



Metropolitan Transportation Commission

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda

Administration Committee

Committee Members:

Gina Papan, Chair Victoria Fleming, Vice Chair

*Margaret Abe-Koga, Cindy Chavez, Federal Glover,
Nate Miley, Hillary Ronen, and Sheng Thao*

Non-Voting Member: Dina El-Tawansy

Wednesday, May 10, 2023

9:40 AM

Board Room - 1st Floor

The Administration Committee is scheduled to meet on Wednesday, May 10, 2023 at 9:40 a.m. or immediately following the 9:35 a.m. BATA Oversight Committee meeting, in the Bay Area Metro Center at 375 Beale Street, Board Room (1st Floor).

This meeting shall consist of a simultaneous teleconference call at the following location(s): Santa Clara County Government Center, 70 W. Hedding Street, 1st Floor (Room 157), San Jose, CA 95110 and Country Inn & Suites by Radisson, 1160 W Devon Avenue (Business Center), Elk Grove, IL 60007

Meeting attendees may opt to attend in person for public comment and observation. In-person attendees must adhere to posted public health protocols while in the building. The meeting webcast will be available at <https://mtc.ca.gov/whats-happening/meetings/live-webcasts>. Commissioners and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial *9. When called upon, unmute yourself or dial *6. In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number.

Zoom Attendee Link: <https://bayareametro.zoom.us/j/86944031325>

iPhone One-tap: US: +13462487799,,86944031325# US or +16694449171,,86944031325# US

Join by Telephone (for higher quality, dial a number based on your current location) US:

888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 869 4403 1325

International numbers available: <https://bayareametro.zoom.us/j/86944031325>

Detailed instructions on participating via Zoom are available at:
<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Call to Order / Roll Call / Confirm Quorum

Quorum: A quorum of this committee shall be a majority of its regular non-ex-officio voting members (5).

2. Consent Calendar

- 2a.** [23-0516](#) Approval of Administration Committee Minutes of the April 12, 2023 Meeting
- Action:** Committee Approval
- Attachments:** [2a 23-0516 04-12-2023 Administration Draft Minutes.pdf](#)
- 2b.** [23-0559](#) Contract - On-Call Bay Area Transit Coordination and Structure Consultant Bench: Regional Network Management Implementation: VIA - A Perkins Eastman Studio (\$350,000)
- Action:** Committee Approval
- Presenter:** Melanie Choy
- Attachments:** [2b 23-0559 Contract On-Call Bay Area Transit Coordination Structure Cor](#)
- 2c.** [23-0538](#) Contract - Major Projects Advancement Policy (MAP) Stage Gates and Regional Measure 3 (RM3) Evaluations: Steer Davies & Gleave, Inc. (\$500,000)
- Action:** Committee Approval
- Presenter:** Anne Spevack
- Attachments:** [2c 23-0538 Contract Regional Planning Bench Steer Davies Gleave Inc.pr](#)

3. Approval

- 3a.** [23-0544](#) MTC Resolution Nos. 3989, Revised and 4578. Transit Oriented Affordable Housing (TOAH) Fund Reprogramming
- Request to refer MTC Resolutions Nos. 3989, Revised and 4578 to the Commission for the authorization to reprogram the \$10 million TOAH Funds as follows:
- i. \$5 million to continue to fund the TOAH program with minor program revisions.
 - ii. \$5 million to be granted to the Bay Area Housing Finance Authority (BAHFA) to establish a new senior-focused Rental Assistance Pilot program.
- Action:** Commission Approval
- Presenter:** Somaya Abdelgany and Irene Farnsworth
- Attachments:** [3a 23-0544 MTC Resolutions 3989 4578 TOAH Fund Reprogramming.pdf](#)
[3a 23-0544 Attachment A Presentation.pdf](#)

- 3b. [23-0646](#) MTC Resolution No. 1058, Revised. Commission Procedures Manual Updates

A request that the Committee refer MTC Resolution No. 1058, Revised to the Commission for approval in consideration of updates to the Commission Procedures Manual in the areas of standing committee transition of the Operations Committee to the Regional Network Management Committee and Executive Committee composition.

Action: Commission Approval

Presenter: Alix Bockelman and Kathleen Kane

Attachments: [3b 23-0646 MTC Resolution 1058 Commission Procedures Manual Update](#)

4. Closed Session

- 4a. [23-0644](#) Closed Session Public Comment

- 4b. [23-0645](#) Closed Session: Conference with Labor Negotiators pursuant to Cal. Govt. Code § 54957.6

Consideration of New Memorandum of Understanding

Agency Designated Representatives: Andrew Fremier, Alix Bockelman, Derek Hansel, Brad Paul, Nalungo Conley

Employee Organization: Committee for Staff Representation (CSR), Confidential Employees, and Specific Executive Employees

- 4c. [23-0602](#) Open Session

MTC Resolution Nos. 4581 and 4582. Memorandums of Understanding (MOU) between MTC and the Committee for Staff Representation (CSR), Confidential, and Specific Executive Employees; Adoption of Salary Schedule for Fiscal Year (FY) 2023-24.

A request that the Committee approve the referral of MTC Resolution Nos. 4581 and 4582 to the Commission for approval in consideration of new a MOU between MTC and CSR, Confidential Employees, and Specific Executive Employees effective July 1, 2023 through and including June 30, 2027; and adoption of salary schedule for FY 2023-24.

Action: Commission Approval

Presenter: Brad Paul

Attachments: [4c 23-0602 MTC Resolutions 4581 and 4582 MOU 2023-2027 corrected.p](#)

5. Public Comment / Other Business

*Committee Members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial *9. When called upon, unmute yourself or dial *6.*

6. Adjournment / Next Meeting

The next meeting of the Administration Committee will be held on Wednesday, June 14, 2023 at 9:40 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA. Any changes to the schedule will be duly noticed to the public.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.

MTC's Chair and Vice-Chair are ex-officio voting members of all standing Committees.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0516 **Version:** 1 **Name:**

Type: Minutes **Status:** Consent

File created: 3/23/2023 **In control:** Administration Committee

On agenda: 5/10/2023 **Final action:**

Title: Approval of Administration Committee Minutes of the April 12, 2023 Meeting

Sponsors:

Indexes:

Code sections:

Attachments: [2a_23-0516_04-12-2023_Administration_Draft_Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Approval of Administration Committee Minutes of the April 12, 2023 Meeting

Recommended Action:
Committee Approval

Attachments:



Metropolitan Transportation Commission Meeting Minutes

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Administration Committee

Committee Members:

Gina Papan, Chair **Victoria Fleming, Vice Chair**

**Margaret Abe-Koga, Cindy Chavez, Federal Glover,
Nate Miley, Hillary Ronen, and Sheng Thao**

Non-Voting Member: Dina El-Tawansy

Wednesday, April 12, 2023

9:40 AM

Board Room - 1st Floor

Chair Papan called the meeting to order.

1. Roll Call / Confirm Quorum

Present: 7 - Commissioner Abe-Koga, Commissioner Chavez, Commissioner Glover,
Commissioner Miley, Chair Papan, Commissioner Ronen and Vice Chair Fleming

Absent: 1 - Commissioner Thao

Non-Voting Member Absent: Commissioner El-Tawansy

Ad Hoc Non-Voting Members Present: Commissioner Canepa, and Commissioner Giacomini

2. Consent Calendar

Upon the motion by Commissioner Glover and seconded by Commissioner Chavez, the Consent Calendar was unanimously approved by the following vote:

Aye: 7 - Commissioner Abe-Koga, Commissioner Chavez, Commissioner Glover,
Commissioner Miley, Chair Papan, Commissioner Ronen and Vice Chair Fleming

Absent: 1 - Commissioner Thao

2a. [23-0401](#) Approval of Administration Committee Minutes of the March 8, 2023 Meeting

Action: Committee Approval

2b. [23-0500](#) Consultant Bench: 2020 Equity Consultant - Cycle 2: Acterra: Action for a Healthy Planet (dba Acterra); Ann Ming Jen Cheng (dba Ann Cheng Consulting, LLC); Ascendal Group, LLC; Davis R. Schwartz (dba Capital Partnerships Inc.); Baird + Driskell + Abrams Community Planning (dba Community Planning Collaborative Baird + Driskell Community Planning); Dante King (dba Dante King Consulting); Equity & Results Partners, Inc.; Estolano Advisors; EVNoire LLC; HNTB Corporation; Lisa Abboud (dba InterEthnica, Inc.); iSuccess Consulting, Inc.; Jacobs Engineering Group Inc.; Keen Independent Research LLC; KPMG LLP; Metropolitan Planning Group (dba M-Group); Moore Iacofano Goltsman, Inc.; Nova Collective LLC; Sam Schwartz Consulting, LLC; SF Urban Film Fest, Inc.; Social Good Fund, Inc; Steer Davies & Gleave Inc. (dba Steer); STV Incorporated; Sustainable Watershed Designs, Inc. (dba Lotus Water); Brenda W. Davis (dba The Brenda Davis Law Group); The Justice Collective LLC; Transpo Group USA, Incorporated (dba Transpo Group); Venture With Purpose, LLC; Corinne Winter (dba Winter Consulting Group)

Action: Committee Approval

Presenter: Ky-Nam Miller

2c. [23-0446](#) Contract Amendment - Digital Engagement and Support Services: Craft & Commerce, LLC (\$112,460)

Action: Committee Approval

Presenter: Khristina Wenzinger

2d. [23-0356](#) Contract Amendment - Central Square Technologies, LLC (\$758,602)

Action: Committee Approval

Presenter: Suzanne Bode

3. Approval

- 3a. [23-0508](#) Metropolitan Transportation Commission (MTC) Resolution No. 4577 - Fiscal Year (FY) 2023-24 Overall Work Program (OWP)

A request that the Committee refer MTC Resolution No. 4577 for Commission approval. This resolution guides the FY 2023-24 OWP collaborative metropolitan transportation planning process involving MTC, the Association of Bay Area Governments (ABAG), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), Caltrans, and other local transportation partners. The request includes authorization for the Executive Director to enter into and execute required certifications, assurances, and an Overall Work Program Agreement (OWPA) for federal and state transportation planning grants.

Action: Commission Approval

Presenter: Matt Maloney

Upon the motion by Commissioner Ronen and seconded by Commissioner Glover, the Committee unanimously approved the referral of MTC Resolution No. 4577 to the Commission for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Abe-Koga, Commissioner Chavez, Commissioner Glover, Commissioner Miley, Chair Papan, Commissioner Ronen and Vice Chair Fleming

Absent: 1 - Commissioner Thao

4. Public Comment / Other Business

5. Adjournment / Next Meeting

The next meeting of the Administration Committee will be held on Wednesday, May 10, 2023 at 9:40 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA. Any changes to the schedule will be duly noticed to the public.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0559 **Version:** 1 **Name:**

Type: Contract **Status:** Consent

File created: 4/4/2023 **In control:** Administration Committee

On agenda: 5/10/2023 **Final action:**

Title: Contract - On-Call Bay Area Transit Coordination and Structure Consultant Bench: Regional Network Management Implementation: VIA - A Perkins Eastman Studio (\$350,000)

Sponsors:

Indexes:

Code sections:

Attachments: [2b 23-0559 Contract On-Call Bay Area Transit Coordination Structure Consultant Bench.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Contract - On-Call Bay Area Transit Coordination and Structure Consultant Bench: Regional Network Management Implementation: VIA - A Perkins Eastman Studio (\$350,000)

Presenter:

Melanie Choy

Recommended Action:

Committee Approval

Attachments:

**Metropolitan Transportation Commission
Administration Committee**

May 10, 2023

Agenda Item 2b - 23-0559

**Contract – On-Call Bay Area Transit Coordination and Structure Consultant Bench:
Regional Network Management Implementation: VIA – A Perkins Eastman Studio
(\$350,000)**

Subject:

A request for approval of a contract with VIA- A Perkins Eastman Studio (VIA) to provide implementation support for the regional transit network manager for the period May 10, 2023 through June 30, 2024 in an amount not to exceed \$350,000.

Background:

Under this new contract, VIA, will support time-sensitive actions that were recommended as part of the Regional Network Management Business Case Evaluation (February 2023). VIA will support MTC and transit agency staff towards implementing initial components of the regional transit network manager. Key tasks that the VIA led consultant team will provide support on include: finalizing the implementation plan for the regional transit network manager, developing regional transit network manager charters, development of key performance indicators (KPIs), and development of program management tools.

Procurement Process:

Under the 2021 Request for Qualifications (RFQ), which established the Bay Area Transit Coordination and Structure Consultant Bench, ten firms, including VIA, are qualified to provide transit coordination and structure services. The RFQ allowed for the direct selection of on-call consultants to work on MTC projects based on consultant teams' qualifications, experience, availability, and ability.

A direct selection of VIA was made in the amount of \$350,000 to support the implementation of the regional transit network manager function within MTC. VIA was selected due to the team possessing the needed institutional knowledge of network management structures including their development and operation. Given that the VIA team led the development of the Regional Network Management Business Case Evaluation, the VIA team also has the context and understanding of the current environment that will allow them to progress this time sensitive

work quickly and with no repetition of work. This makes VIA uniquely qualified to provide the needed support and to efficiently facilitate the implementation of the regional transit network manager later this summer.

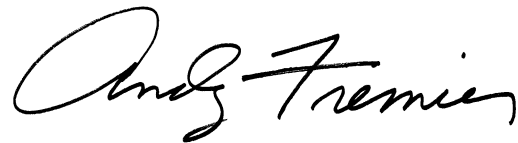
Attachment A includes a summary of VIA and its project team's small business and disadvantaged business enterprise status.

Recommendations:

Staff recommends that the Administration Committee authorize the Executive Director or designee to negotiate and execute a contract with VIA in an amount not to exceed \$350,000 for the term of May 10, 2023 through June 30, 2024, to support the implementation of the regional transit network manager function within MTC as recommended by the Regional Network Management Business Case Evaluation.

Attachments:

- Attachment A: Disadvantaged Business Enterprise and Small Business Enterprise Status
- Request for Committee Approval — Summary of Proposed Contract



Andrew B. Fremier

Attachment A

Disadvantaged Business Enterprise and Small Business Enterprise Status

	Firm Name	Role on Project	DBE* Yes	If DBE Yes, List #	DBE No	SBE** Yes	If SBE Yes, List #	SBE No
Prime Contractor	VIA – A Perkins Eastman Studio	Prime Contractor			X			X
Subcontractor	KPMG	Subcontractor			X			X

*Denotes certification by the California Unified Certification Program (CUCP).

**Denotes certification by the State of California.

Request for Committee Approval

Summary of Contract

Work Item No.: 1517

Consultant: VIA – A Perkins Eastman Studio

Work Project Title: Regional Transit Network Manager Implementation

Purpose of Project: To provide support to MTC and transit operator staff in the stand up of a regional transit network manager.

Brief Scope of Work: Provision of staff support to develop key documents establishing a regional transit network manager function housed within MTC.

Project Cost Not to Exceed: \$350,000

Funding Source: MTC General Fund/Transportation Development Act (TDA)

Fiscal Impact: Funds are available in the FY 2022-2023 agency budget

Motion by Committee: That the Executive Director or designee is authorized to negotiate and execute a contract with VIA – A Perkins Eastman Studio in an amount not to exceed \$350,000 for the term of May 10, 2023 through June 30, 2024, for the provision of staff support to implement the regional transit network manager function within MTC described above and in the Administration Committee Summary Sheet dated May 10, 2023 and that the Chief Financial Officer is authorized to set aside \$350,000 for such contract.

Administration Committee:

Gina Papan, Chair

Approved: May 10, 2023



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0538 **Version:** 1 **Name:**

Type: Contract **Status:** Consent

File created: 3/24/2023 **In control:** Administration Committee

On agenda: 5/12/2023 **Final action:**

Title: Contract - Major Projects Advancement Policy (MAP) Stage Gates and Regional Measure 3 (RM3)
Evaluations: Steer Davies & Gleave, Inc. (\$500,000)

Sponsors:

Indexes:

Code sections:

Attachments: [2c 23-0538 Contract Regional Planning Bench Steer Davies Gleave Inc.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Contract - Major Projects Advancement Policy (MAP) Stage Gates and Regional Measure 3 (RM3)
Evaluations: Steer Davies & Gleave, Inc. (\$500,000)

Presenter:
Anne Spevack

Recommended Action:
Committee Approval

Attachments:

**Metropolitan Transportation Commission
Administration Committee**

May 10, 2023

Agenda Item 2c - 23-0538

Contract – Regional Planning Bench – Major Projects Advancement Policy (MAP) Stage Gates and Regional Measure 3 (RM3) Evaluations: Steer Davies & Gleave, Inc. (\$500,000)

Subject:

A request for approval of a contract between the Metropolitan Transportation Commission (MTC) and Steer Davies & Gleave, Inc. (Steer) in the not to exceed amount of \$500,000 to provide for the development of the Major Projects Advancement Policy (MAP) Stage Gate evaluation process and to perform Regional Measure 3 (RM3) and MAP project evaluations.

Background:

Following a direct select process from the 2021 Regional Planning Bench, staff recommends entering into a contract with Steer to develop the Major Projects Advancement Policy (MAP) Stage Gate evaluation process and perform Regional Measure 3 (RM3) and MAP project evaluations. The project evaluations component is to be conducted on an as-needed basis as project sponsors or MTC staff identify projects for reassignment within the MAP or for allocation of RM3 funds. The proposed contract is for \$500,000 for the two-year term of May 10, 2023, through May 10, 2025.

In anticipation of numerous MAP Stage Gate evaluations and a significant volume of RM3 allocation requests over the next year, staff recommends this contract to assist staff with making MAP Stage Gate and RM3 allocation recommendations to the Commission. FY 2022-23 bridge toll funds are budgeted and available for the contract. The proposed \$500,000 would provide staff flexibility to request more and more detailed evaluations from Steer to ensure risks and other issues are identified prior to regional investment decisions. Steer has completed the Bay Area Rail Partnerships Study for MTC. Specific analysis and recommendations related to governance and administration, as well as project delivery alternatives were included in the final report. These types of analysis and recommendations were also identified by the Commission at their 2023 Workshop on Project Delivery and Megaprojects. The Commission highlighted the importance of early identification of risk and the importance of evaluating major projects in the context of the region, the transportation networks, and seamless connectivity to other transit providers and transit facilities.

Staff believes that this recent direct experience will allow Steer to immediately provide unique insight into the project evaluations beyond the traditional review of scope, schedule and budget; and identify risk mitigation strategies and policy reinforcement recommendations for projects still under development.

Steer is not certified as a Small Business Enterprise or a Disadvantaged Business Enterprise.

Issues:

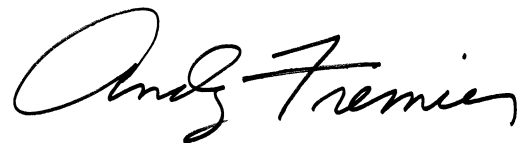
None identified.

Recommendations:

Staff recommends that the Committee authorize the Executive Director or designee to negotiate and enter into a contract with Steer for a total contract not to exceed amount of \$500,000 for the MAP Stage Gate evaluation process and RM3 and MAP project evaluations for the term of May 10, 2023 through May 10, 2025.

Attachments:

- Request for Committee Approval – Summary of Proposed Contract



Andrew B. Fremier

Request for Committee Approval

Summary of Proposed Contract

Work Item No.: 1255

Consultant: Steer Davies & Gleave, Inc
Los Angeles, CA

Work Project Title: Stage Gate and RM3 Project Monitoring

Purpose of Project: Develop the Major Projects Advancement Policy (MAP) Stage Gate Evaluation Process and perform RM3 and MAP project evaluations

Brief Scope of Work: Based on the adopted MAP policy and evaluation framework, develop a Stage Gate evaluation process including criteria and evaluation tools to be adapted to the specific needs and status of each project. On an as-needed basis, perform evaluations of projects requesting reassignment within the MAP and RM3 projects requesting funding allocations.

Project Cost Not to Exceed: \$500,000

Funding Source: Regional Bridge Tolls

Fiscal Impact: Funds included in the BATA Operating Budget for fiscal year 2022-2023

Motion by Committee: That the Executive Director or designee is authorized to negotiate and enter into a contract with Steer Davies & Gleave, Inc for MAP Stage Gate evaluation framework and RM3 and MAP project evaluations described above and in the Administration Committee Summary Sheet dated May 10, 2023, for a total contract not to exceed amount of \$500,000 and that the Chief Financial Officer is authorized to set aside \$500,000 for such contract.

Administration Committee:

Gina Papan, Chair

Approved: May 10, 2023



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0544 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Approval

File created: 3/30/2023 **In control:** Administration Committee

On agenda: 5/10/2023 **Final action:**

Title: MTC Resolution Nos. 3989, Revised and 4578. Transit Oriented Affordable Housing (TOAH) Fund Reprogramming

Request to refer MTC Resolutions Nos. 3989, Revised and 4578 to the Commission for the authorization to reprogram the \$10 million TOAH Funds as follows:

- i. \$5 million to continue to fund the TOAH program with minor program revisions.
- ii. \$5 million to be granted to the Bay Area Housing Finance Authority (BAHFA) to establish a new senior-focused Rental Assistance Pilot program.

