

ADMINISTRATIVE CODE

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

Ordinance #90-01

Adopted: February 21, 1990

As amended through:

May 20, 2009

SUMMARY

This ordinance prescribes rules for the proceedings of the Contra Costa Transportation Authority consistent with the laws of the State, as well as the powers and duties of officers and Board members, the method of their election or appointment and compensation and the methods, procedures and systems of operation and management of the Authority.

The Contra Costa Transportation Authority does ordain as follows:

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CHAPTER 1

ARTICLE I

TITLE AND AUTHORITY

101.1 Title and Authority. This ordinance is enacted pursuant to the provisions of California Public Utilities Code Section 180105(b) and may be referred to as the "Contra Costa Transportation Authority Administrative Code". This ordinance prescribes the powers and duties of the Authority officers, the method of appointing Authority employees, and methods, procedures and systems of operation and management of the Authority.

ARTICLE II
DEFINITIONS

102.1 Definitions.

(a) For purposes hereof, the following words shall have the following meanings:

- (1) "AC" means the Administrative Committee of the Board.
- (2) "Act" means the Local Transportation Authority and Improvement Act, California Public Utilities Code Sections 180000 et seq., added Statutes 1987, Chapter 786, as amended from time to time.
- (3) "Administrative Expenses" means the expenses of administration of the Authority including salary and benefits of staff, consultants fees, legal fees, accounting fees and expenses of planners, engineers, financial consultants and others not chargeable directly to a Project and pertaining to the administration of the Authority.
- (4) "Annual Budget" means the budget for the Authority as required by Section 180105 of the Act.
- (5) "Authority" means the Contra Costa Transportation Authority.
- (6) "Board" means the governing body of the Authority. The Board is the legislative body of the Authority as defined under provisions of Section 54952 of the Brown Act.
- (7) "Board of Supervisors" means the Board of Supervisors of the County.
- (8) "Bonds" means indebtedness and securities of any kind or class, including but not limited to bonds, refunding bonds, or revenue anticipation notes.
- (9) "Brown Act" means the Ralph M. Brown Act, Government Code Sections 54950 et seq., as it may be amended from time to time.
- (10) "CAC" means the Citizens Advisory Committee.
- (11) "Caltrans" means the California Department of Transportation.
- (12) "Central County" means the cities of Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek and the adjacent portions of unincorporated county.

(13) "Chair" means the person designated to preside at meetings of the Authority pursuant to Section 104.1(e) of this Chapter 1.

(14) "City" means any incorporated city or town within the County.

(15) "Code" means the Contra Costa Transportation Authority Administrative Code.

(16) "Commissioners" means those persons serving as members of the Board or their alternates.

(17) "Conference of Mayors" means the Contra Costa Mayor's Conference or the City Selection Committee, provided that any authority granted to the Conference of Mayors herein shall be exercised by one or the other of such entities, but not both.

(18) "Congestion Management Agency" means the County's Congestion Management Program agency designated pursuant to Government Code §65089(a).

(19) "Congestion Management Program" means the program developed and administered by the Congestion Management Agency in accordance with the provision of Government Code §65089.

(20) "County" means the County of Contra Costa.

(21) "East County" means the cities of Antioch, Brentwood, Oakley and Pittsburg and the adjacent portions of unincorporated county.

(22) "Elected Official" means a duly elected and serving official of the legislative body, as defined in Government Code Section 34000, of any City and any duly elected and serving member of the Board of Supervisors.

(23) "Executive Director" means the chief operating employee selected by the Board to manage the day-to-day activities of the Authority. The Executive Director shall not be an employee of any City, the County or any RTPC.

(24) "Expenditure Plan" means the Contra Costa Transportation Improvement and Growth Management Expenditure Plan adopted by the Authority pursuant to Section 180206 of the Act and submitted to and adopted by the voters as Measure on the November 8, 1988 Ballot.

(25) "Fiscal Year" means July 1 to and including the following June 30.

(26) "General Counsel" means the attorney(s) acting as general counsel to the Authority.

(27) "Holiday" means any day observed by the Authority as a holiday, other than a Saturday or Sunday.

(28) "Local Jurisdiction" means any local agency as defined in Government Code Section 15501, the boundaries of which are entirely within the County, the San Francisco Bay Area Rapid Transit District, the Metropolitan Transportation Commission and the County.

(29) "Metropolitan Transportation Commission" means the regional transportation planning agency authorized by Government Code Sections 66500 et seq.

(30) "Net Revenues" means gross revenues derived from imposition of the retail transactions and use tax, less Board of Equalization administrative and other charges, Administrative Expenses and ten percent (10%) of expected gross revenues to be set aside as a reserve for project overruns.

(31) "Official Acts" means all substantive actions taken by the Board, excluding matters which are procedural in nature.

(32) "Ordinance" means the Transportation Improvement and Growth Management Ordinance #88-01 of the Authority submitted to and adopted by the voters as Measure on the November 8, 1988 Ballot.

(33) "PGA" means the Planning and Governmental Affairs Committee of the Board.

(34) "PPC" means the Projects and Programs Committee of the Board.

(35) "Project" means a project and/or a program described in the Expenditure Plan.

(36) "Representative" means representative to the Board as set forth in Section 104.6 hereof.

(37) "RTPC" means a Regional Transportation Planning Committee.

(38) "Southwest County" means the cities or towns of Danville, San Ramon, Lafayette, Moraga, Orinda and the adjacent portions of unincorporated county.

(39) "Staff" means employees of the Authority and employees of the County or any City acting as employees of the Authority pursuant to agreement or contract between the Authority and such City or the County.

(40) "SWAT" means the RTPC for the Southwest County.

(41) "TCC" means the Technical Coordinating Committee.

(42) "TRANSPAC" means the RTPC for the Central County.

(43) "TRANSPLAN" means the RTPC for the East County.

(44) "WCCTAC" means the RPTC for the West County.

(45) "West County" means the cities of El Cerrito, Hercules, Pinole Richmond, San Pablo and the adjacent portions of unincorporated county.

(46) "Working Day" means any day other than a Saturday, Sunday or Holiday.

[Amended on April 21, 1993; February 18, 2004; October 18, 2006]

ARTICLE III

POWERS, AUTHORITY AND DUTIES OF THE GOVERNING BOARD

103.1 **Powers.** The Board shall exercise all of the powers and authority of the Authority in furtherance of the purposes of the Authority as defined in the Ordinance and the Act. Without limiting the generality of the foregoing, the Board shall have the power to do any of the following on behalf of the Authority:

- (a) To administer the Expenditure Plan, to provide for the design, financing and constructing of the Projects, and to determine the use of Net Revenues in conformance with the parameters established in the Expenditure Plan;
- (b) To prepare, adopt, implement and administer the Congestion Management Program as designated Congestion Management Agency for the County;
- (c) To make and enter into contracts;
- (d) To contract for the services of auditors, appraisers, engineers, attorneys, planners, financial consultants, and separate and apart therefrom to employ an Executive Director and such other persons as it deems necessary;
- (e) To appoint agents;
- (f) To lease, acquire, construct, manage, maintain, and operate any buildings, works or improvements;
- (g) To acquire, hold, or dispose of property by any lawful means, including without limitation, gift, purchase, lease, lease purchase or sale, expressly excluding the power of eminent domain;
- (h) To incur debts, liabilities or obligations subject to limitations herein set forth, including without limitation the issuance of bonds;
- (i) Subject to applicable reporting and other limitations as set forth in Chapter 4 attached hereto, to receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity;
- (j) To sue and be sued on behalf of the Authority;
- (k) To apply for an appropriate grant or grants under any federal, state, or local programs for assistance in developing any of its projects;

(l) To adopt a seal and alter it;

(m) To appoint such officers and employ such employees and assistants as may be appropriate. To the extent possible, the Authority shall rely on existing state, regional and local transportation planning and programming data and expertise, rather than on a large duplicative staff;

(n) To exercise those powers authorized in Division 19 (commencing with Section 180000) of the Public Utilities Code; and

(o) To administer the Authority in furtherance of all the above.

[Amended on April 21, 1993]

103.2 Organization.

(a) The Board shall consist of the following:

(1) Two members from TRANSPAC, each of whom is an Elected Official;

(2) Two members from TRANSPLAN, each of whom is an Elected Official;

(3) Two members from SWAT, each of whom is an Elected Official;

(4) Two members from WCCTAC, each of whom is an Elected Official;

(5) One member from the Conference of Mayors who is an Elected Official; and

(6) Two members from the Board of Supervisors, each of whom is an Elected Official.

(b) Each participating Commissioner shall also have a designated alternate and may have a designated second alternate, each of whom must also be an Elected Official, who shall attend meetings of the Board in the event that the Commissioner is unable to attend. An Elected Official may be designated by more than one Commissioner as an alternate, provided that such Elected Official shall not simultaneously serve on behalf of more than one Commissioner. In the event that a Commissioner is unable to attend a Board meeting, his designated alternate shall attend. In the event that the Commissioner and his designated alternate are unable to attend a meeting of the Board, the designated second alternate, if available, shall serve as the alternate. It shall be the responsibility of the Commissioner to inform, at least 72 hours in advance of the meeting whenever possible, such Commissioner's

designated and designated second alternates when such Commissioner is unable to attend a meeting of the Board; and to also advise the Executive Secretary or other responsible staff of the Authority. The name of each designated and designated second alternate Commissioner shall be on file with the Board. After being duly sworn, an alternate Commissioner shall assume all rights and duties of the absent Commissioner.

[Amended on November 16, 2005]

(c) Each Commissioner and such Commissioner's designated and designated second alternate shall be appointed by the members of the RTPC, the Conference of Mayors or the Board of Supervisors which the Commissioner represents. Each Commissioner shall be appointed for a term of two years; however, in order to provide for staggered terms for Commissioners, the following Commissioners shall be appointed for the following initial terms:

(1) WCCTAC: one Commissioner for a two year term and one Commissioner for a three year term;

(2) TRANSPLAN: one Commissioner for a two year term and one Commissioner for a three year term;

(3) TRANSPAC: one Commissioner for a two year term and one Commissioner for a three year term;

(4) SWAT: one Commissioner for a two year term and one Commissioner for a three year term;

(5) Board of Supervisors: one Commissioner for a two year term and one Commissioner for a three year term; and

(6) Conference of Mayors: one Commissioner for a two year term.

All initial terms shall commence as of February 15, 1989 and, subject to earlier removal or termination as provided herein, shall expire on January 31, 1991, as to two year terms and January 31, 1992, as to three year terms. Thereafter terms of office shall commence on February 1 and shall terminate on the second anniversary date of such commencement date. Commissioners shall be appointed for their full terms, subject only to the requirement that they continue to be Elected Officials.

(d) If for any reason a Commissioner is no longer an Elected Official, his alternate shall serve in his place until a successor is named and qualified. If no qualified alternate has been appointed, such Commissioner's position shall remain vacant until a successor is named and qualified.

(e) Anything to the contrary herein notwithstanding, by the affirmative vote of two thirds of the members of the appointing RTPC, a RTPC may remove and replace a representative to the Authority, for cause, at any time, provided that such replacement Commissioner's term shall be coterminous with the term of the removed Commissioner.

(f) Unless prohibited by law from accepting compensation, each Commissioner or alternate not otherwise compensated for meeting attendance shall be compensated at the rate of \$100 per meeting for attending to the business of the Authority at Board and Board Committee meetings, but not to exceed \$400 per month, which amounts shall be adjusted periodically. In the event that both a Commissioner and alternate serve at the same meeting, one or both shall be compensated if that person participated in a substantial part of the meeting. Each Commissioner shall also be compensated for such necessary traveling and personal expenses incurred in the performance of such Commissioner's duties as are authorized by the Board and in accordance with Chapter 3 of this Code. The amount of compensation payable to Commissioners may be changed from time to time as approved by resolution of the Commissioners. Commissioners shall be compensated for all authorized meetings and business related activities attended by them prior to the adoption of this Code, from and after January 1, 1990.

[Amended on April 21, 1993; December 21, 1994; September 23, 1999; November 16, 2005]

103.3 Principal Office. The principal office of the Authority shall be established by motion of the Board and shall be located within the County. The Board may change said principal office from one location to another within the County.

103.4 Meetings.

(a) The Board shall meet at the principal office of the Authority or at such other place as may be designated by motion of the Board.

(b) Matters to be placed on the agenda for any regular meeting may be filed with the Executive Director, or his designee, by any Member no later than ten (10) Working Days prior to the date of the meeting. The notice of an agenda for each regular meetings shall be prepared by or under the direction of the Executive Director, who shall cause copies to be posted, mailed and/or delivered to Members and posted, all in accordance with applicable law. Each agenda shall provide a public comment period during which members of the public shall be afforded an opportunity to address the Board on items of interest to the public (other than agenda items) that are within the Authority's jurisdiction. Each individual shall be limited to three minutes (or such other time period as the Chair may determine) for his or her comments during said public comment period. The total amount of time for such public comment shall not exceed 20 minutes for any meeting unless otherwise determined by the Chair. At the time the Board considers each agenda item, the Chair may allow interested members of the public to comment on such agenda item and may in his or her discretion impose appropriate time limits for individual speakers and for public testimony on such agenda item. By motion adopted by a majority of the Commissioners present and voting, the Board may overrule the Chair and adopt

different time limitations for individual speakers and for public testimony on such agenda item. For the convenience of the Board, members of the public may be required to complete and submit to the Board prior to the meeting a card indicating the agenda item on which such person desires to address the Board. Whenever a group of persons wishes to address the Board on the same subject matter, it shall be proper for the Chair to request that a spokesperson be chosen by the group to address the Board and to otherwise limit the number of persons addressing the Board as to avoid repetitive testimony.

(c) Regular meetings of the Board shall be held on such day and time of each month as shall be specified by motion of the Board, unless such day is a holiday, in which case the meeting shall be held on the next regular business day approved by the Board.

(d) Regular, adjourned, and special meetings of the Board, and any Board committee meeting at which it is anticipated that a majority of the Board will be present shall be called and with respect to any Board meeting or any Board committee meeting at which a majority of the Board is present shall be conducted in accordance with the provisions of the Brown Act.

(e) Unless otherwise specified herein, Robert's Rules of Order shall govern the Conduct of Authority meetings and the Chair's decision on any procedural question shall be final. No person shall address the Board at any meeting until he or she has first been recognized by the Chair. The decision of the Chair to recognize a person may be changed by vote of a majority of the Commissioners present at the meeting. The Chair may, in the interest of facilitating the business of the Board, limit the amount of time which a person may use in addressing the Board.

(f) At any regular meeting not held because of a lack of a quorum, the Commissioners present, if less than a quorum of the Board may constitute themselves a "Committee of the Whole," for the purposes of discussing agenda matters or any other matter of interest to the members present. The committee shall automatically cease to exist if a quorum of the Board is present at the meeting.

[Amended on April 21, 1993]

103.5 Quorum and Voting Requirements for Action by the Board. A majority of the Commissioners shall constitute a quorum for the purposes of the transaction of business relating to the Authority, and, except as otherwise provided herein, all Official Acts of the Authority shall require the affirmative vote of a majority of the Commissioners of the Authority. In the event that a quorum is initially present at a duly held meeting but a quorum is not present throughout the meeting, the Commissioners remaining may continue conduct business on behalf of the Board provided that at the time any action is approved, the required majority of Commissioners required to approve action is present and provided further that any Commissioner absent during the time testimony or evidence regarding the matter to be voted on was presented to the Board, shall review the tape recording or be otherwise informed as to such evidence or testimony prior to voting on the matter.

103.6 Amendments to the Ordinance. Notwithstanding Section 103.5 hereof, and provided that no amendment which operates to affect the tax imposed by the Ordinance shall be effective without a vote of the electorate, the Ordinance may be amended to further its purposes as follows:

(a) Any proposed amendment to the Ordinance shall, prior to being submitted to the Board for action, be submitted to each of the RTPCs for review and action. Any RTPC may, within 20 days of the date the Authority submits the proposed amendment to such RTPC, propose modification to the proposed amendment by acting upon such proposed amendment at a regularly or specially scheduled meeting of the RTPC and submitting notification of its action to the Authority.

(b) The Authority may accept or reject any proposed modification to the proposed amendment submitted by any RTPC and, upon acceptance or rejection of any such proposed modification within 30 days of the date of receipt of such proposed modification, shall submit the proposed amendment, to the Board for action.

(c) Adoption of the proposed amendment shall require the affirmative vote of two-thirds of the Commissioners.

(d) Within 45 days from the date the Authority adopts the proposed amendment, any Local Jurisdiction, by affirmative vote of a majority of the members of its policy decision-making body, may:

(1) Notify the Authority in writing via registered mail of its intent to obtain an override of the Authority's amendment; and

(2) Obtain resolutions supporting its appeal for an override of the amendment from a majority of the Cities representing a majority of the population residing in the incorporated areas of the County and from the Board of Supervisors.

If the Local Jurisdiction is unable to obtain the necessary resolutions supporting its appeal, the Authority's amendment to the Ordinance will stand.

103.7 Amendments to the Expenditure Plan. The Expenditure Plan shall be amended in accordance with the provisions of Section 180207 of the Act and, to the extent not inconsistent therewith, Section 8 of the Ordinance.

103.8 Minutes. The Secretary of the Authority shall cause to be kept minutes of regular, adjourned regular, and special meetings of the Board, and shall cause a copy of the minutes to be forwarded to each Commissioner. If the Secretary has not been appointed or is not present, the Board shall appoint an acting secretary at each meeting to keep official minutes for such meeting, provided that the Board may delegate to the Secretary, if one has been

appointed, authority to appoint an acting secretary in his or her absence. Such acting secretary may be a person other than a Commissioner.

