



SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
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Los Angeles, CA 90017
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Human Development
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Transportation
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SPECIAL MEETING BYLAWS & RESOLUTIONS COMMITTEE

Wednesday, March 28, 2018
2:30 p.m. – 3:30 p.m.

SCAG MAIN OFFICE
900 Wilshire Blvd., Ste. 1700
Innovation Room
Los Angeles, CA 90017
(213) 236-1800

PLEASE SEE NEXT PAGE FOR OTHER MEETING LOCATIONS

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Tess Rey-Chaput at (213) 236-1908 or via email at REY@scag.ca.gov.

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. SCAG is also committed to helping people with limited proficiency in the English language access the agency's essential public information and services. You can request such assistance by calling (213) 236-1908. We request at least 72 hours (three days) notice to provide reasonable accommodations and will make every effort to arrange for assistance as soon as possible.

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Bylaws and Resolutions Committee Members and Other Meeting Locations

Date: Wednesday, March 28, 2018

Time: 2:30PM – 3:30PM

Location: SCAG Main Office

900 Wilshire, Suite 1700 – Innovation Conference Room

Los Angeles, CA 90017

LIST OF MEMBERS

TELECONFERENCE / MEETING LOCATIONS

1. **Hon. Bill Jahn, CHAIR**
Representing San Bernardino County

SCAG Main Office
900 Wilshire, Suite 1700
Los Angeles, CA 90017

2. **Hon. Frank Navarro**
Representing San Bernardino County

SCAG Main Office
900 Wilshire, Suite 1700
Los Angeles, CA 90017

3. **Hon. Peggy Huang**
Representing Orange County

SCAG Main Office
900 Wilshire, Suite 1700
Los Angeles, CA 90017

4. **Hon. Sam Pedroza**
Representing Los Angeles County

SCAG Main Office
900 Wilshire, Suite 1700
Los Angeles, CA 90017

5. **Hon. Carmen Ramirez**
Representing Ventura County

SCAG Ventura Office
950 County Square Drive, Suite 101
Ventura, CA 93003

6. **Hon. Jeff Giba**
Representing Riverside County

SCAG Riverside Office
3403 10th Street, Suite 805
Riverside, CA 92501

7. **Hon. Margaret Clark**
Representing Los Angeles County

Rosemead City Hall
8838 E Valley Boulevard
Rosemead, CA 91770

8. **Hon. Cheryl Viegas-Walker**
Representing Imperial County

3205 S. Dogwood Road, Suite B
El Centro, CA 92243

9. **Hon. Marty Simonoff**
Representing Orange County

950 E. 27th Street
Signal Hill, CA 90755

10. **Supervisor Linda Parks**
Representing Ventura County

11. **Supervisor Curt Hagman**
Representing San Bernardino County

12. **Hon. Victor Manalo**
Representing Los Angeles County

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BYLAWS AND RESOLUTIONS COMMITTEE

Special Meeting Agenda

Southern California Association of Governments
SCAG Main Office
900 Wilshire Boulevard, Suite 1700, Los Angeles, California 90017
Wednesday, March 28, 2018
2:30 PM – 3:30 PM

The Bylaws and Resolutions Committee may consider and act upon any of the items listed on the meeting agenda regardless of whether they are listed as Information or Action Items.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

(The Honorable Bill Jahn, Chair)

PUBLIC COMMENT PERIOD

Members of the public desiring to speak on items on the agenda, or items not on the agenda, but within the purview of the Committee, must fill out and present a Public Comment Card to the Assistant prior to speaking. Comments will be limited to three (3) minutes per speaker. The Chair has the discretion to reduce the time limit based upon the number of speakers and may limit the total time for all public comments to twenty (20) minutes.

DISCUSSION / ACTION ITEM

Item No. 1 Draft Regional Council Policy Manual
(Joe Silvey, General Counsel)

Recommended Action: That the Bylaws and Resolutions Committee review the Draft Regional Council Policy Manual and offer comments and proposed revisions and recommend adoption by the Regional Council.

ADJOURNMENT

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Southern California Association of Governments
900 Wilshire Blvd., Suite 1700, Los Angeles, CA 90017

Agenda Item No. 1
March 28, 2018

To: Bylaws and Resolutions Committee
From: Joseph Silvey, General Counsel, jsilvey@bwslaw.com
Subject: Draft Regional Council Policy Manual

EXECUTIVE DIRECTOR'S
APPROVAL



RECOMMENDED ACTION:

That the Bylaws and Resolutions Committee review the Draft Regional Council Policy Manual and offer comments and proposed revisions and recommend adoption by the Regional Council.

EXECUTIVE SUMMARY:

This year SCAG staff have substantially revised the Regional Council Policy Manual. Many sections from the previous version of the Policy Manual have been retained although they may be organized in different fashion. Sections from the previous version that were no longer applicable to SCAG's operations have been eliminated. New sections have been added and many materials updated.

Work is continuing on Article II which addresses complaints about violations of the Code of Conduct contained in the Policy Manual.

Staff recommends that all of the Policy Manual materials be forwarded to the Regional Council for adoption at its meeting on April 5.

STRATEGIC PLAN: This item supports SCAG's Strategic Plan Goal 1 (Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies; Objective C (Provide practical solutions for moving new ideas forward).

BACKGROUND:

The Regional Council Policy Manual contains procedural materials that direct the operational procedures of the Regional Council and SCAG staff. This year SCAG staff have substantially revised the Policy Manual and are presenting it to the Bylaws and Resolutions Committee for consideration and possible approval.

Attachment 1 describes the sections of the Policy Manual and indicates where new materials have been added and old materials retained.

Attachment 2 is a draft copy of the revised Regional Council Policy Manual. It is complete except for Article II which will address complaints regarding violations of the Code of Conduct. Work on Article II is continuing and is focused on the concerns expressed by several on the Regional Council about the importance of due process considerations in matters relating to alleged violations of the Code of Conduct.

ATTACHMENTS:

1. Changes/Explanations for Draft Regional Council Policy Manual
2. Draft Regional Council Policy Manual

Attachment 1

Changes/Explanations for Draft RC Policy Manual

Introduction [Page 1]

1. There is new emphasis on the annual updating of the document to coincide with the annual review of the Bylaws. In addition the Introduction includes the previous reminder that the document may be updated by the Executive Director to reflect new policies adopted by the Regional Council or new laws/regulations, any of which might happen before the next updating cycle.
2. The materials on Vision, Mission and Core Values have been updated to reflect the new Strategic Plan.

Article I - Code of Conduct [Page 3]

1. The Code of Conduct is a new stand-alone section. It does draw upon materials that were included in the previous version of the RC Policy Manual. Also included are materials from similar sections in operating manuals from other entities, both public and private.
2. Sections A, B and C regarding Harassment, Discrimination and Retaliation are standard materials consistent with other SCAG materials. The remaining materials are primarily from sources outside SCAG.

Article II - Complaints Alleging Violations of the Code of Conduct [Page 7]

1. Much of this Article is still being developed to address due process concerns raised at the RC.

Article III – Conflict of Interest [Page 8]

1. The contents of this Article are intended to be consistent with all of the conflict policies in the previous Policy Manual. General explanations of conflict concepts are presented along with the direction to seek legal advice if there appears to be a potential problem.

Article IV – Composition, Attendance, and Policies for the Regional Council, Policy Committees and Other SCAG Subcommittees and Task Forces [Page 13]

1. This Article repeats many of the policies contained in the previous Policy Manual. There are differences as noted in the following paragraphs. In addition, any materials that are addressed in the Bylaws are not included in this Article.
2. The word “generally” is liberally used in Section A to provide the RC with some discretion to deviate from its standard meeting and agenda practices.
3. Section B (3) makes clear the need for the President to report on any special meetings of the EAC at which the EAC acts on behalf of the RC as allowed by the Bylaws.

4. Section C (3) describes the discretionary actions that the Executive Director and the President may take in the event of repeated absences by a member of a Policy Committee.

Article V - District Representative Appointments, Election Procedures and No Confidence Votes

[Page 17]

1. This Article includes additional specific details about deadlines, quorums, appointments, terms, and vacancies.
2. Responsibility for handling District elections is placed on SCAG staff not subregional staff.
3. Procedures for No Confidence votes are included in Section H.

Article VI – The Ralph M. Brown Act: Requirements and SCAG Policies [Page 21]

1. The Article provides guidance on certain aspects of the Brown Act that can be troublesome or confusing for elected officials and staff including: which committees and what types of meetings are subject to the Brown Act; the types of locations that can and cannot be used for videoconferencing and teleconferencing for meetings; the ability of staff and consultants to call into meetings from locations that have not been noticed in posted agenda materials; and changes to agendas after posting.
2. Section D (6) allows teleconferencing and videoconferencing for special meetings of the EAC and the Policy Committees.

Article VII – Rules of Procedure for the Conduct of Meetings [Page 26]

1. Rosenberg’s Rules are substituted for Robert’s Rules as the basis for the rules of procedure used for SCAG meetings although special SCAG rules are retained.

