



*City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson  
City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus*

**NEXT MEETING OF THE:**  
**SUSTAINABLE COMMUNITIES STRATEGY STEERING COMMITTEE**

**NOVEMBER 27, 2012•TUESDAY•1:00 PM**  
**STANCOG BOARD ROOM**  
**1111 I STREET, SUITE 308**  
**MODESTO, CA**

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Public Comment Period: Matters under the jurisdiction of the Committee, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Committee for consideration. However, California law prohibits the Committee from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Committee. Any member of the public wishing to address the Committee during the "Public Comment" period will be limited to 5 minutes unless the Chair of the Committee grants a longer period of time. At a Special Meeting, members of the public may address the Board on any item on the Agenda at the time the item is considered by the Board.

Public Participation on a Matter on the Agenda: Please step to the podium at the time the agenda item is announced by the Chairperson. In order to ensure that interested parties have an opportunity to speak, any person addressing the Committee will be limited to a maximum of 5 minutes unless the Chair of the Committee grants a longer period of time.

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**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENTS**

*These matters may be presented only by interested persons in the audience. Discussion is limited to five minutes or at the discretion of the Chair.*

**4. CONSENT CALENDAR**

- A. Motion to Approve Sustainable Communities Strategy (SCS) Steering Committee Minutes of 10/30/2012

**5. PRESENTATION**

- A. 2014 Regional Transportation Plan / Sustainable Communities Strategy Contract Kick-Off

**6. DISCUSSION/ACTION ITEMS**

- A. Discussion – San Joaquin Joint Exercise of Powers Agreement
- B. Discussion – Senate Bill 375 Target Recommendation

**7. INFORMATION ITEMS**

- A. Stanislaus County Green Team Update
- B. Regional Transportation Plan / Sustainable Communities Strategy Update - December

**8. CALTRANS REPORT**

**9. EXECUTIVE DIRECTOR REPORT**

**10. MEMBER REPORTS**

**11. ADJOURNMENT**

**Next Regularly Scheduled Sustainable Communities Committee Meeting:**

**January 2, 2013 (Wednesday) @ 1:00 pm**

StanCOG Board Room  
1111 I Street, Suite 308  
Modesto, CA 95354



# CONSENT CALENDAR



*City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson  
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**SUSTAINABLE COMMUNITIES STRATEGY (SCS) MEETING**

**StanCOG Board Room**

**1111 I Street, Suite 308**

**Modesto, CA**

**Minutes of October 30, 2012 (Tuesday)**

**1:00 pm**

**MEMBERS PRESENT:**

Angela Freitas (Stanislaus County – arrived during Item 5A); Tom Westbrook (City of Ceres); Thom Clark (City of Hughson); Bill Sandhu (City of Modesto); Debbie Whitmore (City of Turlock); Bob Borchard (City of Waterford); Richard O'Brien (Policy Board Representative – arrived after Item 4A); Gil Bostwick (CAC Representative); R.J. Corwin (BPAC Representative); Marjorie Blom (LAFCo)

**ALSO PRESENT:**

Janet Jaramillo (Caltrans); Jaylen French, Rosa Park, Cindy Malekos, Debbie Trujillo, Jim Schoeffling (StanCOG); Linda Lowe (Area Agency on Aging); John Beckman (Building Industry Association); Stephen Bonrepos (BPAC)

**1. CALL TO ORDER**

Jaylen French called the Sustainable Communities Strategy (SCS) Steering Committee meeting to order at 1:00 pm.

**2. ROLL CALL**

**3. PUBLIC COMMENTS - None**

**4. CONSENT CALENDAR**

**A. Motion to Approve Sustainable Communities Strategies (SCS) Steering Committee Minutes of 9/4/2012**

**\*By Motion (Marjorie Blom/Bob Borchard), the committee approved the minutes of 9/4/12.**

## **5. PRESENTATION**

### **A. Bicycle Pedestrian Advisory Committee (BPAC) Update**

Stephen Bonrepos, member of the BPAC, presented results of a recent bicycle survey that was administered by the Bicycle Pedestrian Advisory Committee. The survey was developed to seek opinions from the general bicycling population regarding their individual use of non-motorized transportation.

