

CITIZENS' OVERSIGHT COMMITTEE HANDBOOK





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TRANSPORTATION AUTHORITY OF MARIN CITIZENS' OVERSIGHT COMMITTEE HANDBOOK

TABLE OF CONTENTS

	Distribution		
	Date	Description	Section
Belvedere Jerry Butler	9/19/05	TAM Rosters:	1
Corte Madera Melissa Gill		Board	
Fairfax Lew Tremaine		Board Committees	
Larkspur Joan Lundstrom	8/10/05	Technical Advisory Committee (TAC)	2
Mill Valley Dick Swanson	8/10/05	Citizens' Oversight Committee	3
Novato Pat Eklund	8/10/05	Staff	4
Ross Jeanne Barr	8/10/05	Oversight Committee Bylaws	5
San Anselmo Peter Breen	8/10/05	Marin County Transportation Sales Tax Expenditure Plan	6
San Rafael Al Boro	8/10/05	Ralph M. Brown Act	7
Sausalito Amy Belser		Resolution 2005-1	
Tiburon Alice Fredericks		Citizens Guide to Transportationese	
County of Marin Susan Adams Hal Brown Steve Kinsey Charles McGlashan Cynthia Murray		Links to Helpful Websites	



TAM Board Roster

September 21, 2005

Members	Affiliate	Phone #	Email Address
Steve Kinsey, Chair	County of Marin	415.499.3246	skinsey@co.marin.ca.us
Al Boro, Vice Chair	City of San Rafael	415.485.3073	SanRafael.Mayor@ci.san-rafael.ca.us
Cynthia Murray	County of Marin	415.499.7339	cmurray@co.marin.ca.us
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Peter Breen	Town of San Anselmo	415.453.1761	PBreen5@comcast.net
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Lew Tremaine	Town of Fairfax	415.492.0720	thetremaines@earthlink.net
Charles McGlashan	County of Marin	415.499.7331	cmcglashan@co.marin.ca.us
Amy Belser	City of Sausalito	415.332.1126	amy_belser@sbcglobal.net
Melissa Gill	Town of Corte Madera	415.567.9872	melissajgill@aol.com
Jerry Butler	City of Belvedere	415.435.3838	jbutler@cityofbelvedere.org
Alice Fredericks	Town of Tiburon	415.789.5166	askalicenow@usa.net
Dick Swanson	City of Mill Valley	415.389.0716	grsa@comcast.net

Alternates	Affiliate	Phone #	Email Address
John Telischak	City of Belvedere	415.435.0426	jct@telischakco.com
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Christopher Raker	City of Mill Valley	415.388.0778	Rakerarch1@aol.com
Barbara Thornton	Town of San Anselmo	415.457.1135	Bthornton9000@yahoo.com
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Paul Smith	Town of Tiburon	415.456.4000	psmith@ci.tiburon.ca.us
Barbara Heller	City of San Rafael	415.455.9550	Barbaraheller2000@yahoo.com



Committee Rosters

September 21, 2005

Transportation Authority of Marin Commissioners

Susan Adams, Marin County Board of Supervisors (4/06)
 Amy Belser, Sausalito City Council (4/06)
 Al Boro, San Rafael City Council (4/08)
 Peter Breen, San Anselmo Town Council (4/08)
 Hal Brown, Marin County Board of Supervisors (4/06)
 Jerry Butler, Belvedere City Council (4/06)
 Jeanne Barr, Ross Town Council (4/06)
 Pat Eklund, Novato City Council (4/08)

Alice Fredericks, Tiburon Town Council (4/08)
 Melissa Gill, Corte Madera Town Council (4/06)
 Steve Kinsey, Marin County Board of Supervisors (4/08)
 Joan Lundstrom, Larkspur City Council (4/06)
 Cynthia Murray, Marin County Board of Supervisors (4/08)
 Charles McGlashan, Marin County Board of Supervisors (4/08)
 Dick Swanson, Mill Valley City Council (4/06)
 Lew Tremaine, Fairfax Town Council (4/08)

TAM Executive Committee (4/28/05)

Al Boro
 Peter Breen
 Alice Fredericks
 Steve Kinsey

Joan Lundstrom
 Cynthia Murray
 Lew Tremaine

Ad-Hoc Transit Subcommittee (4/28/05)

Steve Kinsey
 Al Boro
 Pat Eklund

Melissa Gill
 Lew Tremaine

Highway 101 HOV Gap Closure Committee (4/28/05)

Susan Adams
 Al Boro

Hal Brown
 Steve Kinsey

RM2 Greenbrae Corridor Committee (4/28/05)

Al Boro
 Hal Brown
 Melissa Gill

Joan Lundstrom
 Steve Kinsey

SMART (12/16/04) (Per PUC 105020[d] and [e])

Al Boro (expires January 2009)

Pat Eklund (expires January 2007)

Marin Sonoma Narrows Aesthetic Selection Committee (10/28/04)

Steve Arago

Ralph Alexander



Technical Advisory Committee Roster

September 21, 2002

Member	Representing	Email
Jean Bonander	Marin Managers Association	jblander@larkspurcityhall.org
Dana Whitson	Marin Managers Association	dwhitson@ci.sausalito.ca.us
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Fahrad Mansourian	Marin Public Works Association	Fmansourian@co.marin.ca.us
Hamid Shamsapour	Marin Public Works Association	hshamsapour@larkspurcityhall.org
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Luke McCann	Marin County Office of Education	lmccann@marin.k12.ca.us
Karen Nygren	Environmental Organizations	knygren@aol.com
Merv Giacomini	Bicyclists & Pedestrian Orgs.	mgiacomini@earthlink.net
<i>Vacant</i>	Business Orgs.	
Alternate	Representing	Email
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Glenn Young	Marin Public Works Association	gyoung@ci.novato.ca.us
Rabi Elias	Marin Public Works Association	relias@ci.san-anselmo.ca.us
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<i>Vacant</i>	Marin County Transit District	-
<i>Vacant</i>	Marin County Office of Education	-
Doug Wilson	Environmental Organizations	dxwilson@comcast.net
Mary Jane Burke	School Districts	mjburke@marin.k12.ca.us
<i>Vacant</i>	Bicyclists & Pedestrian Orgs.	mbirnbaum@snader.com
<i>Vacant</i>	Business Orgs.	-



INSIDE TAM

Citizens' Oversight Committee Roster September 21, 2005

Members	Representing	Email
Jim LeLand	Northern Marin Planning Area	jleland@fhallen.com
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Lori Lopin	Ross Valley Planning Area	lilopin@aol.com
Robert Burton	Southern Marin Planning Area	bburton@silvergroup.com
Patrick Seidler	Advocacy Group Representing Bicyclists & Ped.	pseidler@wtb.com
Don Wilhelm	MCL, Sierra Club, Environmental Forum	sfdon@gte.net
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Ray Hirsch	Taxpayer Group	hirsch910@sbcglobal.net
Ann Batman	League of Women Voters	abatman229@aol.com
Timothy Stanton	West Marin Planning Area	tkeelst@aol.com
William Petrocelli	Business Organizations	bill@bookpassage.com
<i>Vacant</i>	Marin County Paratransit Coordinating Council	
<i>Vacant</i>	Major Marin Employers	
Alternates	Representing	Email
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Susie Weaver	Advocacy Group Representing Bicyclists & Ped.	sweaver@wtb.com
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Scott Tye	West Marin Planning Area	tyeyaksb@yahoo.com
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<i>Vacant</i>	Central Marin Planning Area	
<i>Vacant</i>	Ross Valley Planning Area	
<i>Vacant</i>	School Districts	
<i>Vacant</i>	Major Marin Employers	
TAM Staff	Representing	Email
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Mary Klingensmith, Nolte	TAM	mary.klingensmith@nolte.com



Staff Roster

September 21, 2005

TAM Staff	Title	Phone #	Email Address
Dianne Steinhauser	Executive Director	415.507.2714	dsteinhauser@tam.ca.gov
County Staff			
Craig Tackabery	Assistant Director	415.499.6582	ctackabery@co.marin.ca.us
Tho Do	Associate Civil Engineer	415.499.6592	thodo@co.marin.ca.us
Art Brook	Transportation Engineer	415.499.6752	abrook@co.marin.ca.us
Bill Whitney	Senior Civil Engineer	415.507.2810	bwhitney@co.marin.ca.us
Carey Lando	Senior Transportation Planner	415.499.5078	clando@co.marin.ca.us
Kathleen Booth	Secretary	415.507.4176	kbooth@co.marin.ca.us
Nolte – Program Management Team Staff			
Trudy Presser	Project Manager	925.279.4426	trudy.presser@nolte.com

**Citizens Oversight Committee
BYLAWS**

**ARTICLE I
GENERAL PROVISIONS**

§ 1.1 Purpose

These Bylaws govern the proceedings of the Citizens Oversight Committee (Committee), an advisory committee established by the Commissioners of the Transportation Authority of Marin (TAM).

§ 1.2 Construction of Bylaws

Unless otherwise required, the general provisions, rules of construction and definitions set forth in the TAM Advisory Committees Standing Rules and Application and Appointment Procedures, with Article IV Section 104.3 of the TAM Administrative Code, shall govern the construction of these Bylaws. These Bylaws shall govern the Committee's proceedings to the extent they are consistent with Standing Rules and Application and Appointment Procedures, the TAM Administrative Code, and law.

§ 1.3 Definitions

As used in these Bylaws:

- "Committee" means the Citizens Oversight Committee.
- "Chair" means the person chairing the Committee.
- "Authority" means the Transportation Authority of Marin (TAM).
- "Brown Act" means California's open meeting law, the Ralph M. Brown Act, California Government Code, Sections 54950 *et seq.*
- "Expenditure Plan" means the Marin County Transportation Sales Tax Expenditure Plan, the 20-year plan for expending the half-cent sales tax revenues contained in Measure A, approved by voters in 2004, and implemented in 2005.
- "Measure A" means the measure approved by voters of Marin County on November 2, 2004, that initiates a half-cent sales tax for transportation Projects and Programs.

§ 1.4 Adoption and Amendment of Bylaws

- The Committee shall have adopted Bylaws approved by the TAM Commission within 90 days of Committee formation.
- These Bylaws shall be adopted and amended by the Committee by majority vote of its total membership, and with approval of the TAM Commission.

**ARTICLE II
DUTIES AND AUTHORITY**

The purpose of the Committee is to review all expenditures of TAM for consistency with the voter-approved Marin County Transportation Sales Tax Expenditure Plan and to report to Marin residents on how Measure A funds are being spent.

§ 2.1 Duties

- Hold public hearings and issue reports, on at least an annual basis, to inform Marin County residents how Measure A funds are being spent.
- Publish an annual report on Measure A expenditures. Copies of this document must be made widely available to the public at large.
- Approve an audit scope consistent with the requirements of Government Code Section 26909 and the *California Code of Regulations*, Title 2, Division 2, Chapter 2, Subchapter 5.
- Recommend an independent auditor, selected through a competitive process, to the TAM Commission for award of a contract.
- Review the findings of compliance audits of Measure A recipients, when such audits are required by the TAM Commission.

§ 2.2 Authority and Limitations

- The Committee will have full access to the Authority's independent auditor and will have the authority to request and review specific information and to comment on the auditor's reports.
- The Committee shall only have advisory powers to the Authority.
- The Committee shall not have the authority to communicate externally, but all communications by the Committee shall go to and through the Authority. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member shall be entitled to reimbursement for travel or other expenses except as authorized by the Authority.

**ARTICLE III
MEMBERSHIP**

The Committee shall be composed of 12 members who are private citizens and who collectively represent the diversity of Marin County. Members shall neither be elected officials nor public employees from any agency that either oversees or benefits from the proceeds of the transportation sales tax. Membership shall be limited to Marin County residents without economic interest in any of the Authority's projects. Members will be required to comply with the disclosure and conflict of interest requirements of the Political Reform Act of 1974, California Government code Section 81000 et seq. (as amended).

Each organization represented on the Committee shall nominate its representative, with final appointments approved by the governing board of the Authority. The TAM Commission shall retain discretion to rescind any Committee appointment(s) as deemed necessary. Members of this Committee shall be appointed to their full terms, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code.

§ 3.1 Membership Composition

- One member selected from each of the planning areas in Marin County by the Authority Commissioners, representing that area (Northern Marin, Central Marin, Ross Valley, Southern Marin, and West Marin), totaling 5 members.
- Seven members selected to reflect a balance of viewpoints across the County. These members shall be nominated by their respective organizations and appointed by the TAM Commission as follows:
 - One representative from a tax payer group;
 - One representative from the environmental organizations of Marin County;
 - One representative from a major Marin employer;
 - One representative from the Marin County Paratransit Coordinating Council, representing seniors and persons with disabilities;
 - One representative from the League of Women Voters;
 - One representative from an advocacy group representing bicyclists and pedestrians;
 - One representative from a school district. (Parents are considered eligible candidates.)

§ 3.2 Alternates

- Each Committee member shall have a designated alternate, nominated by the nominating organization and appointed by TAM, who shall attend Committee meetings in the event that the appointed Committee member is unable to attend. It shall be the responsibility of the appointed Committee member to inform their designated alternate when they are unable to attend a meeting of the Committee.

§ 3.3 Terms

- Members and alternates shall be appointed for a term of four years.
- To provide for staggered terms, at the first meeting of the Committee, the members will draw lots to determine whether their initial appointment is for two or four years.
- All initial appointment terms shall commence on August 1, 2005 and, subject to earlier removal or termination, shall expire on May 31, 2007, as to two-year terms, and on May 31, 2009, as to four-year terms. Thereafter, terms shall commence on June 1 and shall terminate on the fourth anniversary date of such commencement date.
- Committee candidates are required to complete and submit an application. Applications shall be submitted to the TAM Executive Director.
- Existing members who wish to continue serving in their appointed capacity for an additional term are required to complete and submit a new application or may update and resubmit their original application if no pertinent information has changed. Applications shall be submitted to the TAM Executive Director.

§ 3.4 Vacancies

- If a Committee member or alternate is unable to complete his or her term, a replacement member will be nominated by the nominating organization and appointed by the TAM Commission to fill the vacancy and complete the appointed term.
- All qualifying applications for the vacancy will be submitted to the Authority for consideration, selection, and appointment. When a vacancy exists on the Committee and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The TAM Commission may, at any time, move to continue an appointment to a subsequent date.

§ 3.5 Conduct

- Members shall be responsible for having a working knowledge of the establishing ordinance, Bylaws, federal or state mandates, and any other governing regulations that define and set forth the intent and purpose of their appointment and shall only represent and take action on matters related thereto.
- Members shall not misrepresent the scope of their influence or authority, in matters assigned, or represent recommendations of the Committee as official TAM policy until such time as formal action has been taken by the Authority.
- Unless authorized as the designated spokesperson by the Committee, an individual member may not represent the Committee before any other committee or agency or to the press or general public.

