

# **Calaveras Council of Governments**

## **Policies & Procedures Manual**

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Adopted	12/07/2011
Amended	04/17/2013
Amended	12/04/2013
Amended	09/03/2014
Amended	04/01/2015
Amended	05/06/2015
Amended	06/03/2015
Amended	11/04/2015
Amended	02/01/2017
Amended	05/03/2017
Amended	09/05/2018
Amended	06/05/2019
Amended	10/08/2020
Amended	12/02/2020
Amended	08/04/2021
Amended	08/03/2022
Amended	12/04/2024

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The Calaveras Council of Governments (CCOG) has adopted this Policies & Procedures Manual for two purposes:

- 1) To act as an orientation guide for new CCOG members and employees; and,
- 2) To provide an operational guide and bylaws concerning procedures and activities to insure the smooth and proper execution of CCOG related business.

The CCOG's roles and responsibilities fall generally into two overlapping categories:

- 1) To serve as the Regional Transportation Planning Agency for the Calaveras County region; and
- 2) Administration of the Transportation Development Act (TDA) and other funding programs of which the CCOG is responsible.

The State of California State Transportation Agency (CalSTA) and the California Transportation Commission (CTC) have the authority to establish rules for the expenditure, allocation and programming of funds by the CCOG. The statutory rules which apply to these roles and responsibilities are found in the following:

- 1) Government Code (GC)
- 2) California Code of Regulations (CCR)
- 3) Public Utilities Code (PUC)
- 4) Streets and Highways Code
- 5) California State Constitution
- 6) United States Code (USC)
- 7) CTC Guidelines for the State Transportation Improvement Program (STIP)
- 8) CTC Guidelines for the Regional Transportation Plan

These rules have been made part of this manual and where conflicts may arise in the future between this manual and modified Federal or State rules, the Federal or State rules shall supersede those contained in this manual.

This Policies and Procedures Manual supersedes Rules and Regulations previously adopted by the Calaveras Council of Governments.

## **CALAVERAS COUNCIL OF GOVERNMENTS**

The *Calaveras Council of Governments Policies and Procedures Manual* will serve as a guide for the organization, its functions, and responsibilities. The Manual is considered a living document and may be amended as necessary. Any changes to this Manual must be approved by the Calaveras Council of Governments prior to implementation. In the event the Manual is determined to be in conflict with the Joint Powers Agreement (JPA), the terms and provisions of the JPA will take precedence.

## **CREATION**

In 1972 the Calaveras County Local Transportation Commission (LTC) was designated as the Regional Transportation Planning Agency (RTPA) for the County of Calaveras. This designation was made by the Director of Transportation pursuant to Title 3, Division 3, Chapter 2, Section 29532 of the California Government Code. The LTC was disbanded in 1997 in favor of a Council of Governments (COG).

In 1998 the Calaveras Council of Governments (CCOG) was formed and identified as the Regional Transportation Planning Agency (RTPA) for the County of Calaveras and the City of Angels with the creation and adoption of the Joint Powers Agreement (JPA). The Joint Powers Agreement (JPA) was first amended in 1999, and again in 2011. (Appendix 1 – Joint Powers Agreement)

## **CCOG MEMBERSHIP**

CCOG membership is made up of two representatives from each of the Member Agencies (The City of Angels City Council and Calaveras County Board of the Supervisors) and three Citizen Members. The seven members make up the CCOG Governing Board

### **Membership Selection**

The City of Angels shall have two (2) members who shall be members of and appointed by the City of Angels City Council.

The County of Calaveras shall have two (2) members who shall be members of and appointed by the County Board of Supervisors.

Each Member Agency shall designate at least one alternate representative who shall be a member of and appointed by that Member Agency.

Each Member Agency representative or alternate member as assigned shall be entitled to one vote on all matters coming before the CCOG provided such votes of the Member Agency representative are subject to any necessary and legal approval of their acts by their respective Member Agency Board.

### **Citizen Member Selection**

There shall be three (3) Citizen Members on the CCOG. The Citizen Members shall be selected by the majority of the Member Agency representatives on the CCOG.

- 1) The Citizen Members shall be residents of Calaveras County or the City of Angels.
- 2) There shall not be two Citizen Members from the same supervisorial district or the City of Angels serving on the CCOG at the same time unless approved by the Member Agency's governing body.

Citizen Members will serve a two (2) year term. Terms as established are staggered with appointments occurring annually. Citizen Members may not miss more than three (3) consecutive meeting without the approval of the Chair. Citizen Members may be removed at any time by a majority vote of the Member Agency representatives.

### **Attendance by Council Members**

When an active Council member becomes aware that he/she will be unable to attend a Council meeting, he/she shall notify City/County alternate. City alternates may not fill a County vacancy and County alternates may not fill a City vacancy. Citizen members are to contact the CCOG secretary. The CCOG secretary shall notify the alternate to fill the vacancy for the meeting involved.

**Fees/Stipends**

The Council members receive \$50 per meeting. Meetings include regular CCOG board meetings and Executive Management Group Meetings (Chair and Vice Chair). Periodically, the Council may review and adjust the stipend schedule. Council members may deny/refuse the monthly stipend.

**Appointment of the Chair and Vice Chair**

The Chair and Vice Chair shall be appointed by a majority vote of members present in February or as soon thereafter as possible, or at the regular meeting after a vacancy occurs. The Chair shall preside at all meetings and call special meetings. The Vice Chair shall perform all duties of the Chair, in the latter's absence.

**PURPOSE**

The Calaveras Council of Governments (CCOG) is intended to act as the lead planning and funding agency for transportation projects and programs in Calaveras County. The CCOG is an organization by which Member Agencies address regional needs through coordination, collaboration, and partnership.

As the Regional Transportation Planning Agency, the primary purpose of the Calaveras Council of Governments is to develop and adopt the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), the Federal Transportation Improvement Program (FTIP), and to administer the Transportation Development Act (TDA). The CCOG also reviews and develops transportation plans and programs of member agencies and endorses them based upon their satisfaction of regional need and the consistency of the plan or program with adopted regional plans and policies.

The Calaveras Council of Governments, as jointly formed by the City of Angels and the County of Calaveras, serves to:

- 1) Develop regional plans and policies and perform regional transportation planning duties, as they pertain to the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), the Federal Transportation Improvement Program (FTIP), the Transportation Development Act and the Federal Transit Administration.
- 2) Identify, clarify and plan for solutions to regional transportation issues requiring multi-jurisdiction cooperation.
- 3) Provide a forum for discussion and study of countywide transportation issues of mutual interest to the Member Agencies.
- 4) Facilitate cooperation and agreement among Member Agencies for specific projects, interrelated developmental action and common policies with respect to common issues.
- 5) Facilitate interagency coordination between County, City, Caltrans and Community Groups.
- 6) Take action as necessary to qualify local transportation projects and programs for funding.
- 7) To identify potential funding sources, assist Member Agencies in obtaining funding, and ensure Member Agencies' compliance with State and Federal requirements.
- 8) Administer the Transportation Development Act. With the coordinated efforts of City, County and State, the CCOG will bring about positive improvements to the overall County transportation network.