Sponsors:

Indexes:

Code sections:

Attachments: [3a 23-0544 MTC Resolutions 3989 4578 TOAH Fund Reprogramming.pdf](#)
[3a 23-0544 Attachment A Presentation.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

MTC Resolution Nos. 3989, Revised and 4578. Transit Oriented Affordable Housing (TOAH) Fund Reprogramming

Request to refer MTC Resolutions Nos. 3989, Revised and 4578 to the Commission for the authorization to reprogram the \$10 million TOAH Funds as follows:

- i. \$5 million to continue to fund the TOAH program with minor program revisions.
- ii. \$5 million to be granted to the Bay Area Housing Finance Authority (BAHFA) to establish a new senior-focused Rental Assistance Pilot program.

Presenter:

Somaya Abdelgany and Irene Farnsworth

Recommended Action:

Commission Approval

Attachments:

Metropolitan Transportation Commission
Administration Committee

May 10, 2023

Agenda Item 3a - 23-0544

**MTC Resolution Nos. 3989, Revised and 4578 – Transit Oriented Affordable Housing
(TOAH) Fund Reprogramming**

Subject:

Request to refer MTC Resolutions No. 3989, Revised and No. 4578 to the MTC Commission for the authorization to reprogram the \$10 million TOAH Fund as follows:

- i. \$5 million to continue to fund the TOAH program with minor program revisions.
- ii. \$5 million to be granted to the Bay Area Housing Finance Authority (BAHFA) to establish a new Rental Assistance Pilot program.

Background:

In 2012, MTC invested \$10 million of federal exchange funds in the TOAH program, an affordable housing fund created in partnership with community development financial institutions (CDFI) to help developers acquire properties for affordable housing. The origination period for these funds expired in April 2023. Staff proposes the reallocation of \$5 million to continue providing loans through the TOAH program through 2035, and to use the remaining \$5 million to establish a Rental Assistance program to help prevent displacement and homelessness among extremely vulnerable renters, such as seniors.

Established by Assembly Bill 1487 in 2019, BAHFA's mandate is to raise, administer, and allocate regional funding for tenant protection, affordable housing preservation, and new affordable housing production. As such, BAHFA is staffed and well-positioned to continue the TOAH program and to design, implement, and evaluate the proposed Rental Assistance Pilot program.

In addition, BAHFA staff is preparing for the success of a 2024 General Obligation Bond, which will generate a minimum of \$5.2 billion across the region specifically for new housing production, including land acquisitions. Given current state constitutional constraints on general obligation bond funding, none of the \$10 billion proposed bond measure can be used on rental assistance or other homelessness prevention strategies. Staff is exploring other mechanisms to

raise funds to expand rental assistance and other anti-displacement interventions. This pilot would be an opportunity to test these solutions to inform future work.

Transit Oriented Affordable Housing Fund:

If approved, TOAH will continue to be administered by the Low-Income Investment Fund (LIIF) to make loans that enable purchasing property to construct affordable housing. Since TOAH was established in 2011, MTC's \$10 million contribution carried a 0% interest rate. It served as catalytic funding that was blended with other money secured by the CDFIs that carried 6-8% interest rates. This blended fund facilitated the construction of approximately 160 affordable housing units per year over ten years. These 1,600 homes will serve multiple generations of low-income renter households. However, the pace of TOAH-funded project construction, overlaid with the increasing difficulties developers face in securing additional financing necessary to build projects, requires re-evaluating MTC's investment. Of the five originating lenders that partner with MTC on the TOAH fund, only one lender has utilized TOAH dollars consistently since 2019. Other lenders have noted that the TOAH program's loan-to-value limit and predevelopment funding limit make TOAH funds less attractive than alternative funding sources currently available, rendering many prospective projects in today's market infeasible.

In recognition of the TOAH program's contribution to the region, staff recommends continuing the program with a reduction in MTC's investment from \$10M to \$5 million and with minor revisions to specific loan terms to make the TOAH product more competitive. Staff further recommend that the remaining \$5 million of MTC's original investment in TOAH be diverted to enable investment in the urgent need of supporting vulnerable renters at risk of homelessness through a new Rental Assistance Pilot.

Rental Assistance Pilot:

With the launch of BAHFA's anti-displacement pilot and staff's investigation into pressing tenant needs, the housing stability of extremely low-income renters, particularly seniors, in the Bay Area is of urgent concern. In 2019, an estimated 575,000 people were at risk of homelessness in the region, and at least 36,800 people were experiencing homelessness. The risk of homelessness especially concerns among people with fixed incomes, including older adults, people with chronic health conditions, and people with disabilities. For example, seniors

represent the fastest-growing percentage of people experiencing homelessness in California:

[Between 2017 and 2020, there was a 108% increase in seniors 65+ experiencing homelessness, compared with a 61% increase across other age groups.](#) People over 75, in particular, face an increased risk of homelessness due to depleted savings, loss of a spouse, and declining health. This is also an issue of racial equity: Black older renters are most likely to be cost-burdened (paying more than 30% of income) and severely cost-burdened (paying more than 50%), and [Black people are more likely to experience homelessness in the Bay Area than any other racial group.](#)

This pilot would provide an opportunity to test a relatively novel and promising practice to provide longer-term rental assistance, an area specifically described in Assembly Bill 1487 (Chiu, 2019) as an eligible area for BAHFA funding to address the housing stability of extremely low-income renters as described above. Currently, most of the rental assistance available through the California COVID-19 Rent Relief Program or other local programs has been time-limited or one-time. The need for long-term shallow subsidies (either through rental assistance or guaranteed income) has been voiced in outreach conversations with homelessness prevention and tenant protection stakeholders in the Bay Area, through the proposed Bold Moves plans from All Home's Regional Impact Council, and [early research on guaranteed basic income.](#) This concept is being tested in California through guaranteed income programs in San Francisco, Oakland, Los Angeles, and San Diego and housing subsidy programs like [Oakland's Shallow Subsidy Housing Pilot Project.](#) Staff anticipates participating in and leading regional learning and collaboration with other organizations and agencies piloting similar interventions as part of this pilot program.

Next Steps:

- Staff will seek approvals for the repurposing of TOAH Funds as follows:
 - May 24: MTC Commission
 - May 25: BAHFA Advisory Committee
 - June 8: BAHFA Oversight Committee
 - June 28: BAHFA Board

- Pending approvals, staff will begin a procurement process to contract with a qualified organization to launch the Rental Assistance pilot.

Issues:

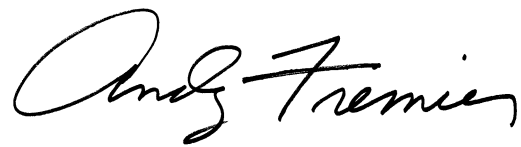
None identified.

Recommendations:

- i. Refer MTC Resolution No. 4578 to the Metropolitan Transportation Commission for approval to authorize the continuation of the TOAH program with a reduced investment of \$5 million and minor program revisions and a grant of \$5 million in TOAH Funds to BAHFA to be utilized for the establishment of a Rental Assistance Pilot (\$5 million).
- ii. Refer MTC Resolution No. 3989, Revised to the Metropolitan Transportation Commission for approval to authorize reallocation of \$5 million in federal exchange funds from the Transit Oriented Affordable Housing program to the newly proposed BAHFA Rental Assistance Pilot.

Attachments:

- Attachment A: Presentation
- Attachment B: MTC Resolution No. 4578
- Attachment C: MTC Resolution No. 3989, Revised



Andrew B. Fremier

Date: May 10, 2023
W.I.: 1611
Referred by: Administration Committee

ABSTRACT

Resolution No. 4578

This resolution authorizes the Executive Director with respect to the BAY AREA TRANSIT ORIENTED AFFORDABLE HOUSING FUND (the “FUND”), to negotiate and enter into Amendment No. 1 to the Amended and Restated Funding Agreement with BAY AREA TRANSIT ORIENTED AFFORDABLE HOUSING LLC, a California limited liability company, as the “FUND LLC”, and the LOW INCOME INVESTMENT FUND, a California non-profit public benefit corporation, as the “Program Manager,” for the purposes of 1) extending the origination period for the “TOAH II” lending program, which expired on April 19, 2022, and 2) redirecting approximately 50% of the Fund (\$5 million) to the Bay Area Housing Finance Authority (BAHFA) to establish a new Rental Assistance Program to prevent homelessness.

Further discussion of this action is contained in a memorandum to the MTC Administration Committee dated May 10, 2023.

Date: May 10, 2023
W.I.: 1611
Referred by: Administration Committee

RE: Transit Oriented Affordable Housing Fund Reprogramming

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4578

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, MTC and Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2050 which outlines strategies to protect and preserve affordable housing, spur housing production for residents at all income levels, and to create inclusive communities; and

WHEREAS, Plan Bay Area 2050, adopted by MTC on October 21, 2021, includes Housing Strategy #7, which recommends, among other things, the provision of rental assistance to the residents of Equity Priority Communities as a means of creating inclusive communities; and

WHEREAS, in 2011, the LOW INCOME INVESTMENT FUND (LIIF), a community development financial institution, was selected to create and manage the Transit Oriented Affordable Housing Fund (FUND) through the FUND LLC; and

WHEREAS, on March 23, 2011, MTC adopted Resolution No. 3991, authorizing the MTC Executive Director to enter into a funding agreement with LIIF for MTC to contribute \$10 million towards the FUND, based on the Principles of Agreement outlined in the attachment to Resolution No. 3991, and the LIIF and MTC entered into a certain Funding Agreement dated March 30, 2011 pursuant to Resolution No. 3991; and

WHEREAS, on December 20, 2017, to address the challenges in the development of Bay Area affordable housing near existing and proposed transit stations, MTC adopted Resolution No. 4306 to authorize the MTC Executive Director to enter into an amended and restated funding agreement with LIIF and the FUND LLC in order to convert the FUND and the existing FUND loan program to

“TOAH II” and to continue MTC’s \$10 million investment of funding toward the converted FUND based on the Principles of Agreement attached in Resolution No. 4306; and

WHEREAS, on April 1, 2018, MTC, LIIF, and FUND LLC executed the Amended and Restated Funding Agreement for the TOAH II Loan Program (“TOAH II Funding Agreement”); and

WHEREAS, under the terms and conditions of the TOAH II Funding Agreement, approximately \$5.8 million of the \$10 million initially contributed by MTC has been repaid, with the repaid funds to be distributed to MTC at the end of the term of the TOAH II Funding Agreement in 2035; and

WHEREAS, there is a limited but ongoing number of projects that could continue to benefit from the FUND, to be managed by LIIF; and

WHEREAS there is an emerging and urgent need for rental assistance to support housing stability for vulnerable and low-income renters, such as seniors, who are at imminent risk of displacement and funds for this purpose are not available elsewhere; and

WHEREAS, the Bay Area Housing Finance Authority was created pursuant to Government Code section 64500, et seq., to raise, administer, and allocate funding and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production and could use the repaid funds being held pursuant to the TOAH II Funding Agreement to establish a Rental Assistance Program for low-income and vulnerable renters from displacement; and
now therefore be it

RESOLVED, that the Commission authorizes the Executive Director to negotiate and enter into Amendment No.1 to the Amended and Restated Funding Agreement with LIIF and the FUND LLC in order to continue the FUND loan program with a reduced \$5 million investment of funding toward the FUND based on the revised Principles of Agreement outlined in Attachment A, with the remaining \$5 million to be paid to the Bay Area Housing Finance Authority to establish a rental assistance program for low-income and vulnerable renters.

METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, on May 24, 2023.

Date: May 10, 2023
W.I.: 1611
Referred by: Administration

Attachment A
Resolution No. 4578
Page 1 of 2

Principles of Agreement, As Amended

Bay Area Transit Oriented Affordable Housing Fund

The Commission adopts the following Principles of Agreement to govern the FUNDING AGREEMENT between MTC and the FUND LLC, as amended by Amendment No. 1, to continue \$5 million of MTC's investment in the FUND's TOAH II lending program.

1. The FUND term will continue through and including December 31, 2035;
2. LIIF, a non-profit public benefit corporation, will continue to manage the FUND as the Program Manager;
3. The FUND's origination period for the TOAH II loan program will continue through and including December 31, 2030, provided that project loans may not have a maturity date later than December 31st, 2035;
4. \$5 million of MTC's investment will be held by the FUND and deployed in the TOAH II loan program to acquire participation interests in direct project loans to be made by the CDFI Lenders;
5. The FUND will leverage MTC's \$5 million in the TOAH II lending program by at least three (3) times (\$15 million) with capital from that portion of funds in each participated loan that are directly advanced by the CDFI Lenders, equity from the project borrowers, and/or support from government and philanthropic sources, to the extent then committed. With such leveraging, the total anticipated funding for the TOAH II lending program will be at least \$20 million;
6. The FUND will prioritize applications for eligible projects that address housing needs in North Bay fire-affected areas up to \$5 million.
7. All TOAH II program loans made by the CDFI Lenders (and in which the FUND LLC will acquire participation interests) will be made to projects in Plan Bay Area 2050 Growth

Geographies, excluding Priority Production Areas, as these designations may be revised in future Plan Bay Area updates, or Transit Priority Areas;

8. MTC will continue to be represented on the Fund Advisory Committee to monitor the Fund's progress against the business plan. MTC will not participate in the selection of specific projects;
9. LIIF, as the Program Manager, will cause the FUND to use standard accounting controls, and MTC will have the right to review all financial reports of the FUND;
10. No representative from MTC will participate in the FUND in any paid capacity;
11. MTC funds will remain in the subordinate position to the funds advanced by the CDFI Lenders for repayment during the life of the FUND and at the close of the FUND. As such, after all CDFI Lenders have been fully repaid and reimbursed and all unpaid FUND expenses are paid or reimbursed at the close of the FUND, any balance remaining in the FUND will be returned to MTC unless MTC agrees to reinvest in a new fund, facility or program that promotes transit-oriented development.

Date: February 23, 2011
W.I.: 1512
Referred by: PAC
Revised: 10/26/11-C 02/26/14-C 12/21/16-C
07/26/17-C 02/28/18-C 03/28/18-C
11/28/18-C 03/27/19-C 06/26/19-C
09/25/19-C 11/20/19-C 03/25/20-C
11/20/20-C 05/26/21-C 06/23/21-C
07/28/21-C 03/23/22-C 06/22/22-C
03/22/23-C 05/24/23-C

ABSTRACT

Resolution No. 3989, Revised

This resolution establishes the procedures governing the MTC Exchange Program. This resolution supersedes MTC Resolution No. 3018.

Attachment B was revised on October 26, 2011 to provide \$376,000 in Exchange Program funding to the intertribal Electric Vehicle project.

Attachments B and C were respectively revised on February 26, 2014 to include \$10 million in Exchange Program funding for Transit Oriented Affordable Housing (TOAH), and update final balances of the initial STP Exchange Program (Resolution 3018) to reflect final project close out.

Attachments A and B were revised on December 21, 2016 to program \$1.1 million to the Bay Bridge Forward Commuter Parking Initiative and update the name of the Transit Oriented Affordable Housing Program.

Attachments A and B were revised on July 26, 2017 to program \$8.2 million to the Regional Priority Conservation Area (PCA) program and \$2.8 million to the Regional Active Operational Management Program. An additional \$1 million in exchange funds will be committed to a specific project or program through a future Commission action. This action and associated agreement and programming actions are contingent upon California Transportation Commission (CTC) approval of the amendment to the baseline agreement for the Marin Sonoma Narrows project to accept STP/CMAQ funds rather than local funds.

Attachment B was revised on February 28, 2018 to program \$10 million to the Bay Area Preservation Pilot; \$1,024,000 to Richmond's Bike Share Capital and Outreach project; \$826,000 for the joint Transportation Authority of Marin/Sonoma County Transportation

ABSTRACT

MTC Resolution No. 3989

Page 2

Authority (TAM/SCTA) Bike Share Capital and Outreach project along the SMART Corridor; and redirect \$2,800,000 from Regional Active Operational Management to the Bay Bridge Forward Commuter Parking Initiative project.

Attachment B was revised on March 28, 2018 to program \$30,000 to the Bay Area Greenprint Priority Conservation Area (PCA) Improvements.

Attachments A and B were revised on November 28, 2018 to add the SCVTA SR 85 Transit Guideway Study and the CCTA I-680 NB HOV/Express Lane exchange agreements, and to program \$4,000,000 in Exchange funds to the following projects: \$619,000 to CCTA for Innovative Deployment for Enhanced Arterials; \$621,000 to the city of Walnut Creek for innovative Deployment for Enhanced Arterials; \$500,000 to the city of Richmond for the Richmond-San Rafael Bridge Bikeway Access; \$1,160,000 to MTC for Richmond-San Rafael Bridge Forward; and \$1,100,000 to MTC for Napa Valley Transportation Demand Management Strategies.

Attachment B was revised on March 27, 2019 to change the recipient of the Concord IDEA project from CCTA to the City of Concord and reduce the funding from \$619,000 to \$589,000; and reduce the funding amount for the MTC Richmond-San Rafael Bridge Forward project from \$1,160,000 to \$1,046,000; and redirect these funds to a new project with MTC as the recipient for the Concord IDEA project for \$144,000. The matching funds for the Concord IDEA project as identified in MTC Resolution 4357, are included within the \$144,000 amount. These changes result in no net change to total funds committed to-date.

Attachment A was revised on June 26, 2019 to cancel the \$1,200,000 exchange agreement with the SCVTA for the SR 85 Transit Guideway Study as the funds provided through the exchange are no longer needed.

Attachment B was revised on September 25, 2019 to reflect MTC as the direct recipient of exchange funds for the Concord and Walnut Creek IDEA projects; funds will be provided on a reimbursement basis to each project sponsor pursuant to their respective funding agreements with MTC.

ABSTRACT

MTC Resolution No. 3989

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Attachment B was revised on November 20, 2019 to program \$6,023,000 to 13 projects as part of the Priority Conservation Area (PCA) Grant program; funds will be provided on a reimbursement basis to each project sponsor pursuant to their respective funding agreements with MTC.

Attachment B was revised on March 25, 2020 to redirect \$25,000 from MTC's Bay Bridge Forward Commuter Parking Initiative to MTC's Fruitvale Quick Build project.

Attachment B was revised on November 20, 2020 to program \$647,000 to four projects as part of the Priority Conservation Area (PCA) Grant program. For the Yerba Buena Island Multi-Use Pathway, which provides access to the San Francisco-Oakland Bay Bridge, \$1 million of federal OBAG 2 funds are being provided at this time for cash flow purposes. The Bay Area Toll Authority will repay non-federal funds to the MTC Exchange Program within three years. MTC's funds for the Twin Peaks trail will be provided to the Coastal Conservancy for management of the two fund sources for this project. Because the Conservancy is a state entity, the funds will be provided as an up-front grant rather than on a reimbursement basis. Funds for projects other than the Twin Peaks Trail will be provided on a reimbursement basis to each project sponsor pursuant to their respective funding agreements with MTC.

Attachment A was revised on May 26, 2021 to add the Transportation Authority of Marin's (TAM's) US 101 Marin-Sonoma Narrows (MSN) High-Occupancy Vehicle (HOV) Lanes project for \$75,651,097.

Attachment A was revised on June 23, 2021 to add the Solano Transportation Authority's (STA's) Solano I-80 Managed Lanes project for \$63,464,510.

Attachment A was revised on July 28, 2021 to add the Solano Transportation Authority's (STA's) Solano I-80 Managed Lanes project for \$1,845,000, and to add the Bay Area Infrastructure Financing Authority's (BAIFA's) Solano I-80 Managed Lanes Toll System project for \$2,822,000.

Attachment A and B were revised on March 23, 2022 to add the \$500,000 exchange agreement with Midpeninsula Regional Open Space District for programming an equal amount of federal funds to VTA's Highway 17 Bicycle/Pedestrian Trail and Wildlife Crossing project; and to

ABSTRACT

MTC Resolution No. 3989

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remove the \$251,000 funding commitment for Albany's Albany Hill Access Improvements project, as the sponsor will not be moving forward with the project scope as originally proposed. Attachment A was revised June 22, 2022 to add the Capitol Corridor Joint Powers Authority's (CCJPA's) State Route 84 Ardenwood Intermodal Bus Facility project for \$100,000, as part of a fund exchange agreement with CCJPA.

Attachment B was revised on March 22, 2023 to program \$15,940,000 to MTC for Bay Wheels Bikeshare E-bike Expansion.

Attachment B was revised on May 24, 2023 to reprogram \$5,000,000 from MTC's Transit Oriented Affordable Housing (TOAH) program to MTC's Bay Area Housing Finance Authority (BAHFA): Senior Rental Assistance Pilot Program.

Further discussions are contained in the Programming and Allocations Committee summary sheet dated February 9, 2011, October 12, 2011, February 12, 2014, December 14, 2016, July 12, 2017, February 14, 2018, March 7, 2018, November 14, 2018, March 6, 2019, June 12, 2019, September 4, 2019, November 8, 2019, March 11, 2020, November 4, 2020, May 12, 2021, June 9, 2021, July 14, 2021, March 9, 2022, June 8, 2022, and March 8, 2023; and the Administration Committee dated May 10, 2023.

