eligible public agency or other organization.

3. The purpose of TAC is:

a. To advise the Recycling and Waste Reduction Commission on technical aspects of solid waste management and policy;

b. To bring together a wide spectrum of viewpoints and expertise to focus on countywide solid waste management and issues affecting individual communities;

c. To assist in development of policies, programs, and revisions and amendments to countywide plans which can meet countywide needs and thus receive countywide approval;

d. To provide a forum for exchange of solid waste management information;

e. To inform their respective agencies and jurisdictions of issues and recommendations of TAC and the RWRC, and perform follow up actions, as necessary.

4. TAC shall perform technical review to provide the Commission with the following information:

- a. Feasibility of technical proposals;
- b. Policies to achieve countywide objectives;
- c. Input regarding countywide consensus on solid waste issues;
- d. Information on general issues and specific problems in solid waste management;
- e. Recommendations regarding proposed and/or needed state legislation.

Robert's Rules of Order

Wherever these bylaws are silent with respect to procedure, Robert's Rules of Order shall apply.

Amendments

Amendments to these bylaws shall be by a two-thirds (2/3) vote of the entire membership following at least seven (7) days written notice of any proposed amendment.

Approved October 24, 2001

Amended September 27, 2011

Last updated: 1/25/2018 1:22 PM

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Recycling and Waste Reduction Commission of Santa Clara County
JOB DESCRIPTION

- Authority:** The Recycling and Waste Reduction Commission is the principal advisory body to city councils and the Board of Supervisors on countywide solid waste planning issues and the Countywide Integrated Waste Management Plan.
- Meetings:** Last Monday of even numbered months at 5:30 p.m. (February, April, June, August, October and December)
- Term of Appointment:** The term of office of each commission member shall be six years and the number of terms shall be limited to two terms.
North County Cities representative: One city council member from Cupertino, Los Altos or Los Altos Hills
West Valley Cities representative: One city council member from Campbell, Los Gatos, Monte Sereno or Saratoga
Central County Cities representative: One city council member from Milpitas or Santa Clara
SMaRT Station Cities representative: One city council member from Mountain View, Palo Alto or Sunnyvale
South County Cities representative: One city council member from Gilroy or Morgan Hill
Member-at-large: Two city council members to serve as members-at-large. Members-at-large shall be drawn from any city that does not already have a representative on the commission.
- Attendance:** Three consecutive absences are sufficient grounds to warrant the Chairperson to request a replacement.
- Reporting Requirements:** City Selection appointees present quarterly written reports to the Board of Directors of the Cities Association regarding relevant activities. One appointee of the Committee is also required to report to the Board of Directors of the Cities Association at least one a regularly scheduled meeting during the course of each year. Committee members will also be expected to report to the specific cities they represent.
- For More Information:** William “Bill” Grimes, Program Manager (408) 918-1967
Lisa Rose, Staff to RWR Commission (408) 282-3166

Recycling and Waste Reduction Commission Roster

Susan M. Landry, City of Campbell, Chair	Member-at-Large	Appointed January 2017. Term runs through 2023. Eligible for one additional term through 2029.
Mary-Lynne Bernald, City of Saratoga	West Valley Cities	Appointed January 2017. Term runs through 2023. Eligible for one additional term through 2029.
Rod Sinks, City of Cupertino	North County Cities	Appointed January 2015. Term runs through 2021. Eligible for one additional term through 2027.
Nancy Smith, City of Sunnyvale	SMaRT Station® Cities	Appointed June 2019. Term runs through 2025. Eligible for one additional term through 2031.
Kathy Watanabe, City of Santa Clara	Central County Cities	Appointed October 2017. Term runs through 2023. Eligible for one additional term through 2029.
Anthony Phan, City of Milpitas	City of Milpitas	Appointed June 2019. Term runs through 2025. Eligible for one additional term through 2031.
Fred Tovar, City of Gilroy	South County Cities	Appointed February 2020, Still not sworn in. Term runs through 2026 and can have one more term until 2032

Obtained from RWR Commissioners 10-27-2020 via Clifton Chew (Management Analyst, County of Santa Clara)

The EOAC is established by the Santa Clara County Board of Supervisors through Sections A8-18 to A8-19 of the County Ordinance Code.

Division A8 - CIVIL PROTECTION AND EMERGENCY MANAGEMENT

Sec. A8-18. - Santa Clara County Emergency Operational Area Council.

An advisory Santa Clara County Emergency Operational Area Council (EOAC) is established for the Operational Area and shall consist of the following voting and non-voting members:

- (1) A designated member of the Board of Supervisors.
- (2) A designated member of the Santa Clara Valley Water District.
- (3) A designated council member from the City of San José.
- (4) A designated council member from the City of San José.
- (5) A designated council member from one of the five West Valley cities (Cupertino, Los Gatos, Campbell, Saratoga, or Monte Sereno) or one of the two South County cities (Gilroy or Morgan Hill), nominated by the Santa Clara County Cities Association.
- (6) A designated council member from the City of Milpitas, City of Sunnyvale, or the City of Santa Clara, nominated by the Santa Clara County Cities Association.
- (7) A designated council member from one of the four northernmost cities (Palo Alto, Mountain View, Los Altos, or Los Altos Hills), nominated by the Santa Clara County Cities Association.
- (8) The County Executive or his/her designee.
- (9) A designated member of the Santa Clara County City Managers Association.
- (10) A designated member of the Santa Clara County Police Chiefs Association.
- (11) A designated member of the Santa Clara County Fire Chiefs Association.
- (12) The County Public Health Officer.
- (13) The County Director of Emergency Medical Services.
- (14) The County Social Services Agency Director.
- (15) The Valley Transportation Authority Chief Operating Officer.
- (16) A designated representative of the Santa Clara County emergency management community who shall serve without a vote, nominated by the Santa Clara County Emergency Managers' Association.

Each member shall have a named alternate who shall be nominated and appointed in the same manner as the member.

For seats (1) through (7) and (9) through (11), the represented organization shall nominate a qualified individual and send notice of the nomination to the Clerk of the Board of Supervisors for appointment by the Board of Supervisors. For seat (8), the County Executive shall provide notice to the Clerk of the Board identifying if there is a designee. The Director of Emergency Management shall provide notice to the Clerk of the Board identifying the representative for seat (16).

The term of each member for seats (1) through (7), (9) through (11), and (16) shall be two years. Each member shall be eligible to serve multiple terms. A member and alternate's combined failure to

attend three regular meetings in a single year without good cause as determined by the Chairperson will result in notification to the appointing authority, which may result in removal of the member or alternate.

A designee serving for the County Executive shall serve until the County Executive designates otherwise.

Membership for seats (12) through (15) are defined by the individual holding the listed position. Initial appointments and changes to the named individual for seats (12) through (15) shall be provided to the Clerk of the Board of Supervisors. Each member in seats (12) through (15) shall serve as long as the individual holds the qualifying position.

Alternates for seats (8) and (12) through (15) shall be provided to the Clerk of the Board of Supervisors in writing.

([Ord. No. NS-300.935, § 1, 2-26-19](#))

Editor's note— Boards and Commissions generally, Div. A6.

Sec. A8-19. - Santa Clara County Emergency Operational Area Council purpose, role, and responsibility.

The Santa Clara County EOAC is an advisory body charged with the purpose to enhance planning and preparedness for large-scale emergencies; to create effective partnerships in emergency planning, preparedness, and training and exercise activities within the Operational Area; to consolidate activities of local governmental entities to participate more efficiently in planning for future emergencies and disasters; to provide access to public-private partners to participate in emergency planning and preparedness; and to discuss broad-based emergency preparedness and planning funding priorities and recommendations. The Santa Clara County EOAC serves as the County's Disaster Council.