## **6. DISCUSSION/ACTION ITEMS**

### **A. Discussion Regarding Building and Development Types for Envision Tomorrow**

Jaylen French mentioned that input from the SCS Committee regarding the building and development types had been shared with the other Metropolitan Planning Organizations (MPO's). He said that the input was received and that some changes had been made to the list based on input from all seven MPO's. Discussion took place amongst members regarding the changes. The definitions for the building and development types would be provided to the committee once they were available.

### **B. Discussion Regarding SCS Scenario Themes and Performance Indicators**

Jaylen French gave an update to members regarding baseline scenario discussions that took place with the other MPO's. He mentioned that the SCS would create two to three alternative scenarios to compare to the baseline scenario to measure the effect of land use and transportation choices on the reduction of greenhouse gas (GHG) emissions. He said that the seven MPO's agreed upon in draft form, the concept of a baseline scenario that was a trend analysis of growth over a 25 year period and constrained by local general plans. He asked the committee for input on other strategies for a baseline scenario. Discussion took place amongst members and concern was raised about whether a trend scenario would be in conflict with the adopted general plans. Ultimately, the Committee recommended a General Plan baseline scenario instead of the trend scenario. Jaylen mentioned to members that the other six MPO's would agree to the general plan baseline scenario also and that all future improvements would improve upon current general plans.

### **C. Transit Origin and Destination Survey**

Jim Schoeffling provided information regarding a transit origin and destination survey. He mentioned that the survey would be conducted on local area buses to determine the origins and destinations of transit riders on fixed route transit systems and also on interregional transit routes. This survey would begin in November and continue through December 2012 and a final report was expected from the consultant in February 2013.

## **7. INFORMATION ITEMS**

### **A. 2014 Regional Transportation Plan / Sustainable Communities Strategy Update**

Jaylen mentioned that this would be a monthly update to all StanCOG Committees and the Policy Board. He specifically mentioned the brand, logo, and tagline that would be used in valley wide public outreach efforts.

### **B. Blueprint Award of Merit**

Jaylen French mentioned that the City of Turlock recently received a Blueprint Award of Merit for the revitalization of their Carnegie Library and Arts Center at the San Joaquin Valley Fall Policy Conference.

**C. Intercity Passenger Rail Act – Assembly Bill 1779**

Rosa Park mentioned the efforts taking place regarding Intercity Passenger Rail Act. She said that AB 1779, was authored by Assemblymember Cathleen Galgiani, and passed by the legislature on August 30, 2012 and signed by the Governor in September. It is currently at the San Joaquin Joint Powers Association (SJJPA) development level. She also said that Dan Leavitt of the San Joaquin Regional Rail Commission would give a presentation at the November 14, 2012 Policy Board meeting.

**8. CALTRANS REPORT - None**

**9. PROJECT MANAGER'S REPORT - None**

**10. ADJOURNMENT**

Jaylen French adjourned the Sustainable Communities Strategy (SCS) Steering Committee meeting at 2:12 pm.

**Next Regularly Scheduled Sustainable Communities Strategy Steering Committee Meeting:**

**November 27, 2012 (Tuesday) @ 1:00 pm**

**StanCOG Board Room**

**1111 I Street, Suite 308**

**Modesto, CA 95354**

Minutes Prepared By:



Debbie Trujillo, Administrative Technician



# PRESENTATIONS



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City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus

**TO:** Sustainable Communities Strategy Steering Committee **Staff Report**  
Presentation

**THROUGH:** Carlos Yamzon, Interim Executive Director *LY*

**FROM:** Rosa De Leon Park, Transit/Programming Manager *RSLP*  
Jaylen French, Associate Planner *JCF*

**DATE:** November 16, 2012

**SUBJECT:** 2014 Regional Transportation Plan / Sustainable Communities Strategy  
Contract Kick-Off

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**Background**

StanCOG staff and the selected consultant team will lead a kick-off meeting for the 2014 Regional Transportation Plan and Sustainable Communities Strategy effort. This meeting will provide an opportunity for the SCS Steering Committee to meet the consultant team and for the consultant team to hear the desires and expectations of the RTP/SCS from the steering committee.

