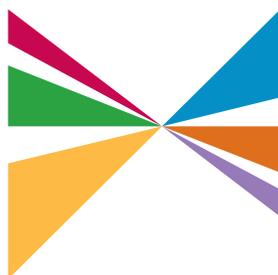


Southern California
Association of Governments

**Regional Council
Policy Manual**

SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

Adopted by the
SCAG Regional Council
July 12, 2007
Updated September 2009

INTRODUCTION

At the direction of the Regional Council, SCAG's Legal Department has gathered and reviewed past policies adopted by the Regional Council, and have incorporated such policies into this comprehensive Regional Council Policy Manual ("Policy Manual"). This Policy Manual includes certain procedural provisions originally included as part of SCAG's Bylaws, which the Regional Council and General Assembly approved on May 3, 2007, to be moved from the Bylaws to this Policy Manual to provide the Regional Council with more flexibility to make future changes on operational procedures. This Policy Manual also includes other Regional Council operational and administrative policies and procedures, as well as the Regional Council's strategic plan and legislative protocol.

SCAG staff believes that this Policy Manual will 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. The Policy Manual was originally adopted by the Regional Council on July 12, 2007, and each summer, SCAG's Legal Department updates the Policy Manual to incorporate new policies as well as changes to existing policies that were approved by the Regional Council during the prior fiscal year.

REGIONAL COUNCIL POLICY MANUAL

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SCAG Vision Statement, Mission Statement and Core Values

(Adopted February 5, 2009)

Vision Statement

An international and regional planning forum trusted for its leadership and inclusiveness in developing plans and policies for a sustainable Southern California.

Mission Statement

Under the guidance of the Regional Council and in collaboration with our partners, our mission is to facilitate a forum to develop and foster the realization of regional plans that improve the quality of life for Southern California.

Core Values

- ❖ *Collaboration -- SCAG fosters collaboration through open communications, cooperation and a commitment to teamwork.*
- ❖ *Service – SCAG’s commitment to service and leadership is second to none.*
- ❖ *Trust – The hallmark of SCAG is trust and is accomplished through a professional staff, transparency in decision making and objectivity and accuracy in our day-to-day work.*
- ❖ *Revolutionary – SCAG is revolutionary in our thinking to achieve a cutting edge work program that is emulated by others.*
- ❖ *Sustainability – SCAG works with our partners and local governments to achieve a quality of life that provides resources for today’s generation while preserving an improved quality of life for future generations.*
- ❖ *Empowering – The empowering of staff occurs to reward initiative, confidence and creativity while promoting inclusionary decision-making.*
- ❖ *Rewarding – SCAG promotes a work environment that allows for professional and personal growth, recognizes astounding achievement, and makes a positive difference in the lives of the staff and the community.*

ARTICLE I: REGIONAL COUNCIL PROCEDURES¹

(Amended November 6, 2008; May 8, 2008; Effective May 3, 2007;
Adopted March 1, 2007)

Section 1

- 1.1 District Representative Election Procedures:** Upon establishment of Districts by the Regional Council, an election of a District representative for each District shall be held as set forth below.
- A. For purposes of this section 1.1, a quorum shall be recorded votes from at least two-thirds (2/3) of the SCAG Member Cities in each District.
 - B. District representative elections shall take place not later than one (1) month prior to the annual General Assembly meeting for applicable District election years or as otherwise set forth by the Regional Council.
 - C. District representatives for each District shall be elected by their peers from among locally elected city council members of cities who are members of SCAG within a District by a majority vote of a quorum. The District shall conduct the election and tabulate the results of said election at regular meetings of formally or informally constituted local government associations, division meetings of the League of California Cities and/or special meetings requested by all SCAG Member Cities within a District. Notwithstanding the above, in the event one or more SCAG Member Cities in a District are located a substantial distance from the location where the election is to take place, the SCAG Member Cities in the District may permit one or more SCAG Member Cities to participate in such election by video teleconferencing or other telephonic means pursuant to procedures adopted by the Regional Council and the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code) ("Brown Act").

Section 2

2.1 Regional Council Meetings:

- A. Notice for Regional Council meetings shall be provided in accordance with the Brown Act.

¹ These procedures were formerly SCAG Bylaws provisions, which were moved from the Bylaws into this separate Regional Council Policy Manual, pursuant to Regional Council action on March 1, 2007 and SCAG Bylaws Amendment #3 approved by the General Assembly on May 3, 2007.

- B. In the event a member of the Regional Council fails to attend (3) consecutive meetings of the Regional Council, the applicable county or cities comprising said member's District or the Tribal Government Regional Planning Board shall be notified of such member's failure to attend.
- C. Unless otherwise determined by the Regional Council, it shall consider recommendations from the Policy Committees at the Regional Council meeting in the following month.

2.2 Executive/Administration Committee:

- A. The Chair of the Executive/Administration Committee shall be the current President of SCAG, who shall preside over meetings of the Executive/Administration Committee. The Vice Chair of the Executive/Administration Committee shall be the First Vice President of SCAG. The Chair and Vice Chair of the Administration Committee shall serve for a one (1) year term, which shall expire upon the adjournment of the regular meeting of the General Assembly.
- B. The Executive/Administration Committee may meet on a day other than the date of the regularly scheduled meeting of the Regional Council on a date and time determined by the President.
- C. In the event that the Executive/Administration Committee meets on other than a regularly scheduled date of the Regional Council, the President or his designee shall notify the Regional Council in advance of the Executive/Administration Committee meeting and submit a full written report of the Executive/Administration Committee's activities and actions at the next regularly scheduled meeting of the Regional Council.
- D. Unless otherwise required by law, all recommendations from the Executive/Administration Committee shall be placed on the Regional Council agenda for consideration on the same day as action items.
- E. A quorum of the Executive/Administration Committee shall be seven (7) of its voting members.

2.3 Policy Committees:

- A. The Policy Committees may elect by a majority of the Committee members present the Chair and Vice Chair for each of the Policy Committees to serve a one (1) year term, which shall expire upon the adjournment of the regular meeting of the General Assembly. The position of Chair and Vice Chair shall be held by Committee members who are also Regional Council members. Persons may serve a

consecutive one-year term as Chair or Vice Chair upon the election of the respective Committee members; provided, however, that no person may serve as Chair or Vice Chair for more than two consecutive years. Any person who served as Chair or Vice Chair of a Policy Committee for two consecutive years must wait one year before re-assuming the position of Chair or Vice Chair, provided that any Vice Chair who has held such position for two years may immediately commence to serve as Chair the following year for up to two consecutive years. If a vacancy occurs in the office of Chair, the Vice Chair shall serve as Chair for the unexpired term and a new Vice Chair shall be elected by a majority vote of the Committee present to fill the unexpired term.

- B. A quorum for each committee shall be one-third (1/3) of its voting members. To take action shall require an affirmative vote of a majority of the members constituting a quorum.
- C. The Policy Committees shall meet on the same day as the Regional Council unless otherwise scheduled by the Chair of the Committee with the concurrence of a majority of a quorum of the Committee.
- D. Only locally elected Tribal Council members and elected public official members of the Policy Committees shall be compensated for attendance at the Policy Committee meetings.
- E. Except as stated below, in the event a member of a Policy Committee fails to attend two (2) consecutive meetings of its respective Policy Committee, the member shall receive written notice of such absences and be informed that a third consecutive absence may result in his or her removal from the Policy Committee by the SCAG President. A copy of the written notice shall also be provided to the member's subregional organization if applicable. If a third consecutive meeting is missed by a Policy Committee member, the Office of Regional Council Support shall notify the SCAG President, who shall have the discretion to remove the member from the Policy Committee. Written notice of any such removal shall be provided to the Policy Committee member. If applicable, a separate letter shall be provided to the member's subregional organization informing it of the member's removal and that a vacancy in the Policy Committee has occurred. In the case where the Policy Committee member is also a member of the Regional Council, the removal shall only apply to the member's membership to the Policy Committee, not to his or her membership on the Regional Council. Re-appointment to a Policy Committee by the SCAG President shall be contingent upon a receipt of a written letter from the elected official indicating his or her commitment to the Policy Committee, and intent to adhere to the attendance policy for Policy Committee Members as described herein. Any absence resulting from a Policy Committee

member's attendance at a meeting or conference organized by the League of California Cities or other public agency to which prior written notice was provided to the Office of Regional Council Support, shall be considered excused and shall not be counted for the purpose of enforcement of this attendance policy. This attendance policy shall also pertain to members of subcommittees and task forces of Policy Committees.

2.4 Amendment or Waiver of Policies and Procedures

By majority vote of a quorum, the Regional Council may amend or waive any policies and procedures set forth in the Policy Manual except for requirements of a quorum, the Brown Act or other provisions of law, and SCAG personnel and administrative policies attached as *Appendix B*.

ARTICLE II: GUIDELINES AND PRINCIPLES FOR THE CONDUCT OF SCAG REGIONAL COUNCIL AND COMMITTEE MEETINGS² (Amended April 5, 2009)

These Guidelines and Principles are intended to assist the Regional Council and the Committees of the Regional Council (“Committees”) in the efficient, effective and orderly management of meetings. The Guidelines and Principles will further facilitate the active participation and consideration of the views of the members of the Regional Council at meetings. In order to implement the Guidelines and Principles set forth below, the Rules of Procedure for Conduct of Meetings of the Regional Council and the Committees are attached as *Appendix A* to this Regional Council Policy Manual. Selected SCAG Administrative and Personnel policies that affect Regional Council and Committee members are attached as *Appendix B* to this Policy Manual.

Section 1

- 1.1 Time of Meetings:** Unless otherwise determined by the President or the Regional Council, the Regional Council, the Executive/Administration Committee and the Policy Committees shall meet regularly on the first Thursday of each month with the actual time of said meetings to be determined by the President and respective Policy Committee Chair. Additional meetings may be called in accordance with the Bylaws. (Art. V, Sec. A (3))
- 1.2 Open Meetings:** All meetings of the Regional Council and Committees shall be conducted pursuant to the Ralph M. Brown Act and shall be open to the public; provided, however, that the Regional Council and Committees may hold closed session as otherwise permitted by law.
- 1.3 Communications from the Public**
- A. Members of the public desiring to speak on an agenda item must notify the Secretary prior to speaking and submit a card indicating his or her name, organization and topic or agenda item.
 - B. Public comments shall be made at the beginning of each meeting.

² The Guidelines and Principles for the Conduct of SCAG Regional Council and Committee Meetings (“Guidelines”) were reviewed at the Regional Council Retreat, June 3-4, 1993; however, there is no record of their formal adoption by the Regional Council. The Guidelines were approved by the Regional Council on July 12, 2007, and subsequently amended on April 3, 2008 with said amendments approved by the General Assembly on May 8, 2008.

- C. Three minutes is the maximum time which is allotted to each speaker unless a majority vote extends the time.
- D. All remarks shall be addressed through the President (or Chair) to the Regional Council as a body and not to any member.

1.4 Agendas

- A. All matters for the information of or action by the Regional Council shall be submitted to the Regional Council on an agenda submitted by the Executive Director.
- B. Prior to a regular meeting of the Regional Council, the Regional Council agenda with supporting materials shall be delivered to each Regional Council member. Prior to a regular meeting of the Executive/Administration Committee, and Policy Committees, each Committee member shall receive the agenda with supporting materials of the Committee to which he or she is appointed. Each substantive item on an agenda shall contain a staff summary. In addition, upon request, a Regional Council member shall receive an agenda for meetings of a committee to which he or she is not a member (without supporting materials, unless otherwise requested).
- C. The Regional Council agenda shall begin with a call to order, the pledge of allegiance, and a public comment period. The remainder of the Regional Council agenda shall follow the order contained in *Appendix A*, unless otherwise determined by the Regional Council.

1.5 Presiding Officer of Regional Council

The President shall be the presiding officer of the Regional Council. The Vice President shall act as the presiding officer in his/her absence. The Second Vice President, followed by the Immediate Past President, shall act as the presiding officer in the absence of both of the above officers. (See Bylaws, Art. VI, Sec. E.)

1.6 Order of Business of Regional Council

When the Regional Council has been called to order, the business of the Regional Council shall be considered in the order prescribed in the agenda, unless otherwise determined by the Regional Council in accordance with law. Each item shall be read by the President before it is considered.

1.7 Reading of Minutes of Meetings of the Regional Council

The minutes of a meeting may be approved without reading if each member has previously received a copy unless a reading of the minutes is requested by a member.

