



SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

# REGIONAL COUNCIL

# POLICY MANUAL

RC APPROVED JUNE 9, 2019  
AS AMENDED THROUGH JUNE 2, 2022



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## **INTRODUCTION**

Although the Regional Council Policy Manual has been updated several times, this Amended and Restated Policy Manual (herein “Policy Manual”) is the first comprehensive update since the Policy Manual was adopted in 2007. The original version of the Policy Manual incorporated various policies that had been previously adopted by the Regional Council over the years. This update reformats the existing policies and addresses new topics (e.g. the Public Records Act), eliminates topics that are no longer relevant (e.g. Lapsing Fund Policy) and allows certain materials to become stand-alone documents (e.g. SCAG’s Strategic Plan). This updated Policy Manual is intended to be a helpful tool for the Regional Council in its efforts to guide the SCAG organization in finding solutions for issues facing the Southern California region.

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

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

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

### **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.*

**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, inappropriate or offensive remarks, slurs, and jokes; inappropriate comments regarding physical appearance or attire; unwelcome flirting; demands for sexual favors; verbal abuse, threats; bullying; and patronizing or ridiculing remarks. Physical harassment includes, but is not limited to, inappropriate touching, assault, hazing, physical interference with free movement, leering,

grabbing, and sexual gestures. Visual or written harassment includes, but is not limited to, the display or circulation of offensive materials, posters, or reading materials, and the transmission of offensive electronic messages or computer graphics. Environmental harassment includes, but is not limited to, creating or contributing to a work or business environment that is permeated with sexually-orientated or discriminatory talk, innuendo, insults or abuse.

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

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

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

**F. Employment Matters** – SCAG Representatives shall not provide employment references on behalf of SCAG for former SCAG employees. Personal references are acceptable if provided without any implication of SCAG endorsement and without the use of SCAG resources. Further, SCAG Representatives shall not initiate employment recruitment, or participate in SCAG hiring activities or decisions for any position (compensated or uncompensated), unless such action is specifically requested and approved by SCAG’s Executive Director or Human Resources Manager.

**G. Relatives of Elected Officials** –To avoid concerns regarding conflicts-of-interest and nepotism while still allowing SCAG to attract and hire talented individuals who are also family members of elected officials the following special hiring procedures for uncompensated and compensated positions will apply for any son, daughter, stepchild, parent, sibling, grandchild, first cousin, (including spouse/domestic partner of any of these identified relatives) or spouse/domestic partner

of any SCAG Representative. The hiring process of any of the previously identified individuals must: (1) Conform to SGAG's standard hiring practices without any external or internal non-standard influence; (2) Include open disclosure and documentation of all relationships with elected officials during all phases of the hiring process; and (3) Avoid any hiring actions that would result in a functional reporting relationship between the elected official and the prospective new hire (i.e. staff support to a committee chair) at the time of hiring. Failure to comply with the above requirements may result in employment termination in accordance with the Personnel Rules of SCAG.

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

**I. Compliance with Conflict-of-Interest Policies of SCAG** – SCAG Representatives shall remain cognizant of and comply with SCAG's Conflict-of-Interest Policies and all related federal and state statutes and regulations.

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

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

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



## ARTICLE II

### COMPLAINTS ALLEGING VIOLATIONS OF THE CODE OF CONDUCT\*

\*Per the action of the Regional Council on May 3, 2018, Article II will be developed and presented to the Regional Council at a future date.

### 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) In accordance with California Government Code Section 1090 et seq., SCAG Representatives shall not participate in making any contract or type of agreement involving SCAG if they are financially interested in the contract or agreement. To “participate in making a contract” includes

decisions to create, modify, extend or renegotiate a contract. Most importantly, if an individual is “financially interested” in a contract, Section 1090 prohibits the entire legislative body of which that individual is a member from taking action on a contract in which said individual has a financial interest. Thus if a representative of a Member of the Regional Council has a financial interest in a contract, the Regional Council cannot consider or take action on that contract and it is not possible for the representative to simply disqualify himself from any vote. For this reason, if SCAG contracting staff or legal counsel determine that a representative of a Member of the Regional Council has a financial interest in a bid or proposal for a contract, such bid or proposal will be disqualified from consideration by SCAG. Determining financial interest questions can be complicated and guidance from SCAG legal counsel should be obtained if any concerns exist regarding the applicability of Government Code 1090 to a contract, proposal or bid.