# **CCOG Staff**

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## **Section 1.**



### **1.01 Executive Director**

The Executive Director of the CCOG shall function as the Secretary to the CCOG. The powers and duties of the Executive Director are as stated in the approved Job Description provided for in the Appendices.

The CCOG Executive Director shall serve as an “at-will” employee at the pleasure of the CCOG board. (Appendix No. 3 - Executive Director Job Description)

Performance reviews of the Executive Director will be conducted annually by the CCOG Board. with input from the Executive Management Group (EMG).

### **Technical Staff**

In addition to the Executive Director, the following employees may provide professional and administrative support to the CCOG:

### **1.02 Administrative Services Officer**

The Administrative Services Officer is responsible for coordinating the programming of Local, State and Federal transportation funds; assisting in the administration of recipient agency projects; budget preparation and management; and facilitating the adoption and implementation of the Regional Transportation Improvement Program and Overall Work Program. (Appendix No. - 4 Administrative Services Officer Job Description)

### **1.03 Transportation Planner**

The Transportation Planner performs professional office and field work to assist the development of transportation plans and studies including, but not limited to: system planning, preparation of grant applications, and facilitation of the annual unmet transit needs process. (Appendix No. 5 - Transportation Planner Job Description)

### **1.04 Administrative Assistant**

The Administrative Assistant provides administrative support to the CCOG and its staff in the day-to-day implementation of the regional transportation planning agency responsibilities as identified in the Joint Powers Agreement. (Appendix No. 6 - Administrative Assistant Job Description)

### **1.05 CCOG Personnel**

All employees of the CCOG are considered “at-will”. The Calaveras Council of Governments has adopted a Position Control List, Salary Grade, and Job Descriptions. Any changes or modifications will be made with Council approval. (Appendix No.7 - Position Control List and Salary Grade)

A focused staff classification, compensation and utilization study of CCOG staff will be reviewed by the Executive Management Group (EMG) and Calaveras Council of Governments every five (5) years to ensure appropriate staffing levels, positions and compensation. Should an update to the study be warranted it will be conducted by an outside entity and will be reviewed by the Executive Management Group (EMG) and CCOG Board.

### **1.06 Other Personnel**

Additional (engineering, planning, geographic information system and administrative) staff services for the CCOG may be provided by the City, County, Caltrans, consultants, or Limited Term Positions.

The CCOG may annually negotiate an agreement with the County or City for services that may include, but not be limited to: Treasurer, Auditor-Controller, Legal Services, Information Technology (IT) and Human Resources.

# **Committees and Advisory Groups**

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## **Section 2.**

## **2.01 Technical Advisory Committee (TAC)**

The Technical Advisory Committee was established by the CCOG Board as the clearinghouse and technical review body for all items that go before the CCOG. The TAC is advisory to the CCOG on all matters relating to regional transportation planning including, but not limited to: the development of the Regional Transportation Plan (RTP), Regional Transportation Improvement Program (RTIP), the annual Overall Work Programs (OWPs), Call for Projects, the Capital Improvement Program, and Transit planning documents.

Membership of the TAC consists of the CCOG Executive Director, County Public Works Director, County Planning Director, City Engineer, City Planning Director and Caltrans District 10 Director or designee. Other City, County, CCOG and Caltrans Staff members may attend and participate in TAC meetings and may serve as alternates to regular members of the TAC. The Executive Director shall serve as the Chairperson of the TAC.

TAC meetings will be held at the time and place designated by the CCOG Executive Director and will be appropriately noticed and documented in accordance with Brown Act requirements.

At each TAC meeting, the TAC will review items to be presented at the subsequent CCOG meeting. CCOG agendas will be developed in consideration of TAC recommendations. The activities of the TAC are open to the public. Meeting agendas and minutes can be viewed on the CCOG website.

It is expected that TAC members attend meetings on a regular basis, taking into consideration vacations or other conflicts that may arise occasionally. The CCOG will be notified in the event of reoccurring absences and will work with the Member Agencies to ensure adequate representation.

## **2.02 Social Services Transportation Advisory Council (SSTAC)**

The SSTAC is intended to be an Advisory Committee to the CCOG on matters pertaining to the transit needs of transit dependent and transit disadvantaged persons. The input and recommendations of the SSTAC shall be considered in, and made an integral part of, the CCOG's annual "Unmet Transit Needs" hearing and findings process.

The SSTAC is comprised of a myriad of representatives of potentially transit dependent segments of the community (e.g., senior citizens, persons with disabilities, persons of limited means, etc.) and transit operators. SSTAC members are appointed by the CCOG. CCOG staff and the Caltrans District 10 Transit Representative are ex-officio members of the SSTAC. The composition of the SSTAC, the terms of SSTAC appointments and precise responsibilities of the SSTAC are found in and controlled by Section 99238 of the Public Utilities Code (PUC).

## **2.03 Executive Management Group (EMG)**

The Executive Management Group, comprised of the CCOG Chair, Vice Chair, CCOG Executive Director, County Chief Administrative Officer and City Administrator, will meet at least quarterly, or as necessary. All action items related to budget, policy, personnel and other matters related to the administration and management of the organization will be reviewed by the EMG prior to presentation to the CCOG Board for approval.

The Executive Group shall have the following powers and responsibilities:

- Serve as a review panel for all personnel and policy matters and make recommendations to the CCOG Board.
- Conduct an annual review of the CCOG Executive Director and make recommendations to the CCOG Board.

- Carry out any special duties as may be assigned by the CCOG Board.
- Review the findings and make recommendations to the CCOG board on the Triennial classification, compensation and utilization study.

# **Meetings, Quorums, Voting and Agendas**

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## **Section 3.**

### **3.01 Dates, Times and Locations of Meetings**

The CCOG should adopt a meeting schedule at the beginning of each calendar year. Unless otherwise specified, the CCOG will meet the first Wednesday of every month in the County Board of Supervisors Chambers. The Chair of the CCOG will confirm the subsequent meeting date prior to the end of each CCOG meeting.

### **3.02 Committee Quorum and Majority Requirements**

The presence of four or more CCOG Board Members in attendance at their respective meetings shall constitute a quorum.

The presence of three or more TAC or SSTAC Members in attendance at their respective meetings shall constitute a quorum.

A quorum shall be necessary for the purpose of conducting official business. Except as otherwise required by law, a majority vote of those present shall be required to take any action. All such actions taken at a noticed meeting shall be binding and carry full force and effect.