1.8 Presentations to Regional Council

The Agenda shall identify the Committee Chair reporting on the item. The Committee Chair or the Presiding Officer may call upon appropriate staff to report on the item. No person may make a formal presentation before the Regional Council for the purpose of advertising. For purposes of this section, "advertising" is defined as "promoting by making known, proclaiming publicly, drawing attention to, or making conspicuous any item, service, project, development, or thing, for financial benefit." This does not prevent or preclude any person from addressing the Regional Council as part of the Public Comment portion of the meeting on matters which the Regional Council has jurisdiction, or from expressing his or her views or opinions before the Regional Council over a matter in which SCAG staff has specifically included as an agenda item on the meeting agenda. The Presiding Officer shall retain authority to determine whether a speaker's remarks fail to comply with these provisions, and to suspend such person's right to speak.

1.9 Rules of Order

Business in the Regional Council and in the Committees shall be conducted according to the Rules of Order regarding Motions, Subsidiary Motions and Motions of Privilege, Order and Convenience. The Rules of Order are contained in *Appendix A*.

1.10 Voting

Generally, the affirmative votes of a majority of a quorum of members are required for an action. In the case of nearly unanimous votes, names of members of the non-prevailing side may be recorded. Voting procedures shall be conducted as provided in the Bylaws (see, Art. V, Sec. A (5)) and *Appendix A*.

1.11 Motions

All voting members may make motions, pursuant to the procedures in *Appendix A*. For every motion the minutes should reflect by name the motion-maker and seconding member.

1.12 **Decorum**

The Regional Council and Committees shall not prohibit constitutionally protected speech from persons properly addressing the meetings. The President (or Chair), however, need not permit conduct which shall improperly disrupt the Regional Council meeting. Members of the public may be ejected from the meeting if they violate this section.

1.13 **Disorderly Conduct**

In the event that any meeting is willfully interrupted so as to render the orderly conduct of such meeting impossible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the President (or Chair) may order the meeting room cleared and continue in session in accordance with the provisions of Government Code Section 54957.9 and any of its amendments.

1.14 **Committees**

- A. Agenda items for the Regional Council may be initiated by the Executive/Administration Committee, the Policy Committees, or other committees established by the Regional Council as appropriate.
- B. When reporting on committee action in the Regional Council, each Committee Chair may report the number of Committee members who were present and the vote count on the item.

1.15 **Ad Hoc Committees**

The Regional Council may form ad hoc committees at the pleasure of the Regional Council. Unless otherwise ordered by the Regional Council, members of ad hoc committees shall be appointed by the President and the chair of each ad hoc committee shall be designated by the President.

Section 2

2.1 **SCAG Personnel and Administrative Policies**

Selected provisions of SCAG policies regarding discrimination, harassment, injury and illness prevention, alcohol and drug abuse, and workplace violence are applicable to the members of Regional Council and Committees as well as to SCAG employees. Applicable sections of the Personnel Rules are attached as *Appendix B*.

ARTICLE III: CLOSED SESSIONS AND MEMBER AGENCIES

(Adopted February 3, 2005)

In accordance with §54956.96 of the California Government Code, SCAG hereby adopts a policy enabling Member Cities and Counties of SCAG the authority to conduct closed sessions of their respective legislative bodies to receive, discuss, and take action concerning information obtained in a closed session of the Regional Council of SCAG, if that information has direct financial or liability implications for that City or County Member of SCAG.

Notwithstanding anything to the contrary, all information received by the City or County Member of SCAG in a closed session related to information presented to SCAG in a closed session, shall be confidential. However, a member of a City Council or Board of Supervisors who are members of SCAG may disclose information that has a direct financial or liability implications for that Member City or County to the following individuals: (1) legal counsel for the City or County Member of SCAG; and (2) other members of the legislative body of the City or County Member of SCAG, all in accordance with the provisions of §54956.96(a) (1) (A) and (B).

ARTICLE IV: CONFLICT OF INTEREST POLICY (Approved July 6, 2000)

The Regional Council of the Southern California Association of Governments hereby adopts a conflict of interest policy in order to provide comprehensive and clear rules of conduct for its members, employees and consultants.³ The purpose of this policy is to further ensure that each Association member, employee and consultant is guided in the interest of the Association, rather than by personal interests. This policy shall incorporate and supplement existing state and federal conflict of interest laws and regulations.⁴

In order to implement this policy, all persons or firms, including subcontractors, seeking contracts or purchase orders of \$25,000 or more, are required to complete the "SCAG Conflict of Interest Form."

Section 1: Persons Covered and Definitions

The following terms used in this policy shall have the meanings set forth below. Except as otherwise provided herein, the terms and provisions of this policy shall have the meanings and shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act of 1974, as amended (Gov. Code Section 81000 et seq.) and the regulations of the California Fair Political Practices Commission ("FPPC regulations"), as amended.

- 1.1** Persons covered under this conflict of interest policy ("policy") shall include members, employees and consultants of the Southern California Association of Governments.
- 1.2** The "Association" for purposes of this policy shall refer to the Southern California Association of Governments ("SCAG"). The terms "Association" and "SCAG" shall be used interchangeably.
- 1.3** "Members" for purposes of this policy, shall include voting and non-voting members of the SCAG Regional Council; Policy Committee on Transportation and Communications; Policy Committee on Energy and Environment; Policy Committee on Community, Economic and Human Development and any other committee formed by the Regional Council pursuant to its authority under the Bylaws of the Association and designated on the SCAG Conflict of Interest Code.

³ This Conflict of Interest policy was intended to replace and supersede former conflict of interest policies adopted by the Regional Council.

⁴ This policy shall not conflict with nor exempt any persons from state or federal conflict of interest laws.

- 1.4** For purposes of this policy, a “Subregional Consultant” shall mean any individual, including an executive director or coordinator who provides management, coordinating, consulting or similar services pursuant to a contract or other agreement with the Association, Subregional Council of Governments (“Subregion”), or any other subregional organization affiliated with SCAG. A “Subregional Consultant” shall not include an executive director or coordinator of a Subregion with a fixed contract or salary from SCAG that is not dependent on a dollar amount of contracts received.
- 1.5** “Employees” shall mean temporary, probationary, regular, exempt, and non-exempt individuals employed by the Association.
- 1.6** “Immediate Family” shall mean the spouse and dependent children.

Section 2: Prohibitions

- 2.1 Gifts:** No Association employee or consultant shall accept any favors or gifts from persons, concerns or corporations who have, or seek to have, contracts with SCAG or have, or seek to have, plans, projects, or environmental impact reports reviewed by SCAG.⁵
- 2.2 Outside Employment:**
- A. No Association employee may engage in any employment activity or enterprise for compensation which, as determined by the Executive Director, is inconsistent, incompatible, in conflict with, or inimical to his or her duties as an Association employee as stated in the employee’s Performance Agreement or with the duties, functions, or responsibilities of SCAG.
- B. No Association employee may offer, require or accept any goods or services of value from any person including any other Association employee in exchange for special treatment in or from SCAG.
- 2.3 Political Activity:** Pursuant to provisions of the California Government Code Sections 3201-3209 and Federal Hatch Act relating to political activities of public employees, Association employees shall not:
- A. Use political authority or influence in personnel matters (Cal. Gov. Code Section 3204);

⁵ Members may accept gifts up to the state limits.

- B. Solicit political contributions from fellow employees or officers of SCAG, except as permitted by Cal. Gov. Code Section 3205; nor,
- C. Engage in political activity during working hours or at SCAG offices (Cal. Gov. Code Section 3207).

2.4 Private Gain or Advantage: No Association employee shall use his or her position at SCAG or its facilities, equipment, supplies or information developed at public expense for private gain or advantage. Violation of this section may result in immediate termination of any employee by the Executive Director.

2.5 SCAG Policy Statements: Under the Bylaws of the Association, all policy statements regarding SCAG originate from the General Assembly or the Regional Council. No person in his or her official capacity as an Association employee shall represent SCAG in political debate or become involved in political issues or lobbying activities which are contrary to, or conflict with, stated SCAG policies. Where a policy of SCAG is unclear or nonexistent, employees must use discretion and judgment in making representative statements that they are in keeping with current SCAG policy.

Subsection 2.6: Participation in SCAG Contracts and Decisions

2.6.1 Federal Contracts: In accordance with 49 C.F.R. Section 18.36 (b)(3), an Association member, employee or consultant shall not participate in selection, or award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise when one or more of the following persons has a financial or other interest in the firm selected for award:

- a. A person covered under this policy or his or her agent;
- b. immediate family;
- c. partner; or,
- d. any organization, which employs, or is about to employ, any of the above persons.

2.6.2 Subregional Consultants: Any Subregional Consultant who participates in any manner in the development, negotiation, allocation, award, selection, administration or expenditure of funds from SCAG to the Subregion, shall not contract or perform work for the receipt of any SCAG funds delegated or distributed to the Subregion by SCAG. Notwithstanding the foregoing, a Subregional Consultant shall be entitled to receive SCAG funds for managing or coordinating activities on behalf of the Subregion in accordance with SCAG's guidelines as permitted by law.

2.6.3 Other Contracts: In accordance with Cal. Gov. Code Section 1090 et seq., an Association member, employee or consultant shall not participate in making any contract or other agreement involving SCAG, if he or she is financially interested in the contract.

- A. For purposes of this section, to “participate in making a contract” includes decisions to modify, extend or renegotiate a contract.
- B. If a member is financially interested in a contract within the meaning of Section 1090, not only is that member disqualified but the entire body is disqualified from voting on that contract. Members shall seek guidance from SCAG Legal Counsel to determine whether or not a member is financially interested in a contract.
- C. If SCAG Legal Counsel determines that a member has a financial interest in a bid or proposal for a contract in potential violation of Section 1090, such bid or proposal will be disqualified from consideration by SCAG.

2.6.4 Participation in SCAG Decisions: In accordance with Cal. Gov. Code Section 87100 et seq., an Association member, employee or consultant shall not make, participate in making or attempt to use his or her 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 when a member, employee or consultant has a personal financial interest in a decision affecting SCAG. Such a person is deemed to have a financial interest if it is reasonably foreseeable that the decision will have a material effect, distinguishable from its effect on the public generally, on himself or his immediate family. The effect of a decision is material whenever a member, employee or consultant knows or has reason to know that a decision will significantly affect his or her economic interests.⁶

2.6.5 Disclosure: Association members, employees and consultants subject to the requirements of the Political Reform Act, Cal. Gov. Code Section 87100 et seq., are required by the SCAG Conflict of Interest Code to file an annual Statement of Economic Interests. Such disclosure statements shall be filed with the Executive Assistant to the Regional Council, pursuant to Cal. Gov. Code Sections 87200-87210. Under the Conflict of Interest Code for SCAG, revised in 1996, Regional Council members, the Executive Director and other designated employees and consultants are required to disclose “all investments, interests in real property, income, and business positions.”

⁶ Fair Political Practices Commission regulations, 2 C.C.R., Sections 18702.1, 18702.2-18702.6; “Conflicts of Interests,” prepared by the Office of the Attorney General, Civil Division, 1998, pp. 1-18.

SCAG Legal Counsel shall provide guidance in meeting disclosure requirements.

2.6.6 Disqualification: If an Association member, employee or consultant has a financial interest in a decision affecting SCAG within the meaning of Cal. Gov. Code Section 87100 et seq., incorporated in part into section 2.6.5 of this policy, the member shall be required to disqualify himself or herself from making or participating in a decision involving SCAG, or using his or her position to influence or attempt to influence a decision involving SCAG. Members, employees and consultants shall seek guidance from SCAG Legal Counsel to determine whether recusal is required.

2.6.7 Exception: Cal. Gov. Code Section 87100, incorporated into Section 2.6.5 of this policy, does not prevent a person covered under this policy from making or participating in making a SCAG decision to the extent his participation is legally required for the action or decision to be made. A member, employee or consultant is “legally required to make or to participate” only if there is no reasonable alternative manner of decision making, under C.C.R. tit.2, Section 18701(a). The fact that an official’s vote is needed to break a tie does not make his participation legally required for purposes of this section.⁷

2.6.8 Procedures for Disqualification from Participation in a SCAG Decision:

(a) Once a member determines that he or she has a financial interest in a SCAG decision in violation of Cal. Gov. Code Section 87100 et seq., incorporated in part into Section 2.6.5 of this policy, the member must publicly announce the economic interest which is the subject of the actual, potential, or apparent conflict of interest, and the fact that the person covered is disqualifying himself or herself from any participation in the decision, under 2 C.C.R. Section 18700(b) (5).