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

(3) In accordance with California Government Code Section 87100 et seq., SCAG Representatives shall not make, participate in making or attempt to use their official position to influence a decision affecting SCAG when a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise because of a personal financial interest in a decision affecting SCAG. A financial interest would exist if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on an individual or his/her immediate family. If any SCAG Representative has a financial interest in a decision affecting SCAG within the meaning of Section 87100, that individual should recuse himself or herself from making or

participating in such a decision and not use his or her position to influence or attempt to influence such a decision. Guidance on the proper recusal procedures to follow should be obtained from SCAG legal counsel who should also be consulted about questions regarding Section 87100.

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

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

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

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

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

(4) The one-year bans contained in Article III Sections F (1), (2), and (3) above shall not apply to: (a) prevent a former SCAG Representative from making or providing a statement or contract which is based on the individual's own special knowledge in the particular area that is the subject of the statement or contract, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses or contractors; or (b) communications and contracts made solely for the purpose of furnishing information if a court or state, federal or local administrative agency to which the communication is directed or with or for which a contract is made, makes findings in writing that the individual has outstanding and otherwise unavailable qualifications and is acting with respect to a particular matter which requires such qualifications and the public interest would be served by the participation of the individual. In addition, these one-year bans do not apply to any appearances or communications in a proceeding or contracts to which a court or the Regional Council gives its consent by determining that the public interest would not be harmed.

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

## ARTICLE IV

### COMPOSITION, ATTENDANCE AND POLICIES FOR THE REGIONAL COUNCIL, POLICY COMMITTEES AND

#### OTHER SCAG COMMITTEES, SUBCOMMITTEES AND TASK FORCES

**A. Regional Council** – The membership, organization, duties, quorum and voting requirements of the Regional Council are addressed in SCAG’s Bylaws. The following additional policies are applicable to the Regional Council.

(1) The Regional Council shall generally consider a recommendation from a Policy Committee in the month following the development of such a recommendation. In the case of time sensitive matters, a recommendation from a Policy Committee may be considered at the first Regional Council meeting after the Policy Committee meeting at which the recommendation was adopted.

(2) The Regional Council shall generally consider a recommendation from the Executive/Administration Committee at the first Regional Council meeting after the Executive/Administration meeting at which the recommendation was adopted.

(3) The Regional Council shall generally meet on the first Thursday of each month. The Regional Council shall annually approve its calendar year meeting schedule which may include one or more months in which other SCAG meetings replace the regular meeting of the Regional Council. In addition, the Regional Council will not meet one month of the year to allow for a vacation period.

**B. Executive/Administration Committee** – The membership, organization, duties, quorum and voting requirements of the Executive/Administration Committee are addressed in SCAG’s Bylaws. The following additional policies are applicable to the Executive/Administration Committee.

(1) The President of SCAG shall serve as the Chair of the Executive/Administration Committee and shall be the presiding officer at its meetings. The First Vice President of SCAG shall serve as the Vice Chair and shall act as the presiding officer at meetings in the absence of the President. The Second Vice President or the Immediate Past President, in that order, shall preside at meetings in the absence of the President and First Vice President.

(2) The Executive/Administrative Committee shall generally meet prior to and on the same day as the Regional Council in accordance with the annual schedule adopted for the regular meetings of the Regional Council. The Executive/Administration Committee may have a special meeting on a day

other than the day scheduled for a meeting of the Regional Council or in addition to the day scheduled for a meeting of Regional Council. All such special meetings shall be called by the SCAG President in consultation with SCAG's Executive Director.

