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NORTH COUNTY CORRIDOR TRANSPORTATION EXPRESSWAY AUTHORITY RULES AND REGULATIONS

ARTICLE 1: FUNCTIONS AND DUTIES

The North County Corridor Transportation Expressway Authority, referred to hereafter as the “Board of Directors” functions pursuant to the [CALIFORNIA CODE (S) AND OR COUNTY CODE(S)]. The following articles shall govern all proceedings of the Board.

ARTICLE 2: MEMBERSHIP, OFFICERS, ORGANIZATION AND ATTENDANCE

Section 1 – Membership:

The Board of Directors shall consist of two (2) appointed or elected representatives from Stanislaus County and one (1) appointed or elected representative from each City Jurisdiction, hereinafter referred to as a “ Director”. Each jurisdiction may also appoint or elect an alternate representative.

Section 2 – Term of Office:

Each Director is appointed for the term of the Joint Powers Agreement.

Section 3 – Officers

- (a) Selection. A Chair and Vice-Chair shall be elected for the term of the Joint Powers Agreement.
- (b) Succession. The Vice-Chair shall succeed the Chair if the Chair vacates the office before completion of the term and shall serve the remainder of the unexpired term. A new Vice-Chair shall be elected at the next regular meeting to fill the balance of the Vice-Chair term.

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(c) Chair and Vice-Chair Absent. In absence of the Chair and Vice-Chair, any Director may call the Board to order, and a Chair pro tem shall be elected from

the Directors present and shall assume the responsibilities of the Chair.

(d) Chair Responsibilities. The responsibilities and powers of the Chair shall be as follows.

(1) Preside at all meetings of the Board and rule on all questions of order.

(2) Call special meetings of the Board in accordance with the legal requirements and Rules of Procedure.

(3) Sign documents on behalf of the Board.

(4) Appoint all subcommittees of the Board.

(5) Direct appropriate action on items raised that are not listed on the Board agendas.

Section 4 – Vice Chair Responsibilities: In absence of the Chair, or when the Chair is disqualified from participation or voting, the Vice-Chair shall assume the responsibilities of the Chair.

Section 5 – Secretary: The Stanislaus County Director of Public Works or a designated member of the Public Works staff, shall function as the Secretary of the Board. The Secretary shall notify Directors of meetings, present the reports and recommendations of the Board's staff, enter into the minutes all official actions or decisions of the Board, keep the official records of the Board, transmit the findings of the Board to their Council and Supervisors and perform such other duties as the Board may require.

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Section 6 – Legal Counsel: County Counsel shall serve as legal counsel to the Board.

Section 7 – Technical Advisory Committee: The Technical Advisory Committee shall consist of one (1) representative from each jurisdiction. The Chair shall appoint and replace the members of the committee.

Section 8 – Special Committees: The Board may establish whatever special committee it deems appropriate for the conduct of its business. The Chair shall appoint and replace the members of each special committee.

Section 9 – Attendance: Any Director who misses three consecutive regular meetings without a valid excuse, approved by the Board, is subject to removal from the Board by each jurisdictions Elected Board.

ARTICLE 3 – MEETINGS

Section 1 – Conduct of Meetings: Except as herein or otherwise provided Robert’s Rules of Order, Revised shall govern all proceedings of the Board.

Section 2 –Regular Meetings: The Board shall hold regular meetings on the second Wednesday of each month. The meeting shall start at 4:30 p.m. The Board shall state the location of the meeting. Any regular meeting may be adjourned from time to time.

Section 3- No Meeting on Holidays: Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be re-scheduled to another business day, or cancelled at the direction of the Chair.

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Section 4 – Adjourned Meetings: In the event it is the wish of the Board to adjourn its regular meeting to a certain hour on a day, other than a regularly scheduled meeting, a specific date, time and place must be set by the Board prior to the regular motion to adjourn.

Section 5 – Special Meetings: The Chair may call special meeting as necessary, providing that each member of the Board and each newspaper, television station and other news media which so requests in writing, is notified at least 24 hours before the meeting.

Section 6 – Study Sessions and Workshops: The Chair may convene the Board as a whole or as a committee of the whole, for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required. Such meetings shall be open to the public; but unless the Board invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

Section 7 – Cancellation of Meetings: The Chair may cancel any regular or special meeting of the Board if it is determined there is no significant business to be conducted. However, the Board shall hold at least an annual meeting.

ARTICLE 2 – AGENDAS, ORDER OF BUSINESS

Section 1 – Agendas: An agenda for each meeting shall be prepared by the Secretary or assigned staff and posted seventy-two (72) hours before each meeting.