(b) If the person covered is an employee rather than a member of the Association, the employee’s announcement is required to be in writing and given to the official’s supervisor or Executive Director, under 2 C.C.R. Section 18700(b)(5).

⁷ Cal. Gov. Code Section 87101; “Conflicts of Interests,” prepared by the Office of the Attorney General, 1998, pp. 17-18.

Subsection 2.7: One (1) Year Bans

2.7.1 One (1) Year Prohibition on Involvement with SCAG Contracts: No former Association member, employee, or consultant shall or attempt to influence any SCAG decision directly relating to any contract where the former member, employee or consultant knows or has reason to know terms not available to members of the public.

- A. Former, non-voting committee members are subject to this prohibition to the extent that the business of the committee on which the non-voting member served, was related to subject matter of the proposed contract or other agreement between the non-voting member and SCAG.
- B. This prohibition shall apply for one (1) year from the time the member's term expires; one (1) year from the time the former SCAG employee is terminated; or
- C. one (1) year from the time a consultant's contract or other agreement expires.

2.7.2 One (1) Year Prohibition on Consulting and Bidding: No former Association member or employee shall for compensation participate in bidding on SCAG contracts, including providing consulting services to a bidder on a bidding process involving SCAG, and from participating in consultant work funded by SCAG or through SCAG.

- A. This prohibition shall apply for one (1) year from the time the member's term expires or one (1) year from the time the employee is terminated.
- B. This prohibition is limited only to Regional Council members, Policy Committee members, and SCAG employees.

2.7.3 One (1) Year Prohibition on Lobbying: No former Association member, employee or consultant for one year from the time the member's term expires, shall for compensation act as an agent or attorney for, or otherwise represent, any other person than SCAG in any formal or informal appearance before, or, with the intent to influence a decision, make any written or oral communication on behalf of any person other than SCAG 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.
- B. The proceeding is one in which the member, employee or consultant participated.

2.7.4 Exemptions: The prohibitions contained in Sections 2.7.1, 2.7.2, 2.7.3 shall not apply:

- A. to prevent a former member, employee or consultant from making or providing a statement or contract which is based on the former employee'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. to communications and contracts made solely for the purpose of furnishing information by a former member, employee or consultant 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:
 - 1. the former member, employee or consultant has outstanding and otherwise unavailable qualifications;
 - 2. the former member, employee or consultant is acting with respect to a particular matter which requires such qualifications; and
 - 3. the public interest would be served by the participation of the former member, employee or consultant; or
- C. with respect to appearances or communications in a proceeding or contracts to which a court or the Regional Council gives its consent by determining that:
 - 1. the public interest would not be harmed.

Section 3: Penalties

- 3.1** Gifts accepted in violation of Section 2.1 of this policy shall be returned. Additionally, members, consultants and employees subject to the Political Reform Act (Cal. Gov. Code Section 87100 et seq.) who violate state gift restrictions under Gov. Code Section 89521, may be subject to a civil action brought by the Fair Political Practices Commission for up to three times the amount of the unlawful gift. Members shall seek guidance from the Association Legal Counsel to determine whether a gift or gratuity violates this policy, state or federal laws.

- 3.2** Contracts made in violation of this policy shall be void and unenforceable.
- 3.3** Violation of this policy is grounds for termination of an Association employee.
- 3.4** **Willful violations:** Any Association member, employee or consultant found guilty of willfully violating any provisions of Cal. Gov. Code Section 1090 et seq., incorporated in part into Section 2.6.4 of this policy, is punishable by a fine of not more than \$1,000 or imprisonment in state prison. Additionally, such an individual is forever disqualified from holding any office in this state. (Cal. Gov. Code Section 1097.) When a state or local government agency is informed by affidavit that a member, employee or consultant has violated Section 1090, the agency may withhold payment of funds under the contract pending adjudication of the violation (Cal. Gov. Code Section 1096).

ARTICLE V: SCAG POLICY RELATED TO INDIVIDUAL STAFF MEMBERS COMMUNICATIONS WITH THE REGIONAL COUNCIL OR POLICY COMMITTEES (Amended May 8, 2008; Adopted December 14, 2006)

In the event any member of the SCAG Regional Council, Executive/Administration Committee or Policy Committee receives a communication from a SCAG staff member (whether orally or in writing) setting forth a complaint about SCAG management or other staff member(s), or stating a concern regarding personnel or other policies, procedures, or actions taken by SCAG management, the member shall refer the matter in writing directly to the Executive Director and the Human Resources Manager for investigation and corrective action if necessary, with a copy to the President. The Executive Director and the Human Resources Manager shall investigate the issue and report the results of the investigation and any proposed corrective action to the member and the President within 10 days of receipt of the referral.

Notwithstanding the foregoing, if the concern raised by the staff member involves a matter relating to the Executive Director or the Human Resources Manager personally, the member may refer the issue directly to the President and the Executive/Administration Committee which shall investigate the matter and, after consulting with counsel, decide the corrective action to be taken, if any, and report the results of the investigation to the Regional Council.

This policy is in no way intended to interfere with or prevent individual staff members from exercising their right to contact or communicate with individual members of the Regional Council or Policy Committees.

**ARTICLE VI: STIPENDS, EXPENSE REIMBURSEMENTS, AND OTHER
GENERAL FUND EXPENDITURES**

Section 1: Regional Council Stipend and Meeting Expense Policy
(Amended February 5, 2009, September 14, 2006, July 6,
2006, April 7, 2005, November 1, 2001, July 10, 1997,
November 4, 1993; Adopted July 1, 1993)

- 1.1 Regional Council (RC) members shall receive a minimum \$120 stipend for attendance and travel to SCAG sponsored meetings or other SCAG business as authorized by the Regional Council. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement based on travel distance between the member's seat of government and SCAG's downtown Los Angeles offices. Parking at SCAG's downtown Los Angeles office will be validated for RC Board members.
- 1.2 For attending meetings on behalf of SCAG at locations other than the SCAG Headquarters, RC members are eligible to receive the minimum stipend and mileage reimbursement for actual miles traveled and actual parking expenses. Mileage will be reimbursed at the prevailing federal reimbursement rate. RC Members must complete an expense reimbursement form and attach the signed meeting attendance sheet and parking receipt.
- 1.3 RC officers are eligible to receive up to eight (8) per diem stipends per month.
- 1.4 RC members are eligible to receive up to six (6) per diem stipends per month.
- 1.5 The President may authorize up to two (2) additional per diem stipends per month for RC members.
- 1.6 Nine (9) or more per diem stipends per month for Regional Council officers and members require Regional Council approval.
- 1.7 Regional Council members shall receive a stipend for attending a SCAG meeting pursuant to a signature on the meeting attendance form or other record of attendance provided pursuant to Sections 1.9 or 1.11 below.

- 1.8 Regional Council members will receive a stipend for attending the Regional Council meeting pursuant to signing both policy committee and Regional Council attendance forms. A Regional Council member may request from the President an excused absence from either meeting. The President will inform the Executive Assistant to the Regional Council of the approved absence and authorize payment of the stipend.
- 1.9 Regional Council members are eligible to receive a stipend to attend special meetings scheduled by the President via phone or videoconference. Staff shall record the names of the Regional Council members in attendance for the record and submit a copy to the Executive Assistant to the Regional Council for payment of the stipend.
- 1.10 Elected official representatives appointed by the President to SCAG policy committees or task forces shall serve with compensation. Elected official representatives to SCAG policy committees or task forces are eligible to receive a \$120.00 stipend for up to four (4) meetings per month pursuant to signing the meeting attendance form.
- 1.11 Elected official representatives periodically attending SCAG task force meetings or special meetings of the Policy Committees by teleconference or videoconference from SCAG remote sites are eligible to receive a stipend pursuant to signing the meeting attendance form and faxing a copy to the Executive Assistant to the Regional Council. Elected officials shall not attend regular meetings of the Policy Committee or Regional Council by teleconference or videoconference. Meetings conducted by teleconference or videoconference shall comply with the protocols set forth below in Section 4.
- 1.12 Food will be provided for Regional Council, Subcommittee, and Task Force meetings, and other meetings that include elected officials, in accordance with SCAG administrative policies and procedures. Except for Regional Council meetings, meetings should be scheduled if at all possible as to avoid the lunch hour.

Section 2: Regional Council Travel Policy

(Amended April 7, 2005, September 2, 2004, November 1, 2001;
Adopted June 6, 1996)

- 2.1 The Regional Council shall authorize in advance member business travel for purposes of officially representing SCAG in connection with an approved SCAG program, policy, plan, or as a legislative advocate on behalf of SCAG's approved legislative program. The Regional Council may authorize payment of SCAG business travel in conjunction with Regional Leadership

Development Programs. Prior approval is not required for travel to regular meetings of the Regional Council, General Assembly, Regional Council Retreat, NARC, CALCOG, Western COG, the MSRC, and RTAC.

- 2.2 The President is authorized to approve Regional Council member travel that is urgent, necessary, and required for the orderly conduct of the affairs of SCAG between regularly scheduled meetings of the Regional Council.
- 2.3 The Regional Council will authorize payment of SCAG business travel costs including, but not limited to, airfare, ground transportation, and meeting registration fees. Meals, lodging, and mileage will be paid consistent with federal per diem rates and reimbursement policies. Stipends will be paid for actual business days and will exclude travel days.
- 2.4 Any Regional Council member or elected official representative to policy committees that is required to travel 75 miles or more one way to attend a SCAG meeting at the main SCAG office in Los Angeles or are on the Executive/Administration Committee can be reimbursed for overnight lodging costs not to exceed \$150.00 + taxes. This provision does not apply to attendance at the General Assembly or retreat. Attendance at those events will be reimbursed based on the venue. Regional Council members and elected official representatives must make their own travel arrangements and submit receipts to the Executive Assistant for reimbursement. The President is authorized to approve lodging costs above the \$150.00 diem rate if the government rate is not available and the member or elected official representative has made the reservation two weeks in advance.
- 2.5 Requests for travel reimbursement must be received by SCAG staff by July 31st of the fiscal year in which the authorized travel costs were incurred.

Section 3: Travel Reimbursement Policy for Appointed Committee Members (Adopted November 6, 2003)

SCAG will reimburse travel expenses for Appointed Committee Members in accordance with the following:

3.1 Eligibility

- A. Members of SCAG committees and task forces, appointed by the President of the Regional Council who are not working for public agencies and not being otherwise reimbursed.
- B. The meeting must be held at SCAG offices.

- C. Reimbursement is limited to members who are not working for or receiving a stipend from a public agency, and are not Regional Council members or subregional representatives.

3.2 Reimbursement

- A. Costs associated with the following:

- 1. Mileage (round-trip);
- 2. Public Transit (round-trip); and
- 3. Parking (validation)

- B. Reimbursement must be in accordance with Caltrans and SCAG travel policies, including requirement of submitting supporting documentation.

Section 4: Protocols for Teleconferencing and Videoconferencing of Public Meetings⁸ (Adopted March 5, 2009)

4.1 Teleconferencing Protocols

- 1. Teleconferencing locations shall be listed on the meeting agenda.
- 2. Meeting agendas shall be posted at each teleconferencing location prior to the meeting.
- 3. Each teleconferencing location shall be accessible to the public.
- 4. SCAG staff to provide agenda packets, handouts and materials for the meeting to Committee, Subcommittee or Task Force members prior to the meeting.
- 5. Teleconference numbers to be utilized solely by Committee, Subcommittee or Task Force members, not by members of the public or staff of other public agencies.
- 6. Chair of respective Committee, Subcommittee or Task Force to preside over the meeting and to the extent feasible, attend the meeting in person at the SCAG Los Angeles main office.
- 7. Chair of respective Committee, Subcommittee or Task Force to seek comments from members participating in the meeting by teleconference.
- 8. Chair of respective Committee, Subcommittee or Task Force to seek public comments from all teleconferencing locations.
- 9. A roll call vote shall be conducted for all agenda items requiring a vote of the Committee, Subcommittee or Task Force.

⁸ These protocols shall only pertain to special meetings of the Policy Committees (EEC, CEHD and TC), and meetings of Task Forces and Subcommittees. Teleconferencing and videoconferencing of Regional Council meetings or regular meetings of the Policy Committees is not permitted pursuant to Art. VI, Section 1.11 above.

