



**MEASURE J TRAFFIC CONGESTION RELIEF AGENCY
BOARD OF DIRECTORS**

MEETING AGENDA

**Tuesday, November 17, 2009
4:00 p.m.**

**Danville Town Offices – Large Conference Room
510 La Gonda Way, Danville, CA 94526**

Any document provided to a majority of the members of the Measure J Traffic Congestion Relief Agency Board of Directors regarding any item on this agenda will be made available for public inspection at the meeting and at the Danville Town Offices, 510 La Gonda Way, Danville, CA during normal business hours.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. CONSENT CALENDAR

A. Consider approval of Meeting Summary of September 15, 2009 Meeting (Attachment)

5. REPORTS AND PRESENTATIONS: None

6. PUBLIC HEARINGS: None

7. UNFINISHED BUSINESS: None

8. NEW BUSINESS

A. **Adopt** Revised Service Delivery Plan for the 2009-10 School Year (Attachment)

B. **Receive** update on use of TRAFFIX logo

C. **Consider** adoption of Resolution No. 2009-1, Adopting the Revised Conflict of Interest Code (Attachment)

D. **Consider** adoption of 2010 Meeting Schedule (Attachment)

9. BOARD REPORTS: None

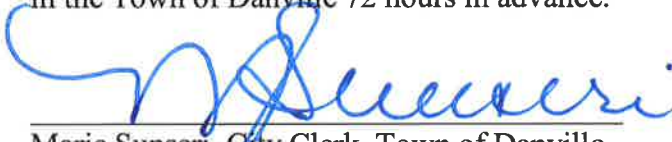
10. CLOSED SESSION: None

11. ADJOURNMENT

MEASURE J TRAFFIC CONGESTION RELIEF AGENCY
BOARD OF DIRECTORS – REGULAR MEETING AGENDA
NOVEMBER 17, 2009

CERTIFICATION

I, Marie Sunseri, City Clerk of the Town of Danville, hereby certify that the foregoing agenda was posted for the noted meeting at the Danville Town Offices and the Danville Public Library in the Town of Danville 72 hours in advance.



Marie Sunseri, City Clerk, Town of Danville

In compliance with the Americans with Disabilities Act, the Town of Danville will provide special assistance for disabled citizens on behalf of the Measure J Traffic Congestion Relief Agency. If you need special assistance to participate in this meeting, please contact the Town of Danville City Clerk at (925) 314-3388. Notification 48 hours prior to the meeting will enable the Town of Danville to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II]

ATTACHMENT FOR AGENDA ITEM

4A



**MEASURE J TRAFFIC CONGESTION RELIEF AGENCY
BOARD OF DIRECTORS**

**DRAFT SUMMARY OF ACTIONS
Tuesday, September 15, 2009**

The regular meeting of the Measure J Traffic Congestion Relief Agency (TRAFFIX) Board of Directors convened at Danville Town Offices, 510 La Gonda Way, Danville, County of Contra Costa on Tuesday, September 15, 2009.

1. CALL TO ORDER

Board Chair Stepper called the meeting to order at 4:00 p.m.

2. ROLL CALL

Directors present: Karen Stepper, Bill Clarkson, Greg Marvel, Dave Hudson, Carol Rowley (4:09 p.m.), Newell Arnerich (4:15 p.m.).

Other Staff Present: Tai Williams, Town of Danville; Lisa Bobadilla, City of San Ramon; Michael Conneran, Hanson Bridgett LLP; Sheri Glaser, SRVUSD; Nat Rojanasathira, Town of Danville; Susan Moorehead, First Student Operations; Brian Rutford, First Student Operations; Aram Boyd, TRAFFIX Program Manager.

Quorum was reached.