Date: February 23, 2011
W.I.: 1512
Referred by: PAC

Re: MTC Exchange Program

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3989

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 et seq.; and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region (the region) and is the recipient for various federal fund sources for the San Francisco Bay Area; and

WHEREAS, MTC develops policies and procedures to be used in the selection of projects to be funded with various federal fund sources within the region consistent with the regional Transportation Plan (RTP); and

WHEREAS, selected projects are sometimes incompatible with or ineligible for federal funding and projects are often ready for implementation in advance of funding availability; and

WHEREAS, MTC assisted the Santa Clara County Traffic Authority (SCCTA) in 1994 by providing Surface Transportation Program (STP) funds, which initiated the original Exchange program implemented through MTC Resolution 3018; and

WHEREAS, the original exchange funding under MTC Resolution 3018 is nearly exhausted and MTC has entered into new funding exchange agreements where the implementation of specific projects with federal funds in exchange for local funds can achieve regional goals and objectives; now, therefore, be it

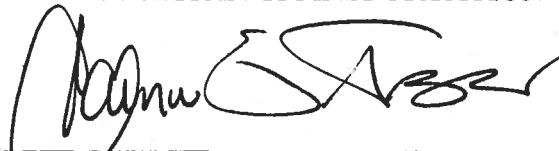
RESOLVED that Attachments A and B reflect the Exchange program balance and agreements approved by the Commission subject to this resolution; and be it further

RESOLVED, that attachment C lists the projects and amounts from the original STP Exchange program (MTC Resolution 3018) incorporated into the new MTC Exchange program; and be it further

RESOLVED that the Executive Director or designee is authorized to revise Attachments A, B and, C as necessary to reflect Commission actions and the on-going balances within the MTC Exchange program; and be it further

RESOLVED that MTC Resolution No. 3018 is superseded by this resolution.

METROPOLITAN TRANSPORTATION COMMISSION



Scott Haggerty, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on February 23, 2011.

**MTC Exchange Program
Funding Commitments
Attachment B**

Recipient	Project/Program	Res No.	Date	Committed by MTC	ID
MTC	Transit Oriented Affordable Housing (TOAH)	3940, 4306	2/24/2010, 12/20/17	\$5,000,000	1
MTC	BAHFA: Senior Rental Assistance Pilot Program	4578	5/24/2023	\$5,000,000	17
SP Rancheria	Intertribal Electric Vehicle Implementation	3925	10/26/2011	\$376,000	2
MTC	Affordable Housing Jumpstart	4260	12/21/2016		
MTC	Alameda Jumpstart	4260	11/28/2018	\$2,000,000	3
MTC	San Francisco Jumpstart	4260	11/28/2018	\$5,000,000	3
MTC	Santa Clara Jumpstart	4260	11/28/2018	\$3,000,000	3
MTC	Bay Bridge Forward Commuter Parking Initiative	4035	12/21/2016	\$3,875,000	4
MTC	Fruitvale Quick Build	4035	3/25/2020	\$25,000	4
MTC	Regional Priority Conservation Area (PCA) Program	4202	7/26/2017		
MTC	Alameda County: Niles Canyon Trail, Phase 1	4202	11/20/2019	\$321,000	5
MTC	Livermore: Arroyo Road Trail	4202	11/20/2019	\$400,000	5
MTC	WOEIP/Urban Biofilter: Adapt Oakland Urban Greening in West Oakland	4202	11/20/2020	\$300,000	5
MTC	EBRPD: Bay Trail at Point Molate (RSR Bridge to Point Molate Beach Park)	4202	11/20/2019	\$1,000,000	5
MTC	JMLT: Pacheco Marsh/Lower Walnut Creek Restoration and Public Access	4202	11/20/2019	\$950,000	5
MTC	San Francisco: McLaren Park and Neighborhood Connections Plan	4202	11/20/2019	\$194,000	5
MTC	State Coastal Conservancy (for SF Rec & Park): Twin Peaks Trail Imps.	4202	11/20/2020	\$74,000	5
MTC	GGNPC/NPS: Rancho Corral de Tierra Unit Management Plan Engagement	4202	11/20/2019	\$200,000	5
MTC	Half Moon Bay: Pillar Point Public Access Improvements	4202	11/20/2019	\$298,000	5
MTC	Menlo Park: Bedwell Bayfront Park Entrance Improvements	4202	11/20/2019	\$520,000	5
MTC	San Mateo County: Colma Creek Adaptation Study	4202	11/20/2019	\$110,000	5
MTC	San Mateo Co,: San Bruno Mtn. Habitat Conservation Plan Grazing Pilot	4202	11/20/2020	\$137,900	5
MTC	South San Francisco: Sign Hill Conservation and Trail Master Plan	4202	11/20/2020	\$135,100	5
MTC	Point Blue: Pajaro River Watershed Habitat Rest. & Climate Resilient Imps.	4202	11/20/2019	\$379,000	5
MTC	SCVOSA: Coyote Ridge Open Space Preserve Public Access, Phase 1	4202	11/20/2019	\$400,000	5
MTC	SCVOSA: Tilton Ranch Acquisition	4202	11/20/2019	\$1,000,000	5
MTC	PCA Grant Implementation	4202	11/20/2019	\$500,000	5
MTC	Bay Area Greenprint PCA Improvements	4202	3/28/2018	\$30,000	6
TAM/SCTA	Bike Share Capital and Outreach - SMART Corridor	3925	2/28/2018	\$826,000	7
Richmond	Bike Share Capital and Outreach - Richmond	3925	2/28/2018	\$1,024,000	8
MTC	Bay Area Preservation Pilot (BAPP)	4311	2/28/2018	\$10,000,000	9
MTC	IDEA - Concord: Concord Blvd, Clayton Rd & Willow Pass Rd	4202	11/28/2018	\$589,000	10
MTC	IDEA - Walnut Creek: Various Locations	4202	11/28/2018	\$621,000	11
Richmond	Richmond-San Rafael Bridge Bicycle Access	4202	11/28/2018	\$500,000	12
MTC	Richmond-San Rafael Bridge Forward	4202	11/28/2018	\$1,046,000	13
MTC	Napa Valley Transportation Demand Strategies	4202	11/28/2018	\$1,100,000	14
MTC	IDEA - Concord Blvd, Clayton Rd & Willow Pass Rd	4202	3/27/2019	\$144,000	15
MTC	Bay Wheels Bikeshare E-bike Expansion	4505	3/22/2023	\$15,940,000	16
Total Committed:				\$63,015,000	



Transit Oriented Affordable Housing Fund and Rental Assistance Pilot Administration Committee May 10, 2023



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

Overview of Proposed Changes to TOAH

- In 2012, MTC invested \$10M in the Transit Oriented Affordable Housing (TOAH) program. The loan's origination period has now expired.
- The investment has facilitated the construction of **1,600 units!** However, there have been challenges fully utilizing funds and other urgent funding needs and opportunities have emerged since the launch of BAHFA
- Given current priorities and resources, BAHFA recommends:
 1. Continuing to invest **\$5M in the TOAH program** through 2035
 2. Repurposing **\$5M to establish a Rental Assistance Pilot** focused on vulnerable renters, like seniors, fulfilling BAHFA's mandate to support ELI households and prevent displacement.

TOAH Program Overview

- Purpose is to assist developers with the purchase of properties near transit for the development or redevelopment of affordable housing and community services
- \$50M revolving loan fund created in partnership with community development financial institutions (CDFIs)
 - \$10M MTC Investment
 - \$40M CDFI Investment
- Managed by the Low Income Investment Fund (LIIF) and loans originated by a consortium of 5 CDFIs
- Projects must be located in Priority Development Areas (PDAs) and Transit Priority Areas (TPAs)
- Borrowers may utilize loans for acquisition and/or predevelopment

Ongoing Investment in TOAH

Challenges with Utilization

- Only one of five originators consistently utilized the fund since 2019
- Some prospective projects are located outside of PDAs and TPAs
- Comparable loan products on the market have more competitive terms
- There is limited permanent financing that can be leveraged with TOAH. A successful 2024 BAHFA GO Bond could provide needed production funds.

Proposed Program Revisions

- Reduce MTC's Investment in TOAH from \$10M to \$5M
- Extend the Origination Period through 2030
- Expand eligibility to projects located Plan Bay Area 2050 Growth Geographies
- Increase the maximum loan-to-value ratio from 110% to 120% for non-profit sponsors
- Increase the maximum predevelopment loan size from \$750K to \$1M
- Increase the maximum predevelopment loan term from 2 years to 3 years

Helping Vulnerable Renters Stay Housed

Rental Assistance as Homelessness Prevention

- Pilot programs in the region showing success preventing homelessness in San Jose, San Francisco, Oakland, and more
- Opportunity to pilot longer-term rental assistance or shallow subsidy to help increase stability

Focus on Seniors, People with Disabilities

- ~575,000 people at risk of homelessness in the Bay Area, 36,800 people experiencing homelessness
- People on fixed incomes face significant challenges staying stably housed in the region
- Fastest rise in seniors experiencing homelessness - 108% increase 2017-2020 in CA
- Among older adults, cause of homelessness is very likely to be tied to financial or health crisis
- Black older renters in CA are most likely to be cost-burdened (paying more than 30% of income) *and* severely cost-burdened (paying more than 50%)

Rental Assistance Program Pilot Overview

Anticipated Terms of the Pilot

- **Focus population:** Vulnerable ELI renters with high risk of homelessness, high risk of displacement, low ability to increase income (e.g., seniors, people with disabilities)
- **Assistance:**
 - Rental Assistance (amount TBD) up to 48 months, with the opportunity to renew for seniors,* in recognition of likelihood not to increase income
 - Connection with other housing, health, and social service supports
- **Operations:** Contract with experienced provider(s) to operate and evaluate the pilot
- **Regional Learning:** Coordinate with other pilots in the region and state, and help spread learning from evaluation

**AB 1487 allows BAHFA to renew 48-month terms for severely rent burdened seniors paying over 50% of income toward rent.*

Questions?

Bay Area Housing Finance Authority Website:

<https://mtc.ca.gov/about-mtc/authorities/bay-area-housing-finance-authority-bahfa>

Staff Contact:

Somaya Abdelgany, Preservation Program Coordinator:

sabdelgany@bayareametro.gov

Irene Farnsworth, Anti-Displacement Program Coordinator:

ifarnsworth@bayareametro.gov



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0646 **Version:** 1 **Name:**
Type: Resolution **Status:** Commission Approval
File created: 4/18/2023 **In control:** Administration Committee
On agenda: 5/10/2023 **Final action:**
Title: MTC Resolution No. 1058, Revised. Commission Procedures Manual Updates

A request that the Committee refer MTC Resolution No. 1058, Revised to the Commission for approval in consideration of updates to the Commission Procedures Manual in the areas of standing committee transition of the Operations Committee to the Regional Network Management Committee and Executive Committee composition.

Sponsors:

Indexes:

Code sections:

Attachments: [3b_23-0646_MTC_Resolution_1058_Commission_Procedures_Manual_Updates.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

MTC Resolution No. 1058, Revised. Commission Procedures Manual Updates

A request that the Committee refer MTC Resolution No. 1058, Revised to the Commission for approval in consideration of updates to the Commission Procedures Manual in the areas of standing committee transition of the Operations Committee to the Regional Network Management Committee and Executive Committee composition.

Presenter:

Alix Bockelman and Kathleen Kane

Recommended Action:

Commission Approval

Metropolitan Transportation Commission

Administration Committee

May 10, 2023

Agenda Item 3b - 23-0646

**MTC Resolution No. 1058, Revised. Commission Procedures Manual
Updates**

Subject:

A request that the Committee refer MTC Resolution No. 1058, Revised to the Commission for approval in consideration of updates to the Commission Procedures Manual in the areas of standing committee transition of the Operations Committee to the Regional Network Management Committee and Executive Committee composition.

Background:

In February of this year, the Commission approved the Regional Network Management framework, which included a structure for carrying out the objectives of the regional network management program. In furtherance of the Commission's commitments to that plan, staff requests that the Committee refer the attached changes to the Commission Procedure Manual for adoption by the Commission. The key change in the attached is the transition of the Operations Committee to the Regional Network Management Committee. The newly reconstituted committee will continue the existing work of the Operations Committee, while adding the regional network management responsibilities identified by the Commission.

In addition to the committee change, the proposed amendment also makes smaller edits to the Procedure Manual, including adding Regional Network Management and BAIFA Network and Operations Committee representation to the Executive Committee, clarifying meeting start times and streamlining voting procedures for the Joint Legislation Committee.

Next Steps:

Staff will incorporate any feedback from the Committee into the Commission item.

Issues:

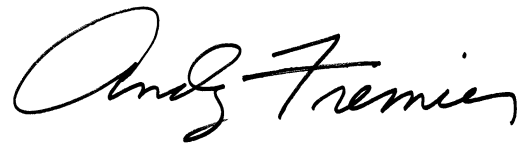
None identified.

Recommendations:

Refer MTC Resolution No. 1058, Revised to the Commission for adoption.

Attachments:

- Attachment A: Resolution 1058, Revised

A handwritten signature in black ink that reads "Andrew B. Fremier". The signature is written in a cursive, flowing style.

Andrew B. Fremier

Date: 11/25/81
W.I.: 11.1.1.0
Referred by: A&O
Revised: 10/27/82 11/24/82
11/27/85 02/25/87
09/23/87 04/26/89
09/18/89 09/26/90
06/26/91 11/25/92
01/27/93 12/15/93
05/24/95 02/26/97
12/16/98 07/28/99
11/17/99 02/26/03
07/23/03 04/28/04
01/25/06 04/26/06
12/19/12 05/22/13
01/28/15 03/25/15
09/28/16 09/27/17
06/27/18 07/24/19
03/25/20 08/26/20
12/15/21

ABSTRACT

Resolution No. 1058, Revised

This resolution adopts the Commission Procedures Manual as revised and dated November 25, 1981. Resolution No. 1058 supersedes Resolution No. 745. Resolution No. 745 previously superseded Resolution No. 358.

Appendix A to the Commission Procedures Manual (MTC's Conflict of Interest Code) was revised by the Commission on October 27, 1982.

The Commission Procedures Manual was revised by the Commission on November 24, 1982 to amend the election of the Commission Chair and Vice-Chair to terms that begin in February of odd-numbered years.

The Commission Procedures Manual was revised by the Commission on November 27, 1985 to clarify some minor parliamentary procedures, to update information, and to revise Appendices B, D, and E so that those appendices supersede MTC Resolution Nos. 208, 348, 291, and 1057.

The Commission Procedures Manual was revised on February 25, 1987 to require all agendas to be posted at least 72 hours prior to meetings, special meeting agendas to be posted at least 24 hours prior to the meeting, to provide additional information on public comment, to clarify the approval authority of

GR&AC and WPPRC Committees, and to allow flexibility in selection of the first meeting date of each new Commission term.

The Commission Procedures Manual was revised on September 23, 1987 to state that items on Commission and committee agendas are all subject to action.

The Commission Procedures Manual was revised on April 26, 1989 to revise the membership of standing committees, to add the Vice-Chair as an ex-officio member of all standing committees, and to allow per diem payments to any Commissioner attending any committee meeting.

The Commission Procedures Manual was revised on September 18, 1989 to clarify certain expense provisions in Appendix B.

Appendix E to the Commission Procedures Manual was revised by the Commission on September 26, 1990 to clarify certain delegations between the Grant Review and Allocations Committee and the Work Program and Plan Revision Committee.

The Commission Procedures Manual was revised on June 26, 1991 to change the membership of standing committees; to eliminate the Transportation Finance standing committee and change the name of the Work Program and Plan Revision Committee to the Work Program Committee; to update and clarify standing committee delegations and descriptions of special and advisory committees; and to update references.

Appendix D to the Commission Procedures Manual was revised on November 25, 1992 to add the Blue Ribbon Advisory Council to the list of Citizen Advisory Committees eligible for expense reimbursement.

The Commission Procedures Manual was revised on January 27, 1993 to delete provisions for reimbursement for meals of citizen advisors.

The Commission Procedures Manual was revised on December 15, 1993 to amend Section 3.08 to include further guidance regarding public comment at MTC meetings.

The Commission Procedures Manual was revised on May 24, 1995 to incorporate new MTC responsibilities, update references and committee information, make editorial changes, and delete

Appendices F, G, H, and I. The revisions are summarized in the General Counsel's memorandum to the A&O Committee dated May 3, 1995.

The Commission Procedures Manual was revised on February 26, 1997 to amend the regular meeting date and times of MTC's standing committees.

The Commission Procedures Manual was revised on December 16, 1998 to update references, update special and advisory committees, add language regarding the designation of ad hoc committee members, and revise MTC's Conflict of Interest Code (Attachment A).

Appendix E to the Commission Procedures Manual was revised by the Commission on July 28, 1999 to rename: the Administration and Oversight Committee to the Administration Committee; the Grant Review and Allocations Committee to the Programming and Allocations Committee; the Legislation and Public Affairs Committee to the Legislation Committee; and the Work Program and Plan Revision Committee to the Planning and Operations Committee; and to restructure and clarify certain delegations among and between them.

Section 1.07 of the Commission Procedures Manual was revised on November 17, 1999 to allow commissioners to be reimbursed for up to five meetings in one day.

Appendix D to the Commission Procedures Manual was revised on February 26, 2003, to revise the reimbursement policy for advisors appointed by the Commission serving on the Advisory Council, the Minority Citizens Advisory Committee, and the Elderly and Disabled Advisory Committee.

The Commission Procedures Manual was revised on July 23, 2003 to update references, update committees, and incorporate MTC's revised Conflict of Interest Code (Attachment A).

Appendix D to the Commission Procedures Manual was revised on April 28, 2004, to clarify that members of the Advisory Council, the Minority Citizens Advisory Committee, and the Elderly and Disabled Advisory Committee may seek reimbursement for attending meetings of working groups with MTC staff formed at the direction of the Commission to provide input into Commission decisions.

Section 4.14 Commission Committees, and Appendix E to the Commission Procedures Manual were revised on January 25, 2006, to rename the Planning and Operations Committee as the Planning Committee and to add the Operations Committee to replace the SAFE Committee.

The Commission Procedures Manual was revised on April 26, 2006 to revise Appendix E to delegate specific contract, personal services agreement, and purchase order approval authority to the Operations Committee.

The Commission Procedures Manual was revised on December 19, 2012 to update provisions relating to AB57, SB375, MAP 21, the development of the Commission's Public Participation Plan, the creation of the Policy Advisory Council, the creation of the Bay Area Infrastructure Financing Authority and the Bay Area Headquarters Authority, clarify ex-officio voting capacity, incorporate MTC's revised Conflict of Interest Code, and to update provisions to conform to current practice (Attachment A, Appendices A, B, D and E).

The Commission Procedures Manual was revised on May 22, 2013 to incorporate MTC's revised Conflict of Interest Code as approved by the California Fair Political Practices Commission (FPPC) on April 17, 2013 to more accurately reflect the most current designated positions and assigned disclosure categories in MTC's organizational structure (Attachment A).

The Commission Procedures Manual was revised on January 28, 2015 to update and revise the Travel Policy contained in Appendix B.

The Commission Procedures Manual was revised on March 25, 2015 to incorporate MTC's revised Conflict of Interest Code, as approved by the California Fair Political Practices Commission (FPPC) on February 2, 2015, to more accurately reflect the most current designated positions and assigned disclosure categories in MTC's organizational structure (Attachment A).

The Commission Procedures Manual was revised on September 28, 2016 to provide for the appointment of one or more public transportation representatives in accordance with provisions contained in MAP 21 as amended by the FAST Act and to incorporate MTC's revised Conflict of Interest Code, as approved by

the California Fair Political Practices Commission (FPPC) on June 30, 2016, to more accurately reflect the most current designated positions and assigned disclosure categories in MTC's organizational structure (Appendix A to Attachment A), and to add a MTC special committee.

Appendix E to the Commission Procedures Manual was revised on September 27, 2017 to change the composition of the MTC Executive Committee to add the Association of Bay Area Governments (ABAG) Representative.

The Commission Procedures Manual was revised on June 27, 2018 to incorporate MTC's revised Conflict of Interest Code, as approved by the California Fair Political Practices Commission (FPPC) on March 29, 2018, to revise the designated positions to reflect the MTC-Association of Bay Area Governments staff consolidation, MTC's staffing of the Advancing California Financing Authority, and MTC's current organizational structure (Appendix A to Attachment A).

Appendix B to the Commission Procedures Manual was revised on July 24, 2019 to substitute the updated Meeting and Travel Expense Claim Form for the prior version of the Meeting and Travel Expense Claim Form as the attachment to Appendix B.

The Commission Procedures Manual was revised on March 25, 2020 to incorporate MTC's revised Conflict of Interest Code, as approved by the California Fair Political Practices Commission (FPPC) on January 27, 2020, to revise the designated positions to reflect MTC's affiliation with the Bay Area Regional Collaborative and MTC's current organizational structure (Appendix A to Attachment A); to add a new Section 5.03 regarding meeting protocol in declared emergencies; and to incorporate as Appendix F the Protocol Governing Amendments to Commission Procedure During Declared Emergencies.

The Commission Procedures Manual was revised on August 26, 2020 to allow the Chair and Vice Chair to serve as regular voting members of joint committees formed with ABAG, provide for inclusion of the Bay Area Housing Finance Authority (BAHFA), eliminate the MTC Legislation Committee, and authorize appointment of commissioners to a new Joint Committee with ABAG appointed representatives, with the new Joint MTC ABAG Legislation Committee's role to review legislation and pass recommendations up to the full Commission and the ABAG Executive Board.

The Commission Procedures Manual was revised on December 15, 2021 to: increase Policy Advisory Council Members' meeting stipends; adopt more inclusive language by replacing the word "citizen"; specify that public notice associated with Regional Transportation Plan revisions must comply with applicable law and the MTC Public Participation Plan; and clarify provisions related to the Joint MTC ABAG Legislation Committee.