4.2 Videoconferencing Protocols

1. Videoconferencing locations shall be listed on the meeting agenda.
2. Meeting agendas shall be posted at each videoconferencing location prior to the meeting.
3. Each videoconferencing locations shall be accessible to the public.
4. Total of six (6) locations to provide videoconferencing of meetings.
5. Videoconference locations to be established from amongst SCAG Regional Offices (Los Angeles, Riverside, Orange County, Ventura, Imperial and San Bernardino).
6. SCAG staff to provide agenda packets, handouts and materials for the meeting to Committee, Subcommittee or Task Force members prior to the meeting.
7. SCAG staff to provide speaker cards and membership attendance sheets at videoconference locations.
8. SCAG staff to coordinate and provide assistance with videoconference portions of the meeting.
9. Chair of respective Committee, Subcommittee or Task Force to preside over the meeting and to the extent feasible, attend meeting in person at the SCAG Los Angeles main office.
10. Chair of respective Committee, Subcommittee or Task Force to conduct separate call for public comment from all videoconferencing locations.
11. A roll call vote shall be conducted for all agenda items requiring a vote of the Committee or Task Force.
12. Teleconferencing will only be used as a back-up in the event of videoconferencing connection failure.

ARTICLE VII: REGIONAL COUNCIL POLICIES ON MEMBERSHIPS AND LEADERSHIP DEVELOPMENT

Section 1: SCAG Membership in Advocacy Groups
(Adopted October 5, 2000)

SCAG membership in other organizations shall be limited to those Statewide and national groups and organizations that support and implement the Association's council of governments and metropolitan planning organization institutional goals and policies.

Section 2: Policy for Regional Council Leadership Development
(Adopted November 2, 2000)

The following programs are recognized as formally organized leadership development programs for SCAG Regional Council members. Current program and tuition information will be provided by SCAG staff upon request. Additional programs will require Regional Council authorization.

A. Southern California Leadership Network (SCLN)

The SCLN provides the Leadership Southern California (LSC) Program for individuals who hold active leadership roles of regional significance in their civic and/or professional lives. The LSC Program has trained and developed a distinguished alumni network of exemplary community, business, and government leaders, including many Regional Council members. All Regional Council members are invited to express their interest in participating in the LSC Program.

B. UCLA Policy and Research Symposium

The UCLA Extension Public Policy Program sponsors an annual symposium at UCLA's Conference Center at Lake Arrowhead. The symposium is part of a series entitled *The Transportation, Land Use and Environment Connection*. This is an invitation-only symposium. SCAG makes an annual contribution to be a co-sponsor. SCAG receives three (3) invitations. These invitations are offered to the Chairs of the Policy Committees.

D. SCAG Regional Leadership Academy

The Regional Leadership Academy is designed specifically for the elected officials who serve as members of the SCAG Regional Council and its policy committees. The program offers new approaches aimed at enhancing leadership skills and expertise in regional planning.

**ARTICLE VIII: REGIONAL COUNCIL APPROVALS FOR
PROCUREMENTS; PROCUREMENT POLICIES; AND
APPROVALS FOR GRANT APPLICATIONS**

Section 1: SCAG Contract Approval Threshold

(Amended September 14, 2006, May 5, 2005 and July 6, 2000; Effective May 2, 1996)⁹

- 1.1 Any SCAG contract valued at or above \$250,000 must be approved in advance by the Executive/Administration Committee and Regional Council. In order to ensure accurate reporting to the Administrative Committee and Regional Council, contracts under \$250,000 will be reported (on the respective agendas) under "Receive and File."
- 1.2 The Regional Council delegates authority to the Executive Director or his designee to approve and sign purchase orders and contracts under \$250,000.
- 1.3 The threshold for Executive/Administration Committee and Regional Council approval of contract amendments is \$75,000.

Section 2: Procurement of Recycled Products

(Adopted November 5, 1998)

- 2.1 SCAG will take a leadership role not only in recycling its waste products but also in the purchase of reusable and recycled products for use in the delivery of SCAG's services.

Section 3: Grant Application Approval Process

(Adopted February 1, 2001)

- 3.1 The Executive Director or his designated alternate is authorized to submit SCAG grant applications to the funding agencies prior to SCAG Regional Council approval, with the understanding that the applications are subject to review and approval at a subsequent meeting of the Regional Council.

⁹ At the May 2, 1996 meeting, staff was directed to obtain Administration Committee and Regional Council approval of all SCAG contracts and purchases of goods and services more than \$5,000. At the July 6, 2000 the Regional Council approved the Best Practices Task Force Recommendation relating to raising the threshold for approval of contracts (purchases) from \$5,000 to \$25,000. At the May 5, 2005 meeting, the Regional Council approved raising the threshold for approval of contracts from \$25,000 to \$250,000.

ARTICLE IX: POLICY REGARDING PARTICIPATION IN COMPETITIVE PROCUREMENT (Adopted September 2, 1996)

Section 1: Purpose of Policy

From time to time, SCAG (hereinafter referred to as the “Association”) may be invited, or may wish to participate in a competitive procurement. The purpose of this policy is to establish guidelines for such activities.

Section 2: Guiding Principles

The following guiding principles shall govern staff, committee, and Regional Council activities in this arena:

- 2.1** The purpose of seeking additional funding is to broaden the funding base to enable the Association to effectively fulfill its basic mission, not to add staff.
- 2.2** In seeking new funding, the Association should concentrate on areas of core competence.
- 2.3** The Association should respond to opportunities to make services and expertise available to a wider audience, where the Association possesses special and/or unique competence. This can result in increased efficiency and overall cost reductions for the Association, its constituent members, and the private sector.

Section 3: Definition of “Competitive Procurement”

A competitive procurement is defined as a request for proposals, or solicitation for bids, issued by a public or private entity; is open to public and private organizations; is competitive, based on quality of the proposal, price, etc.; and will be executed through a contractual arrangement. As used here, “competitive procurement” excludes such programs as AB 2766, Federal and state grants (whether or not selected through a competitive process), government agency ‘calls for projects’; or other procurement where government agencies are specifically invited or encouraged to participate.

Section 4: Benefits to the Association

Selective participation in competitive procurement can benefit the Association in the following ways:

- 4.1** Provide funding source to perform work which is consistent with the mission, but for which normal grant funds are not available.
- 4.2** Provide funding and professional challenge to attract and retain a highly qualified staff.
- 4.3** Develop new products, improve/enhance existing products and better serve Association members and the Region.
- 4.4** Upgrade skills and provide professional development opportunities for staff.
- 4.5** Provide discretionary funding, free from grantor restrictions, to improve programs and services to members.

Section 5: Conflicts of Interest

Staff, members of advisory and policy committees, and members of the Regional Council must be especially vigilant to conflicts of interest situations inherent in competitive procurement situations. The following policies shall apply:

- 5.1** No staff member, member of an advisory or policy committee, or member of the Regional Council shall participate in the review, discussion, or voting on a project or proposal in which they have a financial interest.
- 5.2** No staff member, member of an advisory or policy committee, or member of the Regional Council shall participate in the review, discussion, or voting on a project or proposal if they are involved in the selection and/or scoring of projects by another agency.
- 5.3** Rules 9.2 through 9.5 of the Association's Personnel Rules (February 1996 and thereafter updated) apply to staff, members of policy and advisory committees, and Regional Council members involved in any competitive procurement.
- 5.4** Article 4, Sections 1090 through 1098 of the California Government Code apply to all members of advisory and policy committees, or members of the Regional Council involved in competitive procurement, whether or not they are elected officials.

Section 6: General Policies

- 6.1** It is the policy of the Association to aggressively pursue grant funds from all levels of government that are earmarked or available for any purpose consistent with the Association's mission and directed from the Regional Council.
- 6.2** It is the policy of the Association to aggressively compete for funds in programs such as AB 2766, which are open to both private and public sector competition. Proposed applications shall be approved by the Executive/Administration Committee and the Regional Council prior to submittal.
- 6.3** It is the policy of the Association to aggressively pursue mutually-beneficial, non-competitive intergovernmental agreements or contracts. Such agreements or contracts must be approved by the Executive/Administration Committee and the Regional Council prior to execution.
- 6.4** It is the policy of the Association to respond to "open" RFP's, i.e., competitive procurement, that are consistent with the mission of the organization, only in accordance with the policies and procedures herein.

Section 7: Procedural Requirements

- 7.1** Employees involved in work on any proposal in response to a competitive procurement opportunity must do so on their own time, and/or must be compensated from funds designated for that purpose (i.e., from non-public funds).
- 7.2** Prior to beginning work any proposal or bid, staff shall review the procurement, and SCAG's proposed response, with the officers of the appropriate policy committee and the officers of the Executive/Administration Committee. To facilitate the review, staff will complete a pre-proposal evaluation checklist included as part of SCAG's administrative policies and procedures.
- 7.2** Once staff begins work on a proposal, the appropriate policy committee and the Executive/Administration Committee will be briefed at the next scheduled meeting.
- 7.3** If SCAG is selected to perform the work, Executive/Administration Committee approval is required prior to execution of the contract.

ARTICLE X: SCAG STATEMENT OF INVESTMENT POLICY

(Amended August 2, 2007; Adopted March 6, 1997)

Section 1: Purpose

This SCAG Statement of Investment Policy is intended to provide standards and guidelines for the prudent investment of funds by SCAG in conducting its investment and cash management responsibilities. The goal is to strengthen the overall financial condition of SCAG, while earning a return on our investments with safety and liquidity.

Section 2: Objective

The Policy is designed to achieve and maintain adequate working capital to support our Planning and Support Operations and to grow our available resources and funds to the fullest extent possible. SCAG attempts to obtain a market rate of interest without assuming undue risk to principal. The objectives of such investments is: 1) the long term preservation of capital, 2) adequate cash resources to meet our short term financial needs for liquidity; and 3) to earn a competitive rate of return on capital.

Section 3: Scope

This investment policy applies to activities of SCAG with regard to investing the financial assets of all funds, including the following: General Fund, Special Revenue Funds, and Trust Funds, and any other Funds that may be created from time to time.

Section 4: Investment Responsibility

Investments are the responsibility of the Chief Financial Officer and the Manager of Accounting. This includes the authority to select investments, engage professional services, to open accounts with banks, brokers and dealers, to establish safekeeping accounts or other arrangements for the custody of securities, and report to oversight bodies. Those persons authorized to execute transactions include: 1) Chief Financial Officer or his/her director designee, 2) Manager of Accounting or his/her staff designee, and 4) those specifically approved and added by the Executive/Administration Committee (EAC) of the Regional Council (RC). Brokers and dealers are to be provided with a list of specified names of those persons authorized to execute transactions.

Section 5: Internal Controls

The Chief Financial Officer and the Manager of Accounting shall establish the investment function so that specific responsibility for the performance of duties are assigned with a clear line of authority, accountability and reporting. The functions of authorizing, executing and recording transactions, custody of investments and performing reconciliation" are to be handled by separate persons to reduce the risk that a person is in a position to conceal errors or fraud in the normal course of duty.

While no internal control system, however elaborate, can guarantee absolute assurance that assets are safeguarded, it is the intent of the internal control system to provide reasonable assurance that management of the investment function meets our objectives. These internal controls shall be reviewed annually by the independent auditor.

Section 6: Reporting

The EAC shall be responsible for reporting the status of investments to the RC on a quarterly basis. Reports are to be submitted by the Chief Financial Officer to the EAC and/or the Investment Subcommittee following the end of each quarterly period. These reports shall show the type of investment, institution, face amount, interest rate, date of maturity, compliance to the investment policy, a verification of adequacy of working capital to meet our operating needs and market value for all investments. The reports shall appear in the consent calendar of all agendas.

Section 7: Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" and shall be applied in the context of managing all aspects of the overall portfolio. Investments shall be made with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs.

Section 8: Authorized Investments

(A) Surplus Funds

Funds may be invested in any instrument allowable by the State of California Government Code Section 53600 et seq. so long as the investment is appropriate when SCAG's investment objectives and policies are taken into consideration. Within the context of the limitations, the following are authorized:

- US Treasury Obligations (Bills, Notes and Bonds)
- US Government Agency Securities and Instrumentality's of Government Sponsored Corporations
- Banker's Acceptances
- Commercial Paper
- Repurchase Agreements
- Certificates of Deposit
- Negotiable Certificates of Deposit
- Passbook Savings Accounts
- Interest Bearing Checking Accounts
- Intermediate Term Corporate Notes
- Bank Money Market Accounts
- Local Agency Investment Fund (State Pool)
- Los Angeles County Investment Fund (County Pool)
- Shares of Beneficial Interest issued by a Joint Powers Authority organized pursuant to California Government Code Section 6509.7 that invests in the securities and obligations authorized in Section 53601 (a) through (n).
- Other investments that are, or may become, legal investments through the State of California Government Code.

