

**ADMINISTRATIVE CODE
ALAMEDA COUNTY TRANSPORTATION AUTHORITY**

**ORDINANCE #2
0002-86**

An ordinance to enact the Alameda County Transportation Authority Administrative Code.

SUMMARY

This ordinance prescribes the powers and duties of officers of the Alameda County Transportation Authority (hereinafter referred to as the Authority); and the methods, procedures, and systems of operation and management of the Authority.

The Alameda County Transportation Authority does ordain as follows:

2.1 TITLE AND AUTHORITY This ordinance is enacted pursuant to the provisions of California Public Utilities Code section 131265, and may be referred to as the "Alameda County Transportation Authority Administrative Code." This ordinance prescribes the powers and duties of officers of the Alameda County Transportation Authority (hereinafter referred to as the Authority); the method of appointment of employees of the Authority; and the methods, procedures, and systems of operation and management of the Authority.

2.2 POWERS, AUTHORITY AND DUTIES OF OFFICERS OF THE AUTHORITY The officers of the Authority shall be the nine members who shall have the power, authority, and duty to do all of those things necessary and required to accomplish the stated purpose and goals of Division 12.5 of the California Public Utilities Code, also known as the Bay Area County Traffic and Transportation Funding Act. These powers, authority and duties include, but are not limited to, the ability to make and enter into contracts; to sue and be sued; to enact further Authority ordinances where required to accomplish the purposes of PUC Division 12.5; and to issue bonds in accordance with PUC sections 131100 through 131122, inclusive.

2.3 RULES FOR PROCEEDINGS All proceedings of the Authority are subject to the provisions of Chapter 301, Statutes of 1986, the Bay Area Traffic and Transportation Funding Act, in addition to those policies which they adopt. The Administrative Code may be amended by a two-thirds (2/3) vote of the Authority membership, provided two (2) weeks written notice is given.

- A) The Authority shall administer the County Transportation Expenditure Plan adopted by the Alameda County voters on November 4, 1986.
- B) The Authority shall determine the use of the net revenues derived from the imposition of the retail transactions and use tax in conformance with the priorities established in the adopted County Transportation Expenditure Plan.
- C) The Authority shall consult with, and coordinate its actions with, other transportation funding agencies when allocating net revenues derived from the retail transactions and use tax to the sponsoring agencies of the projects listed in the adopted County Transportation Expenditure Plan.
- D) The Authority shall prepare and adopt an Annual Report within the first quarter of each calendar year on the progress to achieve the objectives of completion of the projects in the adopted County Transportation Expenditure Plan.

- E) Any amendment to the County Transportation Expenditure Plan proposed by the Authority, which adds or deletes a project or is of major significance, shall be submitted for approval in the same manner as the adopted plan was approved pursuant to the enabling legislation. Amendments may provide for the use of additional Federal, State, and local funds to account for expected revenue fluctuations, or to take into consideration unforeseen circumstances. Any amendment shall take into account that all appropriate actions shall be taken to give highest priority to the projects in the initial plan and any amendments shall not delay or delete any project in the initial plan without the approval of the project sponsor.
- F) The Authority at its first meeting, and thereafter, after the first complete calendar year, annually at the first meeting in January, shall elect a Chairperson who shall preside at all meetings, and a Vice Chairperson who shall preside in the absence of the Chairperson. In the event of absence of the Chairperson or Vice Chairperson or their inability to act, the members present, by an order entered in the minutes, shall select one of their members to act as Chairperson Pro Tempore, who, while so acting, shall have the authority of the Chairperson.
- G) The Chairperson shall have the power to appoint the membership of the various standing committees of the Authority, which may meet as committees of the whole. The Chairperson will be an ex-officio member of all committees. As an ex-officio member, the Chairperson may participate in committee discussions, but shall not ordinarily be a voting member of a committee. However, in the event three or fewer other voting members are present, the Chairperson may vote and be part of a quorum for a committee. The committees currently shall be: (1) Administration/Legislation/Finance and (2) Work Program. However, The Authority reserves the right to form additional standing committees. The appointments will be confirmed by the Authority.¹
- H) At any meeting of the Authority, the majority of the members of the Authority constitutes a quorum for the transaction of business of the Authority. No recommendation by the Authority acting through a standing committee of the Authority shall be an action of the Authority, except for those actions that the committee is specifically authorized to approve. All official acts of the Authority require the affirmative vote of a majority of the members of the Authority.¹
- I) The acts of the Authority shall be expressed by motion, resolution, or ordinance.
- J) All meetings of the Authority shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9, commencing with Section 54950 of Part 1 of Division 2 of Title 5 of the Government Code).
- K) The Authority shall do all of the following:

¹ Revised and approved September 28, 1998

- 1) Adopt an annual budget and fix the compensation of its officers and employees.
- 2) Contract with the County Treasurer to provide necessary services. The Treasurer will direct the investments of the Authority; however, the Authority retains the right to direct its investments or hire a financial consultant to do such. It also retains the right to, at a later date, retain an independent Treasurer.
- 3) Use the processes outlined in Attachment I unless superseded by law or by specific Authority action. The procedures and definitions outlined in the Accounting Standards and Procedures for Counties, a State of California document, shall apply.
- 4) Cause a post audit of its financial transactions and records at least annually by a certified public accountant.
- 5) Appoint three (3) advisory committees. Members of the staff of the Authority, as determined by the Authority, shall be available to aid the advisory committees in their work. These committees will be structured as follows:
 - a) A Citizens Advisory Committee representing a cross-section of the community.
 - b) A Technical Advisory Committee consisting of one representative each from BART, AC Transit, and LAVTA, the Public Works Director from Alameda County, and five (5) additional Public Works Directors to be selected by the Alameda County Technical Advisory Committee representative of the County.
 - c) A Paratransit Committee.
- 6) Appoint other advisory committees that it deems necessary.
- 7) Do any and all things necessary to carry out the purposes of implementing the Expenditure Plan.

2.4 COMPENSATION OF AUTHORITY MEMBERS Members of the Authority shall be compensated at the rate of One Hundred Dollars (\$100) for each meeting of the Authority Board and its committees, not to exceed Four Hundred Dollars (\$400) in any month, plus out-of-pocket expenses incurred in the performance of those duties authorized by paragraph 2.2 of this ordinance.² For purposes of local meeting attendance, travel costs may be claimed at the per diem rate of \$25.00.³

²Approved April 27, 2000.

³Approved January 18, 1990.

2.5 EXECUTIVE DIRECTOR AND EMPLOYEES The Authority shall contract for the services of an Executive Director, who shall be responsible for the overall management of Authority business. Such contract shall include the rate of compensation and other benefits of the Executive Director. The Executive Director shall prepare a monthly staff report which updates the Authority on financial and project status, as well as other monthly activities.

The Executive Director shall hire persons to fill the following staff positions, subject to the approval of the Authority. The Staffing Plan, as shown in Attachment II, shall include the following positions and assignments.

A) **Deputy Director and Project Development Manager**

The incumbent in this position serves as Deputy Director and will be responsible also for developing and overseeing an implementation program for Measure B projects under the direction of the Executive Director.

This responsibility includes coordinating design and construction programs, working with other governmental agencies to monitor design and construction progress and costs, writing proposals, interviewing consultants and managing design contracts.⁴

B) **Financial Services Manager**

The incumbent in this position will be responsible for maintaining and coordinating the financial and human resources activities of the Authority under the direction of the Executive Director.

This responsibility includes maintaining an accounting system, tracking and recommending investments, recommending long-range financial plans, establishing and implementing the human relations/personnel practices, policies and procedures, and contract management of various professional services consultants, such as risk management and benefit consultants. The incumbent in this position also serves as the Plan Administrator for benefits.⁵

The Executive Director shall, at his/her discretion, hire persons to fill the following staff positions:

C) **Programs and Public Affairs Manager**

The incumbent in this position shall be responsible for the administrative functions of the office, management of the public relations program, management of the paratransit program for ACTIA, legislative advocacy programs and contract management of various professional services consultants, including legal counsel.