The Commission Procedures Manual was revised on May 24, 2023, to reflect the conversion of the existing Operations Committee to the Regional Network Management Committee [RNM Committee]. The RNM Committee retains the former responsibilities and subject matter jurisdiction of the Operations Committee and adds the Regional Network Management functions identified in the Commission's February, 2023 adopted Regional Network Management Framework (MTC Resolution 4564). In the same action, the Manual was updated to reflect expanded membership of the MTC Executive Committee, adding the chair of the Bay Area Infrastructure Finance Authority Network and Operations Committee. Clarifications as to the dates and times of standing committee meetings and to the voting mechanism for the Joint Legislation Committee were also made in this amendment.

Date: 11/25/81
W.I.: 99.1.20
Referred by: A&O

Re: Commission Procedures Manual.

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 1058

WHEREAS, by Resolution No. 358 and 746 the Metropolitan Transportation Commission (Commission) adopted the Commission Procedures Manual relating to the Commission and commissioners, Commission officers, Commission meetings and the conduct of business, and Commission committees; and

WHEREAS, the Commission now desires to revise the Procedures Manual to clarify and reflect current practice as well as make revisions to the duties of the Commission resulting from recent State legislation; now, therefore, be it

RESOLVED, that the Metropolitan Transportation Commission adopts its Commission Procedures Manual as revised and dated November 25, 1981, a copy of which is attached hereto and marked Attachment A and incorporated by reference; and, be it further

RESOLVED, that MTC Resolution No. 1058 supersedes Resolution No. 746.

METROPOLITAN TRANSPORTATION COMMISSION

/s/ William R. "Bill" Lucius
William R. "Bill" Lucius, Chairman

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on November 25, 1981.

W.I.: 1111
Referred by: A&O
Revised: See below

Attachment A
Resolution No. 1058

METROPOLITAN TRANSPORTATION COMMISSION
COMMISSION PROCEDURES MANUAL

Adopted September 22, 1976
Revised December 19, 1979
Adopted and Revised November 25, 1981
Revised October 27, 1982
Revised November 24, 1982
Revised November 27, 1985
Revised February 25, 1987
Revised September 23, 1987
Revised April 26, 1989
Revised September 18, 1989
Revised September 26, 1990
Revised June 26, 1991
Revised November 25, 1992
Revised January 27, 1993
Revised December 15, 1993
Revised May 24, 1995
Revised February 26, 1997
Revised December 16, 1998
Revised July 28, 1999
Revised November 17, 1999
Revised February 26, 2003
Revised July 23, 2003
Revised April 28, 2004
Revised January 25, 2006
Revised April 26, 2006
Revised December 19, 2012
Revised May 22, 2013
Revised January 28, 2015
Revised March 25, 2015
Revised September 28, 2016
Revised September 27, 2017
Revised June 27, 2018
Revised July 24, 2019
Revised March 25, 2020
Revised August 26, 2020
Revised December 15, 2021

METROPOLITAN TRANSPORTATION COMMISSION
COMMISSION PROCEDURES MANUAL

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APPENDICES

Appendix A

Resolution No. 1198
(Last revised 03/25/20)

Conflict of Interest Code

Appendix B

(Last revised 07/24/19)

Travel Reimbursement to Commissioners and MTC Staff

Appendix C

Resolution Nos. 663 and 664
(Adopted 05/23/79)

MTC Legal Counsel

Appendix D

(Last revised 12/15/2021)

Travel Reimbursement Rates for Members on Advisory Committees

Appendix E

(Last revised 12/15/2021)

Standing Committees' Structure/Joint MTC ABAG Legislation
Committee Structure

Appendix F

(Last revised 03/25/20)

Protocol Governing Amendments to Commission Procedure During
Declared Emergencies

METROPOLITAN TRANSPORTATION COMMISSION,
METROPOLITAN TRANSPORTATION COMMISSION SERVICE AUTHORITY FOR
FREEWAYS AND EXPRESSWAYS, BAY AREA TOLL AUTHORITY, BAY AREA
HOUSING FINANCE AUTHORITY, BAY AREA INFRASTRUCTURE FINANCING
AUTHORITY AND BAY AREA HEADQUARTERS AUTHORITY
PROCEDURES MANUAL

INTRODUCTION

The Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for that area of California comprising the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (Government Code § 66500 *et seq.*). These nine counties of the Bay Area cover an area of approximately 7,000 square miles and have a population of approximately 7.2 million (2010 census). Within the structure of California governmental agencies, MTC is classified as a local area planning agency and not as part of the executive branch of the state government.

In accordance with its legislative mandate, MTC adopted a Regional Transportation Plan (RTP) in June 1973. Thereafter, the Commission has regularly reviewed and revised the RTP in compliance with the statutory requirement of continuing plan review. The enactment of Senate Bill 375 (Steinberg) in 2008 requires MTC to adopt a Sustainable Communities Strategy (SCS) together with its RTP to strive to reach greenhouse gas (GHG) reduction targets. The first SCS/RTP is scheduled for adoption in 2013.

The Commission is charged with certain responsibilities for implementation of the SCS/RTP, as well as the RTP standing alone. Applications of local agencies for grants of certain state and federal transportation funds are subject to MTC review and approval as to their compatibility with the RTP. Generally, the state must conform to the RTP in allocating funds for construction on the state highway system within the MTC region.

Legislation passed in 1997 gave MTC increased decision-making authority over the selection of project and allocation of funds for the State Transportation Improvement Program (STIP). MTC is the agency responsible for allocation of local transportation funds among qualified claimants

under the Transportation Development Act (TDA) (Public Utilities Code § 99200 *et seq.*). The TDA statute provides MTC with a role in fulfilling fiscal and performance audit requirements with respect to claimants of TDA funds.

Under AB 1107 (Public Utilities Code § 29142.2), MTC allocates among eligible claimants one-fourth of the one-half cent Bay Area Rapid Transit District (BART) sales tax in Alameda, Contra Costa and San Francisco counties. Under AB 664 (Streets and Highways Code § 30880 *et seq.*), MTC is responsible for allocation of net revenues of state toll bridges located within the region. Pursuant to Streets and Highways Code § 30889, MTC may establish tolls for such bridges in order to generate net revenues provided that net revenues may not exceed the average net revenues available during fiscal year 1977-78 and 1978-79, except as may be adjusted annually according to the appropriate inflationary index as adopted by MTC. SB 620 (Public Utilities Code § 99310 *et seq.*) provides MTC with authority to allocate the regional share of the State Public Transportation Account.

MTC is responsible for meeting state and federal Transportation Improvement Program (TIP) requirements for the Bay Region. (Government Code § 65080 *et seq.* and 23 Code of Federal Regulations Section 450 Subpart B.) The Commission is the region's Metropolitan Planning Organization (MPO) and conducts the continuing, comprehensive, cooperative planning program necessary to maintain this region's eligibility for federal transportation funding. (23 Code of Federal Regulations Section 450 Subpart A.) MTC is the designated recipient of large urbanized area Federal Transit Administration (FTA) formula funds, such as 5307, 5339, and 5337. MTC is also designated other responsibilities for FTA funds by the California Department of Transportation (Caltrans), such as the 5303 planning funds, 5311, and 5310.

Through state law, MTC has programming responsibilities for Federal Highway Administration (FHWA) funds such as Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ). MTC is also responsible for submitting a Regional Transportation Improvement Program to the California Transportation Commission and Caltrans every two years.

MTC has conducted special planning studies at a multi-regional and subregional level. Examples include the Transit Connectivity Plan, the Transit Sustainability Project, and the Regional Goods Movement Study. MTC is jointly responsible with the Association of Bay Area Governments (ABAG) and the Bay Area Air Quality Management District (BAAQMD) for air quality planning to meet the requirements of the federal Clean Air Act, as amended, and shares with the BAAQMD the responsibility for air quality transportation control measures under the state Clean Air Act, as amended. MTC shares with ABAG the responsibility for preparing the SCS.

The Metropolitan Transportation Commission Service Authority for Freeways and Expressways (“MTC SAFE”) was created by legislation effective January 1, 1988 (Streets and Highways Code § 2550 *et seq.*), which authorized the creation of an MTC SAFE to provide for implementation, maintenance and operation of motorist-aid services through a call box program linked directly to the California Highway Patrol and a fleet of roving tow truck patrols, the Freeway Service Patrol. Under the law, MTC oversees the regional SAFE, which was officially convened in mid-1988.

The Bay Area Toll Authority (“BATA”) was created by legislation effective January 1, 1998 (Streets & Highways Code § 30950 *et seq.*) to administer the base \$1 toll on the San Francisco Bay Area’s seven state-owned toll bridges. Pursuant to additional legislation including SB 60, AB 1171, AB 144 and AB 1175 and voter-approved toll increases, tolls in addition to the \$1.00 base toll are collected and administered. Under the law, MTC serves as BATA.

In July, 2012 AB 57 (Beall) was chaptered. AB 57 amended Sections 66503 and 66504 of the Government Code to add, effective January 1, 2013, two additional voting seats on the commission and impose certain other requirements on commissioner appointments as further outlined in Part I of this Commission Procedures Manual.

In 2015 Congress enacted, and the President signed into law the FAST Act (23 U.S.C. §101). Title 23 U.S.C. §134 (d)(2) provides that a metropolitan planning organization shall consist of local officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation, and appropriate

State officials. Title 23 U.S.C. §134 (d)(3)(B) provides that, subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

In October 2019, AB 1487 (Chiu) was chaptered. AB 1487 added Title 6.8 to the Government Code, commencing with Government Code Section 64510, which created the Bay Area Housing Finance Authority (“BAHFA”) with jurisdiction extending throughout the San Francisco Bay Area and provided that BAHFA shall be governed by the same board that governs MTC.

For the purposes of this Commission Procedures Manual, the term “MTC” includes the four agencies: the Metropolitan Transportation Commission, the Metropolitan Transportation Commission Service Authority for Freeways and Expressways, the Bay Area Toll Authority and the Bay Area Housing Finance Authority. It also includes two joint powers authorities formed by MTC and BATA: the Bay Area Infrastructure Financing Authority (“BAIFA”), and the Bay Area Headquarters Authority (“BAHA”).

I. THE COMMISSION AND COMMISSIONERS

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

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

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

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

1.03. Term of Office. The term of office of a commissioner is four years. Since the initial term for commissioners commenced February 10, 1971, the organizational meeting date of the Commission, the four-year terms of commissioners shall commence quadrennially from that date. The current appointment term began February 10, 2019. The next appointment dates are February 10, 2023 and February 10, 2027. Appointments to fill a resignation or vacancy during a term shall be only for the balance of such term. Commissioners shall continue to serve as such until reappointed or until their successor is appointed; provided that, where a commissioner has been appointed as a public officer, the commissioner must vacate his/her Commission seat upon ceasing to hold such public office, unless the appointing authority consents to completion of the commissioner's term (Government Code Section 66504).

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

1.05. Conflict of Interest Code. The Commission adopted a conflict of interest code by Resolution No. 1198, Revised (Appendix A), which was subsequently approved by the State of California Fair Political Practices Commission. Commissioners are required to file annual statements of economic interest and within thirty days of assuming or leaving office.

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

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

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

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

II. OFFICERS

2.01. Commission Officers. There are two (2) Commission officers: a Chair and a Vice-Chair. Any voting commissioner is eligible to hold the office of Chair or Vice-Chair. Non-voting commissioners are ineligible for such offices.

2.02. Term. The Chair and Vice-Chair shall serve two-year terms commencing upon elections at the regular Commission meeting in February of odd numbered years. A commissioner may serve as Chair or Vice-Chair without restriction as to number of terms. The Chair and Vice-Chair shall serve as such until their successors are elected.

2.03A. Nomination/Election of Commission Officers (New Commission Term). In years when new Commission terms begin, the following procedure for the nomination and election of Commission officers shall be followed:

- a. The Commission shall meet on February 10, or within five working days thereof, for a special meeting. The meeting date shall be set by the prior Commission.
- b. The existing Chair, if reappointed, or if not reappointed, the Vice-Chair, if reappointed, or if not reappointed, the reappointed commissioner with the longest continuous length of service, shall preside over the meeting, and is the Acting Chair until the election of new officers.
- c. The Acting Chair shall at this special meeting appoint an Ad Hoc Nominating Committee of commissioners subject to the confirmation of the Commission.
- d. The Ad Hoc Nominating Committee shall meet and send its report in writing to the Commission with the packet for the regular February meeting.
- e. The Acting Chair shall convene the regular February meeting, usually the fourth Wednesday of the month, at which the Ad Hoc Nominating Committee shall give its report as the first order of business. Additional nominations may be offered after the Committee report. Thereafter, nominations may be closed; but, if not closed, nominations shall remain open until the March meeting.
- f. The Commission shall elect a Chair and Vice-Chair at its regular February meeting, or as soon thereafter as possible after nominations are closed.
- g. Upon the election of new officers, the new Chair shall take over the gavel and conduct the remaining business of the meeting.

2.03B. Nomination/Election of Commission Officers (Mid-Commission Term.) The Chair shall appoint an Ad Hoc Nominating Committee of commissioners subject to the confirmation of the Commission at the regular Commission meeting in December of even-numbered years. The Ad Hoc Nominating Committee shall send its report in writing to the Commission with the packet for the regular January Commission meeting. Additional nominations may be offered after the Committee report. Thereafter, nominations may be closed; but, if not closed, nominations shall remain open until the February Commission meeting. The Commission shall elect a Chair and Vice-Chair at its regular February meeting as the first order of business, or as soon thereafter as possible.

2.04. Duties of Chair. The Chair shall preside at all meetings of the Commission, state each question for vote, announce the decision, and decide all questions of order subject to appeal to the Commission. The Chair is a voting ex-officio member of all standing committees of the Commission, with the exception of any joint committee formed with the Association of Bay Area Governments (“ABAG”). As an ex-officio member of a standing committee the Chair shall vote only when necessary to attain a quorum of voting members of a committee. In the case of joint committees formed with ABAG, the Chair if so appointed to such committee shall be a full voting member, authorized to vote whether or not there is a quorum. The Chair shall execute all resolutions adopted by the Commission, the approved minutes, and any other documents that may require the signature of the Chair.

The Chair shall appoint, subject to approval of the Commission, members of standing committees, and subsequent to September 28, 2016, the Chair shall designate, subject to approval of the Commission, the Transit Representative(s). In making committee and Transit Representative appointments/designations, the Chair shall, as much as possible, attempt to balance the representation of various areas of the region. The Chair shall select the Chair and Vice-Chair of each committee subject to approval of the Commission. The Chair should request individual commissioners to submit their preferences and areas of interest regarding appointment to

committees. The Chair shall also appoint, subject to the approval of the Commission, Commission members of special committees.

In years when a new Chair is elected, then current committee members, chairs, and vice chairs shall continue to serve as such until the new Chair makes new committee appointments. To the extent necessary to carry out committee business, the Chair may appoint temporary committee chairs, vice-chairs, and members, pending confirmation of committee appointments at the regular March Commission meeting.

The Chair shall approve, within the limits of the approved budget, commissioner's attendance and expenses at an out-of-region conference or any conference in which MTC has a substantial interest in being represented.

The Chair shall perform such functions as may be delegated by action of the Commission. Where circumstances warrant, the Chair may, in the absence of existing policy, act as necessary for the Commission between its scheduled meetings and shall report that action at the next Commission meeting.

The Chair shall select a temporary chair of a committee when that committee's chair and vice-chair are both unable to attend that committee's meeting(s).

2.05. Duties of Vice-Chair. The Vice-Chair shall assume the Chair's duties in his/her absence. The Vice-Chair is a voting ex-officio member of all standing committees of the Commission, with the exception of any joint committee formed with ABAG. As an ex-officio member of a standing committee the Vice-Chair shall vote only when necessary to attain a quorum of voting members of a committee. In the case of joint committees formed with ABAG, the Vice-Chair if so appointed to such committee shall be a full voting member, authorized to vote whether or not there is a quorum.

2.06. Chair Pro Tem. If both the Chair and Vice-Chair are or will be absent from a Commission meeting or other functions, or duties of the Chair must be performed (including, but not limited to, the execution of documents), the most senior member of the Commission shall perform such functions and duties.

2.07. Vacancies During Term of Office.

A. Chair. In the event the office of Chair is vacated during the term, the vacancy shall be filled for the unexpired balance of the term by the Vice-Chair.

B. Vice-Chair. In the event the office of Vice-Chair is vacated during the term, the vacancy may be filled for the unexpired balance of the term by a special election. If the vacancy is to be filled, an ad hoc nominating committee shall be appointed by the Chair, subject to the approval of the Commission at the next regular Commission meeting. At the Commission meeting following the meeting approving the ad hoc nominating committee, the ad hoc nominating committee shall present its written report which shall be included in the meeting packet sent to commissioners; additional nominations, if any, may be made by commissioners at the meeting; nominations shall thereafter be closed and the election for Vice-Chair held at that meeting.

C. Chair and Vice-Chair. In the event the office of Chair and Vice-Chair are both vacated simultaneously during their terms, the vacancy for Chair and Vice-Chair shall be filled in the same manner as the vacancy for Vice-Chair in paragraph B of this Subsection, with the ad hoc nominating committee being appointed by the Commission.

2.08 Staff Officers.

A. Executive Director. The Commission shall appoint an Executive Director who shall have charge of administering the affairs of the Commission subject to the Commission's direction and policies. The Executive Director shall in turn appoint, subject to approval of the Commission, such employees as may be necessary to carry out the functions of the Commission (Resolution No. 664). The Executive Director shall designate an employee to act as Secretary of the Commission for the purpose of keeping its minutes and resolutions.

B. Legal Counsel. The Executive Director shall appoint a Legal Counsel subject to the approval of the Commission. In addition to other duties, the Legal Counsel shall have a responsibility to directly advise the Commission and commissioners in the course of their duties (Resolution Nos. 663 and 664, Appendix C).

III. COMMISSION MEETINGS AND CONDUCT OF BUSINESS

3.01. Principal Offices. The principal offices of the Commission shall be at the-Bay Area Metro Center, 375 Beale Street, San Francisco, CA 94105, or at such other location as may be determined by Commission action.

3.02. Regular Commission Meetings. Regular Commission meetings shall be on the fourth Wednesday of each month with the exception of the month of December when the regular meeting of the Commission shall be the third Wednesday of December and with the exception of the month of August which shall not have a regular Commission meeting. Unless otherwise scheduled, meetings regularly commence at 9:30 a.m. When a regular meeting falls upon a legal holiday, the date and time of such meeting shall be determined by the Commission no later than at its preceding regular meeting. Commission meetings shall be held in the Board Room, 375 Beale Street, San Francisco, CA 94105, in alternate locations within the region that are easily available to the public and accessible to persons with disabilities; provided that, if such an alternative location is chosen, it shall be publicly announced, if possible, at the preceding regular Commission meeting.

The Chair may cancel or reschedule a regular Commission meeting if a quorum cannot be obtained, or if there is insufficient business to warrant a meeting. Notice of cancellation of a meeting shall be given, if possible, not later than seven (7) days prior to the meeting date to those persons who receive formal notice of regular meetings.

3.03. Special Commission Meetings. The Chair may call special meetings of the Commission when warranted by the business of the Commission. In addition, upon written request of ten (10) Commissioners, a special meeting shall be held upon the call of the Chair.

3.04. Notice Regarding Commission Meetings. Notice of Commission meetings shall be given as follows:

A. Regular Meetings. Notice of all regular Commission meetings shall be given in compliance with applicable provisions of the Ralph M. Brown Act (Government Code Section 54950 *et seq.*, as may be amended from time to time; hereinafter "Brown Act"). The notice shall at

a minimum specify the date, hour, and location of the meeting and may be a preliminary agenda for the meeting. The final agenda shall be posted adjacent to the front door of the Bay Area Metro Center not later than 72 hours prior to the date of the meeting.

B. Special Meetings. Notice of special meetings shall be given in compliance with applicable provisions of the Brown Act. Notice of special meetings shall specify the date, time, and location of the meeting and the matters to be considered by the Commission. No matters other than those specified in the notice of special meetings may be considered. Notice of special meetings shall be given to those persons who receive notice of regular meetings. Unless otherwise provided by the Brown Act, at least twenty-four (24) hours' written notice shall be given by electronic or U.S. postal mail or personal delivery to each commissioner and to each local newspaper of general circulation, radio or television station requesting notice in writing, and by posting such notice in the MTC library.

C. Recipients of Notice. Notice of MTC meetings may be received by any person or organization requesting notice. Designated staff shall maintain a database of persons and organizations who have requested notice or to whom, in designated staff's judgment, notice shall be sent. The database is updated on an ongoing basis.

D. Brown Act. In providing notice of Commission meetings, MTC staff shall at all times comply at least with all minimum applicable notice requirements of the Brown Act.

3.05. Open Meetings. In accordance with the provisions of the Brown Act, all meetings of the Commission shall be open to the public except matters that may be discussed in closed session pursuant to the Brown Act. Members of the public shall have an opportunity to directly address the Commission on matters before it, subject to limitations on the total amount of time allocated for public testimony on particular issues and for each individual speaker.

3.06. Quorum. A majority of the appointed, voting commissioners shall constitute a quorum for any meeting of the Commission. When 18 voting commissioners have been appointed and seated, the quorum is ten (10) voting commissioners. No official action shall be taken by the Commission unless a quorum is present. A majority of the commissioners present and voting shall

be required to carry any action of the Commission; provided that, no action shall be valid unless approved by at least a majority of a quorum.