Article VIII – Stipends and Expense Reimbursements [Page 35]

1. The procedures include new specific requirements for stipends and travel expenses and the procedures through which they are to be paid.

Article IX – Approval and Reporting Thresholds and Delegation of Approval Authority [Page 41]

1. This Article delineates the approval and reporting requirements for various types of documents and activities (e.g. contracts, purchase orders, etc.).
2. Sections E and F addressing claims, litigation and employment settlements contain new materials.

Article X – California Public Records Act [Page 44]

1. This is a new Article that generally describes the requirements of the Act as it pertains to SCAG.
2. Section G is especially important as it describes a new policy to be employed in connection with public records that reside on private electronic devices or in private email accounts.



REGIONAL COUNCIL **POLICY MANUAL**



Adopted Sep 2007
Updated Jul 2009
Revised _____ 2018

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1 **INTRODUCTION**

2 Although the Policy Manual has been updated several times, this Amended and
3 Restated Policy Manual (herein "Policy Manual") is the first comprehensive update
4 since 2007 and was prepared using the same criteria as the original version but with
5 updated materials. It also addresses new topics (e.g. the Public Records Act),
6 eliminates topics that are no longer relevant (e.g. Lapsing Fund Policy) and allows
7 certain materials to become stand-alone documents (e.g. SCAG's Strategic Plan).
8 SCAG staff continue to believe that this updated Policy Manual will be a helpful tool for
9 the Regional Council in its efforts to guide the SCAG organization in finding solutions
10 for issues facing the Southern California region.

11 After adoption by the Regional Council, the Policy Manual will be reviewed and
12 updated on an annual basis concurrent with the annual process that is undertaken for
13 SCAG's Bylaws. Unlike the Bylaws, approval of changes to the Policy Manual will be
14 by the Regional Council and not the General Assembly.

15 Over the course of every year, the Regional Council may take actions to modify,
16 eliminate or create policies that relate to the materials contained in the Policy Manual.
17 To the extent necessary and to avoid confusion or misinterpretation, SCAG's
18 Executive Director or his/her designee may make administrative changes to the Policy
19 Manual to reflect such actions by the Regional Council in advance of the Regional
20 Council's annual review and approval of any needed updates. Similarly, SCAG's
21 Executive Director or his/her designee may make administrative changes to the Policy
22 Manual to reflect changes in federal or state laws or regulations.

23 This Policy Manual is intended to supplement SCAG's Bylaws. In the event of
24 inconsistencies between the Bylaws and the Policy Manual, the Bylaws shall prevail.
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SCAG Vision

Southern California’s Catalyst for a Brighter Future.

SCAG Mission

To foster innovative regional solutions that improve the lives of Southern Californians through inclusive collaboration, visionary planning, regional advocacy, information sharing and promoting best practices.

SCAG Core Values

- ❖ *Be Open – Be accessible, candid, collaborative and transparent in the work we do.*
- ❖ *Lead by Example – Commit to integrity and equity in working to meet the diverse needs of all people and communities in our region.*
- ❖ *Make an Impact – In all endeavors, effect positive and sustained outcomes that make our region thrive.*
- ❖ *Be Courageous –Have confidence that taking deliberate, bold and purposeful risks can yield new and valuable benefits.*

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ARTICLE I
CODE OF CONDUCT

This Code of Conduct establishes a set of expectations for all elected and appointed officials and representatives who serve in the SCAG organization as Officers, Official Representatives and Alternates to the General Assembly, representatives of Regional Council Members, District Representatives, ex officio members of any SCAG body, and members of SCAG committees and task forces (collectively, "SCAG Representatives"). This Code of Conduct embodies the Core Values of SCAG that are identified in the Introduction to this Policy Manual. All SCAG Representatives are expected to review, understand and comply with all aspects of this Code of Conduct and to avoid any activities that would negatively affect SCAG or SCAG's reputation. This Code of Conduct expands upon and is not intended to supersede or contradict any federal, state or local laws or regulations that address any of the matters addressed in this Article I.

A. Non Discrimination – SCAG is committed to respecting individual differences and expects all SCAG Representatives to conduct themselves in a professional manner and to treat others with respect and dignity. SCAG will not tolerate discrimination and will treat all individuals fairly without regard to race, color, religious creed, political belief, age, national origin, gender, ancestry, physical disability, mental disability, medical condition, marital status, sexual orientation, or any other basis protected by law.

B. Anti-Harassment – SCAG is committed to providing an environment in which all individuals who work for, provide services to, or participate in the activities of SCAG are free of any type of harassment (i.e. verbal, physical, visual, written or environmental) especially that based on or associated with race, color, religious creed, political belief, national origin, gender, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any legally protected characteristics. Verbal harassment includes, but is not limited to,

1 inappropriate or offensive remarks, slurs, and jokes; inappropriate comments
2 regarding physical appearance or attire; unwelcome flirting; demands for sexual
3 favors; verbal abuse, threats; bullying; and patronizing or ridiculing remarks. Physical
4 harassment includes, but is not limited to, inappropriate touching, assault, hazing,
5 physical interference with free movement, leering, grabbing, and sexual gestures.
6 Visual or written harassment includes, but is not limited to, the display or circulation of
7 offensive materials, posters, or reading materials, and the transmission of offensive
8 electronic messages or computer graphics. Environmental harassment includes, but
9 is not limited to, creating or contributing to a work or business environment that is
10 permeated with sexually-orientated or discriminatory talk, innuendo, insults or abuse.

11 **C. Prohibition against Retaliation** – Retaliation against any individual because of
12 his/her opposition to actions that are contrary this Code of Conduct and especially to
13 the Non Discrimination and/or Anti-Harassment policies of SCAG or because of the
14 filing of a complaint, provision of testimony or participation in a hearing or proceeding
15 in connection with SCAG's Non Discrimination and Anti-Harassment policies is strictly
16 prohibited.

17 **D. Limited Prohibition against Weapons** – SCAG Representatives shall not bring,
18 carry, store or use any type of weapon on SCAG property or in a SCAG rented vehicle
19 or in a personal vehicle while on SCAG business unless in compliance with all
20 applicable laws and applicable SCAG notifications.

21 **E. Workplace Violence** – Any SCAG Representative who makes threats, exhibits
22 threatening behavior or engages in violent acts at on SCAG property or at a venue
23 hosting a SCAG event shall be removed from the SCAG property or venue
24 immediately and shall remain off of the SCAG property or venue pending the outcome
25 of a proper investigation and evaluation by SCAG.

26 **F. Employment Matters** – SCAG Representatives shall not provide employment
27 references on behalf of SCAG for former SCAG employees. Personal references are
28 acceptable if provided without any implication of SCAG endorsement and without the

1 use of SCAG resources. Further, SCAG Representatives shall not initiate
2 employment recruitment, or participate in SCAG hiring activities or decisions for any
3 position (compensated or uncompensated), unless such action is specifically
4 requested and approved by SCAG's Executive Director or Human Resources
5 Manager.

6 **G. Relatives of Elected Officials** –To avoid concerns regarding conflicts-of-
7 interest and nepotism while still allowing SCAG to attract and hire talented individuals
8 who are also family members of elected officials the following special hiring
9 procedures for uncompensated and compensated positions will apply for any son,
10 daughter, stepchild, parent, sibling, grandchild, first cousin, (including
11 spouse/domestic partner of any of these identified relatives) or spouse/domestic
12 partner of any SCAG Representative. The hiring process of any of the previously
13 identified individuals must: (1) Conform to SCAG's standard hiring practices without
14 any external or internal non-standard influence; (2) Include open disclosure and
15 documentation of all relationships with elected officials during all phases of the hiring
16 process; and (3) Avoid any hiring actions that would result in a functional reporting
17 relationship between the elected official and the prospective new hire (i.e. staff support
18 to a committee chair) at the time of hiring. Failure to comply with the above
19 requirements may result in employment termination in accordance with the Personnel
20 Rules of SCAG.

21 **H. Avoiding Physical Impairment** – While participating in any SCAG activity or
22 travelling to or from such activity, all SCAG Representatives shall not be under the
23 influence of any alcohol or drugs to the extent that legal limits of alcohol or any drug
24 are violated or to the extent that alcohol or a drug impairs the safety and effectiveness
25 of any of their actions. Possible side effects and impairments associated with over-the-
26 counter and prescription medications must also be considered in connection with any
27 SCAG activity.

28 **I. Compliance with Conflict-of-Interest Policies of SCAG** – SCAG

1 Representatives shall remain cognizant of and comply with SCAG's Conflict-of-
2 Interest Policies and all related federal and state statutes and regulations.

3 **J. Professionalism** – SCAG Representatives are expected to maintain a
4 professional and productive work environment at all times. SCAG is a public agency,
5 using public funds and engaged in activities that are intended to benefit the public.
6 The public nature of SCAG should be reflected in the conduct of all who represent
7 SCAG.

8 **K. SCAG Assets** – All SCAG Representatives must use sound judgment in the care
9 and use of SCAG assets and in the expenditure of all funds controlled by SCAG.
10 SCAG assets are obtained through the expenditure of public funds and are intended
11 for the benefit of the public and should not be applied to personal matters.