ARTICLE IV
OFFICERS AND DUTIES

104.1 In General.

(a) The Officers of the Authority shall consist of the Chair and a Vice Chair, each of whom shall be a Commissioner, an Executive Director and other such officers as the Board may appoint.

(b) Appointment of Chair and Vice Chair. The Board at its first meeting and annually thereafter, to be effective as of the first regular February Board meeting of each year, and at such other time as there may be a vacancy, shall elect a Chair who shall preside at all meetings and a Vice Chair who shall preside in his absence. The position of Chair shall be rotated annually and no person shall serve consecutive terms as Chair.

(c) Appointment of Executive Director and Other Officers. The Executive Director and such other officers as the Board may deem necessary, shall be appointed by the affirmative votes of a majority of the Commissioners.

(d) Removal of Officers and Employees. Officers may be removed by the affirmative vote of a majority of the Commissioners. Matters regarding the discharge of an employee shall be resolved by reference to the personnel policies set forth in the Personnel and Salary Manual and Procedures which are attached as Chapter 6 to this Code.

(e) Duties of Various Officers.

(1) Duties of Chair. The Chair shall, if present, preside at all meetings of the Board and shall exercise and perform such other powers and duties as may from time to time be assigned to him by the Board or prescribed herein.

(2) Duties of the Vice Chair. The Vice Chair shall perform the duties of the Chair in his absence and, when so acting, shall have all the powers of and be subject to all the restrictions upon the Chair, and shall exercise and perform such other powers and duties as may from time to time be assigned him by the Board.

(3) Chair Pro Tempore. In the event of the absence, or inability to act, of the Chair and Vice Chair, the Commissioners present at any meeting of the Board, by order entered in the minutes, shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have all of the authority of the Chair.

(4) Duties of Executive Director. The Executive Director shall be a full-time officer of the Authority. The powers and duties of the Executive Director are:

(A) To have full charge of the administration of the day-to-day business affairs of the Authority;

(B) To administer the personnel system of the Authority, including hiring, controlling, supervising, promoting, transferring, suspending with or without pay or discharging any employee in accordance with Chapter 6 attached hereto;

(C) Subject to any limitation and to the terms and conditions set forth in Chapter 5 hereto, to act as the purchasing agent for the Authority with powers to be exercised in the manner governing the exercise of the powers of the purchasing agent of the County;

(D) To keep the Board advised as to the needs and the status of operations of the Authority;

(E) To see that all rules, regulations, ordinances, policies, procedures and resolutions of the Authority are enforced;

(F) To execute and deliver contracts and agreements on behalf of the Authority following such approvals as may be required hereunder and to administer Authority contracts in accordance with and subject to the limitations set forth in Chapter 5 attached hereto;

(G) To authorize, approve and make expenditures in accordance with and subject to the limitations set forth in Chapters 2 and 3 hereof.

(H) To cause to be prepared and distributed the agenda for all Board meetings;

(I) To undertake such other duties, powers and responsibilities as may from time to time be assigned to him by the Board; and

(J) To accept and consent to deeds or grants conveying any interest in or easement upon real estate to the Authority pursuant to Government Code Section 27281 and to prepare and execute certificates of acceptances therefor from time to time as the Executive Director determines to be in furtherance of the purposes of the Authority. Such authority shall be limited to actions of a ministerial nature necessary to carry out conveyances authorized by the Board.

(K) Unless specifically delegated to an officer appointed by the Executive Director with the approval of the Board, to assume the responsibilities of a Secretary and Treasurer of the Authority. Until such time as the Board appoints a Secretary and/or Treasurer, any reference in this Code to such officer shall be deemed to be a reference to the Executive Director or his appointee.

104.2 Standing Board Committees. The Board may, as it deems appropriate, appoint Standing Board Committees consisting of three or more Commissioners, to accomplish the purposes set forth herein.

(a) Organization of Standing Board Committees. Standing Board Committees shall be organized and operate as follows:

(1) Each such Standing Board Committee shall by majority vote elect a chairman at its first meeting who shall serve at the pleasure of the Standing Board Committee. Except with respect to the Executive Committee, the Standing Board Committees shall establish a schedule of monthly regular meetings; special meetings of Standing Board Committees may be scheduled by the Executive Director or by the Committee Chair as needed.

(2) Any meeting of such a committee shall be deemed to be a meeting of the Authority for purposes of compensation of the members of such Standing Board Committee only. The number of Commissioners serving on each Standing Board Committee shall be fixed and may be changed from time to time by the Board.

(3) Except with respect to the Executive Committee, the Board shall appoint Commissioners to serve on each Standing Board Committee, as set forth below. To the extent possible, Standing Board Committee assignments shall reflect geographical balance. Committee members shall be appointed annually at the first regular Board meeting to be conducted in February of each calendar year.

(4) Committee members shall hold such positions for a period of one year or until their successors are duly appointed. Any member appointed to fill a vacancy on a Standing Board Committee whether caused by the resignation or removal of a member or by an increase in the number of members of such committee shall hold such position until the next regular first February Board meeting only.

(5) Upon the removal or resignation of a Commissioner, such Commissioner shall cease to be a committee member on any Standing Board Committee upon which such Commissioner was serving on the date of his resignation or removal.

(6) A majority of the members of the Standing Board Committee shall constitute a quorum and approval of any action shall require the affirmative vote of a majority of Commissioners present at the meeting and constituting a quorum. In the event that a quorum is initially present at a Standing Board Committee meeting but a quorum is not present throughout the meeting, the members may continue to take action on behalf of the Standing Board Committee provided such action is approved by the number of members otherwise required for such action assuming the presence of a quorum.

(7) All Standing Board Committee meetings shall be open to all Commissioners, unless the presence of Commissioners who are not members of such committee would violate the provisions of the Brown Act.

(8) Except with respect to the Executive Committee, alternate members of Standing Board Committees may be appointed by the Board from remaining Commissioners, to attend Standing Board Committee meetings in the absence of the principal appointees to the committees. To the fullest extent possible, the Board shall appoint alternates so as to maintain geographical balance on such Standing Board Committee. If the Commissioner alternate appointed by the Board is not able to attend, the Commissioner's designated alternate shall attend the meeting. It shall be the responsibility of the Commissioner to inform such Commissioner's alternate when such Commissioner is unable to attend a Standing Board Committee meeting 72 hours in advance of the meeting whenever possible.

[Amended on November 16, 2005]

(b) Standing Board Committees. The following Standing Board Committees are hereby created:

(1) Administration and Projects Committee. The Administration and Projects Committee shall focus on near-term activities which relate directly to projects, programs, transit operations, finance and administrative matters. The Committee is responsible for the following specific activities: budget for projects, transit and paratransit programs, and general administration; finance and financial reporting; the Administrative Code and policies of the Authority; personnel; capital outlay projects, including project policies, reviews, approvals and allocations; the Strategic Plan; paratransit and transit programs; programming of state and federal funds for projects; and legislation involving the above.

(2) Planning Committee. The Planning Committee shall focus on longer-term planning issues, and the funding allocations for demand management oriented activities. The Committee is responsible for the following specific activities: the Growth Management Program (GMP), including preparation of the Countywide Comprehensive Transportation Plan, GMP policies and requirements, checklist review and approval, facilitation of program implementation; and the Congestion Management Program (CMP), including preparation of the biennial Congestion Management Plan, CMP policies and requirements, deficiency plan guidelines and review of deficiency plan when prepared, checklist review, the Congestion Management Plan Capital Improvements Program, and facilitation of program implementation; oversight of computerized transportation demand modeling and land use data base; review and comment on the Metropolitan Transportation Commission's (MTC's) biennial Regional Transportation Plan (RTP) and related processes; planning studies conducted with other agencies; carpools, vanpools and park and ride funds; Transportation Fund for Clean Air (TFCA) policies, oversight and allocations; Congestion Management Agency (GMP, CMP and TFCA) budget; and legislation involving the above.

(3) Executive Committee. The Executive Committee, the membership of which shall consist of the Board Chair, the Board Vice Chair and the Chairs of the Administration and Projects Committee and the Planning Committee, shall be responsible for responding on behalf of the Authority in the event of an emergency which makes it

impossible for the full Board to act. During intervals between the meetings of the Board, the Executive Committee, in all cases in which specific directions shall not have been given by the Board, shall have and may exercise the power and authority of the Board, subject only to the limitation regarding Official Acts set forth in Section 103.5 hereof. In the event that, for any reason, the Executive Committee is unable to obtain a quorum of members, so many of the following alternate member(s), in the order indicated, as is necessary to achieve a quorum of the Executive Committee, may serve in their stead: (1) the Vice Chair of the standing committee for which the Committee Chair is absent or otherwise unavailable; (2) the Vice Chair of the other standing committee; (3) so many of the remaining members of the Board, in the order of their appointment to the Board (earliest to most recent) as may be necessary to achieve a quorum. A quorum of the Executive Committee shall consist of three members.

(c) Other Committees. The Board may establish such other standing, special, ad hoc or other Board Committees as it deems necessary or advisable from time to time.

[Amended on April 21, 1993; December 21, 1994; September 19, 2001]

104.3 Standing and Advisory Committees. The following committees have been established to assist in the creation of the Authority and the development of the Ordinance and the Expenditure Plan, to assist in the development of programs and projects under the Expenditure Plan and Ordinance, and to continue as standing committees. The standing and advisory committees are as follows:

(a) Regional Transportation Planning Committees. For each of the Central, East, West and Southwest County regions, a regional transportation planning committee has been established with responsibility for transportation issues within such area. Relative to the Authority's programs and processes, the Board shall prescribe the powers, duties and responsibilities of each RTPC. The RTPCs shall cooperate with the Authority in furtherance of Authority purposes. Each RTPC is responsible for developing a transportation plan for its area and updating it periodically, for incorporation by the Authority into a countywide transportation plan consistent with the Expenditure Plan and the Ordinance authorized by the voters and as amended from time to time by the Authority.

(b) Each RTPC shall consist of Elected Officials from each City in the region as well as a member or members of the Board of Supervisors representing the unincorporated area within the region. RTPCs may also include planning commissioners from the Cities and/or County represented on such RTPC as well as members from the policy board of other public bodies such as transit organizations, the Metropolitan Transportation Commission and ports, airports, or other agencies concerned with transportation. For election or recall of Commissioners, only City and County Elected Officials shall vote, and each City and Board of Supervisors shall have one vote for each such action. Other voting rights and procedures of the RTPCs governing the conduct of their activities shall be determined by each such RTPC with the concurrence of the Authority. Robert's Rules of Order shall be observed in the conduct of all RTPC meetings.

(c) Each City RTPC member shall be appointed by the governing body of the City and in the case of Board of Supervisors' members, by the Board of Supervisors; provided, that the removal or resignation of any RTPC member who is a Commissioner shall not cause such Commissioner to be removed from the Board. Members from other public bodies and special interest groups shall be appointed by the RTPC and shall serve at the pleasure of the RTPC. Each RTPC shall, by vote of a majority of the members of such RTPC, elect a chair at its first meeting and thereafter from time to time as required.

(d) Citizens Advisory Committee. The CAC is a citizens' advisory committee to the Authority. The purpose of the citizens' advisory committee is to provide citizen perspective, participation and involvement in Authority policy development and implementation.

(1) Membership. Each of the Cities and the County shall appoint one member to the CAC. In addition, three (3) members shall be appointed by the Authority as "at large" members. Members shall be selected to reflect community and business organizations and interests within the County. Members shall not serve in a representative capacity with respect to their appointing authorities.

(2) Terms of Membership. Members shall be appointed for four (4) year terms. There shall be no limit on the number of consecutive terms which a member may serve. At the discretion of the respective appointing body, CAC members are subject to recall at any time.

(3) Subcommittees, Select Committees and Ad Hoc Committees. The CAC may create such subcommittees, select committees and ad hoc committees, and shall fix the membership and duties thereof, as it determines necessary or advisable to carry out its functions. Except as otherwise provided herein, such subcommittees, select committees and ad hoc committees shall be advisory only, and their recommendations and reports shall be made to the CAC.

(4) Growth Management Compliance Checklist Review Subcommittee. A Growth Management Compliance Checklist Review subcommittee may be created, and its members appointed from the CAC membership by the full membership of the CAC. The subcommittee, if constituted, shall be charged with responsibility for reviewing and making recommendations to the Authority and any appropriate standing committee of the Authority with respect to Growth Management Checklists which have been submitted to the Authority by the Cities and the County in accordance with requirements of Ordinance 88-01 (as amended). In the interest of meeting timetables established by the Authority for review of Growth Management Checklists by the subcommittee, the report and recommendations of the Growth Management Compliance Checklist Review subcommittee may be submitted directly by the subcommittee to the Authority and/or any appropriate Authority standing committee. In such event, the report and recommendation need not be reviewed or approved by the full membership of the CAC. In the event the full membership of the CAC reviews reports and

recommendations made by the subcommittee, such review shall comply with the Authority timetable for review of the Checklists.

(5) CAC Bylaws. The CAC may develop and adopt bylaws setting forth procedures for meetings, election of officers, attendance requirements, and other matters as necessary to facilitate CAC functions. Initial adoption of the bylaws, and subsequent approval of any amendments to the bylaws, requires a two-thirds (2/3) vote of the CAC members present and voting at any regular meeting of the CAC, and subsequent approval by the full Authority Board.

[Amended on October 18, 2006]

(e) Technical Coordinating Committee.

(1) The TCC provides advice on technical matters that may come before the Authority. Members also act as the primary technical liaison between the Authority and the RTPCs. The TCC reviews and comments on project design, scope and schedule; provides advice on development of priority transportation improvement lists for submittal to the MTC for projects proposed under the federal Intermodal Transportation and Efficiency Act (ISTEA) as well as the state Flexible Congestion Relief (FCR) programs; reviews and comments on the Strategic Plan of the Authority and amendments and revisions thereto; reviews and comments on the Authority's Congestion Management Program and amendments and revisions thereto; reviews RTPC Action Plans and the merging of such Action Plans to form the Countywide Transportation Plan; and reviews and comments on the Authority's Growth Management Plan Implementation Documents.

(2) The TCC's membership shall consist of 24 representatives, as follows:

(A) twelve members, three appointed by each of the RTPCs, and representing planning, engineering and transportation disciplines;

(B) three members appointed by the Board of Supervisors representing the planning and engineering disciplines;

(C) five members, one appointed by each of the San Francisco Bay Area Rapid Transit District, the Central Contra Costa Transit Authority, the Alameda-Contra Costa Transit District, the East Contra Costa Transit Authority and the West Contra Costa Transit Authority;

(D) one member appointed by the City County Engineering Advisory Committee; and

(E) three members, one ex-officio, non-voting member appointed by each of the California Department of Transportation, the MTC and the Bay Area Air Quality Management District.

(3) Appointments shall be for renewable terms of two (2) years. Terms shall expire on March 31 of each odd numbered year. The committee shall elect a chair and vice chair annually. The committee may form subcommittees for the purpose of dealing with major programmatic issues. The committee shall meet monthly; subcommittee meeting shall be scheduled as necessary.

(4) Each member, excluding non-voting members, shall have one vote on any matter to come before the committee for a vote; provided, that with respect to recommendations for including a project on the Capital Improvement Program list for ISTEA funding, each applicant which is represented on the committee for a project which is proposed to be included on the list shall be entitled to cast one vote on the list of projects to be recommended to the Authority.

(f) Growth Management Task Force. The Growth Management Task Force assists the PGA with the development and implementation of the growth and congestion management plans of the Authority. Membership of the Task Force consists of four members from CAC, one staff member from each RTPC and one staff member from the County. The Task Force shall make recommendations and comment on issues coming before it, but shall not vote. Actions of the Task Force shall be subject to approval by vote of the PGA.

[Amended on June 20, 1990; August 8, 1990; October 17, 1990; April 21, 1993, October 16, 1996; February 18, 2004; October 18, 2006]

104.4 Bonding Requirement. The officers or persons who have charge of, handle or have access to any property of the Authority shall be so designated and empowered by the Board. Each such officer or person shall be required to file an official bond with the Board in an amount which shall be established by the Board. The premiums on any such bonds attributable to the coverage required herein shall be expenses of the Authority.

104.5 Compensation. Compensation of employees, including the Executive Director, shall be as provided for from time to time by the Board in accordance with the Personnel and Salary Manual and Procedures which is Chapter 6 attached hereto; provided that the compensation of any such employee may be governed by contract approved by the Board pursuant to the Contract Policies and Procedures, Chapter 5 attached hereto. In accordance with Section 180109 of the Act, Staff salary and benefits shall not exceed one percent of the funds generated pursuant to the retail transactions and use tax authorized by the Ordinance. Compensation, benefits and related personnel matters are set forth more fully in Chapter 6 attached hereto.

104.6 Representatives.

(a) The Board shall have the authority to establish by resolution, representatives to the Authority, representing transportation and transit agencies and other entities interested or involved in transportation issues in Contra Costa. Each such person shall be referred to as a "Representative". Representatives shall have the following powers:

(1) the right to attend regular sessions of the Board and to participate in the discussion of matters brought before the Board for consideration;

(2) the right to attend regular committee meetings of the Planning and Government Affairs committee of the Board and to participate in the discussion of matters brought before such committee;

(3) the right to attend regular meetings of such other Board Committees and of such Standing and Advisory Committees as the Board may determine, and to participate in the discussion of matters brought before such committees.