§ 3.6 Subcommittees

- The Committee may elect to form subcommittees to perform specific parts of its mission, such as reviewing audits and issuing reports. All subcommittees shall have an odd number of members so that tie votes are less likely.
- Any special or ad hoc advisory committees may be abolished upon the accomplishment of its purpose or by a majority vote of the TAM Commission.

**ARTICLE IV
OFFICERS**

At the first meeting after the appointment of each new member, the Committee shall elect a Chair and a Vice-Chair. The Committee may choose to establish other elected positions as well; elections for such positions shall take place at the same meeting as the elections of the Chair and the Vice-Chair.

§ 4.1 Chair and Vice-Chair

A Chair and Vice-Chair shall be appointed by a majority of the Committee members present through a process of nomination and seconding. If more than one person is nominated and seconded, the appointment will be by a majority vote. In the event of a vacancy in the Chair's position, the Vice-Chair shall succeed as Chair for the balance of the Chair's term, and the Committee shall elect a successor to fill the vacancy in the

Vice-Chair's position. In the event of a vacancy in the Vice-Chair's position, the Committee shall elect a successor from its membership.

- Duties of the Chair:
 - Call the meetings to order;
 - Preside over each meeting;
 - Identify items of interest for future committee agendas that are relevant to the Committee's responsibilities;
 - Appoint the members of each Subcommittee that the Committee chooses to form;
 - Attend, or appoint another Committee member to attend, meetings of the Authority at which expenditures of Measure A sales tax revenues represent an action item;
 - Serve as liaison to TAM staff between meetings;
 - To serve as the designated spokesperson for the Committee.

- Duties of the Vice-Chair:
 - Perform the duties of the Chair when the Chair is absent.

ARTICLE V MEETINGS

§ 5.1 Regular Meetings

- **[To be determined]** Regular meetings of the Committee shall be held on the _____ of each month. The Committee meeting shall commence at _____ in _____ Conference Room at the _____ Offices, _____, California.
- Whenever a regular meeting falls on a holiday observed by the Authority, the meeting shall be held on another day or canceled at the direction of the Committee.
- A rescheduled regular meeting shall be designated a regular meeting.
- All meeting locations shall be accessible.

§ 5.2 Special Meetings

- A special meeting may be called by the Chair with the approval of the TAM Executive Director. The meeting shall be called and noticed as provided in Section 5.3 below.

§ 5.3 Calling and Noticing of Open Meetings

- All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Brown Act, which mandates open meetings for legislative bodies. Information announcing the hearings must be well publicized and posted in advance. The TAM Executive Director shall be given notice of all meetings. The Committee may meet in a session closed to the public only for purposes permitted by the Brown Act.

- Writings which are public records and which are distributed during the Committee meeting shall be made available for public inspection at the meeting if prepared by the Authority or a member of the Committee, or after the meeting if prepared by some other person.
- **[To be determined]** The Committee shall meet at least once every _____month(s), unless the Committee's activities are suspended.

§ 5.4 Quorum; Vote; Committee of the Whole

- The presence of a majority of the Committee members shall constitute a quorum for the transaction of business. All official acts of the Committee shall require the presence of a quorum and the affirmative vote of a majority of the members present.
- At any regularly called meeting not held because of a lack of a quorum, the members present may constitute themselves a "committee of the whole" for the purpose of discussing matters on the agenda of interest to the committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.
- This quorum requirement does not change when any of the positions on the Committee become vacant.

§ 5.5 Attendance

- Members are expected to attend all meetings; however, it is anticipated that some members may not be able to attend all meetings for various reasons. If a member is unable to attend a meeting, he or she should notify TAM staff and the designated alternate as soon as possible prior to the scheduled meeting.
- If a member is absent from four Committee meetings in any twelve-month period or for three consecutive meetings without notifying TAM staff and the designated alternate, the position shall automatically be vacated, and a successor shall be appointed to fill the remainder of that member's term.

§ 5.6 Matters Requiring Committee Action

- A matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it.

§ 5.7 Public Comment

- For a regular meeting, members of the public shall be given an opportunity to address the Committee either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the scope of the Committee, under the agenda item heading "Public Comments."
- Each member of the public shall limit their comments to three minutes. Any person addressing the Committee may submit written documents to complement their comments.
- The Chair may change the time limit and/or the order of public comments as deemed appropriate but may not reduce the time limit to less than two minutes.

§ 5.8 Ground Rules

- When presentations are being made, they should proceed without interruption. Questions and comments should be made following the completion of the presentation.
- The Chair may order any person removed from the Committee meeting who causes a disturbance, and the Chair may direct the meeting room cleared when deemed necessary to maintain order, unless the rest of the Committee determine otherwise by a majority vote.

§ 5.9 Robert's Rules

- All rules of order not herein provided for shall be determined in accordance with *Robert's Rules of Order*, latest edition.

**ARTICLE VI
AGENDAS AND MEETING NOTICES**

§ 6.1 Agenda Format

- Starting time and meeting location
- Introductions
- Review and approval of draft action minutes from the last meeting
- Scheduled monthly agenda items
- Public Comment
- Confirm date and time of the next meeting

§ 6.2 Agenda Preparation

- TAM staff shall produce the agenda for each meeting in consultation with the Authority and the Committee Chair. Material intended for placement on the agenda shall be delivered to staff on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. TAM staff may withhold placement on the agenda of any matter which is not received in a timely manner, lacks sufficient information or is in need of staff review and report prior to Committee consideration.

§ 6.3 Agenda Posting and Delivery

- The written agenda for each regular meeting shall be posted by TAM staff at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by TAM staff at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. Together with supporting documents, the agenda shall be delivered to each Committee member and the TAM Executive Director at least 72 hours before each regular meeting and at least 24 hours before each special meeting.

§ 6.4 Meeting Notices

- TAM staff shall provide notice of every regular meeting, and every special meeting to each person who has filed a written request for notice with TAM. The notice shall be provided at least one week prior to the date set for the meeting. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given as TAM staff deems practical. All notices shall clearly indicate that reasonable accommodations will be provided on request.

§ 6.5 Meeting Minutes

- The Committee shall cause to be kept at the offices of TAM a record of minutes of all meetings and actions of the Committee and its subcommittees with the time and place of holding, the names of those present at the Committee meetings and subcommittee meetings, and the proceedings.
- Draft minutes will be prepared by TAM staff and will be distributed with agendas before the next meeting. Adoption of minutes shall occur at the next meeting with the support of the majority members present.

**ARTICLE VII
MISCELLANEOUS**

§ 7.1 Public Information List of Members

- The TAM Executive Director shall maintain a public information list of members and designated alternates appointed to the Committee. The list shall include the name of the appointee, the date the term expires, and the affiliation and/or nominating organization. The list shall be updated annually on January 1.

§ 7.2 Staff Support

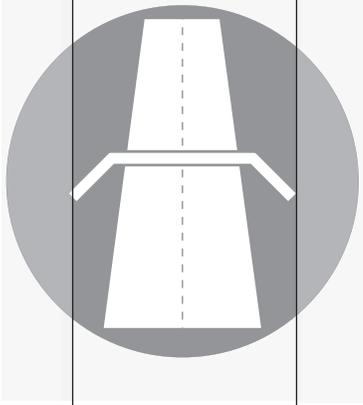
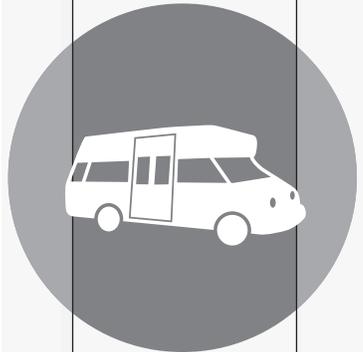
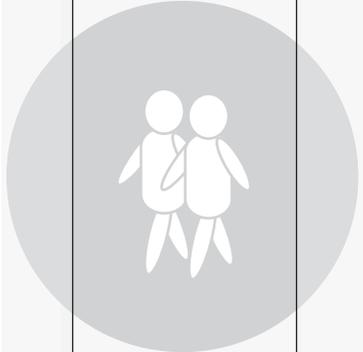
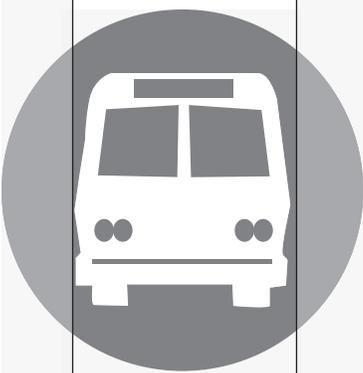
- TAM staff shall prepare and distribute the Committee's agendas, notices, minutes, correspondence and other documents. TAM staff shall maintain a record of all proceedings of the Committee as required by law and shall perform other duties as provided in these Bylaws.

Certificate of Chair

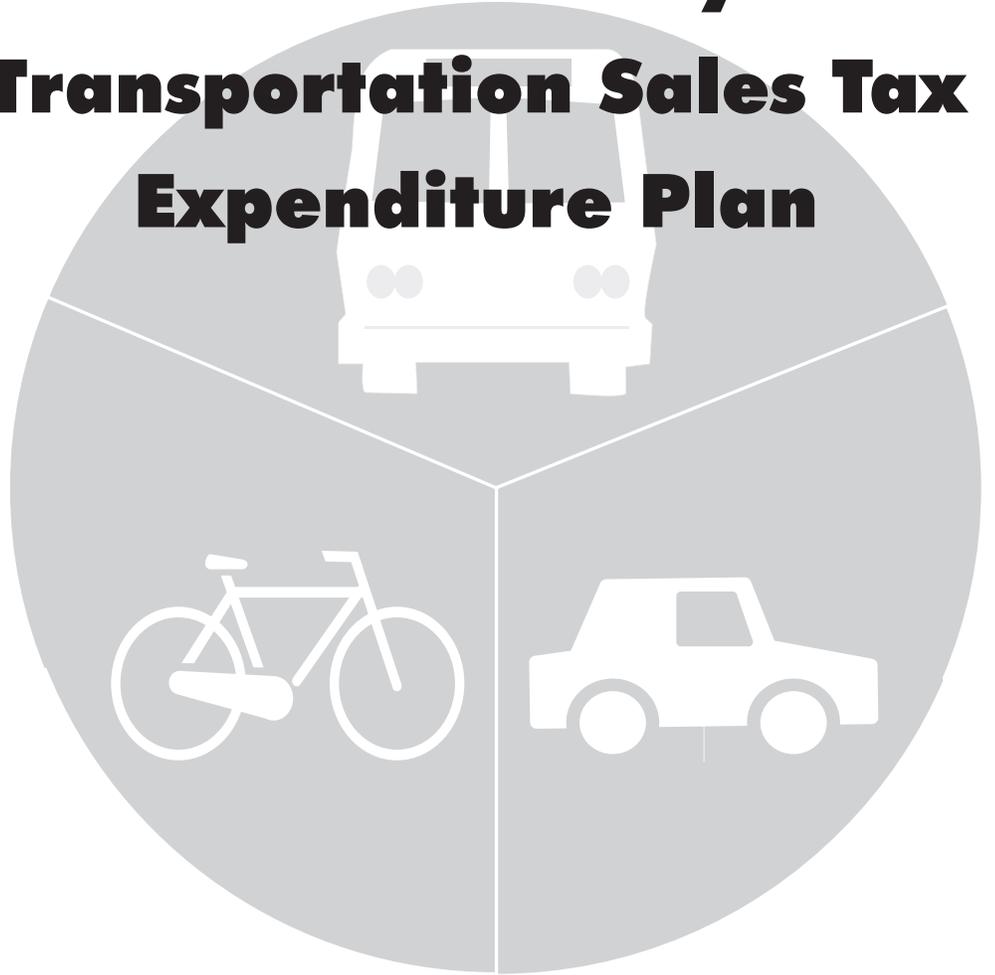
I am the duly elected Chair of the Citizens Oversight Committee for the Transportation Authority of Marin, and I hereby certify that the foregoing is a true and correct copy of the Bylaws of the Committee as of _____, 20__.

Print Name

Signature



Marin County Transportation Sales Tax Expenditure Plan



**Approved Final Plan
May 6, 2004**

Table of Contents

Executive Summary	ES-1
Why does Marin County need a transportation sales tax?.....	ES-1
How will the Sales Tax Expenditure Plan help improve mobility within Marin County?	ES-2
What is not included in this Plan?	ES-2
Plan Development and Implementation	ES-4
Marin County Transportation Sales Tax Expenditure Plan	1
Background	1
The Transportation Sales Tax Expenditure Plan in Summary.....	3
Plan Components.....	4
Marin County 20-Year Transportation Sales Tax Expenditure Plan Details.....	6
Strategy #1 Local Bus Transit.....	7
Maintain and Expand Local Bus Transit Service.....	8
Maintain and Improve the Rural Bus Transit System ...	11
Maintain and Expand Transit Services and Programs for those with Special Needs	12
Invest in Bus Transit Facilities for a Clean and Efficient Transit System	13
Strategy #2 101 Gap Closure	14
Strategy #3 Infrastructure	17
Strategy #4 School Access & Safety	22
Safe Routes to Schools.....	23
School Crossing Guards	23
Provide Capital Funding for Safe Pathways to Schools	24

Transportation Sales Tax Governance and Organizational Structure 25

 Transportation Authority of Marin (TAM) 25

 Staffing and Administration 25

 Work Program and Strategic Plan 26

 Bonding and Financing 26

 Accountability 27

 Amendments to the Plan 28

Implementing Guidelines 29

Glossary G-1

Executive Summary

WHY DOES MARIN COUNTY NEED A TRANSPORTATION SALES TAX?

Our transportation system is in crisis. The days of being able to build more or wider roads to deal with increasing mobility needs are over. To maintain mobility, we must provide a balanced transportation system that includes all modes – roadways and transitways, bikeways and pedestrian facilities – and includes services that are targeted to the diverse communities within Marin County. Despite our increasing needs, funding continues to shrink, resulting in delays to our most important projects and reducing our alternatives.

Even projects that we once thought had sufficient funding are now in jeopardy as a result of our current statewide fiscal crisis. The Highway 101 Carpool Lane Gap Closure Project ("gap closure")*, which would complete the "gap" in the high occupancy vehicle lane on Highway 101 through San Rafael, has lost some of its promised funding as a result of the State's financial problems. Without a new source of local funds, this critical transportation project will suffer long delays, and may not be completed for another decade. Additionally, funding for local bus transit service continues to be insufficient to meet even the reduced service levels implemented in November 2003. Local funds are needed to end the spiral of "service cuts and fare increases" that will otherwise continue to decimate our local transit network, just as commute patterns change to favor more in-county commutes.