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

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

(1) Each Policy Committee shall elect its Chair and Vice Chair whose term shall commence upon the adjournment of the next regular meeting of the General Assembly and expire upon the opening of the following regular meeting of the General Assembly. Those holding the position of Chair and Vice Chair must be members of the respective Policy Committee and must also be representatives of Regional Council Members. Officers and those elected by the Regional Council to serve as Officers cannot serve as Chair or Vice Chair of a Policy Committee. An individual may serve two consecutive one-year terms as a Chair or two consecutive one-year terms as a Vice Chair, if so elected. Any person who served as Chair of a Policy Committee for two consecutive years or as Vice Chair for two consecutive years must wait one year before seeking election again to be Chair or Vice Chair of the same Policy Committee; except that any Vice Chair who has held such a position for up to two consecutive years may be elected to serve as Chair for the following year for up to two consecutive years. If a vacancy occurs in the office of Chair of a Policy Committee, the Vice Chair shall serve as Chair for the unexpired term and a new Vice Chair shall be elected to fill the unexpired term.

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

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

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

**E. Committees, Subcommittees and Task Forces [Reference/Formatting issue to correct]**

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

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



**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 ("Single-City District"), 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 Single-City Districts and odd-numbered years for odd-numbered Single-City 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. Multi-City District Representative Elections** - When a District encompasses more than one city ("Multi-City District"), a maximum of five (5) city council members from each of the voting-eligible cities in the Multi-City District shall be provided the opportunity to vote for the individual who will serve as the District Representative to ensure equity among cities in voting. In a voting-eligible city comprised of more than five (5) city council members, the mayor of such city shall appoint a maximum of five (5) members to vote in Multi-City District Representative Elections. Multi-City District Representative Elections shall be conducted 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 SCAG as defined in Article II of SCAG's Bylaws.

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

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

(4) SCAG staff in consultation with subregional organizations will oversee all District Representative elections and will ensure that all members of the city councils within the District receive written notification two weeks in advance of any District Representative election, including a special election. Appendix A describes the two-step notification process that is provided to individuals who are eligible to be candidates in District Representative elections and to the cities whose city council members may vote in District Representative elections.

(5) For a District Representative election 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) Nominations from the floor and proxy voting are not allowed. Teleconferencing for the District Representative election is allowed with written notification to all city council members from the cities in the respective District.

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

(8) If there is only one candidate for District Representative that individual shall be declared the District Representative and no election shall be required.

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

**E. District Representative Position Declared Vacant** - Notwithstanding Article V, Section D. above, if SCAG's President declares a District representative's position to be vacant in accordance with Article V A.(2)(a) of the Bylaws, a new appointment (in the case of a single-city District) or a special election that complies with all of the election policies described in this Article V and Appendix A (in the case of a multi-city District) shall take place within forty-five (45) days of the declaration of a position vacancy unless otherwise specified by SCAG staff. A District Representative who is so appointed or elected shall assume his/her position immediately upon the appointment or election and shall serve the remainder of the unexpired District Representative term.

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

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

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

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

(3) A no confidence vote shall be held: (i) prior to or during meetings of subregional organizations of the type identified in Article V A (1)(a)(5) of SCAG's Bylaws; or (ii) prior to or at

division meetings of the League of California Cities; or (iii) at meeting locations and on meeting dates that are arranged by SCAG staff in cooperation with the voting eligible cities in the District.

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

(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, and the District Representative Election Procedures adopted by the Regional Council on June 2, 2011.

## ARTICLE VI

### THE RALPH M. BROWN ACT: REQUIREMENTS AND SCAG POLICIES

SCAG endeavors to be in full compliance with all aspects of the Ralph M. Brown Act, (Government Code Section 54950 et seq. (herein the “Brown Act”)) in all of its meetings, activities and interactions with the public. Selected parts of the Brown Act are described and discussed in the materials that follow to provide guidance and reminders to SCAG Representatives about the requirements of the Brown Act and the policies that SCAG has implemented to ensure full compliance.