12 **L. Confidentiality and Privacy Issues** – SCAG Representatives may be provided
13 with personal information, financial information, legally protected information and other
14 materials that must be treated with care. All such information must be properly
15 safeguarded, disclosed to appropriate parties only when necessary and properly
16 destroyed when no longer needed. Any uncertainties regarding the personal or
17 confidential nature of any materials should be discussed with SCAG's Manager of
18 Human Resources or SCAG legal staff.

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ARTICLE II

COMPLAINTS ALLEGING VIOLATIONS OF THE CODE OF CONDUCT

A. Submittal of Complaint regarding a SCAG Representative – Any written or oral complaint, including those submitted through SCAG’s Ethics and Compliance immediately be directed to the Executive Director and the SCAG President. If the President is the subject of the complaint, the complaint should be directed to highest ranking SCAG Officer not involved in the complaint.

[THIS SECTION TO BE COMPLETED]

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ARTICLE III

CONFLICT OF INTEREST

SCAG has adopted the conflict-of-interest policies described herein in order to provide a comprehensive and clear set of rules for all SCAG Representatives. These policies are further intended to ensure that all SCAG Representatives will be guided to act in the best interests of SCAG rather than by personal interests. All of these policies collectively incorporate and supplement existing state and federal conflict of interest laws and regulations.

A. Gift and Political Contribution Prohibitions and Limitations - SCAG Representatives may accept gifts and political contributions but only up to the limits established by state law and only without violation of any state or federal conflict-of-interest rules and regulations.

B. Political Activities – As provided in state or federal law, no restrictions shall be applied to the political activities of SCAG Representatives except that the following activities are prohibited: (1) engaging in political activities at SCAG offices; (2) soliciting a political contribution from an employee of SCAG unless the solicitation is part of a general solicitation to a significant segment of the public; (3) promising or threatening any SCAG employee in connection with any personnel action including promotion, demotion, change in compensation, etc. in exchange for the vote or political action or inaction on behalf of any candidate or party.

C. SCAG Policy Statements - All policy statements regarding SCAG originate from the General Assembly or the Regional Council. No SCAG Representatives shall, in their official capacity, become involved in political matters or lobbying activities which are contrary to, or conflict with, stated SCAG policies or positions. Where a policy of SCAG is unclear or nonexistent, SCAG Representatives must use discretion and judgment in making statements to avoid misrepresenting or misstating current SCAG policies or positions.

D. Contract and Decision-Making Prohibitions and Disqualifications

1 (1) In accordance with California Government Code Section 1090 et seq., SCAG
2 Representatives shall not participate in making any contract or type of agreement
3 involving SCAG if they are financially interested in the contract or agreement. To
4 “participate in making a contract” includes decisions to create, modify, extend or
5 renegotiate a contract. Most importantly, if an individual is “financially interested” in a
6 contract, Section 1090 prohibits the entire legislative body of which that individual is a
7 member from taking action on a contract in which said individual has a financial
8 interest. Thus if a representative of a Member of the Regional Council has a financial
9 interest in a contract, the Regional Council cannot consider or take action on that
10 contract and it is not possible for the representative to simply disqualify himself from
11 any vote. For this reason, if SCAG contracting staff or legal counsel determine that a
12 representative of a Member of the Regional Council has a financial interest in a bid or
13 proposal for a contract, such bid or proposal will be disqualified from consideration by
14 SCAG. Determining financial interest questions can be complicated and guidance
15 from SCAG legal counsel should be obtained if any concerns exist regarding the
16 applicability of Government Code 1090 to a contract, proposal or bid.

17 (2) In accordance with Title 49 of the Code of Federal Regulations, Section 18.36
18 SCAG Representatives shall not participate in the selection, or award or
19 administration of a contract supported by federal funds if a conflict of interest, real or
20 apparent, would be involved. A real or apparent conflict-of-interest could arise not
21 only in connection with SCAG Representatives themselves, but also if immediate
22 family members are involved in a contract or because of the employment or potential
23 employment of SCAG Representatives. The requirements of Section 18.36 are
24 complicated and guidance from SCAG legal counsel should be obtained regarding the
25 applicability of Section 18.36 to a contract supported by federal funds.

26 (3) In accordance with California Government Code Section 87100 et seq., SCAG
27 Representatives shall not make, participate in making or attempt to use their official
28 position to influence a decision affecting SCAG when a conflict of interest, real or

1 apparent, would be involved. Such a conflict of interest would arise because of a
2 personal financial interest in a decision affecting SCAG. A financial interest would
3 exist if it is reasonably foreseeable that the decision will have a material financial
4 effect, distinguishable from its effect on the public generally, on an individual or his/her
5 immediate family. If any SCAG Representative has a financial interest in a decision
6 affecting SCAG within the meaning of Section 87100, that individual should recuse
7 himself or herself from making or participating in such a decision and not use his or
8 her position to influence or attempt to influence such a decision. Guidance on the
9 proper recusal procedures to follow should be obtained from SCAG legal counsel who
10 should also be consulted about questions regarding Section 87100.

11 **E. Annual Statement of Economic Interests** – In accordance with the
12 requirements of the California Fair Political Practices Commission (“FPPC”),
13 every elected official and public employee who makes or influences
14 governmental decisions is required to prepare and submit a Statement of Economic
15 Interest, also known as the Form 700, annually, and upon assuming or leaving an
16 identified position. Consistent with the guidelines of the FPPC, SCAG has created a
17 Conflict-of-Interest Code which identifies those SCAG Representatives and Staff who
18 must file a Form 700. The Conflict-of-Interest Code, which is updated regularly in
19 accordance with the requirements of the FPPC, can be found on SCAG’s website and
20 is also included at Attachment A. to this Policy Manual. The Conflict-of-Interest Code
21 specifies the types of disclosures that the identified individuals must make. Form 700
22 filings should be made to the Office of Regional Council Support. SCAG staff will
23 endeavor to remind all affected individuals of the need for Form 700 filings several
24 months in advance of the annual filing due date. However, it is the responsibility of all
25 affected SCAG Representatives to understand their FPPC disclosure obligations and
26 to make timely filings with SCAG and any other public organizations for which
27 disclosure requirements exist.

28 **F. Ban on Future Contracts, Bids and Lobbying**

1 (1) For a period of one year after an individual's relationship with SCAG ends, no
2 former SCAG Representative shall influence or attempt to influence any SCAG
3 decision directly relating to any contract where the former SCAG Representative
4 knows details or conditions of the contract not available to members of the public.

5 (2) For a period of one year after an individual's relationship with SCAG ends, no
6 former SCAG Representative shall participate in bidding on a SCAG contract,
7 including providing consulting services to a bidder on a bidding process involving
8 SCAG, or bidding or providing consulting services to a bidder for a contract which is to
9 be funded by or through SCAG.

10 (3) For a period of one year after an individual's relationship with SCAG ends, no
11 former SCAG Representative shall act as an agent or attorney for, or otherwise
12 represent, any person or entity other than SCAG in any formal or informal appearance
13 before, or, with the intent to influence a decision, make any written or oral
14 communication to any court or any agency officer, employee, member, board or
15 commission in connection with any proceeding, application, request for ruling or other
16 determination, contract, claim, controversy, legislation, or other particular matter
17 pending before such court or before such officer, member, employee, board or
18 commission if both of the following apply: (a) SCAG is a party or has a direct and
19 substantial interest; and (b) the proceeding is one in which the former SCAG
20 Representative participated in on behalf of SCAG.

21 (4) The one-year bans contained in Article III Sections F (1), (2), and (3) above shall
22 not apply to: (a) prevent a former SCAG Representative from making or providing a
23 statement or contract which is based on the individual's own special knowledge in the
24 particular area that is the subject of the statement or contract, provided that no
25 compensation is thereby received other than that regularly provided for by law or
26 regulation for witnesses or contractors; or (b) communications and contracts made
27 solely for the purpose of furnishing information if a court or state, federal or local
28 administrative agency to which the communication is directed or with or for which a

1 contract is made, makes findings in writing that the individual has outstanding and
2 otherwise unavailable qualifications and is acting with respect to a particular matter
3 which requires such qualifications and the public interest would be served by the
4 participation of the individual. In addition, these one-year bans do not apply to any
5 appearances or communications in a proceeding or contracts to which a court or the
6 Regional Council gives its consent by determining that the public interest would not be
7 harmed.

8 **G. Penalties for Violation of Conflict-of-Interest Policies** – SCAG
9 Representatives are reminded that violations of the Conflict-of-Interest Policies listed
10 in this Policy Manual may also involve violations of various state and federal statutes
11 and regulations to which both civil penalties and criminal punishments may apply.
12 Further, contracts involving a conflict-of-interest may also be declared void in
13 accordance with applicable California law.

1 Immediate Past President, in that order, shall preside at meetings in the absence of
2 the President and First Vice President.

3 (2) The Executive/Administrative Committee shall generally meet prior to and on the
4 same day as the Regional Council in accordance with the annual schedule adopted
5 for the regular meetings of the Regional Council. The Executive/Administration
6 Committee may have a special meeting on a day other than the day scheduled for a
7 meeting of the Regional Council or in addition to the day scheduled for a meeting of
8 Regional Council. All such special meetings shall be called by the SCAG President in
9 consultation with SCAG's Executive Director.