B. Other Post-Employment Benefits Funding

All funding approved for this purpose shall be invested in the irrevocable trust for post-employment benefits administered by the California Public Employees Retirement System (CalPERS), also known as the "Prefunding Plan."

C. Supplemental Defined Benefit Pension Plan Funding

All funding approved for this purpose shall be invested in an annuity selected according to criteria prescribed by SCAG procurement policies and SCAG's financial and operational needs.

Section 9: Prohibited Investments

SCAG shall not invest any funds in inverse floaters, range notes, or interest-only strips that are derived from a pool of mortgages. **SCAG** shall not invest any funds in any security that could result in a zero interest accrual if held to maturity.

Section 10: Investment Criteria

Criteria for selecting investments and order of priority are:

A. SAFETY

The safety and risk associated with an investment refers to the potential loss of principal, interest or a combination of these amounts. SCAG shall

only invest in those financial instruments whose safety and quality comply with State law and SCAG's risk tolerance.

B. LIQUIDITY

This refers to the ability to convert an investment into cash at any moment in time with a minimal chance of losing some portion of principal or interest. Since liquidity is an important investment quality, especially when the need for immediate access to funds may occur unexpectedly, potential fluctuations in market value are to be an important consideration when selecting an investment. SCAG's portfolio shall provide for adequate liquidity as indicated by SCAG's cash projections.

C. YIELD

Yield is the potential dollar earnings an investment can provide and sometimes is described as the rate of return. SCAG shall attempt to maximize return consistent with criteria A and B above.

Section 11: Diversification

SCAG will diversify use of investment instruments to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions or maturities. Diversification strategies shall be established within the guidelines of Government Code Section 53600 et seq., and periodically reviewed.

Section 12: Investment Pools

SCAG has determined that use of investment pools is a practical investment option. SCAG will utilize guidelines established by the California Municipal Treasures Association and California Society of Municipal Finance Officers to ensure the safety of investment pools.

Section 13: Maturity Limitations

Every investment instrument purchased must have a term remaining to maturity of five years or less, unless RC approval was obtained three months in advance.

Section 14: Safeguarding of Assets and Records

Securities purchased from broker/dealers shall be held in third-party safekeeping in SCAG's name and control, whenever possible. Monthly statements received from the financial institution are reconciled to the investment reports by the Senior Accountant. Review of safety, liquidity, and yields of investment instruments; and reputation and financial condition of investment brokers is to be done by the EAC. The periodic review of the investment portfolio, including investment types,

purchase price, market values, maturity dates, and investment yields as well as conformance to the stated investment policy will also be performed by the EAC.

Section 15: Qualified Institutions

If SCAG decides not to use investment pools, SCAG shall prepare and maintain a listing of financial institutions which are approved for investment purposes. In addition, a list will be maintained of approved broker/dealers selected by credit worthiness, who maintain an office in the State of California. All financial institutions and broker/dealers who desire to become bidders for investment transactions must supply the following: audited financial statements, proof of National Association of Security Dealers' certification, trading resolution, proof of California registration, and certification of having read this Investment Policy. An annual review of the financial condition and registrations of qualified bidders will be conducted by the EAC.

Section 16: Monitoring and Adjusting the Portfolio

SCAG, will monitor the contents of the portfolio, the available markets and the relative values of competing instruments and will adjust the portfolio accordingly based on our Investment Policy. Investment counselors may be engaged to assist in the performance of this work with the approval of the EAC.

Section 17: Modification and Legislative Changes

The EAC shall be responsible for modifying investment guidelines as conditions warrant and submit same for re-approval by the RC on an annual basis. This annual approval may be on the consent agenda unless there are amendments to this Policy. Any State of California legislative action, that further restricts allowable maturities, investment type or percentage allocations, will be incorporated into SCAG's Statement of Investment Policy and supersede any and all previous applicable language.

Section 18: Segregation of Responsibilities

A. FUNCTION	B. RESPONSIBILITY
Develop Statement of Investment Policy	Chief Financial Officer Manager of Accounting
Recommend modifications to Statement of Investment Policy	Chief Financial Officer Legal Counsel Manager of Accounting Investment Subcommittee

Approve Statement of Investment Policy and appointment of Oversight Committee	Executive/Administration Committee
Adopt Statement of Investment Policy	Regional Council
Select Investments	Chief Financial Officer Manager of Accounting Outside Investment Manager
Approve transactions	Chief Financial Officer or Manager of Accounting
Execute investment transactions and fax completed trade information to SCAG	Outside Investment Manager
Investment verification (match broker confirmation to trade information provided by outside Investment Manager to SCAG investment records)	Senior Accountant
Record investment transactions into SCAG's accounting records	Senior Accountant – General Ledger
Reconcile investment records to accounting records and bank statements	Senior Accountant – General Ledger
Security	Time Certificates of Deposit will be maintained in SCAG's safe in the care of the Manager of Accounting. All other investment securities will be held in safekeeping in the trust department of SCAG's Depository bank, or other third party custodian as designated by the Chief Financial Officer.

Section 19: Executive/Administration Committee and Investment Subcommittee

The EAC is empowered to review and make recommendations on the Investment Policy and Investment Strategy of SCAG to strengthen the internal controls of the management of funds. The EAC may, in its discretion, establish an Investment Subcommittee to assist the EAC to achieve the goals and objectives of this Investment Policy.

19.1 Purpose of the Investment Subcommittee

- A. To review and make recommendations about this Investment Policy and Investment Strategy.
- B. To review investments on a periodic basis and to report any exceptions to this Investment Policy immediately to the RC.
- C. To be responsive to EAC requests.

19.2 Membership

The total membership shall consist of five members: 1) EAC Chairman and 2 Members (selected by the EAC members), 2) Chief Financial Officer, and 3) Manager of Accounting.

19.3 Functions and Duties

- A. **Annually:** To review and approve the Statement of Investment Policy; and
Review the financial condition of broker/dealers and financial institutions.
- B. **Quarterly:** To review investments made during the pervious quarterly period; and
Provide a status report to the EAC.
- C. **Monthly:** To develop and carry out the ongoing investment strategy in accordance with the Investment Policy; and
Recommend amendments to the Statement of Investment Policy.
- D. The function of the EAC and the Investment Subcommittee is to provide policy guidance that gives the operating staff standards and guidelines to

work within on a day-to-day basis. By this, it is meant that each individual trade need not be approved by this Committee at the time it is transacted, provided that it falls within the scope of the Statement of Investment Strategy.

ARTICLE XI: LAPSING FUND POLICY (Adopted February 5, 2009)

It is the policy of the Southern California Association of Governments (SCAG) that funds programmed to Subrecipient(s) through the SCAG Overall Work Program (OWP) must be implemented on a timely basis. In the event that a Subrecipient project funded through the OWP has not started within twenty-four (24) months of the original start date, OWP funds will lapse on June 30 of the second fiscal year in which the funds were programmed, and will be subject to reprogramming by SCAG. Subrecipients whose funding allocations are subject to lapsing may appeal to SCAG's Chief Financial Officer who is authorized to make final determinations concerning lapsing and reprogramming of such funds.

Procedures

- I. General Purpose: To set forth a policy for Subrecipients in order to ensure timely use of programmed funds.
 - a. "Subrecipient(s)" include: Subregions, County Transportation Commissions, and other Project Partner agencies that receive funding from SCAG through the Overall Work Program ("OWP").
 - b. "Project(s)" refers to a scope of work planned for implementation and programmed to receive funding in an annual OWP, for which a Funding Agreement is fully executed between a Subrecipient and SCAG.
 - c. "Funding Agreement" includes a Continuing Cooperative Agreement, Memorandum of Understanding, or other agreement between SCAG and the Subrecipient.
 - d. "Fiscal Year" means July 1st through June 30th.
 - e. "Project Commencement" means for purposes of this Policy that direct labor costs or expenses (e.g., equipment, consulting services, data acquisition etc.) have been incurred.

- II. Requirements: Subrecipient(s) must demonstrate timely use of OWP funds as follows:
 - a. A Project must be implemented in accordance with the original start date identified in the OWP and as agreed upon in the Funding Agreement.
 - b. A Subrecipient must notify the SCAG-designated project manager of any Project delays as part of monthly and quarterly progress reports submitted by Subrecipients.
 - c. In the event that Project Commencement is delayed more than 24 months from the original start date, Funds will lapse on June 30th of the applicable Fiscal Year, and will be subject to reprogramming by SCAG.

- III. Notification of Intent to Reprogram Funds and Requests for Reconsideration:
- a. SCAG will notify Subrecipient(s) of Project funds that are lapsing and its intent to reprogram these funds by January 30 of each Fiscal Year.
 - b. In the event that a Subrecipient seeks to continue funding after being notified by SCAG of its intent to reprogram, a Subrecipient may submit a request for continuation of funding.
 - i. A request for continuation of funding must be submitted to the SCAG Chief Financial Officer, within ten (10) business days from receipt of a notification of SCAG's intent to reprogram funds.
 - ii. The request must include an explanation of Project delays, a proposed project implementation schedule, and justification for continuing the Project's funding. Any other supporting documentation should be attached to the request.
 - c. SCAG's Chief Financial Officer will review and consider each request on a case-by-case basis and will provide the Subrecipient with a written determination as to whether SCAG will continue funding within ten (10) business days after receipt of a request for continuing funds.
 - d. A Subrecipient may appeal the written determination of SCAG's Chief Financial Officer to SCAG's Contracts Audit and Personnel (CAP) Committee, who shall be delegated to act on behalf of the Regional Council, within ten (10) business days after the written determination has been made. A Subrecipient must present its appeal in writing, and set forth why it objects to the written determination by the Chief Financial Officer. The CAP Committee shall review all appeals and prepare a written decision within ten (10) business days of the date of the appeal. A copy of the written decision shall be provided to the Subrecipient. The decision by the CAP Committee shall be final.

ARTICLE XII: SCAG STRATEGIC PLAN (Adopted by SCAG’s General Assembly May 7, 2009)

GOAL #1

Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies

Objectives	Strategies
<p>Create and facilitate a collaborative and cooperative environment to produce forward thinking regional plans</p>	<ol style="list-style-type: none"> 1. Produce high quality planning documents and reports which are approved by the Regional Council and which constitute the basis for regional policy leadership. 2. Build a strong communications network, effectively utilizing state-of-the-art technology and promoting information sharing. 3. Establish initiatives which bolster the ability and skills of the Regional Council and SCAG staff to understand, articulate and utilize emerging ideas, policies and trends. 4. Maintain transparency in all aspects of Agency’s regional planning work. 5. Conduct public participation outreach to general public, stakeholders and other interested parties regarding agency programs and initiatives, and to meet federal and state statutory requirements.
<p>Develop external communications and media strategy to promote partnerships, build consensus and foster inclusiveness in the decision making process</p>	<ol style="list-style-type: none"> 1. Develop a comprehensive procedure for coordinating and disseminating information to external audiences and agency stakeholders. 2. Ensure that all agency stakeholders can clearly articulate SCAG’s purpose, role and responsibilities. 3. Assess effectiveness of communications strategies and tactics annually. 4. Establish and support a cadre of subject matter experts, including elected officials and SCAG staff, who will serve as spokespersons for transportation, housing and environmental subjects.
<p>Provide practical solutions for moving new ideas forward</p>	<ol style="list-style-type: none"> 1. Staff will provide objective implementation options to fully assess pros and cons of policy implementation. 2. Seek input from stakeholders and experts during the formulation and development of planning documents and reports.

GOAL #2

Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities

Objectives	Strategies
Identify new infrastructure funding opportunities with state, federal and private partners	<ol style="list-style-type: none"> 1. Develop, monitor or support state legislation that promotes increased investment in transportation programs in Southern California. 2. Work with stakeholders to seek increased investment in transportation programs. 3. Develop, monitor or support federal legislation that promotes increased investment in transportation programs in Southern California. 4. Work with stakeholders to secure increased federal participation in unfunded programs. 5. Work with DOT and Congressional members to support proposed funding initiatives.
Identify and support legislative initiatives	<ol style="list-style-type: none"> 1. Work with Legislators and other affected stakeholders to support legislative initiatives.
Maximize use of existing funding by working with state and federal regulators to streamline project delivery requirements	<ol style="list-style-type: none"> 1. Document examples of project delivery delays and related costs impacts applied to implementation of RTP. 2. Work with Federal DOT on potential ideas for further delegating authority for better and more flexible planning practices. 3. Working with other impacted agencies, seek potential legislative clarification to maximize available funding by providing more delegated authority in the project delivery approval process.