**A. Bodies Subject to the Brown Act** – In accordance with Section 54952 of the Government Code, the working entities of SCAG including the General Assembly, the Regional Council, the Policy Committees and generally all of the SCAG committees are “legislative bodies” of local agencies as defined by Section 54952 of the Government Code and their meetings are covered by the Brown Act with respect to matters such as agendas, closed sessions, public participation, etc. However, if an advisory committee is created by a SCAG legislative body and if the advisory committee is comprised of less than a quorum of the members of the SCAG legislative body that created it, then the advisory committee is not subject to the Brown Act, unless the advisory committee is a standing committee. The Brown Act defines a standing committee as one which has continuing jurisdiction over a particular subject matter or if its meeting schedule is fixed by some formal action by the body that created the committee.

**B. Meetings** – If a quorum of the membership of one of the legislative bodies of SCAG meets to hear, discuss or deliberate on any matter that is under the subject matter jurisdiction of the legislative body, then a meeting occurs regardless of whether or not any action is taken, and all notice and agenda provisions of the Brown Act apply. Informal gatherings at lunches or social activities or in other informal settings that involve a quorum or more of the membership of a SCAG legislative body must also meet the requirements of the Brown Act unless the event is open to the public and the members of the legislative body do not discuss among themselves, except as may be part of any scheduled program, issues that are within the subject matter jurisdiction of SCAG.

As an added caution, because SCAG has overlapping legislative bodies and committees, the quorum requirements of all applicable SCAG legislative bodies, especially the Executive/Administration Committee with its limited membership/quorum, should be considered whenever the attendance at a SCAG event is being planned to determine if the meeting requirements of the Brown Act are applicable.

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

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

(1) All teleconferencing and videoconferencing locations that will be utilized by one or more members of the SCAG legislative body must be identified in the meeting agenda and must be open to the public and include access for people with disabilities. Copies of the agenda of the meeting must be posted at all teleconferencing or videoconferencing locations. Hotel rooms, homes, business offices can all be used as teleconferencing or videoconferencing locations as long as they are identified in the agenda, have the agenda posted at the location and are properly open to the public. An automobile cannot be identified as a teleconferencing location.

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

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

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

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

(6) To facilitate the orderly, timely and expeditious conduct of regular or special meetings of all of SCAG's legislative bodies, and in consideration of SCAG's geographically diverse membership, the President may determine, after consultation with the Executive Director, that the General Assembly, Regional Council and any other SCAG committee or body, including but not limited to the Executive/Administrative Committee, will meet using teleconferencing and/or videoconferencing capabilities. Further, and notwithstanding any other provision of this Regional Council Policy Manual, the President may waive, after consultation with the Executive Director and legal counsel, certain provisions of teleconferencing and videoconferencing requirements set forth under Section D.1., D.2. and D.4. of this Article VI, to the extent such waiver(s) is/are permitted by and consistent with applicable law, executive order or any applicable public health order.

**E. Regular Meetings** – A meeting that occurs at an established time and place set by an action of the Regional Council or other SCAG legislative body is a regular meeting. Notices and agendas for regular meetings must be posted at least 72 hours before the meeting. A regular meeting agenda can be amended as long as the amended agenda is posted 72 hours before the meeting. Items not on the agenda for a regular meeting can be added to the agenda at the meeting upon the affirmative vote of two-thirds of the representatives/members present or a unanimous vote in the event of attendance of less than two-thirds of the membership if there is a need to take immediate action on a matter that came to the attention of the SCAG legislative body (including staff) after the 72 hour agenda posting requirement had passed. Emergency matters may also be added to the

agendas of regular meetings in accordance with the appropriate sections of the Brown Act, but the definition of an emergency matter (e.g. work stoppage, crippling activity, event which impairs public safety or health) means that such items will rarely, if ever, have to be addressed by a SCAG legislative body.