In addition, Staff and the consultant team will provide a thorough overview of the RTP/SCS tasks and associated schedule. Part of the RTP/SCS effort will be to collect information from the local jurisdictions, including land use, transportation project and revenue information. At the kick-off meeting, we will coordinate with the local jurisdiction staff regarding meeting times and required information.

The Consultant team is comprised of:

Kittelson & Associates, Transportation Planning  
Lead: Jim Damkowitz

Rincon Consulting, Environmental Planning  
Lead: Richard Daulton

Mintier Harnish, Land Use and Sustainability Planning  
Lead: Jim Harnish

Kendall Flint Strategies, Public Outreach  
Lead: Kendall Flint





# DISCUSSION & ACTION ITEMS



City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson  
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**TO:** Sustainable Communities Strategy Steering Committee **Staff Report**

**THROUGH:** Carlos Yamzon, Interim Executive Director *cy* **Discussion**

**FROM:** Rosa De León Park, Transit/Programming Manager *RSLP*  
Mike Costa, Associate Planner *MAC*

**DATE:** November 19, 2012

**SUBJECT:** San Joaquin Joint Exercise of Powers Agreement and Appointment of Members on the San Joaquin Joint Powers Authority Board

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**Background**

The “Intercity Passenger Rail Act of 2012” (AB 1779), authored by Assemblymember Cathleen Galgiani with Bi-Partisan support, was passed by the Legislature on August 30, 2012 and signed by the Governor on September 29, 2012. AB 1779 reauthorizes regional government agencies’ ability to form the San Joaquin Joint Powers Authority (SJJPA) to take over the governance/management of the existing San Joaquin intercity passenger rail service between Bakersfield-Fresno-Modesto-Stockton-Sacramento-Oakland.

AB 1779 defines the composition of the SJJPA, and extends the time for creating the SJJPA and executing an interagency transfer agreement with the Department of Transportation to June 30, 2015. In order to transfer responsibility of the San Joaquin intercity passenger rail service to the SJJPA, AB 1779 requires that the transfer must result in administrative or operating cost reductions. With this measure, the SJJPA is required to protect existing services and facilities and seek to expand service as warranted by ridership and available revenue. Increases in the San Joaquin intercity rail service and ridership will result in more jobs, improved air quality, and will help promote sustainable development in the San Joaquin Valley. Under the provisions of AB 1779, the state will continue to provide the funding necessary for service operations, administration and marketing. Furthermore, Caltrans Division of Rail would remain responsible for the development of the Statewide Rail Plan and the coordination and integration between the three state-supported intercity passenger rail services.

The next step towards regional governance of the San Joaquin rail service is the formation of the SJJPA. It is hoped that this can be accomplished by early 2013. The board shall be composed of not more than eleven members, as follows:

- One member of the board of directors of the Sacramento Regional Transit District, appointed by that board.

- One member of the board of directors of the San Joaquin Regional Rail Commission, appointed by that board, who shall be a resident of San Joaquin County.
- One member of the board of directors of the Stanislaus Council of Governments (StanCOG), appointed by that board.
- One member of the board of directors of the Merced Council of Governments, appointed by that board.
- One member of the board of directors of the Madera County Transportation Commission, appointed by that board.
- One member of the board of directors of the Fresno Council of Governments, appointed by that board.
- One member of the board of directors of the Kings County Association of Governments, appointed by that board.
- One member of the board of directors of the Tulare County Association of Governments, appointed by that board.
- One member of the board of directors of the Kern Council of Governments, appointed by that board.
- One member of the board of directors of a regional transportation agency or rail transit operator that serves Contra Costa County, appointed by the Contra Costa Transportation Authority, who shall be a resident of the county.
- One member of a regional transportation agency or rail transit operator that serves Alameda County, appointed by the Board of Supervisors, who shall be a resident of the county.

The SJJPA can be formed once six of the eleven potential Member Agencies sign the San Joaquin JEPa and appoint members (a board member and an Alternate) to the board. Alternates shall have the same qualifications as their respective board member. Each signatory Member Agency to the San Joaquin Joint Exercise of Powers Agreement (JEPa) shall have appointed its members to the SJJPA Board prior to and as a condition of its executing the San Joaquin JEPa. The San Joaquin JEPa is included as an attachment to this item.