10 (3) The President shall provide a general report regarding each meeting of the
11 Executive/Administrative Committee at the next regular meeting of the Regional
12 Council and specifically shall report any actions taken by the Executive/Administration
13 Committee acting on behalf of the Regional Council as allowed by Article V C. (3)(a) of
14 SCAG's Bylaws.

15 **C. The Policy Committees** – The membership, organization, duties, quorum and
16 voting requirements of the three Policy Committees (i.e. Transportation Committee;
17 Community, Economic and Human Development Committee; and Energy and
18 Environment Committee) are addressed in SCAG's Bylaws. The following additional
19 policies are applicable to the three Policy Committees.

20 (1) Each Policy Committee shall elect its Chair and Vice Chair whose term shall
21 commence upon the adjournment of the next regular meeting of the General Assembly
22 and expire upon the opening of the following regular meeting of the General Assembly.
23 Those holding the position of Chair and Vice Chair must be members of the respective
24 Policy Committee and must also be representatives of Regional Council Members.
25 Officers and those elected by the Regional Council to serve as Officers cannot serve
26 as Chair or Vice Chair of a Policy Committee. An individual may serve two consecutive
27 one-year terms as a Chair or two consecutive one-year terms as a Vice Chair, if so
28 elected. Any person who served as Chair of a Policy Committee for two consecutive

1 years or as Vice Chair for two consecutive years must wait one year before seeking
2 election again to be Chair or Vice Chair of the same Policy Committee; except that any
3 Vice Chair who has held such a position for up to two consecutive years may be
4 elected to serve as Chair for the following year for up to two consecutive years. If a
5 vacancy occurs in the office of Chair of a Policy Committee, the Vice Chair shall serve
6 as Chair for the unexpired term and a new Vice Chair shall be elected to fill the
7 unexpired term.

8 (2) Each Policy Committee shall meet on the same day as the Regional Council
9 unless a special meeting is otherwise called by the Chair of the Committee after
10 discussions with SCAG's Executive Director.

11 (3) In the event an at-large member of a Policy Committee repeatedly fails to attend
12 meetings of the Policy Committee, the SCAG Executive Director may, in his/her sole
13 discretion, communicate with the member and encourage the member to actively
14 participate in the meetings of the Policy Committee. The Executive Director may also,
15 in his/her sole discretion, advise the SCAG President of the absences of the member
16 and the President may take any such action as may be allowed by the SCAG Bylaws
17 or this Policy Manual.

18 **D. Legislative, Communications and Membership Committee** - The membership,
19 organization, meetings, duties, quorum and voting requirements of the Legislative,
20 Communications and Membership Committee are addressed in SCAG's Bylaws.

21 **E. Committees, Subcommittees and Task Forces**

22 (1) Committees, Subcommittees and Task Forces shall be established in accordance
23 with SCAG's Bylaws and shall strictly adhere to the Requirements of the Ralph M.
24 Brown Act (California Government Code Section 54950 et seq.). The first meeting of a
25 new committee, subcommittee or task force shall be considered a regular meeting of
26 said committee, subcommittee or task force.

27 (2) Unless otherwise identified in SCAG's Bylaws, a quorum of Committees,
28 Subcommittees and Task Forces shall be fifty percent of its membership and all

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actions taken shall require the affirmative vote of a majority of the membership present and voting with a quorum in attendance.

(3) Each Committee, Subcommittee and Task Force shall set its own meeting schedule.

(4) In the event a member of a Committee, Subcommittee or Task Force repeatedly fails to attend meetings, the SCAG Executive Director may, in his/her sole discretion, communicate with the member and encourage the member to actively participate in the meetings.

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ARTICLE V

**DISTRICT REPRESENTATIVE APPOINTMENTS, ELECTION PROCEDURES AND
NO CONFIDENCE VOTES**

The appointment or election of District Representatives to serve on the Regional Council and the undertaking of a no confidence vote regarding a District Representative shall all be conducted in accordance with the following procedures.

A. District Representative Eligibility - Any elected member of the city council of a city that is a voting-eligible member of SCAG and that is part of a District may be appointed or elected to serve as a District Representative to the Regional Council if that city council member is then serving on the respective city council on the date of the District representative appointment or election.

B. Single-City District Representative Appointments - When a District encompasses only one city or part of only one city, that city shall appoint its District Representative(s) from among its city council members by action taken at a meeting of said city council or by any lawful appointment action or process deemed appropriate by the city. Unless otherwise required by the Regional Council, such appointments shall be made during even-numbered years for even-numbered Districts and odd-numbered years for odd-numbered Districts and shall be for two years in accordance with Article V A. (2)(b) of the Bylaws. The appointment of District Representatives from single-city Districts shall take place no later than twenty-eight days prior to the regular meeting of the General Assembly that is held each year unless otherwise required by the Regional Council.

C. District Representative Elections - When a District encompasses more than one city, all city council members from all of the voting-eligible cities in the District shall be provided the opportunity to vote for the individual who will serve as District Representative in accordance with the following policies and procedures.

(1) District Representatives from multi-city Districts shall be elected by city council members from the cities in their respective Districts that are voting-eligible Members of

1 SCAG as defined in Article II of SCAG's Bylaws.

2 (2) District Representative elections shall be held no later than twenty-eight days prior
3 to the regular meeting of the General Assembly in even years for even-numbered
4 Districts and in odd years for odd-numbered Districts unless otherwise required by the
5 Regional Council.

6 (3) District Representative elections shall be held: (i) prior to or during meetings of
7 subregional organizations of the type identified in Article V A.(1)(a)(5) of the SCAG's
8 Bylaws; or (ii) prior to or at division meetings of the League of California Cities; or (iii) at
9 meeting locations and on meeting dates set by SCAG staff in cooperation with the
10 cities in a District that are voting-eligible Members of SCAG.

11 (4) SCAG staff in consultation with subregional organizations will oversee all District
12 Representative elections and will ensure that all members of the city councils within the
13 District receive written notification two weeks in advance of any District Representative
14 election, including a special election.

15 (5) For a District Representative election to be valid, there must be a quorum which
16 shall consist of at least one city council member present from at least two-thirds of the
17 voting-eligible SCAG member cities in the District.

18 (6) Proxy voting is not allowed.

19 (7) District Representatives shall be elected by a majority of the votes of those city
20 council members present with a quorum. In the event of a tie vote, additional balloting
21 shall occur until a District Representative is elected.

22 **D. Term of District Representative** - The term of office for a District Representative
23 shall be two years in accordance with Article V A. (2) of SCAG's Bylaws and shall
24 commence in accordance with that same Article of the Bylaws.

25 **E. District Representative Position Declared Vacant** - Notwithstanding Article V,
26 Section D. above, if SCAG's President declares a District representative's position to
27 be vacant in accordance with Article V A.(2)(a) of the Bylaws, a new appointment (in
28 the case of a single-city District) or a special election that complies with all of the

1 election policies described in this Article V (in the case of a multi-city District) shall
2 take place within twenty-eight days of the declaration of position vacancy. A District
3 Representative who is so appointed or elected shall assume his/her position
4 immediately upon the appointment or election and shall serve the remainder of the
5 unexpired District Representative term.

6 **F. Notification** - Written notification of the appointment or election of a District
7 Representative shall be provided to the SCAG's Office of the Regional Council within
8 10 business days of the respective appointment or election.

9 **G. District Representative No Confidence Vote** – Article V A.(2)(a) of SCAG's
10 Bylaws indicates that the position of a District Representative shall be declared vacant
11 by the SCAG President in the event of a no confidence vote undertaken in response to
12 a resolution passed by all the cities in a District that are voting-eligible Members of
13 SCAG. A no confidence vote by a District shall be conducted in accordance with the
14 following procedures.

15 (1) A no confidence vote must be held within 30 days of the date on which the final city
16 in the District approves a resolution calling for the no confidence vote.

17 (2) All city council members from all of the voting-eligible cities in the District must be
18 given the opportunity to participate in a no confidence vote.

19 (3) A no confidence vote shall be held: (i) prior to or during meetings of subregional
20 organizations of the type identified in Article V A (1)(a)(5) of SCAG's Bylaws; or (ii) prior
21 to or at division meetings of the League of California Cities; or (iii) at meeting locations
22 and on meeting dates that are arranged by SCAG staff in cooperation with the voting
23 eligible cities in the District.

24 (4) SCAG staff will organize the notice and preparation for any no confidence vote and
25 conduct the actual vote and will ensure that all members of the voting-eligible city
26 councils within the District receive written notification two weeks in advance of any no
27 confidence vote.

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(5) For a no confidence vote to be valid, there must be a quorum which shall consist of at least one city council member present from at least two-thirds of the voting-eligible SCAG member cities in the District.

(6) Proxy voting is not allowed.

(7) A no confidence vote shall pass upon the affirmative, majority vote of those city council members present with a quorum.

