

LASSEN COUNTY TRANSPORTATION COMMISSION
Resolution 22-10
Rules of Procedure for the Lassen County Transportation Commission

WHEREAS, The Lassen County Transportation Commission (Commission) was formed on May 8, 1972, by the Lassen County Board of Supervisors by the adoption of Resolution No. 2119 and pursuant to Article 11, Chapter 2 of Division 3 of Title 3 of the California Government Codes to comply with the provisions of California Senate Bill 325, the Mills-Alquist-Deddeh Act, better known as the Transportation Development Act (TDA); and

WHEREAS, the Commission has specific duties pursuant to state and federal statute as the Local Transportation Commission for administering the provisions of the Transportation Development Act for allocating Local Transportation Funds and State Transit Assistance Funds and as the state designated Regional Transportation Planning Agency to perform transportation planning activities for its member entities; and,

WHEREAS, the Commission is established as a public entity separate and distinct from its member entities of the County of Lassen and City of Susanville; and,

WHEREAS, California Government Code Section 29535 governs the composition of a local transportation commission's governing board to be comprised of six appointed regular members and six appointed alternative members; and,

WHEREAS, the Lassen County Board of Supervisors and the Susanville City Council shall each appoint three regular members to serve on the Commission; and

WHEREAS, each appointing authority, for each regular member it appoints, may appoint an alternate member to serve and vote in the place of the regular member when the regular member is absent or disqualified from participating in a meeting of the commission; and

WHEREAS, the term of office for each regular member or alternative member is at pleasure of the member's appointing member agency, and it may be affirmed at any frequency, from time to time, at the discretion of its member agency; and,

NOW THEREFORE, BE IT RESOLVED by the Commission that the Commission is authorized to exercise the common powers provided for in these Rules of Procedure (Rules) and to administer and otherwise execute the provisions of these Rules.

BE IT FURTHER RESOLVED that it is the intention of the Commission that these Rules shall supersede any prior guidelines, agreements, discussions, commitments, representations, resolutions, actions or agreements, written or oral, of the Commission pertaining to commission proceedings and Rules.

RULES OF PROCEDURE

RULE 1. MEETINGS

Regular Meeting: A Regular Meeting of the Commission shall be held on the second Monday of every odd numbered month (January, March, May, July, September, and November) in the City of Susanville Council Chambers, or at a time and location determined by the Commission.

- A. **Special Meeting:** A Special Meeting of the Commission may be held at any time or place, if notice of such meeting is given consistent with the Ralph M. Brown Act. The Chairman of the Commission, the Vice Chairman, or the Executive Secretary may call a special meeting, including the time and date of business to be conducted. It shall be the responsibility of the Executive Secretary to prepare, post and provide notice and agenda of the special meeting consistent with the Ralph M. Brown Act.

- B. **Time Business:** Time of business for a regular meeting shall normally be conducted from 1:30 P.M. unless another start time is timely published on any agenda in accord with the Ralph M. Brown Act.

- C. **Adjournment:** Whoever is present, even if they are less than a quorum, may so adjourn a regular or special meeting if no member of the Commission is present, the Clerk or Executive Secretary may adjourn the meeting. Notices and agendas for adjourned and continued meetings and hearings shall follow the Ralph M. Brown Act.

- D. **Order of Business:** The Order of Business at regular and special meetings shall be as arranged by the Chairman, except for matters set for a specific time by the agenda or action of the Commission. The Order of Business at regular meetings shall be identified on the agenda as follows:

AGENDA

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- 1. **Convene/Call to Order (Re-adjournment, if necessary)**
 - 1.1 Pledge of Allegiance
 - 1.2 Agenda Approval, Additions and/or Deletions
 - 1.3 Minutes Approval
- 2. **Correspondence/Public Comment**
 - 2.1 Public Comment (Non-Agenda Items)
 - 2.2 Correspondence
- 3. **Reports**
 - 3.1 Executive Secretary
 - 3.2 Caltrans
 - 3.3 California Highway Patrol
 - 3.4 Susanville Indian Rancheria
 - 3.5 City of Susanville
 - 3.6 County of Lassen
 - 3.7 Technical Advisory Committee