Once the SJJPA has been established, the SJJPA Board will establish criteria and select a Managing Agency of the SJJPA that shall provide all the necessary administrative support to the SJJPA. The Managing Agency will be responsible for developing the SJJPA's Business Plans and will negotiate the interagency transfer agreement with the Department of Transportation.

StanCOG has a formal position of support for AB 1779 and submitted letters of support to the Legislature and Governor for AB 1779. The San Joaquin JEPa has been reviewed by StanCOG's legal counsel and by StanCOG's staff and StanCOG's staff participated throughout the development of this JEPa.

**Fiscal Impact:**

No funding, debt, or financial obligation is created against StanCOG solely as a consequence of executing the San Joaquin JEPAs and no funding, debt, or financial obligation approved by the SJJPA Board and/or incurred by the SJJPA shall be binding against StanCOG unless or until specifically ratified by StanCOG's Board.

StanCOG staff is bringing this item to the Policy Board for their approval/execution of the San Joaquin JEPAs and their appointment of a Board Member and Alternate to the SJJPA Board. If you have any questions regarding this staff report, please contact Carlos Yamzon at 209.525.4600 or via e-mail at [cyamzon@stancog.org](mailto:cyamzon@stancog.org)

Attachments:

1. San Joaquin Joint Exercise of Powers Agreement (Dated November 19, 2012)

[mcosta@stancog.org](mailto:mcosta@stancog.org)

**JOINT EXERCISE OF POWERS AGREEMENT (JEPA)  
ESTABLISHING THE SAN JOAQUIN JOINT POWERS AUTHORITY  
NOVEMBER 19, 2012**

**INTRODUCTION**

This Agreement is made and entered into in the State of California by and among the following public agencies that are parties to this Agreement:

- a) Sacramento Regional Transit District (Sac RT)
- b) San Joaquin Regional Rail Commission (SJRRC)
- c) Stanislaus Council of Governments (StanCOG)
- d) Merced County Association of Governments (Merced CAG)
- e) Madera County Transportation Commission (Madera CTC)
- f) Fresno Council of Governments (Fresno COG)
- g) Kings County Association of Governments (Kings CAG)
- h) Tulare County Association of Governments (Tulare CAG)
- i) Kern Council of Governments (Kern COG)
- j) Contra Costa Transportation Authority (Contra Costa TA)
- k) Alameda County

**RECITALS**

WHEREAS, intercity passenger rail service is environmentally friendly, and the state has a continuing interest in the provision of cost-effective and efficiently administered intercity passenger rail services; and

WHEREAS, with more efficient administration, stronger local and regional support, and the ability to better partner with local agencies, a regionally managed San Joaquin intercity passenger rail service will result in improved service that will attract greater ridership - creating jobs, improving air quality, and promoting sustainable development. Local decision-making will also be more responsive and better adapted to passenger issues; and

WHEREAS, it is in the best interests of the Member Agencies to combine their efforts to protect the existing San Joaquin Rail Corridor services and facilities while seeking to expand service as warranted by ridership and available revenue; and

WHEREAS, as provided by the Intercity Passenger Rail Act of 2012 and other provisions, the Member Agencies possess collectively, the powers, among others, to plan, budget, apply for grants, hire consultants and staff, exercise eminent domain, own, maintain, lease, contract for, and operate railroad services and facilities for the purpose of transporting passengers within and outside their respective boundaries; and

WHEREAS, the Intercity Passenger Rail Act of 2012 providing for, among other things, the San Joaquin Joint Powers Authority (SJJPA) which, if certain requirements are met, principally the execution of an interagency transfer agreement by December 31, 2014 with the State of California, will manage the San Joaquin Rail Service; and

WHEREAS, it is the intention of the Member Agencies to negotiate for, and to enter into an interagency transfer agreement by December 31, 2014; and

WHEREAS, the SJJPA will bring a more focused relationship with the host freight railroads, provide more aggressive advocacy efforts, and afford a governance structure that is more accessible to the public that is served and to the service contractors; and