3.07. Voting. Voting shall be by voice; provided that a roll call shall be taken at the Chair's discretion or upon the request of one (1) commissioner.

3.08. Conduct of Meetings. Robert's Rules of Order, as revised, except when inconsistent with these procedures, law, or specific resolutions of the Commission, shall govern the conduct of meetings of the Commission and its established committees.

3.09. Agenda. The Commission may take no action on any item not appearing on the agenda except as allowed under the Brown Act. All items on Commission agendas shall be subject to action.

A preliminary agenda shall be distributed electronically or by regular or express mail prior to the date of the meeting, consistent with the Brown Act. (See Subsection 3.04, Notice Regarding Commission Meetings.) A final agenda will be prepared and posted adjacent to the front door of the Bay Area Metro Center in accordance with the Brown Act. Copies of the final agenda will be available at the meeting.

If, in the Chair's judgment, it is necessary to maintain the orderly flow of business, public comment may be restricted by any one or a combination of the following procedures:

1. limiting the time each speaker may testify per agenda item. The limit may not be less than one (1) minute for each speaker, and may range, at the discretion of the Chair, up to three (3) minutes per speaker.
2. requiring a speaker who plans to speak on more than one agenda item to combine his or her testimony on all agenda items to one appearance. The limit for a combined appearance may not be less than three (3) minutes per speaker, and may range, at the discretion of the Chair, up to seven (7) minutes per speaker.
3. establishing the maximum amount of time available during the meeting for public comment so as to permit the meeting agenda to be completed before the loss of a quorum; provided, however, that each speaker be permitted to speak at least one (1) minute.

4. establishing a single period of time during a meeting to take all public testimony before proceeding with the agenda, when there are multiple requests to speak on multiple items on the agenda.

5. rearranging the order of items on the agenda to accommodate public testimony.

Any decision of the Chair regarding the taking of public testimony made pursuant to the Commission Procedures Manual shall govern for the meeting unless overruled by a two-thirds vote of the quorum present.

The order of agenda items may also be changed, if, in the Chair's judgment, there are other reasons to do so.

3.10. Resolutions. Resolutions may be considered by the Commission at any regular or special Commission meetings. All resolutions shall be in writing.

A summary explanation of the purpose and content of each resolution shall be prepared and attached to the proposed resolution, but shall not be considered part of such resolution. The original of a resolution adopted by the Commission is the one signed by the Chair and shall be the official text of that resolution.

3.11. Regional Transportation Plan Revisions. Revisions of the Commission's adopted Regional Transportation Plan (RTP) are prepared as the need arises. Except for revisions approved by the Commission under emergency procedures, revisions to the RTP are considered by the Commission for adoption every four years. Review of proposed Plan revisions is assigned to a standing committee of the Commission, which shall make recommendations to the full Commission for Plan revision. Notice of proposed revisions will be provided in conformance with applicable law and the MTC Public Participation Plan, MTC Resolution No. 4174. Notice of availability of the text of proposed revisions of the RTP shall be sent to organizations and concerned citizens on the current Commission mailing list. Not earlier than twenty (20) days after this distribution of the proposed revisions, and at a time convenient to the public, no less than (2) public hearings shall be held in the region to receive comments, suggestions, and reactions to the proposed revisions. Additional hearings may be scheduled if necessary to allow opportunity for

public comment in parts of the region significantly affected by proposed revisions. These public hearings may be conducted by less than a quorum of the Commission. A transcript or summary of the public hearings shall be provided to all commissioners prior to their acting on the Plan revisions. Notice of the public hearings shall appear in major newspapers of the region and other media as appropriate at least thirty (30) days prior to the scheduled hearings.

3.12 Public Hearings. Public hearings shall be conducted in accordance with MTC's Public Participation Plan, MTC Resolution No. 4174.

3.13. Recording of Meetings. Commission meetings shall be recorded electronically and are available on the Commission's website at no cost and are archived for meetings occurring since 2004. Copies of any recordings (in accessible formats, for persons with disabilities) shall be made available to the public upon request. Further, any individual may record a Commission meeting or parts thereof, if such recording is done in a reasonable manner.

3.14. Minutes of Meetings. The Commission shall keep accurate minutes of all meetings and make them available to the public. Minutes shall include a record of attendance, a summary of motions, resolutions, consensus items, discussion on motions receiving a split vote and/or resulting in a direction to staff or a Commission committee, other business, and public comment. Minutes approved by the board at a succeeding meeting shall be the evidence of action taken at a prior meeting.

3.15. Public Information Materials. MTC staff will routinely prepare and provide all commissioners with general public informational material. Requests for specialized public information assistance for a specific commissioner will be handled on a time-available basis.

3.16 Meeting Conduct. In the event that any public meeting conducted by MTC is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible, the Chair may order the removal of those individuals who are willfully disrupting the meeting. Such individuals may be subject to arrest. If order cannot be restored by such removal, the members of the Commission may direct that the meeting room be

cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue on matters appearing on the agenda.

IV. COMMISSION COMMITTEES

4.01. Types. Commission committees are designated as standing committees, special committees, or advisory committees.

4.02. Policy. It is the general policy of the Commission to receive comments from the public on specific items at committee meetings. Summaries of these comments shall be included in the committee minutes and forwarded to all commissioners.

4.03. Standing Committees. Each standing committee is charged with subject matter responsibility over specific element(s) of the Commission's overall mission and/or organizational functions. Standing committees shall be composed solely of commissioners. Non-voting commissioners may be appointed to standing committees. Notwithstanding that there may be a quorum of the Commission (10 or more commissioners commencing January 1, 2013) in attendance at a standing committee meeting, no standing committee may act for the full Commission unless the meeting is noticed, in accordance with the Brown Act, as a Commission meeting. Each standing committee shall be responsible for reviewing comments of appropriate MTC advisory committees and such comments shall accompany any standing committee recommendations to the Commission.

4.04. Special Committees. The Commission may establish special committees to supervise the development of a specific task or project. Membership of special committees is not limited to commissioners. Composition of special committees will depend upon the task to be performed and may involve the participation of private individuals or representatives of other public agencies.

4.05. Advisory Committees. Advisory committees are discussed in Section 4.14C.

4.06. Appointments to Committees.

A. Manner of Appointment. The Chair of the Commission, subject to the approval of the Commission, shall appoint members of standing committees and special committees to the extent that special committee appointments are the responsibility of MTC. The Commission Chair

shall designate the Chair and Vice-Chair of the standing committee, subject to approval of the Commission. Designation by the MTC Chair of special committee chairs and vice-chairs is subject to the approval of the Commission to the extent that these appointments are the responsibility of MTC. Appointments to advisory committees shall be made by the Commission in accordance with the Commission resolution establishing the particular advisory committee. In the event the Chair and Vice-Chair of a standing committee are not present at a standing committee meeting, the committee members present shall select a Chair Pro Tem for that meeting from among themselves.

B. Term. Subject to Section 2.04, appointments to standing committees shall be for the term of the Commission Chair. Appointments of commissioners to special committees shall be for the term of the Commission Chair. Other appointments to special committees shall be for a term dependent upon the function of the special committee as set forth in the resolution which governs the special committee. Appointments to advisory committees are for a term dependent upon the function of the advisory committee as set forth in the resolution establishing the particular advisory committee.

4.07. Quorum. The quorum for committees established by the Commission shall be a majority of the committee's non-ex-officio voting membership. Except as otherwise provided in Sections 2.04 and 2.05, if necessary to establish a quorum of a committee at a meeting, the Chair and Vice-Chair of the Commission, as ex-officio members of the committee, shall become voting members for that meeting. Unless otherwise approved by the Commission and except as otherwise provided in Sections 2.04 and 2.05, MTC standing committees shall have eight (8) voting members, as approved by the Commission, plus the MTC Chair and Vice-Chair as ex-officio, voting members.

Every member of the Commission who is not a voting member of a standing committee is an ad hoc non-voting member. Although a quorum of the Commission may be in attendance at a meeting of a standing committee, the committee may take action only on those matters delegated to it. The committee may not take any action as the full Commission unless a meeting has been previously noticed as a Commission meeting.

An ad hoc non-voting committee member who is also a voting member of the Commission may be designated by the committee chairperson as a voting member at a particular committee meeting if an additional voting member is needed for a committee quorum. In the case of joint committees formed with ABAG, additional provisions contained in Appendix E shall also apply.

4.08. Open Meetings. It is recognized that "legislative body" as defined in the Brown Act does not include committees composed solely of commissioners when they number less than a quorum of the Commission or a quorum of a standing committee. It is the intention of the Commission to apply the Brown Act to include all non-ad-hoc committees created by the Commission, not just those identified as advisory commissions or committees. All meetings of non-ad-hoc committees created by the Commission, with the exception of closed sessions permitted by the Brown Act, shall be open meetings properly announced in accordance with the provisions of the Brown Act.

4.09. Notice of Meetings. Notice of regular committee meetings shall be given consistent with applicable provisions of the Brown Act and posted adjacent to the front door of the Bay Area Metro Center not less than 72 hours, preceding the date of the meeting. If a special meeting is called on short notice, then notice shall comply with the requirements of Subsection 3.04 B of these procedures. The notice shall announce the date, time, and location of the meeting together with an agenda. This notice shall be sent to all commissioners and to media representatives, concerned individuals, and organizations who have filed a request for receipt of notice of committee meetings and posted in the MTC library. Special meetings of committees shall comply with the minimum notice provisions of the Brown Act. Notices of postponed or canceled committee meetings shall be posted adjacent to the front door of the Bay Area Metro Center not less than 72 hours prior to the regular date of the meeting and shall state the date, time, and location of the next committee meeting if possible. Notices of meetings held earlier than the regular meeting date shall be sent out and posted adjacent to the front door of the Bay Area Metro Center as soon as possible.

4.10. [Reserved]

4.11. Recording of Meetings. Standing and special committee meetings, if possible, shall be recorded electronically and follow the procedures as stated in Subsection 3.13 of this document.

4.12. Minutes of Committee Meetings. Minutes of all committee meetings shall be kept and made available to the public. Minutes shall include a record of attendance, a summary of motions, resolutions, consensus items, discussion on motions receiving a split vote and/or resulting in a direction to staff or a Commission committee, other business, and public comment.

4.13. Reimbursement and Travel Expenses. Commissioners who are members of standing or special committees shall be entitled to receive in lieu reimbursement for attendance at such committee meetings in accordance with Government Code Section 66504.1. Commissioners serving on standing and/or special committees shall also be entitled to receive necessary travel expenses in accordance with the Commission's current resolution in this regard. (See Appendix B.) Members of special committees appointed by the Commission and members of advisory committees appointed through Commission resolutions shall be reimbursed for their necessary travel expenses in accordance with the Commission's current procedures regarding this subject. (See Appendix D.)

Commissioners appointed by the Chair or the full Commission to represent MTC on committees other than those created by MTC shall be entitled to receive the MTC per diem and necessary travel expenses for attendance at such committee meetings. If the procedures of such committees require or permit the appointment of an alternate representative, MTC alternates to such committees may not claim per diem or travel expenses for any meeting at which the MTC commissioner is also present and claiming per diem.

4.14. Commission Committees.

A. Standing Committees. The current charters of the Commission's standing committees, as established by this Manual, are attached as Appendix E. Current Commission standing committees are as follows:

1. Administration Committee - is charged with the oversight of the operation and performance of the Commission staff including the development and oversight of agency personnel, financial policies, and management.

2. Programming and Allocations Committee - reviews projects seeking federal, state and regional funding approval for conformance with the Sustainable Communities Strategy/Regional Transportation Plan, adopts the region's multi-year program of funding priorities for federal, state and regional funds, and recommends allocation of various federal, state and regional funds among the various eligible claimants and applicants within the region.

3. Planning Committee - develops the region's annual transportation work program and program budget, reviews planning policies and issues, and together with ABAG, develops the Sustainable Communities Strategy, and proposes revisions to the Sustainable Communities Strategy/Regional Transportation Plan.

4. Operations Regional Network Management Committee - establishes, oversees and evaluates transportation system management and operational activities sponsored by MTC, SAFE and others, with an emphasis on regional public transportation and multi-modal mobility outcomes to enhance the customer experience.

5. Executive Committee - considers matters of urgency brought before it by the Chair between Commission meetings and other matters assigned to it by the Commission or the Chair.

B. Special Committees. Special committees are committees consisting of MTC commissioners and representatives of other organizations. Special committees are established, modified or disbanded by separate Commission action. By action of the Commission on August 26, 2020 a special Joint MTC ABAG Legislation Committee was hereby established to advise the Commission and ABAG in the legislative process and public information and public participation programs. Examples of additional current committees include, but are not limited to, the following:

1. Regional Airport Planning Committee - reorganized pursuant to MTC Resolution No. 3123 and is responsible for recommendations relating to the Regional Airport Element of the Regional Transportation Plan and the update of revisions relating to this element.

2. MTC/Bay Conservation and Development Commission (BCDC) Seaport Planning Advisory Committee - was established pursuant to a Memorandum of Understanding between BCDC and MTC (MTC Resolution No. 516) and is responsible for developing the legislatively-mandated Seaport Element to the Regional Transportation Plan and recommendations for revision of the Seaport Element of the BCDC Bay Plan

3. Mega-Region Working Group – was established in 2015 through Resolution 4209 to identify issues of common interest and recommend joint activities among metropolitan planning organizations in the Northern California mega-region.

C. Advisory Committees. Advisory committees consist of members of the public and/or staff from public agencies or private organizations. Advisory committees are established, modified or disbanded by separate Commission action. When appropriate, all upcoming vacancies on MTC advisory committees shall be posted on the Commission website. Prior to making appointments to such committees, thirty days shall be allowed to receive responses from citizens individuals who are interested in an appointment. Examples of current advisory committees include, but are not limited to, the following:

1. Policy Advisory Council – This advisory committee was established in November 2009 pursuant to MTC Resolution No. 3931 to advise the Commission on transportation policies in the San Francisco Bay Area, incorporating diverse perspectives relating to the environment, the economy and social equity. Its 27 members are appointed by the Commission, including 9 members, one from each Bay Area county, selected to represent interests related to the communities of color, environmental justice and low-income issues; 9 members, one from each Bay Area county, selected to represent the interests of disabled persons and seniors; and 9 members selected to represent interests related to the economy and the environment.

2. The Bay Area Partnership (The Partnership) - The Partnership is a consortium of local, state and federal agencies, including the top managers from agencies for transportation and protecting the region's environmental quality; intended to foster consensus in the implementation of TEA 21 and its successor statutes, develop agreed-upon funding and planning priorities, and implement plans and programs to better manage and operate the metropolitan transportation system.

3. Regional Transit Coordinating Council (RTCC) - Pursuant to Public Utilities Code § 29142.4, the Commission has established the RTCC to advise MTC with respect to its state and federal programs, to focus attention on transit coordination, and to encourage participation of transit operators' top management in MTC's deliberations. MTC Resolution No. 2467 establishes the RTCC.

4. Paratransit Coordinating Councils (PCCs) - established by MTC Resolution No. 468 in 1977 to require participation by counties in promoting the efficient use of limited paratransit services. Membership composition is established in MTC Resolution No. 1209.

NOTE: Special and advisory committees usually forward their recommendations to the Programming and Allocations Committee. Special issues can be referred to the appropriate MTC standing committee. The Joint MTC ABAG Legislation Committee forwards its recommendations directly to the Commission.

V. MISCELLANEOUS

5.01 Authority. The Metropolitan Transportation Commission finds that these procedures are necessary to carry out the purposes of the Metropolitan Transportation Commission Act. These procedures are adopted pursuant to the Commission's authority under Government Code § 66506.

5.02 Emergency Notice Provision. In the event a postal strike or other calamity makes it impossible to give notice of meetings by mail as required in these procedures, notice of meetings of the Commission and its committees shall be given to commissioners and committee members, respectively, with such time and by such means as may be practical, which may include, but not be limited to, personal service, facsimile, email and posting at MTC's website. In such event, the general public and those requesting notice of Commission and committee meetings shall be notified, if possible, by publication of notice in a newspaper or newspapers of general circulation in the region. The timing and content of such published notice shall conform, if possible, to the requirements pertaining to mailed notice set forth in these procedures.

5.03 Meeting Protocol in Declared Emergencies. In the event the Governor imposes an emergency order related to a natural or man-made disaster, the provisions of Appendix F shall apply.

5.04 Severability. Should any part, term, portion, or provision of these procedures be finally decided to be in conflict with any law of the United States or the State of California or otherwise be ineffectual or unenforceable, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, providing such remaining portions or provisions can be construed to stand as the Commission intended.

Appendix E
Resolution No. 1058

**Standing Committees' Structure/Joint MTC ABAG Legislation
Committee Structure**

STANDING COMMITTEE: Administration

<u>FUNCTION</u>	<u>DELEGATED AUTHORITY</u>
1. Oversight of general operations and performance of agency.	Recommend to the Commission.
2. Review, adopt and oversee personnel policies.	Approval authority
3. Give policy guidance on meet and confer negotiations of staff salaries and benefits; recommend travel and per diem reimbursements of the Commission, standing committees and advisory committees and groups.	Recommend to the Commission
4. Review financial reports, audit reports, general stewardship of funds.	Approval authority
5. Review annual agency operating budget.	Recommend to the Commission
6. Authorize the execution of agency contracts, funding agreement and purchase orders not delegated to the Executive Director (except as otherwise delegated to the Operations-Regional Network Management Committee). Details of litigation-related contracts may be reviewed in closed session and approved in open session, with the provision that contract amounts may be withheld from disclosure until the conclusion of the litigation.	Approval authority
7. Review the Commission Procedures Manual and Conflict of Interest Code.	Recommend to the Commission

COMPOSITION OF COMMITTEE MEMBERSHIP:

Membership: Commencing January 1, 2013, unless otherwise approved by the Commission, 8 voting commissioners including the Chair of the Committee.

The Administration Committee's regular meeting begins at ~~10:00 am~~ **or after 9:00 am** on the second Wednesday of each month, following the regular meeting of the BATA Oversight Committee. The meeting date and time is subject to change by the Committee as its workload warrants. ~~This~~ **Such change** shall not be deemed a postponement.

STANDING COMMITTEE: Programming and Allocations Committee

<u>FUNCTION</u>	<u>DELEGATED AUTHORITY</u>
1. Review all applications for state or federal funds.	Recommend to the Commission
2. Review all projects consistent with MTC's responsibilities under the Intergovernmental Review process.	Recommend to the Commission
3. Develop the annual proposed distribution of discretionary funds among eligible claimants for operating assistance.	Recommend to the Commission
4. Develop the annual Program of Projects for FTA Sections 9 and 18 for areas within the MTC region.	Recommend to the Commission
5. Conduct public hearings on Unmet Transit Needs to make required findings regarding allocations of Transportation Development Act funds for streets and roads purposes.	Recommend to the Commission
6. Review and evaluate applications or commitments for allocations of funds, including but not limited to Transportation Development Act, State Transit Assistance, 25% of 1/2¢ sales tax, and toll bridge net revenues.	Recommend to the Commission
7. Review revisions to MTC-approved annual grant applications and allocations for funds.	Approval authority for revisions that do not include new projects or do not exceed \$5 million in cost. Recommend to the Commission all other revisions.
8. Review and approve grant applications to external funding sources for MTC-sponsored programs.	Recommend to the Commission
9. Review, conduct public hearings on (as appropriate), and establish priorities for capital programs of projects for the rehabilitation, management and/or improvement of the regional transportation system.-	Recommend to the Commission adoption of the Transportation Improvement Programs (RTIP & TIP) and Transit Capital Priorities.

10. Review amendments to the Transit Capital Priorities and/or the Transportation Improvements Programs (RTIP and TIP).

Approval authority for revisions that do not include new projects or do not exceed \$5 million in cost. Recommend to the Commission all other revisions.

COMPOSITION OF COMMITTEE MEMBERSHIP:

Membership: Commencing January 1, 2013, unless otherwise approved by the Commission, 8 voting commissioners including the Chair of the Committee.

Programming and Allocations Committee's regular meeting begins at ~~10:30 am~~ or after 9:00 am on the second Wednesday of each month, following the regular meeting of the Administration Committee. The meeting date and time is subject to change by the Committee as its work load warrants. ~~This~~ Such change shall not be deemed a postponement.

STANDING COMMITTEE: Planning

<u>FUNCTION</u>	<u>DELEGATED AUTHORITY</u>
1. Develop the annual work program and program budget.	Recommend to the Commission
2. Monitor, direct and update work program and program budget - including the scope of consultant contract.	Approval authority within constraints of operating budgets. Recommend to the Commission for substantive work program, and recommend to the Administration Committee for fund approval for these substantive changes.
3. Review planning and policy issues, review recommendations on evaluations of these issues from advisory and special committees, and examine planning issues against the SCS/RTP.	Recommend MTC policies related to the Sustainable Communities Strategy/Regional Transportation Plan to the Commission.
4. Develop revisions to the Sustainable Communities Strategy/Regional Transportation Plan, deliberate on substance of planning and conduct public hearings.	Recommend adoption of revisions to the Sustainable Communities Strategy/Regional Transportation Plan to the Commission.
5. Coordinate the SCS/RTP with other regional plans, including but not limited to: the Bay Area Air Quality Plan, the Bay Area Seaport Plan; the Regional Airport Plan, and BCDC's Bay Plan.	Recommend MTC policies to the Commission.

COMPOSITION OF COMMITTEE MEMBERSHIP:

Membership: Commencing January 1, 2013, unless otherwise approved by the Commission, 8 voting commissioners including the Chair of the Committee.