3. PUBLIC COMMENT – None.

4. CONSENT CALENDAR

A. Consider approval of Meeting Summary of July 21, 2009 Meeting
MOTION to approve by Director Hudson, SECOND by Director Marvel
MOTION PASSED 4-0

5. REPORTS AND PRESENTATIONS: - None

6. PUBLIC HEARINGS: - None

7. UNFINISHED BUSINESS: - None

8. NEW BUSINESS

A. **Receive** update on ridership and route performance – Tai Williams presented statistics on passes sold as of September 11, 2009. Aram Boyd reviewed the TRAFFIX goal of serving 50% of children within walking distance of any stop. This was developed from the parent surveys conducted before service planning began. Changes were made to

MEASURE J TRAFFIC CONGESTION RELIEF AGENCY
BOARD OF DIRECTORS – DRAFT SUMMARY OF ACTIONS
SEPTEMBER 15, 2009

Danville routes the week before school started to balance loads and redeploy under-utilized buses to neighborhoods with greater potential. He explained how ridership for specific routes in Danville and San Ramon fared against this goal. In Danville ridership is at or above the goal, and traffic has been reduced significantly.

In San Ramon many routes have yet to achieve the 50% goal. Director Hudson reported a significant drop in congestion on Pine Valley Rd. in the morning that is a difference of “more than night and day” compared to last year. Aram stated that the gridlock that used to form in front of Walt Disney in the afternoon is gone, and now traffic flows freely.

Most Pine Valley routes are doing well, but three are well below goal right now. He is looking at ways to combine routes without cutting service, to reduce the fleet size and save operating cost.

Walt Disney has four routes that are well below goal. Aram explained how slip-reading schedules and bell times are preventing Walt Disney K-2 kids from riding, effectively cutting the potential riders to half the school population. Director Marvel stated he is willing to ask the Superintendent to review the Kindergarten times since they do not appear to support any academic purpose.

Aram stated that some neighborhoods served in San Ramon may have been too close to their schools to generate sufficient demand for service. He also shared parent concerns in San Ramon regarding child safety. Some parents have told him they are afraid to have their young children ride the bus.

- B. **Receive** update on marketing schedule and promotional efforts - Lisa Bobadilla described outreach efforts to school administrators and PTA, and her plan to contact Canyon Lakes parents directly. She suggested the Board wait until its next meeting before making any changes to TRAFFIX service to allow her to conduct more marketing and outreach in San Ramon. Members of the board suggested that staff continue a marketing effort through the end of October. The TAC would reassess ridership in early November and may recommend changes in service at its November meeting.
- C. **Receive** update on TRAFFIX operations – Susan Moorehead gave an update on the effort to get CHP to approve the TRAFFIX logo to be placed on the buses. The local motor carrier authority denied the placement. First Student has appealed to CHP headquarters and will report back the result. Aram reviewed operational issues that occurred during start up. He is currently working with Nat Rojanasathira and First Student to revise routes to improve running time and on-time performance.
- D. **Consider** adoption of revised Refund Policy–
MOTION to approve by Director Arnerich, SECOND by Director Hudson
MOTION PASSED 6-0

9. BOARD REPORTS: None

MEASURE J TRAFFIC CONGESTION RELIEF AGENCY
BOARD OF DIRECTORS – DRAFT SUMMARY OF ACTIONS
SEPTEMBER 15, 2009

10. CLOSED SESSION: None

11. ADJOURNMENT

Adjourn to next scheduled meeting date: November 17, 2009

ATTACHMENT FOR AGENDA ITEM

8A



MEMORANDUM

DATE: November 17, 2009

TO: TRAFFIX Board of Directors

FROM: TRAFFIX Technical Advisory Committee

SUBJECT: Revised Service Delivery Plan for the 2009-10 School Year

In April 2009, the TRAFFIX Board of Directors adopted a Service Delivery Plan with a 19 bus fleet, where (9) buses provide service in the Alamo/Danville area while the remaining ten (10) buses provide service in San Ramon.

At the September 15, 2009 TRAFFIX Board meeting, the Board reviewed bus pass sales data which indicated that sales in the Alamo/Danville area was approaching 100% of its target goal while sales in the San Ramon area were lower than expected. During this initial assessment, the Board recognized that unless sales increased significantly in the San Ramon area, it would be necessary to bridge a revenue gap of approximately \$133,000 in the adopted Financial Plan.