One of the few avenues for funding that can be directly implemented by Marin County residents is a transportation sales tax. This transportation sales tax Expenditure Plan* outlines a program for spending a half-cent (½-cent) increase in sales taxes, which can only be spent on transportation purposes in Marin County. This plan is intended

Marin County's transportation problems have gotten worse just as transportation funding has become more scarce. A transportation sales tax is the most feasible method available to fund the projects that will meet Marin's most pressing problems:

- **Reducing congestion on Highway 101**
- **Maintaining and improving our local roads and other infrastructure**
- **Maintaining and improving bus transit services both within Marin County and to San Francisco**
- **Maintaining and improving specialized paratransit services for seniors and the disabled**
- **Reducing local congestion around schools and providing safe routes to schools**

* See glossary for definition of term.

to provide a high degree of accountability, while maintaining the flexibility needed to respond to emerging transportation issues over a 20-year period. The program focuses on meeting local needs with locally generated funds, allowing state and federal sources to be focused on regional needs.

By generating local funds specifically targeted for local transportation improvements, the Transportation Sales Tax Expenditure Plan will enable Marin to:

- **Compete successfully for State and Federal grants requiring local matching funds, allowing local tax dollars to fund more projects**
- **Fund the projects with the greatest local impact based on measurable performance criteria**
- **Ensure that funds are distributed fairly throughout the County**

These funds can not be taken by the state or any other agency or used for any other purpose than those stated in the Plan.

Becoming a “Self-Help” County* will help Marin get its fair share of state and federal sources.

While a sales tax alone will not solve all of our transportation problems, implementing a transportation sales tax, approved by two-thirds of the voters of Marin County, opens new opportunities for leveraging* or matching our local money with state and federal sources that require a local share. Using leveraging, our local sales tax has the potential of generating more funding from outside sources than the amount generated locally, while setting Marin County on a course of independence that will allow us to determine our own priorities for transportation projects.

HOW WILL THE SALES TAX EXPENDITURE PLAN HELP IMPROVE MOBILITY WITHIN MARIN COUNTY?

The plan has a single goal, supported by four implementation strategies, designed to protect the environment and quality of life enjoyed in Marin County. Each strategy is supported by specific but flexible programs (described in detail in the body of the plan) that have been designed to provide a high degree of accountability to voters.

WHAT IS NOT INCLUDED IN THIS PLAN?

No single source of funding can implement all of the transportation projects planned for Marin County. Expenditures to create or operate regional rail programs and the Highway 101 Marin-Sonoma Narrows Project are specifically not included in the sales tax expenditure plan. In addition, to minimize local funding of regional projects, the only project on Highway 101 eligible for sales tax funding is the Highway 101 Carpool Lane "Gap Closure" described in Strategy 2.

* See glossary for definition of term.

Figure ES-1 – Sales Tax Expenditure Plan Summary

GOAL: Improve mobility and reduce local congestion for everyone who lives or works in Marin County by providing a variety of high quality transportation options designed to meet local needs.		
Implementation Strategy	%	Est. 20-year Revenue (\$Millions)
1. Develop a seamless local bus transit system that improves mobility and serves community needs, including special transit for seniors and the disabled (paratransit services).	55%	\$182.38
2. Fully fund and ensure the accelerated completion of the Highway 101 Carpool Lane Gap Closure Project through San Rafael.	7.5%	\$24.87
3. Maintain, improve, and manage Marin County’s local transportation infrastructure, including roads, bikeways, sidewalks, and pathways.	26.5%	\$87.87
4. Reduce school related congestion and provide safer access to schools.	11%	\$36.48
TOTAL	100%	\$331.6 M

Figure ES-1 articulates the goal of the sales tax and summarizes each of the implementation strategies.

The plan’s implementing strategies provide improvements to all travel modes, providing a richness of choices for those that drive and for those that cannot (or choose not to) drive for all of their trips. By increasing both the variety and quality of travel options available to Marin County residents and workers, the plan’s implementing strategies provide a clear path to improving future mobility.

The plan has been designed to balance flexibility with accountability. Under no circumstance can the proceeds of this sales tax be used for anything other than the specific transportation projects described in this Expenditure Plan.

These strategies are designed to maximize the efficiency of our transportation investment in three key ways:

- **Coordinated Funding** – The projects and programs within each of the strategies are designed to complement and reinforce one another by providing necessary infrastructure and capital investments, supportive programs, or both. All strategies work toward supporting the single goal of the Expenditure Plan.
- **Independence** – By developing its own source of local transportation funding, Marin County can plan its transportation future independent of other agencies that may not have the best interests of Marin County at heart.
- **Matching or Leverage** – By becoming a “self-help county”^{*} Marin can gain access to external funds and grants. The projects and programs outlined in this plan are expected to bring an increased share of funding from other sources.

PLAN DEVELOPMENT AND IMPLEMENTATION

This plan represents the culmination of over four years of planning, preparation, and public involvement. The plan has been heavily influenced by the input of five Citizens Advisory Committees, representing the diverse interests of the County, and by the input of all of the cities and towns in the County.

If passed, the duration of the tax will be 20 years, ending in 2025.

If passed, this Transportation Sales Tax Expenditure Plan will be managed by the Transportation Authority of Marin (TAM)^{*}, an agency created to plan, finance, and oversee implementation of transportation programs. The Authority^{*} includes representatives from each of the cities and towns in Marin County, as well as all five members of the County Board of Supervisors, who work together to improve mobility in the County. Public input will be guaranteed throughout the implementation process with a Technical Advisory Committee^{*} made up of many of the public stakeholders in the County assisting in project prioritization. A Citizens' Oversight Committee^{*} will report directly to the public and will be made up of private citizens representing a diverse range of interests within the community. All decision processes will encourage broad public input.

^{*} See glossary for definition of term.

Marin County Transportation Sales Tax Expenditure Plan

BACKGROUND

Today, more than 80% of all daily trips originating in Marin County are made in autos on roads built to standards established decades ago. Our transportation infrastructure is being overburdened as our demand to travel continually increases. This comes as no surprise to the people who live and work in Marin County. In a recent poll, transportation issues, including reducing congestion on Highway 101 and maintaining and improving our local transportation systems, were identified as the most important issues facing Marin County today.

There is no single solution to our transportation problems, just as there is no single source that can fully fund all of our mobility needs. Transportation projects in Marin County are funded in a variety of ways, including grants from federal and state government, local shares of gas tax and sales tax, and other means. However, current funding will not be adequate to maintain the existing transportation system over the coming 20 years, and will not keep pace with the demands of an increasingly mobile Marin County. In fact, Marin County's 2003 Transportation Vision identified nearly \$2 billion in transportation projects in Marin County that should be completed over the next 25 years, with only about \$300 million in known revenue available for these projects.

Even projects that we once thought had sufficient funding are now in jeopardy as a result of our current statewide fiscal crisis, including completion of the Highway 101 Carpool Lane Gap Closure Project through San Rafael. Without a new source of local funds, this critical transportation project will not be completed until at least 2015. Additionally, funding for local transit service continues to be insufficient to meet even the reduced service levels implemented in November 2003. A new source of local funds is needed to end the spiral of service cuts and fare increases that will otherwise continue to decimate our local transit network, just as commute patterns change to favor more in-county commutes.

Transportation sales tax funds can be directly controlled by Marin County and can only be used on the local transportation projects specified in this Plan.

Recognizing that the future of our county depends on the mobility provided by a safe and comprehensive transportation network that includes many different travel options, Marin County and its partners are continually advocating for new funding sources for transportation. One of the few avenues for funding that can be directly controlled by Marin County residents is a transportation sales tax. While the sales tax will not close the funding gap, it provides a significant opportunity to improve our transportation system.

This Transportation Sales Tax Expenditure Plan outlines a program for spending a half-cent (1/2-cent) increase in sales taxes, to be entirely dedicated to transportation purposes in Marin County. This plan is intended to provide a high degree of accountability, while maintaining the flexibility needed to respond to emerging transportation issues over a 20-year period. The program focuses on meeting local needs with locally generated funds, allowing state and federal sources to be focused on regional needs. As with other sales taxes, rent, grocery purchases, healthcare, water, and utilities would be exempted from the new tax, minimizing the impact on lower-income households. Furthermore, this Expenditure Plan has been designed to provide significant benefits to lower-income households by funding bus transit and other improvements that benefit those who do not own or choose not to drive cars.

A half-cent (1/2-cent) transportation sales tax is expected to generate an average of \$16.5 M per year over 20 years in new revenue, net of expenses for administration, debt service and bond issuance costs,¹ or a total of \$331.6 M (million) over 20 years. This source alone will not solve all of our transportation problems. But, implementing a transportation sales tax, approved by two-thirds of the voters of Marin County, demonstrates to regional, State, and Federal funding agencies that Marin County is a “self-help county,” willing to contribute to its own transportation future. It opens new opportunities to compete for state and federal grants that require a local match. Using this approach, our local sales

¹ Gross sales tax revenue is estimated to be \$19.6 M annually. The Plan assumes a \$30 M bond issue in the first year of the sales tax, resulting in approximately \$2.65 M in annual debt service, and an annual 5% administration cost.

tax has the potential for generating more funding from outside sources than the amount generated locally, while setting Marin County on a course of independence that will allow us to set our own priorities for transportation projects.

The Transportation Sales Tax Expenditure Plan in Summary

The goal and strategies presented in this Transportation Sales Tax Expenditure Plan represent the culmination of over four years of planning and extensive input from the public and from the cities and towns throughout the County. The plan was developed with the assistance of five Citizens' Advisory Committees, representing diverse interests, including representatives of environmental groups, social justice organizations, business representatives, advocates for every travel mode, and advocates for underserved populations, including seniors, persons with disabilities, and those with limited incomes. The plan represents the collective wisdom of those groups, as well as the best technical information available today. The plan was further shaped by input from the cities and towns in Marin County, who each had an opportunity to review and comment on the draft plan as it was being completed.

The Transportation Sales Tax Expenditure Plan has a single goal:

Improve mobility and reduce local congestion for everyone who lives or works in Marin County by providing a variety of high quality transportation options designed to meet local needs.

The plan recognizes that there is no single mode of travel that can fulfill all of our transportation needs. Rather, it takes the best advantage of different modes to create a multi-modal transportation system that will improve mobility for auto drivers, transit riders, and those that walk or bike throughout all of Marin County.

PLAN COMPONENTS

The plan is organized around four strategies designed to protect the environment and quality of life enjoyed in Marin County. Each strategy is supported by specific but flexible programs (described in subsequent sections of the plan) that have been designed to provide a high degree of accountability to voters. Recognizing that the revenue generated by a sales tax is variable and dependent on the health of the economy, each program has been allocated a percentage of receipts. An estimated dollar amount over the 20-year life of the tax is also provided. As receipts increase or decrease, the amounts allocated to each program may fluctuate, but the overall percentage will be maintained.

The strategies outlined in Figure I will help achieve the goal of the Expenditure Plan by providing congestion relief and enhancing mobility, bringing improvements to all travel modes and providing a richness of choices for those that drive and for those who cannot (or choose not to) drive for all of their trips. The specific investment choices made in each implementation strategy will be based on measurable benchmarks and performance criteria, ensuring that the proceeds of the tax are used efficiently and effectively.

Figure 1 Transportation Sales Tax Expenditure Plan – Implementation Strategies

GOAL: Improve mobility and reduce local congestion for everyone who lives or works in Marin County by providing a variety of high quality transportation options designed to meet local needs		
Implementation Strategy	%	Est. 20-year revenue (\$Millions)
<p>1. Develop a seamless local bus transit system that improves mobility and serves community needs, including special transit for seniors and the disabled (para-transit services).</p> <ul style="list-style-type: none"> • Maintain and improve existing levels of bus transit service throughout Marin County • Improve the frequency of buses in high volume corridors • Implement small bus and community-based shuttles in many neighborhoods • Implement school bus service enhancements • Maintain and expand the rural bus transit system • Improve bus services between Marin County and San Francisco • Maintain and expand transit services and programs for those with special needs – seniors, persons with disabilities, youth, and low-income residents • Invest in bus transit facilities for a clean and attractive transit system • Provide matching funds for bus transit improvements 	55.0%	\$182.38 M
<p>2. Fully fund and ensure the accelerated completion of the Highway 101 Carpool Lane Gap Closure Project through San Rafael.</p>	7.5%	\$24.87 M
<p>3. Maintain, improve, and manage Marin County’s local transportation infrastructure, including roads, bike-ways, sidewalks, and pathways.</p> <ul style="list-style-type: none"> • Maintain, improve, and manage our <u>major</u> roadways, bikeways, sidewalks, and pathways • Maintain, improve, and manage our <u>local</u> roadways, bikeways, sidewalks, and pathways 	26.5%	\$87.87 M
<p>4. Reduce school related congestion and provide safer access to schools.</p> <ul style="list-style-type: none"> • Maintain and expand the Safe Routes to Schools Program • Provide crossing guards at key intersections • Provide capital funding for Safe Pathways to School projects 	11.0%	\$36.48 M
TOTAL	100%	\$331.6 M

Marin County 20-Year Transportation Sales Tax Expenditure Plan Details

STRATEGY 1- DEVELOP A SEAMLESS LOCAL BUS TRANSIT SYSTEM THAT IMPROVES MOBILITY AND SERVES COMMUNITY NEEDS, INCLUDING SPECIAL TRANSIT FOR SENIORS AND THE DISABLED (PARATRANSIT SERVICES).

Bus Transit investments will be evaluated every two years through a transit planning process that includes extensive public input from all areas of the county. Transit investments will be prioritized based on an analysis of the following measurable performance criteria:

- **Fills a gap in the bus transit network**
- **Meets productivity standards** based on passengers per hour
- **Meets cost effectiveness standards** based on subsidy per trip
- **Relieves congestion** as measured in total ridership
- **Provides seamless connections** to regional service
- **Eliminates “pass ups”** or overcrowding on existing routes
- **Promotes environmental justice** based on demographic analysis
- **Attracts outside funding sources**, including federal, state and toll revenue as well as other local funds

It is no longer possible to meet our mobility needs solely by building new or wider roads. Looking to the future, one thing is clear – to manage congestion we will have to provide a range of choices that will enable people to travel differently, creating a sustainable transportation system that promotes mobility and maintains the quality of life we enjoy in Marin County.

This strategy is supported by a variety of bus transit programs that are designed to work together with the other strategies in the plan to develop a sustainable and responsive alternative to driving for many trips in Marin County. It is intended to provide Marin County with an efficient transit system that meets the needs of those who travel both between and within communities via bus or shuttle transit. Increasing mobility is not intended to replace auto travel, but rather to provide an option for those who either cannot or choose not to drive for all of their trips.