H. Incumbent District Representatives – Notwithstanding the requirements of this Article V, incumbent District representatives shall retain their positions until the completion of their terms or until their position is vacated by order of the SCAG President.

I. Effective Date of Appointment and Election Procedures -The appointments and elections of all District representatives after July 1, 2018 must be conducted in accordance with the procedures of this Article V in this Policy Manual. All appointments and elections prior to July 1, 2018 are to be conducted in accordance with the Regional Council Policy Manual adopted on July 12, 2007 and updated in September of 2009.

1 and the members of the legislative body do not discuss among themselves, except as
2 may be part of any scheduled program, issues that are within the subject matter
3 jurisdiction of SCAG. As an added caution, because SCAG has overlapping
4 legislative bodies and committees, the quorum requirements of all applicable SCAG
5 legislative bodies, especially the Executive/Administration Committee with its limited
6 membership/quorum, should be considered whenever the attendance at a SCAG
7 event is being planned to determine if the meeting requirements of the Brown Act are
8 applicable.

9 **C. Serial Meetings** – A serial meeting is a series of communications, each of which
10 involve less than a quorum of a legislative body, but which collectively involve at least
11 a quorum of the legislative body and through which concurrence is developed with
12 regard to an action to be taken by the legislative body (see Section 54952.2 of the
13 Government Code). Serial meetings are forbidden by the Brown Act. Caution must
14 be exercised to ensure that briefings by SCAG staff of members of a quorum of a
15 small committee (e.g. Executive/Administrative Committee) do not lead to advance
16 concurrence by the members of the committee about a subsequent action to be taken
17 by the committee.

18 **D. Teleconferencing and Videoconferencing** – Section 54953 of the California
19 Government Code sets forth the Brown Act requirements for teleconferencing and
20 videoconferencing at SCAG meetings. SCAG has also established special
21 requirements for the use of teleconferencing and videoconferencing that impose some
22 additional restrictions beyond those of the Brown Act. The most significant aspects of
23 the Brown Act's requirements along with the specific requirements of SCAG are the
24 following.

25 (1) All teleconferencing and videoconferencing locations that will be utilized by one
26 or more members of the SCAG legislative body must be identified in the meeting
27 agenda and must be open to the public and include access for people with disabilities.
28 Copies of the agenda of the meeting must be posted at all teleconferencing or

1 videoconferencing locations. Hotel rooms, homes, business offices can all be used as
2 teleconferencing or videoconferencing locations as long as they are identified in the
3 agenda, have the agenda posted at the location and are properly open to the public.

4 An automobile cannot be identified as a teleconferencing location.

5 (2) During a teleconferenced or videoconference meeting, at least a quorum of the
6 SCAG legislative body must be at a location within the boundaries of the SCAG
7 Region.

8 (3) If staff or consultants are to participate at a SCAG legislative body meeting to
9 provide information or to be available to answer questions, the meeting location of
10 such staff do not have to be placed on the agenda and the location does not have to
11 be open to the public. A SCAG staff member can participate in a meeting by calling in
12 from an undisclosed location or a train, bus or car, but such an option is not available
13 to a member of the legislative body.

14 (4) All votes taken at teleconferenced or videoconference meetings must be taken
15 via roll call.

16 (5) SCAG can elect to make additional teleconference or videoconference locations
17 available to the public for any SCAG legislative body meeting. Members of a SCAG
18 legislative body do not have to be present at every teleconference and
19 videoconference location.

20 (6) SCAG may use teleconferencing or videoconferencing only for special meetings
21 of the Executive/Administrative Committee and special meetings of the Policy
22 Committees and for all meetings of other SCAG committees, subcommittees, task
23 forces. However, teleconferencing and videoconferencing shall not be employed for
24 any meeting whose agenda includes a closed session.

25 **E. Regular Meetings** – A meeting that occurs at an established time and place set by
26 an action of the Regional Council or other SCAG legislative body is a regular meeting.
27 Notices and agendas for regular meetings must be posted at least 72 hours before the
28 meeting. A regular meeting agenda can be amended as long as the amended agenda

1 is posted 72 hours before the meeting. Items not on the agenda for a regular meeting
2 can be added to the agenda at the meeting upon the affirmative vote of two-thirds of
3 the representatives/members present or a unanimous vote in the event of attendance
4 of less than two-thirds of the membership if there is a need to take immediate action
5 on a matter that came to the attention of the SCAG legislative body (including staff)
6 after the 72 hour agenda posting requirement had passed. Emergency matters may
7 also be added to the agendas of regular meetings in accordance with the appropriate
8 sections of the Brown Act, but the definition of an emergency matter (e.g. work
9 stoppage, crippling activity, event which impairs public safety or health) means that
10 such items will rarely, if ever, have to be addressed by a SCAG legislative body.

11 **F. Special Meetings** – Special meetings may be called by the presiding officer of any
12 SCAG legislative body after discussions with the SCAG Executive Director. Any
13 meeting that is set for a time and place other than the time and place established for
14 regular meetings is either a special meeting or an emergency meeting and emergency
15 meetings are unlikely to be necessary for SCAG. Meetings of SCAG legislative
16 bodies that meet infrequently and/or irregularly are special meetings. Notices and
17 agendas for special meetings should be posted and delivered to every member of the
18 legislative body and to others who have requested copies of such notices at least 24
19 hours before a special meeting. No business can be conducted at a special meeting
20 except for the matters identified in the special meeting agenda; however, a legislative
21 body can defer action on matters that are listed on the agenda for a special meeting.

22 **G. Public Participation** – Every meeting of a SCAG legislative body must include an
23 opportunity for members of the public to address the legislative body on any matter
24 under the subject matter jurisdiction of the body. If the public comments are to be
25 made in connection with an item on the agenda, time for the comments must be
26 provided before the consideration of the item. As allowed by the Brown Act, the
27 comments of members of the public at meetings of SCAG legislative bodies will
28 generally be limited to three minutes, but this limit may be reduced by the presiding

1 officer after consideration of the number of speakers and the time constraints of the
2 agenda as long as any time limitations are fairly identified and implemented and not
3 used restrict speech content.

4 **H. Meeting Disruptions** – In accordance with Section 54957.9 of the Government
5 Code, if a SCAG meeting is “willfully interrupted” and the “orderly conduct of the
6 meeting” becomes unfeasible and if order cannot be restored by removal of the
7 individuals who are disrupting the meeting, the presiding officer of the legislative body
8 may order the meeting room cleared so that the meeting can be continued.
9 Representatives of the press, if not participating in the disruption, may be allowed to
10 attend the continued meeting session.

11 **I. Confidential Information from Closed Sessions** – Section 54963 of the
12 Government Code prohibits the distribution of any confidential information acquired by
13 a person in attendance at a closed session of a SCAG legislative body. However, in
14 accordance with Government Code section 54956.96, an Official Representative or
15 Alternate of the General Assembly or a representative of a Member of the Regional
16 Council or a member of a SCAG committee may disclose such confidential information
17 to selected individuals if the information has financial or liability implications for the
18 SCAG Member whose representative on the SCAG legislative body obtains the
19 information. The individuals to whom the confidential information may be disclosed
20 are: (1) legal counsel for the SCAG Member for the purpose of obtaining advice on the
21 financial or liability implications of the confidential information; and (2) members of the
22 legislative body of the SCAG Member who are present in a closed session meeting of
23 that legislative body (e.g. city council).

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ARTICLE VII

RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS

A. Agendas - The President of SCAG in the case of the Regional Council or the Chair of every SCAG Committee, Subcommittee and Task Force (which with the Regional Council are collectively referred to herein as “legislative bodies” or individually as “legislative body”) shall approve the agenda for every respective meeting based on guidance from the SCAG Executive Director and SCAG staff. Members of a SCAG legislative body may request that an item be placed on a subsequent meeting agenda during the designated part of a meeting. Should the presiding officer of a meeting refuse to approve inclusion of the requested agenda item, the member making the request may appeal that ruling to the Executive/Administration Committee, which shall consider the matter at the next regular meeting after the agenda item requested was refused by a presiding officer. Although agendas may list agenda items separately as “Action” or “Discussion” or “Information”, the SCAG legislative bodies may take action on any item or matter listed on an agenda and such shall be noted on every agenda of each of the SCAG legislative bodies.

B. Meeting Schedules - All meetings of SCAG’s legislative bodies shall comply with the Ralph M. Brown Act (Government Code 54950 et seq.) and shall be open to the public except when closed sessions are necessary for confidential discussions as allowed by the Brown Act. The meetings will start no earlier than the time identified in each meeting notice and agenda. Members of the public who wish to speak will be asked (but not required) to complete a request card to assist in the organization of all public comments. The time allocated for public comments will generally be early in a meeting agenda but comments relating to a specific agenda item may be heard immediately before said agenda item. All public comments should be addressed to the presiding officer of a meeting and not to a specific member of the legislative body.