3.8 Summary of Commission Financial Activities

4. New Business
 5. Other Business
 6. Closed Session (Optional), if needed, and may be held at any time as permitted by the Ralph M. Brown Act and as allowed by the agenda schedule.
 7. Announcement of Items Discussed in Closed Section
 8. Matters brought forth by Commission members
 9. Recess (as necessary)
 10. Adjournment
- E. Matters not on the Agenda: It is the policy of the Commission to discourage adding items not listed on the posted agenda unless there is a substantial urgency to add such item. Items may be added to the agenda only in compliance with the Ralph M. Brown Act. Ralph M. Brown Act. Commission meetings shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9, Part 1, Division 2 of the Government Code, commencing with Section 54940) or as amended.

RULE 2. OFFICERS

- A. Officers: The Commission Officers shall consist of a Chairman and a Vice Chairman.

The duties of the Chairman include:

1. Presiding at all meetings of the Commission
2. Ruling on points of procedure
3. Setting the order of business on the Agenda
4. Establishing ad hoc committees
5. Appointing members to standing and temporary (ad hoc) committees
6. Executing documents on behalf of the Commission where the underlying action has been approved by the Commission
7. Calling Special Meetings of the Commission, as authorized pursuant to SECTION 2, above

The Duty of the Vice Chairman includes:

1. Fulfilling the duties of the Chairman when the Chairman is absent
- B. Election of Officers: At the first regular meeting of the calendar year, the Chairman and Vice Chairman shall be elected by majority vote of the Commission. In the event that in any given year, the first regular meeting of the year shall occur before any newly elected Commission member (or members) is seated, the election of the Chairman and Vice Chairman shall be postponed until all new Commission members are seated or until the second regular meeting of the year.
- C. Term: The Chairman and Vice Chairman shall preside for one year, or until their successors are installed, respectively, whichever last occurs.
- D. Chairman Pro Tem: In the absence or inability of the Chairman and the Vice Chairman to attend any meeting, a Chairman pro tem shall be selected by the members present to serve in

such capacity at that meeting.

- E. Vacancies: If the Chairmanship becomes vacant for any reason, the office is to be filled by the Vice Chairman, irrespective of the length of time the Vice Chairman has held such office. If the Vice Chairman succeeds to the office of the Chairman, the Commission shall elect a new Vice Chairman at the earliest opportunity.
- F. Removal: Any officer may be removed from office by a majority vote of the Commission.

RULE 3. ATTENDANCE

- A. Commission Members: All regular and alternate Commission members are expected to attend the meetings of the Commission unless such member is ill, subjected to a business or family emergency, or official business. Members are required to let the Executive Secretary and Chairman know of any planned absences.
- B. Clerk (Executive Secretary): The Executive Secretary or designee shall serve as the Clerk (Executive Secretary) of the Commission. The Clerk shall maintain a public record of the Commission's resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each regular and special meeting of the Commission.
- C. Legal Counsel: The Commission may proceed with Agenda matters for which Counsel's presence is unlikely to be required. The Executive Secretary or Chairman shall make prior arrangements with Counsel to be present at a meeting or available to the Commission by telephone.
- D. Executive Secretary: The Executive Secretary or designee shall attend all meetings of the Commission. Occasional absences for the purposes of a vacation are recognized. The Executive Secretary shall advise the Commission of any planned absences.