WHEREAS, the Member Agencies recognize the importance of working in partnership with Caltrans on policy, programming and statewide consistency objectives where the state brings its greatest strengths; and

WHEREAS, the State will maintain funding in an amount to support at least the level of service in the San Joaquin Rail Corridor at the time of the transfer for not less than a three-year period following the transfer of administrative responsibility for the San Joaquin Rail Service to the SJJPA. After that three-year period, it is understood that the State will continue to be responsible for funding of the operating, administrative, and marketing needs of the San Joaquin Rail Service and its feeder bus services; and

WHEREAS, each Member Agency is authorized to contract with each other for the joint exercise of any common power under Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code; and

WHEREAS, the level of service funded by the State shall in no event be less than the current number of intercity round trips currently operated in the San Joaquin Rail Corridor, and shall also include feeder bus service with substantially the same number of route miles as the current feeder system.

NOW THEREFORE, in consideration of the recitals, the parties to this Agreement agree to the following:

## 1.0 DEFINITIONS

- 1.1 **Board** means the governing body of the SJJPA, which shall assume administrative responsibility for the San Joaquin Rail Service. Each Member Agency will appoint one member as provided in Section 14074.2 (a) of California Government Code. Each Member Agency shall also appoint an alternate.
- 1.2 **Business Plan** means the business plan to be submitted by the SJJPA to the Secretary of the Business, Transportation and Housing Agency, as mandated by Section 14070.4 of the Government Code, and updated and submitted annually thereafter.
- 1.3 **California State Rail Plan** means the plan that is prepared every two years by the California Department of Transportation as an examination of passenger and freight rail transportation in California, in accordance with Section 14036 of the Government Code.
- 1.4 **Executive Director** means the director of SJJPA who shall be an employee of the Managing Agency. The Executive Director reports to and serves at the pleasure of the Board.
- 1.5 **Fiscal Year** means from July 1 to and including the following June 30.
- 1.6 **Interagency Transfer Agreement** means the agreement provided for in Section 14070.2(a) of the Government Code whereby the State of California will transfer all responsibility for administering the San Joaquin Rail Service to the SJJPA.
- 1.7 **Managing Agency** means the agency designated to provide all necessary administrative support to the SJJPA and shall be selected by the Board, consistent with the SJJPA's criteria for selection of a Managing Agency.
- 1.8 **Member Agencies** means the Sacramento Regional Transit District (Sac RT), the San Joaquin Regional Rail Commission (SJRRC), the Stanislaus Council of Governments (StanCOG), the Merced County Association of Governments (Merced CAG), the Madera County Transportation Commission (Madera CTC), the Fresno Council of Governments (Fresno COG), the Kings County Association of Governments (Kings CAG), the Tulare County Association of Governments (Tulare CAG), the Kern Council of Governments (Kern COG), the Contra Costa Transportation Authority (Contra Costa TA), and a transportation agency within Alameda County that have executed this Agreement and that have not withdrawn from the SJJPA.
- 1.9 **Member Agency** means each of those governmental entities set forth in Section 1.8 to this Agreement that have executed this Agreement and that have not withdrawn from the SJJPA.

- 1.10 **Regional Transportation Planning Agency** means an entity authorized to prepare a regional transportation plan pursuant to Government Code Section 65080.
- 1.11 **San Joaquin Rail Corridor** means the Los Angeles-San Joaquin Valley-Sacramento-Oakland intercity passenger rail corridor.
- 1.12 **San Joaquin Rail Service** means the San Joaquin intercity passenger rail service that operates on the San Joaquin Rail Corridor, and is a 365 mile long intercity rail service, that stretches throughout the Central Valley from Bakersfield to Sacramento, and provides direct rail connection between the Central Valley and Oakland, and utilizes a comprehensive network of connecting buses.
- 1.13 **SJJPA** means the San Joaquin Joint Powers Authority formed by the Member Agencies pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the California Government Code.

## **2.0 CREATION OF SJJPA**

There is hereby created an organization to be known as the San Joaquin Joint Powers Authority, hereafter "SJJPA", which shall be a public entity separate and apart from any Member Agency. The SJJPA shall be governed by the terms of this Joint Exercise of Powers Agreement and any Bylaws passed and adopted by its Board, which do not conflict with this Agreement. The SJJPA is deemed to be organized when at least six of the potential Member Agencies approve this Joint Exercise of Powers Agreement and elect to appoint Board Members and Alternates to serve on the Board by December 31, 2013.