The Board directed that the Contract Program Manager and Technical Advisory Committee (TAC) defer major adjustments to the program until a focused marketing effort to promote the San Ramon routes could be implemented through to the end of October 2009. The entire Service Delivery Plan would be re-evaluated at the November 17, 2009 meeting.

Supplemental Marketing Effort

Starting in late September and through October, a targeted marketing effort was launched to increase ridership in San Ramon's underperforming routes. A direct mail campaign, which included joint letters from the City of San Ramon and school principals were mailed to targeted parents at Country Club, Neil Armstrong and Walt Disney elementary schools. The marketing campaign resulted in a slight net increase in ridership from 325 to 339 riders. Consistent with earlier forecasts, parents' decision regarding their child's school transportation were established either prior to – or near the beginning of – the school year. Due to this reason, among others, efforts to sell passes once school began proved to be extraordinarily challenging.



Revenue Status

The adopted Financial Plan assumed a ridership target of 1,600 riders, or approximately \$320,000 in fare box revenue. Year-to-date revenues are currently at \$187,347, or \$132,653 (about 41%) below projections.

In consideration of very low ridership numbers for specific bus routes, the TAC reduced the fleet by one bus through the consolidation of one Tier 1 route (PV17 – Blue Fox into PV16 – Village Green) and removing one Tier 2 route (WD 14 – Sedgewick/Cheyenne). Reducing the fleet to 18 buses resulted in a cost savings of approximately \$40,266 for the remainder of FY 2009-10. To insure a balanced budget, an additional \$92,387 in expenditure reductions will need to be identified.

TAC Evaluation

At its November 4, 2009 meeting, the TAC reviewed options to reduce the overall Financial Plan expenditures. The following two options would eliminate additional routes in the San Ramon area and were developed after an extensive evaluation of ridership and route performance and in consultation with San Ramon staff:

	Option 1	Option 2
▪ Total # of Buses in the Fleet:	17 buses	16 buses
▪ Total # of Riders Reduced:	5 riders	5 riders
▪ Incremental Savings: ¹	\$27,052	\$60,287
▪ Total Savings (inclusive of savings from the elimination of one bus in October 2009): ²	\$67,318	\$100,553

Note 1: Savings derived from reduction of additional bus(es), starting January 1, 2009.

Note 2: Savings derived from additional bus(es) + savings of \$40,266 from elimination of one bus in October 2009.

As presented, Option 2 identifies \$100,553 (75%) of the \$132,653 in expenditure reductions that would be necessary to achieve a balanced budget. Further reduction of expenditures is recommended to be deferred until the mid-year review in January 2010.



The proposed options would result in the following distribution of service at the following schools:

Tier	School	Current (18 buses)	Option 1 (17 buses)	Option 2 (16 buses)
Tier 1	Pine Valley Middle School	9	8	7
Tier 2	➔ Walt Disney Elementary	4	3	3
Tier 2	➔ Country Club Elementary	3	3	2
Tier 2	➔ Neil Armstrong Elementary	2	2	2
Tier 1	Los Cerros Middle School	9	9	9
Tier 2	➔ Green Valley Elementary	6	6	6
Tier 2	➔ Vista Grande Elementary	2	2	2

RECOMMENDATION

Consider the options presented and provide direction to the TAC regarding:

1. Total number of buses to reduce from the TRAFFIX fleet; and
2. Evaluate the Financial Plan and present a Mid-Year Adjustment to the Board at its January 2010 meeting that achieves a balanced budget.