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

**G. Public Participation** – Every meeting of a SCAG legislative body must include an opportunity for members of the public to address the legislative body on any matter under the subject matter jurisdiction of the body. If the public comments are to be made in connection with an item on the agenda, time for the comments must be provided before the consideration of the item. As allowed by the Brown Act, the comments of members of the public at meetings of SCAG legislative bodies will generally be limited to three minutes, but this limit may be reduced by the presiding officer after consideration of the number of speakers and the time constraints of the agenda as long as any time limitations are fairly identified and implemented and not used restrict speech content.

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



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

## 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.

**C. Advertising Presentations** – No person shall be allowed to make a presentation or provide a report to the Regional Council that is for the purpose of advertising. “Advertising” for the purposes of this Policy Manual is defined as “promoting by making known, drawing attention to, publicly proclaiming or making conspicuous any item, service, project, development, or thing for financial

benefit. This prohibition is not intended to prevent or preclude any person from addressing any SCAG legislative body during a public comment period to express his/her views or opinions on any matter within the subject matter jurisdiction of the SCAG legislative body. The presiding officer of any meeting will determine if a speaker's remarks fall within the prohibition described earlier and may request that the speaker refrain from offering further remarks in such cases.

**D. Rules of Order** – SCAG's Rules of Order, which are summarized in Appendix B and described in the sections that follow, shall be supplemented and interpreted in accordance with the most recent version of *Rosenberg's Rules of Order*, which are presented in Appendix C of this Policy Manual. In the event of a difference between Rosenberg's Rules of Order and SCAG's Rules of Order, the direction offered by SCAG's Rules of Order shall prevail.

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

**F. Agenda Item Discussion and Request for Motion** - The presiding officer should introduce each agenda item and explain whether action will be required regarding the item or if it is for information only. The presiding officer should then invite the appropriate person or persons to report on the item and explain any recommendation that is being made. The presiding officer should then ask for questions or comments from members of the legislative body. If members of the public wish to make comments on the item and did not do so during the general public comment period, they will be afforded the opportunity to do so at this time.

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

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

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

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

**G. Voting** - For large committees, and the Regional Council and the General Assembly, SCAG employs an electronic voting system that requires members of the Legislative Body to be logged-in to be able to cast a vote. Members who leave a meeting prior to a vote are required to log out. The electronic voting system used by SCAG records all votes, including the names of members and their votes and the vote results with member names will be included in the minutes of the meeting.

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

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

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

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

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

A friendly amendment may be used to save time and occurs when a member of the legislative body suggests an amendment (usually minor) to the main motion and the members who made and

seconded the main motion agree to the friendly amendment. If either the maker of the main motion or the member who seconded it rejects the friendly amendment, then the proposer may formally move to amend the main motion.

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

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

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

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

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

(3) A motion to move or call the question, if passed, immediately brings the matter being considered by the legislative body to a vote by suspending any further discussion or debate. The presiding officer can expedite matters by treating this motion as a “request” by asking if anyone in

the body wishes to continue the discussion. If no one does, then a vote on the matter can immediately be taken without the need for a vote on the motion to call the question.

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

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

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

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

(1) Any voting-eligible member of a legislative body may call for the agenda to be followed in the stated order. No second or vote is required and the presiding officer should return discussion to the proper agenda item. Any decision by the presiding officer to return to a specific agenda item or not return to a specific item can be appealed.

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

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

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

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

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

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

(8) In order to avoid confusion, the presiding officer may divide the subject matter of a motion into several parts and direct discussion and voting on each of the separate parts. Additionally, any voting-eligible member of a legislative body may make a motion to divide the question into separate parts for discussion and voting. At the discretion of the presiding officer, a second may be required for such a motion. Debate is not allowed.

(9) Except where prohibited by federal or state law or regulation, at the same meeting but no later than the next regular meeting of a legislative body, the legislative body may reconsider any vote taken in order to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. A motion to reconsider must be made by a voting-eligible member of the legislative body who voted on the prevailing side in the earlier vote. A second is required at the discretion of the presiding officer and the motion is debatable. Any voting-eligible member of the legislative body may second the motion. The motion to reconsider requires the number of affirmative votes specified in the SCAG Bylaws for all regular voting matters, regardless of the number of votes required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special preference over the pending matters and any special voting requirements related thereto still apply. After all basic motions associated



with an item have been voted upon or rendered moot, action on the item is deemed closed subject to a proper motion for reconsideration.