## **3.0 PURPOSES**

The specific purposes for the creation of the SJJPA and the exercise of common powers are as follows:

- 3.1 Develop policy, plan and implement improvements, administer and manage the operations and marketing for the San Joaquin Rail Service as part of the California Passenger Rail System.
- 3.2 To work with state and federal agencies to plan, program, and secure funding for improvements for intercity rail passenger services and facilities in the San Joaquin Rail Corridor, including the acquisition or leasing or use by agreement of right-of-way, stations and station sites; the leasing or acquisition of or use by agreement of equipment; and related activities.
- 3.3 Negotiate for and accept funds to be expended for the purpose of providing and improving intercity rail passenger services and activities.



- 3.4 Review and comment on facility, service, and operational plans and programs of the agency or agencies planning potential commuter rail service in the San Joaquin Rail Corridor.
- 3.5 Coordinate facility, service, and operational plans and programs with other organizations, providing rail service in the San Joaquin Rail Corridor or with whom the SJJPA may share common facilities, including Caltrain, Capitol Corridor, the BNSF Railway and Union Pacific or their successor agencies or corporations.
- 3.6 Advocate before local, regional, state, and federal officials and agencies for improvements to services and facilities for the San Joaquin Rail Corridor.

#### **4.0 POWERS OF THE SJJPA**

As may be necessary for the accomplishment of the purposes of this Agreement, the SJJPA shall have the power in its own name to undertake the following:

- 4.1 To exercise in the manner provided by this Agreement the powers common to each of the Member Agencies and necessary to the accomplishment of the purposes of this Agreement. Powers common to each of the Member Agencies shall include any powers granted to all Member Agencies by legislative enactment prior to or subsequent to the date of this Agreement.
- 4.2 To make and enter into contracts.
- 4.3 To employ agents and employees.
- 4.4 To contract for the services deemed necessary to meet the purposes of the SJJPA including the retention of counsel as the Board deems appropriate.
- 4.5 To acquire, by lease, purchase, lease-purchase, or eminent domain, and to hold and dispose of real and personal property necessary to carry out the purposes of this Agreement.
- 4.6 To construct, manage, and maintain facilities and services.
- 4.7 To sue and be sued in its own name.
- 4.8 To incur debts, liabilities, or obligations including, but not limited to certificates of participation and revenue bonds. The debts, liabilities, and obligations of the SJJPA shall not constitute a debt, liability, or obligation of any of the Member Agencies that are parties to this Agreement.
- 4.9 To apply for and execute, and administer grants for financial aid pursuant to any applicable state or federal statutes or local requirements.

- 4.10 Pursuant to the requirements of California Government Code Section 6509, in exercising its powers, the SJJPA shall be subject to the statutory restrictions upon the manner of exercising the powers of its Managing Agency.
- 4.11 To develop procedures for selecting a Managing Agency and to select a Managing Agency.
- 4.12 To exercise other powers and to engage in such other activities as are authorized by law and approved by the Board.
- 4.13 All powers of the SJJPA shall be exercised by the Board.

## **5.0 SJJPA BOARD**

The composition of the membership of the Board of the SJJPA shall be as follows:

- 5.1 The Board is to be composed of not more than eleven members.
- 5.2 One Board Member from each of the eleven potential Member Agencies, appointed by their respective boards as provided in Section 14074.2 of California Government Code. If a Board Member ceases to be a member of the respective Board from which they are appointed, the Board Member's office on the Board will terminate.
- 5.3 Each signatory Member Agency to this Agreement shall have appointed its members to the Board prior to and as a condition of its executing this Agreement. Members so appointed shall serve at the pleasure of their respective appointing boards.
- 5.4 Each Board Member shall have one vote.
- 5.5 Each Member Agency shall appoint an Alternate to serve in the absence of the Board Member. Alternates may attend all Board meetings including closed sessions and participate in discussion but may only vote if the Board Member representing their respective jurisdiction is absent. Alternates shall have the same qualifications as their respective Board Member. If an Alternate ceases to be a member of the respective Board from which they are appointed, the Alternate's office on the Board will terminate.
- 5.6 If the rail service boundaries of the San Joaquin Rail Corridor are extended, an additional Board Member and an Alternate from each additional county receiving rail service may be added to the Board by the designated potential Member Agency from each county. The addition of new potential Member Agencies must be approved by the Board.