ATTACHMENTS

Current Ridership
Proposed Revised Service Delivery Plan: Option 1 (17 buses)
Proposed Revised Service Delivery Plan: Option 2 (16 buses)



Current Ridership - 18 buses (as of 11/12/09)

Danville/Alamo						San Ramon											
Rte	Los Cerros Middle School	Neigh Student	Sales Goal	Neigh Passes	% of Sales	% of Neigh.	Rte	Pine Valley Middle School	Neigh Student	Sales Goal	Neigh Passes	% of Sales	% of Neigh.				
	Pop	(50%)	Sold	Goal	Pop			Pop	(50%)	Sold	Goal	Pop					
LC1	Tunbridge/Old Orchard	46	23	37	161%	80%	PV10	Ascot/Tareyton	82	41	29	71%	35%				
LC2	Laurel/Contada Circle/Old Farm	46	23	35	152%	76%	PV11	Foxboro/Mangos	61	31	24	79%	39%				
LC3	Richard/Gatetree/Ramona	51	26	45	176%	88%	PV12	Royal Ridge/Deer Ridge/Estero	69	35	23	67%	33%				
LC4	Alamatos/Woodbine	33	17	17	103%	52%	PV13	Thunderbird/Olympia Fields	39	20	7	36%	18%				
LC5	El Pintado/Dolphin	54	27	21	78%	39%	PV14	Old Ranch/Bent Creek	50	25	30	120%	60%				
LC6	Bryan Ranch/White Gate	49	25	30	122%	61%	PV15	Summit View/Stoney Creek/Old Ranch Pa	67	34	29	87%	43%				
LC7	Monte Sereno/Alamo Oaks/Smith	34	17	18	106%	53%	PV16 ¹	Village Green/Blue Fox	138	69	19	28%	14%				
LC8	Hidden Oak/Diablo/McCauley	86	43	40	93%	47%	PV17²	Bell Meade/Broadmoor/Blue Fox	95	48	13	27%	14%				
LC9	Magee Ranch	66	33	49	148%	74%	PV18	Westside-South	47	24	22	94%	47%				
Los Cerros Totals:		465	233	292	126%	63%	PV19	Westside-North	55	28	27	98%	49%				
		Pine Valley Totals:						608	304	210	69%	35%					
Rte	Green Valley Elementary						Rte	Walt Disney									
GV3	Magee Ranch	98	49	66	135%	67%	WD10	Canyon Lakes	33	17	3	18%	9%				
GV4	Bryan Meadows/S.White Gate	54	27	39	144%	72%	WD11	El Suyo/Mangos	65	33	8	25%	12%				
GV5	Monte Sereno/Alamo Oaks/Smith	47	24	18	77%	38%	WD12	Canyon Hills/Deer Ridge/Royal Ridge	92	46	32	70%	35%				
GV6	Bryan Ranch/N.White Gate/Waing	38	19	33	174%	87%	WD13	Thunderbird/Olympia Fields	59	30	6	20%	10%				
GV7	Cameo Acres	92	46	12	26%	13%	WD14³	Sedgefield/Cheyenne	78	39	3	8%	4%				
GV8	Hidden Oak/Diablo Ranch/Diablo	81	41	43	106%	53%	Walt Disney Totals:						249	125	49	39%	20%
Green Valley Totals:		410	205	211	103%	51%											
Rte	Vista Grande Elementary						Rte	Country Club									
VG1	Tunbridge/Old Orchard	104	52	48	92%	46%	CC14 ⁴	Old Ranch/Bent Creek/Old Ranch Park	52	26	19	73%	37%				
VG2	Laurel/Contada Circle/Old Farm	86	43	43	100%	50%	CC15	Stoney Creek/Summit View	74	37	19	51%	26%				
Vista Grande Totals:		190	95	91	96%	48%	CC16	Village Green	113	57	9	16%	8%				
Danville/Alamo Total:		1065	533	594	112%	56%	Country Club Totals:						239	120	47	39%	20%
						Rte	Neil Armstrong										
						NA18	Westside-South	98	49	12	24%	12%					
						NA19	Westside-North	100	50	21	42%	21%					
						Neil Armstrong Totals:						198	99	33	33%	17%	
						San Ramon Total:						1294	647	339	52%	26%	
Systemwide Total:		2359	1180	933	79%	40%	Sales % Systemwide: Danville/Alamo= 64%						San Ramon = 36%				

Notes:

- (1) PV17 absorbed riders and stops from PV16. No riders were lost.
- (2) Consolidated route: PV17 stops and riders were absorbed by PV16.
- (3) WD14 was discontinued. The three (3) riders could not be routed onto another bus and were refunded the prorated amount.
- (4) CC14 was formerly named CC17.