(a) The roles and responsibilities of the Santa Clara County EOAC shall include:

- (1) Electing a chair and vice-chair annually.
- (2) Meeting at least quarterly or upon the call of the chair or, in the chair's absence from the County or inability to call a meeting, upon call of the vice-chair.
- (3) Receiving information on operational area emergency and mutual aid plans, and disaster response policies and procedures, and discussing those plans as appropriate.
- (4) Ensuring a unity of purpose in emergency plans, policies, and procedures.
- (5) Fostering an effective flow of disaster information and emergency preparedness through training, uniformity in planning, and response plans and policies.
- (6) Review annual training and exercise plans for County volunteer Disaster Service Worker (DSW) programs and recommend approval to the Board of Supervisors.

(b) The role of the Santa Clara County EOAC does not include:

- (1) Operational powers during emergencies or disasters, including approval of deployment of staff and/or disaster service worker volunteers.
- (2) Drafting and/or final adoption of emergency plans, policies, and procedures.
- (3) Enforcement functions of emergency plans, policies, and procedures.
- (4) Allocation of funds or authorization of expenditures.

([Ord. No. NS-300.935, § 1, 2-26-19](#))

Sec. A8-20. - Santa Clara County Emergency Operational Area Council meetings.

The EOAC shall meet at least quarterly during the months of February, May, August, and November on a Thursday at 1:30 p.m. The EOAC shall approve the calendar year's schedule of regular meetings prior to the first meeting of that calendar year.

([Ord. No. NS-300.935, § 1, 2-26-19](#))

Accessed October 29, 2020 from

https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITAGEAD_DIV_A8CIPREMMMA_SA8-23AUEMVE

Members

Chair

Supervisor

Mike Wasserman

Santa Clara County
Board of Supervisors

Vice Chair

Chief William Kelly

City of Santa Clara
Fire Chief's Association
Representative

Garry Herceg

Deputy County Executive
County Executive Designee

Director Richard Santos

Santa Clara Valley
Water District

Mayor

Rob Rennie

Los Gatos Town Council
South County &
West Valley Cities
Representative

Councilmember

Lydia Kou

Palo Alto City Council
North County Cities
Representative

Councilmember

Debi Davis

Santa Clara City Council
Central County Cities
Representative

Councilmember

Johnny Khamis

San Jose City Council
Representative

Councilmember

Donald Rocha

San Jose City Council
Representative

Dr. Sara Cody

County Health Officer

Christina Turner

Morgan Hill City Manager
City Manager's Association
Representative

Chief Michael Sellers

City of Santa Clara
Police Chief's Association
Representative

Inez Evans

Chief Operating Officer
Santa Clara Valley
Transportation Authority

Jennifer Ponce

Emergency Managers
Association President &
Representative

The **Operational Area** consists of the county, cities, special districts and other entities within the county's geographic area. The operational area coordinates emergency activities and serves as a link for communications and coordination between local, regional and state emergency operations centers.

Purpose

To enhance planning and preparedness for large-scale emergencies;

To create effective partnerships in emergency planning, preparedness, training and exercise within the Operational Area;

To consolidate activities of cities and special districts to participate more efficiently in planning for future emergencies and disasters;

To provide access to public-private partners to participate in emergency planning and preparedness; and

To develop broad-based emergency preparedness and funding priorities and recommendations.

Functional Roles & Responsibilities

Coordinating, reviewing, and recommending Board of Supervisor adoption of emergency and mutual aid plans as well as the ordinances, resolutions, rules and regulations necessary to implement those plans and agreements.

Reviewing and recommending disaster response policies, procedures, and funding priorities.

Ensuring a unity of purpose in emergency plans, policies and procedures.

Fostering an effective flow of disaster information and emergency preparedness through training, uniformity in planning, response plans and policies.

Establishing subcommittees for specific detailed work that requires technical experts to develop plans, policies and procedures for the Operational Area.

Providing technical review of all disaster plans by any public entity or special district for approval to form and compliance with the Incident Command System (ICS), Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS).

Alternates

Supervisor Ken Yeager

Santa Clara County Board of
Supervisors

Sheriff Laurie Smith

Santa Clara County
Police Chief's Association
Representative

Miguel Márquez

Chief Operating Officer
County Executive Designee

Director

Linda J. LeZotte

Santa Clara Valley
Water District

Councilmember

Liz Gibbons

Campbell City Council
South County &
West Valley Cities
Representative

Mayor

Ken Rosenberg

Mayor – Mountain View
North County Cities
Representative

Councilmember

Russ Melton

Sunnyvale City Council
Central County Cities
Representative

Chief John Poell

NASA Ames Research Center
Fire Chief
Fire Chief's Association
Representative

Angelique Gaeta

Chief of Staff
Santa Clara Valley
Transportation Authority

Lisa Schoenthal

Emergency Managers
Association Representative

**JOINT POWERS AGREEMENT FOR THE
SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY**

NOVEMBER 18, 2009

THIS JOINT POWERS AGREEMENT FOR THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY (the “**Agreement**”) is entered into as of this ____ day of _____ 20____, (“**Effective Date**”) by and among the public agencies executing this Agreement (collectively, “**Members**” and individually, “**Member**”).

RECITALS

- A. **WHEREAS**, in 2001, the Cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, Santa Clara, San Jose, Saratoga, and Sunnyvale; the Towns of Los Gatos and Los Altos Hills; the South Santa Clara County Fire District; the County of Santa Clara; San Jose State University; and the Santa Clara Valley Water District (collectively, the “**Network Participants**”) entered into an agreement to exercise their joint contracting and purchasing powers pursuant to Government Code Section 6502 (the “**Joint Funding Agreement**”), so as to jointly hire consultants for the conceptual design and implementation strategy for an interoperable communications network, to jointly purchase a radio and data communications system or network to provide interoperability for the Network Participants, to integrate this system or network with other nearby regional public safety communications systems, to participate in regional interoperability projects, to jointly fund activities and projects related to interoperability; and to jointly apply for grants and funding to facilitate the accomplishment of these goals;
- B. **WHEREAS**, the campaign to accomplish the above goals came to be known as the Silicon Valley Regional Interoperability Project (“**SVRIP**”);
- C. **WHEREAS**, the SVRIP has been very successful but many new projects and opportunities have arisen and the joint exercise of powers under the Joint Funding Agreement is no longer sufficient to address the expanded opportunities and objectives of the SVRIP;
- D. **WHEREAS**, the undersigned desire to create an independent joint powers authority to implement and operate the SVRIP and other projects, and to formally articulate the goals and purposes of the Authority;
- E. **WHEREAS**, a SVRIP Executive Director, employed by the City of San Jose consistent with the Joint Funding Agreement, has been appointed by the SVRIP steering committee to assist in the formation and operation of the Authority;
- F. **WHEREAS**, pursuant to the Joint Exercise of Powers Act, Title 1, Division 7, Chapter 5, of the California Government Code, Government Code Section 6500 *et seq.*, two or more public agencies may by agreement jointly exercise any power common to the contracting agencies; and
- G. **WHEREAS**, the Members have determined that the public interest will be served by the joint exercise of their common powers through this Agreement and the creation of a joint powers authority for the purposes described herein.