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

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

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

## ARTICLE VIII

### STIPENDS AND EXPENSE REIMBURSEMENTS

#### **A. General Stipend Payment Policy**

(1) The payment for a stipend of one hundred twenty dollars (hereinafter "Stipend") will be calculated and authorized by the Office of Regional Council Support based on attendance records, attendance sheets or submitted expense reimbursement forms.

(2) Requests for Stipend payments must be received by the Office of Regional Council Support no later than 30 days after the close of the fiscal year for which the Stipend payments are requested.

#### **B. Stipends for Representatives of Regional Council Members and SCAG Officers**

(1) Representatives of Regional Council Members and SCAG Officers shall receive a Stipend for attendance at SCAG-sponsored meetings or events (such as, the General Assembly, Regional Council meetings, Economic Summit, Demographic Workshop, etc.) or other SCAG business activities. A Stipend will be authorized for each day of actual attendance at such SCAG-sponsored meetings or activities. Stipends for business travel on behalf of SCAG meetings or activities will be authorized for days on which actual business is conducted and not for days that are devoted solely to travel. With regard to multiple meetings on a single calendar day, a Stipend will be authorized for attendance at every meeting that is at a different address. A request for a Stipend payment must be made in writing and contain information on the date, time, location and purpose of any such meeting and be submitted to the Office of Regional Council Support. Such requests must be approved by the SCAG President or SCAG's Executive Director or his/her designee. Attendance at SCAG-sponsored meetings or activities shall be demonstrated by a signature on an attendance form, attendance records of SCAG staff at such meetings, or a the submittal of an expense reimbursement form to the Office of Regional Council Support.

(2) Representatives of Regional Council Members and SCAG Officers shall receive only one Stipend for attendance at one or both of the monthly Regional Council meeting and the same day meeting of the individual's assigned SCAG Policy Committee (or a joint meeting of all of the Policy

Committees). Attendance will be demonstrated by the individual's signature on the attendance forms for the Regional Council and the Policy Committee.

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

(4) Representatives of Regional Council Members may receive up to six Stipends per month and the SCAG President may authorize two additional Stipends in a single month on a case-by-case basis. SCAG's First Vice President, Second Vice President and Immediate Past President may receive up to nine Stipends per month. SCAG's President may receive up to twelve Stipends per month. Approval by the Regional Council is required for payment of any Stipends in excess of the limits identified herein.

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

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

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

(3) Attendance at all such meetings shall be demonstrated by a signature on an attendance form, attendance records of SCAG staff at such meetings, or the submittal of an expense reimbursement form to the Office of Regional Council Support. Other elected officials may receive up to four Stipends per month.

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

(5) Notwithstanding subsection C(4) of this Article VIII, the representative from the

private/business sector appointed by the President to serve on both the Regional Council and Executive/Administration Committee as an ex officio member is eligible to receive a Stipend (pursuant to the process provided in Article VIII.B) and reimbursement of travel expenses (as provided in Article VIII.F) for attending up to four (4) meetings per month consisting of the Regional Council, the Executive/Administration Committee, the General Assembly, the Economic Summit, and other SCAG events as the President or Executive Director may specifically request.

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

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

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

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

**E. General Travel Policy**

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

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

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

incurred.

(4) The Executive Director or his/her designee shall review all requests for travel reimbursements.

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

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

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

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

(4) The cost of alcoholic beverages cannot be claimed for reimbursement. Meal allowances will not be paid if meal service is provided by SCAG (e.g. lunch at meetings of the Regional Council). The following allowances for meals and incidentals, or 150% (one-hundred fifty percent) of the reimbursement amounts approved by the State of California, whichever is higher and which include an allowance for gratuities, shall apply and be reimbursed without receipts. Higher amounts may be approved by the Regional Council in the case of international travel.

a. Breakfast costs of \$10.50 if away from home or if travel begins from home to a meeting that

starts at 10AM or earlier.