1 **C. Advertising Presentations** – No person shall be allowed to make a presentation
2 or provide a report to the Regional Council that is for the purpose of advertising.
3 “Advertising” for the purposes of this Policy Manual is defined as “promoting by
4 making known, drawing attention to, publicly proclaiming or making conspicuous any
5 item, service, project, development, or thing for financial benefit. This prohibition is
6 not intended to prevent or preclude any person from addressing any SCAG legislative
7 body during a public comment period to express his/her views or opinions on any
8 matter within the subject matter jurisdiction of the SCAG legislative body. The
9 presiding officer of any meeting will determine if a speaker’s remarks fall within the
10 prohibition described earlier and may request that the speaker refrain from offering
11 further remarks in such cases.

12 **D. Rules of Order** – SCAG’s Rules of Order, which are described in the sections
13 that follow, shall be supplemented and interpreted in accordance with the most recent
14 version of “Rosenberg’s Rules of Order. In the event of a difference between
15 Rosenberg’s Rules of Order and SCAG’s Rules of Order, the direction offered by
16 SCAG’s Rules of Order shall prevail.

17 **E. Role of the Presiding Officer** - The presiding officer, assisted by legal counsel
18 or SCAG staff when available, shall be well versed in the rules of parliamentary
19 procedure since the presiding officer shall apply such rules throughout the conduct of
20 a meeting and shall make a final ruling based on those rules whenever an action is
21 taken. All decisions by the presiding officer are final unless the presiding officer is
22 overruled by the legislative body itself. The presiding officer will generally play a less
23 active role in any debate or discussion; however, the presiding officer has a right to
24 participate fully in all debates, discussions and decisions. Generally, the presiding
25 officer should not make a motion; or second a motion, unless it appears that no other
26 member of the legislative body is likely to do so.

27 **F. Agenda Item Discussion and Request for Motion** - The presiding officer
28 should introduce each agenda item and explain whether action will be required

1 regarding the item or if it is for information only. The presiding officer should then invite
2 the appropriate person or persons to report on the item and explain any
3 recommendation that is being made. The presiding officer should then ask for
4 questions or comments from members of the legislative body. If members of the
5 public wish to make comments on the item and did not do so during the general public
6 comment period, they will be afforded the opportunity to do so at this time.

7 After all comments have been offered, the presiding officer should invite a motion
8 if action is required on the item. After a motion is made, the presiding officer should
9 identify the name of the individual making the motion and call for a second to ensure
10 that there is sufficient support for the motion to make a vote be necessary. If there is
11 a second, the presiding officer should name the individual making the motion and then
12 call for a vote. If there is no second, the presiding officer may announce that the
13 motion has failed for lack of a second and ask if another motion is to be offered.

14 The presiding officer has the discretion to call for a vote without a second. Such
15 an approach may be used when the legislative body is facing serious time constraints
16 or support for considering the motion is obvious.

17 Before proceeding further, the presiding officer should ensure that the legislative
18 body understands the motion. If appropriate, and to avoid confusion, the presiding
19 officer may repeat the motion, or ask the maker of the motion to repeat the motion, or
20 ask a staff member or legal counsel to repeat the motion.

21 Immediately prior to a vote, the presiding officer should invite discussion among
22 any interested members of the legislative body. When the discussion has ended, the
23 presiding officer should call for a vote. If the discussion has been lengthy, the
24 presiding officer may again repeat the motion to ensure that all members of the
25 Legislative Body understand the motion.

26 **G. Voting** - For large committees, and the Regional Council and the General
27 Assembly, SCAG employs an electronic voting system that requires members of the
28 Legislative Body to be logged-in to be able to cast a vote. Members who leave a

1 meeting prior to a vote are required to log out. The electronic voting system used by
2 SCAG records all votes, including the names of members and their votes and the vote
3 results with member names will be included in the minutes of the meeting.

4 For smaller committees, it is not possible for SCAG to effectively employ
5 electronic voting. Members of such a small committee will be asked by the presiding
6 officer to indicate their vote by a show of hands or by verbally indicating “aye,” “nay” or
7 “abstain.” As with electronic voting, the names of all members who voted and their
8 vote will be included in the minutes of the meeting.

9 The number of affirmative votes needed to pass or approve a motion are
10 identified in SCAG’s Bylaws or in Article IV of this Policy Manual.

11 When electronic voting is used, voting members of a legislative body must
12 ensure that their vote is properly recorded by viewing the scrolling display of the votes
13 that will be shown on the viewing screen immediately after the vote is tabulated. If an
14 error occurs, the involved voting member should immediately identify the error to the
15 presiding officer who will consult with legal counsel to determine if the error can be
16 corrected in the official vote tally. Generally, a voting error can immediately be
17 corrected in the official vote tally if identified prior to the presiding officer announcing
18 the next item on the agenda. However, if an error is identified by a voting member
19 after the next item has been announced by the presiding officer or upon the
20 recommendation of legal counsel, the presiding officer may order that any attempt to
21 address the identified error be handled through a Motion for Reconsideration or a
22 Motion to Suspend a Rule, both of which are subsequently described in this Article.

23 When electronic voting equipment is not employed because of equipment problems or
24 any other reason, voting may be done by a show of hands, a roll call vote, or any other
25 method announced by the presiding officer as long as it is possible for the SCAG clerk
26 or staff member recording the vote to tabulate the name and vote of every voting
27 member of the legislative body. Such tabulation is required for compliance with the
28 Brown Act.

1 **H. Three Basic Motions and Friendly Amendments** - A main motion is used to
2 put forth a matter for an action by the legislative body. A motion to amend is used if a
3 member of a legislative body wishes to propose a changed or modified main motion. A
4 substitute motion is used if a member of the legislative body wishes to replace the
5 main motion with a different motion. The presiding officer shall determine if a motion is
6 a motion to amend or a substitute motion. However, a substitute motion that simply
7 proposes the opposite of the main motion may cause unnecessary delay and
8 confusion and may be ruled to be out of order by the presiding officer.

9 A friendly amendment may be used to save time and occurs when a member of the
10 legislative body suggests an amendment (usually minor) to the main motion and the
11 members who made and seconded the main motion agree to the friendly amendment.
12 If either the maker of the main motion or the member who seconded it rejects the
13 friendly amendment, then the proposer may formally move to amend the main motion.

14 **I. Multiple Basic Motions** - The presiding officer shall allow no more than three
15 basic motions to be under consideration by a legislative body at one time. If an
16 additional basic motion is offered, the presiding officer shall rule it as being out of
17 order until all three of the basic motions that are before the legislative body have been
18 resolved.

19 In addressing multiple basic motions, the presiding officer shall proceed with the last
20 motion first. If a substitute motion or a motion to amend passes, such action renders
21 moot the motion for which there was a proposed substitution or the motion for which
22 there was a proposed amendment. If a substitute motion or a motion to amend fails,
23 then the prior motion must be voted upon.

24 **J. Motions regarding Pending Basic Motions** - The following motions if properly
25 made and, at the discretion of the presiding officer, seconded, must be addressed
26 before any action is taken on any of the basic motions that are pending before the
27 legislative body. They are not debatable and may be passed by the number of
28 affirmative votes identified in the SCAG Bylaws.

1 (1) A motion to lay on the table, if passed, temporarily suspends any further discussion
2 of the pending basic motion. The motion can contain a specific time at which the item
3 and the related basic motion can be brought back to the legislative body or the motion
4 may contain no specific time for the item to be returned.

5 (2) A motion to return is used to bring back to the legislative body a basic motion that
6 was tabled without a specific return date. The legislative body must approve such a
7 motion before discussion of the tabled basic motion can resume. A motion that was
8 tabled without a specific return date dies if it is not returned to the legislative body by
9 the end of the next regular meeting of the legislative body.

10 (3) A motion to move or call the question, if passed, immediately brings the matter
11 being considered by the legislative body to a vote by suspending any further
12 discussion or debate. The presiding officer can expedite matters by treating this
13 motion as a “request” by asking if anyone in the body wishes to continue the
14 discussion. If no one does, then a vote on the matter can immediately be taken
15 without the need for a vote on the motion to call the question.

16 (4) A motion to limit or extend the limit of debate, if passed, places a limit on the time
17 allowed for discussion and debate of the pending basic motion or extends the time
18 allowed for discussion and debate.

19 (5) A motion to object to consideration of an item, if passed, prevents an item on the
20 agenda from being discussed.

21 (6) A motion to commit or refer, if passed, refers the matter to staff, a committee or a
22 commission for further study. The motion may contain directions for the staff,
23 committee or commission, as well as a date upon which the matter will be returned to
24 the legislative body’s agenda.

25 **K. Motions of Courtesy and Convenience**

26 (1) Any voting-eligible member of a legislative body may call for the agenda to be
27 followed in the stated order. No second or vote is required and the presiding officer
28 should return discussion to the proper agenda item. Any decision by the presiding

1 officer to return to a specific agenda item or not return to a specific item can be
2 appealed.

3 (2) Any voting-eligible member of a legislative body may make a motion for a recess.
4 At the discretion of the presiding officer, a second may be required. The motion is not
5 debatable. The presiding officer determines the length of the recess.

6 (3) Any voting-eligible member of a legislative body may make a motion to adjourn
7 immediately or at a specific time, even if there is business pending. At the discretion
8 of the presiding officer, a second may be required. The motion is not debatable.