(b) Each Representative shall be designated by the entity represented from among eligible candidates. Each such Representative shall be an Elected Official (i) elected to the Board of Supervisors of, or to the council of a town or city located within, the County, and appointed to the entity represented to the Authority, or (ii) elected to the legislative body of the entity represented to the Authority, and elected at large or to represent a district or ward of such entity which is located wholly or partially within the County. Each Representative shall have an alternate designated by the entity represented from among eligible candidates for Representative. Representatives shall hold office for a term of one year, subject to replacement by such Representative's alternate at the discretion of the Board if such Representative has been absent from four consecutive meetings of the Board.

(c) Representatives shall not be commissioners, and shall have none of the rights or powers of such commissioners except as expressly provided herein. Without limiting the generality of the foregoing, such Representatives shall not:

(1) have the right to vote with respect to any matter brought before the Board or any Board Committee or Standing or Advisory Committee;

(2) be counted for purposes of determining the number of persons attending any meeting for quorum or voting purposes;

(3) be eligible for election or appointment as an officer of the Authority;

(4) be entitled to attendance fees or other compensation for attendance at meetings of the Authority or any committee thereof;

(5) be entitled to attend or to otherwise participate in closed sessions of the Board or any committee thereof.

(d) The Board shall have the authority to establish such other conditions and limitations with respect to Representatives as it deems necessary or advisable.

[Amended on April 21, 1993]

ARTICLE V

CONTRACTS

105.1 In General. The Authority may enter into contracts of any nature whatsoever, including, but not limited to, contracts to indemnify and hold harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of its powers. The Authority may contract with any public agency or with any entity, public or private, or person upon such terms and conditions as the Board finds are in the best interests of the Authority.

105.2 Contract Bids, Rejection of Bid and Purchase in Open Market. Pursuant to Section 180154 and subject to Section 180153 of the Act, contracts for the purchase of services, supplies, equipment and materials in excess of ten thousand dollars (\$10,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the Authority. If, after rejecting bids received, the Authority determines and declares that, in its opinion, and it finds that the service, supplies, equipment or materials may be purchased at a lower price in the open market, the Authority may proceed to purchase these services, supplies, equipment or materials in the open market without further observance of provisions regarding contracts, bids or advertisements consistent with the contract procedures adopted by the Authority. Policies and procedures for contracts are set forth in Chapter 5 hereto.

[Amended on April 21, 1993]

105.3 Approval. Every contract shall be approved in accordance with the Contract Policies and Procedures attached hereto as Chapter 5.

105.4 Legal Preference; Minority and Women Owned Businesses; Application of Goals to Specific Projects. Pursuant to Section 18 of the Ordinance, and where feasible and allowed under applicable law, the Authority is to contract with Northern California organizations and businesses and to maximize contract opportunities for minority and women owned businesses. To the extent practicable, the Authority will utilize the minority and women owned business goals of the County for professional services contract awards and the goals of the lead agency with respect to construction projects contract awards.

105.5 Personal Property Purchases. The Executive Director may elect to use the Purchasing Agent of the County to purchase personal property for the Authority or may elect for the Authority to purchase such items directly, with the Executive Director exercising the powers of Purchasing Agent in accordance with the Contract Policies and Procedures of the Authority attached hereto as Chapter 5.

105.6 Agreements with Other Public Agencies and Procedures for Award of Cooperative Agreements. The Board may make and perform any agreement to join with any other agency, district, authority, city or county, in the planning, designing, financing, acquisition and construction of projects. The Authority may agree to provide services to or

obtain services from such other agencies, districts, authorities, cities or counties upon the approval of a majority of the members of the Board, pursuant to a written agreement.

ARTICLE VI

BUDGETS, REPORTS, INVESTMENTS AND DISBURSEMENTS

106.1 Annual Budget, Notice, Hearing and Adoption. Each year no later than the Authority's June meeting, the Board shall adopt by motion the Annual Budget(s) for the ensuing fiscal year. Approval of a majority of the Commissioners shall be required for adoption of the Annual Budget and any amendments thereto. In accordance with Section 180108 of the Act, notice of the time and place of a public hearing on the adoption of the Annual Budget shall be published pursuant to Section 6061 of the California Government Code not later than the 15th day prior to the date of the hearing. The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

106.2 Project Budgets. In addition to the Annual Budget, the Board may, by motion, establish Project budgets at any time for the study, implementation or construction of any Project or any portion thereof authorized as a Project pursuant to the Expenditure Plan and Ordinance. Each Project budget shall include all Project costs specifically defined, including but not limited to the following:

- (a) Estimated administrative expenses (in excess of those budgeted in the Annual Budget) allocated to the Project during planning and construction;
- (b) Estimated costs of studies and planning for the Project;
- (c) Estimated costs of right of way acquisition; and
- (d) Estimated costs of the engineering and construction of the Project.

106.3 Purchases and Payment Procedures. Purchases and payment procedures shall be governed by Chapter 2 of this Administrative Code. A voucher system to be administered by the Authority for payment of Authority expenses shall also be established.

[Amended on April 21, 1993]

106.4 Books and Accounts. Full books and accounts shall be maintained by the Authority in accordance with practices established by, or consistent with, those utilized by the Controller of the State of California for like public entities.

106.5 Expenditures. The Board's approval of an Annual Budget shall be deemed approval of any expenditures made in accordance with the approved budget. All expenditures in excess of the designations and limitations of the approved Annual Budget shall be made only upon the approval of not less than a majority of the Commissioners after notice given in accordance with the provisions of Section 180108 of the Act for approval of the Annual Budget.

106.6 Reimbursement of Expenses. Expenditures for travel, conference, staff development and business-related activities and reimbursement of Commissioners and Authority employees for such expenditures shall be governed by the Travel, Conference, Staff Development and Business Expense Policy attached to this Code as Chapter 3.

[Amended on April 21, 1993]

106.7 Reports and Audits. The Executive Director or his designee shall cause to be prepared by an independent auditor, and shall submit to the Administrative Committee, the annual audit report required by Section 180105 of the Act, and any other financial reports requested by the Board. The Committee shall review the reports and submit them to the Board for approval.

[Amended on April 21, 1993]

106.8 Investment of Funds. All funds of the Authority will be invested in the manner and upon the conditions set forth in Government Code Section 53601, and the receipt, transfer or disbursement of such funds during the term of the Agreement shall be accounted for in accordance with generally accepted accounting principles applicable to governmental entities. There shall be strict accountability of all funds, and all revenues and expenditures shall be reported to the Board.

ARTICLE VII

CONFLICTS OF INTEREST

107.1 Adoption of Conflict of Interest Code. The Political Reform Act of 1974 (Government Code Sections 81000 et seq.) requires all public agencies to adopt and periodically review and update a Conflict of Interest Code. A Conflict of Interest Code is attached as Chapter 4 to this Code and shall constitute the Conflict of Interest Code for the Authority, subject to periodic review and approval by the Board of Supervisors pursuant to Government Code Sections 82011 and 87306.5.

[Amended on April 21, 1993]

107.2 Disclosure Statements. Pursuant to Section 403.1(b) of the Conflict of Interest Code, each designated employee shall file a Statement of Economic Interest disclosing that employee's interest in investments, real property, and income designated as reportable under the category to which the employee's position is assigned. A designated employee who files a statement under Government Code Sections 87200 et seq. shall also file a copy of such statement with the Board within 30 days thereafter.

107.3 Acceptance of Contributions.

(a) Pursuant to the Levine Act (Government Code Section 84308), no Commissioner shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250), from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the Authority and for three months following the date a final decision is rendered in the proceedings. For purposes of this section, a "party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use; and a "participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit or other entitlement for use and who has a financial interest in the decision as described in Article 1 (commencing with Section 87100) of Chapter 7 of the Government Code. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the Commissioners, or employees of the Authority, testifies in person before the Authority, or otherwise acts to influence the Commissioners. For purposes of this section, "license, permit or other entitlement for use" means all business, professional, trade or land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitive bid, labor, or personal employment contracts), and all franchises; and "contribution" includes contributions to candidates and committees in federal, state and local elections.

(b) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before the Authority, each Commissioner who

received a contribution within the preceding twelve (12) months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No Commissioner shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the Authority if the Commissioner has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding twelve (12) months from a party or his or her agent, or from any participant, or his or her agent, provided, however, that the Commissioner knows or has reason to know that the participant has a financial interest in the decision, as that term is defined with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7 of the Government Code.

If a Commissioner receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(c) A party to a proceeding before the Authority involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding twelve (12) months by the party, or his or her agent, to any Commissioner. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before the Authority and no participant, or his or her agent in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250), to any Commissioner during the proceeding and for three months following the date a final decision is rendered by the Authority in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before the Authority, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (a) and (b) above.

(d) Nothing in this section shall be construed to imply that any contribution subject to being reported under the Political Reform Act of 1975 shall not be so reported.

[Amended on December 5, 1990; April 21, 1993]

ARTICLE VIII

ALLOCATION OF RELEASED FUNDS; ALLOCATION OF EXCESS FUNDS; TERMINATION AND DISPOSITION OF ASSETS

108.1 Allocation of Released and Excess Funds. Released and excess funds shall be allocated in the manner provided for under Sections 22 and 23 of the Ordinance.

108.2 Termination. Upon expiration of the retail transaction and use tax approved by the electors, the Authority shall continue to exist for the purposes of completion of any Projects and the performance of its functions as Congestion Management Agency, the payment of debt service with respect to Bonds which have been issued and satisfaction of other covenants contained in the resolution and trust indenture relating to said Bonds, reimbursement owed to financial institutions which have secured said Bonds or other parties advancing funds to the Authority and satisfaction of other covenants contained in reimbursement agreements with such financial institutions, disposing of all claims, distribution of assets and all other functions necessary to conclude the affairs of the Authority.

[Amended on April 21, 1993]

108.3 Distribution of Property and Funds. In the event of the termination of the Authority:

(a) Any property interest remaining in the Authority following the discharge of all obligations shall be disposed of as the Board shall determine.

(b) Any funds remaining following the discharge of all obligations shall be disposed of in the manner provided for allocation of excess funds set forth in Section 108.1 hereof.

ARTICLE IX

MISCELLANEOUS

109.1 Partial Invalidity. If any one or more of the terms, provisions or sections hereof shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions and sections shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

109.2 Interpretation of Sections Which Are Based on Provisions from Other Statutes, Applicable Ordinances or Codes. Sections of this Code which are based upon or which paraphrase provisions of other statutes, ordinances or codes have been included herein for reference purposes only. In the event of conflict between the provision of any such statute, ordinance or code and this Code, the provision of the statute, ordinance or code shall in all events control, and no section of this Code shall change or modify any such statute, ordinance or code.

109.3 Policies and Procedures. The policies and procedures attached hereto as Chapters 2 through 7 to this Code, unless otherwise expressly provided, constitute a part of this Code and have the same force and effect as Chapter 1 of this Code and shall be adopted and modified by action of the Board in the manner set forth in section 109.4 below. To the extent that there is an inconsistency between a provision of this Chapter 1 of this Code and the provision of any policy or procedure, the provision of this Chapter 1 prevails.

109.4 Adoption and Amendment. This Code has been adopted, and, except as otherwise expressly provided herein or in the Act, the Ordinance or the Expenditure Plan, may be amended by a vote of a majority of the Commissioners in the manner provided for adoption of any ordinance of the Authority.

[Amended on April 21, 1993]

CHAPTER 2

**POLICIES AND PROCEDURES FOR PAYMENTS FOR, AND
CERTAIN PURCHASES OF, AUTHORITY GOODS AND SERVICES**

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

May 2009 Revision

CONTRA COSTA TRANSPORTATION AUTHORITY

ADMINISTRATIVE CODE

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CHAPTER 2

CONTRA COSTA TRANSPORTATION AUTHORITY POLICIES AND PROCEDURES FOR PAYMENTS FOR, AND CERTAIN PURCHASES OF, AUTHORITY GOODS AND SERVICES

ARTICLE I PURPOSE

201.1 Purpose. The purpose of this Chapter 2 is to establish a set of policies and procedures relating to the purchase of goods and services for the Authority and the payment of invoices therefor. The policies and procedures set forth herein, when duly adopted by the Authority, shall supersede the policies and procedures adopted by the Authority at its September 13, 1989 meeting, Resolution No. 89-04.

[Amended on April 21, 1993]

ARTICLE II GENERAL POLICIES

202.1 Purchase of Goods and Services for Authority. The Authority, through its appropriate employees, is empowered to make purchases of goods and services necessary for the conduct of its business in accordance with the provisions of Chapter 5 hereof. Personal expenses, such as for travel, meals, etc., shall be authorized, processed and paid for in accordance with the provisions of Chapter 3 hereof.

[Amended on April 21, 1993; May 20, 2009]

202.2 Payment of Invoices. Payment of invoices for purchased goods and services made by the Authority shall be in the form prescribed by the Executive Director.

[Amended on May 20, 2009]

202.3 Establishment of Petty Cash Fund Revolving Account. A petty cash fund revolving account in the amount of \$1,000 shall be established and maintained by the Executive Director for purposes of paying miscellaneous expenses of the Authority not to exceed \$200 individually. Such miscellaneous expenses shall include, but not be limited to, outside photocopying expenses, expenses for office refreshments and other miscellaneous offices

supplies which, in the Executive Director's sole discretion, are necessary and convenient for proper office administration. The Executive Director is authorized from time to time to seek reimbursement of this account to a maximum balance of \$1,000.

[Amended on April 21, 1993]

ARTICLE III REQUIREMENTS FOR PAYMENT VOUCHERS

203.1 Preparation of Payment Vouchers. The payment voucher is the form which authorizes payment to vendors for purchased goods and services. The Chief Financial Officer and/or his or her designee shall prepare the payment voucher for signature(s). Vouchers must be approved or signed by authorized Authority employees whose names and specimen signatures are on file with the Authority Finance Department. Payment vouchers related to invoices in excess of \$10,000 shall be approved by two authorized employees after compliance as required with the provisions of Chapter 5 hereof. Attached to the payment voucher shall be records sufficient to justify the approval for payment of the voucher, including but not limited to the invoice, and initialization by appropriate Authority staff that the delivery of the goods, or the performance of the services has occurred. Payment vouchers are coded by the appropriate organizational subdivisions.

[Amended on April 21, 1993; May 20, 2009]

203.2 Records Relating to Payment Vouchers. Payment voucher information (see Section 3.1 above) is maintained in a computer database by the Authority. The hard copy of all current year payment vouchers and invoices are retained by the Chief Financial Officer. Previous years' payment vouchers and invoices are retained in accordance with Authority record retention policies.

[Amended on April 21, 1993; May 20, 2009]

ARTICLE IV POLICY ON DISPOSITION OF SURPLUS PERSONAL PROPERTY

204.1 General. Personal property that has been determined to be surplus and not needed by the Authority for any Authority purpose may be disposed of as follows:

[Added on December 20, 1995]

204.2 Determination of Value of Property. An initial determination will be made as to the estimated value of the surplus property. A detailed list clearly identifying the surplus

property of the Authority shall be approved by the Board in advance of any sale or final disposition thereof.

[Added on December 20, 1995; Amended on May 20, 2009]

204.3 Disposal of Property with Estimated Value of Less Than \$100.00. If the determination is that the surplus property has a value of less than \$100.00, no value, or that the value is exceeded by the costs of sale as defined in c. below, the surplus property may be disposed of as follows:

(a) Surplus property in good working order may be offered, at no charge, to a school district, the Contra Costa County Board of Education or a nonprofit organization within Contra Costa County.

(b) Surplus property may be sold by publicly noticed sale or auction, with the highest bid taking title and possession of such surplus property. If no interest is expressed in acquiring the surplus property the items may be held over for a future publicly noticed sale or auction or may be otherwise disposed of at the direction of the Executive Director or his designee.

(c) If the estimated cost of sale of the property, including notice and advertising costs, staff costs and any other costs related to the sale, exceeds the estimated value of the surplus property, the surplus property shall be deemed to be valueless.

[Added on December 20, 1995; Amended on May 20, 2009]

204.4 Disposal of Property with Estimated Value of Greater Than \$100.00. If the determination is that the surplus property has a value greater than \$100.00, the property shall be disposed of as follows:

(a) A notice of sale of surplus property shall be posted in a prominent and public place at least 10 days prior to the sale. Copies of the notice shall be mailed to school districts, the County Board of Education and other public agencies or nonprofit organizations, the jurisdictions of which are entirely or partially within the county, and to any other persons who have requested from the Authority in writing, notice of such sales of surplus property.

(b) The notice shall describe the property for sale in commercial terminology and as fully and accurately as possible, including its condition. The surplus property shall be available for inspection by prospective bidders prior to the sale. No information shall be provided to a prospective bidder that is not available to all prospective bidders.

(c) Except as set forth in d. below, surplus property shall be sold by competitive bid. Sales may be conducted as sealed bid, spot bid or auction sales, as determined by the Executive Director. In a sealed bid sale, bidders shall be required to submit sealed written bids on authorized bid forms for public opening at a time and place designated. In a spot bid

sale, bidders shall be provided with bid forms in advance of the bidding, a bid form to be used for each lot or unit to be separately sold. In requesting bids, the official in charge shall announce the item, its identification number and a brief description of the item or lot. The right to reject all such bids for a lot or item shall be reserved in the terms of sale; items for which all bids have been rejected may be reoffered at the same sale. After examining all bids, award shall be made or bids rejected immediately. In an auction sale, terms and conditions shall have been published prior to the sale and special and unusual conditions shall be announced by the person conducting the sale immediately prior to the commencement of the auction. The Authority shall reserve the right to reject all bids and to reoffer the same at the same auction where the published terms and condition so provide.