NOW THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the Members agree as follows:

ARTICLE 1 – DEFINITIONS

1. Certain terms used in this Agreement shall be defined as follows:
 - 1.1. **"Agency"** or **"Public Agency"** shall have the meaning provided in Government Code Section 6500.
 - 1.2. **"Agreement"** shall mean this Agreement that establishes the Silicon Valley Regional Interoperability Authority.
 - 1.3. **"Annual Operating Costs"** shall mean the day to day expenses of the Authority (other than systems maintenance expenses) which shall include without limitation, personnel (except systems maintenance personnel), overhead, legal and accounting services, and similar costs for the fiscal year; as such term may be further defined in the policies of the Authority
 - 1.4. **"Annual Systems Maintenance Costs"** shall mean consulting and maintenance services for existing hardware and software; systems maintenance personnel costs; system site/facility maintenance; parts, software/firmware, labor and equipment for regular maintenance; and noncapital replacements for the fiscal year; as such term may be further defined in the policies of the Authority.
 - 1.5. **"Authority"** shall mean the Silicon Valley Regional Interoperability Authority.
 - 1.6. **"Board"** shall mean the Board of Directors which is the governing body of the Silicon Valley Regional Interoperability Authority.
 - 1.7. **"Central County Agencies"** shall include the City of Santa Clara, the City of Sunnyvale, and the City of Milpitas.
 - 1.8. **"Overhead"** shall mean the Authority's ongoing necessary administrative costs (such as system site/facility rent, office rent, utilities, office supplies, and insurance) which are not separately budgeted as part of a specific project, program, or service.
 - 1.9. **"Members"** shall mean the public agencies which are signatories to this Agreement prior to the Effective Date. Unless otherwise indicated, actions or approvals of a Member are deemed to be those of the legislative body of the Member.
 - 1.10. **"Multiple Agency Directorship"** shall mean any seat on the Board of Directors which represents more than one Member.
 - 1.11. **"Northwest County Agencies"** shall include the City of Mountain View, the City of Palo Alto, the City of Los Altos and the Town of Los Altos Hills.
 - 1.12. **"Smaller Member"** shall mean any Member whose population is less than 15,000.

- 1.13. **"South County Agencies"** shall include the City of Gilroy and the City of Morgan Hill.
- 1.14. **"Southwest County Agencies"** shall include the City of Cupertino, the City of Campbell, the City of Saratoga, the Town of Los Gatos and the City of Monte Sereno.
- 1.15. **"Working Committee"** shall mean the committee described in Article 6 of this Agreement.

ARTICLE 2 – CREATION AND PURPOSES

2. The Silicon Valley Regional Interoperability Authority is created as described in this Article.
 - 2.1. **Creation of Authority and Jurisdiction.** Pursuant to the Joint Exercise of Powers Act, the Members hereby create the Silicon Valley Regional Interoperability Authority, a public entity separate and distinct from each of the Members, to exercise the powers common to the Members and as otherwise granted by the Joint Exercise of Powers Act. The jurisdiction of the Authority shall be all territory within the geographic boundaries of the Members; however the Authority may undertake any action outside such geographic boundaries as is necessary or incidental to the accomplishment of its purposes.
 - 2.2. **Purpose of Authority.** The purpose of the Authority is to enhance and improve communications, data sharing and other technological systems, tools and processes for protection of the public and public safety and to facilitate related local and regional cooperative efforts.
 - 2.3. **Purpose of Agreement.** The purpose of this Agreement is to create the Authority; to facilitate the implementation of the Authority's projects, systems and services; to provide for the Authority's acquisition of real, personal and intangible property, to provide for the Authority's administration, planning, design, financing, regulation, permitting, environmental evaluation, public outreach, construction, operation, and maintenance of the Authority's projects, systems and services; and to provide for any necessary or convenient related support services.

ARTICLE 3 – POWERS

3. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, subject to the limitations in this Article.
 - 3.1. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, including, but not limited to, the following powers:
 - 3.1.1. To obtain and secure funding from any and all available public and private sources including local, state, and federal government, including but

- not limited to, bond issuances, lease purchase agreements, grants, public and private contributions, public and private loans, and other funds;
- 3.1.2. To manage and operate any projects, systems, and services transferred or assigned to the Authority and fulfill any existing obligations incurred under the Joint Funding Agreement that are transferred or assigned to the Authority;
 - 3.1.3. To plan, design, finance, acquire, construct, operate, regulate, and maintain systems, equipment, facilities, buildings, structures, software, databases, and improvements;
 - 3.1.4. To lease real, personal and intangible property;
 - 3.1.5. To acquire, hold, or dispose of real, personal or intangible property by negotiation, dedication or eminent domain;
 - 3.1.6. To own, lease, sublease, acquire, operate, maintain and dispose of materials, supplies, and equipment of all types including, but not limited to intangible property such as radio frequencies;
 - 3.1.7. To conduct studies, tests, evaluations, investigations, and similar activities;
 - 3.1.8. To develop and/or adopt standards and specifications;
 - 3.1.9. To obtain permits, rights, licenses and approvals, including FCC licenses;
 - 3.1.10. To enter into agreements;
 - 3.1.11. To contract for services from Members, including but not limited to in-kind services;
 - 3.1.12. To employ consultants, contractors, and staff and to adopt personnel rules and regulations;
 - 3.1.13. To adopt bylaws, rules and regulations;
 - 3.1.14. To delegate certain powers;
 - 3.1.15. To acquire and maintain insurance of all types;
 - 3.1.16. To accept, hold, invest, manage, and expend monies pursuant to the Joint Exercise of Powers Act;
 - 3.1.17. To work with elected officials and local, regional, state and federal agencies, including joint powers agencies and consortia, to pursue funding, enter agreements, and otherwise act to carry out the purposes of the Authority;
 - 3.1.18. To incur debts, liabilities or obligations, provided that no debt, liability, or obligation shall constitute a debt, liability or obligation of the Members, either jointly or severally;

- 3.1.19. To charge for services, programs, and/or system use by means of subscriber fees or similar charges;
 - 3.1.20. Subject to applicable legal authority, to cause assessments, fees or charges to be levied in accordance with applicable State and Federal law;
 - 3.1.21. To issue bonds and sell or lease any type of real or personal property for purposes of debt financing;
 - 3.1.22. To sue and be sued;
 - 3.1.23. To conduct public outreach and education;
 - 3.1.24. To participate in pilot and demonstration projects;
 - 3.1.25. To reimburse Authority officers, employees and officials for expenses incurred as permitted by law; and
 - 3.1.26. To exercise all powers incidental to the foregoing.
 - 3.1.27. In addition to those powers common to each of the members and the powers conferred by the Joint Exercise of Powers Act, the Authority shall have those powers that may be conferred upon it by subsequently enacted legislation.
- 3.2. Limitation on Eminent Domain Power. The Authority's power of eminent domain shall be exercised to acquire real property only in the manner prescribed by the California Code of Civil Procedure, including the requirements of Sections 1245.230 and 1245.240 of the Code of Civil Procedure (as such statutes and requirements may be amended) which provide that prior to the exercise of such power the Board adopt, by a 2/3 vote of the entire Board, a resolution finding that (1) the public interest and necessity require the proposed project; (2) the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and (3) the property described in the resolution is necessary for the proposed project. Further, the Authority shall not exercise such power in the jurisdiction of a municipal or county Member in absence of a resolution approved by a majority of the Member's governing body evidencing the Member's consent to the Authority's exercise of eminent domain.
- 3.3. No Authority Taxing Power. The Authority shall not exercise any power it possesses to impose taxes on the public, although it may receive the proceeds of taxes imposed by other entities.
- 3.4. Restriction on Exercise of Powers. Pursuant to Section 6509 of the Joint Exercise of Powers Act, the Authority has designated a general law city as the Member for determination of the restrictions upon the Authority in exercising the common powers under this Agreement and the City of Cupertino shall serve as such Member. In the event that the City of Cupertino ceases to be a Member, the Board may designate by resolution another general law city Member as the

Member for determination of the restrictions upon the Authority in exercising the common powers.

- 3.5. Unless expressly provided to the contrary herein, the Authority does not intend, by virtue of Section 3.3 or this Agreement, to subject itself to the internal policies or ordinances of any Member (e.g., Member purchasing or sunshine ordinances).