- b. Lunch costs of \$16.50.
- c. Dinner costs of \$34.50 if away from home or if the travel begins from home to a meeting that starts at or before 4PM and ends at or after 7PM.
- d. Incidental costs of \$5 for each day involving an overnight stay away from home.

(5) Lodging is reimbursable at the applicable government rate plus taxes if: (a) required for trips outside of the SCAG Region; (b) an individual is required to travel 75 miles or more one way for a SCAG-related activity that begins at 10 AM or earlier; or (c) an individual is required to attend a SCAG-related activity that begins at 1 PM or later and is required to attend a SCAG-related activity the following day that begins at 10 AM or earlier. If government lodging rates do not appear to be available, assistance should be requested from SCAG staff, if possible, to avoid paying above government rates. Lodging charges that are more than double standard government rates for the locale of the lodging will require approval of the SCAG President before reimbursement can be made.

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

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

(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.

## 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.



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

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

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

**G. Grant Applications** – The Executive Director or his/her designee is authorized to submit grant applications to funding agencies for projects or activities that are consistent with SCAG’s Mission.

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

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

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

## 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 release 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 be inspected. SCAG staff shall take those steps necessary to ensure that no inspected records are altered, removed or destroyed. If photocopies of

inspected records are required, SCAG staff shall arrange for the copies to be made and provide them within 10 business days.

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

**G. Public Records in Private Email Accounts or on Private Electronic Devices** – The California Supreme Court has determined that emails and text messages related to the conduct of the public's business sent and received on the private electronic devices of public officials, employees and contractors are subject to disclosure as public records under the California Public Records Act. Communications that are primarily personal and contain no more than incidental discussions of the business of SCAG are not public records. Communications that are in the possession of a SCAG contractor may be considered owned by SCAG and in SCAG's constructive possession based on the terms of the contractual relationship between SCAG and the contractor. Until and unless further guidance is provided by the courts, when SCAG receives a request for public records that may reside on the electronic device of a public official, employee or a SCAG contractor, SCAG will communicate the request to such individuals along with guidance on the requirements of the California Public Records Act and the time constraints associated with the request. SCAG will then reasonably rely upon such public official, employee or contractor to search his/her own personal files and devices and provide any public records to SCAG in timely fashion.

**H. Public Record Requests Applicable to SCAG Representatives** – When SCAG receives a public record request applicable to one or more SCAG Representatives, SCAG staff shall, to the extent allowed by law or regulation, provide notice of the request to the involved SCAG Representatives and provide a copy of any materials to be provided in response to the public record request if desired by the involved SCAG Representatives.

Appendix A

**SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS  
DISTRICT REPRESENTATIVE ELECTION PROCEDURES**

The notice for SCAG Regional Council District Elections is a two-step process.

1. First Notice: Call for Candidates

All elected members of a city council in a city that is a voting-eligible member of SCAG and that is within the boundaries of a District are eligible candidates for District Representative.

The First Notice is a call for candidates, notifying interested elected officials in the District to submit their name as a candidate for the District representative seat. SCAG staff will communicate the First Notice to all eligible candidates for a District Election at least 30 days in advance of the District Election and identify the date, time and location of the District Election. SCAG staff shall also communicate the First Notice to the city managers and city clerks of the cities within the respective District, as well as the District's subregional organization.

The First Notice may be communicated by electronic means or U.S. Mail.

The First Notice will identify a contact point within SCAG for all communications regarding the District Election.

Eligible elected officials who intend to be candidates for a District Election must notify the identified SCAG contact point in writing or by electronic communications no later than fourteen days after the date of the First Notice, or by the date specified in the First Notice.

2. Second Notice: Identification of Candidates

Once the candidate notification period has ended, SCAG staff will provide a Second Notice to all elected members of the city councils from cities that are voting-eligible members of SCAG and within the boundaries of the District.

The Second Notice will identify all of the candidates and confirm the date, time and location of the District Election.