### **3.03 Agendas**

**Submission of Agenda Items:** All items to be placed on the CCOG agenda shall be submitted to the Executive Director two weeks prior to the meeting date. In order for an item to be placed on the agenda, the following materials are to be submitted per the deadline identified above:

- 1) The exact title of the agenda item
- 2) A brief paragraph explaining the agenda item, the desired action of the CCOG, and a notation of any related staff reports and/or documents which will be included in the CCOG packets

**Development & Dissemination of Final Agenda:** The Executive Director of the CCOG shall be responsible for the development and preparation of final CCOG and TAC agendas. The Administrative Staff shall be responsible for assembling and disseminating the agenda packets and appropriately posting notices of meetings. The agenda will be distributed in accordance with the Joint Powers Agreement (JPA). Agenda packets should be distributed no later than six calendar days prior to the respective meeting.

In conformance with the Brown Act, the CCOG may agendaize items that arise subsequent to agenda timelines.

**Archived Agendas:** All prior agendas, meeting minutes and CCOG Board packets will be maintained on the CCOG website and available to the public upon request.

# **Major Administrative and Planning Functions**

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## **Section 4.**



#### **4.01 Oversight of Transportation Funding Programs and Grants**

The CCOG is responsible for the general oversight, administration and/or coordination of various Federal and State transportation funding programs and grants. These include, but are not limited to, the following:

- Regional Transportation Improvement Program (RTIP)
- State Transportation Improvement Program (STIP)
- Transportation Development Act (TDA), including Local Transportation Funds (LTF) and State Transit Assistance Funds (STA)
- Rural Planning Assistance (RPA)
- Planning, Programming and Monitoring (PPM)
- Regional Surface Transportation Program (RSTP)
- Congestion Mitigation and Air Quality (CMAQ)
- Caltrans Transportation Planning Grants
- Federal Transit Administration (FTA) grants (Sections 5310, 5311)

The CCOG is responsible for planning, programming and monitoring projects within the incorporated and unincorporated areas of Calaveras County in the RTIP and State Transportation Improvement Program (STIP), which includes project delivery, timely use of funds and compliance with Federal and State law, and California Transportation Commission (CTC) guidelines.

CCOG responsibilities may also include managing Non-Member Agency contributions to transportation planning projects.

A detailed description of the above programs follows in this Section. It should be noted that the information provided for each funding source is current as of the date of this document. Amendments/revisions may occur from time to time that may change certain aspects of these programs. The CCOG will make efforts to monitor changes and update the Policies and Procedures Manual as appropriate.

#### **4.02 CCOG Budget and Accounting Services**

Through the annual development of the Overall Work Program (OWP), the CCOG programs available funding to CCOG core functions. For budget management and accounting purposes, the CCOG adopts an account specific line item budget that is consistent with the OWP. CCOG Staff is responsible for the day-to-day management of the OWP and the adopted CCOG budget. In addition, CCOG Staff ensures compliance with applicable laws, regulations and policies of the various funding and grant programs administered by the CCOG. More detail regarding the CCOG's annual OWP follows under the "Planning Functions" section of this document (see Section 4.11).

The Finance Officer of the City and/or Treasurer of the County functions as the Treasurer of the CCOG, as defined in Section 9.1 of the Joint Powers Agreement, attached hereto as Appendix No. 1.

The Finance Officer of the City and/or the Auditor-Controller of the County functions as the Auditor-Controller of the CCOG, as defined in Section 10.1 of the Joint Powers Agreement.

In accordance with Caltrans Transportation Planning Guidebook and the Overall Work Program schedule, the CCOG shall prepare draft and final work programs for the ensuing year. The budget estimates for the work program shall be in such form as the CCOG may prescribe using the guidelines of the California State Controller. The budget shall contain a summary of the fiscal policy of the CCOG for the budget year and shall include data showing the relation between the total proposed expenditures and the total anticipated income or other means of financing the budgets for the ensuing year, contrasted

with the actual year-to-date income and expenditures plus estimated remaining income and expenditures for the current year.

After preparation of the draft budget and prior to the approval of the final budget, the CCOG shall fix a time and place for hearing by the CCOG thereon. The CCOG shall cause notice of such hearing to be published at least ten (10) days prior to the date set for hearing in a newspaper of general circulation in the area pursuant to Sections 6060 and 6061 of the Government Code of the State of California, and shall give emailed notice of such hearing to each party to this Agreement. Additionally, all hearings will be posted on the CCOG website.

At the budget hearing, the CCOG may increase or decrease any item in the budget estimates and may delete any item there from or add any new item thereto.

Upon the conclusion of the budget hearing and not later than July 1<sup>st</sup> of each year, the CCOG shall approve the budget, as revised by the CCOG, and thereupon the same shall constitute the final budgets for the ensuing fiscal year. The CCOG may amend the budget as necessary.

#### **4.03 Administration of the Transportation Development Act**

The CCOG is responsible for the allocation, payment and proper record keeping associated with TDA and its funding mechanisms. TDA provides two major funding sources: the Local Transportation Fund (LTF) and State Transit Assistance (STA). The LTF can be utilized by CCOG for administering the TDA and by Member Agencies for public transit, pedestrian and bicycle facilities, and for streets and roads purposes. The allocation procedures are outlined in Section 5.01 of this manual.

##### **Annual Fiscal and Compliance Audit**

Annually, CCOG will designate an independent auditor to conduct a TDA Fiscal and Compliance Audit for CCOG and public transit activities. The Final Audit Reports are due to the State Controller within 180 days after the end of each fiscal year. The audits shall be conducted in accordance with generally accepted auditing standards by a certified public accountant who is not an officer or employee of CCOG, the County or City (Refer to CCR Sections 6661 and 6751).

##### **Triennial Performance Audit**

The CCOG will designate an independent entity to conduct a performance audit of CCOG and public transit activities with respect to the TDA pursuant to Public Utilities Code Section 99246. The performance audit must be submitted to the Director of the Department of Transportation by July 1<sup>st</sup> triennially (Refer to CAC Section 6662.5).

#### **4.04 CCOG Associations**

**Rural Counties Task Force:** The California Rural Counties Task Force (RCTF) is a committee made up of representatives from the State's smaller rural regions. The purpose of the Rural Counties Task Force is to address issues that may affect the rural regions as a group, and to address the California Transportation Commission on issues in a cooperative manner and with greater force than if addressed individually. In addition, this group will assist in maintaining cooperative working relationships with agencies with similar issues as well as Caltrans and the California Transportation Commission.

The CCOG should participate in this group to stay apprised of issues that may affect rural counties and, specifically, Calaveras County.

**RTPA Group:** The RTPA Group is an organization that includes representatives from the California Regional Transportation Planning Agencies (RTPAs) and Metropolitan Planning Organizations (MPOs). The purpose of the RTPA Group is to address issues that may affect both rural and urban areas and, as with the RCTF, address the California Transportation Commission on issues in a cooperative manner.

This group usually meets just prior to the CTC meeting each month.