ARTICLE 4 – MEMBERSHIP

4. The Members of the Authority are the public agencies who enter into this Agreement prior to the Effective Date. In the event a city or town listed as represented by a Multiple Agency Directorship does not enter into this Agreement prior to the Effective Date, the city or town will not be a Member and the listed entities in the applicable Multiple Agency Directorship will be deemed amended to reflect this fact without further action. Admission of a new Member shall not require amendment to this Agreement, however, after the Effective Date new Members may be admitted only pursuant to the procedures described in Sections 4.1 and 4.2. Members may withdraw pursuant to the procedures described in Sections 4.3.
 - 4.1. A Public Agency may be considered for membership in the Authority after the Effective Date, by presenting an adopted resolution of the Public Agency's governing body to the Board which includes a request to become a Member of the Authority.
 - 4.2. The Authority shall accept new Members upon a majority affirmative vote of the entire Board, payment of any Board determined fees and charges, including a pro-rata share of organization, planning, project, and other costs and charges and upon satisfaction of any conditions established by the Board as a prerequisite for membership. At the time of admission, the Board shall adopt a resolution assigning the new Member to be represented by one of the existing Multiple Agency Directorships and amend the listed entities in the applicable Multiple Agency Directorship shall be amended to reflect this fact. Each proposed Member shall also enter into a membership agreement, upon the date of execution of which it shall be bound to the terms of this Agreement as a Member.
 - 4.3. Withdrawal. Any Member may withdraw from this Agreement upon at least 6 (six) months written notice to the Authority and the Members. Any Director who is an elected official of the withdrawing Member and any Working Committee member who is an official, officer or employee of the withdrawing Member shall be deemed to have resigned as of the date of receipt of the written notice.
 - 4.3.1. A withdrawing Member shall have no interest or claim in the assets of the Authority absent an Authority approved written agreement which contains express provisions to the contrary.
 - 4.3.2. Any withdrawing Member shall be obligated to pay an equitable share, consistent with the cost sharing principles herein, of all debts, liabilities and obligations of the Authority incurred prior to the effective date of the

withdrawal; as such share is determined by the Board, as a condition precedent to such withdrawal.

- 4.3.3. Provided, however, that the withdrawing Member's obligations under Section 4.3.2 shall not extend to debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to specific project, service, or program agreements ("**limited scope agreements**") that expressly omit the withdrawing Member. The specific pro-rata share of the withdrawing Member of the debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to a limited scope agreement shall be determined by the terms of those agreements and the withdrawing Member shall comply with all withdrawal terms of such agreement.
- 4.3.4. A withdrawing or withdrawn Member's payment obligation with respect to its share of debts, liabilities and obligations shall survive withdrawal of the Member and survive termination of this Agreement.
- 4.3.5. If a Member who is represented by a Multiple Agency Directorship withdraws, the listed entities in the applicable Multiple Agency Directorship may be amended to reflect this fact by a resolution of the Board.

ARTICLE 5 – BOARD OF DIRECTORS; ORGANIZATION

5. The Authority shall be governed by a Board of Directors (the "**Board**") consisting of nine (9) Directors. The term of a Director's appointment shall be three (3) years although Directors may be appointed for a shorter term consistent with the Board's bylaws. Directors may be appointed to multiple successive terms. An alternate shall be appointed for each Director. Alternates shall serve as Directors in the absence of their respective Directors and shall exercise all rights and privileges thereof. Notwithstanding the above, each Director and each alternate for such Director shall serve at the pleasure of the Member(s) they represent and may be removed by such Member(s) at any time without any right to notice thereof.
 - 5.1. Directors and alternates shall be appointed by the represented Member(s) as follows and, at the time of such appointment and for the duration of such appointment, each shall be an elected official of a Member:
 - 5.1.1. Two Directors shall represent the County of Santa Clara.
 - 5.1.2. Two Directors shall represent the City of San Jose.
 - 5.1.3. One Director shall represent the Central County Agencies.
 - 5.1.4. One Director shall represent the Northwest County Agencies.
 - 5.1.5. One Director shall represent the South County Agencies.
 - 5.1.6. One Director shall represent the Southwest County Agencies.

- 5.1.7. One Director shall be appointed by the City Selection Committee (as formed pursuant to Government Code Section 50270 *et seq.*) for Santa Clara County. The Director shall be an elected official of a Member who does not have an elected official on the Board at the time of appointment. The Director appointed in this manner may be removed by the Member that he or she serves.

Each directorship described in Sections 5.1.3 through 5.1.6 shall be a Multiple Agency Directorship and an action by a majority of the represented Members shall appoint and remove such Directors. If the Director (or his or her Alternate) shall fail to attend 70% of the meetings of the Board during the fiscal year, the Directorship shall be deemed vacant and the Authority shall send notice of the vacancy to the represented Member(s). If a Director shall cease to be an elected official of a Member, his or her seat shall be deemed vacant. If the City Selection Committee or the represented Members of a Multiple Agency Directorship fail to select a Director within ninety (90) days of a vacancy, the Board may appoint an interim Director from the elected officials of the represented Members (or of those Members who do not have an elected official on the Board in the case of the City Selection Committee's directorship) to serve until the appointment of the new Director is completed.

- 5.2. Each member of the Board shall have one vote. A majority of the members of the entire Board shall constitute a quorum for the transaction of business. Except where a supermajority is required by statute, this Agreement or a resolution of the Board, actions of the Board shall require the affirmative vote of a majority of the entire Board (i.e., five (5) affirmative votes).
- 5.3. The Board shall elect annually a Chair from among its membership to preside at meetings and shall appoint a Secretary who may, but need not, be a Director. The Board may, from time to time, elect such other officers as the Board shall deem necessary or convenient to conduct the affairs of the Authority.
- 5.4. Meetings. The Board shall hold at least two regular meetings each year. The Board shall by resolution establish the date, hour and location at which its regular meetings shall be held. All meetings of the Board shall be held in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.* The Secretary shall cause minutes of all open meetings of the Board to be kept and shall cause a copy of the minutes to be forwarded to each Director and the Members within thirty (30) days.
- 5.5. Bylaws. The Board, at its initial meeting, shall adopt by resolution rules of procedure ("**bylaws**"), not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings. Such rules of procedure shall be in accordance with the Ralph M. Brown Act. Recommendations for amendments to the bylaws will be developed by Working Committee and forwarded to Board for consideration.

- 5.6. Political Reform Act Compliance. Directors of the Board, members of the Working Committee and designated officials and employees shall comply with the Political Reform Act of 1974, Government Code Section 81000 *et seq.*
- 5.7. Executive Director. The Executive Director shall report to and take direction from the Board and shall have such authority as is specified by resolution of the Board. Where authorized by the Working Committee, the Executive Director may sign agreements, applications and other documents on behalf of the Authority. The Executive Director shall be designated as a Government Code Section 6505.1 officer who has charge of, handles, and has access to, the Authority's property and shall file with the Authority an official bond in the amount set by the Board. The premiums for such bond may be paid or reimbursed by the Authority.
 - 5.7.1. The SVRIP Executive Director shall serve as the Authority's Executive Director during the term of the existing employment agreement between the City of San Jose and the SVRIP Executive Director or until an Executive Director is selected pursuant to Section 6.7.
- 5.8. General Counsel. The Authority shall have a General Counsel. The General Counsel shall report to and take direction from the Board. The Board may designate one of the Authority's or a Member's employees as General Counsel or contract for such legal services with an independent contractor.
- 5.9. Policies. The Board may, upon the recommendation of the Working Committee, adopt policies regarding personnel, conflicts of interest and other matters that are necessary or convenient for the efficient operation of the Authority.
- 5.10. In addition to such duties as may be necessary or desirable for the implementation of this Agreement, the Board shall have the duty to do the following within the times specified or, if no time is specified, within a reasonable time:
 - 5.10.1. The Board shall hold an initial Board meeting within sixty (60) days of the Effective Date, and adopt an initial budget, work plan, initial policies, and bylaws with or without a Working Committee recommendation;
 - 5.10.2. The Board shall adopt a work plan for each fiscal year;
 - 5.10.3. The Board shall select a General Counsel;
 - 5.10.4. The Board shall direct the Working Committee to evaluate the need for such insurance protection as is necessary to protect the interests of the Authority and its Members, and acquire and maintain if necessary, liability, errors and omissions, property and/or other insurance.