By providing a dedicated source of local funds for public bus transit, Marin County’s Transit District (MCTD)* will be able to plan and implement services that are tailored to the needs of local residents. Providing local funding will also increase our opportunities to match or leverage State and Federal funding sources to further enhance our local transit service. Working with the public at all levels, as well as Marin County’s cities and towns, the Transit District* will be able to design services that take advantage of smaller, cleaner vehicles that are matched to the demand in our neighborhoods. In order to respond to changes in demand for bus transit services over the 20-year life of the Expenditure Plan, the Transit District will provide an updated Short Range Transit Plan* to the Authority every two years, with significant opportunity for public input both at

* See glossary for definition of term.

Strategy #1	%	Est. 20-year revenue (\$Millions)
Develop a seamless local bus transit system that improves mobility and serves community needs, including special transit for seniors and the disabled (paratransit services).	55%	\$182.38 M
<i>What can local bus transit funds be used for?</i>		
1. Maintain and expand local bus transit service <ul style="list-style-type: none"> • Maintain and expand existing levels of bus transit service throughout Marin County • Improve frequency of bus service in high volume corridors • Improve bus service between Marin County and San Francisco • Provide new small bus service and community-based shuttles in many neighborhoods • Restore night service as demand requires • Provide school bus service enhancements 	37.0%	\$122.69 M
2. Maintain and expand the rural bus transit system <ul style="list-style-type: none"> • Expand Stage Coach service to and from West Marin 	3%	\$9.95 M
3. Maintain and expand transit services and programs for those with special needs – seniors, persons with disabilities, youth, and low-income residents <ul style="list-style-type: none"> • Maintain and expand services for seniors and persons with disabilities currently provided by Whistlestop Wheels • Provide supplemental taxi services • Expand group transportation and shuttle services focused on seniors • Provide fare discounts for very low-income residents, including youth, seniors, and persons with disabilities 	9%	\$29.84 M
4. Invest in bus transit facilities for a clean and efficient transit system <ul style="list-style-type: none"> • Build bus transit hubs in Novato and Southern Marin • Purchase clean fuel vehicles • Improve bus transit stop amenities (e.g., bike racks, shelters, benches, etc.) 	6%	\$19.90 M
TOTAL	55%	\$182.38 M

the countywide and local levels. This plan will measure the effectiveness of bus transit investments as well as planning for the future. Updated performance data will be provided to the Authority annually.

The transportation sales tax provides a unique opportunity for Marin County to plan and implement transit services focused on Marin County needs.

MAINTAIN AND EXPAND LOCAL BUS TRANSIT SERVICE

Without a dedicated local funding source, local bus transit service cuts are likely to continue. In the past, Marin County has been able to count on the toll revenue generated by the Golden Gate Bridge, Highway and Transportation District* to help fund its bus transit needs. The growing needs for bus transit service both in the Highway 101 corridor and between communities within Marin County, coupled with increasing expenditures on the bridge itself, have made everyone who lives and works in Marin County vulnerable to service cuts and fare increases that are largely outside of our control.

This program will provide the funding necessary for Marin County to protect its local bus transit service and ensure that service levels are not only maintained, but also significantly enhanced in the longer term. This program provides the County with the necessary financial independence to ensure that local bus transit service supports countywide goals for enhanced mobility and meets the needs of its residents and workers both now and in the future.

In order to maximize the effectiveness of Marin County's transit dollars, the Marin County Transit District (MCTD) will develop a Short Range Transit Plan, with updates every two years. The planning process will provide many opportunities for public input from all areas of the county, enabling Marin County to strategically target transit investments over the 20-year life of the Expenditure Plan. All transit investments will be evaluated based on an analysis of a consistent set of performance-based criteria (listed in the sidebar on page 6), which will ensure that funds are spent where they will provide the greatest benefit. The final local transit implementation plan will be approved by the Transit District in a public hearing prior to sending the plan to the Authority,* which will also approve the plan in a public forum.

* See glossary for definition of term.

Priority Projects

The Marin County Transit District has developed a number of priority investments for local transit improvements that may be funded by this sales tax. They include improvements in nearly every neighborhood in Marin County.

These candidate projects would have a high priority for service improvements over the life of the Plan:

Provide transit service every 15 minutes in the following corridors:

- Highway 101 corridor connecting all communities in the corridor and San Francisco
- San Rafael to College of Marin via Andersen Drive/Sir Francis Drake
- San Rafael to San Anselmo via Red Hill/4th Street
- San Rafael Transit Center to Civic Center and Northgate Mall

Provide transit service at least every 30 minutes in the following corridors:

- Sausalito to Marin City and the Toll Plaza via Bridgeway
- Mill Valley on Miller Avenue and East Blithedale
- Corte Madera and Larkspur via Tamalpais/Magnolia and Sir Francis Drake
- San Anselmo to Fairfax via Sir Francis Drake and Red Hill Road
- San Rafael via Lincoln to Civic Center, Merrydale and on to Kaiser Hospital
- Novato service in the Hamilton area, in the Ignacio area east of Palmer and South Novato Boulevard.
- Novato service from neighborhoods to Vintage Oaks Shopping Center
- Corridor service from Novato to San Rafael transit center with connections to College of Marin.

Provide accessible neighborhood scaled shuttles using small buses in the following communities

- Novato, building on the EZ Rider Shuttle and serving the proposed transit hub
- Mill Valley, implementing the “Millie” shuttle designed locally
- Sausalito, building on the “Sally” shuttle developed by the City of Sausalito
- Belvedere and Tiburon, providing ferry connector and flexible service to lower density hilly areas

- San Rafael, connecting local employment centers with downtown and the transit center
- Ross Valley, connecting the local communities in the valley
- Maintain and expand the West Marin Stagecoach
- Restore night service as demand requires
- Restore ferry connector shuttles to communities with high demand
- Flexible services for hillier or less populated areas with transit demand

Provide enhanced school bus service using creative school transportation solutions

- Expand traditional yellow school buses for younger children
- Develop multi-purpose shuttles that serve schools as well as other needs
- Improve public transit service to schools, and after school programs

Improved Frequency in High Volume Corridors

This program will provide funding to maintain and improve intercommunity bus transit service and service along major bus transit corridors. Marin County has a number of bus transit corridors that are busy enough to justify frequent service. These include all day services in the Canal – downtown San Rafael – Marin City corridor, services between San Rafael and San Anselmo, and services to local colleges, as well as peak period services to major employers in Novato, San Rafael, and other locations. These services require larger buses to address capacity constraints and are designed to operate at high frequency to meet existing and latent demand.

Bus services between Marin County and San Francisco on the Highway 101 corridor provide both local and regional mobility to Marin County residents and employees. These services may also be funded under this category, provided that the Golden Gate Bridge, Highway and Transportation District maintains the toll revenue that currently funds these regional services. The intent of this "maintenance of effort" provision is to ensure that the value of toll subsidies to regional routes is preserved and that sales tax funds are not used to replace toll revenues allocated to support the regional network. The specific language defining maintenance of effort will be included in the Short Range Transit Plan approved by the Marin County Transit District and the Transportation Authority of Marin. The maintenance of effort provision will be included in any funding agreement for these

Marin County Transit District will contract for local services in order to procure the highest quality and lowest cost transit system for Marin County residents. Decisions about priorities for transit system investments will be made locally by the Transit District and the Transportation Authority of Marin.

San Francisco oriented services between the Marin County Transit District and the Golden Gate Bridge Highway and Transportation District, subject to approval by both Boards of Directors. Any sales tax funds provided to the Golden Gate Bridge, Highway and Transportation District will be used only for specific transit purposes.

Small Bus and Community-Based Services in Many Neighborhoods

There are many transit markets in Marin County that are better served by small buses and community-based shuttles that address specific markets in less urban areas. Local services may be designed best on the community level, with implementation provided through the Marin County Transit District. The West County Stagecoach is an example of a system developed at the grassroots level that has exceeded all expectations. This success can be replicated in other Marin County communities. Each community will have the opportunity to work with the Transit District to define their greatest local transit needs and to identify potential solutions, such as shuttles and jitneys using small, efficient transit vehicles.

School Bus Service Enhancements

The need for enhanced school-oriented bus services in Marin County is very clear, as many schools are poorly served by transit routes that are not coordinated with arrival and dismissal times and that do not reach into the neighborhoods. The Short Range Transit Plan will take a creative approach to school bus service, investigating opportunities for targeted shuttles, yellow bus system enhancements, and other improvements that will work together with the other programs in this Expenditure Plan to create a new generation of transit riders.

MAINTAIN AND IMPROVE THE RURAL BUS TRANSIT SYSTEM

"The Stagecoach" service operating in West Marin has been an amazing success. What began as a one-year demonstration project has resulted in a sizeable grassroots following and higher-than-projected ridership. Although service is very limited, demand for this service continues to grow. Despite

the success of the Stagecoach, there is no funding available to continue services beyond the current year. This program would maintain the existing Stagecoach service and would focus on opportunities for expansion, including seven-day per week service and developing a north-south route.

MAINTAIN AND EXPAND TRANSIT SERVICES AND PROGRAMS FOR THOSE WITH SPECIAL NEEDS

Nearly everyone knows a senior or a person with a disability who needs help with his or her mobility. The availability of a high quality alternative to driving enhances safety on the roads, and enhances the quality of life of people who depend on these services.

The Marin County Transit District currently contracts with Whistlestop Wheels to provide specialized services for older adults and persons with disabilities. Demand for these services has continued to exceed the ability to increase service. Over the past five years, demand for paratransit has increased by 25%, far outpacing the availability of existing funds. Studies predict that over the next 20 years Marin will be the “oldest” county in the Bay Area, with more than 35% of its residents over age 65. Without the new funding that this tax provides, services to seniors and persons with disabilities will need to be reduced, making it more difficult for people to continue to live independently as they get older.

Services for seniors and persons with disabilities will be planned with the support of the existing consumer-based Paratransit Coordinating Council (PCC)*, which advises the Transit District on the needs of these communities and public input from all areas of the county. The Transit District will explore options for adding shuttles, scheduled group trips, and subsidized taxi service to the current mix of paratransit* options. In addition, the Transit District will work with the PCC and members of the senior and disability community to design fare programs that will ensure that no person is made homebound because they are unable to pay for transit services.

Priority Special Needs Transit projects include:

- **Maintaining and expanding transportation services for seniors and disabled**
- **Continue and extend paratransit services to all of Marin County**
- **Develop new shared ride, wheelchair accessible taxi service that augments paratransit services**
- **Expand group transportation and shuttle services focused on seniors**
- **Provide discounted fares for very low-income seniors and persons with disabilities, as well as the lowest income members of our community**
- **Provide discounted transit passes to youth**

* See glossary for definition of term.

Seniors and persons with disabilities are not the only groups with specialized needs. This program includes assistance for our youth and the lowest income families who are unable to afford current transit fares. This program will provide funds for discounted transit passes for youth, seniors, disabled, and low-income riders. The youth discounts will build on the success of the current "Ride and Roll" program and will work together with other school enhancements to develop early and life-long transit riding habits. Discounts to low-income riders will provide mobility and access to jobs and basic services to those with no alternative.

INVEST IN BUS TRANSIT FACILITIES FOR A CLEAN AND EFFICIENT TRANSIT SYSTEM

Innovative bus transit operation will require an investment in vehicles and facilities. This will include providing clean-fueled vehicles, new bus transit hubs in Novato and Southern Marin for efficient and safe transferring between routes, and amenities at bus stops, including enhancements of bus stop accessibility to pedestrians and cyclists and improved information for transit riders.

Bus transit facilities investments will be prioritized to coordinate with transit service projects based on the criteria outlined on page 6. High priority will be given to opportunities to match or leverage funds in order to help transportation sales tax dollars go farther.

Replacing older diesel buses with clean fuel technology, including electric hybrid or other alternative fuel buses, will improve the environment and attract new riders to transit.

Bus Transit Facilities priorities include:

- **Bus transit hubs in Novato and Southern Marin**
- **Clean fuel vehicles**
- **Bus transit stop amenities** (e.g., bike racks, shelters, benches, lighting, pay phones, access improvements)
- **Bike racks on buses**
- **Accurate signage and real-time information for riders**

STRATEGY 2 - FULLY FUND AND ENSURE THE ACCELERATED COMPLETION OF THE HIGHWAY 101 CARPOOL LANE GAP CLOSURE PROJECT THROUGH SAN RAFAEL.

The transportation sales tax allows us to complete the Gap Closure Project by 2008. This has been the highest priority project in Marin County for over a decade.

Highway 101 in Marin County is one of the busiest traffic corridors in the Bay Area. Spillover traffic from this congested freeway impacts our cities and our neighborhoods, whether or not we travel on the highway. Creation of a continuous carpool lane on Highway 101, for use by buses as well as carpools, will speed transit service making it more attractive to more users, while having a significant impact on congestion. For more than a decade, the Highway 101 Gap Closure project has been the top priority project in Marin County. Now, even with construction underway, the State's fiscal crisis threatens our ability to deliver the final phases of this essential project in a timely manner.

This project was to be funded entirely with State sources; however, the recent statewide financial crisis has left the project short of its remaining \$65.2 million funding need. By using sales tax revenue to complete this project, Marin County will be able to take advantage of nearly \$41 million of dedicated State funding. With these funds, the project will

* See glossary for definition of term.

Strategy #2		Est. 20-year revenue
Fully fund and ensure the accelerated completion of the Highway 101 Carpool Lane Gap Closure Project through San Rafael.	%	(\$Millions)
	7.5%	\$24.87 M
<i>What can Gap Closure funds be used for?</i>		
<ul style="list-style-type: none"> • Completion of final construction segments through Central San Rafael and Puerto Suello Hill • Noise reduction strategies to improve quality of life in adjacent neighborhoods • Aesthetic and landscaping improvements • Completion of the north-south bicycle way through Puerto Suello Hill to improve bicycle safety 		

be completed by 2008. Without sales tax funds, the project is unlikely to be completed until 2015 and risks losing additional committed funds.

The project will provide a dedicated lane in both directions between Lucky Drive and North San Pedro Road, to be used by buses and carpools during peak hours. This project will fill in a critical “gap” in the continuous carpool lane that could speed carpools and buses throughout the County. The funding included in this project will make sure that this is the best project possible for all residents of Marin County by improving the aesthetics and landscaping and reducing the impacts of freeway noise on local neighborhoods with various noise reduction strategies, including the use of sound-absorptive materials on soundwalls. The project also includes completion of the north-south bicycle route through Puerto Suello Hill, ensuring that this important project is implemented along with freeway improvements.