Proposed Revised Service Delivery Plan: Option 1 (17 buses)

Danville/Alamo						San Ramon							
Rte	Neigh Student	Sales Goal (50%)	Neigh Passes Sold	% of Sales Goal	% of Neigh. Pop	Rte	Neigh Student	Sales Goal (50%)	Neigh Passes Sold	% of Sales Goal	% of Neigh. Pop		
Rte Los Cerros Middle School						Rte Pine Valley Middle School							
LC1	Tunbridge/Old Orchard	46	23	37	161%	80%	PV10	Ascot/Tareyton	82	41	29	71%	35%
LC2	Laurel/Contada Circle/Old Farm	46	23	35	152%	76%	PV11	Foxboro/Mangos	61	31	24	79%	39%
LC3	Richard/Gatetree/Ramona	51	26	45	176%	88%	PV12	Royal Ridge/Deer Ridge/Estero	69	35	23	67%	33%
LC4	Alamatos/Woodbine	33	17	17	103%	52%	PV13¹	Thunderbird/Olympia Fields	69	35	7	20%	40%
LC5	El Pintado/Dolphin	54	27	21	78%	39%	PV14 ²	Old Ranch/Bent Creek/Olympia Fields	98	49	35	71%	36%
LC6	Bryan Ranch/White Gate	49	25	30	122%	61%	PV15	Summit View/Stoney Creek/Old Ranch Par	58	29	29	100%	50%
LC7	Monte Sereno/Alamo Oaks/Smith	34	17	18	106%	53%	PV16	Village Green/Blue Fox	138	69	19	28%	14%
LC8	Hidden Oak/Diablo/McCauley	86	43	40	93%	47%	PV17	Bell Meade/Broadmoor/Blue Fox	95	48	13	27%	14%
LC9	Magee Ranch	66	33	49	148%	74%	PV18	Westside-South	47	24	22	94%	47%
Los Cerros Totals:						Pine Valley Totals:							
2326 1163 928 80% 40%						608 304 208 68% 34%							
Rte Green Valley Elementary						Rte Walt Disney							
GV3	Magee Ranch	98	49	66	135%	67%	WD10³	Canyon Lakes	33	17	3	48%	9%
GV4	Bryan Meadows/S.White Gate	54	27	39	144%	72%	WD11	El Suyo/Mangos	65	33	8	25%	12%
GV5	Monte Sereno/Alamo Oaks/Smith	47	24	18	77%	38%	WD12	Canyon Hills/Deer Ridge/Royal Ridge	92	46	32	70%	35%
GV6	Bryan Ranch/N.White Gate/Waing	38	19	33	174%	87%	WD13	Thunderbird/Olympia Fields	59	30	6	20%	10%
GV7	Cameo Acres	92	46	12	26%	13%	WD14	Sedgefield/Cheyenne	78	39	3	8%	4%
GV8	Hidden Oak/Diablo Ranch/Diablo	81	41	43	106%	53%	Walt Disney Totals:						
Green Valley Totals:						216 108 46 43% 21%							
410 205 211 103% 51%						Rte Country Club							
VG1	Tunbridge/Old Orchard	104	52	48	92%	46%	CC14	Old Ranch/Bent Creek/Old Ranch Park	45	23	19	84%	42%
VG2	Laurel/Contada Circle/Old Farm	86	43	43	100%	50%	CC15	Stoney Creek/Summit View	81	41	19	47%	23%
Vista Grande Totals:						Country Club Totals:							
190 95 91 96% 48%						239 120 47 39% 20%							
Danville/Alamo Total:						Rte Neil Armstrong							
1065 533 594 112% 56%						NA18							
Total Student Pop						Westside-South							
Sales Goal (50%)						98 49 12 24% 12%							
Total Passes Sold						NA19							
% of Sales Goal						Westside-North							
% of Total Pop						100 50 21 42% 21%							
Systemwide Total:						Neil Armstrong Totals:							
2326 1163 928 80% 40%						198 99 33 33% 17%							
Systemwide Total:						San Ramon Total:							
2326 1163 928 80% 40%						1261 631 334 53% 26%							
Systemwide Total:						Sales % Systemwide: Danville/Alamo= 64% San Ramon = 36%							