RULE 4. AGENDA MANAGEMENT

- A. Preparation: Agendas for regular and special meetings will be prepared by the Executive Secretary or designee based on items submitted by regular or alternative members, the City Administrator, the County Administrative Officer, the City Director of Public Works, the County Director of Public Works/Transportation Director, and written requests from affiliated agencies (i.e. Caltrans, California Highway Patrol, Federal Highway Administration) or the public.
 - 1. Requests from members of the public to place an item on a regular or special agenda shall either be sponsored by a regular member or alternative member or the Executive Secretary before being placed on the agenda for discussion. Issues or conflicts pertaining to the sponsorship on an agenda items that are not resolved among the foregoing shall be submitted to and resolved by the Chairman of the Commission or by majority vote at a regular or special meeting.

- a. Legal Documents: Any formal contract or agreement shall be submitted to the Commission in final form as “approved to form” by legal counsel together with any proposed adopting resolution.
- B. Correspondence: Any item of correspondence requiring discussion and action by the Commission shall be noticed correctly for the item to be acted upon by the Commission.
- C. Reconsideration: Any matter which has been decided by vote can be reconsidered by the Commission when a regular or alternative member, who 1) was on the prevailing side of the vote, and 2) who has changed position or view requests reconsideration of the matter.

RULE 5. PROCEDURE

- A. Motion: When a member makes a motion, the motion shall be stated to the Chairman by the moving member. Upon being recognized by the Chairman, anyone may ask the Chairman to ask the Clerk to repeat the motion.
- B. Second: No question on a motion shall be debated or put to vote unless the motion has been seconded. When a motion is seconded, it may be stated by the Chairman or the Chairman’s designee before the debate.
- C. Possession and Withdrawal: A motion having been stated by the Chair, it shall be deemed to be in possession by the Commission, but it may be withdrawn at any time by the maker of the motion before decision or amendment with the assent of the second.
- D. Incidental Motions: When a question is under debate, no motion shall be received unless:

To adjourn

A motion to adjourn shall be decided without debate.

To take a recess

To adjourn at a fixed time

A motion to fix time of adjournment shall be decided without debate.

To lay on the table

To take from the table

To consider the previous question

To postpone to a certain time and date

To commit to committee

A motion to commit to committee shall specify the purpose of the committee, the length of time the committee shall serve, and the times and methods by which the committee shall report to the Commission

To amend

To postpone indefinitely

- E. Call to Order: A member called to order shall relinquish the floor unless permitted to explain, and the Commission, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Chair shall be final.

- F. Roll Call Vote: Upon demand of any Commission member, or at the discretion of the Chair, the vote shall be by roll call. The vote at all telephonic meetings shall be by roll call. The vote of each Commission member on an action shall be publicly reported.
- G. Quorum: A quorum for the transaction of business shall be four members comprised of 1) regular members, or 2) any combination of regular and alternate member(s) serving in the absence or vacancy of a regular member from the same jurisdiction. If less than a quorum is present, the only action which may be taken is to note for the record that a quorum is lacking. Without a quorum, a meeting may not be scheduled or rescheduled.
- H. Voting Requirements: Each regular member appointed to the LCTC, or alternate member serving in the absence or vacancy of a regular member, shall have one vote on matters brought before the LCTC.
1. The minimum vote required to pass an item shall be four (4) affirmative votes unless a greater number is otherwise required by law or by prior action of the Commission. If only four (4) members of the Commission are present, any action shall require a unanimous vote of such four members.
- I. Abstentions: Any Commission member may abstain from voting. An abstention shall not be counted as a vote for or against an item. An abstention from voting on the merits of any matter shall be announced audibly.
- J. Minute Order: A Commission Minute Order applies as a directive to the Executive Secretary. It need not be reviewed in writing, as it generally applies to one specific act only (e.g. investigate funding opportunities and report back to the Commission at the next regular meeting).

RULE 6. CONFLICTS OF INTEREST

- A. Procedure: Any Commission member who has a financial interest in a decision (see Government Code § 87100, et. seq.) shall do the following:
1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, and
 2. Recuse himself or herself from discussing and voting on the matter
 3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the consent agenda, or as otherwise allowed by law. .