(d) A negotiated sale may be conducted without notice or competitive bid as required above, where the Authority determines that the sale involves property that has an estimated fair value not in excess of \$10,000; where public exigency will not allow for notice and competitive bidding; where, after notice and competitive bid, no reasonable bids have been obtained and it is determined that renouncing the sale on a competitive bid basis would serve no useful purpose; or where a sale can be obtained with a public agency the jurisdiction of which is totally or partially within the County and the estimated fair value and satisfactory terms can be obtained by negotiation. A determination in writing justifying the sale of the property on a negotiated sale basis shall be prepared and submitted to the Board for approval prior to any such sale.

[Added on December 20, 1995; Amended on May 20, 2009]

204.5 Replaced Computer Equipment. Recognizing that employees who are skilled in technology are an asset to the Authority, before presenting recommendations to the Board to declare replaced computer equipment as surplus, the Executive Director or designee, may allow Authority employees to use replaced computer equipment at home for work related activity. Such equipment must be returned to the Authority for final disposition or disposal at the request of the Executive Director or designee.

[Added on May 20, 2009]

204.6 Sales of Surplus Property Subject to State or Federal Law. Anything in the foregoing to the contrary notwithstanding, sales of surplus property subject to specific provisions of state or federal law or regulation shall be conducted in compliance with the terms of such applicable law or regulation.

[Added on December 20, 1995]

CHAPTER 3

REIMBURSEMENT POLICIES

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

CONTRA COSTA TRANSPORTATION AUTHORITY

ADMINISTRATIVE CODE

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CHAPTER 3

CONTRA COSTA TRANSPORTATION AUTHORITY

REIMBURSEMENT POLICIES

ARTICLE 1

INTRODUCTION AND GENERAL STATEMENTS

301.1 Ethics Statement. The purpose of the Administrative Code is to assist the Contra Costa Transportation Authority in establishing and maintaining the public trust. It is expected that the activities of the representatives of the Authority are done with integrity, economy, propriety, fiscal prudence, and are done in manners that retain and inspire the trust and confidence of the people that the Authority serves.

This chapter sets out the general policies regarding reimbursement of expenses of Authority members, staff, and Advisory Committee members. Specific eligibility criteria, and the process for claiming reimbursable expenses, are described in the Office Procedures Guide, OP#8 Reimbursement of Travel, Conference, Training, Meeting, and Business Expenses.

301.2 General Statements. The goal of this chapter is to establish a set of policies relating to reimbursement of expenses for travel, conference and business purposes.

The Authority recognizes that in some instances it is necessary, or in the best interests of the Authority, for authorized personnel to pay for business travel and other business expenses in connection with the official activities of the Authority, and then to be reimbursed by the Authority. The policy of the Authority is to pay, or reimburse Authority personnel, for such expenses, travel and fees which serve an Authority purpose and are deemed necessary and/or advantageous to the Authority.

The Authority recognizes the benefit of attendance at meetings, conferences and other functions which advance professional knowledge and provide opportunities to exchange information related to transportation, government operations, and issues. It is the policy of the Authority to provide staff development opportunities including training, seminars and professional conference attendance for Authority staff, consistent with the availability of funds and the overall mission of the Authority, in order to enhance staff job performance and to develop job related skills.

301.3 Revisions to this Chapter. The Authority may change the policies described in this chapter. Changes to the Administrative Code are made by ordinance.

The Office Procedures that implement Administrative Code policies may be governed by statute and amended by resolution. However, most of the Office Procedures Guide elements are technical in nature, and are amended (changed and updated) administratively.

ARTICLE 2

DEFINITIONS

302.1 Definitions.

AUTHORITY BOARD means the governing board of the Contra Costa Transportation Authority (Authority). The Authority Board is composed of 11 voting members and 3 non-voting ex-officio members. Authority Board members are also called Commissioners.

AUTHORITY BUDGET means the annual fiscal year budget submitted by the Chief Financial Officer and Executive Director to the Authority Board for consideration.

AUTHORITY STAFF means employees of the Authority.

CLAIM FORM means the County of Contra Costa Reimbursement and Travel Demand Form, available from the Authority Executive Secretary.

EXECUTIVE DIRECTOR means the administrative head of the Authority, as appointed by the Authority Board.

OFFICE PROCEDURES GUIDE means the procedures administered by the Executive Director regarding personnel and office operational matters, employee relations, and general office procedures that implement the policies in the Administrative Code.

ARTICLE 3

ELIGIBLE EXPENSES

303.1 Expense Reimbursement. To conserve resources, and to keep expenses within community standards for public officials, expenses must adhere to the policies on reimbursement, and to the procedures on reimbursement in the Office Procedures Guide.

303.2 Eligible Claimants. Only eligible individuals are able to receive expense reimbursements from the Authority. These include but are not limited to Authority Board members and employees.

303.3 Administrative Procedures in the Office Procedures Guide. The Office Procedures Guide shall set forth the list of eligible claimants for expense reimbursement by the Authority.

303.4 Eligible Expenses. Only eligible expenses may be reimbursed. Incurred expenses that are not in compliance with this policy and the Office Procedures Guide, are not eligible for reimbursement.

303.5 Administrative Procedures in the Office Procedures Guide. The Office Procedures Guide shall set forth the list of expenses that are eligible for reimbursement.

303.6 Required Process. Only reimbursement expenses claimed according to the approved process are eligible for reimbursement.

303.7 Administrative Procedures in the Office Procedures Guide. The Office Procedures Guide shall set forth the required forms and process for the reimbursement of expenses.

ARTICLE 4

STAFF DEVELOPMENT

304.1 Staff Development, Budgeting, and Reimbursement.

(a) Staff development costs which are reasonably related to the employee's function with the Authority are eligible to be fully reimbursed. The determination of whether the requested reimbursement is reasonably related to the employee's function shall be made by the Executive Director at his or her sole discretion.

(b) The Executive Director shall recommend a line item in the annual budget of the Authority for staff development. All travel, conference fees, hotel and related costs of attendance or participation shall be included in the formulation of the budget.

304.2 Administrative Procedures in the Office Procedures Guide. The Office Procedures Guide shall set forth the procedures for reimbursement of staff development expenses, including conference attendance and travel.

ARTICLE 5

OTHER REIMBURSEMENT POLICIES

305.1 Compliance with Laws. Authority Board members should keep in mind that expenditures are subject to the reporting requirements of the Political Reform Act, the Levine Act, and California Government Code Section 53065.5 (published expenditure and reimbursement summary). All Authority expenditures are public records subject to disclosure under the Public Records Act and other laws.

Penalties for misuse of public resources or violating these policies may include, but are not limited to, the following:

- (a) The loss of reimbursement privileges;
- (b) Restitution to the Authority;
- (c) Civil penalties for misuse of public resources pursuant to Government Code Section 8314; and
- (d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

[Amended and Restated September 20, 2006]

CHAPTER 4

CONFLICT OF INTEREST CODE

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

WITH

DESIGNATED EMPLOYEES AND OFFICIALS

CONTRA COSTA TRANSPORTATION AUTHORITY

ADMINISTRATIVE CODE

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CHAPTER 4

CONTRA COSTA TRANSPORTATION AUTHORITY

CONFLICT OF INTEREST CODE

ARTICLE I PURPOSE

401.1 Purpose. Pursuant to the provisions of Government Code sections 87300 et seq., the Contra Costa Transportation Authority, hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974, as amended (Government Code §81000 et seq.). The provisions of this Code are additional to Government Code section 87100 et seq. and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

[Amended on July 20, 1994]

ARTICLE II DESIGNATED POSITIONS

402.1 Designated Positions. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

ARTICLE III DISCLOSURE STATEMENTS

403.1 Disclosure Statements.

(a) This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government

Code sections 87200 et seq. Such persons are covered by this Code for disqualification purposes only.

(b) Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B". With the exception of those designated employees who are exempt pursuant to subsection (a), each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, business positions, and income, designated as reportable under the category to which the employee's position is assigned.

[Amended on February 16, 1994]

ARTICLE IV PLACE AND TIME OF FILING

404.1 Place and Time of Filing.

(a) All designated employees required to submit a statement of financial interests shall file the original with the Executive Director to the Contra Costa Transportation Authority.

(b) In the case of agency heads and the members of boards and commissions, the Secretary of the Contra Costa Transportation Authority shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

(c) All designated employees employed by the agency on the effective date of this Code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within thirty days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within thirty days after the effective date of the amendment. Designated employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days after the date such appointment, promotion or transfer becomes effective.

(d) Annual statements shall be filed during the month of April by all designated employees. Such statements shall cover the period of the preceding calendar year. Closing statements shall be filed within 30 days of leaving a designated position. Such statements, shall cover the period from the closing date of the last statement filed to the date of leaving the position.

(e) A designated employee required to file a statement of financial interest under any other agency's conflict of interest code, or under Article 2 of Chapter 7 of the Political Reform Act for a jurisdiction contained within the territorial jurisdiction of this agency may comply with the provisions of this Code by filing a duplicate copy of that statement and an expanded statement which covers reportable interests in that portion of this agency's jurisdiction which differs from the jurisdiction described in the other statement.

(f) Any designated employee required to file a statement with the Authority who resigns his position with the Authority within 12 months following initial appointment or within 30 days of the date of a notice mailed by the Executive Director of the Authority of the employee's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the Authority or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the Authority, the employee shall do both of the following:

(1) File a written resignation with the appointing power.

(2) File a written statement with the Authority on a form prescribed by the Fair Political Practices Commission and signed under penalty of perjury stating that the employee, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the Authority or receive, or become entitled to receive any form of payment by virtue of being appointed to the position.

[Amended on April 21, 1993; February 16, 1994; July 20, 1994]

ARTICLE V CONTENTS OF DISCLOSURE STATEMENTS

405.1 Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the Clerk of Contra Costa County, and shall contain the following information:

(a) Contents of Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

(1) A statement of the nature of the investment or interest;

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000), but does not exceed one million dollars (\$1,000,000), or whether it exceeds

one hundred million dollars (\$100,000,000). This information need not be provided with respect to an interest in real property which is the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.

(b) Contents of Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

(1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source. In the case of a gift received through an intermediary, the name, address, and business activity of both the donor and the intermediary must be disclosed;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$550) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the amount and the date on which the gift was received;

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(c) Contents of Business Entity Income Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(d) Advance or reimbursement for travel:

When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value from the payments for the travel, in which case the travel may be reported as income.

(e) Contents of Business Position Reports:

When business positions are required to be reported, designated employees shall list the name of each business entity in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management, a description of the business activity in which the business entity is engaged and their position with the business entity.

(f) Initial Statement:

The initial statement filed by a designated employee employed on the effective date of this code shall disclose investments, business positions and interests in real property held on the effective date of this code and income received during the 12 months before the effective date of the code. Thereafter, employees appointed to a designated position shall disclose any reportable investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of appointment.

(g) Acquisition or Disposal During Reporting Period:

In the case of a statement filed under section 4.1(d), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

[Amended on April 21, 1993; September 18, 2002]

ARTICLE VI DISQUALIFICATION

406.1 Disqualification. Designated employees must disqualify themselves from making or participating in the making of or using their official position to influence the making of any decisions in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself with respect to any matter with respect to which such designated employee's participation is legally required for the action or decision to be made. The fact that a

designated employee's vote is needed to break a tie does not make his participation legally required for purposes of this section.

[Amended on September 16, 1992; April 21, 1993]

ARTICLE VII TRAVEL PAYMENTS, HONORARIA AND GIFTS

407.1 Definitions. For purposes of this Chapter, "honorarium" means, except as provided below, any payment made in consideration for any speech given, article published or attendance at any public or private conference, convention, meeting, social event, meal or like gathering. The term "honorarium" does not include earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade or profession, such as teaching, practicing law, medicine, insurance, real estate, banking or building contracting, unless the sole or predominant activity of the business, trade or profession is making speeches.

407.2 Honoraria Prohibition. No designated employee shall accept any honorarium.

407.3. Gift Limitation. No designated employee shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). This shall not prohibit or limit payments, advances or reimbursements for travel and related lodging and subsistence otherwise permitted by this Code or other applicable law, wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided the gifts exchanged are not substantially disproportionate in value. Beginning on January 1, 1993, the Fair Political Practices Commission shall adjust the gift limitation set forth above on January 1 of each odd numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars (\$10).

407.4 Travel Payments, Advances and Reimbursements.

(a) Payments, advances and reimbursements for travel, including actual transportation and related lodging and subsistence which is reasonably related to a legislative or governmental purpose, or to an issue of state, national or international public policy, are not prohibited or limited by this Chapter if either of the following apply:

(1) the travel is in connection with a speech given by the designated employee, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States;

(2) the travel is provided by a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the California Revenue and Taxation Code, a nonprofit charitable or

religious organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Gifts of travel not described in (a) above are subject to the limitation in Section 407.3.

(c) Subdivision (a) applies only to travel which is reported on the recipient's statement of economic interest.

(d) For purposes of this Section, a gift of travel does not include any of the following:

(1) travel which is paid for from campaign funds, as permitted by the Political Reform Act, or which is a contribution;

(2) travel which is provided by the Authority;

(3) travel which is reasonably necessary in connection with a bona fide business, trade or profession and which satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 247 of the Internal Revenue Code, unless the sole or predominant activity of the business, trade or profession is making speeches;

(4) travel which is excluded from the definition of a gift by any other provision of this Code or by any provision of the Political Reform Act.

(e) This section does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence permitted or limited by Section 170.9 of the California Code of Civil Procedure.

[Added on March 20, 1996]

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Commissioners and Alternates (22)	1 & 2
Executive Director	1 & 2
Consultants ¹	1 & 2
Chief Financial Officer	1 & 2
Deputy Executive Director, Projects	1 & 2
Director, Projects	1 & 2
Deputy Executive Director, Planning	1 & 2
Director, Government and Community Relations	1 & 2

It has been determined that the positions listed below manage public investments and will file a statement of economic interest pursuant to Government Code Section 87200:

Chief Financial Officer	1 & 2
-------------------------	-------

[Amended on April 21, 1993; September 18, 2002; October 18, 2006]

¹ *With respect to Consultants, the Chief Executive Officer of the agency shall have the following rights and duties:*

1. The Chief Executive Officer shall have the right to determine, in accordance with the applicable authority, whether an individual performing services for an agency qualifies as a "consultant"

2. Upon the Chief Executive Officer's determination that a particular individual is a consultant, said "consultant" shall disclose his or her financial interests pursuant to the broadest disclosure category unless the Chief Executive Officer determines, in writing, that said consultant was hired to perform a limited range of duties that does not require full compliance with the general disclosure requirements. Any such determination by the Chief executive Officer shall include a description of the consultant's duties, and based upon such duties, a statement of the necessary disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

1. Designated Employees in Group "1" Must Report:

All investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within Contra Costa County or if the business entity is doing business or planning to do business in the County (and such plans are known by the designated employee) or has done business within the County at any time during the two years prior to the filing of the statement.

2. Designated Employees in Group "2" Must Report:

Investments in any business entity and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which, within the last two years, has contracted, or in the future foreseeably may contract with the Contra Costa Transportation Authority to provide services, supplies, materials, machinery or equipment to the Authority.

CHAPTER 5

CONTRACT POLICIES AND PROCEDURES

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

CONTRA COSTA TRANSPORTATION AUTHORITY

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CHAPTER 5

CONTRA COSTA TRANSPORTATION AUTHORITY

CONTRACT POLICIES AND PROCEDURES

ARTICLE I INTRODUCTION

501.1 Purpose. This Chapter sets forth the policies and procedures of the Contra Costa Transportation Authority ("Authority") for preparation of invitations for bids, requests for proposals and requests for qualifications, and award of contracts, including contracts for public works, consultant services, the lease and rental of equipment and purchase of goods and equipment. The policies and procedures contained herein are advisory, not mandatory, and deviation therefrom shall not render any contract of the Authority void or voidable.

ARTICLE II BASIC REQUIREMENTS

502.1 Competitive Bidding Requirements and Exceptions. Except as otherwise provided below, the Authority shall not draft, or cause to be drafted, any invitation for bid or request for proposal, or request for qualifications, in such a manner as to limit the bidding directly or indirectly to any one bidder, and shall secure at least three competitive bids or proposals for each prospective contract.

502.2 Competitive Bids or Proposals. Except as otherwise provided in this Chapter 5, competitive bids and proposals shall not be required with respect to the following:

- (a) In cases of emergency where a contract is necessary for the immediate preservation of the public health, welfare, or safety, or protection of Authority property.
- (b) When the Authority has advertised the contract in accordance with applicable law and has solicited all potential contractors known to the Authority but has received only one bid or proposal.
- (c) The contract is with a government or public entity for procurement of goods and services and which is an exercise of the Authority's joint powers authority pursuant to Government Code Sections 6500 et seq.

(d) Purchase of supplies, materials and equipment with a total purchase order price not in excess of \$10,000.00. Purchase orders shall not be split into multiple orders for the purpose of evading the competitive bidding requirements.

(e) Contracts for which only per diem and travel expenses are paid and there is no payment for services rendered.

(f) Contracts for professional services in an amount not exceeding \$10,000.00.

(g) Employment Contracts.

(h) The renewal or extension of an existing contract under substantially the same terms and conditions, or the amendment of an existing contract which does not materially alter the terms and conditions of the contract.