- Notes:**
- (1) PV13 would be discontinued. Five (5) of PV13's seven (7) current riders would be absorbed by PV14. Two (2) riders would be refunded the prorated amount.
 - (2) PV14 would be adjusted to absorb five (5) riders from the discontinued PV13 route.
 - (3) WD10 would be discontinued given that it cannot be combined with another route. All three (3) riders would be refunded the prorated amount.



Proposed Revised Service Delivery Plan: Option 2 (16 buses)

Danville/Alamo						San Ramon							
Rte	Neigh. Student	Sales Goal (50%)	Neigh. Passes Sold	% of Sales Goal	% of Neigh. Pop	Rte	Neigh. Student	Sales Goal (50%)	Neigh. Passes Sold	% of Sales Goal	% of Neigh. Pop		
Rte Los Cerros Middle School						Rte Pine Valley Middle School							
LC1	Tunbridge/Old Orchard	46	23	37	161%	80%	PV10 ¹	Ascot/Tareyton/Foxboro	80	40	33	83%	41%
LC2	Laurel/Contada Circle/Old Farm	46	23	35	152%	76%	PV11 ²	Foxboro/Mangos	52	26	24	92%	46%
LC3	Richard/Gatetree/Ramona	51	26	45	176%	88%	PV12 ³	Royal Ridge/Deer Ridge/Estero/Mangos	105	53	37	70%	35%
LC4	Alamatos/Woodbine	33	17	17	103%	52%	PV13 ⁴	Thunderbird/Olympia Fields	69	35	7	20%	10%
LC5	El Pintado/Dolphin	54	27	21	78%	39%	PV14 ⁵	Old Ranch/Bent Creek/Olympia Fields	98	49	35	71%	36%
LC6	Bryan Ranch/White Gate	49	25	30	122%	61%	PV15	Summit View/Stoney Creek/Old Ranch Par	58	29	29	100%	50%
LC7	Monte Sereno/Alamo Oaks/Smith	34	17	18	106%	53%	PV16	Village Green/Blue Fox	138	69	19	28%	14%
LC8	Hidden Oak/Diablo/McCauley	86	43	40	93%	47%	PV17	Bell Meade/Broadmoor/Blue Fox	95	48	13	27%	14%
LC9	Magee Ranch	66	33	49	148%	74%	PV18	Westside-South	47	24	22	94%	47%
Los Cerros Totals:						Pine Valley Totals:							
		465	233	292	126%	63%			608	304	208	68%	34%
Rte Green Valley Elementary						Rte Walt Disney							
GV3	Magee Ranch	98	49	66	135%	67%	WD10 ⁷	Canyon Lakes	33	17	3	18%	9%
GV4	Bryan Meadows/S.White Gate	54	27	39	144%	72%	WD11	El Suyo/Mangos	65	33	8	25%	12%
GV5	Monte Sereno/Alamo Oaks/Smith	47	24	18	77%	38%	WD12	Canyon Hills/Deer Ridge/Royal Ridge	92	46	32	70%	35%
GV6	Bryan Ranch/N.White Gate/Waing	38	19	33	174%	87%	WD13	Thunderbird/Olympia Fields	59	30	6	20%	10%
GV7	Cameo Acres	92	46	12	26%	13%	WD14	Sedgefield/Cheyenne	78	39	3	8%	4%
GV8	Hidden Oak/Diablo Ranch/Diablo	81	41	43	106%	53%	Walt Disney Totals:						
		410	205	211	103%	51%			216	108	46	43%	21%
Rte Vista Grande Elementary						Rte Country Club							
VG1	Tunbridge/Old Orchard	104	52	48	92%	46%	CC14 ⁸	Old Ranch/Bent Creek/Village Green	158	79	28	35%	18%
VG2	Laurel/Contada Circle/Old Farm	86	43	43	100%	50%	CC15	Stoney Creek/Summit View	81	41	19	47%	23%
Vista Grande Totals:						Country Club Totals:							
		190	95	91	96%	48%			239	120	47	39%	20%
Danville/Alamo Total:						San Ramon Total:							
		1065	533	594	112%	56%			1261	631	334	53%	26%
Systemwide Total:						Sales % Systemwide:							
		2326	1163	928	80%	40%			Danville/Alamo=	64%	San Ramon =	36%	