**California Association of Council of Governments:** The California Association of Council of Governments (CALCOG) was established in 1977 and is a statewide association representing 38 regional planning agencies. Most of the agencies within CALCOG were formed as councils of governments, meaning that they represent joint powers agencies of cities and counties, such as the CCOG. Others were created as transportation commissions by the State Legislature. Nearly all transportation commissions and councils of governments have transportation planning responsibility under both state and federal law. Councils of governments and transportation commissions are governed by city council members and county supervisors chosen by their peers.

The functions of the CALCOG include:

- 1) Providing advocacy and liaison in the State Capitol and with administrative agencies.
- 2) Reviewing or proposing statewide legislation, plans and policies on subjects agreed upon by members.
- 3) Coordinating policy development and legislative effort, when appropriate, with the League of California Cities, the California State Association of Counties, the National Association of Regional Councils and the Association of Metropolitan Planning Organizations.
- 4) Promoting more effective planning at the regional level.
- 5) Conducting statewide workshops and conferences which provide members with an ideal opportunity to discuss key issues and to learn from recognized experts in various fields.
- 6) Providing an informational clearinghouse on issues of concern to the regions and the state.

The CCOG should remain an active member of CALCOG to advocate the CCOG's interests and have a greater voice in transportation programs and funding bills.

**California Association of Coordinated Transportation:** The California Association of Coordinated Transportation (CalACT) is the largest state transit association in the United States, with nearly 300 members. The CalACT organization is dedicated to promoting professional excellence, sharing innovative ideas and advocating for effective community transportation. CalACT provides resources and training opportunities to professionals in the transportation field.

#### **4.05 Legislation**

The CCOG should be involved in reviewing and commenting on proposed legislation that could potentially affect transportation planning and funding issues in Calaveras County.

To assist in this role, CCOG Staff should develop and maintain effective contacts with area representatives of elected officials as well as maintaining a cooperative working relationship with Caltrans, the California Transportation Commission, and the California State Association of Counties, surrounding counties, the National Forest Service, the National Park Service, the State Park System and other RTPAs.

CCOG Staff will analyze legislation and present reports, as appropriate, to the CCOG on legislation that may affect Calaveras County, and present resolutions that take a position on specific legislation where appropriate.

#### **4.06 Regional Transportation Plan (RTP)**

Since the mid-1970s, with the passage of AB 69, (Chapter 1253, Statutes of 1972) California state law has required the preparation of RTPs to address transportation issues and assist local and state decision makers in shaping California's transportation infrastructure. SB 375 requires that the RTP Guidelines are developed pursuant to California Government Code Section 14522 and 65080.

"14522. In cooperation with the regional transportation planning agencies, the commission may prescribe study areas for analysis and evaluation by such agencies and guidelines for the preparation of the regional transportation plans."

"65080 (d) Except as otherwise provided in this subdivision, each transportation planning agency shall adopt and submit, every four years, an updated regional transportation plan to the to the California Transportation Commission and the Department of Transportation. A transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area may at its option adopt and submit a regional plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall conform to the regional transportation plan guidelines adopted by the California Transportation Commission. Prior to adoption of the regional transportation plan, a public hearing shall be held after giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061."

In accordance with Government Code 6508(b)(2)(M), the CCOG adopted a four-year RTP update schedule. This update cycle must be adhered to in order for the County to maintain an eight year Housing Element update cycle.

The Calaveras County RTP is a multi-modal transportation plan covering the incorporated City of Angels and the unincorporated area of the County. The RTP is prepared according to the RTP Guidelines adopted by the CTC; and must correlate with land use plans; include policy, action and financial elements; and a program level environmental document per the California Environmental Quality Act (CEQA).

The CCOG, City and County shall work together to develop the list of projects to be included in the RTP. The Capital Improvement Programs (CIP) for the County and City shall be recognized in the development of the RTP. Any updates to the County or City CIP of regional significance shall be reflected in an RTP amendment.

CCOG, in coordination with the County and City, may revise the RTP using the procedures identified in the California Transportation Commission's California Regional Transportation Plan Guidelines. The amended RTP shall be submitted to the CCOG Board for approval and submitted to the CTC and Caltrans. Copies of the amended RTP must be provided to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

#### **4.07 Regional Transportation Improvement Program (RTIP)**

The California Government Code requires each RTPA prepare, adopt and submit a Regional Transportation Improvement Program to the CTC by December 15<sup>th</sup> on a biennial basis (on odd-numbered years).

Of the funds available in the State Transportation Improvement Program (STIP), seventy-five percent (75%) are committed to the Regional Transportation Improvement Program and twenty-five percent (25%) are committed to the Interregional Transportation Improvement Program (ITIP). The 75% Regional Share is further subdivided by formula into County Shares. County Shares are available solely for projects nominated by regions in their RTIP.

The RTIP is the CCOG's programming document that includes transportation projects (highways, transit, aviation, local streets and roads, etc.) for which Federal or State funding is proposed for programming in the STIP. Projects may not be included in the RTIP without a complete Project Study Report (PSR) or, for a project that is not on a State highway, a project study report equivalent or major investment study.

The CCOG is held responsible for planning, programming and monitoring Calaveras County projects programmed in the RTIP and STIP, including project delivery, timely use of funds and compliance with State law and the CTC guidelines.

Through the RTIP, CCOG may also recommend projects to improve State highways with ITIP funds. However, a project recommended for funding should constitute a usable segment and should not be a condition for inclusion of other projects in the RTIP and STIP.

#### **4.08 Interregional Transportation Improvement Program (ITIP)**

Twenty-five percent (25%) of the funds available through the STIP are committed to the Interregional Transportation Improvement Program. The ITIP includes projects that are identified by Caltrans to address mobility between regions, including interregional highway routes and intercity rail systems. Projects included in the ITIP must have a Project Study Report or major investment study and must be consistent with the respective county's Regional Transportation Plan.

The CCOG may recommend projects to improve State highways with ITIP funds pursuant to Section 164 of the Streets and Highways Code. A project recommended for funding should constitute a usable segment and should not be a condition for inclusion of other projects in the RTIP and STIP.

The CCOG should participate in the development of the ITIP to encourage the funding of high priority projects in Calaveras County.

#### **4.09 State Transportation Improvement Program (STIP)**

In October 1997, the Governor signed Senate Bill 45 (effective January 1, 1998) into law which created significant changes in the State Transportation Improvement Program process. Senate Bill 45 (SB 45) succeeded the 1989 Transportation Blueprint legislation and made fundamental changes in the funding, programming and planning of transportation improvements in California. SB 45 essentially gives the regions the discretion to nominate projects for which State highway capital improvement program funds are spent within their region.