If additional outside funding becomes available for this project in the future, sales tax revenues dedicated to this project would be redirected to transit projects outlined in Strategy I.

Funding for the Gap Closure project includes elements that will improve this project in the neighborhoods adjacent to it, including landscaping, noise reduction, and improvements to bicycle and pedestrian safety in the area.

STRATEGY 3 - MAINTAIN, IMPROVE, AND MANAGE MARIN COUNTY'S LOCAL TRANSPORTATION INFRASTRUCTURE, INCLUDING ROADWAYS, BIKEWAYS, SIDEWALKS, AND PATHWAYS.

Potential roadway, bikeway, sidewalk, and pathway improvements may include:

- **Pavement and drainage maintenance**, including signage and striping
- **Signalization and channelization** to improve traffic flow and safety at key intersections
- **Transit and traffic flow improvements** to eliminate conflicts between buses and cars
- **Transportation Systems Management and Demand Management projects** that make the most of our infrastructure investments
- **Improvements to reduce the response times for emergency vehicles** and improve safety
- **Bike path** construction and maintenance of bike paths
- **Sidewalk and crosswalk** construction and maintenance, and other pedestrian infrastructure improvements to safety and mobility
- **Accessibility** improvements to make our streets and roads usable by all

Every trip begins or ends on a local road. Pedestrians, bicyclists, bus passengers, and drivers of all types depend on a well-maintained and effective local roadway network that serves travel both within and between communities.

Local roads are the largest single public investment in the County. Without a well-designed and maintained roadway system, there are limited opportunities to provide adequate bus service or to connect bikeways and pedestrian pathways through the County. This program will help to reduce the maintenance shortfall on Marin County's roadways, improving safety and eliminating delays resulting from poor maintenance. The program is designed to improve the mobility of all local travelers, including those that drive and those that use other modes.

The need for funding projects on the roadway system is clear. A recent study completed by the Metropolitan Transportation Commission (MTC) projects that Marin County will have a shortfall of \$256 million over the next 25 years for maintenance of existing roadways, even with existing local funds from bonds and other measures included. MTC also concluded that Marin County's roads are among the worst in the region. Failing to maintain our roads now will be even more costly later, as roadway conditions deteriorate and negatively impact all transportation modes.

Projects included under this strategy are designed to minimize accidents, and improve operations and traffic flow for all people and transportation modes using the roadway or other infrastructure investment.

As projects are prioritized for funding, each project will be required to consider the needs of all roadway users. Project sponsors will be required to coordinate with adjacent jurisdictions to maximize economic efficiency and minimize

Strategy #3 Maintain, improve, and manage Marin County’s local transportation infrastructure, including roads, bikeways, sidewalks, and pathways.	%	Est. 20-year revenue (\$Millions)
<i>What can local infrastructure funds be used for?</i>	26.5%	\$87.87 M
<ul style="list-style-type: none"> • Road maintenance and congestion relief projects on major roads and on local roads • Safety improvements for all modes • All projects will consider all users, including transit riders, bicyclists, pedestrians, and auto drivers • Projects could include crosswalk and curb cut enhancements, bike lane and pathway construction, bus bulbs, intersection improvements, and pavement and drainage improvements, as well as system enhancements such as signal coordination, real time information, and other tools to maximize the efficiency of our transportation system 	26.5%	\$87.87 M
TOTAL	26.5%	\$87.87 M

construction impacts. The goal is to develop a comprehensive plan for improving critical roadways at the time an investment is made. Where feasible, locally defined bicycle and pedestrian projects will be implemented at the time a roadway is improved. Improvements could include striping and signing of bicycle lanes and bikeways, sidewalk improvements, curb ramps, and other accessibility and safety improvements.

Funds allocated to this strategy will be evenly divided between the major roads of Countywide significance that are used by most people in Marin County, and local priorities developed by each jurisdiction in the County. In all cases, roadway projects will consider all of the modes in the right-of-way, focusing on transit, bicycle and pedestrian safety, and access for the disabled.

Major Roads and Related Infrastructure

The following performance criteria will be used to prioritize major road projects:

- **Condition of roadway (Pavement Condition Index)**
- **Average daily traffic**
- **Transit frequency**
- **Bicycle and pedestrian activity**
- **School access**
- **Accident history**
- **Opportunities for matching funds**
- **Geographic equity**

Members of the Technical Advisory Committee, to be created by the Authority's governing board, will include representatives from and nominated by the following:

- **Marin Managers Association** (2 members)
- **Marin Public Works Association** (3 members)
- **Marin County Planning Directors Group** (1 member)
- **Golden Gate Bridge, Highway and Transportation District** (1 member)
- **Marin County Paratransit Coordinating Council** (1 member)
- **Marin County Transit District** (1 member)
- **Marin County Office of Education** (1 member)
- **Environmental Organizations of Marin County** (1 member)
- **Bicycle and Pedestrian Organizations** (1 member)
- **Business Organizations** (1 member)

Major roads often cross city limits and serve multiple communities. Projects on these roads must emphasize coordination between jurisdictions. Half of the funding allocated to this strategy (approximately \$43.9 M) will be spent on the most heavily travelled and significant roads and related infrastructure in Marin County. The remaining half will be spent on local roads and related infrastructure, based on priorities developed by each jurisdiction.

Priorities for major roadway and infrastructure projects will be determined by the Public Works Directors of each city, town, and the county working together with a Technical Advisory Committee* that is representative of the broad interests of Marin County. All investment decisions will be evaluated using measurable performance criteria, listed in the sidebar at the left side of this page. The process will provide opportunity for public input and will be approved by the Transportation Authority in a public meeting as part of the Strategic Plan.

To ensure that each community in Marin County receives an equitable share of sales tax funds, expenditures for major infrastructure projects will be distributed to the five planning areas of the County based on their population (50%) and road miles (50%). This distribution will be balanced every six years:

Figure 2 Funding Allocations for Major Infrastructure Projects

Planning Area	Current Distribution <i>Based on 50% Population & 50% Road Miles²</i>	Estimated 20-Year Revenue
Northern Marin	19.6%	\$8,611,260
Central Marin	25.4%	\$11,159,490
Southern Marin	21.7%	\$9,533,895
Ross Valley	20.2%	\$8,874,870
West Marin	<u>13.1%</u>	<u>\$5,755,485</u>
	100%	\$43,935,000

* See glossary for definition of term.

² Formula based on 2000 population and road miles data. Percentages will be reviewed at the start of tax collection and adjusted to reflect the most current information on that date.

The following roads of countywide significance are included as priority candidates for funding. These roads are used by nearly every Marin County resident. Additional roads may be considered if the needs of high priority roads within a planning area have been addressed.

- Atherton Avenue/San Marin Boulevard
- Novato Boulevard/South Novato Boulevard
- D Street/Wolfe Grade
- Las Gallinas Avenue/Los Ranchitos Road/Lincoln Avenue
- North San Pedro Avenue to the China Camp State Park Boundary or Sunny Oaks Drive
- Point San Pedro Avenue to the China Camp State Park Boundary or Biscayne Drive
- Red Hill Avenue/4th Street/2nd and 3rd Streets
- Andersen Drive
- Magnolia Avenue/Corte Madera Avenue/Camino Alto
- Redwood Avenue/Tamalpais Drive/Madera Boulevard/Tamal Vista Boulevard/Fifer Avenue/Lucky Drive/Doherty Drive
- Sir Francis Drake Boulevard from Interstate 580 to Platform Bridge
- Bridgeway Corridor (Bridgeway/Richardson Street/2nd Street/South Street/Alexander Avenue)
- Paradise Drive
- E. Blithedale Avenue
- Miller Avenue/Almonte Boulevard

Local Roads for All Modes

Local roads are the most basic unit of the transportation network because they connect our neighborhoods and business districts and provide linkages to major roads and transportation services. Local road priorities are determined by individual jurisdictions that can best evaluate local needs and their connectivity to the larger system.

Half of all funds allocated in this strategy (approximately \$43.9 M) will be distributed on an annual basis to each city,

town, and Marin County based on a combination of miles of roads to be maintained and population. As with the major road program, each project will be required to consider the needs of all roadway users. Where feasible, locally defined bicycle and pedestrian projects will be implemented at the time a roadway is improved. Improvements could include striping and signing for bicycle lanes and bikeways, sidewalk improvements, curb ramps, and other accessibility and safety improvements.

The following table shows the amount of funding that each jurisdiction can expect from this program, based on the current formula of 50% roadmiles/50% population. Local priorities would be determined by each jurisdiction's Public Works Director with approval of their governing board in a public meeting.

Figure 3 Funding Allocations for Local Infrastructure Projects by Community³

Agency	2004 % of Total	Estimated 20-Year Revenue Projection
Belvedere	1.04%	\$458,232
Corte Madera	3.20%	\$1,405,124
Fairfax	2.79%	\$1,225,121
Larkspur	4.16%	\$1,825,569
Mill Valley	5.99%	\$2,633,638
Novato	17.00%	\$7,466,928
Ross	0.99%	\$435,826
San Anselmo	4.70%	\$2,064,919
San Rafael	20.16%	\$8,855,643
Sausalito	2.84%	\$1,248,178
Tiburon	3.46%	\$1,521,530
County	33.67%	\$14,794,292
Total	100.00%	\$43,935,000

Sources: 2004 California Department of Finance Population Estimates, 2003-04 Marin County Road List, and 2004 road miles data from Marin City and Town Public Works Directors.

³ Percentages will be reviewed at the start of tax collection and adjusted to reflect the most current information on that date. Subsequently, percentages will be reviewed every two years as part of the Strategic Plan.

STRATEGY 4 – REDUCE SCHOOL RELATED CONGESTION AND PROVIDE SAFER ACCESS TO SCHOOLS.

In Marin County, school-related trips are a significant component of traffic congestion. In fact, over 21% of all trips in the morning peak period are school related. Congestion around schools is a serious and growing problem both for families with students and non-students alike. Everyone who travels in Marin County recognizes how much lighter traffic is on days when schools are off, even when it is not a common day off for workers.

A survey done by the Safe Routes to Schools program shows that without programs that target student and parent behavior and provide safe alternatives to driving, as many as 80% of students are driven in single student occupant autos to school. This creates severe local congestion at arrival and dismissal times, as well as deteriorating safety for those that walk and bike to school. In addition, many of Marin County's schools draw students from throughout the County and beyond, putting many school trips on Highway 101 and the major roads traveled for all trip purposes. There are currently over 75 elementary, middle, and high schools in Marin County, with a total of at least 40,000 students in grades K-12 – 50,000 including college students. Clearly, reducing single student occupant auto trips to schools will have the immediate benefit of reduced congestion, as well as long-term benefits to public health, the creation of lifelong sustainable habits, and increasing the opportunities for success of all alternative modes.

The programs in this strategy will be assessed every two years by the Technical Advisory Committee, through a public process involving parents, school officials, and students throughout the County. These countywide programs will be managed by the County of Marin. This investment of transportation sales tax funds will be combined with school bus projects already described in Strategy 1, to make a significant improvement in local congestion while encouraging safe and healthy behavior in our young people.

Strategy #4	%	Est. 20-year revenue <i>(\$Millions)</i>
Reduce school related congestion and provide safer access to schools.	11%	\$36.48 M
<i>What can school access funds be used for?</i>		
1. Safe Routes to Schools <ul style="list-style-type: none"> Ongoing funding to support this successful and popular program that promotes walking, biking, taking transit, or carpooling to school 	3.3%	\$10.94 M
2. Crossing Guards <ul style="list-style-type: none"> Crossing guards at 70 intersections along major roads serving schools 	4.2%	\$13.93 M
3. Provide capital funds for Safe Pathways To School projects <ul style="list-style-type: none"> Safety improvements around Marin County schools in conjunction with the Safe Routes to Schools Program, including sidewalk improvements, safer crosswalks and crossings, bicycle and pedestrian safety improvements, and speed reduction measures 	3.5%	\$11.61 M
TOTAL	11%	\$36.48 M

SAFE ROUTES TO SCHOOLS

Safe Routes to Schools is a proven program designed to reduce local congestion around schools while instilling healthy and sustainable habits in our young people. The program includes several components including classroom education, special events, and incentives for choosing alternative modes to schools, as well as technical assistance to identify and remove the barriers to walking, biking, carpooling, or taking transit to school. The program, which is currently managed by the County of Marin, is in its fourth year of operation and has proven its ability to increase alternative mode use to schools, reducing single student occupant auto trips to participating schools by at least 15%.

Current funding for Safe Routes to Schools does not extend beyond the 2004 school year. Without a new source of local funds, the Safe Routes program will terminate after the current school year. This strategy will maintain and expand the successful Safe Routes program to all schools within Marin County. The funding for other programs included under this strategy, Crossing Guards and Safe Pathways, will be closely coordinated with the activities of Safe Routes to Schools.

SCHOOL CROSSING GUARDS

One of the greatest barriers to using alternative modes to schools is the difficulty of crossing Marin's busiest streets. Even with pathway improvements, students' parents are reluctant to allow their children to walk or bike to school if they must cross a busy street. While some schools have attempted to implement volunteer crossing guard programs, experience has suggested that this is not a reasonable long-term strategy, as volunteers can not be counted on every day, in all types of weather, regardless of their personal schedules. Other Bay Area counties, such as Santa Clara and San Francisco, have realized that to eliminate liability concerns and to ensure that there are well trained crossing guards with back-ups for every critical intersection, they must contract with a professional company that specializes in crossing guard programs.

This program will use trained crossing guards for up to 70 intersections throughout Marin County. The intersections will be prioritized by the Public Works Directors together

The Safe Routes to Schools program combines classroom education, special community events, and coordination between school officials, parents and public works officials to create safe environments for walking, biking, and taking transit to school. At schools that participate in the program, single student vehicle traffic has been reduced by more than 15%.

This program would fund crossing guards for some of the County's most critical intersections, including the following potential locations:

- **Novato:** Diablo Blvd. and Center Rd. along Ignacio Blvd., in front of Sinaloa Middle School
- **San Rafael:** in front of Vallecito School and Bahia Way and Canal St. in front of Bahia Vista School
- **San Anselmo:** Butterfield Rd. and Sir Francis Drake
- **Fairfax:** at the pedestrian crossing in front of St. Rita's School
- **Southern Marin:** Camino Alto, East Blirhedale Ave., Miller Ave., Tiburon Blvd., and others
- **Ross Valley:** Numerous crossings of Sir Francis Drake, serving many schools

with the Technical Advisory Committee along with other school related projects, and approved by the Authority. At schools that have volunteer or other types of crossing guard programs, sales tax funds will augment the work that is already being done, making sure that these local funds are put to their best use. The process will provide opportunities for public input.