- Notes:**
- (1) PV10 would absorb three (3) stops and ten (10) riders from PV11. Two (2) stops and six (6) riders from PV10 would relocate to PV19.
 - (2) PV11 would be discontinued. All stops and riders would be absorbed by PV10 and PV12. No riders would be lost.
 - (3) PV12 would absorb five (5) stops and 24 riders from PV11.
 - (4) PV13 would be discontinued. Five (5) of PV13's seven (7) current riders would be absorbed by PV14. Two (2) riders would be refunded the prorated amount.
 - (5) PV14 would be adjusted to absorb five (5) riders from the discontinued PV13 route.
 - (6) PV19 would add two (2) stops and six (6) riders from PV10.
 - (7) WD10 would be discontinued given that it cannot be combined with another route. All three (3) riders would be refunded the prorated amount.
 - (8) CC14 would absorb all stops and riders from CC16.
 - (9) CC16 would be discontinued. All CC16 stops and riders would be absorbed by CC14. No riders would be lost.

This page is intentionally left blank.



ATTACHMENT FOR AGENDA ITEM

8C



MEMORANDUM

DATE: November 17, 2009

TO: TRAFFIX Board of Directors

FROM: Michael N. Conneran, Legal Counsel

SUBJECT: Resolution No. 2009-1, Adopting the Revised Conflict of Interest Code

In October 2008, the Board adopted a Conflict of Interest Code, which was forwarded by staff to the Contra Costa County Board of Supervisors for the required approval. The agency later contracted with Aram Boyd dba Strategic Transit Marketing as Program Manager for the TRAFFIX, but first reduced the scope of the position from that originally conceived of at the time the Code was adopted. These changes included limiting procurement authority to the Technical Advisory Committee and removing the Contract Program Manager's ability to influence contracts and purchases. Therefore, the position no longer merits listing in the Conflict of Interest Code pursuant to Government Code Section 87200, which requires that "chief administrative officers of cities and counties" and individuals who manage public investments be listed in the Code.

After he was engaged as TRAFFIX's Program Manager, Aram Boyd was asked to complete a Form 700 - Statement of Economic Interests, but declined to do so. He contacted the staff of the Fair Political Practices Commission, who told him that the duties of his position didn't require that his position be listed in the TRAFFIX Conflict of Interest Code.

Mr. Boyd has since asked that the Board consider amending the Code to drop his position from those required to submit disclosure forms. In the interim, staff contacted the Board of Supervisors and learned that, possibly due to some staff issues, the TRAFFIX Conflict of Interest Code was never submitted to the Board of Supervisors for the required approval. We are still waiting for a response from the County as to what happened and what they will do to resolve it.

Therefore, Mr. Boyd is technically not in violation of any requirement, since the agency's code is not effective until adopted by the Board of Supervisors. In order to resolve this situation, we recommend that the Board adopt the attached revised code, which does not list the Program Manager position as a "Designated Position" required to file a disclosure form.



If approved, the form would then be sent to the Board of Supervisors for approval. Hopefully, by providing a fresh document to the County for approval, we will be able to complete the process expeditiously.