ARTICLE 6 – WORKING COMMITTEE

6. Pursuant to Government Code Section 6508, the Authority delegates certain powers related to program development, policy formulation and program implementation to the Working Committee described herein. Specifically, the Working Committee shall have the composition, powers and duties described in this Article and the implied powers necessary therefor.
 - 6.1. The Working Committee shall ensure that a budget and work plan are timely prepared and by March 31 of each year, shall review and recommend the budget and work plan to the Board for approval. Copies of the recommended budget and work plan shall be promptly sent to the Members and the Directors. The budget shall indicate the anticipated sources of revenues and the anticipated uses of such revenues. The work plan shall outline the activities and priorities of the Authority for the following year.
 - 6.2. The Working Committee may apply for and accept all grants and sub-grants that are consistent with the approved work plan, provided that either (a) the amount of matching funds required, if any, does not exceed that threshold provided in the approved work plan and budget, or (b) a Member or other entity volunteers to provide the matching funds without a guarantee of reimbursement.
 - 6.3. The Working Committee may take action to implement or modify any projects, programs or services, provided the projects, programs or services are consistent with the budget and the parameters and thresholds in the work plan. Any projects, programs and services that are not consistent with the work plan and budget shall be reviewed by the Working Committee and recommended to the Board for approval.
 - 6.4. The Working Committee shall let for bid, if required, and award all contracts consistent with the approved work plan, provided that the amount of funds required, if any, does not exceed that threshold provided in the approved work plan and budget. The Working Committee may approve any contract amendment, provided that the additional costs to the Authority for such amendment do not exceed the threshold provided in the Authority's contracting policy and sufficient funds are available in the approved budget.
 - 6.5. The Working Committee shall approve all agreements with Members and other public agencies and all other contracts that are consistent with applicable law and the approved work plan.
 - 6.6. The Working Committee shall recommend a conflict of interest policy and personnel rules, when necessary, and any amendments of those policies to the Board for approval.
 - 6.7. The Working Committee shall adopt policies regarding purchasing and consultants. In addition, the Working Committee may adopt policies on other issues that are necessary or convenient for the efficient operation of the Authority.

6.8. The Working Committee shall recommend an Executive Director, subject to the Board's approval and approval of the contract between the Authority and Executive Director.

6.9. The Working Committee shall have eleven (11) Committee Members, unless such number is increased by a resolution adopted by an affirmative vote of 2/3 of the entire Board. Each Committee Member shall serve at the pleasure of the appointing entity identified in Section 6.9.1 and may be removed at any time by that appointing entity without notice. Each Committee Member must be an official, officer, or employee of a Member, but no single Member may have more than three (3) Working Committee Members serving at one time. A Committee Member may also be removed by the Member who he or she serves upon notice to the Authority. If a Committee Member shall fail to attend 70% of the meetings of the Working Committee during the fiscal year, his or her seat shall be deemed vacant and the Authority shall send notice of the vacancy to the appointing entity. If a Committee Member shall cease to be an official, officer, or employee of a Member, his or her seat shall be deemed vacant. If an appointing entity shall fail to appoint a Committee Member within ninety (90) days of a vacancy, the Working Committee may, by majority vote, appoint an interim Committee Member from the officials, officers, or employees of the Members to serve until the appointment of the new Committee Member is completed.

6.9.1. Working Committee Members shall be appointed by the following entities (or successor entities approved pursuant to a resolution of the Working Committee) as follows:

6.9.1.1. Two City Managers appointed by the Santa Clara County/City Managers Association.

6.9.1.2. One fire chief appointed by the Santa Clara County Fire Chiefs Association.

6.9.1.3. One police chief appointed by the Santa Clara County Police Chiefs Association.

6.9.1.4. The Santa Clara County Executive or his or her designee.

6.9.1.5. Two members appointed by the San Jose City Manager.

6.9.1.6. The Director of Communications for Santa Clara County or his or her designee.

6.9.1.7. One communications manager appointed by the Public Safety Communications Managers Association (of Santa Clara County).

6.9.1.8. Two at-large members appointed by the Working Committee.

6.9.2. Meetings of the Working Committee shall be conducted in compliance with the Ralph M. Brown Act. The Working Committee may

adopt by resolution rules of procedure, not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings.

- 6.9.3. A majority of the Committee Members shall constitute a quorum for the transaction of business and actions of the Working Committee shall require the affirmative vote of a majority of the entire Working Committee (i.e., as of the Effective Date, six (6) Committee Members).

ARTICLE 7 – FISCAL MATTERS AND FUNDING

7. The Authority shall comply with the fiscal and recordkeeping requirements of the Joint Exercise of Powers Act and shall take such other actions as necessary or desirable to address the fiscal, funding and budgeting needs of the Authority.
 - 7.1. Treasurer and Auditor. The Treasurer and Auditor/Controller of Santa Clara County, respectively, are designated the Treasurer and Auditor of the Authority with the powers, duties, and responsibilities specified in the Joint Exercise of Powers Act, including, without limitation, Sections 6505 and 6505.5 thereof; provided however, the Board may revoke this designation by adopting a resolution appointing one or more of the Authority's or a Member's officers or employees to either or both of the positions of Treasurer or Auditor as provided in Sections 6505.6 of the Joint Exercise of Powers Act.
 - 7.2. Accounts and Reports. The Board shall establish and maintain such funds and accounts as may be required by generally accepted public accounting practice. The books and records of the Authority shall be open to inspection at all reasonable times to the Members and their respective representatives. The accounts shall be prepared and maintained by the Treasurer and/or Auditor of the Authority. The Auditor shall, within one hundred twenty (120) days after the close of each fiscal year, cause an independent audit of all financial activities for such fiscal year to be prepared in accordance with Government Code Section 6505. The Authority shall promptly deliver copies of the audit report to each Director and the Members.
 - 7.3. Budget. The Board shall adopt an initial budget consistent with Section 5.10 and adopt subsequent budgets no later than April 30th of each year thereafter. Adoption of the budget shall require an affirmative vote of 2/3 of the entire Board.
 - 7.4. Fiscal Year. The fiscal year of the Authority shall be the period from July 1st of each year to and including the following June 30th.
 - 7.5. Debts, Liabilities and Obligations. The debts, liabilities, and obligations of the Authority shall not constitute debts, liabilities, or obligations of the Members, either jointly or severally.
 - 7.6. Initial Contribution for Annual Operating Costs. Within thirty (30) days of the Effective Date, each Member except the City of Los Altos Hills and the City of Monte Sereno shall make an initial operating costs contribution of \$13,157 to

the Authority. The City of Los Altos Hills and the City of Monte Sereno shall each make an initial operating costs contribution of \$8,000. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement for the 2009-2010 fiscal year need not make such initial operating costs contribution.

7.7. Initial Contribution for Annual Maintenance Costs. Within thirty (30) days of the Effective Date, each Member shall make an initial systems maintenance contribution of the amount required pursuant to the City Manager's Association approved maintenance assessment formula.

7.7.1. The City Managers' Association approved maintenance assessment formula provides the following population allocation percentages: Campbell - 2.21%, Cupertino - 3.02% , Gilroy - 2.60%, Los Altos - 1.60%, Los Altos Hills - 0.48%, Los Gatos - 1.67%, Milpitas – 3.76%, Monte Sereno - 0.20% , Morgan Hill - 2.02%, Mountain View – 4.16%, Palo Alto – 3.50% , San Jose – 53.47%, Santa Clara – 6.12%, Saratoga - 1.76%, and Sunnyvale – 7.66%; and unincorporated Santa Clara County - 5.78%.