(i) Any other contract or situation with respect to which the competitive bidding requirement is waived or otherwise inapplicable under provisions of applicable law.

[Amended on April 21, 1993; December 20, 1995]

502.3 Explanation of Deviation from Competitive Bid Requirement. In those instances where three bids or proposals cannot be secured and the contract is not exempt from the requirements that three competitive bids be obtained, an explanation must be included in the contract transmittal to the Board when approval of the Board is required for approval of a contract. Such advice should contain information in sufficient detail to support and justify the Board's decision.

[Amended on April 21, 1993]

502.4 Compliance with Minority and Women Owned Business Requirements. The Authority shall comply with all applicable laws and regulations governing utilization of minority and women owned businesses.

[Amended on April 21, 1993]

502.5 Verifying Corporate Qualification to Do Business in California. In order to insure all obligations due the Authority are fulfilled, the Authority shall obtain verification from all corporate contractors and vendors doing business with the Authority that they are currently qualified to do business in California and in good standing under applicable laws and regulations. Verification shall be obtained prior to the award of any contract to a corporate vendor.

(a) "Doing business" is defined in Section 23101 of the Revenue and Taxation Code as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit.

(b) Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Whether a corporation is in good standing may be determined by calling the Office of the Secretary of State.

[Amended on April 21, 1993]

502.6 Contracts Funded in Whole or in Part by Federal Government. All contracts, except for Authority construction contracts, which are funded in whole or in part by the Federal Government, will contain a 30-day cancellation clause and the following provisions:

(a) "It is mutually understood between the parties that this contract may have been entered into prior to ascertaining the availability of congressional appropriation of funds, for the mutual benefit of both parties in order to avoid program and fiscal delays which would occur if the contract were executed after that determination was made."

(b) "This contract is valid and enforceable only if sufficient funds are made available to the Authority by the United States Government for the applicable Fiscal Year for the purposes of this contract. This contract is also subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms or funding of this contract in any manner."

(c) "It is mutually agreed that if the Congress does not appropriate sufficient funds for the program fulfilled by this contract, this contract shall be amended to reflect any such reduction in, or elimination of, funds."

(d) "The Authority has the option to terminate this contract by giving 30-day's notice or to amend the contract to reflect any reduction of or non-appropriation of funds."

[Amended on April 21, 1993]

502.7 Purchasing Agent Designation. The Authority's Executive Director or his designee shall act as purchasing agent for and on behalf of the Authority.

[Amended on April 21, 1993]

502.8 Existing Contracts. The policies and procedures contained herein shall not apply to any contracts awarded by the Authority prior to the adoption of this Chapter.

ARTICLE III
APPROVAL AND AWARD OF CONTRACTS

503.1 Requirement of Board Approval. Except as otherwise provided herein, all contracts are subject to approval by the Board, except contracts in the amount of \$10,000 or less. Contracts in the amount of \$10,000 or less may be approved and executed by the Executive Director.

(a) Where the consideration to be rendered under a contract is other than monetary, such consideration must be valued on a monetary basis for the purpose of determining whether approval of the Board is required.

(b) If it is determined by the Executive Director that more than one contract may be awarded to a single contractor in any one year for work normally considered one undertaking and the total of the contracts exceeds \$50,000, all contracts, regardless of amount, shall be submitted to the Board for approval; provided that, in no event shall the Executive Director intentionally evade or attempt to evade a requirement for competitive bidding or to submit a contract to the Board for approval by dividing a project into smaller projects.

[Amended on April 21, 1993]

503.2 Contracts Containing Extraordinary Provisions. Any contract containing any of the following provisions shall be subject to approval of the Board regardless of the monetary amount of the contract:

(a) Any provision whereby the Authority agrees to indemnify or hold harmless any party to the contract or any third person against or on account of, any claim, liability, or matter arising out of, or connected with, the contract.

(b) Any provision whereby the Authority agrees to assume responsibility for matters beyond its control (e.g., in rental contracts, a promise to assume full responsibility for damage to rented equipment, regardless of the cause of the damage).

(c) Any provision creating a contingent liability against the Authority (e.g., vendors' boiler plate rental contracts frequently contain clauses obligating the user of rented equipment to assume responsibility for contingent liabilities).

(d) Contracts of a hazardous nature or involving the generation, transportation, disposal or other handling of hazardous or toxic wastes (e.g., contracts for grading, excavation and handling of toxic materials).

[Amended on April 21, 1993]

ARTICLE IV
INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS
AND REQUESTS FOR QUALIFICATIONS

504.1 Preparation of Invitation for Bids, Requests for Proposals and Requests for Qualifications. Invitations for Bids, Requests for Proposals and Requests for Qualifications shall be prepared by the Executive Director, or his designee. The distinction among an Invitation for Bid, Request for Proposal and Request for Qualifications is best illustrated by asking in what manner the task specified in the prospective contract should be accomplished, as follows:

(a) An Invitation for Bid ("IFB") should ask, "Here is exactly what we want, how much will you charge us"?

(b) A Request for Proposal ("RFP") should ask, "Here is what we wish to accomplish; how would you accomplish it for us, and for how much"?

(c) A Request for Qualifications ("RFQ") should ask, "Here is what we wish to accomplish; how would you accomplish it for us, for how much, and what are your qualifications?"

(d) The Executive Director or his designee shall determine whether an IFB, RFP or RFQ should be utilized for each contract the Authority proposes to award.

[Amended on April 21, 1993]

504.2 Information to Be Included in Invitations for Bids, Requests for Proposals and Requests for Qualifications. Each IFB, RFP and RFQ must include information for the potential vendors regarding the criteria which the Authority will use in selecting the winning vendor. At least three competitive bids or proposals will be secured for all contracts, except as otherwise provided herein.

(a) An RFP or RFQ should never be used when the service or equipment to be hired is standard.

(b) IFBs must be exact and clear to ensure that bids received in response to the invitation will in fact be competitive to the maximum extent possible as the result of all bidders bidding on exactly the same work or equipment.

(c) An RFP or RFQ should be as precise as possible to ensure that all proposals seek to accomplish the same goal. An objective evaluation procedure, as more thoroughly discussed below, must be employed to determine which proposers have complied with the request for proposals and to whom the contract should be awarded. Each RFP must also include:

- (1) A clear, precise description of the method by which the task will be accomplished or goods or services to be provided;
- (2) A description of the format which proposals shall follow and the elements they shall contain;
- (3) The criteria the Authority will use in evaluating proposals; and
- (4) The date and time at which the proposals are due and the timetable the Authority will follow in reviewing and evaluating them.

[Amended on April 21, 1993]

ARTICLE V STANDARD FORM CONTRACTS

505.1 Preparation of Standard Form Contracts. The Executive Director shall prepare, or cause to be prepared, standard agreements for procurement of goods and services and public works contracts. The standard agreements shall be approved as to form by legal counsel.

[Amended on April 21, 1993]

505.2 Criteria for Preparation of Contracts. Each standard contract agreement and every other contract entered into by the Authority shall be prepared utilizing the following criteria:

- (a) A clear and accurate identification of the parties.
- (b) A clear and complete statement of the work, service, or product to be performed, rendered, or provided.
- (c) A clear expression of the maximum amount to be paid, if any, and the basis upon which payment is to be made.
- (d) A statement of the time for performance or completion of the contract.

ARTICLE VI SUPPORTING DOCUMENTS

506.1 Bids or Proposals. All bids or proposals received together with the documents comprising the IFB, RFP or RFQ, and related correspondence and materials shall be reviewed by staff which shall make a recommendation to the Board with respect to approval of a contract.

Bids and proposals received together with documents comprising the IFB may, but are not required to accompany the contract to final approval by the Board.

[Amended on April 21, 1993]

506.2 Lease/Purchase Analysis. A lease/purchase analysis shall be conducted by the Executive Director or his designee on contracts for lease or rental of equipment as more particularly set forth in Article XIII, Section 513.5 of this Chapter. A copy of the analysis must accompany the contract for final approval.

[Amended on April 21, 1993]

506.3 Local Governmental Entity/Cooperative Agreements. If deemed necessary or advisable upon consultation with legal counsel, where one of the contracting parties is a county, city, district, or other local public body, the contract shall be accompanied by a copy of the resolution, order, motion, or ordinance of the local governing body granting authority to enter into the proposed contract and approving and authorizing execution of the agreement.

[Amended on April 21, 1993]

506.4 Public Works Contracts. Supporting documents for public works contracts are discussed below.

506.5 Authorized Signatures. Authority to execute contracts is limited to those officers, employees and members of the Board who have been duly authorized by the Board. The Authority will maintain a record for audit purposes of all Commissioners who have been authorized to execute contracts on behalf of the Authority. The Executive Director may execute on behalf of the Authority those contracts he is authorized to approve pursuant to this Chapter.

[Amended on April 21, 1993]

506.6 Public Entity Expending Authority Funds Right to Audit. Every Authority contract wherein a government entity is receiving Authority funds shall require that the government entity place in each of its contracts involving an expenditure of Authority funds in excess of \$25,000.00, a provision which indicates that the contracting parties may be subject to an examination and audit by the Authority's auditor for a period of three years after final payment under the contract.

[Amended on April 21, 1993]

ARTICLE VII
STANDARDS FOR AWARD OF CONTRACTS

507.1 General. As provided above, at least three competitive bids or proposals must be secured for all contracts, except those contracts specifically exempt from this requirement. In those instances where three bids or proposals cannot be obtained or award is not to the lowest responsible bidder or proposer, full explanation and justification must accompany the contract for final approval.

507.2 Invitations for Bid. For those contracts which an IFB is utilized, the evaluation of bids shall consist of determining those vendors who meet the requirements specified in the IFB. In that manner, the selection process shall be limited to identification of that vendor who meets the specifications at the lowest qualified bid, and who is not relieved from his bid due to any legally acceptable excuse. All bids may be rejected in any case wherein it is determined that the bids are not actually competitive, or where the lowest bid significantly exceeds the anticipated cost.

507.3 Requests for Proposal and Requests for Qualifications. Prior to the time responses to RFP's and RFQ's are opened and reviewed, an evaluation plan must be developed by the Executive Director or his designee. All factors which are to be considered in an award of a contract must be included, criteria for considering all costs to the Authority developed, and the plan must provide for a fair and equitable evaluation of all proposals. Except as provided below, and consistent with such evaluation plan, the Authority shall award the contract to the proposer with the lowest price meeting the criteria specified in the RFP or RFQ.

507.4 Rejection of Bids; Open Market Purchases. If, after rejecting bids received in response to the IFB, RFP or RFQ, the Authority determines and declares that, in its opinion, the services, supplies, equipment, or materials may be purchased at a lower price in the open market, the Authority may proceed to purchase these services, supplies, equipment or materials in the open market without further observance of the provisions regarding contracts, bids or advertisements.

507.5 No Reasonable Proposals Obtained. Nothing requires the award of a contract if no proposals are received offering a contract price which in the opinion of the Executive Director is a reasonable price.

507.6 Retention of Evaluations. All proposals and any evaluations and scoring sheets regarding such proposal, shall be made available to the appropriate Committee of the Board for review and shall be retained for a period of one year from the date a contract is awarded.

**ARTICLE VIII
MODIFICATION OR AMENDMENT OF CONTRACTS**

508.1 Contracts Subject to Board Approval. Contracts subject to the approval of the Board must also have such approval for a modification or amendment thereto, with the exception of:

(a) Amendments to contracts limited to an extension of the completion of performance for a period of one (1) year or less. Such amendments may be approved by the Executive Director. A contract may only be amended once under this provision.

(b) Contracts let or awarded on the basis of any law requiring competitive bidding may be modified or amended only if the contract so provides and if authorized by the law requiring competitive bidding.

508.2 Modifications or Amendments Taking Contracts Outside Scope of Exemption. If an amendment to a contract has the effect of taking the contract, as amended, outside the scope of an exemption from approval by the Board, such as an increase in monetary amount, or an agreement by the Authority to indemnify or save harmless any person or entity, the amendment must be approved by the Board.

508.3 Modifications or Amendments Subjecting Contract to Lease/Purchase Analysis Requirements. If the amendment has the effect of making the contract subject to the lease/purchase analysis requirements contained in Article XI, Section 511.5 herein, the provisions of these policies and procedures related to lease/purchase analysis shall be complied with.

[Amended on April 21, 1993]

**ARTICLE IX
CONTRACT MANAGER**

509.1 General. The Executive Director shall designate a contract manager for each contract who shall be a person employed by or a consultant retained by the Authority who possesses demonstrated skills in the techniques of contract administration, including a detailed knowledge of Authority contract requirements, and the ability to capably manage and monitor contract performance. The Executive Director may appoint himself the contract manager for any Authority contract. The contract manager shall administer and manage contracts, and monitor contract performance, on behalf of the Authority.

[Amended on April 21, 1993]

ARTICLE X
CONTRACTS FOR CONSULTANT SERVICES

510.1 Definition. "Consulting service contract" is defined as a contract between the Authority and a private firm or individual which provides for services which are of an advisory or informational nature. Such contracts essentially call for a product of the mind as distinguished from the rendition of mechanical skills. A Consulting Services Contract does not include:

(a) Contracts between the Authority and a government entity for governmental, as opposed to proprietary, services.

(b) Contracts for architectural, engineering, legal, legislative advocacy, planning and accounting services.

[Amended on April 21, 1993]

510.2 Preparation of a Detailed Request for Proposal or Request for Qualifications. RFP's and RFQ's for consultant services should include:

(a) A clear description of the problem to be solved or the task to be performed.

(b) Specific identification, in realistic terms, what the consultant is to accomplish. This would include any desired approach to the problem for the task at hand; practical, policy, technological, and legal limitations; specific questions to be answered; description of the items to be delivered; format and number of copies of the completed reports; and the extent and nature of the assistance and cooperation which will be available to the consultant from the Authority.

(c) Firm or established time schedules including dates for award of contract, commencement of performance, submission of progress reports, if any, and completion.

(d) Whether and to what extent progress payments will be allowed, and if deemed appropriate, known or estimated budgetary limitations on the contract price.

(e) A requirement that the prospective consultant include in the proposal:

(1) A description of the consultants' qualifications, a brief list of similar types of consulting contracts successfully concluded, with a sample of such work; a description of the lead personnel and anticipated supporting personnel to be employed on the study; amount of time and manpower to be expended; equipment and facilities to be utilized; and if subcontractors are contemplated, a description of these persons or firms and the portions and monetary percentages of the work to be done by them.

(2) An overall description of the techniques to be used in solving the problem.

(3) The total cost of the study, or hourly rate to be charged or other method of calculation, the cost of the services to be provided, a detailed breakdown of how it was computed, and desired method of payment.

510.3 Solicitation of Proposals and Qualifications. The Executive Director shall ascertain the potential availability of qualified, competent consultant services in the project field. RFP's and RFQ's shall be mailed to potentially interested firms or individuals. If advisable, this procedure may be supplemented by advertising.

510.4 Selection of the Consultant. Proposals eligible for evaluation must be received within the time prescribed in the RFP or RFQ. No proposals will be accepted after the time prescribed in the RFP or RFQ and no fax, telefax, telecopy or related modes of transmission responses will be accepted. Any proposals received after the time prescribed in the RFP or RFQ will be returned unread. Upon receipt of the proposals, the Executive Director shall evaluate them to determine whether the result, when obtained, will be worth the cost. If it is determined that the result is worth the cost, each proposal will be evaluated in accordance with the requirements of Article VII, Section 507.3 of this Chapter to determine the one proposal which will best meet the Authority's needs. Oral presentations may be arranged, if necessary. Criteria which the Authority may consider include but are not limited to the following:

(a) Does the proposing firm understand the Authority's requirements for solution of the problem or task to be completed.

(b) Is the approach to the problem or task reasonable and feasible?

(c) Does the firm have the organization, resources, and experience to perform the assignment? Has the firm had experience in similar areas?

(d) What are the professional qualifications of the personnel that the firm will commit to the assignment?

(e) The total cost of the proposal to the Authority.

(f) Resume of each person who will exercise a major administrative role or major policy or consultant role on behalf of the contractor, as identified by the contractor, and the time commitment of the persons proposed to accomplish the work. Copies of the resumes shall be attached to the contract for public record.

[Amended on April 21, 1993]

510.5 Formalizing the Agreement. All pertinent points of agreement must be included in the contract. If Board approval is required, a contract transmittal shall be prepared setting forth the reason for and method of selection of the proposed contractor, including names and addresses of other prospective consultants considered, the basis for determining the compensation and its reasonableness, and the necessity for any proposed progress payments.

510.6 Compensation of Consultants. The following methods may be followed in paying consultants:

(a) A lump sum or fixed price for the total project. This avoids detailed accounting and is a contract for a given result. The Authority's primary concern is not with the cost incurred by the consultant, but with the end product.

(b) Hourly rate plus cost reimbursement. The consultant agrees to charge only for hours utilized at an agreed rate of compensation and reimbursement of costs. This method is also a contract for a given result.

(c) Daily compensation plus cost reimbursement. The consultant agrees to work "when requested" during the term of the contract for daily rate plus cost reimbursement, subject to completion of required tasks as determined by the Executive Director or his designee with a ceiling on the total project or contract amount.

(d) To implement the methods specified in (a) and (b) above, the contract must provide for the following:

(1) The rate of compensation to be paid the consultant. Amounts to be paid depend upon the complexity and difficulty of the project, the going rate for similar work, and the qualifications and reputation of the individual or firm being awarded the contract. Proposals submitted by individuals and firms shall list the rate of compensation to be paid staff assigned to the contract by the contractor.