While there is some legal authority which allows an individual Commission member to address the Commission on an issue with which they have a conflict, it is incumbent on that individual Commission member to correctly apprise themselves to what degree they are legally permitted to do so. Such activity should be exercised with caution not only to reduce the likelihood of a

violation by the individual Commission member of the Political Reform Act, Government Code section 1090, or any other applicable law, but also to mitigate any perception of impropriety by the Commission as a whole.

RULE 7. PUBLIC COMMENT

- A. Closed Session and Non-Agenized Items of Commission Business: The Order of Business on the Commission's Agenda shall provide a time for public comment to allow members of the public to speak 1) at prior to any closed session, if any, and 2) during each regular and each special meeting on any item of interest within the subject matter jurisdiction of the Commission, however, the Commission is prohibited from taking any action on any item not listed on the Agenda.
- B. Public Comment on Agenda Items: The public shall have the right to speak on a specific item of business before or during the Commission's consideration of the item on the agenda.
- C. "Public" Defined: The term "Public" includes everyone except members of the Commission, members of the Technical Advisory Committee, Elected Officials or their designees (collectively referred to as "staff"), Commission Staff, representatives to the Commission from the California Highway Patrol, CalTrans, Federal Highway Administration, Commission's independent contractor(s) and any authorized signatory party to a contract agenzized and pending before the Commission.

RULE 8. PROCEDURE FOR HEARINGS

The order of procedure for hearings before the Commission shall follow the County of Lassen's procedures for hearings, as contained in the Board of Supervisors Rules of Procedures.

RULE 9. ADOPTION OF RESOLUTIONS

Resolutions shall be adopted by a majority vote of the members upon motion duly made and seconded. A resolution shall take effect immediately, unless a different time period for effectiveness is set by law. A resolution may be adopted by a voice vote except where the law requires a specific number of votes.

RULE 10. DIRECTION OF COMMISSION PERSONNEL AND CONTRACTORS

All direction to Commission employees and independent contractors should be given through the Executive Secretary or as provided by agreement. Individual commission members shall not give direction to commission employees or independent contractors.

RULE 11. AMENDMENTS

Amendments to these rules of procedure shall be by majority vote of the Commission, and the amendment shall become active at the Commission's next regular meeting.

RULE 12. COMMITTEES

- A. Creation: The Chairman, Executive Secretary, or the Commission has the power to establish

committees for addressing items of Commission interest or authority. A motion from the Commission to commit an item or to create a committee shall specify the purpose of the committee, the length of time the committee shall serve, and the times and methods by which the committee shall report to the Commission. The types of committees shall be as follows:

1. Standing Committees: By resolution or formal action of the Commission, the Commission may create a standing committee of the Commission for the purpose of having continuing subject matter jurisdiction (e.g. budget, policy, planning) and a fixed meeting schedule. A standing committee shall comply with the Ralph M. Brown Act.
2. Temporary Advisory or Ad Hoc Committees: A temporary advisory (i.e. ad hoc) committee may be designated by an informal action of the Chairman, or at any time under the implied authority of the Executive Secretary. In either occurrence, a temporary advisory committee may be exempt from the Ralph M. Brown Act, and shall only perform under these conditions: (1) a limited term (2) be comprised of less than a quorum of the Commission; (3) serve in a limited or single purpose (i.e. specific task), (4) is not perpetual, and (5) it will be dissolved once its specific task is completed.

RULE 13. INTERPRETATION

In the absence of rules, herein, or if interpretation is necessary of these Rules, the Chairman and the Commission shall refer and adhere to Rosenberg's Rules of Order¹ in effect at any given time.

The foregoing resolution was passed and adopted at the December 12, 2022 meeting of the Lassen County Transportation Commission by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Aaron Albaugh
Chair, Lassen County Transportation Commission

The foregoing instrument is a correct copy of the original on file in the office of the Executive Secretary of the Lassen County Transportation Commission.

John Clerici, Executive Secretary

December 12, 2022