SB 45 was enacted with the following objectives:

- Preserve the basic planning and programming process, avoiding legislative budgeting of projects, while changing the STIP from a project delivery document to a resource management document.
- Transfer transportation decision making responsibility to those who are closest to the problems.
- Eliminate artificial constraints and barriers to programming.
- Preserve geographic equity through a measure of "return to source", while recognizing that California is one state with statewide concerns. Place State highway, local road and transit projects on equal footing for access to support costs.
- Recognize the Caltrans role as owner-operator of the State Highway System, while removing Caltrans from lead responsibility for resolving urban congestion problems created largely by local decisions.
- Provide incentives for regional accountability for the timely use of funds.

- Retain the California Transportation Commission role as guardian of State capital dollars, with responsibility for determining how best to manage those dollars in a wise and cost-effective manner.

Caltrans continues to be responsible for the operation, maintenance and rehabilitation of the State Highway System. Caltrans is also responsible for programming improvement projects funded through the ITIP. However, for projects funded with RTIP funds, Caltrans can only promote and recommend highway improvement projects to the CCOG for inclusion in their RTIP.

#### **4.10 State Highway Operation and Protection Program (SHOPP)**

Caltrans is required to prepare and submit a ten-year State Highway rehabilitation plan for the rehabilitation and reconstruction, or combination thereof, of all highways and bridges owned by the State. The purpose of the State Highway Operations and Protection Program is to preserve and protect the State Highway System. The SHOPP is a program of projects that has the purpose of traffic safety, roadway rehabilitation, roadside rehabilitation or operations related to the State Highway System.

New projects are programmed on a statewide basis according to safety and rehabilitation needs in the year Caltrans estimates the project can be delivered. All new projects must have a Project Study Report (PSR) or equivalent document identifying a project's scope, estimated cost and delivery schedule.

Caltrans provides an opportunity for the CCOG to review and comment on draft versions of each proposed SHOPP, and considers the comments received from the regional transportation planning agencies before finalizing their Program.

The CCOG should participate in the development of the SHOPP to encourage the funding of high priority projects in Calaveras County.

#### **4.11 Overall Work Program (OWP)**

Regional Transportation Planning Agencies are required by the State to annually prepare and submit an Overall Work Program. The OWP serve as an annual program management document, identifying all regional transportation planning activities of the CCOG and the funding sources that have been approved to accomplish the identified activities. The OWP projects may be proposed by the CCOG and Member Agencies. The TAC reviews, prioritizes, and recommends all projects to the CCOG Board for final consideration and approval.

The OWP is the region's means of securing planning funds and allocating staffing in order to create, implement and expand upon those policies and actions outlined in the RTP. Maintaining an up-to-date OWP is critical to the CCOG's functioning as the regional transportation planning agency. Draft OWP's are due to Caltrans annually by March 1<sup>st</sup> and final OWP's are due in June in accordance with the Caltrans Regional Planning Guidebook.

##### **Amendments to the OWP**

The CCOG may amend the OWP from time to time to program additional Work Elements, deprogram Work Elements, address issues that arise necessitating amendment or modification, and/or change funding appropriations. Amendments must be presented to TAC for recommendation to the CCOG Board. OWP Amendments must be deemed eligible by Caltrans, and subsequently adopted by resolution by the CCOG. OWP Amendments must also be submitted to Caltrans no later than May 1<sup>st</sup> each year.

##### **OWP Quarterly Progress Reports**

The CCOG is required by Caltrans to submit quarterly progress reports on the various work products and funding programmed in the OWP. Caltrans will utilize these reports to monitor the progress of the

activities and funding of the Work Program, as well as a basis for approving reimbursement requests for Rural Planning Assistance (RPA) funds (see Section IV, C)

#### **Reimbursement Requests by Agencies**

As work is completed by those entities so specified in the OWP, claims for reimbursement costs are submitted to the CCOG Executive Director. Reimbursement requests will include breakdowns for salary, benefits, and overhead and contract costs. CCOG, County and City staff time will be reimbursed only with supporting documentation (i.e. payroll reports).

#### **4.12 Short Range Transit Plan (S RTP)**

While not specifically required by either the California Government Code or the Transportation Development Act (TDA), it is important for the CCOG to regularly update the Calaveras Short Range Transit Plan. This document is invaluable in forming the basis of the CCOG's annual findings regarding "unmet transit needs" within the County (see PUC Section 99401.5) as well as identifying possible improvements to existing transit services. The S RTP is also utilized as a supporting document for the funding and updates to the Regional Transportation Plan. Historically and as a standard practice, the CCOG has updated the S RTP every five to seven years.

Every five years, CCOG will solicit proposals from qualified firms for the update of the Calaveras Connect Short Range Transit Plan. Member Agency staff will be included in the consultant selection process and will be actively involved in development of the Plan update. The S RTP updates will be adopted by the CCOG and by the transit agency.

#### **4.13 Non-Motorized Transportation**

The primary forms of non-motorized transportation used in Calaveras County are by bicycle, walking or horseback. The CCOG, in coordination with the County and City, incorporates planned non-motorized transportation projects in the RTP. The County and City are responsible for implementing the projects.

#### **4.14 Air Quality Conformity**

The purpose of ambient air quality standards is to protect public health and welfare. Health scientists determine which air pollutants result in health problems and at what concentration level. This information is the basis of the ambient air quality standards. Air quality standards consist of four elements – the pollutant, the averaging time, the level or concentration not to be exceeded and the form of the standard or attainment test. Air quality designations are intended to notify the public about air quality in the areas where they live, work or travel. This is accomplished by designating areas as non-attainment, attainment or unclassifiable.

The Federal Transportation Conformity Rule and ensuing programs are aimed at reducing statewide, regional and community exposure to air toxics. The Federal Transportation Conformity Rule (40 Code of Federal Regulations Parts 51 and 93) specifies criteria and procedures for conformity determinations for transportation plans, programs and projects and their respective amendments in order for non-attainment areas to continue to receive Federal funding for projects. According to the Federal Transportation Conformity Rule, the following steps must be taken upon non-attainment designation. A State Implementation Plan (SIP) must be developed that describes how and when the non-attainment areas will attain the standard. Toxic Control Measure (TCM) programs must be implemented that ensure emissions from new and modified stationary and mobile sources in the region comply with the lowest achievable emission rates. Transportation projects that increase capacity to roadways must undergo air quality conformity analysis to ensure they will not increase air pollution toxins in the environment.

Calaveras County is designated as a non-attainment area with respect to federal air quality standards for one criteria pollutant, ozone. Therefore, the CCOG is responsible for ensuring compliance with the

requirements pertaining to that designation.

#### **4.15 Intelligent Transportation Systems**

The CCOG should participate in the efforts by Caltrans and other rural counties in looking for ways to utilize Intelligent Transportation Systems (ITS) to help solve transportation problems. Identification of appropriate systems and technologies can provide tourists, commuters, transportation operators and emergency service providers with real-time information about road and weather conditions in the Sierra Nevada region. The CCOG should also monitor and identify potential funding sources that may be applicable to ITS strategies that are identified.