(2) The reimbursement of reasonable and necessary transportation costs and a per diem allowance. These costs should be paid at rates established by the Authority so as to reasonably reimburse a contractor for traveling expenses necessarily incurred while performing work for the Authority. Such rates shall generally not exceed those amounts paid to the Authority's employees.

(3) Any other expenses. These should be clearly and specifically set forth in the contract.

510.7 Progress Payments. If the contract requires progress payments, they should be made not more frequently than monthly in arrears or at clearly identifiable stages of progress, based upon written progress reports submitted with the contractor's invoices. In the aggregate, progress payments shall not exceed 90 percent of the total amount of the contract. Progress or

other payments must always be based on at least equivalent services rendered and not made in advance of service rendered.

(a) In computing the amount of any progress payment, the Authority shall determine what the contractor has earned during the period for which payment is being made on the basis of the contract terms, but shall retain out of such earnings an amount at least equal to 10 percent thereof, pending satisfactory completion of the entire contract.

(b) For the purposes hereof, "progress payment" is defined as including any partial payment of the contract price during the progress of the work, even though the work is broken down into clearly identifiable stages or separate tasks.

510.8 Follow Up. Upon completion of the contract, the Authority may:

(a) Require the consultant to hold a final meeting with Authority management during which the consultant shall present its findings, conclusions, and recommendations.

(b) Require the consultant to submit a comprehensive final written report.

(c) Take the steps necessary to allow the contract manager to implement the consultant's recommendations, subject to approval of the Executive Director and the Board, if required.

ARTICLE XI CONTRACTS FOR LEASE AND RENTAL OF EQUIPMENT

511.1 Application of Section. The provisions of this section shall apply to all equipment leased or rented by the Authority except automobiles provided to Authority employees under the terms of a separate employment agreement.

511.2 Contract Provisions. Contracts for lease and rental of equipment must clearly provide that the Authority does not have responsibility for loss or damage to the rented equipment arising from cause beyond the control of the Authority. Any provision obligating the Authority to return the equipment in good condition, subject to reasonable wear and tear must also except or exclude loss or damage arising from causes beyond the control of the Authority. The contract must clearly restrict the Authority's liability for damage or loss to that resulting from the negligent act or omission of the Authority or its officers, employees, or agents. If the Authority does not elect to maintain the equipment, the contract shall place the obligation on the contractor, as lessor, to keep the equipment in good working order and to make all necessary repairs and adjustments without qualification, with a clear right in the Authority to terminate or cease paying rent should the contractor fail to maintain the equipment properly. For this purpose, the contractor's representatives shall be given full and adequate access to the equipment at reasonable times.

511.3 Renewal Options. For the purpose of determining whether contracts containing renewal options are subject to the approval of the Board, the total cost and term of the rental contract shall be computed by including the cost and term of all renewal options included in the contract.

511.4 Purchase Options. Approval by the Board of the rental agreement does not include approval for the exercise of the option to purchase. Any exercise of the option and purchase of the equipment must be approved in advance by the Board.

511.5 Lease/Purchase Analysis. A lease/purchase analysis shall be prepared for each contract to lease equipment where the contract exceeds \$25,000.00 or the duration of the lease exceeds twelve months. This requirement does not apply to contracts for equipment leased or rented from other government agencies. If the lease/purchase analysis indicates that it is more economical to purchase, it will be necessary to include a justification explaining why it is in the Authority's best interest that the equipment be leased. A lease/purchase analysis based on a "zero" salvage value of the equipment will normally be acceptable only when mechanical useful life and program useful life are the same. When bids are obtained, prices for both leasing and purchasing will be secured to facilitate the making of the analysis.

511.6 Approval of Leases and Rental Agreements.

(a) Total lease payments not exceeding \$10,000. The contract may be approved by the Executive Director.

(b) Total lease payments equal to or exceeding \$10,000. The contract shall be approved by the Board.

[Amended on April 21, 1993]

ARTICLE XII PURCHASE OF MATERIALS, SUPPLIES AND EQUIPMENT

512.1 Purchases of Materials, Supplies and Equipment with Purchase Order Prices of \$10,000 or Less. All purchases of materials, supplies and equipment of \$10,000.00 or less are exempt from competitive bidding requirements unless the item(s) purchased is a component of a larger system whose total price is more than \$10,000.00.

[Amended on April 21, 1993]

512.2 Purchases of Materials, Supplies and Equipment with Unit or System Prices Between \$10,000 and \$25,000. In lieu of written proposals in response to an RFP or IFB, the Executive Director may obtain a minimum of three oral or telephone quotations from vendors

selected by the Executive Director for materials, supplies and equipment having a unit or system price of more than \$10,000 and not more than \$25,000 and for which there are standard specifications (e.g., certain paper supplies, building materials). Quotations shall be solicited by the Executive Director or his designee. Written confirmation shall be obtained from each vendor submitting an oral quotation.

[Amended on April 21, 1993]

512.3 Purchases of Materials, Supplies and Equipment with Unit or System Prices of More than \$25,000. Purchases of materials, supplies and equipment with unit or system prices of more than \$25,000 should be made in accordance with an IFB or RFP following the procedures set forth in Article VII of this Chapter.

[Amended on April 21, 1993]

ARTICLE XIII PUBLIC WORKS CONTRACTS

513.1 General. All public works contracts including, but not limited to, contracts providing for the erection, construction, alteration, repair or improvement of any public structure, building, road or other public improvement of any kind entered into by the Authority shall be advertised, written and let in accordance with those standard design specifications and requirements utilized by the California Department of Transportation, the Federal Transit Administration and the Federal Highway Administration in effect at the time the contract is advertised for bids and applicable to the project. Additionally, the Authority may utilize those standard contract specifications and procedures for advertising and award of public works contracts utilized by the California Department of Transportation in effect at the time the contract is advertised for bids that the Executive Director, in consultation with the Board, deems appropriate and best suits the needs and requirements of the Authority, insofar as those specifications and requirements are not in conflict with any other law governing the contracting powers and duties of the Authority.

[Amended on April 21, 1993]

**ARTICLE XIV
CONTRACTS INVOLVING THE EXPENDITURE OF STATE
AND FEDERAL FUNDS**

514.1 General. All contracts involving the expenditure of state and federal funds shall be advertised, written and let in accordance with the applicable statutes and regulations then in effect, including without limitation the provisions of 49 CFR Subtitle A, Part 18.

[Amended on December 20, 1995]

514.2 Procurement by Small Purchase Procedures. Without limiting the generality of the foregoing Section 514.1, procurement methods for securing services, supplies, or other property that do not cost more than \$10,000 in the aggregate shall include a requirement that price or rate quotations shall be obtained from an adequate number of qualified sources.

[Added on December 20, 1995]

**ARTICLE XV
EMPLOYMENT CONTRACTS**

515.1 General. Contracts for employment of Authority personnel are governed by the Personnel Policies and Procedures Chapter of this Code.

CHAPTER 6

PERSONNEL POLICIES

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

CONTRA COSTA TRANSPORTATION AUTHORITY

ADMINISTRATIVE CODE

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CHAPTER 6

CONTRA COSTA TRANSPORTATION AUTHORITY

PERSONNEL POLICIES

ARTICLE 1

INTRODUCTION AND GENERAL STATEMENTS

Section 1. Code of Ethics: The Foundation of the Administrative Code.

The purpose of this Administrative Code is to assist the Contra Costa Transportation Authority in establishing and maintaining the public trust.

An assumption is that a democratic government can function properly only when its citizenry has a reasonable trust and confidence in its public officials - including elected officials, appointed administrators, and staff. Honesty, integrity, and professionalism must never be compromised for personal gain or advancement. Moreover, public officials must remain acutely sensitive to the values of the public they serve. The ethical operation of local government requires that decision-makers be impartial and accountable. It is the Authority's expectation that all of its representatives, including but not limited to Authority Board members, employees, contractors, and advisory committee members, will act in a manner that retains and inspires the trust and the confidence of the people that they serve.

It is the general policy of the Contra Costa Transportation Authority to promote the highest standards of personal and professional ethics by individuals charged with conducting the Authority's business. In such instances, the Authority expectation is that participants will:

- Conduct public deliberations in an atmosphere of mutual respect, consideration, cooperation, and civility.
- Conduct public processes openly, unless the issue is required to be confidential.
- Approach issues in an open, honest, direct, and unbiased manner, and from the perspective of the public good.
- Comply with both the letter and the spirit of the laws and policies affecting the applicable operations of government in general and of the Authority specifically;

This Administrative Code Chapter 6, Personnel Policies, is a comprehensive set of policies regarding personnel matters, which, together with the Office Procedures Guide, provide

the basis for effective employee relations, the attraction and retention of high quality and professional staff, and a working environment emphasizing respect for each person in the workplace.

Section 2. Revisions to this Chapter.

The Authority may from time to time change or revise the policies described in this chapter. Changes to the Administrative Code are made by ordinance.

Some of the Office Procedures that implement the Administrative Code policies may be governed by statute and be amended by resolution. However, most of the Office Procedures Guide elements are technical in nature, and are amended (changed and updated) administratively.

ARTICLE 2

DEFINITIONS AND EMPLOYMENT CLASSIFICATIONS

Section 1. Definitions.

a. APPOINTING AUTHORITY shall mean the Executive Director, with the exception of the Appointing Authority for the Executive Director's position which shall be the Authority Board.

b. AUTHORITY BOARD shall mean the governing board of the Contra Costa Transportation Authority (AUTHORITY). The AUTHORITY BOARD (or BOARD) is composed of 11 voting members and 3 ex-officio (non-voting) members. Authority Board members are also referred to as Commissioners.

c. AUTHORITY BUDGET shall mean the annual fiscal year budget submitted by the Executive Director and Chief Financial Officer to the Authority Board for review and approval, which shall include a list of all regular, temporary and part-time positions proposed for the coming fiscal year.

d. DOMESTIC PARTNERS shall mean those persons defined in California Family Code Section 297 *et seq.*

e. ELECTRONIC COMMUNICATION SYSTEMS means the system of devices (including hardware, software, and other equipment) acquired by the Authority for the purpose of facilitating the transmission and storage of electronic information (including, but not limited to the e-mail system, instant messaging systems, telephones, pagers, radios, computers and all peripheral devices such as hard drives, disks, tapes, film, compact and digital video discs, and personal digital assistants that are owned, rented or leased by the Authority and that are the property of the Authority).

f. The EXECUTIVE COMMITTEE membership consists of the Board Chair, the Board Vice Chair and the Chairs of the Administration and Projects Committee and the Planning Committee. The Executive Committee is responsible for responding on behalf of the Authority in the event of an emergency which makes it impossible for the full Board to act. During intervals between the meetings of the Board, the Executive Committee, in all cases in which specific directions shall not have been given by the Board, shall have and may exercise the power and authority of the Board, subject only to the limitation regarding Official Acts set forth in the Administrative Code. A quorum of the Executive Committee shall consist of three members. In the event that, for any reason, the Executive Committee is unable to obtain a quorum of members, as many of the following alternate member(s), in the order indicated, as are necessary to achieve a quorum of the Executive Committee, may serve: (1) the Vice Chair of the standing committee for which the Committee Chair is absent or otherwise unavailable; (2) the Vice Chair of the other standing committee; (3) as many of the remaining members of the Board, in the order of their appointment to the Board (earliest to most recent) as may be necessary to achieve a quorum.

g. FAMILY MEMBER is the spouse, parent, child, domestic partner, or any child of the employee's domestic partner.

h. LEGAL DEPENDENT shall mean all persons who are defined as legal dependents under state or federal law, and for the purpose of this policy shall also include domestic partners or any child of domestic partners.

i. OFFICE PROCEDURES GUIDE means the procedures developed and administered by the Executive Director regarding personnel matters, employee relations and general office procedures, that implement the policies contained in this chapter.

j. STAFF means employees of the Authority. EXECUTIVE STAFF refers to the Executive Director, Chief Deputy Executive Director for Projects, Deputy Executive Director for Planning, Chief Financial Officer, and Director of Government and Community Relations. Management Staff includes all exempt staff members.

k. THIS CHAPTER means Chapter 6 of the Administrative Code, the personnel policies of the Authority.

1. YEAR is defined in the Administrative Code as follows:

1. FISCAL YEAR is the period from July 1 to June 30. FISCAL YEAR 2006-07 (or FY 2006-07 or FY 07) is the period from July 1, 2006 to June 30, 2007.

2. CALENDAR YEAR is the period from January 1 to December 31 of each numbered year.

3. ANNIVERSARY DATE is the annual anniversary of the employee's hire. If an employee was hired on September 1, 2006, their anniversary date would be September 1, 2007.

4. SERVICE YEAR is the employee's work year starting on the employee's date of hire, and on each anniversary thereafter.

Section 2. Employment Classifications.

The following definitions shall apply to this chapter:

a. AT-WILL EMPLOYEE is an employee whose employment can be terminated by the Authority Board at any time, with or without cause, with or without notice, and shall mean the Executive Director only.

b. INDEPENDENT CONTRACTOR shall mean a non-employee of the Authority whose compensation and scope of duties are governed by a separate written contract with the Authority.

c. EXECUTIVE DIRECTOR shall mean the administrative head of the Authority, as appointed by the Authority Board, with duties and powers as described in Article 3, Section 1.

d. PROBATIONARY PERIOD shall mean the first six (6) months of employment, or any extension thereof, for a newly hired or promoted employee, as determined by the Executive Director, at the initial date of employment, or promotion date, respectively.

e. PROBATIONARY EMPLOYEE shall mean an employee whose probationary period has not expired.

f. REGULAR FULL-TIME EMPLOYEE shall mean an employee hired for regular continuous service and normally scheduled to work forty (40) hours per week.

g. REGULAR FULL-TIME SERVICE shall mean service performed by a regular full-time employee, including paid vacation, sick leave, compensatory time and holidays used by the employee during any relevant period, but excluding any unpaid leave of absence.

h. REGULAR PART-TIME SERVICE shall mean service performed by a regular part-time employee, excluding any unpaid leave of absence.

i. REGULAR FULL-TIME OR PART-TIME POSITION shall mean those positions designated in an Authority Budget.

j. JOB SHARING POSITION shall mean a regular position which is shared by two or more regular part-time employees.

k. VOLUNTEER shall mean a person other than an employee of the Authority who is providing service to the Authority without compensation and on such terms and conditions as may be agreed upon in advance by the volunteer and the Authority. Volunteers shall not be entitled to the rights or benefits of full, part-time, temporary or special employees, except to the extent expressly agreed to in writing by the Executive Director.

l. EXEMPT EMPLOYEE shall mean an employee not entitled to payment of overtime wages under applicable law.

m. NON-EXEMPT EMPLOYEE shall mean an employee entitled to receive overtime pay when working more than eight hours in one workday or more than 40 hours in any single workweek as required by applicable law.

n. TEMPORARY EMPLOYEE shall mean an employee who is hired by the Authority for a particular project or a job of limited or indefinite duration. A temporary employee shall not be entitled to the rights or benefits of full or part-time employees, except as expressly agreed to in writing by the Executive Director.

ARTICLE 3

EXECUTIVE DIRECTOR

Section 1. Administrative Head of the Contra Costa Transportation Authority.

The Executive Director shall be the administrative head of the Authority under the direction and control of the Authority Board, except as otherwise provided in this Administrative Code. He or she shall be responsible for the efficient administration of all the work of the Authority, which is under his or her control. In addition to his or her general powers as administrative head, and to hire and delegate to staff as appropriate, and not as a limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in the following subsections:

a. ENFORCEMENT OF LAWS To see that all laws and ordinances of the Authority are duly enforced, and that all franchises, permits and privileges granted by the Authority are faithfully and fully observed.

b. CONTROL OF EMPLOYEES AND ORGANIZATIONAL STRUCTURE To appoint, discipline, transfer, remove, promote, and demote employees. To control, order and give direction to employees of the Authority. To coordinate, consolidate or combine offices, positions, departments, or units of the Authority.

c. REPRESENTATION OF AUTHORITY To represent the Authority in its negotiations and working relationships with any entity.

d. RECOMMEND POLICIES AND ORDINANCES To recommend policies and ordinances as he or she deems necessary or expedient to the Authority Board for adoption.

e. PREPARE BUDGET AND SALARY PLAN, REPORT FINANCIAL CONDITION, CREATE AND ADMINISTER PURCHASING AND OTHER ADMINISTRATIVE PROCEDURES OF THE AUTHORITY To prepare and submit a proposed annual budget and the proposed annual salary plan to the Authority Board for its approval. To keep the Authority Board fully advised as to the financial conditions and needs of the Authority. To purchase all necessary supplies and establish procedures for all other administrative requirements of the Authority, including, but not limited to investigation of complaints, supervision of all Authority owned property, and any other aspects of the administrative affairs of the Authority.

f. PREPARE PLANS AS MANDATED BY VOTER-APPROVED MEASURES, BY CONTRA COSTA COUNTY'S CONGESTION MANAGEMENT AGENCY REQUIREMENTS, AND AS DIRECTED BY OTHER GOVERNMENT AGENCIES To prepare the Strategic Plan, the Countywide Transportation Plan, and all other plans and documents required by other governmental agencies.

g. DELEGATION OF AUTHORITY The Executive Director may delegate any aspects of his or her duties and powers to other employees of the Authority.

Section 2. Authority Board to deal through the Executive Director.