GOAL #3

Enhance the Agency's Long Term Financial Stability and Fiscal Management

Objectives	Strategies
Maximize available resources and funds to the fullest extent possible	<ol style="list-style-type: none"> 1. Identify new funding opportunities. 2. Improve the flexibility of using Consolidated Planning Grant (CPG) funds.
Maintain adequate working capital to support Planning and Operations in accordance with SCAG's Investment Policy guidelines	<ol style="list-style-type: none"> 1. Manage monthly cash requirements to minimize operating account balance and maximize funds available for investment. 2. Increase agency reserves.
Implement agency-wide and user defined budget variance and financial performance reporting system	<ol style="list-style-type: none"> 1. Install new FMIS System. 2. Enhance agency wide budget development process. 3. Update existing and implement new financial administrative procedures. 4. Develop agency-wide budget variance reports. 5. Issue financial performance statistics.
Optimize Procurement Process	<ol style="list-style-type: none"> 1. Develop multi-year procurement plan. 2. Develop procurement management plans. 3. Ensure communication and training meets end users needs. 4. Develop procurement process performance measurement statistics.

GOAL #4

Develop, Maintain and Promote the Utilization of State of the Art Models, Information systems and Communication Technologies

Objectives	Strategies
Develop and maintain planning models that support regional planning	<ol style="list-style-type: none"> 1. Develop, maintain, and optimize planning models that meet regulatory requirements. 2. Research and develop state of the art planning models to address current and emerging planning issues including climate change, land use and transportation interactions, micro-level transportation behaviors, etc. 3. Develop and maintain “Top of the Class” modeling capabilities at SCAG.
Develop, maintain and enhance data and information to support planning and decision making in a timely and effective manner	<ol style="list-style-type: none"> 1. Identify data/information needs internally as well as for SCAG members and stakeholders. 2. Develop data/information policies on inventory, acquisition, quality, and information and cost sharing. 3. Use advanced technology to maintain, process and integrate data, to improve data accessibility, utilization and visualization. 4. Develop data and information to support planning, modeling and assessment programs and initiatives.
Maintain a leadership role in the modeling and planning data/GIS communities	<ol style="list-style-type: none"> 1. Be an active participant in setting national, state and regional modeling and planning data/GIS direction and policy. 2. By enhancing technical capability, provide timely and quality service to SCAG members and the Southern California modeling and planning data/GIS community. 3. Improve the Region’s modeling practice by coordinating national, state, regional and local modeling and planning data/GIS programs.
Integrate advanced information and communication technologies	<ol style="list-style-type: none"> 1. Provide easy-to-use web systems and high-performance databases that increase efficiency and foster regional communication. 2. Equip headquarters and regional offices with modern technology, including videoconferencing and webcasting, to improve governance and collaboration among SCAG staff and partners. 3. Provide highly effective program management, financial and human resources systems to generate actionable data for decision-makers and meet all funding and accounting requirements. 4. Adopt green computing technologies that minimize environmental impacts. 5. Provide communication systems that promote “anywhere computing” to reduce travel among staff, members, partners and consultants. 6. Continuously evaluate system effectiveness and when warranted, adopt emerging technologies to enable improvement of SCAG planning, operations and management.

GOAL #5

Optimize Organizational Efficiency and Cultivate an Engaged Workforce

Objectives	Strategies
Define the process by which the Strategic Plan is integrated into SCAG's day-to-day operations	<ol style="list-style-type: none"> 1. Create annual business/operations plan following adoption of Strategic Plan. 2. Incorporate Strategic Plan goals and objectives into Regional Council decision-making and communication processes. 3. Incorporate Performance Agreements throughout organization that link at all levels. 4. Actively monitor strategic plan implementation.
Identify and advocate methods to increase the free flow of information between staff, RC and Policy Committee Members	<ol style="list-style-type: none"> 1. Staff and RC/Policy Committee members will receive appropriate information, in a timely fashion, necessary to be effective in their roles. 2. Develop and implement a communication strategy between Management and Staff that facilitates trust and mutual respect. 3. Develop and implement a communication strategy between RC/Policy Committee members and Staff that facilitates trust and mutual respect and fosters increased engagement in regional planning.
Identify and advocate informal methods to share information that improve team building, camaraderie and relationships	<ol style="list-style-type: none"> 1. Hold brown bag lunch presentations to periodically discuss regional issues and other related topics. 2. Hold periodic staff events to increase informal communications and information sharing through extracurricular events. 3. Develop a "buddy system" for new employees. 4. Develop a mentor program for less experienced employees to support more formalized succession planning.
Define the roles and responsibilities at all levels of the organization	<ol style="list-style-type: none"> 1. Conduct thorough study of current roles and responsibilities of Departments, Divisions and staff, and related practices. 2. Identify areas to increase efficiency and foster collaboration and implement necessary changes.
Invest in employee development process	<ol style="list-style-type: none"> 1. Provide tools, resources and support for effective employee development across the agency. 2. Train managers to actively encourage external relations activities for presentations, articles, papers, etc. for staff.
Enhance Project Management Practices	<ol style="list-style-type: none"> 1. Document SCAG's standardized project management practices. 2. Provide all project managers with applicable training and skill development opportunities. 3. Improve project management practices as needed and communicate

	<p>changes as they occur.</p> <p>4. Improve progress reporting including percent complete calculations on a monthly basis.</p>
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ARTICLE XIII: REGIONAL COUNCIL LEGISLATIVE PROTOCOL
(Amended May 8, 2008 and December 1, 2005; Adopted
December 4, 2003)

Section 1

- 1.1 SCAG employs the services of contract lobbyists in Washington, DC and Sacramento.
- 1.2 Contacts with the federal and state lobbyists are coordinated through the Director of Government and Public Affairs.
- 1.3 The lobbyists work with SCAG to implement the Legislative Program and to coordinate visits to Washington, DC and Sacramento by Regional Council Members for the purpose of meeting with elected and appointed officials of the executive and legislative branches of the federal and state government.
- 1.4 The budget for Government Affairs advocacy activities is provided through General Fund revenues. Federal law prohibits the use of federal funds for lobbying purposes.
- 1.5 Retainers and expenses for both the federal and state legislative advocates are contained within the annual Overall Work Program adopted by the Regional Council.
- 1.6 SCAG's advocacy efforts are coordinated with the county transportation commissions, cities, counties and subregional organizations to ensure the maximum efficacy.
- 1.7 The Regional Council establishes SCAG's official policies on all legislative or regulatory matters.
- 1.8 SCAG and its state and federal lobbyists operate according to the Legislative Program approved annually by the Regional Council.

Section 2: Policy Review and Action

- 2.1 SCAG legislative staff shall communicate to legislators, administrators and others SCAG's positions on bills, constitutional amendments, and other matters when germane Regional Council policy exists.
- 2.2 If no germane Regional Council policy exists or it is unclear whether an adopted policy is on-point, legislation and other matters shall be processed as follows:

- A. If the legislation or other matter falls under the purview of a task force or sub committee and time permits, it shall be presented to the task force or sub committee first.
 - B. Legislation or other matters first heard in a task force or sub committee shall be referred to the appropriate policy committee for consideration. If no relevant task force exists, the legislation or other matter shall be submitted to the appropriate policy committee.
 - C. Not less than one month after a policy committee has considered and recommended a position on legislation or other matters, the matter shall be brought to the Regional Council for adoption of a formal position.
 - D. Legislation shall be referred to more than one task force or sub committee and one committee at the direction of the Administration Committee.
 - E. Certain matters may be referred directly to the Regional Council due to their critical nature or the time constraints of the federal or state legislative calendars.
 - F. Certain matters may be brought to the Regional Council the same day they are considered by a policy committee due to the constraints of the federal or state legislative calendars.
 - G. Regional Council, policy committee, and task force members desiring Regional Council action on legislative or other matters not directly contained within the Legislative Program shall direct their requests to the Executive/Administration Committee.
 - H. If the Executive/Administration Committee approves the request, SCAG legislative staff shall process the legislative or other matter in the manner outlined above.
- 2.3** Upon the adoption of a position by the Regional Council, SCAG legislative staff shall consult members of the Executive/Administration Committee (the SCAG President and the policy committee chairs) and determine the appropriate course of action to be taken.
- 2.4** SCAG legislative staff shall present one of the following recommendations to Executive/Administration Committee members (a flow chart illustrating this protocol follows in *Appendix C* to this Policy Manual):
- A. **For legislative or other matters contained within the Legislative Program or directly related to SCAG's statutory responsibilities:**
In addition to position letters and legislative tracking and interaction as

described below, SCAG legislative staff shall, at the direction of the Executive/Administration Committee, coordinate advocacy visits to Sacramento or Washington, DC, for Regional Council members and/or SCAG management to meet with key policy makers and/or interested stakeholders and/or relevant grass roots organizations.

- B. **For legislative or other matters not contained within the Legislative Program, but considered traditional SCAG issues:** In addition to a position letter to the author and legislative tracking by SCAG legislative staff and lobbyists, position letters shall be mailed to the appropriate legislative leadership, key legislators, legislative committees and executive branch agency officials. SCAG legislative staff and lobbyists shall interact with these persons to offer amendments, present testimony, fill information requests, or participate in working groups.
 - C. **For legislative or other matters not contained in the Legislative Program, not traditionally considered SCAG issues, or not related to SCAG's statutory responsibilities:** A position letter shall be delivered to the author's office to be filed on record. SCAG legislative staff and lobbyists shall monitor the progress of the matter and alert the Regional Council to any changes detrimental to SCAG's interest.
 - D. **Exceptions:** Upon the direction of the Regional Council or the Executive Director upon consultation with the President, or when a legislative or other matter is resolved and no further action is required, the above procedures may be waived, amended, or otherwise altered. SCAG legislative staff shall seek guidance and offer alternative recommendations in those cases.
- 2.5 For legislative or other matters contained within the Legislative Program or directly related to SCAG's statutory responsibilities:** In addition to position letters and legislative tracking and interaction as described below, SCAG legislative staff shall, at the direction of the Executive/Administration Committee, coordinate advocacy visits to Sacramento or Washington, DC, for Regional Council members and/or SCAG management to meet with policy makers and/or interested stakeholders and/or relevant grass-roots organizations.
- 2.6** To facilitate the implementation of the Legislative Program, SCAG legislative staff shall coordinate workshops with policy committees early in the legislative calendar to review introduced bills and constitutional amendments and narrow SCAG's legislative focus.
- 2.7** Throughout the remainder of the legislative session, SCAG legislative staff shall present legislative matrices to the policy committees. In preparing the matrices, the staff shall review measures being tracked by various

- organizations including those representing cities, counties, and councils of governments and transportation commissions. Staff shall also seek the recommendations of its Sacramento and Washington lobbyists and other sources in preparing the matrices.
- 2.8** SCAG legislative staff shall also present a matrix to the Regional Council tracking bills and constitutional amendments upon which SCAG has taken a position or which SCAG sponsors.
- 2.9** Legislative matrices shall be updated monthly when the Legislature is in session.

Appendix A

RULES OF PROCEDURE FOR CONDUCT OF MEETINGS

I. ORDER OF BUSINESS

The business of the Regional Council shall be taken up for consideration in the following order, except as may otherwise be ordered by the Regional Council in accordance with law:

- Call to order by Presiding Officer
- Pledge of Allegiance
- Public Comment Period
- Approval of minutes of previous meeting
- Consent Calendar
 - (1) Approval Items
 - a. Adopted if no objection
 - b. Includes all recommendations of Standing Committees which receive a 2/3 majority vote
 - (2) Receive and file
 - (3) Information
- Action Items
 - (1) Includes recommendations of the Standing Committees which do not receive a 2/3 majority vote.
- Information Items
- Comment Period
- Report from legal counsel
- Adjournment

II. RULES OF ORDER¹

A. MOTIONS

Any voting member of the Regional Council may call an action on any matter before the Regional Council by making a motion. Any voting member of a Committee may call an action before that Committee by making a motion. Before the motion can be considered or debated it must be seconded. Once the motion has been properly made and seconded and the members making the motion and seconding the motion have been recognized by name by the President (or Chair), the

¹ These Rules of Order shall be supplemented by and interpreted consistently with "Robert's Rules of Order Newly Revised," 10th Ed. (2000) and subsequent revisions.