PROVIDE CAPITAL FUNDING FOR SAFE PATHWAYS TO SCHOOLS

Safe Pathways Projects will be selected based on performance criteria that focus on improving safety throughout the County. All projects will come from approved Safe Routes plans, supported by parents, school officials, and the local jurisdiction.

- **Relieves an identified safety or congestion problem along a major school route**
- **Completes a "gap" in the bicycle and pedestrian system along a major school route**
- **Maximizes daily uses by students and others**
- **Attracts matching funds**
- **Respects geographic equity**

Safe Pathways to School is the capital improvement element of the Safe Routes to Schools program. Where the Safe Routes program identifies circulation improvements needed for safe access to schools, the Safe Pathways program will provide funding for the engineering, environmental clearance, and construction of pathway and sidewalk improvements in all Marin County communities, including safety improvements at street crossings.

Although Safe Pathways projects target improvements around schools, they benefit the entire community, creating a safe network of bicycle and pedestrian facilities, enhancing safety and reducing local congestion.

Safe Pathway projects are expected to attract matching funds from other sources and may be used in combination with road funds to accelerate pathway improvements in school areas. Additional input will be solicited in a public forum that includes input from parents, school officials, and other community stakeholders. Specific projects will also be approved by the Transportation Authority of Marin in their Strategic Plan.*

* See glossary for definition of term.

Transportation Sales Tax Governance and Organizational Structure

TRANSPORTATION AUTHORITY OF MARIN (TAM)

This transportation sales tax is authorized under the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 et. seq. In approving this tax, the voters will authorize that the Transportation Authority of Marin (referred to as the Authority) be given the responsibility to collect and administer the tax proceeds. All monies raised by this sales tax will be available for expenditure only on the transportation projects identified in the Sales Tax Expenditure Plan. The make-up of the Authority's governing board is as follows:

- All five members of the Marin County Board of Supervisors, and
- One representative from each of the eleven incorporated cities and towns in Marin County.

All representatives to the Authority's governing board will be elected officials within Marin County. This composition provides a balance between the needs of the county as a whole and the priorities of individual cities, towns, and communities.

The Transportation Authority of Marin will be established for the purpose of authorizing and implementing this transportation sales tax. The Authority will incorporate the duties of the existing Congestion Management Agency, ensuring that all key transportation decisions are made in a single place. The duration of the tax will be 20 years from the initial year of collection, which will begin in April 2005. The tax will therefore terminate on March 31, 2025.

STAFFING AND ADMINISTRATION

The Transportation Authority of Marin will hire the staff and professional assistance required to administer the proceeds of this tax and carry out the mission outlined in the Expenditure Plan. The total cost for salaries and benefits for administrative employees will not exceed 1% of the revenues

generated by the transportation sales tax. Other administrative costs, such as rent, supplies, and fees paid to the State Board of Equalization for collecting the tax and financial, legal, or consulting services are not included in the 1% cap.

WORK PROGRAM AND STRATEGIC PLAN

All of the programs included in this Expenditure Plan are considered essential for the transportation needs of Marin County. The Authority will prepare an annual Work Program and Budget and a biennial Strategic Plan, which will identify the priorities for projects and the dates for project implementation based on project readiness, ability to generate matching or leveraged funds, and other relevant criteria. The Strategic Plan must be approved by a two-thirds vote of the total commissioners on the Authority Board, following a noticed public hearing on the draft Strategic Plan and a 45-day public comment period.

The allocation of funds described in this plan will be achieved over the life of the plan and may vary from year to year only as approved in the Strategic Plan and only in such a way that the distribution will not change over the life of the plan, unless the plan is specifically amended.

BONDING* AND FINANCING

The Transportation Authority of Marin will have the authority to bond and use other financing mechanisms for the purposes of expediting the delivery of transportation projects and programs and to provide economies of scale. Bonds, if issued, will be paid with the proceeds of the transportation sales tax. The costs and risks associated with bonding will be presented in the Authority's Strategic Plan, and will be subject to public comment before any bond sale is approved.

The Authority will also be able to use other means to accelerate the delivery of projects and programs, including seeking outside grants and matching or leveraging tax receipts to the maximum extent possible. The Authority will also have the ability to set aside a reserve fund of up to 10% of the

* See glossary for definition of term.

annual receipts from the tax for contingencies, to ensure that the projects included in this plan are implemented on schedule.

ACCOUNTABILITY

All business of the Authority will be conducted in an open and public meeting process. The Authority will approve all spending plans described in this document and will ensure that adequate public involvement has been included in the preparation of all spending plans. The Authority will be required to hire an independent auditor who will audit all sales tax expenditures, ensuring that expenditures are made in accordance with the plan.

The Authority will be guided by an Administrative Code covering all aspects of its operation.

Citizens' Oversight Committee

The Citizens' Oversight Committee will be created by the Authority's governing board with the assistance of the League of Women Voters. The unique feature of this Committee is that it will report directly to the public and will be charged with reviewing all expenditures of the Authority. The responsibilities of this Committee are:

- The Committee must hold public hearings and issue reports, on at least an annual basis, to inform Marin County residents how funds are being spent. The hearings will be open to the public and must be held in compliance with the Brown Act, California's open meeting law. Information announcing the hearings must be well-publicized and posted in advance.
- The Committee will have full access to the Authority's independent auditor and will have the authority to request and review specific information and to comment on the auditor's reports.
- The Committee must publish an annual report. Copies of these documents must be made widely available to the public at large.

Citizens' Oversight Committee members will be private citizens who are neither elected officials of any government nor public employees from any agency that either oversees or benefits from the proceeds of the transportation sales

This plan has been designed for the highest possible levels of accountability and public involvement in our transportation planning process.

tax. Membership will be restricted to individuals who live in Marin County. Members will be required to submit a statement of financial disclosure, and membership will be restricted to individuals without economic interest in any of the Authority's projects.

The Committee will be designed to reflect the diversity of the County. The committee will consist of 12 members. Each organization represented on the Citizens' Oversight Committee will nominate its representative, with final appointments approved by the governing board of the Authority. Membership will be as follows:

- One member will be selected from each of the planning areas in Marin County by the Authority Board members representing that area (Northern Marin, Central Marin, Ross Valley, Southern Marin, and West Marin). (Totaling 5 members)
- Seven members will be selected to reflect a balance of viewpoints across the County. These members will be nominated by their respective organizations and appointed by the Board of the Authority, as follows:
 - One representative from a taxpayer group
 - One representative from the environmental organizations of Marin County
 - One representative from a major Marin employer
 - One representative from the Marin County Paratransit Coordinating Council, representing seniors and persons with disabilities
 - One representative from the League of Women Voters
 - One representative from an advocacy group representing bicyclists and pedestrians
 - One representative from a school district, including parents

AMENDMENTS TO THE PLAN

The Authority's Board may annually review and propose amendments to the Expenditure Plan to provide for the use of additional Federal, State, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. To modify this Plan, an amendment must be approved by a two-thirds majority of the total commissioners on the Authority Board, following a noticed public hearing and a 45-day public comment period. Following the

2/3 vote of the Authority, any plan amendment will be submitted to each of the cities and towns in Marin County and to the Board of Supervisors for their approval. Amending the Plan will require a majority vote of 50+% of the cities representing 50+% of the incorporated population, as well as a majority vote of the Board of Supervisors.

Implementing Guidelines

This plan is guided by principles that ensure that the revenue generated by the transportation sales tax is spent in the most efficient and effective manner possible, consistent with the desires of the voters of Marin County. The principles outlined in this section provide flexibility needed to address issues that may arise during the life of the plan. The specific operations of the Authority are further addressed in its Administrative Code.

1. The Transportation Authority of Marin is charged with a fiduciary duty in administering the transportation sales tax proceeds in accordance with the applicable laws and this Expenditure Plan. Receipt of these tax proceeds may be subject to appropriate terms and conditions as determined by the Authority in its reasonable discretion, including, but not limited to, the right to require recipients to execute funding agreements and the right to audit recipients' use of the tax proceeds.
2. All meetings of the Transportation Authority of Marin will be conducted in public according to state law, through publicly noticed meetings. The annual budget of the Authority, annual work plan, biennial Strategic Plan, and annual report will all be prepared for public scrutiny. The interests of the public will further be protected by the Citizens' Oversight Committee, described previously in this Plan.
3. Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefiting Marin County. The funds may not be used for any transportation projects or programs other than those

specified in this Plan without an amendment of the Expenditure Plan.

4. Revenue generated by this sales tax will not be used to create or operate regional rail programs or used for regional highway projects (Highway 101) with the exception of the Highway 101 Carpool Lane "Gap Closure" project described in Strategy 2.
5. Actual revenues may be higher or lower than expected in this Plan, due to changes in receipts and/or matching or leveraging capability. Estimates of actual revenue will be programmed annually by the Transportation Authority of Marin during its annual budget process. Because the Expenditure Plan is based on percentage distributions, dollar values in this Plan are estimates only. Actual revenues will be programmed over the life of the Plan based on the percentage distributions identified in the Plan.
6. The actual requirement for funds in a specific program could be higher or lower than expected due to changes in funding outside of this transportation sales tax, or due to changes in project costs or feasibility. Should the need for funds for any program within a strategy be less than the amount to be allocated by the sales tax, or should any project become infeasible for any reason, funds will first be reprogrammed to other programs or projects in the same strategy area with a two-thirds vote at a noticed public hearing. Should the need for funds in the entire strategy area be less than the amount to be allocated by the transportation sales tax, the Authority Board may amend the Expenditure Plan to reallocate funds to the other strategy areas following its procedures for a plan amendment.
7. If additional funding from other sources becomes available for the Highway 101 Carpool Lane Gap Closure Project (Strategy #2), or if the actual expenditures are less than allocated, then the equivalent amount of transportation sales tax receipts will be redirected to projects in Strategy #1.

8. All projects funded with these transportation sales tax funds will be required to complete appropriate California Environmental Quality Act (CEQA) and other environmental review as required.
9. Funds may be accumulated by the Authority or by recipient agencies over a period of time to pay for larger and long-term projects. All interest income generated by these proceeds will be used for the transportation purposes described in the Expenditure Plan.
10. The Transportation Authority of Marin will have the capability of loaning transportation sales tax receipts at prevailing interest rates to other agencies for the implementation of needed transportation projects, provided that there is a guaranteed revenue stream to repay such a loan and provided that the loan will not interfere with the implementation of programs or projects defined in the Expenditure Plan.
11. Matching or leveraging of outside funding sources is strongly encouraged. Any additional transportation sales tax revenues made available through their replacement by matching funds will be spent based on the principles outlined in 6 and 7 above.
12. New incorporated cities/towns or new bus transit agencies, that come into existence in Marin County during the life of the Expenditure Plan could be considered as eligible recipients of funds through a Plan Amendment.

Glossary

Term	Definition
Authority	Transportation Authority of Marin (TAM) – an agency created for the purpose of administering this sales tax, the Authority will be responsible for programming funding for all transportation programs in Marin County. The TAM Board will include representatives from each city and town in Marin County, plus the five members of the Board of Supervisors. The Authority will function as the Congestion Management Agency for Marin County.
Bonding	Selling municipal bonds will allow the Transportation Authority of Marin to accelerate capital projects by pledging future revenues for the repayment of bonds and getting needed capital funds “up front” for project implementation.
Citizens' Oversight Committee	A 12-member committee consisting of 5 representatives selected from the five planning areas and 7 representing diverse interest groups in Marin County. Reports directly to the public on all issues related to the Expenditure Plan and sales tax.
Expenditure Plan	The 20-year plan for spending sales tax funds.
“Gap Closure”	The Gap Closure Project includes the completion of the bus and carpool lane on Highway 101 through San Rafael. This project is designed to relieve a critical bottleneck on Highway 101.
Golden Gate Bridge Highway and Transportation District	The agency responsible for the Golden Gate Bridge, as well as regional transit including ferries and bus service between Sonoma, Marin, and San Francisco counties. Golden Gate currently operates local transit services in Marin County under contract to the Marin County Transit District.
HOV Lane	High Occupancy Vehicle or Carpool lane, open to vehicles with 2 or more occupants, including buses, during peak hours.
Leveraging or Leverage (also Matching)	Matching local sales tax dollars with other funds on a one-to-one or other percentage basis from local, regional, State, or Federal sources, to stretch local sales tax dollars by attracting new grant funding to Marin County.
Marin County Transit District (MCTD)	The existing local transit district, MCTD currently contracts for local transit services with Golden Gate Transit, which currently operates local services in Marin. MCTD also currently contracts for paratransit services with Whistlestop Wheels, as well as contracting for the West County Stagecoach. MCTD is governed by two city representatives and five representatives from the Board of Supervisors. Under the plan, MCTD will develop detailed transit plans with public input for approval by the Transportation Authority of Marin.