7.7.2. The following contributions are due based on the above percentages: Campbell - \$3,315, Cupertino - \$4,530, Gilroy - \$3,900, Los Altos - \$2,400, Los Altos Hills - \$720, Los Gatos - \$2,505, Milpitas – \$5,640, Monte Sereno - \$300, Morgan Hill - \$3,030, Mountain View – \$6,240, Palo Alto – \$5,250 , San Jose – \$80,205, Santa Clara – \$9,180, Saratoga - \$2,640, and Sunnyvale – \$11,490, and unincorporated Santa Clara County - \$8,670.

7.7.3. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement for the 2009-2010 fiscal year need not make such initial maintenance contribution.

7.8. Annual Operating Costs. Each year, the Working Committee shall propose projected Annual Operating Costs, which projected costs shall be adopted by the Board prior to or during approval of the budget.

7.8.1. Population Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on their respective population (the "Population Share"). Each Member shall pay a portion of the Population Share which shall be determined based on that Member's population. The Population Share, each Member's share of the Population Share shall be determined pursuant to the funding policy adopted by the Board at its initial meeting, as may be amended. The funding policy shall specify the accepted method for calculating each Member's population (e.g., census data).

7.8.2. Membership Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on the principle that Members share these costs equally, except that the Smaller Members shall pay 60% of a Full Share (the "Membership Share"). Each Member except the Smaller

Members shall pay an equal full share of the adopted Annual Operating Costs (Full Share”) the Smaller Members shall pay 60% of a Full Share. The total of all shares shall be 100% of the Membership Share. A Full Share shall be calculated according to the formula implementing the above principle contained in the funding policy adopted by the Board at its initial meeting, as may be amended.

- 7.9. Annual Systems Maintenance Costs. Each year, the Working Committee shall propose projected Annual Systems Maintenance Costs, which projected costs shall be approved by the Board prior to or during approval of the budget.
 - 7.9.1. Each Member shall pay a share of the adopted Annual Systems Maintenance Costs based on the principle that Members shall share systems maintenance costs based on system and service usage and that until sufficient data is available regarding Member usage, Member population data is an acceptable proxy for usage.
 - 7.9.2. Each Member’s share of the adopted Annual Systems Maintenance Costs shall be calculated according to the formula implementing the principles in Section 7.9.1 contained in the funding policy adopted by the Board at its initial meeting, as may be amended.
- 7.10. Other Projects, Programs and Services. In the event that a project, program, service, or reserve fund is approved which has costs that are not Annual Operating Costs or the Annual Systems Maintenance Costs, the Working Committee shall either (a) develop a proposed cost allocation formula for the non-overhead costs based on the principle that costs shall be assessed to Members based on usage but, if usage data or projected usage data is not available, until sufficient data is available, Member population and entity type data are acceptable proxies for usage or (b) conduct or obtain a cost allocation study which considers usage, overhead, and other reasonable cost factors. The Board shall approve any such proposed cost allocation.
- 7.11. Limited Scope Agreements. Where a project or program is intentionally designed to be limited in scope such that it only provides benefits to particular Members, the Authority may enter into specific project or program agreements that provide for cost sharing by the particular affected Members; provided however, both the Board and Working Committee must approve such agreements.
- 7.12. Contributions on Behalf of Members. Special Districts or other parties may tender to the Authority those contributions due from a Member on that Member’s behalf.

ARTICLE 8 –GENERAL PROVISIONS

8. The following general provisions apply to this Agreement.

8.1. Term and Termination. This Agreement shall be effective as of the Effective Date. It shall remain in effect until the purposes of the Authority are fully accomplished, or until terminated by the vote of a majority of the governing bodies of the Members; provided, however, that this Agreement may not be terminated, until (a) all bonds or other instruments of indebtedness issued by the Authority and the interest thereon, if any, have been paid in full or provision has been made for payment in full and (b) all outstanding obligations and liabilities of the Authority have been paid in full or provision has been made for payment in full, except as set forth in Section 8.2.

8.2. Disposition of Property upon Termination. In the event of termination of the Authority pursuant to Section 8.1 herein and where there will be a successor public entity which will carry on the functions of the Authority and assume its assets and liabilities, the assets of the Authority shall be transferred to the successor public entity. If upon termination pursuant to Section 8.1, there is no successor public entity which will carry on the functions of the Authority and assume its assets, the assets shall be returned to the Members as follows: (a) all real property and any improvements thereon shall be conveyed to the Member which owned the property prior to the formation of the Authority, and (b) all other assets shall be divided among the Members in proportion to their respective contributions during the term of this Agreement. If upon termination pursuant to Section 8.1, there is a successor public entity which will carry on some of the functions of the Authority and assume some of the assets, the Authority's Board shall allocate the assets between the successor public entity and the Members.

8.3. Indemnification. To the fullest extent allowed by law, the Authority shall defend, indemnify, and save harmless the Members and their governing bodies, officers, agents, and employees from all claims, losses, damages, costs, injury, and liability of every kind, nature, and description directly or indirectly arising from the performance of any of the activities of the Authority or the activities undertaken pursuant to this Agreement.

8.4. Liability of Board, Officers and Employees. The Directors, Working Committee Members, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers, and in the performance of their duties pursuant to this Agreement. They shall not be liable to the Members for any mistake of judgment or other action made, taken, or omitted by them in good faith, nor for any action made, taken, or omitted by any agent, employee, or independent contractor selected with reasonable care, nor for loss incurred through the investment of the Authority's funds, or failure to invest the same.

8.5. To the extent authorized by California law, no Director, Working Committee Member, officer, or employee of the Authority shall be responsible for any action made, taken, or omitted, by any other Director, Working Committee Member, officer, or employee. No Director, Working Committee Member, officer, or employee of the Authority shall be required to give a bond or other security to

guarantee the faithful performance of his or her duties pursuant to this Agreement, except as required herein pursuant to Government Code Section 6505.1. The funds of the Authority shall be used to defend, indemnify, and hold harmless the Authority and each Director, Working Committee Member, officer, or employee of the Authority for actions taken in good faith and within the scope of his or her authority. Nothing herein shall limit the right of the Authority to purchase insurance to provide coverage for the foregoing indemnity.

8.6. Successors: Assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Members. No Member may assign any rights or obligations hereunder without the unanimous consent of the governing bodies of the other Members; provided, further, that no such assignment may be made if it would materially and adversely affect (a) the rating of bonds issued by the Authority, or (b) bondholders holding such bonds.

8.7. Amendments. This Agreement may be amended only upon approval of all the governing bodies of the Members. So long as any bonds of the Authority are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of such bonds and the documentation relating thereto, this Agreement shall not be amended, modified or otherwise revised, changed or rescinded, if, in the judgment of the Board, such action would (a) materially and adversely affect (1) the rating of bonds issued by the Authority, or (2) bondholders holding such bonds, or (b) limit or reduce the obligations of the Members to make, in the aggregate, the payments which are for the benefit of the owners of such bonds.

8.8. No Third Party Beneficiaries. This Agreement is intended solely for the benefit of the Authority and its Members. No third party shall be deemed a beneficiary of this Agreement or have any rights hereunder against the Authority or its Members.

8.9. Dispute Resolution. In the event that any party to this Agreement should at any time claim that another party (or parties) has breached or is breaching this Agreement, the complaining party shall file with the governing body of claimed breaching party, and with the Authority, a written claim of said breach, describing the alleged breach and otherwise giving full information respecting the same. The Board shall thereupon, at a reasonable time and place, specified by it, give each of these parties to the dispute an opportunity to be heard on the matter, and shall, upon conclusion of said hearing, give the Members a full report of its findings and recommendations. Said report, findings and recommendations shall be deemed advisory only, shall not in any way bind any of the parties to the dispute, and shall not be deemed to establish any facts, either presumptively or finally. Upon receipt of said report and recommendations, if any party to the dispute should be dissatisfied with or disagree with the same, that party shall provide written notice to the other parties within ten (10) business days, and the parties to the dispute or their representatives shall meet at a reasonable time and place to be determined by them, for the purpose of resolving their differences. No action for breach of this

Agreement, and no action for any legal relief because of any such breach or alleged breach of this Agreement shall be filed or commenced by any party unless and until such party has first given to the other parties a reasonable time, after the parties to the dispute have met to resolve their differences, within which to cure any breach or alleged breach.

