

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into as of the 20th day of September, 2019 (the "Effective Date"), by and among the Metropolitan Transportation Commission ("MTC"), the Bay Area Regional Collaborative ("BARC"), and the three other BARC member agencies. The BARC, formerly known as the Joint Policy Committee, was established through California State Government Code 66536, 66536.1 and 66536.2 under Senate Bill 849 (Torlakson). The four member agencies of the BARC are:

- Association of Bay Area Governments ("ABAG")
- Bay Area Air Quality Management District ("BAAQMD")
- Metropolitan Transportation Commission ("MTC")
- San Francisco Bay Conservation and Development Commission ("BCDC")

This MOU will be reviewed annually at the time of the BARC Executive Director Performance Review to ensure the agreement remains satisfactory among all parties.

Recitals

1. BARC was established through California State Government Code 66536, 66536.1 and 66536.2 under Senate Bill 849 (Torlakson), and is composed of the Metropolitan Transportation Commission ("MTC"), the Bay Area Air Quality Management District ("BAAQMD"), the Association of Bay Area Governments ("ABAG"), and the San Francisco Bay Conservation and Development Commission ("BCDC") which, collectively, are generally referred to as the Bay Area's four regional agencies;
2. BARC is a consortium of member agencies that come together to address cross-cutting issues of regional significance, with the ultimate goal of improving the quality of life for all Bay Area residents;
3. BARC provides a mechanism through which its member agencies can learn, explore, collaborate, incubate, coordinate, and communicate policies and best practices that agency leadership can decide to advance collectively and singularly. BARC is made up of a Governing Board of member agency commission/board representatives, an Executive Directors Group, and other staff cross-agency work teams;
4. The BARC Executive Director and other staff are employees of MTC and provide staffing services to the BARC Governing Board through operation of this Memorandum of Understanding. The MTC Executive Director may receive advice and input from the BARC Governing Board concerning the BARC Executive Director;
5. The BARC Executive Director is dedicated to achieving collaborative goals by guiding BARC's vision and strategy, supporting aligned activities, advancing policy, mobilizing resources, establishing shared measurement practices, and building public goodwill;
6. The BARC Executive Director acts as a convener to facilitate problem solving and regional coordination among the member agencies and with interested parties;

7. BARC member agencies work with the BARC Executive Director to determine their annual contributions to support BARC's overall budget, and BARC's Governing Board then approves the budget.
8. Given that BARC is a consortium of member agencies working together in collaborative fashion, with a Governing board made up of elected and appointed representatives from each of the four member agencies' Boards/Commissions, this MOU is intended to outline the details of employment for MTC staff assigned to carry out BARC's annual work plan.

ARTICLE I
MTC Staff
Assigned to BARC
Work Plan

- A. BARC staff remuneration will continue to be supplied by its member agencies and approved by the Governing Board of BARC based upon member agencies' available resources.
- B. MTC agrees to provide MTC employees to execute BARC Governing Board strategies and work programs as outlined in Article I.C.1 and Article I.C.2 (below).
- C. The number of staff needed will be requested by the BARC Executive Board and dependent on the BARC Governing Board's approved work program and budget.
 1. At the time of the agreement execution, the work programs require:
 - a. Full time leadership position – BARC Executive Director
 - b. Full time program support position – Program Coordinator
 - c. Part time administrative support position – Administrative Assistant
 2. Any changes will be subject to and controlled by the resources in the BARC Budget approved by contributing agencies, and included in MTC's approved budget.
- D. Direction to and oversight of MTC employees serving the BARC Governing Board is provided under the direction of the MTC Executive Director and/or her assigned executive staff.
- E. BARC Governing Board members may provide input regarding the assigned MTC employees' performances, but all decisions regarding final performance evaluations, position design, employee's employment status, and direction regarding how to perform the duties outlined in the BARC work plan are determined entirely and solely by the MTC Executive Director and/or her assigned executive staff. Should the BARC Governing Board be unsatisfied with the MTC employees carrying out their work plan, they agree to work directly with the MTC Executive Director who will determine performance improvement, disciplinary action procedures and processes per MTC policy.

ARTICLE II
MTC
Responsibilities

- A. Salary and benefits: Subject to BARC member agencies' funding contributions, MTC will provide agreed-upon salaries and benefits to MTC staff assigned to carry out BARC's annual work plan.
- B. Contracting to support BARC activities: MTC staff carrying out work related to BARC will utilize MTC's contracting and budgeting infrastructure to prepare and execute BARC's budget, contracts, and any other necessary financial instruments.
- C. Office space and necessary equipment: MTC will provide MTC staff carrying out BARC's work plan with the necessary equipment, meeting and office space, and other support necessary to perform their work.
- D. MTC will carry out responsibilities identified in Sections A-C above consistent with MTC policy.