The Second Notice will also be sent to city managers and city clerks of the cities in the District, as well as the District's subregional organization. The Second Notice shall be sent by electronic communications or U.S. Mail by SCAG Staff and will request that a District Election Notice be posted in accordance with the requirements of the Brown Act.

#### Other District Election Guidelines

District Elections will be scheduled by SCAG staff in cooperation with the cities in each District. District Elections shall be held in conjunction with meetings of subregional organizations or the League of California Cities or at other times and locations identified by SCAG staff working in cooperation with the cities in a District.

District Representatives shall be elected by a majority of the votes of those city council members present from voting-eligible cities with a quorum.

A quorum shall consist of at least one city council member present from at least two-thirds of the voting-eligible SCAG member cities in a District. For example, if District X is comprised of six member (6) cities, then at least one (1) local elected official from four (4) of the member cities within District X must be present to constitute a quorum. When a quorum is present, the election may be conducted.

Nominations from the floor shall not be permitted.

Proxy voting and teleconferencing are not allowed.

In the event of a tie vote, additional balloting shall occur until a District Representative is elected.

Elected officials from cities that are not voting-eligible members of SCAG cannot vote and cannot be candidates for District Representative positions.

If there is only one candidate, that individual shall be declared the District Representative and no election will be required.

Special election are elections resulting from a vacancy of the District representative seat. These procedures may be followed for special elections of District representatives, but may be revised by SCAG staff based upon the circumstance. For example, the timing of the two-step noticing process set forth herein may be shorted by SCAG staff, as necessary.

Appendix B

**SUMMARY of SCAG's RULES OF ORDER**

**Three (3) Basic Motions**

Main Motion

Motion to Amend Main Motion

Substitute Motion

Friendly Amendments must be accepted by maker of motion and seconder.

No more than three (3) Basic Motions under consideration at one time.

**Motions Regarding Pending Basic Motions (no debate – seconds at discretion of presiding official)**

Motion to Lay on the Table

Motion to Return from the Table

Motion to Call the Question

Motion to Limit or Extend Debate

Motion to Object to Consideration of an Item

Motion to Refer

**Courtesy and Convenience Motions**

Call for Agenda to be Followed (no debate, no second required)

Motion for Recess (no debate, second discretionary)

Motion to Adjourn (no debate, second discretionary)

Point of Order (no debate, no second required)

Motion to Appeal a Ruling (debate allowed, second discretionary)

Motion to Suspend a Rule (debate allowed, second discretionary)

Motion to Divide a Question (no debate, second discretionary)

Motion to Reconsider (no later than next meeting, made by voter on prevailing side, second discretionary, debate allowed)

Motion for Roll Call Vote (no debate, second discretionary)

Motion to Withdraw (no debate, no second, others may make withdrawn motion)



Appendix C

**ROSENBERG's RULES OF ORDER**



#### **MAIN OFFICE**

900 Wilshire Blvd., Ste. 1700,  
Los Angeles, CA 90017  
Tel: (213) 236-1800

#### **IMPERIAL COUNTY REGIONAL OFFICE**

1503 North Imperial Ave., Ste. 104  
El Centro, CA 92243  
Tel: (213) 236-1967

#### **ORANGE COUNTY REGIONAL OFFICE**

OCTA Building  
600 South Main St., Ste. 741  
Orange, CA 92868  
Tel: (213) 236-1997

#### **RIVERSIDE COUNTY REGIONAL OFFICE**

3403 10th St., Ste. 805  
Riverside, CA 92501  
Tel: (951) 784-1513

#### **SAN BERNARDINO COUNTY REGIONAL OFFICE**

Santa Fe Depot  
1170 West 3rd St., Ste. 140  
San Bernardino, CA 92418  
Tel: (213) 236-1925

#### **VENTURA COUNTY REGIONAL OFFICE**

4001 Mission Oaks Blvd., Ste. L  
Ventura, CA 93012  
Tel: (213) 236-1960

**[SCAG.CA.GOV](http://SCAG.CA.GOV)**