# **Funding Mechanisms and Application/Claim Process**

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## **Section 5.**

### **5.01 Call for Projects**

On a Triennial basis the CCOG will conduct a Call for Projects for every funding source available to the County and City. The Call for Projects will include, at a minimum:

1. Application process and timeline
2. Identified funding amount
3. Identified years for which funding is programmed
4. Process and criteria by which projects are approved and prioritized

All projects to be funded through CCOG will be approved and prioritized by the TAC prior to CCOG approval. Changes in project funding will also be presented to the TAC prior to CCOG approval. (Appendix No. 24 - Sample Call for Projects Application Process)

#### **Eligible Applicants**

Eligible applicants include the parties to CCOG's Joint Powers Agreement (JPA), which are the CCOG, the City of Angels and the County of Calaveras. Special Districts, citizen groups, and other agencies are encouraged to apply. Such agencies must apply through their respective jurisdiction (County or City) if applying for funds that may compete with City or County projects or priorities.

#### **Application Process**

The cycle for the Call for Projects shall begin on a triennial basis in October. During the October TAC meeting, CCOG Staff will issue the Call for Projects to include at a minimum a fund estimate, schedule, and application process.

Application packets must include the following items for each project submittal:

- Application Form
- Evaluation Criteria Checklist for Prioritizing All Projects Submitted
- Evaluation Criteria Checklist for Prioritizing by Type
- Local Jurisdiction Endorsement Form
- Applicable Section of RTP

All applications from non-JPA Member Agencies must be endorsed by the County Board of Supervisors or City Council. If applying for funds that may compete with Member Agency projects or priorities, applications must be accompanied by a resolution or minute order from the Member Agency for approval of each project.

The County and City may include costs for staff time associated with each project in their applications.

Applicants must submit one electronic copy of the completed application. Incomplete applications will not be accepted and will be returned to the applicant. All projects must be approved by the County Board of Supervisors or City Council prior to submission of the applications.

Applications for project nominations will be reviewed by TAC during the December TAC meeting. The approved programming will be posted on CCOG's website as will subsequent amendments.

### **5.02 Transportation Development Act (TDA)**

The CCOG is responsible for the allocation, payment, and proper record keeping associated with the Transportation Development Act and its funding mechanisms. The TDA governs two major transportation funding sources, Local Transportation Funds and State Transit Assistance Funds. Local Transportation Funds (LTF) may be utilized for administration of the TDA, pedestrian and bicycle

facilities, the public transit system (operations and capital) and for streets and roads projects. State Transit Assistance Funds (STA) may be utilized for public transit purposes only.

The CCOG adopted a Transportation Development Act Guidebook on June 5, 2013, and amended on June 1, 2016. The Guidebook was developed to provide a useful reference for claimants of TDA funds and the CCOG staff to continue to provide a clear and understandable process for the filing and administration of TDA claims now and into the future.

### **Unmet Transit Needs Process**

Section 99401.5, of the Public Utilities Code, requires that prior to making any allocation of LTF not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, each transportation planning agency shall annually do all of the following:

- a) Consult with the Social Services Transportation Advisory Council.
- b) Identify the transit needs of the jurisdiction which have been considered as part of the transportation planning process, and perform certain assessments as defined in Section 99401.5(b), of the TDA.
- c) Identify the unmet transit needs of the jurisdictions that are reasonable to meet. The CCOG shall hold at least one public hearing pursuant to Section 99238.5, of the TDA, for the purpose of soliciting comments on the unmet transit needs that may exist within the CCOG's jurisdiction and that might be reasonable to meet by establishing or contracting services or by expanding existing services. The hearing must be advertised at least 30 days in advance of the hearing date.

The definition adopted by the regional transportation planning agency for the terms "unmet transit needs" and "reasonable to meet" shall be documented by resolution or in the minutes of the agency.

The fact that an identified transit need cannot be fully met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet. An agency's determination of needs that are reasonable to meet shall not be made by comparing unmet transit needs with the needs for streets and roads.

- d) Adopt by resolution a finding for the jurisdiction that; 1) there are no unmet transit needs, 2) there are no unmet transit needs that are reasonable to meet, or 3) there are unmet needs including needs that are reasonable to meet. The resolution shall include information developed pursuant to section b) above which provides the basis for the finding.
- e) If the transportation planning agency adopts a finding that there are unmet transit needs, including needs that are reasonable to meet, then the unmet transit needs shall be funded before any allocation is made for streets and roads within the jurisdiction.

The CCOG must prepare and submit a report, including the appropriate resolution adopted pursuant to section d) above, on its findings regarding unmet transit needs before August 15<sup>th</sup> of the fiscal year of the allocation or within 10 days after the adoption of the finding, whichever is later. The documentation shall include the following:

- a) A copy of the notice of hearing and proof of publication and a description of the actions taken to solicit citizen participation pursuant to Section 99238.5 of the TDA.
- b) A copy of the resolution or minutes documenting the CCOG's definitions of "unmet transit needs" and "reasonable to meet".

c) A copy of the resolution adopting the unmet transit needs finding described in subdivision (d), of Section 99401.5, of the TDA.

Upon adoption of a finding, as defined above, and providing funding accordingly, the CCOG may allocate remaining LTF to streets and roads purposes.

### **Local Transportation Funds (LTF)**

The Transportation Development Act creates in Calaveras County a Local Transportation Fund for various transportation purposes. LTF dollars can be used for CCOG's expenses related to administering TDA, pedestrian and bicycle facilities, transit systems and/or for streets and roads projects. LTF revenues are derived from ¼ cent of the retail sales tax collected statewide. The ¼ cent is returned by the State Board of Equalization to each county according to the amount of tax collected in that county.

The CCOG is responsible to allocate LTF in Calaveras County, and in the specific priority order identified in Article 3, Section 99233, of the TDA. Claims for administration, pedestrian and bicycle projects, and public transportation purposes are funded first. Remaining LTF funds, if any, may be allocated to local streets and roads projects only after all documented unmet transit needs have been met.

Local Transportation Funds are received on a monthly basis and deposited into a trust account by the County Auditor. The LTF is allocated by the CCOG in conformance with the Transportation Development Act.

According to the TDA, the CCOG should first allocate to itself the amount of funds needed to administer the requirements of the TDA. The amount allocated each year is calculated based on the amount of CCOG staff hours, and the cost of those staff hours, determined to be necessary to complete the activities required of the CCOG in administering the program. Each year, these funds are programmed to the various activities in the CCOG Overall Work Program.

The CCOG sets aside two percent (2%) of the remaining balance (total allocation less CCOG's allocation for TDA administration) each year for pedestrian and bicycle facility projects. These funds are allocated by resolution to the Pedestrian/Bicycle Local Transportation Funds Account and held in reserve for future projects. The funds are then allocated to specific projects through the CCOG's LTF claiming process. Note that LTF funds for bicycle and pedestrian projects can be utilized for purposes of implementing the Americans with Disabilities Act (ADA).