Planning Committee's regular meeting begins at ~~9:30 am~~ or after 9:00 am on the second Friday of each month. The meeting date and time is subject to change by the Committee as its work load warrants. ~~This~~ Such change shall not be deemed a postponement.

STANDING COMMITTEE: **Operations-Regional Network Management**

FUNCTION

1. Establish, oversee and evaluate transportation system management and operational activities sponsored by MTC and other agencies, with an emphasis on public transportation and multi-modal mobility outcomes to enhance the customer experience. This function includes but is not limited to: customer-focused programs such as 511 and Clipper®, fare integration policy, bus transit priority, mapping and wayfinding, network management and accessibility, the highway and arterial operations programs, the agency's SAFE responsibilities related to call boxes, and the Freeway Service Patrol disaster preparedness and incident management activities.
2. Authorize the execution of agency contracts, funding agreements and purchase orders not delegated to the Executive Director that are necessary to conduct the system management, policy development and operations activities of MTC and MTC/SAFE.

DELEGATED AUTHORITY

Recommend to the Commission for establishing new activities or major changes to existing activities and policies. Approval authority for all other oversight and evaluation functions.

COMPOSITION OF COMMITTEE MEMBERSHIP

Membership: Commencing July 1, 2023, unless otherwise approved by the Commission, 8 voting commissioners including the Chair of the Committee and 3 non-voting members appointed at the discretion of the Chair of the Commission. The 3 non-voting members shall be 1 state representative and 2 transit agency board members.

The Regional Network Management Committee's regular meeting begins at ~~10:00 am~~ or after 9:00 am on the second Friday of each month. The meeting date and time is subject to change by the Committee as its workload warrants. This Such change shall not be deemed a postponement.

STANDING COMMITTEE: Executive

<u>FUNCTION</u>	<u>DELEGATED AUTHORITY</u>
1. Acts on matters of urgency brought before it by the Chair between Commission meetings.	Recommend to the Commission
2. Acts on other matters assigned by Commission or Chair.	Recommend to the Commission

COMPOSITION OF COMMITTEE MEMBERSHIP:

Commission Chair, Commission Vice Chair, immediate past Commission Chair, the Association of Bay Area Governments [ABAG] Representative, and the chairs of the following committees:

MTC Administration, Planning, Programming and Allocations and Regional Network Management Committees, the Joint MTC ABAG Legislation Committee (MTC member serving as Chair or Vice Chair depending on rotation), the Bay Area Infrastructure Financing Authority Network and Operations Committee Chair and the Bay Area Toll Authority Oversight Committee Chair.

Note: If an individual member of the Executive Committee fits more than one membership category described above, their presence and vote only count once for quorum and voting purposes. The Executive Committee membership includes representation of chairs from committees of related entities; because the boards have the same membership, the Executive Committee remains a committee of the Commission only. Should Executive Committee membership as defined here constitute a quorum of the Commission as a whole, meetings shall be noticed in accordance with Brown Act requirements for the Commission.

SPECIAL JOINT COMMITTEE WITH ABAG: Joint MTC ABAG Legislation Committee

<u>FUNCTION</u>	<u>DELEGATED AUTHORITY</u>
1. Develop specific legislative proposals.	Recommend to the Commission and the ABAG Executive Board, unless a proposal only impacts one agency, in which case the recommendation on that proposal will be referred only to the governing board of the agency impacted.
2. Develop MTC and ABAG policy positions on major legislative and regulatory proposals initiated-by others.	Recommend to the Commission and the ABAG Executive Board, except as provided above.
3. Represent the Commission and ABAG in the legislative process.	Represent the Commission and ABAG at legislative hearings and contacts with legislators. In emergency situations where Commission and ABAG Executive Board action is not possible, the Chair of the Committee may, with the concurrence of the Commission Chair and the ABAG President, respond to legislative matters of importance to the Commission and ABAG.
4. Develop procedures for public information, press relations and citizen participation.	Referral to the Commission and the ABAG Executive Board.
5. Review, adopt and oversee public information, press relations and citizen participation programs.	Referral to the Commission and the ABAG Executive Board

COMPOSITION OF COMMITTEE MEMBERSHIP:

Membership: Commencing August 26, 2020, 9 voting commissioners (together with 2 non-voting commissioners, in the discretion of the Chair of the Commission) appointed by the Chair of the Commission, as confirmed by the Commission and 9 ABAG Executive Board members appointed by the ABAG President as confirmed by the ABAG Executive Board. All voting commissioners not appointed to the Joint MTC ABAG Legislation Committee shall be ad hoc nonvoting members. The total number of ABAG voting members shall be equal to the total number of MTC voting members. The ad hoc nonvoting members may be deputized to vote as necessary to create or maintain a quorum. The Chair and Vice Chair of the Committee shall be appointed by the Committee at its first meeting, with the Chair being either an ABAG member or an MTC member and the Vice Chair being from the other agency. Every two years thereafter, the appointments of the Chair and Vice Chair of the Committee shall be appointed by the Committee, but shall be rotated such that, for example, if the existing

Chair is from the MTC Board and the existing Vice Chair is from the ABAG Executive Board, the next Chair shall be from the ABAG Executive Board and the next Vice Chair shall be from the MTC Board.

The Joint MTC ABAG Legislation Committee's regular meeting begins at ~~11:00 am~~ or after 9:00 am on the second Friday of each month, following the regular meeting of the Planning Committee. The meeting date and time is subject to change by the Committee as its work load warrants. ~~This~~ Such change shall not be deemed a postponement.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0644 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 4/18/2023 **In control:** Administration Committee
On agenda: 5/10/2023 **Final action:**
Title: Closed Session Public Comment
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Subject:
Closed Session Public Comment



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0645 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 4/18/2023 **In control:** Administration Committee

On agenda: 5/10/2023 **Final action:**

Title: Closed Session: Conference with Labor Negotiators pursuant to Cal. Govt. Code § 54957.6
 Consideration of New Memorandum of Understanding
 Agency Designated Representatives: Andrew Fremier, Alix Bockelman, Derek Hansel, Brad Paul, Nalungo Conley
 Employee Organization: Committee for Staff Representation (CSR), Confidential Employees, and Specific Executive Employees

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:
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Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0602 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Approval

File created: 4/11/2023 **In control:** Administration Committee

On agenda: 5/10/2023 **Final action:**

Title: Open Session

MTC Resolution Nos. 4581 and 4582. Memorandums of Understanding (MOU) between MTC and the Committee for Staff Representation (CSR), Confidential, and Specific Executive Employees; Adoption of Salary Schedule for Fiscal Year (FY) 2023-24.

A request that the Committee approve the referral of MTC Resolution Nos. 4581 and 4582 to the Commission for approval in consideration of new a MOU between MTC and CSR, Confidential Employees, and Specific Executive Employees effective July 1, 2023 through and including June 30, 2027; and adoption of salary schedule for FY 2023-24.

Sponsors:

Indexes:

Code sections:

Attachments: [4c_23-0602_MTC_Resolutions_4581_and_4582_MOU_2023-2027_corrected.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Open Session

MTC Resolution Nos. 4581 and 4582. Memorandums of Understanding (MOU) between MTC and the Committee for Staff Representation (CSR), Confidential, and Specific Executive Employees; Adoption of Salary Schedule for Fiscal Year (FY) 2023-24.

A request that the Committee approve the referral of MTC Resolution Nos. 4581 and 4582 to the Commission for approval in consideration of new a MOU between MTC and CSR, Confidential Employees, and Specific Executive Employees effective July 1, 2023 through and including June 30, 2027; and adoption of salary schedule for FY 2023-24.

Presenter:

Brad Paul

Recommended Action:

Commission Approval

**Metropolitan Transportation Commission
Administration Committee**

May 10, 2023

Agenda Item 4c - 23-0602

MTC Resolution Nos. 4581 and 4582

Memorandums of Understanding (MOU) between MTC and the Committee for Staff Representation (CSR), Confidential, and Specific Executive Employees; Adoption of Salary Schedule for Fiscal Year (FY) 2023-24

Subject:

A request that the Committee approve the referral of MTC Resolution Nos. 4581 and 4582 to the Commission for approval in consideration of new a MOU between MTC and CSR, Confidential Employees, and Specific Executive Employees effective July 1, 2023 through and including June 30, 2027; and adoption of salary schedule for FY 2023-24.

Background:

In June of 2022 the Commission approved a one-year extension, with minor updates to MOU's for the Committee for Staff Representation (CSR)/Confidential employees and Specific Executive Employees. Negotiations were reopened in the fall of 2022 to review all the items contained within both those MOUs with Brad Paul and Nalungo Conley as the Agency's Designated Representatives (ADRs), Executive Office and Human Resources respectively, and members from the CSR/Confidential employee group, and Specific Executive Employees group. The ADRs met with representatives of CSR, representatives of the confidential employees, and representatives of Specific Executive Employees to meet-and-confer per the Meyers-Milius-Brown Act (Government Code § 3500 et. Seq.) regarding employee salaries, programs, and benefits. The parties agreed to the terms outlined in the referenced MOUs and respective Resolutions Nos. 4581 and 4582).

Agreement on the terms has been reached, with all represented employees voting on the terms contained within this memo. This is a request to approve the MOUs for CSR/Confidential employees and Specific Executive Employees, MTC Resolution Nos. 4581 and 4582, and the salary schedules for all covered employees effective July 1, 2023 through and including June 30, 2027.

Issues:

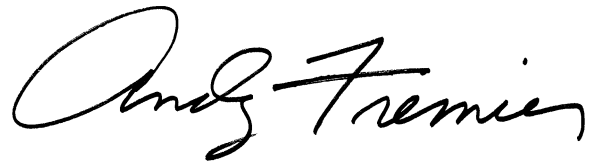
None identified.

Recommendations:

Staff recommends that the Administration Committee refers the Memorandum of Understandings (MOU) for CSR/Confidential employees and Specific Executive Employees, MTC Resolution Nos. 4581 and 4582, and the salary schedules for all covered employees effective July 1, 2023, through and including June 30, 2027 to the Commission for approval.

Attachments:

- 1) MOU between MTC and the Committee for Staff Representation (CSR) and Confidential Employees
- 2) MTC Resolution No. 4581 (Employment Benefits and FY 2023-24 Salary Schedule for CSR Represented Employees and Confidential Employees)
- 3) MOU between MTC and Specific Executive Employees
- 4) MTC Resolution No. 4582 (Employment Benefits and FY 2023-24 Salary Schedule for Specific Executive Employees)



Andrew B. Fremier

Request for Committee Approval

Summary of Proposed Contract Agreement

Work Item No.:	Not Applicable
Consultant:	Not Applicable
Work Project Title:	Memorandums of Understandings between CSR/Confidential Employees and Specific Executive Employees, Resolution Nos. 4581 and 4582, and Salary Schedules effective July 1, 2023 through June 30, 2027
Purpose of Project:	Labor Agreements
Brief Scope of Work:	Not Applicable
Project Cost Not to Exceed:	Not Applicable
Funding Source:	Various
Fiscal Impact:	_____
Motion by Committee:	That the Administrative Committee refers to the Commission a recommendation to approve MOUs between MTC and the Committee for Staff Representation/Confidential Employees and Specific Executive Employees, Resolutions No. 4581 and 4582, and Salary Schedules effective July 1, 2023- June 30, 2027. The specifics of the agreements are in the Administration Committee Summary Sheet (Attachments 1-4) dated May 10, 2023 and that the Chief Financial Officer is authorized to set aside the appropriate amount for such agreements.
Administration Committee:	<hr/> Gina Papan, Chair
Approved:	May 10, 2023

METROPOLITAN TRANSPORTATION COMMISSION

San Francisco, California

MEMORANDUM OF UNDERSTANDING

(As provided Under California Government Code Section 3505.1)

The representatives of the Executive Director of the Metropolitan Transportation Commission (MTC) have met and conferred with the exclusively recognized employee organization (EREO) representative, Committee for Staff Representation (CSR), representing eligible staff of the MTC, and the confidential employees, under provisions of the Meyers-Milias-Brown Act (California Government Code § 3500 et seq.). As a result of these meetings, an agreement has been reached for a four year period from July 1, 2023, covering Fiscal Years 2023-2024, 2024-2025, 2025-2026, and 2026-2027.

The agreed-to salary administration, benefits, and identified employee programs for the agreement period are set forth in Attachment A. The Salary Schedule for CSR represented employees and Confidential employees are set forth in Attachment B.

The following actions are agreed to by all parties:

- Apply the agreed to July 1, 2023-June 30, 2027, cost-of-living salary increase to the existing staff grade and step structure as referenced in Attachment B.
- Dental and Vision enhancements effective January 1, 2023 with MTC paying 100% of employee (only) premium
- Dental and Vision Insurances will be offered to Retirees at 100% of the employer group rate.
- Increase Transit Parking Programs to the IRS maximum for tax-free subsidies.
- Update or create the following policies including doing any required updates to other referenced policies. Updates will be done in good faith and as these Policies impact working conditions, the Agency will, under the provisions of the Meyers-Milias-Brown Act, meet and confer with CSR/Confidential/Management prior to implementing any changes to these Policies.
 - Residency Policy upon development, and
 - EDMM No. 265, Grievance Procedure (Effective May 22, 2009), to include information about agency corrective performance actions, progressive discipline steps, and to update and clarify the formal grievance processes and procedures.
 - EDMM No. 440, Hybrid Work Policy (Effective November 17, 2021)
- Continue to honor all agency organizational study agreements including the agreement to participate, as the recognized EREO, in the next phase of MTC's updating of its classification families, specification requirements, job description templates, and all policies associated with position promotions and career ladder reclassifications.

Date: May 24, 2023
W.I.: 1153
Referred by: Administration

ABSTRACT
Resolution No. 4581

This resolution sets forth the employment benefits and salary schedule CSR represented employees and confidential employees from July 1, 2023 through and including June 30, 2027.

Date: May 24, 2023
W.I.: 1153
Referred by: Administration

RE: Employment Benefits and Salary Schedule from July 1, 2023 through June 30, 2027 for CSR and Confidential Employees

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4581

WHEREAS, MTC Resolution No. 4341, adopted June 27, 2018, Revised on June 22, 2022, established employment benefits and a salary schedule for non-management staff employees of the Metropolitan Transportation Commission (MTC or Commission) for the period beginning July 1, 2018 through and including June 30, 2023; and

WHEREAS, the Meyers-Milias-Brown Act (Government Code § 3500 *et seq.*) allows MTC and its employees to agree to self-representation which requires MTC and its employees to then meet and confer before MTC considers a new resolution to establish employment benefits and salary adjustments; and

WHEREAS, representatives of the Committee for Staff Representation (CSR) representing regular staff employees (other than confidential) have met and conferred with the appointed agency negotiator; and

WHEREAS, representatives of the confidential employees have met and conferred with the appointed agency negotiator; and

WHEREAS, the Executive Director has presented the results of the meet-and-confer process to the Administration Committee together with his recommendations for employment benefits and salary adjustments for CSR represented employees and confidential employees; and

WHEREAS, the Administration Committee has reviewed all employment benefits and salary adjustment proposals and has referred them to the Commission with a recommendation for approval; now, therefore, be it

RESOLVED that the employment benefits, programs, and salary administration for CSR represented regular staff employees and confidential employees effective July 1, 2023 through and including June 30, 2027 shall be as set forth in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED the agreed to salary charts for implementation of this agreement effective July 1, 2023 for CSR represented regular staff employees and confidential employees shall be set forth in Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED that the Executive Director shall approve the applicable salary schedule updates as set forth in Attachment A as necessary to reflect the adjustments authorized therein; and be it further

RESOLVED that MTC's agency operating budget for FYs 2023-2024, 2024-2025, 2025-2026, and 2026-2027 when adopted, shall include sufficient funds to cover the costs for such employment benefits, salaries, and adjustments.

METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, and at other remote locations, on May 24, 2023.

(ATTACHMENT A)
METROPOLITAN TRANSPORTATION COMMISSION
San Francisco, California

SUMMARY OF BENEFITS, PROGRAMS, AND SALARY FOR INCUMBENTS OF
REGULAR CSR REPRESENTED AND CONFIDENTIAL EMPLOYEE POSITIONS
(EXCEPT AS OTHERWISE NOTED AND EXCLUDING SPECIFIC EXECUTIVE
EMPLOYEES)

Fiscal Years (FY) 2023-2024, 2024-2025, 2025-2026, and 2026-2027

SALARY TABLES

Salary administration is regulated per compensation policy and the MTC Employee Handbook.

Staff Salary Charts

The current thirteen-step (2.0% difference between steps) salary grade chart with the 4.5% COLA salary adjustment will be effective from July 1, 2023 through June 30, 2024 (refer to Attachment B)

COLA Salary Adjustments

Effective each July 1, during this MOU period, salary tables shall be adjusted as follows:
July 1, 2023-4.5% increase (refer to Attachment B for FY 2023-2024)
July 1, 2024-2.8%-4.2% increase*
July 1, 2025-2.8%-4.2% increase*
July 1, 2026-2.8%-4.2% increase*
*COLA will depend on regional CPI, determined in April of the prior FY

Merit Program

MTC's salary administration and performance management policy will be amended to reflect the following merit increase:

Meets Expectations: 2.0% or one-step increase;
Exceeds Expectations: 4.0% or two-step increase;
Exceptional: 6.0% or three-step increase; and
Promotional Increase: *4.0% or two-step increase from pre-promotion rate and one classification grade level jump

1. Starting in January 2024, Merit increases will be implemented on the first pay period that includes January 1st.

a. For regular tenured staff, Performance Evaluations (PEs) shall be completed along their regular schedule:

i. Staff up to Assistant Director – PEs starting in September, concluding in November, and then merit increases implemented the first Pay Period that includes January 1.

ii. Section Directors and Exec – PEs starting in December, finishing in January, and back dated to January 1 (no change).

b. New Hires

i. For staff hired in June, July, August. They will not receive a PE that September. Their first PE will be implemented in March, completed in April, and the merit increase back dated to January 1.

ii. Thereafter, they will follow the regular schedule of PEs in Sept-Nov and Merit Increase first pay period that includes January 1.

2. Promotions, reclassifications, and lateral position changes will not affect the merit date.

a. Upon promotion/reclassification the employee gets a 4% increase at the date of the position change (no change).

b. If the promotion or reclass happens prior to September PE cycle, the employee will receive a merit increase for their new position as normal on the first pay period to include January 1.

c. If a promotion/reclass happens between the start of the PE cycle in September and January 1 the employee's salary change will depend on whether they were at Top of Range (TOR) in the previous role.

i. TOR: They will not receive a merit increase. The performance year for which they were evaluated was for a position in which they were at TOR and there was no pay increase due to them for that role. (Note: This is not a new practice.)

ii. Not at Top of Range: The merit increase will be applied to the step they were at in their prior role, and their 4% promotional raise will be recalculated to reflect the higher rate they would have had for their performance in that role, effective the first pay period that includes January 1.

d. Lateral position changes should not affect pay rates and merit increases will be applied as normal on the first pay period the includes January 1.

*If an employee is promoted, a new salary anniversary date may be established as of the date of the promotion and shall be used thereafter until the employee reaches the maximum for his/her class.

PAID TIME OFF BENEFITS

Eligibility and use of all paid time off benefits is regulated per agency policy and the MTC Employee Handbook and is dependent on the employee's category of employment.

Holidays

Eleven (11) scheduled days per calendar year for regular employees*

*One (1) additional floating holiday to be used to celebrate a Cultural Holiday which is not formally recognized by the agency. This holiday is not bankable, it will expire at the end of every calendar year (December 31st)

Benefit is an eight hour paid leave benefit. Except for those on 9/80 schedule. If used on their regular day, benefit is a 9hr paid leave benefit.

Application updated following update of EDMM No. 243, Regular Part Time employment. 20 to 29 hrs wk average: Holidays apply if fall on regularly scheduled day and up to the regularly scheduled number of hours.

30+ hrs week average: Full benefit level

Regular part-time employees will receive holiday pay for the amount of hours they normally work on that holiday.

No minimum service required for eligibility.

Funeral Leave

The State of California allows for 5 days of unpaid bereavement leave for the death of a family member or “designated person”.*

MTC will provide for 3 days of paid bereavement leave for the death of a family member or “designated person”. Employees can elect to use PTO, accrued vacation or sick time for the unpaid remainder of leave if they choose.

*“Family member” means a spouse, child, parent, sibling, grandparent, grandchild, domestic partner or parent-in-law. Employee can designate any person who is not a “family member” as their “designated person” at the time of their passing. The “designated person” may be re-assigned after a 12-month period since prior use. Employees are not required to take the bereavement leave on consecutive days. Employees must complete their leave within three months of the family member’s death. MTC may request documentation of the death of the family member, such as a death certificate, proof of funeral proceedings, published obituary, or other documentation. No more than 5 paid days of bereavement pay may be used in a calendar year.

Personal Business Days

Up to twenty-four (24) hours are granted at the beginning of each calendar year. Employees considered full-time working 30 hours or more per week accrue full personal business day benefits. Employees considered part-time working a minimum of 20 hours per week, but less than 30 hours per week, will accrue prorated personal business day benefits.

The number of personal business day hours granted to new employees is prorated as follows:

January through April:	24 hours
May through August:	16 hours
September through November:	8 hours
December:	0 hours

Vacation Leave

Vacation usage is available for all MTC regular employees as they are accrued with no waiting period for either CSR represented employees,

management staff or executive staff. MTC does not allow for the usage of vacation hours before their accruals are earned. Prorated to date of hire during month.