9 (4) Any voting-eligible member of a legislative body may request that the presiding
10 officer follow SCAG's Rules of Order by raising a point of order. No second is
11 required and no debate is allowed. The point of order shall be ruled upon by the
12 presiding officer and the ruling of the presiding officer can be appealed.

13 (5) Any voting-eligible member of a legislative body may make of point of privilege to
14 request that the presiding officer address a matter relating to the normal conduct of
15 the meeting such as the volume of the microphones or the replaying of a video. No
16 second is required. The ruling of the presiding officer can be appealed.

17 (6) Should any voting-eligible member of a legislative body be dissatisfied with a ruling
18 from the presiding officer, the member may make a motion to appeal the ruling. A
19 second may be required at the discretion of the presiding officer and debate is
20 allowable.

21 (7) Any voting-eligible member of a legislative body may make a motion to suspend a
22 rule of the legislative body in order to accomplish an action that would otherwise
23 violate the rule. At the discretion of the presiding officer, a second may be required
24 and debate is allowable.

25 (8) In order to avoid confusion, the presiding officer may divide the subject matter of a
26 motion into several parts and direct discussion and voting on each of the separate
27 parts. Additionally, any voting-eligible member of a legislative body may make a
28 motion to divide the question into separate parts for discussion and voting. At the

1 discretion of the presiding officer, a second may be required for such a motion.
2 Debate is not allowed.

3 (9) Except where prohibited by federal or state law or regulation, at the same meeting
4 but no later than the next regular meeting of a legislative body, the legislative body
5 may reconsider any vote taken in order to correct inadvertent or precipitant errors, or
6 consider new information not available at the time of the vote. A motion to reconsider
7 must be made by a voting-eligible member of the legislative body who voted on the
8 prevailing side in the earlier vote. A second is required at the discretion of the
9 presiding officer and the motion is debatable. Any voting-eligible member of the
10 legislative body may second the motion. The motion to reconsider requires the
11 number of affirmative votes specified in the SCAG Bylaws for all regular voting
12 matters, regardless of the number of votes required to adopt the motion being
13 reconsidered. If the motion to reconsider is successful, the matter to be reconsidered
14 takes no special preference over the pending matters and any special voting
15 requirements related thereto still apply. After all basic motions associated with an item
16 have been voted upon or rendered moot, action on the item is deemed closed subject
17 to a proper motion for reconsideration.

18 (10) During the debate and discussion of a basic motion, the maker of the motion may
19 withdraw the motion. The basic motion should immediately be considered to be
20 withdrawn; however, the presiding officer may ask the member who seconded the
21 motion if he might wish to make the motion. In addition, any other voting-eligible
22 member of the legislative body may make the same motion that was withdrawn.

23 (12) Any voting-eligible member of a legislative body may make a motion to require a
24 roll call vote on any matter before the legislative body. A second may be required at
25 the discretion of the presiding officer. Such a motion is not debatable.

26 **L. Courtesy and Decorum** - The presiding officer and the members of a legislative
27 body must maintain courtesy and decorum throughout every meeting. Only one
28 member should have the floor at a time and it is always best for a speaker to be

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recognized by the presiding officer before proceeding to speak. The presiding officer should ensure that all debate and discussion focus on each particular agenda item and not on personalities. The presiding officer should stop any discussion that is inappropriate. Although discussion and debate are appropriate, the presiding officer may find it necessary to limit both in the interests of time.

1 (2) Representatives of Regional Council Members and SCAG Officers shall receive
2 only one Stipend for attendance at both the monthly Regional Council meeting and the
3 same day meeting of the individual's assigned SCAG Policy Committee (or a joint
4 meeting of all of the Policy Committees) or at one of the meetings. Attendance will be
5 demonstrated by the individual's signature on the attendance forms for both the
6 Regional Council and the Policy Committee.

7 (3) Representatives of Regional Council Members and SCAG Officers shall receive a
8 Stipend for meetings (including those over the telephone and those involving video- or
9 teleconferencing) that are scheduled by SCAG's President or by SCAG's Executive
10 Director or his/her designee.

11 (4) Representatives of Regional Council Members may receive up to six Stipends per
12 month and the SCAG President may authorize two additional Stipends in a single
13 month on a case-by-case basis. SCAG Officers may receive up to nine Stipends per
14 months with approval from the Regional Council of any Stipends in excess of the limits
15 identified herein.

16 **C. Stipends for Other Elected Officials and Individuals serving in an Ex Officio**
17 **Capacity**

18 (1) Other elected officials (i.e. those not serving as a representative of a Regional
19 Council Member) serving on a SCAG Policy Committee or another SCAG Committee,
20 Subcommittee or Task Force shall receive a Stipend for attendance at a Policy
21 Committee, Committee, Subcommittee or Task Force meeting.

22 (2) Other elected officials serving on a SCAG Policy Committee or another SCAG
23 Committee, Subcommittee or Task Force shall receive a Stipend for attendance at a
24 meeting (including those over the telephone or those involving video- or
25 teleconferencing) when the attendance of the elected official is requested by the
26 SCAG President or SCAG's Chief Executive Officer or his/her designee.

27 (3) Attendance at all such meetings shall be demonstrated by a signature on an
28 attendance form, attendance records of SCAG staff at such meetings, or the submittal

1 of an expense reimbursement form to the Office of Regional Council Support. Other
2 elected officials may receive up to four Stipends per month.

3 (4) Individuals serving in an ex officio capacity in any SCAG body including the
4 Regional Council shall not be eligible for stipends or for the reimbursement of travel
5 expenses (except for certain General Assembly expenses discussed elsewhere in this
6 Policy Manual).

7 **D. Special Conditions for Stipends for the General Assembly**

8 (1) A representative of a Regional Council Member or a SCAG Officer or an elected
9 official serving on a SCAG Policy Committee shall receive a Stipend for attendance at
10 the General Assembly regardless of whether or not the individual serves as an Official
11 Representative or Alternate at the General Assembly.

12 (2) Stipends are not provided to Official Representatives or Alternates at the General
13 Assembly unless those individuals are either a representative of a Regional Council
14 Member or a SCAG Officer or a member of a SCAG Policy Committee.

15 (3) Stipends for attendance at the General Assembly are not provided to individuals
16 who serve in an ex officio capacity at the General Assembly; however, registration
17 fees, hotel charges, parking costs and meal costs may be billed directly to SCAG or
18 reimbursed if within the limits of this Article VIII.

19 **E. General Travel Policy**

20 (1) SCAG endeavors to maintain an accountable and cost-effective travel policy.
21 Such a travel policy must satisfy the following requirements: (a) be only business
22 related; (b) use the most cost-effective travel options; (c) comply with all applicable
23 SCAG requirements; (d) substantiate expenses as required; (e) return unspent
24 advanced amounts or unused tickets or travel vouchers; and (f) mandate timeliness,
25 accuracy and honesty in the reporting of all travel expenses.

26 (2) Whenever reasonably possible, travel to SCAG meetings should be avoided if
27 teleconferencing or videoconferencing is available for a meeting.

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1 (3) Requests for travel reimbursement must be received by the Office of Regional
2 Council Support no later than 30 days after the close of the fiscal year in which the
3 travel costs were incurred.

4 (4) The Executive Director or his/her designee shall review all requests for travel
5 reimbursements. Aggregated travel and Stipend costs will be presented each month
6 as part of the Chief Financial Officer's Monthly Report. The payment of all travel
7 reimbursements must be approved by the Regional Council.

8 **F. Travel Policy for Representatives of Members of the Regional Council and**
9 **SCAG Officers**

10 (1) Representatives of Regional Council Members and SCAG Officers who attend
11 meetings on behalf of SCAG are eligible to receive travel reimbursement for: (a) actual
12 costs of airplane, bus, train, rental car, shuttle, taxi or car service (e.g. Lyft); (b) miles
13 travelled using a personal automobile; and (c) actual parking expenses. Mileage will
14 be reimbursed at the prevailing federal reimbursement rate. Distances will be
15 calculated based on the travel distance from the representative's seat of government
16 and the meeting location. An airplane, taxi, car service or rental car should be used
17 only if is the best alternative considering both cost and time. Taxi, shuttle and car
18 service gratuities should not exceed 15%. Parking at SCAG's Los Angeles office will
19 be validated.

20 (2) International travel always requires advance approval of the Regional Council.

21 (3) SCAG representatives of Regional Council Members and SCAG Officers should,
22 whenever possible, use SCAG staff to arrange all air travel. Only economy air travel
23 is allowed. Except for air travel, whenever possible representatives of Members of the
24 Regional Council and SCAG Officers should make their own surface travel and
25 lodging arrangements and obtain reimbursement from SCAG for all expenses
26 incurred. If SCAG representatives make their own air travel arrangements and if the
27 cost of airfare significantly exceeds costs regularly paid by SCAG for air travel,
28 approval of SCAG's President will be required before reimbursement will be made.