The members of the Authority Board shall deal with the administrative services of the Authority through the Executive Director, except for the purpose of inquiry or as delegated by the Executive Director; and neither the Board nor any member thereof shall give orders to subordinates of the Executive Director without the express prior consent of the Executive Director. Authority Counsel shall report to the Authority Board. Management of the contract for Authority Counsel shall be delegated to the Executive Director.

Section 3. Removal of the Executive Director.

Removal of the Executive Director shall be at a special meeting or regular meeting of the Authority Board and removal shall be by a vote of at least a majority of the members (at least six members) of the Authority Board.

ARTICLE 4

ADMINISTRATION OF PERSONNEL POLICIES AND PROCEDURES

Section 1. Administration of Personnel Policies and Procedures.

The Executive Director of the Authority shall be responsible for the administration of all personnel policies and procedures of the Authority as set forth herein and as modified from time to time by the Board, and as set forth in the Office Procedures Guide. The Executive Director is vested with the discretion to take all necessary actions to hire, promote, demote, transfer, suspend with or without pay, or discharge any employee, in accordance with State and Federal law. The Executive Director shall promptly notify the Administration and Projects Committee and the Authority Board of hiring of staff and of any disciplinary actions taken under this section. The Authority Board shall administer all of the personnel policies with respect to the Executive Director.

Section 2. Applicability of Personnel Policies and Procedures.

The provisions of this Chapter and those in the Office Procedures Guide shall apply to all Authority employees.

Section 3. Selection and Supervision of Employees.

All employees shall be hired by the Executive Director and shall be subject to his or her supervision. The Executive Director may delegate selection and supervision responsibilities at his or her discretion.

Section 4. Probationary Period.

All new employees, except At-Will (the Executive Director, who serves at the discretion of the Authority Board) shall serve a probationary period of 180 calendar days commencing with their first day of employment. The purpose of the probationary period is for the employee and the Authority to determine whether continuation of the employment relationship is in the mutual interest of both parties. The Executive Director may extend the duration of the probationary period for an additional 180-day period if, in his or her discretion, it is determined that such an extension is appropriate. Any subsequent extension of the probationary period (beyond the initial 180-day period and a 180-day extension) must be approved by the Executive Committee.

Section 5. Indemnification.

The Authority shall indemnify and hold the Executive Director harmless for his administration of the personnel policies of the Authority to the full extent of the law.

ARTICLE 5

EQUAL OPPORTUNITY AND RESPECT IN THE WORKPLACE

Section 1. Equal Opportunity Employer.

The Authority shall not discriminate against employees, applicants for employment, or the public, based on gender, race, religion, color, age, marital status, disability, sexual orientation, national origin, ethnic group, or any other protected category as provided in local, state, or federal law.

Section 2. Respect in the Workplace.

The Authority shall provide a work environment that encourages respect for each person in the workplace including but not limited to freedom from harassment and discrimination. Authority employees will conduct all their duties and assignments in a way that shows respectful treatment of the public, other employees, those working with the Authority in some capacity, and Authority volunteers, regardless of their race, color, religion, age, national origin, ethnic group, marital status, or sexual orientation, in accordance with local, state and federal regulations and Authority ordinances and rules. Supervisors and managers shall take reasonable and appropriate action to remedy any discriminatory or harassing behavior, including such by non-employees present in the work place, including contractors, vendors, committee members, or visitors.

Section 3. Administrative Procedures in the Office Procedures Guide.

The Office Procedures Guide shall set forth expectations for employee, supervisor, and manager behavior for handling discrimination and harassment complaints, for investigating inappropriate behavior and for training of employees on this policy.

ARTICLE 6

ALCOHOL AND DRUG FREE WORKPLACE

Section 1. Alcohol and Drug Free Workplace.

Pursuant to OMB Circular A-128, the Federal Drug Free Workplace Act of 1988, and the California Drug Abuse Free Workplace Act of 1990, the Authority shall provide a drug and alcohol free workplace. Employees and the public should expect a drug and alcohol free working environment and the Authority has an obligation to ensure that employees perform their duties safely and effectively. During his/her hours of work, no employee shall have in his/her possession any open containers of intoxicating beverages, be under the influence of alcohol, or consume or have in his/her possession any illegal drugs.

Section 2. Administrative Procedure in the Office Procedures Guide.

The Office Procedures Guide shall set forth expectations for employee, supervisor, and manager behavior for handling alcohol or substance abuse complaints, for investigating inappropriate behavior which may result from such abuse, and for training of employees on this policy.

ARTICLE 7

EMPLOYEE CONDUCT AND WORKPLACE ENVIRONMENT

Section 1. General Policy.

The conduct of all Authority employees shall be governed at all times by the ordinary and reasonable rules of behavior observed by law-abiding and self-respecting citizens, and shall not reflect unfavorably upon Authority service. This shall apply whether or not the employee is at work or acting in an official capacity. Further definition of prohibited conduct is provided in the Office Procedures Guide, including various specific policies included therein.

Section 2. Outside Employment.

No employee of the Authority shall hold any job or employment outside of the Authority without notifying, in writing, the Executive Director or his or her designee, and without written approval by the Executive Director or his or her designee. Employees must not engage in any employment outside of the Authority which in any way involves a conflict of interest with the Authority.

Section 3. Gifts and Payments and Contributions.

In general, employees are prohibited from accepting gifts that they would receive by reason of their employment position with the Authority, so that they are not, and do not appear to be, improperly influenced in the performance of their duties. Gratuities of nominal value (such as occasional business lunches), offered infrequently and openly and in the ordinary course of business, are excepted. The positions which must file disclosures according to the Fair Political Practices Commission regulations, and are subject to the limitations therein, are listed in the Office Procedures Guide.

Section 4. Workplace Attire.

The Authority will maintain a professional working environment for the benefit of its employees and the public. As public employees and representatives of the Authority, each employee shall present themselves appropriately and professionally, including but not limited to workplace attire.

Section 5. Administrative Procedure in the Office Procedures Guide.

The Office Procedures Guide shall set forth expectations and guidelines for employee conduct and the workplace environment to be followed by Authority employees.

ARTICLE 8

ELECTRONIC SYSTEMS COMMUNICATIONS AND THE INTERNET

Section 1. General Policy.

The Authority encourages the use of Electronic Communication Systems and the Internet as a means of enabling and improving job functions for its employees. Authority employees shall use such Authority Systems and the Internet for research, education and communication for Authority-related business and shall do so in a lawful, ethical, and professional manner.

Section 2. Administrative Procedure in the Office Procedures Guide.

The Office Procedures Guide shall set forth the expectations, guidelines and regulations for the appropriate use of Authority Electronic Communication Systems and the Internet.

ARTICLE 9

INSPECTIONS

Section 1. General Policy.

To fulfill its policies and obligations under this Chapter, such as Respect in the Workplace and an Alcohol and Drug Free Workplace, the Executive Director or his or her designee may conduct inspections of Authority property including, but not limited to the premises, employee desks and work areas, or electronic communication systems.

ARTICLE 10

COMPENSATION SCHEDULE

Section 1. General Policy.

The Executive Director or his or her designee shall develop an annual Salary and Benefits Resolution for submission to the Board in February of each year. The schedule shall set

forth the positions approved by the Board, together with proposed salary ranges and employee benefits, for the upcoming fiscal year beginning July 1. This schedule shall be used as an input to the upcoming fiscal year Authority Budget. Salary ranges and employee benefits are to be reviewed and considered by the Authority Board for adjustment for each fiscal year.

Section 2. Administrative Procedure in the Office Procedures Guide.

The Office Procedures Guide shall set forth the expectations, guidelines and regulations relating to performance evaluations, compensation adjustments, and remedial actions including discipline.

ARTICLE 11

REDUCTION IN STAFF

Section 1. General Policy.

The Authority strives to sustain the tenure of its employees, but reserves the right to reduce the number of staff, including staff who have successfully completed their probationary periods, due to a reduction in the Authority's work program, lack of funds, changed operational demands, in the interest of economy, or any other reason. The need to reduce the Authority's staff size or to alter or change its staff organization plan, or to discontinue any program or programs (as allowable under voter-approved Measures) is within the sole and exclusive discretion of the Authority.

Section 2. General Procedure.

If, because of reduced budgetary and program resources, or in the interest of economy, it becomes necessary to reduce the number of the Authority's regular staff, the Executive Director shall analyze the status of the agency's funding resources and the remaining work which must be accomplished. The Executive Director shall define the work to be performed and the organizational structure necessary to accomplish the agency's work program. The work program, organizational structure, and layoffs are subject to approval by the Board.

With the approval of the Board, the Executive Director may reduce the work force because of reduced budgetary and program resources, the need to reorganize the staff, or to meet changed operational demands. Prior to separating regular employees, the Executive Director shall consider reasonable and feasible alternatives to layoffs. The order of layoff and identification of employees to be laid off shall be governed by the procedures in the Office Procedures Guide.

ARTICLE 12

PERFORMANCE, DISCIPLINE AND GRIEVANCES

Section 1. General Policy.

The Authority shall provide a professional work environment which encourages and supports fair and equitable treatment of its employees. The Authority recognizes the importance of employee performance appraisals in sustaining an effective staff, and further, encourages an open, ongoing dialogue between supervisors, managers and employees. Disputes regarding disciplinary actions, the interpretation of rules or regulations governing personnel practices or working conditions, or the practical consequences of the Authority's rights decisions on wages, hours or other terms and conditions of employment are matters subject to grievance. Grievances and disciplinary appeals shall be settled as promptly as possible at the most appropriate level of the process. The Executive Committee's decision regarding appeals of disciplinary actions or grievances is the Authority's final decision.

Section 2. Administrative Procedure in the Office Procedures Guide.

The Executive Director shall establish disciplinary and grievance procedures governing Authority employees in the Office Procedures Guide.

ARTICLE 13

HOLIDAYS

Section 1. Holidays.

Each calendar year, the following twelve (12) paid holidays shall be observed by the Authority:

- | | |
|----------------------------------|-------------------------------|
| 1. New Year's Day | 7. Labor Day |
| 2. Martin Luther King's Birthday | 8. Veteran's Day |
| 3. Lincoln's Birthday | 9. Columbus Day |
| 4. Washington's Birthday | 10. Thanksgiving Day |
| 5. Memorial Day | 11. Friday after Thanksgiving |
| 6. Independence Day | 12. Christmas |

Section 2. Holiday Policy.

When a holiday falls on a Sunday, the following Monday shall be observed as the holiday date. When a holiday falls on a Saturday, the preceding Friday shall be observed. Each employee shall be allowed four hours off work with pay on the last working day before

Christmas or the last working day before New Year's Day. If the employee is unable, because of the needs of the Authority, to take such time off, the employee shall be credited with equivalent hours of compensatory time off. In lieu of the Lincoln and Washington birthday holidays, the employee may select two other days in February to be scheduled with the advance permission of the Executive Director or his or her designee.

Section 3. Floating Holidays.

In addition, employees are entitled to three floating holidays per service year, with hours accrued on a pro-rata basis. Employees shall be eligible to use these floating holidays after such time as they have completed six (6) months of service and may accumulate unused floating holiday hours. However, an employee shall be eligible to have an accumulated floating holiday hour balance of no more than 48 hours at any time. Once an employee has an accrued balance of 48 floating holiday hours, the employee will cease accruing any additional floating holiday hours. The employee will resume accruing floating holiday hours on the date that he or she uses floating holiday hours and falls below the ceiling of 48 hours.

Section 4. Holiday Time.

Regular full-time employees shall receive eight (8) hours of Holiday pay for each of the above Holidays as per the employee's regular salary. Regular part-time employees shall receive holiday pay for each of the above holidays at their regular salary on a prorated basis. Temporary employees shall not be compensated for holidays.

Section 5. Administrative Procedure in the Office Procedures Guide.

If there are any other additional holiday procedures governing Authority employees, the Executive Director shall establish these in the Office Procedures Guide.

ARTICLE 14

ATTENDANCE AND LEAVE

Section 1. Attendance.

Employees shall normally be in attendance at their work in accordance with Authority rules and regulations regarding hours of work, holidays and leaves. Failure on the part of an employee, absent without leave, to return to work within twenty-four hours after notice to return may be cause for dismissal and such employee automatically waives all rights under these personnel policies and the Office Procedures Guide.

Section 2. Vacation.

a. **ACCRUAL RATES** The Authority shall provide vacation leave with pay for regular full-time and part-time employees. Vacation leave earned shall accrue upon completion of each pay period, beginning upon completion of the pay period following that in which the employee commences service, provided however that accrued vacation leave is available only after the employee has completed six (6) months of employment, or earlier at the discretion of the Executive Director.

The Executive Director may accelerate or increase vacation time on hiring staff as part of an employment offer, or may accept a request by an employee to take vacation leave prior to an employee's completion of six (6) months of full-time service.

Length of Service	Hours of Vacation per Service Year: Exempt	Hours of Vacation per Service Year: Non-Exempt
Less than three (3) years	160	80
More than three (3) but less than five (5)	200	120
More than five (5) but less than ten (10)	200	160
Ten (10) years or more	240	160

For example, this means that on a non-exempt employee's 5-year service anniversary, that employee would begin accruing the pro-rata share of an annual 120 hours of vacation (or 5 hours per pay period). For purposes of the vacation policy, "non-exempt employees" shall include all employees within the meaning of the state and federal laws who are entitled to receive overtime pay.

Part-time employees are entitled to the same vacation leave accrual rates on a prorated basis as full-time employees in similar job classification. The benefit shall be prorated so that a regular part-time employee is credited with the number of hours of vacation time which is proportionate to the number of working hours regularly worked.

b. **MAXIMUM VACATION BENEFITS** No employee shall be eligible to accrue more than a maximum of three times his/her annual entitlement to vacation at any one time. Once an employee reaches the maximum, the employee will cease accruing any additional vacation leave until such time as vacation leave hours fall below the maximum.

c. **VACATION BUY-BACK POLICY** Upon request of an employee, and approval by the Executive Director, the Authority will buy back a portion of an employee's annual accrual of vacation once per fiscal year. The maximum buy-back in any fiscal year shall be one-third of an employee's annual entitlement to vacation. The employee must have used 40 hours of vacation time in the service year in order to buy-back vacation time. At the employee's request, payments may be distributed over several pay periods. The buy-back policy does not apply to holiday time.

d. **PAYMENT OF VACATION ON SEPARATION** Accrued vacation pay that has not been used will be paid at time of resignation or termination, subject to the recoupment of any advances that may be outstanding. An employee terminating employment with the Authority for reasons other than paid retirement from Authority employment shall be paid at such employee's current rate of pay for all unused accrued vacation up to the maximum amount of permissible accumulated vacation time as set forth above, in one lump sum, less any taxes or other amounts owed by the employee. An employee separating from Authority service for paid retirement may elect either to take time off for vacation prior to the employee's date of retirement, or to be paid at the employee's current rate of pay for vacation up to the ceiling amount as set forth above, in one lump sum.

Section 3. Sick Leave.

The Authority shall provide paid sick leave to regular full-time and regular part-time employees, as determined by the Executive Director, including probationary employees, calculated from the employee's original date of hire with the Authority as follows:

a. **REGULAR FULL-TIME EMPLOYEE** Ten (10) hours of sick leave per calendar month earned and accrued after each completed pay period.

b. **REGULAR PART-TIME EMPLOYEE** The same sick leave accrual rates on a prorated basis as full-time employees in similar job classifications.

c. **TEMPORARY EMPLOYEES AND VOLUNTEERS** are not eligible for sick leave benefits.

d. The Executive Director may approve paid time off for sick leave in the initial two-week period. This would be deducted from the employee's subsequent sick leave accruals.

e. Upon separation from the Authority, or death, an employee or the estate of a deceased employee shall be paid at the employee's salary rate for a portion of the employee's unused or unpaid sick leave as follows:

Years of Service	Percent of Unused Sick Leave Paid For
Less than 2 years	None
2 but less than 5	25%
5 or more	50%

Sick leave is available only for the actual illness or injury of an employee or the employee's spouse, domestic partner, children, parents, or other dependents unless otherwise provided for in these policies or required by law.

Section 4. Family and Medical Leave.

The Authority recognizes its duties and obligations under the California Family Rights Act (CFRA) of 1991, as amended, and the federal Family Leave Act (FMLA) of 1993 to provide employees the ability to take time off from work for:

- a. The birth or adoption of a child of the employee or to care for the newborn;
- b. For the placement of a child with the employee in connection with the adoption or foster care of the child by the employee;
- c. For the employee's own serious health condition; or
- d. For the serious health condition of their child, parent, or spouse or other dependent family member living in the household or in reasonable proximity to the employee and for whom the employee will have daily care-giving responsibility.

Section 5. Pregnancy Leave.

A pregnant employee may continue employment as long as her health and the health of the unborn fetus would not be adversely affected by the continued performance of the duties of her position.

A pregnant employee may for reasons of medical necessity relating to the employee's physical condition resulting from her pregnancy, giving birth, or other termination of pregnancy be absent from employment for a collective period of time not to exceed four (4) months during the term of the pregnancy and post pregnancy period. An employee must use all accrued sick leave and may use any or all accrued paid vacation leave at the beginning of any otherwise unpaid leave period. (Please also see the Office Procedures Guide for the procedures related to the implementation of this policy.)

Section 6. Military Leave.

Military leave shall be granted in accordance with applicable federal and state law. Employees who serve in the U.S. Armed Forces voluntarily or involuntarily, are entitled to reinstatement upon completion of military service, provided that the employee applies for reinstatement within the time allowed by law. Employees who serve in the Merchant Marine and who are called to active duty to support a military deployment, and are so certified by the Secretary of Transportation, are entitled to the same rights of reinstatement. Eligible employees and their dependents may be entitled to certain health benefits while in uniformed service. Employees who anticipate the need for Military Leave should contact the Chief Financial Officer for information about their rights before, during, and after such leave.