⁴Approved January 8, 1988 (*Title change only*)
Approved August 24, 1995 (*Title change only*)

⁵Approved September 28, 1989 (*New position; deletes Assistant Director, Admin & Policy*)
Approved June 23, 1994 (*Title change; deletes Administrative responsibilities*)
Approved August 24, 1995 (*Title change only*)
Approved June 28, 2001 (*Reassigns Human Resources responsibilities, deleting the position of Office Administrator*)

This responsibility includes selection and direction of external consultants, recommending policies and strategies on legislative issues, contract management of services provided by outside consultants, such as, public relations and state and federal legislative advocacy consultants.⁶

D) **Senior Accountant⁷**

The incumbent in this position will report to the Executive Director through the Financial Services Manager and, under general supervision, do fiscal work requiring the exercise of considerable initiative and judgement.

The incumbent will also assist with human resources responsibilities, including all personnel and benefit administration, establishing and implementing the human relations practices, policies and procedures, and do other related work as required.

E) **Authority Clerk/Senior Administrator⁸**

The incumbent in this position will report to the Executive Director through the Programs and Public Affairs Manager and, under general supervision, do administrative work requiring the exercise of considerable initiative and judgement, and related work as required. The incumbent in this position also serves as the Clerk of the Authority's Governing Board.

F) **Executive Assistant⁹**

The incumbent in this position will report to the Executive Director through the Programs and Public Affairs Manager, and, under general supervision, do administrative/support work requiring the exercise of considerable initiative and judgment; and related work as required.

G) **Receptionist¹⁰**

The incumbent in this position will report to the Executive Director through the Programs and Public Affairs Manager, and, under general supervision, do receptionist/entry level clerk work requiring the exercise of initiative and judgment; and related work as required.

⁶ Approved September 23, 1999 (*Eliminates Administrative Services Manager position; establishes two new positions*)
Approved June 28, 2001 (*New position title; deletes the Office Administrator position; reassigns office administration duties to Programs and Public Affairs Manager*)

⁷ Approved September 27, 1999 (*New position*)
Approved June 28, 2001 (*New position title; reassigns personnel and benefits administration responsibilities, deleting the position of Office Administrator*)

⁸ Approved February 22, 1996 (*Title change; reassigns Supervisor*)
Approved June 28, 2001 (*New position title; reassigns Clerk of the Authority responsibilities, deleting the position of Office Administrator*)

⁹ Approved February 22, 1996 (*Title change*)
Approved June 28, 2001 (*New position title*)

¹⁰ Approved June 28, 2001 (*New position*)

ATTACHMENT I -- EXPENDITURES

Employee Costs:

The Authority will set the annual salary range for each employee, to be paid twice monthly. Staff will automatically issue warrants twice monthly to employees and will also forward deductions and Contributions for health/dental/vision plans, IRS, PERS Retirement, etc. will be paid to the appropriate agencies on a monthly basis.

Routine Services:

Staff will automatically issue warrants for billings for routine services after initial approval is given by the Authority management staff.

Contracts:

After the Authority has approved a contract, the Executive Director or Deputy Director may approve progress payments to the Contractor. Payments may be made only upon completion of a staff review for compliance.

The Authority delegates to the Executive Director the ability to approve professional service contracts in a total amount less than \$25,000.

Purchases:

The Authority delegates to the Executive Director the ability to approve budgeted major equipment purchases contracts not exceeding \$25,000.

The Executive Director may establish an impress fund (petty cash) in an amount not to exceed \$250. This fund may be used only for minor incidental or emergency expenditures.

Project Costs:

The Authority will approve individual project budgets, detailed by component functions. The Executive Director or Deputy Director will approve reimbursement to the project sponsors. As with contracts, staff will audit work for compliance with project budgets, and reimbursements are not to exceed approved budgets.

R/W and Utility Delegation:

The Authority approves all programs for right of way acquisition. The Authority delegates to the Executive Director the authority to approve all documents for right of way acquisition and utility costs on approved right of way programs. This authority includes approval of all utility costs, but does not include disposition or condemnation actions.

Code Amendments:

1/90; 10/91; 5/92; 6/94; 8/95; 2/96; 6/96; 8/96; 12/96; 1/98; 9/98; 6/99; 12/99; 6/2001