- 5.7 Once the Board is organized, those potential Member Agencies identified in Section 1.8 that have not yet appointed a Board Member and Alternate to serve on the board may do so at any time thereafter and be represented on the Board.
- 5.8 The Board shall elect a chairperson and at least one vice-chairperson from among its members. The term of office shall be one year. No member may serve more than two consecutive years as chairperson of the Board.
- 5.9 Subject to the limitations on the exercise of its powers set forth in Section 6509 of the California Government Code, all actions of the Board shall be taken in accordance with and under the provisions of this Agreement.

## **6.0 QUORUM**

A majority of the voting Member Agencies of the Board shall constitute a quorum for the transaction of business and all official acts of the SJJPA. No action may be taken by the Board except upon the affirmative vote of at least a majority of its Member Agencies.

## **7.0 VOTING**

- 7.1 Matters that require a two-thirds affirmative vote of the members of the Board:
  - a. Recommending changes to the SJJPA's enabling legislation;
  - b. Recommending amendments to the Joint Exercise of Powers Agreement regarding addition of new members pursuant to Government Code section 14074.2(c);
  - c. Recommending amendments to the Joint Exercise of Powers Agreement regarding voting structure of the Board;
  - d. Approval of the Business Plan;
  - e. Revisions to the Business Plan;
  - f. Approval and changes to the SJJPA Bylaws;
  - g. Selection of the Managing Agency; and
  - h. Amendments to this Joint Exercise of Powers Agreement.
- 7.2 All other matters require an affirmative vote of a majority of the members of the Board.

## **8.0 MANAGING AGENCY**

The Board will select a Managing Agency of the SJJPA that shall provide all necessary administrative support to the SJJPA. The Executive Director shall be an employee of the Managing Agency and serve at the pleasure of the Board. Other necessary management employees shall be provided by the Managing Agency. The Managing Agency shall solicit the input and participation of the Board and endeavor to achieve consensus while providing the following administrative support to the SJJPA:

- 8.1 Negotiate and recommend the award of all necessary agreements for the SJJPA, including but not limited to the Interagency Transfer Agreement, agreements for the provision of passenger rail services, and use of tracks and other facilities, subject to approval by the Board;
- 8.2 Manage all agreements entered into by the SJJPA;
- 8.3 Implement projects contained in the approved Business Plan's Capital Improvement Program unless the administration of particular capital projects is more appropriately managed in another manner, for example by an individual Member Agency or a local government, as determined by the Board;
- 8.4 Provide for the maintenance and management of such property as may be owned or controlled by the SJJPA unless the administration of that property is more appropriately managed in another manner, such as by an individual Member Agency or a local government, as determined by the Board;
- 8.5 Provide a risk management program to cover the SJJPA, the Board, the Managing Agency, and each of the Member Agencies in the performance of their duties pursuant to this Agreement, and seek appropriate insurance coverage to implement the risk management program;
- 8.6 Seek, obtain, and administer grants, subject to the provisions of Section 9.0 below;
- 8.7 Develop and implement marketing programs;
- 8.8 Prepare and submit financial reports;
- 8.9 Prepare the Business Plan for approval by the Board;
- 8.10 Report regularly to the Board regarding San Joaquin Rail Corridor issues;
- 8.11 Recommend changes in fares and the collection of fares to the Board;
- 8.12 Recommend changes in scheduling and levels of service to the Board;
- 8.13 Prepare and implement changes in scheduling and fares, subject to required public involvement and Board approval;
- 8.14 Prepare capital and operating budgets for presentation to the Board;
- 8.15 Facilitate interaction with other entities involved in operation, construction and renovation of the San Joaquin Rail Service; and
- 8.16 Negotiate with any other public or private transportation providers as necessary to ensure coordinated service with the San Joaquin Rail Service.