President (or Chair) shall open the matter for debate by offering the first opportunity to debate to the moving party and, thereafter, to any member properly recognized by the President (or Chair). Once the motion has been fully debated, the President (or chair) shall restate the motion and call for a vote. No further debate will be allowed, provided however, members may be allowed to explain their vote.

B. SUBSIDIARY MOTIONS

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion, and if properly made and seconded, must be disposed of before the main action can be acted upon. The following motions are appropriate and may be made by any voting member at the appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are nondebatable; the last three are debatable.

1. **Lay on the Table.** Any voting member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. In order to bring the matter back before the Regional Council (or Committee), a motion must be adopted that the matter be taken from the table. A motion to take from the table must be made at the same meeting at which it was placed in the table or at the next meeting of the Regional Council (or Committee) held within five calendar days of the original meeting. Otherwise the motion that was tabled dies, although it can be raised later as a new motion.
2. **Move Previous Question.** Any voting member may move to immediately bring the question being debated by the Regional Council (or Committee) to a vote suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A majority vote of the quorum present is required for passage.
3. **Limit or Extends Limits of Debate.** Any voting member may vote to put limits on the length of debate. The motion must be made and seconded and requires a majority vote of the quorum present to pass.
4. **Postpone to a Time Certain.** Any voting member may move to postpone debate and action on the motion to a date and time certain.

5. **Commit or Refer.** Any voting member may move that the matter being discussed should be referred 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 Regional Council's (or Committee's) agenda. If no date is set for returning the item to the agenda, any voting member may move, at any time, to require that the item be returned to the agenda.
6. **Amend.** Any voting member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to the amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the President (or Chair).

C. **MOTIONS OF PRIVILEGE, ORDER AND CONVENIENCE**

The following actions by the Regional Council (and Committees) are to insure orderly conduct of meetings and for the convenience of the members. These motions take precedence over any pending main or subsidiary motion and may be debated except as noted.

1. **Call for Orders of the Day.** Any voting member may demand that the agenda be followed in the order stated therein. No second is required and the President (or Chair) must comply unless the Regional Council (or Committee), by majority vote, sets aside the agenda order of the day. This motion is not debatable.
2. **Recess.** Any voting member may move for a recess. No second is required and the president (or Chair) must comply unless the Regional Council (or Committee), by majority vote, sets aside the motion.
3. **Adjourn.** Any voting member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.
4. **Point of Order.** Any voting member may require the President (or Chair) to enforce the rules of the Regional Council or (Committee) by raising a point of order. The point of order shall be ruled upon by the President (or Chair).

5. **Appeal**. Should any voting member be dissatisfied with a ruling from the President (or Chair), he or she may move to appeal the ruling to the Regional Council (or Committee). The motion to appeal requires a second, and the ruling of the President (or Chair) may be overturned by a majority vote.
6. **Suspend the Rules**. Any voting member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote is required for passage.
7. **Division of Question**. Any voting member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. This motion may also be applied to complex resolutions.
8. **Reconsider**. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Regional Council (or Committee) may reconsider any vote taken at the same meeting, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a member who voted on the prevailing side, must be seconded and requires a majority vote of the quorum for passage, regardless of the vote required to adopt the motion being reconsidered. If the matter is to be reconsidered at the next regular meeting, a member on the prevailing side must ask the Clerk of the Council (or Clerk of the Committee) to place the matter on the agenda, or otherwise comply with Government Code Section 54956.5. If the matter 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. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same cannot be brought up again at the same meeting.
9. **Rescind, Repeal or Annul**. The Regional Council (or Committee) may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

III. VOTING

A. MAJORITY VOTING

Generally, the affirmative votes of a majority of a quorum of members are required for an action. Voting procedures of the Regional Council shall be conducted as provided in the Bylaws, Art. V, Sec. A.5., including the following:

1. Only each official county Board of Supervisors representative, District representative and Los Angeles City At-large representative shall have the right to vote as a member of the Regional Council.
2. One-third of the voting members of the Regional Council shall constitute a quorum of the Regional Council.
3. The affirmative votes of a majority of the regional Council quorum are required for action by the Regional Council, except as set forth in subsections (a), (b) and (c) below:
 - (a) Members may request a “division of the house” vote in accordance with the Bylaws, Article V, Sec. A.5(d).
 - (b) In order to recommend the annual budget to the General Assembly, the affirmative vote of not less than a majority of the Regional Council membership is required.
 - (c) In order to appoint or remove the Executive Director, the affirmative vote of not less than the majority of the Regional Council membership is required.

B. RECORDING VOTES

When a vote on any matter is called for, the Clerk of the Council (or the Clerk of the Committee) shall record the vote. On a tie vote, the motion is lost. The President (or Chair) shall announce the result of the vote and then announce the next order of business.

C. ABSTAINING FROM PARTICIPATION AND VOTING IN PROCEEDING

No member shall make, participate in making or in any way attempt to use the member’s official position to influence a decision of the Regional Council (or Committee) in which the member knows or

has reason to know that he or she has a financial interest. If the member knows or has reason to know that he or she has a financial interest, the he or she may only participate in the proceeding if such participation is legally required. An example of legally required participation is to establish a quorum. Where participation is legally required, the member must disclose the existence of the financial interest, the nature of the interest before participating, refrain from attempting to influence any other public official with respect to the matter and state the reason participation is required.

D. EXPLANATION OF VOTE

A member shall be allowed to explain his or her vote.

E. CHANGE OF VOTE

No member shall be allowed to change his or her vote after the result is announced by the President (or Chair); provided, that this rule may be suspended by a vote of two-thirds of the members present.

F. ROLL CALL VOTE

Any member may request that a roll call vote be taken on a motion.

Appendix B

Selected Sections Of SCAG Personnel Rules¹

PERSONNEL RULE 12: EQUAL EMPLOYMENT OPPORTUNITY ANTI-HARASSMENT AND REASONABLE ACCOMMODATION POLICIES

12.1 Statement of Equal Employment Opportunity:

- 12.1.1 It is the policy of SCAG to administer personnel policies and programs regardless of race, color, religious creed, political belief, age, national origin, sex, physical disability, mental disability, medical condition, marital status, sexual orientation, or any other basis protected by law. This policy applies to all aspects of employment including but not limited to recruitment, hiring, compensation, benefits, promotion, training, education, transfer, layoff, and discipline.
- 12.1.2 It is the policy of SCAG to seek to remove artificial, arbitrary, or unnecessary barriers to employment. Toward this end, SCAG will seek to achieve equality of employment opportunity for all qualified persons with or without disability.
- 12.1.3 It is the policy of SCAG to employ on the basis of merit, qualification, competency, and experience. Only appropriate job related standards will be utilized in employment selection procedures.
- 12.1.4 It is the policy of SCAG to take disciplinary action where management and supervisory personnel fail to adhere to the provisions of the Policy Statement of Equal Employment Opportunity. The performance of managers and supervisors, with respect to this Policy, will be considered in their performance evaluation.

12.2 Anti-Harassment Policy:

- 12.2.1 **Purpose:** SCAG is committed to providing a work environment free of discriminatory harassment. This Policy defines discriminatory harassment, and sets forth a procedure for the investigation and resolution of complaints of such harassment

¹ According to SCAG records, the Personnel Rules were amended by the SCAG Executive Director (and formerly the Chief Operating Officer) on March 1, 2007, January 1, 2002, February 5, 1996, January 29, 1996, November 30, 1995; and adopted March 9, 1993.

by or against any employee or applicant or from a person providing services pursuant to a contract.

- 12.2.2 **Policy:** Discriminatory harassment violates this Policy, and will not be tolerated. Discriminatory harassment of an applicant, or employee, or person providing services pursuant to a contract, is harassment based on actual or perceived race, religious creed, sex, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, or other protected characteristics. It is also improper to retaliate against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation. Retaliation constitutes a violation of this Policy.

This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, transfer, recall, leave of absence, training opportunities, and compensation.

Employees who violate this Policy may be subject to disciplinary action up to and including termination.

- 12.2.3 **Definition:** Harassment can consist of virtually any form or combination of verbal, physical, visual, or environmental conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived sex, religious

creed, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This may include, but is not limited to, kissing, patting, lingering, or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against, or blocking another person, whistling, or sexual gestures.

Visual or Written: The display or circulation of offensive or derogatory visual or written material related to sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

Environmental: A work environment that is permeated with sexually-oriented talk, innuendo, insults, or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on topics or statements related to protected characteristics. An environment may be hostile if unwelcome behavior is directed specifically at an individual based on the person's protected characteristics or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

By definition, sexual harassment is not within the course and scope of an individual's employment with SCAG.

12.2.4 **Prohibited Supervisory or Managerial Behavior:**

- a. No supervisor, manager, or other authority figure may condition any employment, employee benefit, or continued employment at SCAG on an applicant's or employee's acquiescence to any of the behavior defined above.
- b. No supervisor, manager, or other authority figure may retaliate against any applicant, or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted by an authorized person related to a violation of this policy.
- c. No person shall destroy evidence relevant to an investigation of harassment discrimination.

12.2.5 **Behavior Prohibited by All Persons:**

- a. No supervisor, manager, or any other person at SCAG shall create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of any employee.
- b. No supervisor, manager, or any other person at SCAG shall assist any individual in doing any act which constitutes discriminatory harassment against any employee of SCAG.
- c. No supervisor, manager, or any other person at SCAG may retaliate against any employee because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing conducted by an authorized investigator.

12.2.6 **Obligations of SCAG Supervisory and Management Employees:**

- a. A copy of this policy shall be provided to all employees of SCAG, as well as displayed in prominent locations throughout SCAG.

- b. A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all SCAG employees upon request.
- c. SCAG will periodically notify employees of the procedures for registering a complaint as well as available redress. Such notification shall occur through the normal channels of communication.
- d. The office of Human Resources will make available, upon request, information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of harassment with these entities.
- e. A copy of this policy shall appear in any publication which sets forth the comprehensive rules, regulations, procedures, and standards of conduct for employees.
- f. Employees of SCAG shall receive periodic training on the policy as required by law.

12.3 Reasonable Accommodation Policy: SCAG will comply with the employment-related reasonable accommodation requirements of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

An employee or applicant who alleges a denial of a reasonable accommodation may file a complaint pursuant to SCAG's Complaint Procedure in Section 12.4 of these personnel rules.

12.4 Complaint Procedure for Discrimination or Harassment: A complaint procedure that accompanies SCAG's equal employment opportunity, harassment, and reasonable accommodation policies is critical to SCAG's ability to prevent, address, and manage these issues in the manner required by law

12.4.1 Obligations of All Employees:

- a. Comments, gestures, or actions that are perceived as harassing should be immediately communicated and discussed with the person who is harassing. That person should be told such actions/words are not welcome.
- b. All employees should immediately report any conduct they believe violates SCAG's Equal Employment Opportunity,

Anti-Harassment, or Reasonable Accommodation Policy. This includes conduct they personally experience or directly observe, whether or not reported by the employee who is the object of the conduct. This also includes conduct by non-employees, such as sales representatives or service vendors, or conduct aimed at such contractors.

- c. Employees should immediately report the conduct to their supervisor, manager, any department head, or the Human Resources Manager. Under no circumstances shall SCAG employees who believe they have been the victim of discrimination or harassment be required to first report that harassment to a supervisor or other authority figure if that person or authority figure is the individual who has discriminated against or harassed them. These employees should instead report the conduct to any manager, department head, or the Human Resources Manager.
- d. All employees must cooperate with any investigation of any alleged act of discriminatory harassment conducted by SCAG or its agents.

12.4.2 **Responsibilities of Supervisors or Management:**

- a. Any supervisor or manager who receives a complaint regarding discrimination or discriminatory harassment shall immediately report it to the Human Resources Manager. If it is not possible to report it to the Human Resources Manager, then the supervisor or manager must instead report the complaint to the Executive Director.
- b. Under no circumstances shall a supervisor, manager, or other authority figure retaliate in any way against an employee who has made a complaint or who has provided information as a witness to an incident of alleged discrimination or harassment.
- c. All supervisors and managers are required to maintain confidentiality to the extent possible in communicating or investigating any claims of alleged discrimination or harassment.

12.4.3 **Investigative/Corrective Action:**

- a. The Human Resources Manager will authorize an investigation or conduct an investigation of the complaint.

The investigation will be conducted in a manner that ensures, to the extent feasible, the privacy of the parties involved.