8.10. Notices. Any notices to Members required by this Agreement shall be delivered or mailed, U.S. first class, postage prepaid, addressed to the principal office of the respective Members. Notices under this Agreement shall be deemed given and received at the earlier of actual receipt, or the second business day following deposit in the United States mail, as required above. Any Member may amend its address for notice by notifying the other Members pursuant to this Section.

8.11. Severability. Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

8.12. Liberal Construction. The provisions of this Agreement shall be liberally construed as necessary or reasonably convenient to achieve the purposes of the Authority.

8.13. Headings. The headings used in this Agreement are for convenience only and have no effect on the content, construction, or interpretation of the Agreement.

8.14. Counterparts. This Agreement may be executed in any number of counterparts, and by different parties in separate counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

8.15. Non-Waiver. No waiver of the breach or default of any of the covenants, agreements, restrictions, or conditions of this Agreement by any Member shall be construed to be a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. No delay or omission of exercising any right, power or remedy in the event of breach or default shall be construed as a waiver thereof, or acquiescence therein, or be construed as a waiver of a variation of any of the terms of this Agreement or any applicable agreement.

8.16. Agreement Complete. The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing above. Any such agreements merge into this Agreement.

This document continues on the following page.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

City of Campbell

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

City of Cupertino

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

City of Gilroy

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

City of Los Altos

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Town of Los Altos Hills

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

RD:SSG

Town of Los Gatos

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Milpitas

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Monte Sereno

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Morgan Hill

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Approved as to form:

By: _____

Name: _____

Title: _____

City of Mountain View

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

RD:SSG

City of Palo Alto

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

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City of San Jose

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City of Santa Clara

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County of Santa Clara

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Name: _____

Title: _____

City of Saratoga

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

RD:SSG

City of Sunnyvale

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

RD:SSG

Sourcewise

The Sourcewise previously Council on Aging Silicon Valley is a non-profit organization designated by the State of California as the Area Agency on Aging in Santa Clara County.

Area Agencies on Aging are the result of the 1973 Amendments to the 1965 Older Americans Act. The role of the Area Agency is to develop and provide programs and coordinate and advocate for service systems designed to meet the needs of older persons in a specific geographic area. The Sourcewise is one of 33 Area Agencies in California administering programs under the Title III of the Older Americans Act. The geographic area served by the Sourcewise is Santa Clara County with a population of approximately 252,000 older persons, age 60 or over (2006 Census estimate). The Sourcewise receives Older American Act Title III funds which provide for grants to provide services to the older population in Santa Clara County. These services are provided through contract with local agencies.

Structure

The Sourcewise is governed by a nine member voluntary, elected Board of Directors which meets monthly and sets overall agency priorities, goals and objectives for developing and improving services to older county residents.

In addition, Sourcewise has a forty-three member Advisory Council representing cities, county, and various senior organizations and interest groups. The Advisory Council to the Sourcewise meets ten times per year, is responsible for conducting the annual planning process, and deals with a number of broad-based advocacy issues of concern to senior citizens.

Both the Sourcewise and Advisory Council meetings are open to the general public and interested and concerned individuals are encouraged to attend.

The Advisory Council

Members of the Advisory Council participate in the development, implementation, and monitoring of the Area Plan and Contract Services. They advocate at all levels of government on programs, procedures, and legislation effecting older persons. They are a source of information to senior organization and the public on issues of concerns to older persons, develop legislative platforms with other State advocacy organizations, and sponsor public hearings. They bring the concern of the group or area they represent to the Advisory Council and take information regarding Sourcewise programs and activities back to their appointing body.

Targeting

In its planning, the Sourcewise must give priority to those in most social and economic need. Social need is defined as a person having two or more of the following characteristics; living alone, age 75 or over, disabled or having language barrier. Economic need is defined as living at the SSI level or below.

Overview of Services Provided

The Sourcewise receives Older Americans Act funds to plan, coordinate, and advocate for the development of a comprehensive service delivery system to meet the needs of older persons. Sourcewise either provides these services directly or contracts with local agencies to provide services when appropriate. Below is an overview of the some of the services funded by Sourcewise. Specific providers of service can be found in the Sourcewise Senior Service Directory, on Sourcewise website (www.mysourcewise.com), or by calling Sourcewise Information and Awareness line (1-800-510-2020).

Direct Services

Sourcewise provides many services directly to local seniors.

Information and Awareness

Frequently persons need services but do not know where to turn to receive them. Information and Awareness is provided by Sourcewise and offers a needs assessment and information on available services. Appointments are made for services when necessary and clients are monitored to insure that services are received. Training is also available on county-wide resources. Information presentations are made to interested groups.

Case Management – Multipurpose Senior Services Program (MSSP)

The Sourcewise MSSP program, funded primarily through the state’s Medi-Cal program, provides for comprehensive care management and a range of health and supportive services for frail, functionally impaired older persons at risk of institutionalization.

Under this program, eligible seniors receive both a health and psychosocial assessment from the Sourcewise nursing and social work staff. A care plan is developed and a wide range of services brought into the home in order to allow the individual to safely remain in his/her own community.

Meals on Wheels

The Sourcewise provides home delivered meals in collaboration with the County of Santa Clara Social Services Agency. Meals can be arranged by calling Sourcewise at 1-800-510-2020. Clients are eligible who are 60 or over and homebound due to illness or disability and unable to shop

or prepare a meal. Frozen meals are delivered weekly and include seven breakfasts and seven main meals, plus milk, bread, fruit, and juices.

Health Insurance Counseling and Advocacy Program (HICAP)

HICAP provides assistance to older persons confronted by the medical maze of bills, policies, paperwork, and the confusing array of supplemental health insurance plans commonly referred to as Medi-gap. This service is provided through a network of professionally trained volunteers who are located throughout the County. HICAP publishes an analysis of policies and provides community education to senior groups.

Senior Employment

The Senior Community Services Employment Program (SCSEP) is a program that serves low-income persons who are 55 years of age and older and have poor employment prospects, with emphasis on those individuals who are in greatest social and economic need. Sourcewise assists them to transition to unsubsidized employment opportunities by assigning them in a temporary part-time community service position to receive on-the-job training, classroom training, and/or on-the-job-experience training. The program fosters individual economic self-sufficiency and increases the number of older persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

IHSS Public Authority

The IHSS Public Authority is a program established in Santa Clara County through county ordinance in 1996 to be the employer of record for IHSS Independent Providers (IPs) for the purpose of negotiating wages, benefits, and terms and conditions of employment. The Public Authority began operations in spring of 1999 as a program of Sourcewise through a management services agreement with the county.

The State Legislatures passed AB 1682 in 1999 requiring all counties to act as, or establish an employer of record through a public authority or nonprofit consortium by 2003. The legislation set forth four mandates for public authorities. The public authority must have an 11 member advisory committee, be the employer of record for the purpose of collective bargaining, establish a registry to assist IHSS consumers in finding workers, recruit and screen potential IPs, provides access to training for IHSS consumers and IPs and perform any other functions related to the delivery of IHSS.

The County Board of Supervisors is the Governing Body of the Public Authority. The Governing Body appoints an 11 member Advisory Board, of whom at least 50% must be current or past users of personal assistance services. The Advisory Board meets monthly and is mandated to make recommendations to the Governing Body, IHSS staff and public authority staff regarding IHSS.