1 (4) The cost of alcoholic beverages cannot be claimed for reimbursement. Meal
2 allowances will not be paid if meal service is provided by SCAG (e.g. lunch at
3 meetings of the Regional Council). The following allowances for meals and
4 incidentals, which include an allowance for gratuities, shall apply and be reimbursed
5 without receipts. Higher amounts may be approved by the Regional Council in the
6 case of international travel.

7 a. Breakfast costs of \$7 if away from home or if travel begins from home to a meeting
8 that starts at 10AM or earlier.

9 b. Lunch costs of \$11.

10 c. Dinner costs of \$23 if away from home or if the travel begins from home to a
11 meeting that starts at or before 4PM and ends at or after 7PM.

12 d. Incidental costs of \$5 for each day involving an overnight stay away from home.

13 (5) Lodging is reimbursable at the applicable government rate plus taxes if required
14 for trips outside of the SCAG Region or if an individual is required to travel 75 miles or
15 more one way for a SCAG-related activity that begins at 10 AM or earlier. If
16 government lodging rates do not appear to be available, assistance should be
17 requested from SCAG staff, if possible, to avoid paying above government rates.
18 Lodging charges that are more than double standard government rates for the locale
19 of the lodging will require approval of the SCAG President before reimbursement can
20 be made.

21 (6) All travel costs must be fully documented, as required, with receipts identifying
22 the date and time the expenses were incurred, the location and the purpose of the
23 travel or expense. The SCAG President or SCAG's Executive Director or his/her
24 designee must approve travel reimbursement requests without receipts in the case of
25 lost or partial receipts.

26 **G. Travel Policy for Other Elected Officials and/or Appointed Members of**
27 **SCAG Committees and Task Forces**

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(1) Other elected officials (those not serving as Representatives of Regional Council Members) and appointed members of SCAG committees and task forces will generally not be asked to travel on behalf of SCAG except for meetings within the SCAG Region. The provisions of Section F above shall apply to any travel outside of the SCAG Region that is requested by SCAG.

(2) Other elected officials and appointed members of SCAG committees may be reimbursed for travel expenses to meetings held within the SCAG Region if they are not reimbursed or provided a stipend from a public agency other than SCAG. Reimbursement will be limited to: (a) parking validation or actual parking costs; and (b) costs of round-trip public transportation or round-trip mileage at the prevailing federal mileage reimbursement rate. All such travel reimbursement requests will require complete documentation of all expenditures and will be approved by the SCAG President or SCAG's Executive Director or his/her designee. Travel reimbursement requests that do not have appropriate documentation must be approved by the SCAG President or SCAG's Executive Director or his/her designee.

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ARTICLE IX

APPROVAL AND REPORTING THRESHOLDS AND DELEGATION OF APPROVAL AUTHORITY

The following paragraphs identify those items that require approval by or reporting to the Executive/Administration Committee and the Regional Council and describe the process by which the Regional Council and the Executive Director may delegate approval authority to identified individuals.

A. Contracts - Any SCAG contract valued at or above \$200,000 must be approved in advance by the Executive/Administration Committee and the Regional Council. Any SCAG contract valued at more than \$25,000 but less than \$200,000 must be reported as a Receive and File item on the agendas of the next regular meetings of the Executive/Administration Committee and the Regional Council following the execution of the contracts by SCAG's Executive Director or his/her designee.

B. Contract Amendments – Any amendment to a SCAG contract, whose value alone or when added to all prior amendments exceeds \$75,000 must be approved in advance by the Executive/Administration Committee and the Regional Council. Any amendment to a SCAG contract whose value alone or when added to all prior amendments exceeds \$5,000 but is less than \$75,000 must be reported as a Receive and File item on the agendas of the next regular meetings of the Executive/Administration Committee and the Regional Council following the execution of the amendments by SCAG's Executive Director or his/her designee.

C. Purchase Orders - Any SCAG purchase order valued at or above \$200,000 must be approved in advance by the Executive/Administration Committee and the Regional Council. Any SCAG purchase order valued at more than \$5,000 but less than \$200,000 must be reported as a Receive and File item on the agendas of the next regular meetings of the Executive/Administration Committee and the Regional Council following the execution of the purchase order by SCAG's Executive Director or his/her designee.

1 **D. Fines and Penalties** – Payment of any fine or penalty imposed upon SCAG in
2 an amount equal to or greater than \$10,000 must be approved before payment by the
3 Executive/Administration Committee and the Regional Council.

4 **E. Claims and Litigation Matters** – All claims made against SCAG and all litigation
5 threats and lawsuits filed against SCAG must be reported to the
6 Executive/Administration Committee and the Regional Council as soon as practical and
7 before any significant SCAG response is undertaken. Litigation initiated by SCAG shall
8 not commence without the approval of the Executive/Administration Committee and the
9 Regional Council. Unless otherwise directed by the Regional Council, all claim and
10 litigation settlements negotiated on behalf of SCAG must be approved by the
11 Executive/Administration Committee and the Regional Council.

12 **F. Employee Settlements** – The Executive Director or his/her designee may
13 negotiate and approve employee termination settlements whose value does not
14 exceed 12 months of salary and related benefits and which must be in accord with
15 applicable state law. Settlements in excess of this limit shall require approval by the
16 Executive/Administration Committee and the Regional Council.

17 **G. Grant Applications** – The Executive Director or his/her designee is authorized to
18 submit grant applications to funding agencies.

19 **H. Delegation of Approval Authority by the Regional Council** – By formal action
20 taken at a regular or special meeting, the Regional Council may delegate to the
21 Executive/Administration Committee or the Executive Director any of the approval
22 authorities assigned to the Executive/Administration Committee and the Regional
23 Council and described in this Article.

24 **I. Approval Authority of the Executive Director**

25 The Executive Director is authorized to approve on behalf of SCAG all matters and
26 items described in this Article that are below the thresholds requiring
27 Executive/Administration Committee and Regional Council approval or that are
28 delegated to the Executive Director by the Regional Council. The Executive Director,

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in writing, may delegate to the Chief Operating Officer or any other SCAG Director or Manager the authority to approve any item for which the Executive Director has approval authority.

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ARTICLE X

CALIFORNIA PUBLIC RECORDS ACT

A. General - SCAG is committed to transparency and to the complete and timely implementation of the requirements of the California Public Records Act (California Government Code Section 6250 et seq.). Accordingly, it is the policy of SCAG to respond to a request for a copy of a reasonably-described, identifiable public record with minimal delay and, in accordance with the timelines identified in the law unless the law provides an exemption from disclosure. SCAG staff shall work with any requesting party to assist in identifying public records. Only legal and reasonable restrictions shall be placed on requests for voluminous classes of documents or documents in electronic formats.

B. Compilations – SCAG is not required to develop a list or record from an existing record or database or to develop a new record in order to respond to a request. SCAG shall endeavor to provide materials available from a database to satisfy a request but shall not commit the expenditure of resources to supply materials beyond what is required by law.

C. Digital Imagery Data – Requestors who seek digital imagery data that has been collected or prepared under SCAG’s oversight or control shall be provided with paper copies of the data in order to ensure that the accuracy of the data is maintained. If such data is requested in an electronic format, SCAG may condition the releases of the data on a written agreement that will prohibit the resale or publishing of the data.

D. Exempt Records – Requests for records that are determined by SCAG to be confidential, privileged or otherwise exempt from disclosure shall be denied. SCAG shall make available reasonably segregated non-exempt portions of records when possible and if requested to do so.

E. Requests to Inspect Files – Public Records shall be open to inspections during SCAG’s business hours at SCAG’s headquarters in downtown Los Angeles. An appointment should be requested in writing along with a description of the records to

1 be inspected. SCAG staff shall take those steps necessary to ensure that no inspected
2 records are altered, removed or destroyed. If photocopies of inspected records are
3 required, SCAG staff shall arrange for the copies to be made and provide them within
4 10 business days.

5 **F. Fees** – The Public Records Act allows SCAG to be reimbursed for the direct costs
6 of providing copies of public records. The Chief Finance Officer of SCAG shall
7 determine the fees that are allowed by law and such fees will be due and payable in
8 advance. Such fees may be waived or reduced at the discretion of the Chief Executive
9 Officer or the Chief Financial Officer.

10 **G. Public Records in Private Email Accounts or on Private Electronic Devices** –

11 The California Supreme Court has determined that emails and text messages sent and
12 received on the private electronic devices of public officials, employees and contractors
13 are subject to disclosure as public records under the California Public Records Act.
14 Communications that are primarily personal and contain no more than incidental
15 discussions of the business of SCAG are not public records. Communications that are
16 in the possession of a SCAG contractor may be considered owned by SCAG and in
17 SCAG’s constructive possession based on the terms of the contractual relationship
18 between SCAG and the contractor. Until and unless further guidance is provided by
19 the courts, when SCAG receives a request for public records that may reside on the
20 electronic device of a public official, employee or a SCAG contractor, SCAG will
21 communicate the request to such individuals along with guidance on the requirements
22 of the California Public Records Act and the time constraints associated with the
23 request. SCAG will then reasonably rely upon such public official, employee or
24 contractor to search his/her own personal files and devices and provide any public
25 records to SCAG in timely fashion.