During each budget/planning cycle the unallocated apportionments retained rollover in the LTF fund and shall be equal to 10% of the estimate for the given fiscal year. The remaining LTF is available for public transportation services. After completing the required Unmet Transit Needs process, as described above, and defined in Section 99401.5 of the TDA, the CCOG determines and allocates the amount of LTF needed to cover all transit needs that are reasonable to meet based upon the adopted criteria. Transit claims may be submitted by any eligible transit agency per the TDA.

Any remaining LTF may be allocated to the City and County for streets and roads purposes, or other related purposes, as long as all there are no Unmet Transit Needs found Reasonable to Meet through the annual Unmet Transit Needs process and findings report. Revenues from the LTF must be apportioned by population to the County and City. Based upon the most recent population data provided by the Department of Finance.

### **Apportionment/Allocation Process and Payment/Reimbursement to Claimants:**

Please refer to the Transportation Development Act Guidebook as approved by the CCOG, Appendix No. 18

### **State Transit Assistance Funds (STA)**

The State Transit Assistance (STA) fund provides a second source of TDA funding for transportation planning, public transportation, and community transit purposes as specified by the Legislature. The STA program was created under Chapter 161 of the Statutes of 1971 (SB 620). STA funds are generated from the statewide sales tax on diesel fuel, which is deposited in the Transportation Planning and Development Account in the State Transportation Fund. Unlike LTF, STA funds may not be allocated for fund administration, streets, roads, or pedestrian/bicycle facility purposes.

These funds are appropriated to the Secretary of Transportation for allocation by formula to each Regional Transportation Planning Agency. The formula is 50 percent according to population and 50 percent according to operator revenues for the prior fiscal year. The CCOG receives STA under PUC section 99313, which is based upon the ratio of the population of Calaveras County to the total population of the State of California.

Public Utilities Code section 99313.6 requires each regional transportation planning agency create a State Transit Assistance Fund and deposit therein the funds allocated to it pursuant to the TDA.

### **Apportionment/Allocation Process and Payment/Reimbursement to Claimants**

Please refer to the Transportation Development Act Guidebook as approved by the CCOG, Appendix No. 18

### **5.03 Rural Planning Assistance (RPA) Program**

The Rural Planning Assistance Program provides funding to the CCOG for transportation planning activities. The RPA funds must be utilized on the projects and programs as they are delineated in the CCOG's annual Overall Work Program (OWP). Twenty-five percent (25%) of RPA funds may be carried over to the next fiscal year.

#### **Programming/Application Procedure**

As stated above, the allocation and application of RPA funds is accomplished through the OWP. Caltrans will provide an apportionment estimate of RPA funds to the CCOG each year. The CCOG will program these funds to specific projects in the corresponding OWP.

The allocation of RPA funds is tied directly to the State's acceptance of the CCOG's OWP and the passing of the State Budget. As part of the OWP, the CCOG executes an OWP Agreement (OWPA), in which the RPA funds are identified. The CCOG must submit to the State its draft OWP by March 1 each fiscal year. The final OWP, including the OWPA, is due to Caltrans in June.

As work is completed, invoices for reimbursement of costs are submitted to the Caltrans District 10 Planning office. Reimbursements may be requested monthly, but are typically submitted quarterly along with OWP Quarterly Progress Reports.

### **5.04 Planning, Programming and Monitoring Program (PPM)**

Through the Regional Transportation Improvement Program (RTIP), the CCOG may program up to 5% of Calaveras County's Regional Improvement Program funds for planning, programming and monitoring purposes. These funds are then programmed into the State Transportation Improvement Program (STIP) as State-only funds. The California Transportation Commission (CTC) approves allocations of these funds in accordance with the amounts programmed in the STIP.

PPM funds are to be used for the CCOG's project planning, programming and monitoring activities related to the development of the RTIP and STIP, and for the monitoring of project implementation for projects approved in these documents, more specifically as follows:

- Regional transportation planning, including the development and preparation of the regional transportation plan (RTP).
- Project planning, including the development of project study reports or major investment studies, conducted by regional agencies or by local agencies in cooperation with regional agencies.
- Program development, including the development of regional transportation improvement programs and studies supporting them.
- Monitoring the implementation of STIP projects, including project delivery, timely use of funds and compliance with State law and the CTC's guidelines.

#### **Programming/Application Procedure**

The PPM funds are programmed to specific projects or activities through the CCOG's annual Overall Work Program (OWP). The CCOG is required to approve an annual PPM Plan, which identifies the projects to which the funds have been programmed. CCOG will complete a CTC allocation request in August. Caltrans then prepares a fund transfer agreement to facilitate reimbursement(s). Upon final execution of the Agreement, the CCOG submits a Request for Allocation to the Caltrans Division of Local Assistance. Once the Allocation Request is approved, the CCOG may invoice for the full year's apportionment.

#### **5.05 Regional Surface Transportation Program (RSTP)**

Section 182.6(g), of the Streets and Highways Code, permits rural regional transportation planning agencies to exchange their annual apportionments of Federal Regional Surface Transportation Program funds for non-Federal State Highway Account funds. The Code permits an eligible county represented by that RTPA to exchange its entire annual sub-apportionment (110% of their 1990/91 Federal-Aid Secondary minimum) for State Highway Account funds.

This exchange of funds removes Federal regulations and enables the agency to use the funds for transportation related purposes as defined in Section 133© of Title 23 of the United States Code and Article 19 of the State Constitution.

#### **Application Procedure**

The State will provide an estimate (usually in March) of the RSTP apportionment available to Calaveras County for that year. The State issues Exchange Agreements on or around May of each year. As part of the Triennial Call for Projects, CCOG will identify in the Fund Estimate the amount eligible for application. Member Agencies, upon allocation of funds as approved by CCOG, will be required to execute RSTP Exchange Agreements with CCOG inclusive of sample claims forms. Refer to Appendix No. 21 – RSTP Claim Forms.

#### **RSTP Reserve Contributions to RSTP Reserve Account**

Once completed, an individual project that has unexpended RSTP funds will have the remaining RSTP allocations retained in the RSTP Account.

If surplus funds are identified in CCOG's final yearly RSTP total allocation, the surplus funds (i.e., the difference between the preliminary allocation and the final allocation in the CCOG Operations Budget) will be identified as carryover in the subsequent CCOG Operations Budget.

If CCOG's final yearly total allocation is less than the preliminary total allocation, the TAC will be responsible for adjusting the approved project list or approving the use of RSTP reserve funds to remedy the shortfall.

### **Use of RSTP Reserve Account Funds**

CCOG RSTP Reserve Funds may be used for local matches, unanticipated costs overruns, unanticipated losses in revenue, and/or other allocations as deemed necessary and appropriate by the CCOG. Member Agencies must submit a request for Reserve RSTP to the CCOG Executive Director for consideration by the TAC. The TAC recommends the allocation of Reserve Funds to the CCOG Board for consideration and approval.