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Section 2 – Order of Business: Unless the Secretary determines otherwise, the following sequence shall be used in preparation of agendas:

- I. Roll call (silent)
- II. Pledge of Allegiance
- III. Explanation of Joint Powers Agreement Board of Directors Function
- IV. Minutes from Previous Meeting(s)
- V. Correspondence – Included in agenda packet and received after packet has been distributed
- VI. Conflict of Interest Declarations
- VII. Agenda Items – Consent Items – Non Consent Items
- VIII. Public Hearings
- IX. Other Matters
- X. Citizen’s Forum
- XI. Report of the Director
- XII. Additional Matters at the Discretion of the Chair
- XIII. Adjournment

The order of business may be altered at the discretion of the Chair.

Section 3 – Requests for Continuance: If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date or continue indefinitely. A motion may also be made and voted on to place the item

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anywhere under the “Public Hearing Items” heading on the agenda. Any person desiring to be heard on the item may be given an opportunity to make a presentation.

Public Hearings – Consent Items: Those applications which are determined by the Secretary to be consistent with all regulations and requirements and have not generated any controversy may be placed on the consent item calendar. At the hearing, the Chair shall identify each individual item on this calendar and indicate the Board’s intent to approve all items, with findings noted in the Staff Report, unless a Director or member of the audience wishes a discussion of a particular item. For those items where no one wishes discussion, a motion to approve is in order. Any item that has been requested for further discussion shall be removed from the consent portion of the calendar and placed on the non-consent portion of the calendar. A full public hearing shall be conducted on the item.

Section 5 – Public Hearings – Non Consent Items: The Chair shall announce, open, request the Secretary’s report and preside over each public hearing conducted by the Board.

Section 6 – Secretary’s Report: The Secretary or designated staff shall present a report on each application for which a public hearing is conducted. The Secretary’s report shall contain a staff recommendation and the basis for the recommendation. The Board may ask technical questions of staff or advisory staff.

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Section 7 – Oral Public Testimony: Upon the completion of the Secretary’s report, the Chair shall invite proponents and opponents of the proposal under consideration to address the Commission. The Chair shall recognize speakers and determine the order in which they address the Commission.

Section 8 – Conduct of Speakers: Each speaker shall be required to give their name and address. The speaker may then proceed to offer information. However, speakers will be limited to the item under consideration and irrelevant and off-the-subject comments may be ruled out of order by the Board. The Chair will not tolerate and complaints regarding individual Directors or the staff or any remarks of a personal nature during a public hearing. All comments shall be addressed to the Board.

Section 9 – Time Limits for Testimony: In the event that a large number of speakers wish to address the Commission, the Chair may limit the amount of time afforded to each speaker to five (5) minutes. In addition, the Chair may foreclose any testimony which presents evidence which is repetitious, incompetent, irrelevant, immaterial, which constitute offensive or inappropriate language or remarks of a personal nature.

Section 10 – Written Testimony: The Board’s policy is to encourage the early submission of all written material to allow sufficient time to comprehend the material. In order to be included in the Board’s agenda packet, written material should be presented to the Secretary no later than ten (10) days prior to the scheduled Board meeting. Written material received after the agenda has been given to the board may be presented to them at the scheduled meeting by the Secretary.

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Section 11 – Documentary Evidence: Any documents, writings, pictures, exhibits, video tapes or other forms of tangible expression once submitted to the Board shall become property of the Board and part of the public record.

Section 12 – Closing of Public Hearing: The Chair shall close the public hearing when it is determined that all solicited testimony has been received. Subsequently, at the discretion of the Chair, comments may be made by persons in the audience if any matter not previously discussed is introduced into the hearing or if clarification is necessary.

Section 13 – Discussion and Decision by the Board: After the public hearing has been closed, the Directors shall discuss the evidence presented and reach a decision on the proposal under consideration. The proposal may be continued to a future meeting if the Board determines that additional information is required or additional time is necessary to consider oral and written testimony.

Section 14 – Voting Requirements:

- I. A quorum shall consist of three (3) Directors. In the absence of a quorum, the Directors present shall constitute a committee of the Board and shall make a report of their action at the next succeeding meeting at which a quorum is present. The actions of the committee shall become effective when ratified by the members of the Commission at such succeeding meeting.

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- II. A majority vote is required for the Board to take action unless otherwise required by state law.
- III. In the case of a tie vote or where less than majority vote is cast on a motion, the motion fails and a new motion is in order. If an alternative action is not possible, the proposal shall be considered denied.
- IV. Directors shall note vote on a motion unless they have been present during the entire hearing on the issue.
- V. When a Director of the Board abstains from voting on any matter before it because of a potential conflict of interest, said abstention shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered.

Section 15 – Disqualification from Voting: Directors shall disqualify themselves from voting in accordance with the _____ Conflict of Interest Code and all applicable laws and regulations. When Directors disqualify themselves, they shall state prior to the consideration of such matter by the Board that they are disqualifying themselves due to a possible conflict of interest and shall then step down from the dais.

Section 16 – Records and Meetings: Board public meetings shall be recorded by mechanical means. When a request is made in writing for a stenographic record of a public hearing, the record shall be prepared and made available to the requesting party at cost. An advance deposit in the amount necessary for duplication will be require from the requesting.

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