- b. If the complaint of harassment involves the office of Human Resources, the complaint shall be reported to the Chief Legal Counsel who will either conduct or authorize the investigation of the complaint.
- c. The person designated to investigate shall immediately report in writing the findings of fact to the Human Resources Manager or if the office of Human Resources is being investigated, to the Chief Legal Counsel. The Human Resources Manager or the Chief Legal Counsel will determine whether the Policy has been violated and communicate the conclusion to the complainant and the alleged perpetrator.
- d. Disciplinary action shall be decided in accordance with SCAG policy and after consultation with the Human Resources Manager or Chief Legal Counsel.

12.4.4 **Option to Report to Outside Administrative Agencies:**

Applicants, employees, officers, and contractors have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These government agencies offer a complaint process and legal remedies. Both the EEOC and the DFEH have offices in Los Angeles.

PERSONNEL RULE 14: GENERAL POLICIES (APPLICABLE EXCERPTS)

14.4 Injury and Illness Prevention Program (IIPP):

- 14.4.1 **IIPP Policy:** Accident prevention is of primary importance in all phases of operations and administration at SCAG. It is the policy of SCAG to provide safe and healthy working conditions and to establish and insist upon safe practices at all times by all employees. Accordingly, all unsafe and unhealthy working conditions will be eliminated.
- 14.4.2 **Code of Safe Practices:** All equipment and facility problems, including lighting, plumbing, rain damage, ceiling tiles, etc. shall

be reported immediately to the Business Operations Supervisor or designee.

- 14.4.3 **Safety Communication:** SCAG encourages open communication among staff on matters pertaining to safety. Employees active participation in SCAG's IIPP is important to establishing a safe working environment. Therefore, all safety concerns or suggestions should be directed to the Executive Director or his/her designee. Suggestions may be made anonymously by utilizing the employee suggestion boxes located in the SCAG lunch rooms at the main building. All safety suggestions will be investigated and each will receive a response.
- 14.4.4 **Job Safety Training:** SCAG strives to provide adequate training to employees. However, if an employee is ever in doubt as to how to perform a job safely, it is his/her duty to ask a qualified person for assistance.
- 14.4.5 **Accident:** In case of an accident involving SCAG personnel or property, names of witnesses and all other available facts should be obtained and reported to the Human Resources Manager or designee.

14.7 **Smoking Policy:** SCAG maintains a smoke-free workplace.

14.8 **Alcohol and Drug Abuse Policy:**

- 14.8.1 **Purpose:** SCAG is committed to a drug and alcohol-free work environment. It is the intention of this policy to eliminate substance abuse and its effects in the workplace. The goal of SCAG is for employees to perform their duties safely and efficiently, in the interest of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the effect of those substances on employees during working hours, are inconsistent with this objective.
- 14.8.2 **Prohibited Activities:** Employees shall not be impaired by or have in their biological system, or be in possession, of alcohol or drugs while on SCAG property, at work locations, or while on duty or subject to being called to duty. Employees shall not sell or provide drugs or alcohol to any other employee or person while on duty or subject to being called to duty. Employees shall not manufacture, distribute, dispense, possess, or use controlled substances in the workplace.

- 14.8.3 **Reporting Drug Convictions:** SCAG employees must notify the Human Resources Manager of any criminal drug conviction or violation occurring in the workplace. Notification must be given within five (5) calendar days of such conviction or violation. For the purposes of this policy, workplace is defined as any place at which an employee performs work for SCAG or any site where SCAG business is conducted.
- 14.8.4 **Use of Prescription Drugs:** While use of validly prescribed medications and drugs does not violate this policy per se, failure by an employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could in the foreseeable future interfere with the safe and effective performance of duties, or the operation of SCAG equipment, can result in discipline up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using medications or drugs, clearance from a qualified physician may be required.
- 14.8.5 **Searches:** SCAG reserves the right to search, without employee consent, all areas, and property in which SCAG maintains control or joint control or with the employee. Otherwise, SCAG may notify appropriate law enforcement agencies that an employee may have illegal drugs in her or her possession when an area not jointly or fully controlled by SCAG.
- 14.8.6 **Pre-Employment Drug and/or Alcohol Analysis:** SCAG shall have the authority, post offer of employment, to send any applicant for any position for a pre-employment drug and/or alcohol analysis. The drug and/or alcohol test may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job, including but not limited to, prescription medications, alcohol, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana, and other cannabinoids.

A positive result from a drug and/or alcohol analysis may result in an applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standards, duties, or responsibilities. If a drug screen is positive at the pre-employment physical, the applicant must provide, within 24 hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does

not provide acceptable verification or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

- 14.8.7 **Post-Employment Drug and/or Alcohol Analysis:** SCAG shall have the right to send employees for a drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called to work or after an accident where an employee is driving.
- 14.8.7.1 Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to form his/her job safely is reduced.
- 14.8.7.2 Any manager or supervisor directing an employee to submit to a drug and/or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
- 14.8.7.3 Any manager or supervisor encountering an employee who refuses an order to submit to a drug and/or alcohol analysis upon direction shall remind the employee of the requirement to do so and of disciplinary consequences of failing to do so. Where there is a reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home.
- 14.8.7.4 Managers and supervisors shall notify their department heads and the Human Resources Manager when they have reasonable suspicion to believe an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by SCAG. If the department head or Human Resources Manager concurs that there is a reasonable suspicion of illegal drug possession, the department head or Human Resources Manager may notify the appropriate law enforcement agency.

14.8.7.5 A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge. If the drug screen is positive, the employee must provide within 24 hours of request bona fide verification of a valid prescription of the drug identified in a drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his/her supervisor, the employee will be subject to disciplinary action up to and including discharge.

If an alcohol or drug test is positive for alcohol or drugs, SCAG shall conduct an investigation to gather all facts. The decision to discipline or discharge shall be carried out in conformance with the disciplinary procedures of SCAG.

14.8.8 Refusal of any employee to immediately submit to an alcohol and/or drug analysis when directed by SCAG management or law enforcement personnel, or refusal to submit to a search of personal property if requested by law enforcement personnel, may constitute insubordination and be grounds for discipline up to and including termination.

14.8.9 Employees who think they have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance through the SCAG Employee Assistance Program or the office of Human Resources. While SCAG will be supportive of those who seek help voluntarily, they will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs. Alcohol or drug abuse will not be tolerated, and disciplinary action, up to and including termination will be used as necessary to achieve this goal.

SCAG encourages employees who think they have a problem with drugs to seek rehabilitation. Employees may check with their individual insurance plans to determine what type of coverage is available for drug and alcohol rehabilitation programs. Employees should seek the assistance of the SCAG Employee Assistance Program or the office of Human Resources.

If necessary, the employee may be granted a leave of absence without pay for a reasonable period of time in order to accommodate treatment and rehabilitation. If an employee has accrued sick leave, the employee may use it until exhausted for purposes of rehabilitation or treatment.

- 14.8.10 Laboratory results and test results shall not appear in an employee's personnel file. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Human Resources Manager. The test results will be disclosed to SCAG management on a strictly need-to-know basis and the tested employee upon request.

14.14 Workplace Violence Policy

- 14.14.1 **Purpose:** The safety and security of our employees, visitors, guests and others on the premises are of the utmost importance to SCAG. Threats, threatening behavior, or acts of violence by anyone on SCAG property will not be tolerated. Violations of this policy shall lead to disciplinary action which may include dismissal, arrest, and prosecution.
- 14.14.2 **Consequences of Violence:** Any person who makes threats, exhibits threatening behavior, or engages in violent acts on SCAG property shall be removed from the premises immediately, and shall remain off SCAG premises pending the outcome of an investigation. SCAG's response may include termination of any business relationship, reassignment of job duties, suspension, or termination of employment, and/or criminal prosecution.
- 14.14.3 **Reporting Requirement:** All SCAG employees are responsible for notifying their manager, department head, or the Human Resources Manager immediately of any threats which they have witnessed, received, or have been told about. Even without an actual threat, employees should also report any behavior which they regard as threatening or violent, when that behavior is job-related or might be carried out on SCAG premises. Employees are responsible for making this report regardless of the relationship between the person who initiated the threat or threatening behavior and the person threatened. If the management representative is not available, employees should report the threat to their supervisor or another member of management. No existing SCAG policy or procedure should be

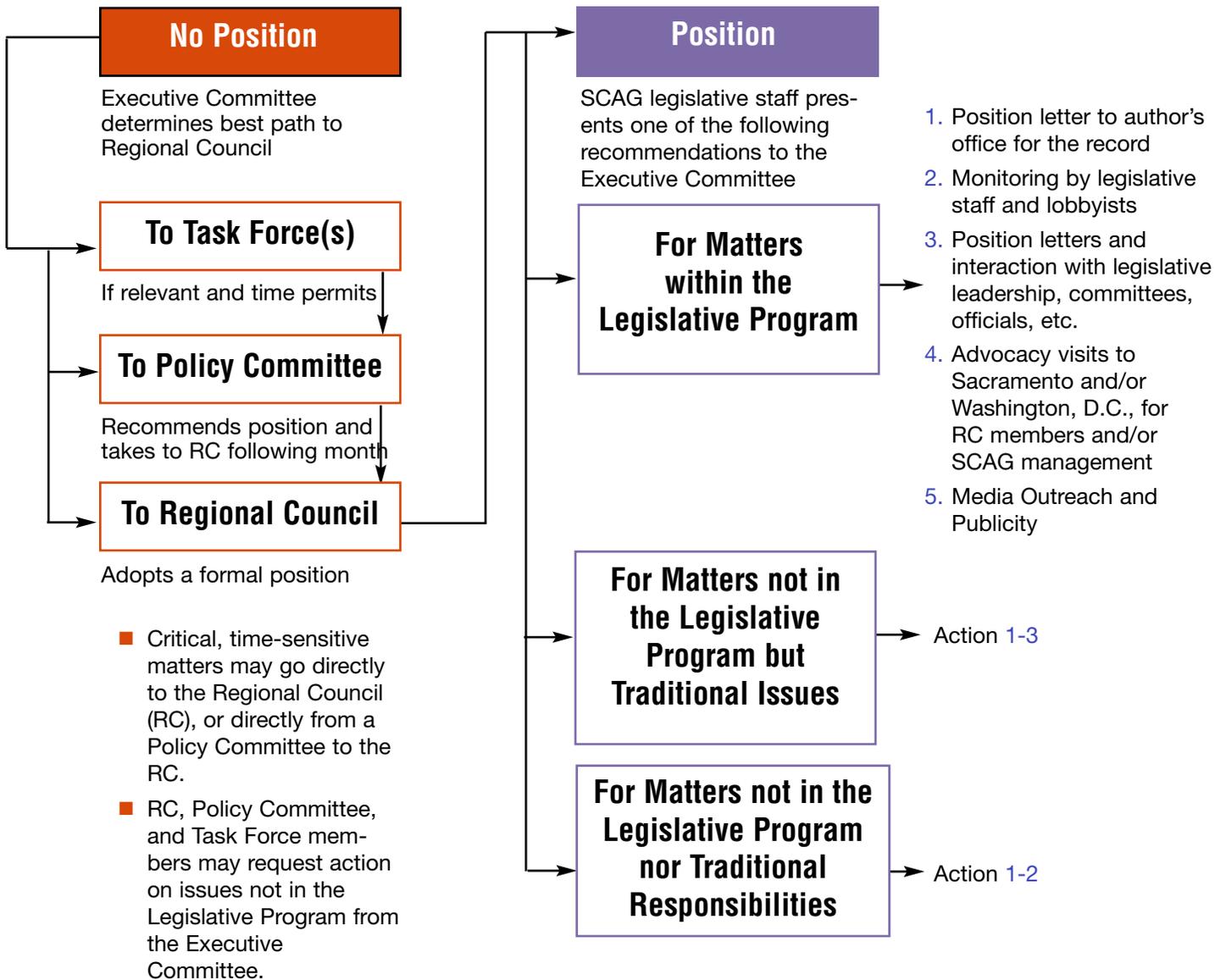
interpreted as prohibiting action by any employee to prevent a threat from being carried out or a violent act from occurring.

- 14.14.4 **Restraining Orders**: All individuals who apply for or obtain a protective or restraining order which lists SCAG property as being a protected area, must provide to the management representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

Appendix C

LEGISLATIVE PROTOCOL FLOW CHART

The Regional Council establishes SCAG's official policies on all legislative and regulatory matters to the Regional Council (RC), or directly from a Policy Committee to the RC.



SCAG staff facilitates Legislative Program implementation with Policy Committee workshops and legislative matrices for Policy Committees and the Regional Council.