Term	Definition
Paratransit	Specialized transportation services for seniors and persons with disabilities who are unable to use regular bus routes.
Paratransit Coordinating Council (PCC)	The established group of seniors, people with disabilities, and their advocates who advise the Marin County Transit District on paratransit and accessibility needs.
Self-help County	A county with a local sales tax for transportation is called a “self-help” county, because the tax demonstrates that the County is willing to “help itself” to solve its own transportation problems. A self-help county has greater opportunities to compete for regional, State, and Federal grants by providing matching funds.
Short Range Transit Plan	A five-year plan required for every transit agency in the Bay Area, this document is the primary opportunity to identify transit needs and develop priorities.
Strategic Plan	A detailed plan of expenditures and revenue completed by the Transportation Authority of Marin every two years. The plan projects the use of sales tax funds, as well as other funding that may be available to projects in the plan. The Strategic Plan also considers the need for bonding or other financing techniques to accelerate projects.
Technical Advisory Committee	A committee made up of Public Works staff, other city staff and representatives of diverse public interests who will prioritize infrastructure improvements and make recommendations to the Transportation Authority of Marin.
Transportation Authority of Marin (TAM)	See "Authority."
Transit District	See "Marin County Transit District (MCTD)"

**THE
RALPH M. BROWN
ACT**

California Government Code
Sections 54950 - 54963

January 2005
(reflecting changes made through December 2004)

Table of Contents

SECTION

California Constitution	1
ARTICLE 1 – Declaration of Rights, Section 3	1
California Government Code Sections:	2
54950. Declaration intent; sovereignty	2
54950.5. Short title	2
54951. Local Agency	2
54952. Legislative body, definition	2
54952.1. Member of a legislative body of a local agency; conduct	3
54952.2. Meeting; prohibited devices for obtaining collective concurrence; exclusions from chapter	3
54952.6. Action taken	4
54952.7. Copies of chapter to members of legislative body of local agencies	4
54953. Meetings be open and public; attendance	4
54953.1. Conditions to attendance	5
54953.2. Section 202 of the Americans with Disabilities Act	5
54953.3. Registration of attendance	5
54953.5. Right to record proceedings; conditions; tape or film records made by or under direction of local agencies	6
54953.6. Prohibitions or restrictions on broadcasts of proceedings of legislative body; reasonable findings	6
54953.7. Allowance of greater access to meetings than minimal standards in this chapter	6
54954. Time and place of regular meetings; special meetings; emergencies	6

54954.1.	Mailed notice to persons who filed written requests; time duration and renewal of requests; fee	8
54954.2.	Agenda; posting; action on other matters	8
54954.3.	Opportunity for public to address legislative body; adoption of regulations public criticism of policies	9
54954.4.	Reimbursements to local agencies and school districts for costs	9
54954.5.	Closed sessions items descriptions	10
54954.6.	New or increased taxes or assessments; public meetings and public hearings; joint notice requirements	13
54955.	Adjournment; adjourned meetings	16
54955.1.	Continuance	16
54956.	Special meetings; call; notice	16
54956.5.	Emergency meetings in emergency situations	17
54956.6.	Fees	18
54956.7.	Closed sessions, license applications; rehabilitation criminals	18
54956.75.	Closed session; response to confidential final draft audit report; public release of report	18
54956.8.	Real property transactions; closed meeting with negotiator	19
54956.81.	Investment of pension funds; closed session	19
54956.86.	Charges or complaints from members of local agency health plans; closed hearings; members rights	19
54956.87.	Records of certain health plans; meetings on health plan trade secrets	19
54956.9.	Pending litigation; closed session; lawyer-client privilege; notice; memorandum	20
54956.95.	Closed sessions; insurance pooling; tort liability losses; public liability losses; workers' compensation liability	22
54956.96.	Joint powers agency; legislative body; closed session; confidential	

	information	22
54957.	Closed sessions; personnel matters; exclusion of witnesses	23
54957.1.	Closed sessions; public report of action taken	24
54957.2.	Minute book for closed sessions; inspection	25
54957.5.	Agendas and other writings distributed for discussion or consideration at public meetings; public records; inspection; closed sessions	26
54957.6.	Closed sessions; salaries; salary schedules or fringe benefits	26
54957.7.	Disclosure of items to be discussed at closed sessions	27
54957.8.	Closed sessions; legislative body of a multi jurisdictional drug law enforcement agency	27
54957.9.	Disorderly conduct of general public during meeting; clearing of room	28
54957.10.	Closed sessions regarding application for early withdrawal of deferred compensation plan funds	28
54958.	Application of chapter	28
54959.	Penalty for unlawful meeting	28
54960.	Actions to stop or prevent violations of meeting provisions; applicability of meeting provisions; validity of rules or actions on recording closed sessions	28
54960.1.	Unlawful action by legislative body; action for mandamus or injunction; prerequisites	29
54960.5.	Costs and attorney fees	31
54961.	Meeting place in facility; grounds; identity of victims of tortuous sexual or child abuse	31
54962.	Closed session by legislative body prohibited	31
54963.	Disclosure of confidential information acquired in closed session prohibited	32

CALIFORNIA CONSTITUTION

ARTICLE 1 – Declaration of Rights, Section 3

(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

(5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

(6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

California Government Code Sections:

54950. Declaration intent; sovereignty

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

54950.5. Short title

This chapter shall be known as the Ralph M. Brown Act.

54951. Local Agency

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

54952. Legislative body, definition

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

54952.1. Member of a legislative body of a local agency; conduct

Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

54952.2. Meeting; prohibited devices for obtaining collective concurrence; exclusions from chapter

(a) As used in this chapter, "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.

(b) Except as authorized pursuant to Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person.

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

54952.6. Action taken

As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

54952.7. Copies of chapter to members of legislative body of local agencies

A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

54953. Meetings be open and public; attendance

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by roll call.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) No legislative body shall take action by secret ballot, whether preliminary or final.

54953.1. Conditions to attendance

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.2. Section 202 of the Americans with Disabilities Act

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

54953.3. Registration of attendance

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

54953.5. Right to record proceedings; conditions; tape or film records made by or under direction of local agencies

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

54953.6. Prohibitions or restrictions on broadcasts of proceedings of legislative body; reasonable findings

No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

54953.7. Allowance of greater access to meetings than minimal standards in this chapter

Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

54954. Time and place of regular meetings; special meetings; emergencies

(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

54954.1. Mailed notice to persons who filed written requests; time duration and renewal of requests; fee

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

54954.2. Agenda; posting; action on other matters

(a) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

54954.3. Opportunity for public to address legislative body; adoption of regulations public criticism of policies

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. Reimbursements to local agencies and school districts for costs

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

54954.5. Closed sessions items descriptions

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency.) Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY BUREAU OF STATE AUDITS

54954.6. New or increased taxes or assessments; public meetings and public hearings; joint notice requirements

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

- (A) The estimated amount of the assessment per parcel. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.
- (B) A general description of the purpose or improvements that the assessment will fund.
- (C) The address to which property owners may mail a protest against the assessment.
- (D) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.
- (E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.
- (F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).
- (G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

54955. Adjournment; adjourned meetings

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

54955.1. Continuance

Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

54956. Special meetings; call; notice

A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

54956.5. Emergency meetings in emergency situations

(a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative

body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

54956.6. Fees

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

54956.7. Closed sessions, license applications; rehabilitation criminals

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.75. Closed session; response to confidential final draft audit report; public release of report

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

54956.8. Real property transactions; closed meeting with negotiator

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by

or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

54956.81. Investment of pension funds; closed session

Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

54956.86. Charges or complaints from members of local agency health plans; closed hearings; members rights

Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

54956.87. Records of certain health plans; meetings on health plan trade secrets

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

54956.9. Pending litigation; closed session; lawyer-client privilege; notice; memorandum

Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(a) Litigation, to which the local agency is a party, has been initiated formally.

(b) (1) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(2) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) of this subdivision.

(3) For purposes of paragraphs (1) and (2), "existing facts and circumstances" shall consist only of one of the following:

(A) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(B) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(C) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(D) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(E) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortuous sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortuous conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(F) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(c) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the subdivision of this section that authorizes the closed session. If the session is closed pursuant to subdivision (a), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

54956.95. Closed sessions; insurance pooling; tort liability losses; public liability losses; workers' compensation liability

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

54956.96. Joint powers agency; legislative body; closed session; confidential information

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

54957. Closed sessions; personnel matters; exclusion of witnesses

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this subdivision shall limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or

action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

54957.1. Closed sessions; public report of action taken

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in paragraph (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

54957.2. Minute book for closed sessions; inspection

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred

at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

54957.5. Agendas and other writings distributed for discussion or consideration at public meetings; public records; inspection; closed sessions

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.7, or 6254.22.

(b) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(c) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

54957.6. Closed sessions; salaries; salary schedules or fringe benefits

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

54957.7. Disclosure of items to be discussed at closed sessions

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

54957.8. Closed sessions; legislative body of a multi jurisdictional drug law enforcement agency

Nothing contained in this chapter shall be construed to prevent the legislative body of a multi jurisdictional drug law enforcement agency, or an advisory body of a multi jurisdictional drug law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multi jurisdictional drug law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

"Multi jurisdictional drug law enforcement agency," for purposes of this section, means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, which provides drug law enforcement services for the parties to the joint powers agreement.

The Legislature finds and declares that this section is within the public interest, in that its provisions are necessary to prevent the impairment of ongoing law enforcement investigations, to protect witnesses and informants, and to permit the discussion of effective courses of action in particular cases.

54957.9. Disorderly conduct of general public during meeting; clearing of room

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

54957.10. Closed sessions regarding application for early withdrawal of deferred compensation plan funds

Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

54958. Application of chapter

The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

54959. Penalty for unlawful meeting

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

54960. Actions to stop or prevent violations of meeting provisions; applicability of meeting provisions; validity of rules or actions on recording closed sessions

(a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the

applicability of this chapter to actions or threatened future action of the legislative body, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to tape record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to tape record its closed sessions and preserve the tape recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The tapes shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the tape is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session which has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency which has custody and control of the tape recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency which has custody and control of the recording.

(ii) An affidavit which contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications which are protected by the attorney-client privilege.

54960.1. Unlawful action by legislative body; action for mandamus or injunction; prerequisites

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

54960.5. Costs and attorney fees

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

54961. Meeting place in facility; grounds; identity of victims of tortuous sexual or child abuse

(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortuous sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

54962. Closed session by legislative body prohibited

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and

community college districts, no closed session may be held by any legislative body of any local agency.

54963. Disclosure of confidential information acquired in closed session prohibited

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

Attachment 1

RESOLUTION NO. 2005-01

A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN ESTABLISHING AND SPECIFYING STANDING RULES AND APPLICATION AND APPOINTMENT PROCEDURES FOR ADVISORY COMMITTEES

WHEREAS, the voter-approved Measure A Transportation Sales Tax Expenditure Plan establishes two advisory committees: a Citizens' Oversight Committee, who will review all sales tax related expenditures of the Transportation Authority of Marin (TAM) and will report directly to the public; and a Technical Advisory Committee, who will make recommendations to TAM on infrastructure investment priorities; and

WHEREAS, pursuant to TAM Administrative Code Section 104.2(b)(2), TAM may establish other special or ad hoc advisory committees, as deemed necessary or advisable from time to time; and

WHEREAS, TAM will depend on these advisory committees to conduct public business and to comply with applicable statutory mandates; and

WHEREAS, as a matter of public interest, TAM deems it advisable to establish standing rules and appointment procedures for these advisory committees and the members of those bodies.

NOW, THEREFORE, BE IT RESOLVED that TAM does hereby approve the "TAM Advisory Committees Standing Rules and Application and Appointment Procedures" document attached to this resolution as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin, on the 27th day of January, 2005 by the following vote to-wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

STEVE KINSEY, CHAIR
TRANSPORTATION AUTHORITY OF MARIN

ATTEST:

Craig Tackabery
Executive Director

Exhibit A, Page 1 of 2

Resolution 2005-01

TAM Advisory Committees

Standing Rules and Application and Appointment Procedures

Standing Rules

1. Citizens appointed to the two standing TAM advisory committees, the Citizen Oversight and the Technical Advisory Committee, shall be appointed for a term of four years. Appointment terms shall commence on May 1 and shall terminate on the fourth anniversary date of such commencement date. Members of these advisory committees shall be appointed to their full terms, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code.
2. Any special or ad hoc advisory committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the TAM Board. The Executive Director shall prepare an annual summary report of special or ad hoc advisory committees and make recommendations to the TAM Board regarding the elimination of committees whose functions or purpose have been fulfilled or where the mandate or purpose for the creation of the committee has expired.
3. Advisory committees that are responsible for conducting public business for TAM are subject to all provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq. (as amended), which mandates open meetings for local legislative bodies.
4. Advisory committee members are required to comply with disclosure requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. (as amended), and must complete and file all necessary disclosure documents.
5. All appointed advisory committee members, whether new or re-appointed, shall take a loyalty Oath of Office prior to voting on any matter presented to the advisory committee to which they have been appointed to serve.
6. Advisory committee members shall avoid impropriety and the appearance of impropriety and shall not use their appointed position to further their own financial/pecuniary gain or for any other purpose not directly related to the governmental function they have been appointed to perform.
7. Unless authorized as the designated spokesperson by the advisory committee, an individual member may not represent the advisory committee before any other committee or agency or to the press or general public. Advisory committee members are defined as "officers" of TAM and hence are governed by California Government Code Section 3201 et seq. (as amended) relating to political activities.
8. Advisory committee members shall be responsible for having a working knowledge of the establishing ordinance, by-laws, federal or state mandates or any other governing regulations that define and set forth the intent and purpose of their appointment and shall only represent and take action on matters related thereto.

Exhibit A, Page 2 of 2 Resolution 2005-01

9. No advisory committee shall have powers other than advisory to TAM. Standing advisory committees, the Citizens' Oversight Committee and Technical Advisory Committee, shall have adopted by-laws approved by the TAM Board within 90 days of committee formation.
10. Advisory committee members shall not knowingly or otherwise misrepresent the scope of their influence or authority in matters assigned to their committee or represent recommendations of their respective advisory body as official TAM policy until such time as formal action, such as adoption of a resolution, has been taken by the TAM Board.
11. The TAM Board shall retain discretion to rescind any advisory committee appointment(s), as deemed necessary.

Application and Appointment Procedures

1. Notice of application for appointment to standing advisory committees shall be posted on the TAM website and provided to: all TAM Board Commissioners; all city, town, and county clerks for posting; local newspapers; all qualified nominating organizations; and all Marin County library branches. Application notification periods shall be conducted for a minimum of 60 days.
2. When a vacancy exists on an advisory committee and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The TAM Board may, at any time, move to continue an appointment to a subsequent date.
3. New members of advisory committees and members who wish to continue serving in their appointed capacity for an additional term are required to complete and submit a new application or may update and resubmit their original application if no pertinent information has changed. Applications shall be submitted to the TAM Executive Director, and all qualifying applications for the vacancy will be submitted to the TAM Board for consideration, selection, and appointment.
4. The TAM Executive Director shall maintain a public information list of members appointed to TAM Advisory Committees. The list shall include the name of the appointee, the date the term expires, and affiliation and/or nominating organization. The list shall be updated annually on January 1.



Home
About MTC
News
Jobs & Contracts
Meetings & Events
Get Involved
Services
Library

- About the Library
- Catalog
- MTC Publications
- Special Topics
- New in the Library
- Featured Reports
- Order Form
- Glossary

Maps & Data
Funding
Planning
Legislation
Links

Citizens' Guide

Citizens' Guide to "Transportation ese"



We've tried in this guide to spare readers as much jargon as possible. Inevitably in the transportation arena, however, confusing lingo will cloud communication. For that we apologize and hope that one day "transportationese" will be a forgotten dialect. Until that day, interested citizens can make use of the following glossary of acronyms and terms:

ABAG *Association of Bay Area Governments*: A voluntary association of counties and cities that is the general planning agency for the nine-county San Francisco Bay Area. Also provides demographic, financial, administrative, training and conference services to local governments and businesses. A member sits on MTC.

ADA *Americans With Disabilities Act*: Federal civil rights legislation for disabled persons passed in 1990; calls on public transit systems to make their services more fully accessible, as well as to underwrite a parallel network of paratransit service.

AVO *Average Vehicle Occupancy*: The number of people traveling by private passenger vehicles divided by the number of vehicles used. The AVO during commute hours for the Bay Area in 2000 was 1.1.

AVR *Average Vehicle Ridership*: The ratio of all people traveling by any mode — including cars, buses, trains and bicycles (or telecommuting) — in a given area during a given time period to the number of cars on the road. A key measure of the efficiency and effectiveness of a transportation network; the higher the AVR, the better you're doing in terms of energy consumption and air pollution.