Accrual of Benefits

- Standard accrual of eight (8) hours per month worked for up to ninety-six (96) hours per year.
- An additional bonus accrual of eight (8) hours per year each additional year worked starting in year one and each year thereafter up to thirteen years for a maximum total annual accrual of standard and bonus benefits of two-hundred (200) hours per year.
- Benefits accrue to a cap of five-hundred (500) hours. Once the cap of 500 hours is reached, all vacation accrual stops until such time that the vacation balance falls below the cap of 500 hours. If the vacation accrual is larger than the difference between the vacation balance and the 500 hour cap, individuals will receive only a fraction of their bi-weekly vacation accrual for that pay period bringing their vacation balance to 500 hours.
- Employees considered full-time working 30 hours or more per week accrue full vacation benefits. Employees working a minimum of 20 hours per week, but less than 30 hours per week, will accrue prorated benefits.

Annual Vacation Cash-Out Option

Once a twelve-month period, employees may cash-out accrued but unused vacation leave over 320 hours up to the cap of 500 hours. Payment will be made at the employee's current hourly rate and is considered taxable earnings. Payment is subject to any and all applicable deductions.

Payment Upon Separation:

Accrued but unused vacation time off benefits up to the maximum accrual of 500 hours are payable upon employment separation at the hourly rate earned by the employee at the time of employment separation.

Payment will be in one lump sum and is subject to any and all applicable deductions.

Sick Leave Benefits

Accrual of Benefits

- Eight (8) hours per month worked for up to ninety-six (96) hours per year.
- Accrue without a cap.
- Employees considered full-time working 30 hours or more per week accrue full regular sick leave benefits. Employees working a minimum of 20 hours per week, but less than 30 hours per week, will accrue prorated benefits.

Payment Upon Separation

- Accrued but unused regular sick leave benefits up to a maximum of 240 hours are payable upon employment separation at the hourly rate paid the employee at the time of employment separation. Payment will be in one lump sum and is subject to any and all applicable deductions.

Use of Benefit

- Employees may use accrued regular sick leave benefits per policy as soon as they are earned.

Catastrophic Sick Leave Program

Use of Benefit

Employees may donate accrued sick leave benefits in 8 hour minimum units above 30 days or 240 hours to the Agency's Catastrophic Sick Leave Bank. They may do this at any time of the year. Once donated, they may not get those benefits back. Benefit eligible employees may request additional sick leave benefits from the Catastrophic Sick Leave Bank per policy procedures. The Bank is administered by HR on behalf of the Agency and is associated with the administration of qualifying medical and family emergency leaves of absence.

MTC Paid Family Leave Benefit (MTC PFL Benefits)

MTC will provide all eligible regular employees an additional wage continuance benefit that ensures

employees receive 100% of their regular salary for the first six (6) weeks of their eligible leave. This benefit is 240 hours total, must be used to keep the employee at their full regular salary level, and can be coordinated with short-term disability insurance payments.

MTC PFL benefits are used for the following four types of qualifying medical/family leaves:

1. Maternity leave for the biological delivery of a baby
2. Bonding leave for the arrival of a child
3. Personal leave for a qualifying medical reason
4. Caregiving leave for an eligible family member's qualifying medical leave

Human Resources will authorize the use of MTC PFL benefits when administering the qualifying leave of absence. This benefit will be applied automatically following confirmation of the qualifying leave type outlined above.

MTC PFL is available to all regular employees with no employment waiting period.

The administration and use of this wage continuance benefit and the coordination with other leave wage continuance benefits will be dictated by the MTC leave policy and applicable regulations.

MTC PFL benefits are a wage continuance benefit and should not be confused with a leave type designation (FMLA, PDL, CFRA, MTC Family Leave, or LWOP).

PROBATIONARY PERIOD

The probationary period is regulated per applicable policy and the MTC Employee Handbook.

The initial six-months of employment is considered a probationary introduction period during which time a new employee's work and conduct are observed and evaluated, orientation and training

provided as necessary, and issues with performance addressed directly and promptly in an effort to ensure the employee's success.

HYBRID WORK POLICY (EDMM 440)

(Effective November 17, 2021)

MTC's Hybrid Work policy provides employees maximum flexibility with optimal agency efficiency. The term "Hybrid Work" is used to describe an environment wherein MTC employees may work outside MTC's designated on-site location with the frequency they desire and in support of their duties to the agency. Hybrid Work is a cooperative arrangement between employees, supervisors, and MTC. As this policy impacts working conditions, the Agency will, under the provisions of the Meyers-Milias-Brown Act, meet and confer with CSR/Confidential/Management prior to implementing any changes to this Policy. See EDMM 440.

RESIDENCY POLICY (EDMM TBD)

The policy will be developed in good faith with input from CSR/Confidential/Specific Executive Employees by June 1, 2023 to be effective with the start of the new MOU on July 1, 2023. As this policy impacts working conditions, the Agency will, under the provisions of the Meyers-Milias-Brown Act, meet and confer with CSR/Confidential/Specific Executive Employees prior to implementing any changes to this policy.

GRIEVANCE PROCEDURES (EDMM 265)

(Effective May 22, 2009)

Pursuant to MTC Resolution No. 228 (and adopted March 26, 1975). As this policy impacts working conditions, the Agency will, under the provisions of the Meyers-Milias-Brown Act, meet and confer with CSR/Confidential/Specific Executive Employees prior to implementing any changes to this Policy.

INSURANCE

Scope, limitations, and annual insurance premium costs are set forth in actual insurance company

policies and provided each year during open enrollment.

Group Dental Insurance

Agency pays 100% of the total premium for employee's coverage. Dental Insurances will be offered to Retirees and their dependents at 100% of the employer group rate.

The CY 2023 cost to employees for coverage of one dependent is \$6.30 per month, and \$19.13 per month for two or more dependents (these rates are subject to change annually). MTC pays the remainder of the dependent premium. MTC will deduct employee dependent premium payments from earned wages pre-tax as allowable by law.

Group Dental Insurance Cash-in-Lieu

Employees have the option of receiving the equivalent dollar amount of the employee-only premium in cash upon signing a waiver of coverage and providing proof of being covered under a comparable dental plan. The cash-in-lieu payment is subject to federal and state tax withholding.

Group Medical Insurance

Employees agree to contribute towards medical premiums by paying five percent (5%) of the premium for each coverage line. The employer will cover ninety-five percent (95%) of the premium for each coverage line.

Employee five percent (5%) contributions will be capped as follows:

\$75.00 per month for Employee Only

\$125.00 per month for Employee plus One

\$175.00 per month for Employee plus Two. MTC will deduct employee medical insurance premium payments from earned wages pre-tax as allowable by law.

Group Medical Cash-in-Lieu

Employees have the option of receiving cash-in-lieu instead of enrolling in the group medical insurance

plan upon the signing of a waiver of coverage and providing proof of being covered under a comparable medical plan. The amount of the cash-in-lieu has been updated to account for employee's who live outside of Region 1 (Bay Area). Cash-In-Lieu (Medical Only) is based on the 2nd most expensive employee-only premium determined by CalPERS, minus the employee contribution as follows. Rates are subject to change annually; CY 2023 rates are as follows:

Region 1 (Bay Area): \$1,140.11
Region 2 (CA): \$888.36
Region 3 (CA): \$859.59
Out of State: \$953.71

Vision Care Insurance

MTC pays the total premium for the employee only coverage. Employees may enroll dependents at their sole expense. MTC will deduct dependent premium payments from earned wages pre-tax as allowable by law.

Vision Care Insurances will be offered to Retirees and their dependents at 100% of the employer group rate.

Domestic Partner Coverage

MTC provides group medical insurance, group dental insurance, and group vision coverage for an eligible domestic partner and dependents subject to CalPERS regulations regarding domestic partner coverage. The maximum amount MTC contributes shall be the same as that specified under the "Group Dental Insurance" and "Group Medical Insurance" provisions referenced above.

Life and Related Insurances

Agency pays 100% of premium for employee life & ADD insurance coverage.

CSR/Confidential Staff: Agency provides a payout of two times the annual salary up to a maximum of

\$350,000. ADD is equal to the group term life coverage.

For all staff, Agency pays the premium for qualified dependents for \$2,000 life coverage per dependent.

Group Voluntary Life and Related Insurance:

Employee may elect to purchase at their own expense supplemental group voluntary life insurance to be paid through payroll to carrier.

Group Voluntary Life and Related Insurance

Employee may elect to purchase, at his/her expense, supplemental group voluntary life insurance.

Short-Term and Long-Term Disability Insurance

Agency pays monthly premium for short-term disability coverage for qualifying regular employee medical disabilities to cover the loss of wages.

There is a seven (7) day waiting period, considered part of the benefit's full 12 weeks of coverage, with an additional eleven (11) weeks of paid benefits.

Coverage is 66 2/3rds of salary up to a maximum of \$2,500* per week. Benefits paid are taxable.

Agency pays monthly premium for long-term disability coverage for qualifying employee medical disabilities to cover the loss of wages. There is a 90-day waiting period (designed to pick up at the end of the full 12 weeks of short-term disability eligibility). Coverage level is 66 2/3% of monthly salary up to a maximum of

\$15,000* per month. Benefits paid are taxable.

* Maximum benefit levels may be adjusted during the period of the MOU to keep current with increasing salary schedule ranges ensuring the benefit payments comply with percentages.

Travel Insurance

Agency pays the annual premium for all regular employees. Benefit is for a \$100,000 loss of life policy. Policy covers employees while traveling on Agency business.

RETIREMENT

Defined Benefit Pension – 1st Tier, “Classic Plan”

The retirement benefit formula is calculated, pursuant to contract with PERS, at 2.5% at 55.

MTC and the employee agree to equally share any annual employer contribution rate change with employees assuming 50% of the annual employer rate change up to an employee total contribution rate capped at 8.0%.

The shared contribution rates will change based on the change in the employer contribution rate shown in the Annual PERS Actuarial Valuation Report issued approximately each October and per any additional contribution rate changes announced by PERS due to valuation methodology changes or audit findings.

Defined Benefit Pension – 2nd Tier, “PEPRA”

The retirement formula is calculated, pursuant to contract with PERS, at 2.0% at 62.

Per PERS regulation, employee must pay 50% of the plan’s “Normal Cost” as determined per the annual plan actuarial valuation process.

The employee rate will be the plan “Normal Costs” as determined by the Annual PERS Actuarial Valuation Report issued approximately each October and per any additional contribution rate changes announced by PERS due to valuation methodology changes or audit findings.

Other PERS-Defined Benefit Pension Contracted Benefits (Classic and PEPRA Plans)

- Up to 3% Maximum Cost-of-Living Allowance
- Section 21573 – Third Level 1959 Survivor Benefits
- Section 21583 – Second Election 1959 Survivor Benefits
- Section 21548 – Pre-retirement Optional Settlement 2 Death Benefit
- Section 20903 – Two years' Additional Service Credit

Retiree Medical Insurance

Retiree and eligible dependents are entitled to the same medical benefits provided to regular MTC active employees and at the same co-pay amounts (and per CalPERS' PEMCHA Equal Method Plan). If eligible, a retired MTC employee must apply for Medicare.

His/her PERS health coverage is then provided as a supplement.

Retiree Dental and Vision Insurance

MTC provides retiree group insurance plans for dental and vision coverages to PERS eligible retired annuitants and their dependents at 100% of the employer group rate. The cost of the premiums are the sole responsibility of the retiree. Eligibility for these coverages follows PERS retiree medical eligibility rules and requirements.

COMMUTER PROGRAM

Transit Subsidy Option

MTC provides a monthly subsidy in accordance with IRS Fringe Benefit regulations, up to the maximum IRS limits, for employees for legitimate and applicable transit fare purchases. Purchases must be made through authorized MTC provided third-party administrator(s) only and must be for up to the monthly amount needed and used by each employee each month to commute to and from work per IRS regulation.

The employee monthly subsidy is any actual needed amount up to the maximum IRS limit per month.

MTC will provide this subsidy tax-free per IRS fringe benefit allowances.

Employer-Provided Parking Option

MTC provides daily parking at a designated private lot in Oakland. Employees may select to park at this lot and take public transit, carpool, or ride-share into San Francisco. The monthly amount to park at BART Lake Merritt station will be deducted from the monthly transit subsidy (IRS maximum) leaving a MTC paid subsidy of the remainder per month for transit purchases. Such purchases are administered as stated above in the Transit Subsidy Option paragraph.

Carpool Option

Employees in a verified carpool with two or more persons who work at MTC or the Air District may park in the above mentioned private lot in Oakland for free. Verified carpool employees are then afforded the full monthly transit subsidy of up to the IRS maximum for transit fare purchases.

Bicycle Commuter Option

For any employee regularly using a bicycle for a substantial portion of the travel between the employee's residence and place of employment for qualifying bicycle commuting months as described in the IRS Publication 15-B, MTC will pay \$20 per month. If the IRS allows this to be a tax-free payment, MTC will pay this tax-free. If not, this amount will be considered taxable income.

Cash-in-Lieu Option

Employees may elect to receive \$18 per month cash-in-lieu if not selecting another Commuter Program option. Cash-in-lieu payments are taxable income.

OTHER ELECTIVE DEDUCTIONS

Dependent Care Assistance Plan (DCAP)

MTC's Dependent Care Assistance Plan (DCAP) is a totally employee-funded program, except for the costs incurred by MTC to administer the program.

Employees may elect pre-tax payroll deductions up to the limits set by the IRS for the reimbursement of eligible childcare and dependent care expenses, in accordance with IRS regulations. See actual plan for details and limitations.

Health Care Flexible Spending Account

MTC's Health Care Flexible Spending Account (Health FSA) is a totally employee-funded program, except for the costs incurred by MTC to administer the program. Employees may elect pre-tax payroll deductions up to a limit equivalent to the Federal Health Care Flexible Spending Account limit for reimbursement of eligible healthcare costs that are not covered under the employee's health insurance. See actual plan for details and limitations.

Deferred Compensation Plan

Employee may elect to participate in the 457 deferred compensation program(s) and make pre-tax contributions subject to IRS regulations and program limitations. MTC will administer the pre-tax deductions and submittal of employee contributions.

MTC has added to ROTH plans to our Mission Square account and CalPERS (Voya) account. See plan for details.

PROFESSIONAL DEVELOPMENT

Professional Development

Subject to approval by the Section Director and appropriations in the annual training and travel budget, employees may participate in MTC sponsored Professional Development, defined as any training, materials, testing, licensing, membership, conferences, classes, tuition, etc. that

are determined to be appropriate to the employee's professional development.

Computer Purchase Program

MTC will assist in the purchase of a personal computer and peripheral equipment, up to a maximum of \$5,000 for regular full-time employees (30 hours a week or more) who have completed their probation.

The total cost of each purchase shall be repaid by the participating employee through biweekly payroll deductions, up to a maximum of a two (2) year period or fifty-two (52) pay periods. See actual plan for details and limitations.

MANDATORY PROVISIONS

Workers' Compensation

Standard

Unemployment Insurance

Standard

Grievance Procedure

A grievance is any serious dispute that has not been rectified through management, procedural and/or policy appeal processes to address concerns and disputes involving the discipline or discharge of an employee or the interpretation or application of those rules, regulations, and resolutions which have been or may hereafter be adopted by the Commission to govern personnel practices and working conditions, including such rules, regulations, and resolutions as may be adopted by the Commission to effect a memorandum of understanding which results from the meeting and conferring process.

All employees having grievances arising from their employment with MTC are afforded the opportunity to address such grievances, subject to the MTC grievance policy and associated resolutions and

subject to applicable Federal and State public employment rules. Eligible staff may seek the assistance of their exclusively recognized employee organization (EREO) representative to assist in the grievance process.

METROPOLITAN TRANSPORTATION COMMISSION
San Francisco, California

MEMORANDUM OF UNDERSTANDING
(As provided Under California Government Code Section 3505.1)

The representatives of the Executive Director of the Metropolitan Transportation Commission (MTC) have met and conferred with the representatives of specific executive employees, under provisions of the Meyers-Milias-Brown Act (California Government Code § 3500 et seq.). As a result of these meetings, an agreement has been reached for a four year period from July 1, 2023, covering Fiscal Years 2023-2024, 2024-2025, 2025-2026, and 2026-2027.

The agreed-to salary administration, benefits, and identified employee programs for the agreement period are set forth in Attachment A. The Salary Schedule for specific executive employees are set forth in Attachment B.

The following actions are agreed to by all parties:

- Apply the agreed-to July 1, 2023-June 2027, cost-of-living salary increase to the existing staff grade and step structure as referenced in Attachment B.
- Dental and Vision enhancements effective January 1, 2023 with MTC paying 100% of employee (only) premium.
- Increase Transit Parking Programs to the IRS maximum for tax-free subsidies.
- Update or create the following policies including doing any required updates to other referenced policies. Updates will be developed in good faith with input from specific executive employees.
 - Residency Policy upon development, and
 - EDMM No. 265, Grievance Procedure, to include information about agency corrective performance actions, progressive discipline steps, and to update and clarify the formal grievance processes and procedures.
 - EDMM No. 440, Hybrid Work Policy (Effective November 17, 2021)
- Continue to honor all agency organizational study agreements including the agreement to participate in the next phase of MTC's updating of its classification families, specification requirements, job description templates, and all policies associated with position promotions and career ladder reclassifications.

This agreement shall be binding for its term, upon the successors of the Metropolitan Transportation Commission (MTC) and MTC's specific executive employees.

Executed in San Francisco, California on this day 24th of May, 2023.

Brad Paul Date
Deputy Executive Director, LGS
Agency Representative

Michael Brinton Date
Lead Negotiator, Specific Executive
Employees

Nalungo Conley Date
Director, Administration & Human
Development

Date: May 24, 2023
W.I.: 1153
Referred by: Administration

ABSTRACT
Resolution No. 4582

This resolution sets forth the employment benefits and salary schedule for Specific Executive Employees from July 1, 2023 through and including June 30, 2027.

Date: May 24, 2023
W.I.: 1153
Referred by: Administration

RE: Employment Benefits and Salary Schedule from July 1, 2023 through June 30, 2027 for Specific Executive Employees

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4582

WHEREAS, MTC Resolution No. 4342, adopted June 27, 2018, revised on June 8, 2022, established employment benefits and a salary schedule for specific executive employees of the Metropolitan Transportation Commission (MTC or Commission) for the period beginning July 1, 2018 through and including June 30, 2023; and

WHEREAS, the Meyers-Milias-Brown Act (Government Code § 3500 *et seq.*) allows MTC and its employees to agree to self-representation which requires MTC and its employees to then meet and confer before MTC considers a new resolution to establish employment benefits and salary adjustments; and

WHEREAS, representatives of the specific executive employees have met and conferred with the appointed agency negotiator; and

WHEREAS, the Executive Director has presented the results of the meet-and-confer process to the Administration Committee together with his recommendations for employment benefits and salary adjustments for specific executive employees; and

WHEREAS, the Administration Committee has reviewed all employment benefits and salary adjustment proposals and has referred them to the Commission with a recommendation for approval; now, therefore, be it

RESOLVED that the employment benefits, programs, and salary administration for specific executive employees effective July 1, 2023 through and including June 30, 2027 shall be as set forth in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED the agreed to salary charts for implementation of this agreement effective July 1, 2023 for specific executive employees shall be set forth in Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED that the Executive Director shall approve the applicable salary schedule updates as set forth in Attachment A as necessary to reflect the adjustments authorized therein; and be it further

RESOLVED that MTC's agency operating budget for FYs 2023-2024, 2024-2025, 2025-2026, and 2026-2027 when adopted, shall include sufficient funds to cover the costs for such employment benefits, salaries, and adjustments.

METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, and at other remote locations, on May 24, 2023.

(ATTACHMENT A)
METROPOLITAN TRANSPORTATION COMMISSION
San Francisco, California

SUMMARY OF BENEFITS, PROGRAMS, AND SALARY FOR INCUMBENTS OF
REGULAR SPECIFIC EXECUTIVE EMPLOYEES)

Fiscal Years 2023-2024, 2024-2025, 2025-2026, and 2026-2027

SALARY TABLES

Salary administration is regulated per compensation policy and the MTC Employee Handbook.

Staff Salary Charts

The current thirteen-step (2.0% difference between steps) salary grade chart with the 4.5% COLA salary adjustment will be effective from July 1, 2023 through June 30, 2024 (refer to Attachment B)

COLA Salary Adjustments

Effective each July 1, during this MOU period, salary tables shall be adjusted as follows:
July 1, 2023-4.5% increase
July 1, 2024-2.8%-4.2% increase*
July 1, 2025-2.8%-4.2% increase*
July 1, 2026-2.8%-4.2% increase*
*COLA will depend on regional CPI, determined in April of the prior fiscal year

Merit Program

MTC's salary administration and performance management policy will be amended to reflect the following merit increase

Meets Expectations: 2.0% or one-step increase
Exceeds Expectations: 4.0% or two-step increase
Exceptional: 6.0% or three-step increase
Promotional Increase: *4.0% or two-step increase from pre-promotion rate and one classification grade level jump

1. Starting in January 2024, Merit increases will be implemented on the first pay period that includes January 1st.

a. For regular tenured staff, PEs shall be completed along their regular schedule:

i. Staff up to Assistant Director – PEs starting in September, concluding in November, and then merit increases implemented the first Pay Period that includes January 1.

ii. Section Directors and Exec – PEs starting in December, finishing in January, and back dated to January 1 (no change).

b. New Hires

i. For staff hired in June, July, August. They will not receive a PE that September. Their first PE will be implemented in March, completed in April, and the merit increase back dated to January 1.

ii. Thereafter, they will follow the regular schedule of PEs in Sept-Nov and Merit Increase first pay period that includes January 1.