Section 7. Bereavement Leave.

In the event of a death in the immediate family of a regular full-time employee, or of a part-time employee who has completed six (6) months or more of service, paid leave not chargeable to sick or vacation leave will be granted for a period up to three (3) consecutive scheduled work days if the funeral is located within the State of California, and up to five (5) consecutive scheduled work days if the funeral is outside the State of California for the purpose of making arrangements for, or to attend, the funeral. Immediate family is defined as spouse, domestic partner, children, sister, brother, mother, father, legal guardian, legal dependent, current mother- or father-in-law, grandparents, grandchildren, or persons currently in a relationship with the employee substantially similar to a spousal relationship. Additional leave chargeable to sick leave may be granted, subject to the approval of the Appointing Authority (the Executive Director for other staff, and the Authority Board for the Executive Director). Employees not eligible for bereavement leave may take up to three days without pay, or longer, subject to approval by the Appointing Authority, for purposes of this section.

Section 8. Jury and Witness Duty Leave.

All regular full-time or part-time employees will be granted a leave of absence with regular pay for all or any part of the time necessarily required for jury duty in the manner prescribed by law, or as witness in a civil or criminal proceeding, other than as an accused, and also in cases where such appearance is solely attributable to his/her employment with the Authority, for those hours that coincide with their regularly scheduled work hours.

Section 9. Unpaid Leaves Not Otherwise Provided.

a. **UNPAID LEAVE** The Executive Director in his or her sole discretion may grant unpaid leaves of absence to Authority employees for an initial period of up to sixty (60) days, with extensions up to sixty (60) days each, to a maximum term of one (1) year from the date of the original request. Under special circumstances, the Executive Director may grant an employee an unpaid leave of absence not to exceed a period of 12 months all at one time. A leave of absence for the Executive Director must be approved by the Authority Board.

b. **NO ACCRUAL OF BENEFITS** Except to the extent stated above, employees on unpaid leaves of absence are not entitled to accrue benefits, including holiday pay, during an unpaid leave of absence. Leaves of absence also shall not be included in any calculation of seniority for purposes of determining which employees to lay off in a Reduction in Staff described in this Chapter. Upon a return to work from an unpaid leave of absence, the eligibility and accrual dates for all benefits will be adjusted to reflect the period of such leave

c. **INSURANCE PREMIUMS DURING UNPAID LEAVE** For an employee who is unable to return to work due to a medically certified health problem after the expiration of leave granted under the Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA), and who continues to qualify for long-term disability benefits, and for whom California Public Employees Retirement System (PERS) disability retirement is unavailable, the Authority will pay for health care premiums for a period of three months beyond the month in which the

FMLA or CFRA period ends. For all other unpaid leaves, the Authority will contribute insurance premiums until the end of the month in which the unpaid leave begins.

d. **LEAVE DURING PROBATION** Any employee granted an unpaid leave of absence during his or her probationary period will have such probationary period extended by the number of days granted for such purpose.

e. **STATUS FOLLOWING LEAVE OF ABSENCE** Except as provided by state or federal law, the Authority cannot guarantee reinstatement following a leave of absence.

f. **LEGAL REQUIREMENTS** Nothing in this policy shall prevent an employee from receiving a leave of absence required by law.

g. **FAILURE TO COMPLY WITH TERMS OF LEAVE** If an employee accepts other employment during a leave of absence, except as otherwise provided by state or federal law, or fails to return to work on the next regularly scheduled work day following the expiration of his or her leave, it may be deemed that the employee has voluntarily terminated his or her employment.

Section 10. Administrative Procedure in the Office Procedures Guide.

The Executive Director shall establish specific guidelines and procedures to implement all of the attendance and leave policies in the Office Procedures Guide.

ARTICLE 15

OTHER BENEFITS

Section 1. Medical and Health Insurance Benefits.

Beginning with the date of hire, the Authority shall pay an amount at least equal to the amount paid by the State of California on behalf of its employees (annuitant rate) pursuant to the State of California Public Employees Retirement System (PERS). Coverage shall be provided through PERS, and the selection of the health care plan shall be in accordance with the rules developed by PERS. Premiums not paid by the Authority shall be the responsibility of the employee.

Other such health and medical benefits may include short-term and long-term disability, life insurance, accidental death and dismemberment, dental and any other benefits as determined by the Board.

The Executive Director shall establish and be responsible for a health care program for the regular employees at a cost not to exceed the amount established by the Authority.

Section 2. Optional Benefit Reimbursement.

The Executive Director may approve reimbursements of other selected health care activities if an employee's condition warrants. Such benefits may include the cost of health education programs or supplemental Authority-paid employee assistance programs.

Section 3. Retirement.

All administrative employees of the Authority shall participate in the retirement system designated by the Authority and shall be governed by its rules and regulations. Retirement benefits shall be provided through the State of California Public Employees Retirement System (PERS).

Section 4. Reimbursement of Expenses.

The Authority will reimburse Authority employees for reasonable and normal expenses associated with Authority business approved by the Executive Director, in accordance with procedures contained in the Authority's Office Procedures Guide. (Please also see the Office Procedures Guide for the procedures related to the implementation of this policy, which also includes implementation of Chapter 3 of the Administrative Code.)

[Amended and Restated September 20, 2006]

CHAPTER 7

ENVIRONMENTAL ANALYSIS PROCEDURES

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

CONTRA COSTA TRANSPORTATION AUTHORITY

ADMINISTRATIVE CODE

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CHAPTER 7

CONTRA COSTA TRANSPORTATION AUTHORITY

ENVIRONMENTAL ANALYSIS PROCEDURES

I. AUTHORITY, PURPOSE AND IMPLEMENTATION

A. AUTHORITY

These Environmental Analysis Procedures (hereinafter "Procedures") are adopted pursuant to the California Environmental Quality Act (hereinafter "CEQA"), (Gov. Code §21000 et seq.), and the State CEQA Guidelines (hereinafter "Guidelines"). The Guidelines are hereby incorporated by reference pursuant to Guidelines Section 15022(d).

B. PURPOSE

These procedures are meant to be used by the Authority in conjunction with CEQA and the Guidelines. The Guidelines are hereby incorporated by reference. These procedures are meant to serve as a guide for the administration of CEQA. Where a subject is adequately addressed in the Guidelines, it is not repeated here.

C. IMPLEMENTATION

The primary responsibility for implementing the provisions of CEQA, the Guidelines and the Procedures shall be with the Executive Director of the Authority. The Executive Director may delegate this responsibility but shall retain accountability to the Board of the Authority for proper and timely implementation.

The Executive Director shall prepare, or cause to be prepared, and maintain and update as necessary specific office procedures and forms consistent with and supplemental to these procedures for administering the Authority's responsibilities under CEQA and the Procedures in an orderly and expeditious manner. Such office procedures shall contain provisions for:

1. Determining the applicability of categorical exemptions;
2. Conducting initial studies;
3. Processing negative declarations;
4. Preparing environmental impact reports (EIRs);

5. Establishing time periods for staff to perform required functions under CEQA; and
6. Providing adequate comments on environmental documents which are submitted to the Authority for review.

II. DEFINITIONS

A. GENERAL

Definitions for Chapter 1 of the Code apply, unless the context indicates otherwise. In addition, whenever the following words are used in these Procedures, they shall have the meaning ascribed to them in this section. These definitions are intended to clarify, but not to supplant or negate, the definitions used in CEQA and the Guidelines.

B. DEFINITIONS

1. Decision Making Body - The body or individual who approves a project including, but not limited to, the Board or the Executive Director.
2. EIR - Environmental impact report, as further defined in Guidelines Section 15120.
3. Initial Study - Documentation describing the analysis performed by the Authority to determine whether a negative declaration or EIR must be prepared for a project.
4. Screen Check EIR - A preliminary draft of an EIR, the purpose of which is to allow review and evaluation of the contents by Authority staff prior to its submittal to responsible agencies and the public as a draft EIR.

III. EXEMPTIONS

A. MINISTERIAL PROJECTS

Ministerial approvals are exempt from the requirements of CEQA and these procedures. The Executive Director shall compile and maintain a list of ministerial approvals which are exempt from the requirements of CEQA and these procedures.

B. CATEGORICAL EXEMPTIONS

The Executive Director shall determine whether or not any project is categorically exempt in those instances when the Executive Director is the decision making body. In all other cases, the Board shall determine whether or not a project is categorically exempt. If the project is determined to be categorically exempt, this determination shall be noted in the project file, and a written notice of the determination shall be posted in a conspicuous place, accessible to the

general public, in the offices of the Authority. Projects listed as categorically exempt may still require environmental analysis if it is known that significant adverse impacts will occur or if the exceptions stated in Section 15300.2 of the Guidelines apply.

C. NO SIGNIFICANT EFFECT

If it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA. The Authority shall not be required to prepare an Initial Study for such activities. After determining that the activity is exempt from CEQA, the Authority may prepare a Notice of Exemption, to be filed when the activity has been approved.

IV. INITIAL STUDY AND ENVIRONMENTAL ANALYSIS

A. ANALYSIS

After the Executive Director or the Board has determined a project is not categorically exempt, the Executive Director or his designee shall complete an initial study and thereafter the Executive Director or the Board, as appropriate, shall determine the appropriate environmental documentation to be prepared for the project. The determination shall be posted in a conspicuous place in the offices of the Authority.

B. A determination by the Executive Director of the level of environmental documentation necessary to comply with the requirements of CEQA and the Procedures shall be final unless such determination is appealed to the Board as provided in Section V herein. A determination by the Board of the level of environmental documentation necessary to comply with the requirements of CEQA and the Procedures shall be final.

V. APPEALS

A. APPEALS OF REQUIREMENT TO PREPARE AN EIR

1. Any interested person may initiate an appeal to the Board of a determination by the Executive Director that an EIR is required for a project. Such an appeal shall be filed with the Authority within two weeks from the date of the posting of the written determination that an EIR shall be required.
2. An appeal shall be considered filed on the date the Executive Director receives written notice of the appeal. The appellant shall specify in the appeal the reasons the Authority should be relieved of the requirement to prepare an EIR.
3. Each appeal filed within the time allotted shall be placed on the agenda of the Board by the Executive Director for consideration within two weeks of

the termination of the appeal period or the next available Board meeting date.

4. Appeal of a determination that an EIR is required may be resolved without a Board determination by mutual agreement between the Executive Director and the person filing the appeal. Such an agreement shall terminate the appeal proceedings.
5. In deliberating the merits of an appeal of a requirement to prepare an EIR, the Board shall consider the initial study, the basis for requiring an EIR, and the written notice of appeal. The Board shall make a final determination as to whether there is substantial evidence that the project will have a significant effect on the environment and determine the appropriate environmental documentation to be prepared (Negative Declaration or EIR). The Board decision on an appeal shall in all cases be made within thirty (30) calendar days from the date of the Board's initial consideration of the appeal, or at the next available Board meeting date.

B. APPEALS OF NEGATIVE DECLARATION APPROVALS

1. Any interested person may initiate an appeal to the Board of a determination by the Executive Director that a negative declaration shall be prepared for a project. Such an appeal shall be filed with the Authority within two weeks from the date of posting of the written determination by the Executive Director to recommend that a Negative Declaration be approved.
2. An appeal shall be considered filed on the date the Executive Director receives written notice of the appeal. The appellant shall specify in the appeal the reason(s) why an environmental impact report should be prepared.
3. Each appeal filed within the time allotted shall be placed on the agenda of the Board by the Executive Director for consideration within two weeks of the termination of the appeal period or the next available Board meeting date.
4. Appeal of a negative declaration may be resolved without a Board determination by mutual agreement between the Executive Director and the person filing the appeal. Such an agreement shall terminate the appeal proceedings.
5. In proceedings deliberating the merits of an appeal of a decision to approve a negative declaration, the Board shall consider the initial study, the basis for preparing a negative declaration, and the written notice of appeal. The Board shall thereafter make a final determination of the

appropriateness of any proposed mitigation measures and whether or not the project will have a significant effect on the environment. The Board shall then deny the appeal or require the preparation of the appropriate environmental documentation (a revised negative declaration or EIR). The Board's decision on an appeal shall in all cases be made within thirty (30) calendar days from the date of the Board's initial consideration of the appeal or at the next available Board meeting date.

C. APPEALS OF CATEGORICAL EXEMPTION DETERMINATIONS

1. Any interested person may initiate an appeal to the Board of a determination by the Executive Director that a project is categorically exempt pursuant to CEQA and the Procedures. Such an appeal shall be filed with the Authority within two weeks from the date of posting of the written determination by the Executive Director that a project is categorically exempt from CEQA.
2. An appeal shall be considered filed on the date the Executive Director receives written notice of the appeal. The appellant shall specify in the appeal the reason(s) when a project should not be determined to be categorically exempt from CEQA.
3. Each appeal filed within the time allotted shall be placed on the agenda of the Board by the Executive Director for consideration within two weeks of the termination of the appeal period or the next available Board meeting date.
4. Appeal of a determination that an Authority project is categorically exempt may be resolved without a Board determination by mutual agreement between the Executive Director and the person filing the appeal. Such an agreement shall terminate the appeal proceedings.
5. In deliberating the merits of an appeal of a determination that an Authority project is categorically exempt, the Board shall consider the written determination of the Executive Director, the written notice of appeal and the classification of projects entitled to a categorical exemption pursuant to Guidelines Section 15300 et seq. The Board shall thereafter make a final determination as to whether the project is categorically exempt. The Board shall then deny the appeal or require further environmental analysis pursuant to CEQA and the Procedures. The Board's decision on an appeal shall in all cases be made within thirty (30) calendar days from the date of the Board's initial consideration of the appeal or at the next available Board meeting date.

VI. EIR PROCESS

A. PREPARATION OF THE EIR

Authority staff or any other persons designated by the Executive Director, including consultants hired by the Authority, shall prepare the EIR. Any person may submit information or comments to the Authority to assist in the preparation of the EIR. The submittal may be presented in any format, including the form of a Draft EIR. The Authority must consider all information or comments received. The information or comments may be included in the Draft EIR, in whole or in part.

B. SCREEN CHECK EIR

Pursuant to Guidelines Section 15084(e), all screen check EIRs for projects for which the Authority is the lead agency shall be reviewed by the Executive Director or his designee to determine the acceptability of the screen check EIR for formal distribution to the public as the Authority's Draft EIR for the project. The Executive Director shall be the final authority regarding the content, format and organization of all Draft EIRs.

C. DRAFT EIR REVIEW AND RESPONSE TO COMMENTS

Pursuant to Guidelines Section 15088(a) and 15202(a), the Executive Director or his designee shall respond to written comments which raise significant environmental issues received during the noticed comment period and any extension thereof.

D. EIR APPROVAL AND CERTIFICATION

1. All EIRs prepared for projects for which the Authority is the lead agency shall be reviewed as to compliance with CEQA and these Procedures by the Executive Director, and approved and certified by the Board prior to project approval.
2. When approving and certifying an EIR, the Board shall state in its findings all discretionary actions for which the EIR will be used.

E. PROJECT APPROVAL

Pursuant to Guidelines Section 15043 and 15093, where an EIR has been prepared, the Board shall balance the public benefits of a proposed project against any unavoidable adverse environmental impacts in deciding whether to approve or disapprove a project.

When the Executive Director recommends approval of a project which will have unavoidable significant adverse environmental effects, the Executive Director shall transmit to the Board information regarding the infeasibility of project alternatives or mitigation measures and the benefits of the proposed project which outweigh the unavoidable adverse impacts. Such

information may be contained in the EIR, in a separate report or in a draft resolution for consideration by the Board.

F. NOTICE OF DETERMINATION

After a project has been approved for which a negative declaration or EIR has been prepared, the Executive Director or his designee shall file a Notice of Determination with the County Clerk and, when appropriate, the State Office of Planning and Research pursuant to Guidelines Sections 15075 and 15094. The Notice of Determination shall be filed within two business days after the project receives final approval.

G. DISPOSITION OF FINAL EIRs

The Authority shall file a copy of the Final EIR with the appropriate planning agency of any city where significant effects on the environment may occur. The Authority shall include the Final EIR as part of the regular project report which is used in the existing project review and budgetary process, if such a report is used. The Authority shall retain one or more copies of the Final EIR as public records for a reasonable period of time, and shall provide a copy of the certified Final EIR to each responsible agency.

VII. PROGRAM EIR

When a project is proposed which may be covered by a previously approved and certified EIR, the Executive Director or the Board, as appropriate, shall determine whether or not the EIR is adequate to serve as an EIR for the proposed project. If it is determined that a previously approved and certified EIR is adequate for the proposed project, this determination shall be noted in the project file and all required public notices on the project.

In order for the Executive Director or the Board to make a determination that a previously approved and certified EIR is adequate to serve as a program EIR for a proposed project, the Executive Director may conduct or cause to be conducted an initial study. Such an initial study shall only be made when necessary, i.e., when a project has been revised from that previously reviewed, when it is not readily apparent that the EIR adequately addresses the impacts of the proposed project or if new information has been ascertained which may affect the adequacy of the EIR for the proposed project.

VIII. NEPA COMPLIANCE

When a project lead agency is a federal agency required to comply with the provisions of the National Environmental Protection Act ("NEPA"), the Authority will cooperate with the lead agency regarding NEPA compliance matters.