Attachments: Draft Resolution No. 2009-01
Revised Conflict of Interest Code

RESOLUTION NO. 2009 – 1

ADOPTING CONFLICT OF INTEREST CODE

MEASURE J TRAFFIC CONGESTION RELIEF AGENCY DBA TRAFFIX

COUNTY OF CONTRA COSTA

STATE OF CALIFORNIA

WHEREAS, the Measure J Traffic Congestion Relief Agency dba TRAFFIX (“Agency”) has been formed as a joint exercise of powers authority pursuant to Government Code Section 6500; and

WHEREAS, California Government Code Section 87300 requires that the Agency adopt a Conflict of Interest Code; and

WHEREAS, the Legal Counsel has prepared the attached Conflict of Interest Code; and

WHEREAS, the Board of Directors of the Measure J Traffic Congestion Relief Agency dba TRAFFIX desires to adopt the attached Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Measure J Traffic Congestion Relief Agency dba TRAFFIX that the attached Conflict of Interest Code is hereby adopted; and

BE IT FURTHER RESOLVED that a copy of the amended Conflict of Interest Code and this resolution shall be transmitted to the Board of Supervisors of the County of Contra Costa for approval.

PASSED AND ADOPTED this 21st day of October 2008 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Directors
Measure J Traffic Congestion Relief Agency dba TRAFFIX

ATTEST:

Board Secretary

CONFLICT OF INTEREST CODE

MEASURE J TRAFFIC CONGESTION RELIEF AGENCY DBA TRAFFIX

CONTRA COSTA COUNTY

Adopted on the 17th day of November, 2009
by Resolution No. 2009-1

MEASURE J TRAFFIC CONGESTION RELIEF AGENCY DBA TRAFFIX
CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730), which contains the terms of a standard Conflict of Interest Code. It can be incorporated by reference and amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees of the Agency and establishing disclosure categories shall constitute the Conflict of Interest Code of the Measure J Traffic Congestion Relief Agency dba TRAFFIX.

Designated officials and employees shall file statements of economic interests with the Agency's Program Manager, who as the filing official, shall make and retain copies of the statements and make the statements available for public inspection and reproduction (California Government Code Section 81008). Original statements shall be forwarded to the Contra Costa County Clerk's office, who is the filing officer. If any changes are made to the Conflict of Interest Code, it shall then be forwarded by the County Clerk to the Board of Supervisors of Contra Costa County, which is the code reviewing body. (California Government Code Section 87500(j)).

APPENDIX

DESIGNATED EMPLOYEES

<u>Designated Positions*</u>	<u>Disclosure Category</u>
Legal Counsel	1, 2, 3, 4
Consultants**	1, 2, 3, 4

* It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200:

Directors
Treasurer
Auditor

** Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Program Manager and Legal Counsel may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Nothing herein excuses any consultant from any other provisions of this Conflict of Interest Code, specifically those dealing with disqualification.

DISCLOSURE CATEGORIES

Category 1. A designated employee assigned to Category 1 is required to disclose investments which may be foreseeably be materially affected by any decision made or participated in by the designated employee.

Category 2. A designated employee assigned to Category 2 is required to disclose interests in real property which may be materially affected by any decision made or participated in by the designated employee.

Category 3. A designated employee assigned to Category 3 is required to disclose income that may be materially affected by any decision made or participated in by the designated employee.

Category 4. A designated employee assigned to Category 4 is required to disclose any business entity in which the designated employee is a director, officer, partner, trustee, or holds any position of management which may be materially affected by any decision made or participated in by the designated employee.

ATTACHMENT FOR AGENDA ITEM

8D

2010 Meeting Schedule

PROPOSED Nov. 4, 2009

All meetings at Danville Town Offices

JANUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JULY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Meets at 4:00 p.m.
3rd Tue., Bi-Monthly
 January 19, 2010
 March 16, 2010
 May 18, 2010
 July 20, 2010
 September 21, 2010
 November 16, 2010

Tech. Adv. Cmte. (TAC)
 Meets at 9:00 a.m.
1st Wed., monthly
 January 6, 2010
 February 3, 2010
 March 3, 2010
 April 7, 2010
 May 5, 2010
 June 2, 2010
 July 7, 2010
 August 4, 2010
 September 1, 2010
 October 6, 2010
 November 3, 2010
 December 1, 2010

Citizens Advisory Cmte.
 Meets at 11:00 a.m.
1st Wed., Bi-Monthly
 January 6, 2010
 March 3, 2010
 May 5, 2010
 July 7, 2010
 September 1, 2010
 November 3, 2010