2. Promotions, reclassifications, and lateral position changes will not affect the merit date.

a. Upon promotion/reclassification the employee gets a 4% increase at the date of the position change (no change).

b. If the promotion or reclass happens prior to September PE cycle, the employee will receive a merit increase for their new position as normal on the first pay period to include January 1.

c. If a promotion/reclass happens between the start of the PE cycle in September and January 1 the employee's salary change will depend on whether they were at top of range in the previous role.

i. Top of Range: They will not receive a merit increase. The performance year for which they were evaluated was for a position in which they were at top of range and there was no pay increase due to them for that role. (This is not a new practice.)

ii. Not at Top of Range: The merit increase will be applied to the step they were at in their prior role, and their 4% promotional raise will be recalculated to reflect the higher rate they would have had for their performance in that role, effective the first pay period that includes January 1.

d. Lateral position changes should not affect pay rates and merit increases will be applied as normal on the first pay period the includes January 1

*If an employee is promoted, a new salary anniversary date may be established as of the date of the promotion, and shall be used thereafter until the employee reaches the maximum for his/her class.

PAID TIME OFF BENEFITS

Eligibility and use of all paid time off benefits is regulated per agency policy and the MTC Employee Handbook, and is dependent on the employee's category of employment.

Holidays

Eleven (11) scheduled days per calendar year for regular employees*

*One (1) additional floating holiday to be used to celebrate a Cultural Holiday which is not formally recognized by the agency. This holiday is not bankable, it will expire at the end of every calendar year (December 31st)

Benefit is an eight hour paid leave benefit. Except for those on 9/80 schedule. If used on their regular day, benefit is a 9hr paid leave benefit.

Application updated following update of EDMM No. 243, Regular Part Time employment. 20 to 29 hrs wk average: Holidays apply if fall on regularly scheduled day and up to the regularly scheduled number of hours.

30+ hrs week average: Full benefit level

Regular part-time employees will receive holiday pay for the amount of hours they normally work on that holiday.

No minimum service required for eligibility.

Funeral Leave

The State of California allows for 5 days of unpaid bereavement leave for the death of a family member or “designated person”. *

MTC will provide for 3 days of paid bereavement leave for the death of a family member or “designated person”. Employees can elect to use PTO, accrued vacation or sick time for the unpaid remainder of leave if they choose.

* Family member” means a spouse, child, parent, sibling, grandparent, grandchild, domestic partner or parent-in-law. Employee can designate any person who is not a “family member” as their “designated person” at the time of their passing. The “designated person” may be re-assigned after a 12-month period since prior use. Employees are not required to take the bereavement leave on consecutive days. Employees must complete their leave within three months of the family member’s death. MTC may request documentation of the death of the family member, such as a death certificate, proof of funeral proceedings, published obituary, or other documentation. No more than 5 paid days of bereavement pay may be used in a calendar year.

Personal Business Days

Up to twenty-four (24) hours are granted at the beginning of each calendar year. Employees considered full-time working 30 hours or more a week accrue full personal business day benefits. Employees considered part-time working a minimum of 20 hours a week, but less than 30 hours a week, will accrue prorated personal business day benefits.

The number of personal business day hours granted to new employees is prorated as follows:

January through April:	24 hours
May through August:	16 hours
September through November:	8 hours
December:	0 hours

Vacation Leave

Vacation usage is available for all MTC regular employees as they are accrued with no waiting period for specific executive employees. MTC does

not allow for the usage of vacation hours before their accruals are earned. Prorated to date of hire during month.

Accrual of Benefits

- Standard accrual of eight (8) hours per month worked for up to ninety-six (96) hours per year.
- An additional bonus accrual of eight (8) hours per year each additional year worked starting in year one and each year thereafter up to thirteen years for a maximum total annual accrual of standard and bonus benefits of two-hundred (200) hours per year.
- Benefits accrue to a cap of five-hundred (500) hours. Once the cap of 500 hours is reached, all vacation accrual stops until such time that the vacation balance falls below the cap of 500 hours. If the vacation accrual is larger than the difference between the vacation balance and the 500 hour cap, individuals will receive only a fraction of their bi-weekly vacation accrual for that pay period bringing their vacation balance to 500 hours.
- Employees considered full-time working 30 hours or more a week accrue full vacation benefits. Employees working a minimum of 20 hours a week, but less than 30 hours a week, will accrue prorated benefits.

Annual Vacation Cash-Out Option

Once a twelve month period, employees may cash-out accrued but unused vacation leave over 320 hours up to the cap of 500 hours. Payment will be made at the employee's current hourly rate and is considered taxable earnings. Payment is subject to any and all applicable deductions.

Payment Upon Separation:

Accrued but unused vacation time off benefits up to the maximum accrual of 500 hours are payable upon employment separation at the hourly rate earned by the employee at the time of employment separation.

Payment will be in one lump sum and is subject to any and all applicable deductions.

Sick Leave Benefits

Accrual of Benefits

- Eight (8) hours per month worked for up to ninety-six (96) hours per year.
- Accrue without a cap.
- Employees considered full-time working 30 hours or more a week accrue full regular sick leave benefits. Employees working a minimum of 20 hours a week, but less than 30 hours a week, will accrue prorated benefits.

Payment Upon Separation

- Accrued but unused regular sick leave benefits up to a maximum of 240 hours are payable upon employment separation at the hourly rate paid the employee at the time of employment separation. Payment will be in one lump sum and is subject to any all applicable deductions.

Use of Benefit

- Employees may use accrued regular sick leave benefits per policy as soon as they are earned.

Catastrophic Sick Leave Program

Use of Benefit

Employees may donate accrued sick leave benefits in 8 hour min units above 30 days or 240 hours to the Agency's Catastrophic Sick Leave Bank. They may do this at any time of the year. Once donated, they may not get those benefits back. Benefit eligible employees may request additional sick leave benefits from the Catastrophic Sick Leave Bank per policy procedures. The Bank is administered by HR on behalf of the Agency and is associated with the administration of qualifying medical and family emergency leaves of absence

MTC Paid Family Leave Benefit (MTC PFL Benefits)

MTC will provide all eligible regular employees an additional wage continuance benefit that ensures

employees receive 100% of their regular salary for the first six (6) weeks of their eligible leave. This benefit is 240 hours total, must be used to keep the employee at their full regular salary level, and can be coordinated with short-term disability insurance payments.

MTC PFL benefits are used for the following four types of qualifying medical/family leaves:

1. Maternity leave for the biological delivery of a baby
2. Bonding leave for the arrival of a child
3. Personal leave for a qualifying medical reason
4. Caregiving leave for an eligible family member's qualifying medical leave

Human Resources will authorize the use of MTC PFL benefits when administering the qualifying leave of absence. This benefit will be applied automatically following confirmation of the qualifying leave type outlined above.

MTC PFL is available to all regular employees with no employment waiting period.

The administration and use of this wage continuance benefit and the coordination with other leave wage continuance benefits will be dictated by the MTC leave policy and applicable regulations.

MTC PFL benefits are a wage continuance benefit and should not be confused with a leave type designation (FMLA, PDL, CFRA, MTC Family Leave, or LWOP).

PROBATIONARY PERIOD

The probationary period is regulated per applicable policy and the MTC Employee Handbook.

The initial six-months of employment is considered a probationary introduction period during which time a new employee's work and conduct are observed and evaluated, orientation and training

provided as necessary, and issues with performance addressed directly and promptly in an effort to ensure the employee's success.

HYBRID WORK POLICY (EDMM 440)
(Effective November 17, 2021)

MTC's Hybrid Work policy provides employees maximum flexibility with optimal agency efficiency. The term "Hybrid Work" is used to describe an environment wherein MTC employees may work outside MTC's designated on-site location with the frequency they desire and in support of their duties to the agency. Hybrid Work is a cooperative arrangement between employees, supervisors, and MTC. As this policy impacts working conditions, the Agency will, under the provisions of the Meyers-Milias-Brown Act, meet and confer with CSR/Confidential/Management prior to implementing any changes to this Policy. See EDMM 440

RESIDENCY POLICY (EDMM TBD)

The policy will be developed in good faith with input from CSR/Confidential/Specific Executive Employees by June 1, 2023 to be effective with the start of the new MOU on July 1, 2023. As this policy impacts working conditions, the Agency will, under the provisions of the Meyers-Millias-Brown Act, meet and confer with CSR/Confidential/Specific Executive Employees prior to implementing any changes to this policy.

GRIEVANCE PROCEDURES (EDMM 265)
(Effective May 22, 2009)

Pursuant to MTC Resolution No. 228 (and adopted March 26, 1975). As this policy impacts working conditions, the Agency will, under the provisions of the Meyers-Millias-Brown Act, meet and confer with CSR/Confidential/Specific Executive Employees prior to implementing any changes to this Policy.

INSURANCE

Scope, limitations, and annual insurance premium costs are set forth in actual insurance company

policies and provided each year during open enrollment.

Group Dental Insurance

Agency pays 100% of the total premium for employee's coverage.

The cost to employees for coverage of one dependent is \$6.30 per month, and \$19.13 per month for two or more dependents. MTC pays the remainder of the dependent premium. MTC will deduct employee dependent premium payments from earned wages pre-tax as allowable by law.

Group Dental Insurance Cash-in-Lieu

Employees have the option of receiving the equivalent dollar amount of the employee-only premium in cash upon signing a waiver of coverage and providing proof of being covered under a comparable dental plan. The cash-in-lieu payment is subject to federal and state tax withholding.

Group Medical Insurance

Employees agree to contribute towards medical premiums by paying five percent (5%) of the premium for each coverage line. The employer will cover ninety-five percent (95%) of the premium for each coverage line.

Employee five percent (5%) contributions will be capped as follows:

\$75.00 per month for Employee Only

\$125.00 per month for Employee plus One

\$175.00 per month for Employee plus Two. MTC will deduct employee medical insurance premium payments from earned wages pre-tax as allowable by law.

Group Medical Cash-in-Lieu

Employees have the option of receiving cash-in-lieu instead of enrolling in the group medical insurance

plan upon the signing of a waiver of coverage and providing proof of being covered under a comparable medical plan. The amount of the cash-in-lieu has been updated to account for employee's who live outside of Region 1 (Bay Area). Cash-In-Lieu (Medical Only) is based on the 2nd most expensive employee-only premium determined by CalPERS, minus the employee contribution as follows:

Region 1 (Bay Area): \$1,140.11

Region 2 (CA): \$888.36

Region 3 (CA): \$859.59

Out of State: \$953.71

Vision Care Insurance

MTC pays the total premium for the employee only coverage. Employees may enroll dependents at their sole expense. MTC will deduct dependent premium payments from earned wages pre-tax as allowable by law.

Retirees pays 100% of the retirees and their dependent's premium

Domestic Partner Coverage

MTC provides group medical insurance, group dental insurance, and group vision coverage for an eligible domestic partner and dependents subject to CalPERS regulations regarding domestic partner coverage. The maximum amount MTC contributes shall be the same as that specified under the "Group Dental Insurance" and "Group Medical Insurance" provisions referenced above.

Life and Related Insurances

Agency pays 100% of premium for employee life & ADD insurance coverage.

Specific Executive Employees: Agency provides a payout of two times the annual salary up to a maximum of \$600,000. With evidence of insurability (EOI) specific executive employees are eligible for an additional \$150,000 for a total of

\$750,000. ADD is equal to the group term life coverage.

For all staff, Agency pays the premium for qualified dependents for \$2,000 life coverage per dependent.

Group Voluntary Life and Related Insurance:
Employee may elect to purchase at their own expense supplemental group voluntary life insurance to be paid through payroll to carrier.

Group Voluntary Life and Related Insurance

Employee may elect to purchase, at his/her expense, supplemental group voluntary life insurance.

Short-Term and Long-Term Disability Insurance

Agency pays monthly premium for short-term disability coverage for qualifying regular employee medical disabilities to cover the loss of wages. There is a seven (7) day waiting period, considered part of the benefit's full 12 weeks of coverage, with an additional eleven (11) weeks of paid benefits. Coverage is 66 2/3rds of salary up to a maximum of \$2,500* per week. Benefits paid are taxable.

Agency pays monthly premium for long-term disability coverage for qualifying employee medical disabilities to cover the loss of wages. There is a 90-day waiting period (designed to pick up at the end of the full 12 weeks of short-term disability eligibility). Coverage level is 66 2/3% of monthly salary up to a maximum of

\$15,000* per month. Benefits paid are taxable.

* Maximum benefit levels may be adjusted during the period of the MOU to keep current with increasing salary schedule ranges ensuring the benefit payments comply with percentages.

Travel Insurance

Agency pays the annual premium for all regular employees. Benefit is for a \$100,000 loss of life policy. Policy covers employees while traveling on Agency business.

RETIREMENT

Defined Benefit Pension – 1st Tier, “Classic Plan”

The retirement benefit formula is calculated, pursuant to contract with PERS, at 2.5% at 55.

MTC and the employee agree to equally share any annual employer contribution rate change with employees assuming 50% of the annual employer rate change up to an employee total contribution rate capped at 8.0%.

The shared contribution rates will change based on the change in the employer contribution rate shown in the Annual PERS Actuarial Valuation Report issued approximately each October and per any additional contribution rate changes announced by PERS due to valuation methodology changes or audit findings.

Defined Benefit Pension – 2nd Tier, “PEPRA”

The retirement formula is calculated, pursuant to contract with PERS, at 2.0% at 62.

Per PERS regulation, employee must pay 50% of the plan’s “Normal Cost” as determined per the annual plan actuarial valuation process.

The employee rate will be the plan “Normal Costs” as determined by the Annual PERS Actuarial Valuation Report issued approximately each October and per any additional contribution rate changes announced by PERS due to valuation methodology changes or audit findings.

Other PERS-Defined Benefit Pension Contracted Benefits (Classic and PEPRA Plans)

- Up to 3% Maximum Cost-of-Living Allowance
- Section 21573 – Third Level 1959 Survivor Benefits
- Section 21583 – Second Election 1959 Survivor Benefits
- Section 21548 – Pre-retirement Optional Settlement 2 Death Benefit
- Section 20903 – Two years' Additional Service Credit

Retiree Medical Insurance

Retiree and eligible dependents are entitled to the same medical benefits provided to regular MTC active employees and at the same co-pay amounts (and per CalPERS' PEMCHA Equal Method Plan). If eligible, a retired MTC employee must apply for Medicare.

His/her PERS health coverage is then provided as a supplement.

Retiree Dental and Vision Insurance

MTC provides retiree group insurance plans for dental and vision coverages to PERS eligible retired annuitants. The cost of the premiums are the sole responsibility of the retiree. Eligibility for these coverages follows PERS retiree medical eligibility rules and requirements.

COMMUTER PROGRAM

Transit Subsidy Option

MTC provides a monthly subsidy in accordance with IRS Fringe Benefit regulations, up to the maximum IRS limits, for employees for legitimate and applicable transit fare purchases. Purchases must be made through authorized MTC provided third-party administrator(s) only and must be for up to the monthly amount needed and used by each employee each month to commute to and from work per IRS regulation.

The employee monthly subsidy is any actual needed amount up to the maximum IRS limit per month.

MTC will provide this subsidy tax-free per IRS fringe benefit allowances.

Employer-Provided Parking Option

MTC provides daily parking at a designated private lot in Oakland. Employees may select to park at this lot and take public transit, carpool, or ride-share into San Francisco. The monthly amount to park at BART Lake Merritt station will be deducted from the monthly transit subsidy (IRS maximum) leaving a MTC paid subsidy of the remainder per month for transit purchases. Such purchases are administered as stated above in the Transit Subsidy Option paragraph.

Carpool Option

Employees in a verified carpool with two or more persons who work at MTC or the Air District may park in the above mentioned private lot in Oakland for free. Verified carpool employees are then afforded the full monthly transit subsidy of up to the IRS maximum for transit fare purchases.

Bicycle Commuter Option

For any employee regularly using a bicycle for a substantial portion of the travel between the employee's residence and place of employment for qualifying bicycle commuting months as described in the IRS Publication 15-B, MTC will pay \$20 per month. If the IRS allows this to be a tax-free payment, MTC will pay this tax-free. If not, this amount will be considered taxable income.

Cash-in-Lieu Option

Employees may elect to receive \$18 per month cash-in-lieu if not selecting another Commuter Program option. Cash-in-lieu payments are taxable income.

OTHER ELECTIVE DEDUCTIONS

Dependent Care Assistance Plan (DCAP)

MTC's Dependent Care Assistance Plan (DCAP) is a totally employee-funded program, except for the costs incurred by MTC to administer the program.

Employees may elect pre-tax payroll deductions up to the limits set by the IRS for the reimbursement of eligible childcare and dependent care expenses, in accordance with IRS regulations. See actual plan for details and limitations.

Health Care Flexible Spending Account

MTC's Health Care Flexible Spending Account (Health FSA) is a totally employee-funded program, except for the costs incurred by MTC to administer the program. Employees may elect pre-tax payroll deductions up to a limit equivalent to the Federal Health Care Flexible Spending Account limit for reimbursement of eligible healthcare costs that are not covered under the employee's health insurance. See actual plan for details and limitations.

Deferred Compensation Plan

Employee may elect to participate in the 457 deferred compensation program(s) and make pre-tax contributions subject to IRS regulations and program limitations. MTC will administer the pre-tax deductions and submittal of employee contributions.

MTC has added to ROTH plans to our Mission Square account and CalPERS (Voya) account. See plan for details.

PROFESSIONAL DEVELOPMENT

Professional Development

Subject to approval by the Section Director and appropriations in the annual training and travel budget, employees may participate in MTC sponsored Professional Development, defined as any training, materials, testing, licensing, membership, conferences, classes, tuition, etc. that

are determined to be appropriate to the employee's professional development.

Computer Purchase Program

MTC will assist in the purchase of a personal computer and peripheral equipment, up to a maximum of \$5,000 for regular full time employees (30 hours a week or more) who have completed their probation.

The total cost of each purchase shall be repaid by the participating employee through biweekly payroll deductions, up to a maximum of a two (2) year period or fifty-two (52) pay periods. See actual plan for details and limitations.

MANDATORY PROVISIONS

Workers' Compensation

Standard

Unemployment Insurance

Standard

Grievance Procedure

A grievance is any serious dispute that has not been rectified through management, procedural and/or policy appeal processes to address concerns and disputes involving the discipline or discharge of an employee or the interpretation or application of those rules, regulations, and resolutions which have been or may hereafter be adopted by the Commission to govern personnel practices and working conditions, including such rules, regulations, and resolutions as may be adopted by the Commission to effect a memorandum of understanding which results from the meeting and conferring process.

All employees having grievances arising from their employment with MTC are afforded the opportunity to address such grievances, subject to the MTC grievance policy and associated resolutions and

subject to applicable Federal and State public
employment rules.

**Salary Ranges For MTC Specific Executive Employees
Fiscal Year 2023-24, Effective July 1, 2023**

CLASS/POSITION	GRADE	MIN	MAX	PAY TYPES
ASSOCIATE COUNSEL I/II	L/2	\$79.2984	\$105.6543	HOURLY BASE RATE
EXECUTIVE ADMINISTRATIVE	X/B	\$6,343.87	\$8,452.34	BI-WEEKLY
FINANCE ASSISTANT DIRECTOR	F/2	\$13,745.06	\$18,313.41	MONTHLY
		\$164,940.67	\$219,760.94	ANNUAL
Associate Counsel I Associate Counsel II Assistant Director BARC Director				
DEPUTY GENERAL COUNSEL	L/3	\$104.0461	\$129.3683	HOURLY BASE RATE
EXECUTIVE MANAGEMENT	X/A	\$8,323.69	\$10,349.46	BI-WEEKLY
DEPUTY FINANCIAL OFFICER	F/3	\$18,034.66	\$22,423.84	MONTHLY
		\$216,415.89	\$269,086.06	ANNUAL
Administrative Director Deputy Director Deputy Financial Officer Deputy General Counsel Senior Attorney Section Director				
SENIOR DEPUTY GENERAL COUNSEL	L/4	\$115.4105	\$134.9656	HOURLY BASE RATE
		\$9,232.84	\$10,797.25	BI-WEEKLY
		\$20,004.49	\$23,394.04	MONTHLY
		\$240,053.84	\$280,728.45	ANNUAL
Senior Deputy General Counsel				
DEPUTY EXECUTIVE DIRECTOR/ CHIEF FINANCIAL OFFICER/CHIEF OPERATING OFFICER	X/3-X/5	\$129.5674	\$154.8504	HOURLY BASE RATE
		\$10,365.39	\$12,388.03	BI-WEEKLY
		\$22,458.35	\$26,840.74	MONTHLY
		\$269,500.19	\$322,088.83	ANNUAL
Deputy Executive Director Chief Financial Officer Chief Operating Officer				
CHIEF DEPUTY EXECUTIVE DIRECTOR	X/6	\$154.1100	\$168.2700	HOURLY BASE RATE
		\$12,328.80	\$13,461.60	BI-WEEKLY
		\$26,712.40	\$29,166.80	MONTHLY
		\$320,548.80	\$350,001.60	ANNUAL
Chief Deputy Executive Director				