BAAQMD *Bay Area Air Quality Management District*: (Also known as the Air District, since the acronym seems to take longer to say than the full name.) Regulates industry and employers to keep air pollution in check and sponsors programs to clean the air. The Air District works with MTC and the Association of Bay Area Governments on issues that affect transportation, land use and air quality.

BATA *Bay Area Toll Authority*: Entity created by the state Legislature to administer the base \$1 toll from the Bay Area's seven state-owned toll bridges, a responsibility previously held by the CTC. MTC began operations as BATA on Jan. 1, 1998.

Bay Area Partnership: Often referred to simply as "The Partnership," this is a confederation of the top staff of various transportation agencies in the region (MTC, public transit operators, county CMAs, city and county public works departments, ports, Caltrans, U.S. DOT) as well as

environmental protection agencies. The Partnership works by consensus to improve the overall efficiency and operation of the Bay Area's transportation network, including developing strategies for financing transportation improvements.

BCDC *San Francisco Bay Conservation and Development Commission*: A state-established agency with jurisdiction over filling and dredging of San Francisco Bay and limited jurisdiction over development within 100 feet of the Bay; a representative sits on MTC.

CAA *Clean Air Act*: Federal legislation that requires each state with areas that have not met federal air quality standards to prepare a State Implementation Plan, or SIP. The sweeping 1990 amendments to the CAA established new air quality requirements for the development of metropolitan transportation plans and programs. The California Clean Air Act (or CCAA) sets even tougher state goals.

Caltrans *California Department of Transportation*: The state agency that operates California's highway system.

Capital revenues: Moneys dedicated for new projects to cover one-time costs, such as construction of roads, transit lines and facilities, or purchase of buses and rail cars.

CHP *California Highway Patrol*: State law enforcement agency responsible for highway safety, among other things.

CMA *Congestion Management Agency*: A countywide agency responsible for preparing and implementing a county's Congestion Management Program. CMAs came into existence as a result of state legislation and voter approval of Prop. 111 in 1990. Subsequent legislation made optional the requirement for counties to have a CMA. Most Bay Area counties still have them.

CMAQ *Congestion Mitigation and Air Quality Improvement Program*: A pot of federal money contained in TEA 21 for projects and activities that reduce congestion and improve air quality, both in regions not yet attaining federal air quality standards and those engaged in efforts to preserve their attainment status.

CMP *Congestion Management Program*: CMPs are prepared by congestion management agencies (see entry under "CMA," above) to meet eligibility requirements for certain state and federal funds. Updated biennially, CMPs set performance standards for roads and public transit, and show how local jurisdictions will attempt to meet those standards. CMPs were initially required of every county in California with a population of 50,000 or more, but 1996 legislation allows counties to opt out of CMP requirements under certain conditions.

Conformity: A process in which transportation plans and spending programs are reviewed to ensure that they are consistent with federal clean air requirements; transportation projects collectively must not worsen air quality.

CTC *California Transportation Commission*: A state-level commission, consisting of nine members appointed by the governor, that establishes priorities and allocates funds for highway, passenger rail and transit investments throughout California. The CTC works with the state Business, Transportation and Housing Agency in overseeing Caltrans, and participates in the development of state and federal legislation that affects transportation funding.

EPA *Environmental Protection Agency*: Federal department responsible for researching and setting national standards for

environmental quality. The EPA works with other federal, state, local and regional agencies to issue permits, monitor compliance and enforce environmental laws.

Flexible funding: Unlike funding that flows only to highways or only to transit by a rigid formula, this is money that can be invested on a range of transportation projects. Examples of flexible funding categories include the Surface Transportation Program, and the Congestion Mitigation and Air Quality Improvement Program.

FHWA *Federal Highway Administration:* U.S. Department of Transportation agency responsible for administering the federal highway aid program to individual states, and helping to plan, develop and coordinate construction of federally funded highway projects. FHWA also governs the safety of hazardous cargo on the nation's highways.

FTA *Federal Transit Administration:* U.S. Department of Transportation agency that provides financial and planning assistance to help plan, build, and operate rail, bus and paratransit systems. The agency also assists in the development of local and regional traffic reduction programs.

HIP *Housing Incentive Program:* An incentive program initiated by MTC in 2000 that provides seed money to municipalities and their development partners to encourage the development of compact residential communities near public transit hubs.

HOV Lane *High-Occupancy-Vehicle Lane:* The technical term for a carpool lane, commuter lane or diamond lane.

Intermodal: The term "mode" is used to refer to and to distinguish from each other the various forms of transportation, such as automobile, transit, ship, bicycle and walking. Intermodal refers specifically to the connections between modes.

ISTEA *Intermodal Surface Transportation Efficiency Act:* Pronounced "Ice Tea," this landmark federal legislation signed into law in 1991 initiated broad changes in the way transportation decisions are made. ISTEA emphasized diversity and balance of modes, as well as the preservation of existing systems before construction of new facilities. ISTEA expired in 1997, but much of its program structure was carried forward in successor federal legislation (see TEA 21).

ITIP *Interregional Transportation Improvement Program:* A state funding program intended to address needs that cross metropolitan boundaries. Caltrans nominates and the CTC approves a listing of interregional highway and rail projects for 25 percent of the funds to be programmed in the STIP (the other 75 percent are RTIP funds, see below).

ITS *Intelligent Transportation Systems:* Technical innovations that apply communications and information processing to improve the efficiency and safety of surface transportation systems. In the Bay Area, ITS initiatives include closed-circuit video monitoring of freeway traffic conditions and the use of automatic vehicle location technology to coordinate traffic signals, speed emergency vehicle response times, and let transit riders know when the next bus or train will arrive.

Lifeline Transportation Network: An MTC initiative to enhance low-income residents' access to key destinations such as job centers, government buildings and medical facilities during both peak commute periods and off-peak hours. While most of the Lifeline network identified by MTC is already served by existing transit routes, some low-income communities and/or destinations are not served by transit or lack service at specific

times of day. MTC is working with transit operators and potential funding partners to fill these gaps in the network.

LIFT *Low-Income Flexible Transportation*: An MTC program that provides financial assistance for services to help low-income residents get to and from work and other locations. Examples of eligible LIFT projects include new and expanded public transit services, transportation to child care centers, development of child care facilities at transit hubs, rideshare activities and "guaranteed ride home" programs.

MPO *Metropolitan Planning Organization*: A federally required planning body responsible for the transportation planning and project selection in its region; the governor designates an MPO in every urbanized area with a population of over 50,000. MTC is the Bay Area's MPO.

MTC *Metropolitan Transportation Commission*: The transportation planning, financing and coordinating agency for the nine counties that touch San Francisco Bay.

MTS *Metropolitan Transportation System*: A defined network of streets and roads, highways, mass transit routes, bikeways, transfer points, airports and seaports considered essential to regional mobility.

Multimodal: Refers to the availability of multiple transportation options, especially within a system or corridor. A multimodal approach to transportation planning focuses on the most efficient way of getting people or goods from place to place, be it by truck, train, bicycle, automobile, airplane, bus, boat or foot.

NHS *National Highway System*: This approximately 160,000-mile network consists of the 42,500 miles of the Interstate system, plus other key roads and arterials throughout the United States. Designated by Congress in 1995 pursuant to a requirement of the Intermodal Surface Transportation Efficiency Act, the NHS is designed to provide an interconnected system of principal routes to serve major travel destinations and population centers.

Operating funds: Moneys used to fund general, day-to-day costs of running transportation systems. For transit, costs include fuel, salaries and replacement parts; for roads, operating costs involve maintaining pavement, filling potholes, paying workers' salaries, and so forth.

Paratransit: Door-to-door bus, van and taxi services used to transport elderly and disabled riders. Sometimes referred to as dial-a-ride service, since trips are made according to demand instead of along a fixed route or according to a fixed schedule.

Program: (1) *verb*, to assign funds to a project that has been approved by MTC, the state or other agency; (2) *noun*, a system of funding for implementing transportation projects or policies, such as through the State Transportation Improvement Program (see STIP).

Resolution 3434: An identified list of high-priority rail and express bus improvements to serve the Bay Area's most congested corridors. MTC adopted Resolution 3434 in December 2001 to establish clear priorities for the investment of transit expansion funds.

RTCC *Regional Transit Coordinating Council* Created by state statute and overseen by MTC, the RTCC was created in 1992 to better coordinate transit routes, schedules, fares and transfers throughout the Bay Area, and to explore potential advantages of joint ventures in areas such as marketing, maintenance and purchasing. Membership in the RTCC

includes the senior managers of the region's transit agencies. The RTCC also functions as a standing committee of the Bay Area Partnership, an MTC-led body of transportation and environmental agencies.

RTIP *Regional Transportation Improvement Program*: A listing of highway and transit projects that the region hopes to fund; compiled by MTC every two years from priority lists submitted by local jurisdictions. The California Transportation Commission (CTC) must either approve or reject the RTIP list in its entirety. Once the CTC approves an RTIP, it is combined with those from other regions to comprise 75 percent of the funds in the STIP (see below).

RTP *Regional Transportation Plan*: A blueprint to guide the region's transportation development for a 25-year period. Updated every three years, it is based on projections of growth and travel demand coupled with financial projections. Required by state and federal law.

RTPA *Regional Transportation Planning Agency*: Regional Transportation Planning Agency: A state-designated agency responsible for preparing the Regional Transportation Plan and the Regional Transportation Improvement Program, administering state funds, and other tasks. MTC is the Bay Area's RTPA.

SAFE *Service Authority for Freeways and Expressways*: As the region's SAFE, MTC — in partnership with the California Highway Patrol and California Department of Transportation — oversees the installation and operation of call boxes along Bay Area freeways and administers a roving tow truck service to quickly clear incidents from the region's most congested roadways. State legislation in 1987 created the MTC SAFE, which is funded in part through a \$1 surcharge on motor vehicle registrations.

SHOPP *State Highway Operations and Protection Program*: State funding program for highway projects that will improve traffic safety; preserve bridges, roadways and/or roadsides; increase mobility; or improve facilities related to the state highway system.

SIP *State Implementation Plan*: Here's a case where one term refers to two different — albeit related — documents. Metropolitan areas prepare regional SIPs showing steps they plan to take to meet federal air quality standards (outlined in the Clean Air Act). Several SIPs make up the statewide plan for cleaning up the air, also known as a SIP.

SOV *Single-occupant vehicle*: A vehicle with one occupant, the driver, who is sometimes referred to as a "drive alone."

STA *State Transit Assistance*: Provides funding for mass transit operations and capital projects.

STIP *State Transportation Improvement Program*: What the CTC ends up with after combining various RTIPs as well as a list of specific projects proposed by Caltrans. Covering a five-year span and updated every two years, the STIP determines when and if transportation projects will be funded by the state.

STP *Surface Transportation Program*: One of the key funding programs in TEA 21. STP monies are "flexible," meaning they can be spent on mass transit, pedestrian and bicycle facilities as well as on roads and highways.

System Management: A coordinated series of programs involving MTC and partner agencies such as the CHP and Caltrans to make the region's existing transportation system

work more efficiently. These efforts include congestion relief initiatives such as the roadside call box network and roving Freeway Service Patrol tow trucks, and traveler information programs such as the toll-free TravInfo® phone service and the www.transitinfo.org Web page.

TCM *Transportation Control Measure*: A strategy to reduce driving or smooth traffic flows in order to cut auto emissions and resulting air pollution. Required by the Clean Air Act, TCMs for the Bay Area are jointly developed by MTC, the Bay Area Air Quality Management District and ABAG. Examples of TCMs include roving tow truck patrols to clear stalls and accidents from congested roadways, new or increased transit service, or a program to promote carpools and vanpools.

TCRP *Traffic Congestion Relief Program*: A five-year state transportation investment plan passed by the California Legislature and signed into law by Governor Gray Davis in 2000. The plan originally called for \$6.8 billion of spending (with \$1.7 billion to the Bay Area) from fiscal 2000-01 to 2005-06, but subsequent refinancing agreements postponed the funding until fiscal 2002-03 to 2007-08.

TDA *Transportation Development Act*: State law enacted in 1971. TDA funds are generated from a tax of one-quarter of one percent on all retail sales in each county; used for transit, special transit for disabled persons, and bicycle and pedestrian purposes, they are collected by the state and allocated by MTC to fund transit operations and programs. In non-urban areas, TDA funds may be used for streets and roads under certain conditions.

TDM *Transportation Demand Management*: Low-cost ways to reduce demand by automobiles on the transportation system, such as programs to promote telecommuting, flextime and ridesharing.

TEA *Transportation Enhancement Activities*: A TEA 21 funding category. Ten percent of STP monies must be set aside for projects that enhance the compatibility of transportation facilities with their surroundings. Examples of TEA projects include bicycle and pedestrian paths, restoration of rail depots or other historic transportation facilities, acquisition of scenic or open space lands next to travel corridors, and murals or other public art projects.

TEA 21 *Transportation Equity Act for the 21st Century*: Passed by Congress in May 1998, this federal transportation legislation retains and expands many of the programs created in 1991 under ISTEA. Reauthorizes federal surface transportation programs for six years (1998-2003), and significantly increases overall funding for transportation.

TIP *Transportation Improvement Program*: This is the primary spending plan for federal funding expected to flow to the region from all sources for transportation projects of all types. MTC prepares the TIP every two years with the assistance of local governments, transit operators and Caltrans. It covers at least a three-year period.

TLC *Transportation for Livable Communities*: New funding program created by MTC in 1998 to fund small-scale, community- and transit-oriented projects that improve neighborhood vitality.

TOS *Traffic Operations System*: In the Bay Area, Caltrans and the CHP will monitor traffic flows by means of detectors embedded in pavement and closed-circuit television cameras, quickly dispatching tow trucks and other assistance. Message signs and broadcasts will alert drivers and transit riders to

conditions ahead, while ramp metering will control traffic flows. All these devices together comprise the TOS.

TransLink®: MTC's prototype for a universal ticket valid on all transit modes, from BART to buses to ferries. Translink® will be tested in a pilot project involving six Bay Area transit operators beginning in the spring of 2001.

U.S. DOT *United States Department of Transportation:* The federal cabinet-level agency with responsibility for highways, mass transit, aviation and ports; headed by the secretary of transportation. The DOT includes the Federal Highway Administration and the Federal Transit Administration, among others. There are also state DOTs (known as Caltrans in California).

VMT *Vehicle Miles Traveled:* The more cars there are on the road at the same time in the same area, the worse congestion will be. This term helps pin down the numbers. Reducing the growth of VMT can help ease traffic congestion and improve air quality.

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www.mtc.ca.gov

www.mtc.ca.gov/library/citizens_guide

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