The Public Authority is responsible for administration of health, dental and vision benefits and VTA Eco Pass issuance for IPs. The County remains the party responsible for determining IHSS eligibility and recertification, hours determination, etc. The IHSS consumer remains the employer with respect to hiring, firing and supervising their independent provider.

Public Authority Registry

The IHSS Public Authority Registry is a countywide service that assists low-income elderly and disabled persons who need household and/or personal assistance to find home care providers. The IHSS Registry is a referral service only; it is not an employer. The IHSS Registry attempts to match consumer needs and preferences to the home care providers, as much as possible, and refers available home care providers to eligible IHSS consumers. Requests for service may originate from recipients, providers, the recipient's social workers, or other concerned for the well-being of the recipients.

The Public Authority established a hard to serve (HTS) component of the Registry. This provides concentrated assistance for IHSS consumers who are unable to perform functions of an employer without assistance. The HTS component of the Registry provides assistance with scheduling and conducting interviews, establishing expectations agreements, completing enrollment forms and problem resolution between consumers and providers.

The Public Authority also established an Urgent Care Registry (UCR) as a safety net for IHSS consumers whose provider is unable to work due to illness or family emergency, etc. IHSS consumers who are authorized 50 hours or more per month are eligible to request UCR services. Registry staff rotates responsibility for taking calls on the dedicated phone 365 days/year between the hours of 6:00 a.m. and 10:00 p.m. When services are needed staff contact a home health care agency to order service for the IHSS consumer to their needs are met to remain safe and healthy.

Contracted Services

Sourcewise contracts with cities, the County of Santa Clara, and local non-profit organizations to ensure comprehensive services are available for seniors.

Care Management

Care Management assists older persons with multiple needs to obtain services that will enable them to remain independent and living in their own homes. It consists of the following services:

1. Comprehensive assessments of a person's psychosocial, economic, and health status;
2. Individualized care plan;
3. Service arrangement and referral to appropriate services;
4. Periodic monitoring of each client's care plan.

The Sourcewise contracts with cities and private non-profit agencies to provide care management throughout the county for homebound and isolated seniors. In addition, the Sourcewise provides care management services directly.

Transportation

County-wide transportation services are provided by Outreach, Inc. through taxi/accessible van services. Sourcewise funds are available for seniors in greatest economic need for transportation to medical appointments, essential shopping and limited day care. Sourcewise pays for the senior's share of the ride. Seniors are cleared for rides on a case-by-case basis. Aides are not provided, but when accompanying the client, the aide is entitled to a free ride.

Long Term Care Ombudsman

The Long Term Care Ombudsman program provides residents of nursing and residential care homes with an independent source of help in resolving problems within the facilities. If a resolution cannot be affected, a referral is made to a legal supporting agency. Family members, friends, and persons representing community organizations may also request assistance from the Ombudsman services for problems affecting a resident.

Legal Services

The Sourcewise contracts with Senior Adults Legal Assistance (SALA) to provide advocacy and legal services for seniors in Santa Clara County. Service priorities include: public benefits (Social Security, SSI, Medi-Cal), housing problems, long-term care issues, consumer protection, and elder abuse. Services are provided at designated community and senior centers throughout the County and appointments can be made at those locations.

Adult Day Care/Adult Day Health Services

Adult Day Care provides rehabilitative services, nutrition, and care for persons with physical, mental, or social impairments and assists them to maintain their maximum level of self-competence and independence. In addition this service gives respite and counseling to the families and caregivers of impaired adults. Some programs are licensed to include an array of health services, including nursing care, specialized therapy, counseling, and consultation with a medical doctor.

Nutrition

The Sourcewise contracts with the County of Santa Clara Services Agency to furnish hot, nutritious meals at sites on the included list. Meals are served in a congregate setting where participants may also become involved in social activities and receive supportive services. Transportation to and from sites can often be scheduled through the Nutrition Site Manager. Under the same contract, home delivered meals are provided to homebound seniors.

Family Caregiver Support

Sourcewise recognizes that ensuring the livelihood of older adults in our community also involves supporting elders' loved ones. In that spirit, Sourcewise both directly provides and contracts for services to support the family members of older adults. Caregiver support groups, care management, respite services, and more are available to family members caring for a loved one. Services are also available for grandparents age 55 or older caring for a child.

[For additional information visit us at www.mysourcewise.com](http://www.mysourcewise.com)

Sourcewise Advisory Council

The Advisory Council is a legally mandated body that advises Sourcewise on what services of the Older Americans Act need attention in the community, advocates on behalf of seniors and distributes information to the community.

Purpose

The purpose of the Sourcewise Advisory Council shall be to meet the requirements of federal law on the establishment of such an organization for an Area Agency, and:

To act in an advisory capacity to Sourcewise, the Area Agency on Aging of Santa Clara County which furthers the Area Agency's mission of developing and coordinating community-based systems of service for all older persons in the planning and service area.

Functions

The Members of the Sourcewise Advisory Council participate in the development, implementation, and monitoring of the Area Plan and Contract Services. They advocate at all levels of government on programs, procedures, and legislation affecting older persons. Advisory Council members are the source of information to senior organizations and the public on issues of concern to older persons and develop legislative platforms with other State advocacy organizations. They bring the concern of the group of the area they represent to the Advisory Council and take information regarding Sourcewise programs and activities back to their appointing body.

Terms: The term of individual membership on the Advisory Council shall be for three (3) years, with a maximum of one (1) year renewal. One year is defined as beginning July 1 and ending June 30.

Meetings: The Advisory Council shall meet at least ten times a year. Meetings are open to the general public.

Time: Every first Monday of every month, at 12:00 p.m.

Place: Santa Clara Senior Center
1303 Fremont St., Room 232
Santa Clara, CA 95050

Sourcewise Staff Contact: Ursula Davila, (408) 350-3207

Accessed October 29, 2020 from <https://www.mysourcewise.com/advisory>

ADVISORY COUNCIL MEMBER APPLICATION

Representative of/Appointed by:

Date Appointment begins¹ July 1st, 20__

Name:

Address:

City, State, Zip:

Phone #:

E-mail²:

Age:

Please describe your interest in aging issues:

Please describe your work, educational, or volunteer experience in the aging field (if applicable, not required):

¹ Appointments are for 3 years, each year from July 1- June 30. A one-time renewal is available at the discretion of the appointing agency.

² Minutes, agendas, and other information will be e-mailed whenever possible to save paper. Otherwise, you will receive them in the mail.

Authorized Signature of Appointing Body: _____

Representative Name:

Representative Title:

OTHER INFORMATION

Interest

Appointees should have an interest in aging issues and willingness to work to find solutions to alleviate the problems of older adults in Santa Clara County.

Appointments by the Board of Supervisors and Cities Only

Appointees from these organizations must be over age 60 and reside in that supervisorial district/city. These requirements may be waived at the request of the appointing organization with justification, subject to approval.

Job Description

Please see the Advisory Council Member Job Description for more information on Member duties and responsibilities.

RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY

2020 MEETING UPDATED SCHEDULE

Unless otherwise noted on the meeting agenda, the Recycling and Waste Reduction Commission of Santa Clara County will meet on the **4th WEDNESDAY** of every even numbered month at 5:30 p.m. except the December meeting (due to holidays). Meetings will be virtual unless otherwise noted on the agenda. The Commission meeting dates for 2020 are as follows:

Wednesday, February 26, 2020 – Review/Approve FY20-21 Countywide Programs Budget

Wednesday, April 22, 2020 – CANCELLED DUE TO SHELTER IN PLACE ORDER

Wednesday, June 24, 2020 – CANCELLED DUE TO SHELTER IN PLACE ORDER

Wednesday, August 26, 2020 – Cancelled

Wednesday, October 28, 2020 – Cancelled

December 16, 2020 (off schedule due to holidays)