### **5.06 Congestion Mitigation and Air Quality (CMAQ) Program**

The purpose of the CMAQ program is to fund transportation projects or programs that will contribute to attainment or maintenance of the national ambient air quality standards (NAAQS) for ozone, carbon monoxide (CO) and particulate matter (PM).

The CMAQ program supports two important goals of the Department of Transportation: improving air quality and relieving traffic congestion.

The CMAQ Program enables communities to increase public awareness regarding the link between transportation and air quality, fund technological applications to improve transportation systems, or increase transit services, as a few examples. Most of the CMAQ project categories include a wide variety of measures to decrease vehicle emissions. Policy considerations exclude highway maintenance and reconstruction projects because these activities preserve existing levels of service and are unlikely to contribute to further improvements in air quality. Specific eligibility information on activities and projects may be found in the CMAQ Program Guidelines found on the Federal Highway Administration website (<http://www.fhwa.dot.gov/environment/cmaqpgs/>).

The State has provided annual apportionment estimates for CMAQ funding for the Calaveras County Region beginning with FY06, which average approximately \$400,000 per year. The Federal share for most eligible CMAQ projects is 88.53%, with an 11.47% local match required. Certain activities, including traffic control signalization, commuter carpooling and vanpooling and signalization projects to provide priority for transit vehicles may be funded at 100 percent Federal share if they meet certain requirements of the program.

The CCOG, in their role as the Regional Transportation Planning Agency for Calaveras County, is responsible for determining eligibility of CMAQ projects and will do so in compliance with the Triennial Call for Projects. Once projects have been determined eligible and are approved by CCOG, they must be programmed in the Federal Transportation Improvement Program (FTIP). Upon amendment of the project into the FTIP, Member agencies are responsible for project programming.

### **5.07 Other Transportation Planning Grants**

Approximately \$8.5 million is available each year for several transportation planning grants. These funds are designated for transportation planning studies and not eligible for use on capital improvements. All of these grants have a similar application process and are administered by the Caltrans Headquarters Division of Transportation Planning. Generally, the applicant must be a Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency (RTPA) and the project must be included in the agency's Overall Work Program (OWP). Additional detail as well as the latest version of the application is available on the Caltrans Division of Transportation Planning website, see [www.dot.ca.gov/hq/tpp/](http://www.dot.ca.gov/hq/tpp/).

### **5.08 Enhanced Mobility of Seniors and Individuals with Disabilities (FTA Section 5310)**

The Federal Transit Administration (FTA) Section 5310 Program provides capital and operating assistance grants for projects that meet the transportation needs of seniors and individuals with disabilities: where public mass transportation services are otherwise unavailable, insufficient or

inappropriate; that exceed the requirements of the ADA; that improve access to fixed-route service; that provide alternatives to public transportation. These funds are available on a statewide competition basis. Section 5310 Call for Projects is typically conducted on a multi-year cycle, every two or three years. Projects are funded in priority order, based upon specific scoring criteria, until all available funds are programmed.

**CCOG Review & Findings:** CCOG is responsible for reviewing, scoring and ranking the applications generated from within the Calaveras County region pursuant to the program's specific scoring criteria and ranking requirements, and make the following findings:

- 1) That the agency applying for the grant has to the maximum extent possible, coordinated its program with other transportation programs in the County; and
- 2) That the program and grant are included in the most recently adopted Calaveras County Coordinated Public Transit-Human Services Transportation Plan.

The CCOG is required to adopt a project priority list and submit to Caltrans. Caltrans will utilize the application scores developed and submitted by the RTPAs as a basis to develop the draft Statewide funding list. The final funding list of projects is adopted by the California Transportation Commission.

#### **5.09 Non-Urbanized Area Formula Grants (FTA Section 5311)**

The Federal Transit Administration (FTA) Section 5311 program provides supplemental funding for public transit service in non-urbanized (rural) areas for capital and operating. Each state prepares an annual program of projects, which must provide for fair and equitable distribution of funds within the state and must provide maximum feasible coordination with transportation services assisted by other Federal sources. Grant applications are due to the State prior to June 30<sup>th</sup> each year.

These funds are provided to claimants in one of two possible ways:

- 1) Upon submission of a successful application which stays within the County's projected annual allocation of FTA Section 5311 funds; or,
- 2) Upon submission of a successful application for competitive State Discretionary Reserve FTA Section 5311 funds.

**CCOG Review & Findings:** While the CCOG is not a direct claimant of these funds, it is involved in reviewing each application generated within the County in order to make the following findings:

- 1) That the agency applying for the grant has, to the maximum extent possible, coordinated its program with other transportation programs in the County; and,
- 2) That the program and grant are consistent with the Regional Transportation Plan (RTP).

#### **5.10 Title VI Nondiscrimination Policy**

The Calaveras Council of Governments (CCOG) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services or programs on the basis of race, color or national origin as afforded under Title VI of the Civil Rights Act of 1964. CCOG, as a federal grant recipient, is required by the Federal Transit Administration (FTA) to conform to Title VI of the Civil Rights Act of 1964 and its amendments. The CCOG is committed to enforcing the provisions of Title VI and protecting the rights and opportunities of all persons associated with, or affected by, their programs.

Section 601 under Title VI of the Civil Rights Act of 1964 states the following:



“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and subrecipient's of Federal Transit Administration (FTA) funding to ensure that their activities comply with DOT Title VI regulations. In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA.

FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all recipients (including sub-recipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. Sub-recipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

Calaveras COG is a subrecipient of FTA funds; while the California Department of Transportation (Caltrans) is the primary recipient. Therefore, Caltrans develops policies for the submittal of Title VI Programs. Calaveras COG adopted a Title VI Program on May 6, 2015 to comply with this requirement and to guide the CCOG in its administration and management of Title VI-related activities, and details how CCOG meets the requirements as set forth in FTA Circular 4702.1B.

The CCOG will take positive and realistic affirmative steps to ensure that all persons and/or firms wishing to participate in its programs are given an equal and equitable chance to participate. In addition, the CCOG will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

CCOG's contractors and subcontractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services.

The CCOG is responsible for providing leadership, direction and policy to ensure compliance with Title VI of the 1964 Civil Rights Act in respect to its services or programs. Any person(s) who feels that they have been discriminated against is encouraged to report such violations in writing to: Calaveras Council of Governments, 444 E. Saint Charles Street, Suite A, P. O. Box 280, San Andreas, CA 95249. See Appendix No.16 or CCOG website for Title VI Complaint forms.

# **Required Records, Reports and Audits**

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## **Section 6.**

## **6.01 Records Management**

Records must be maintained in accordance with the RTPA Records Retention Schedule until their retention period expires, after which the records should be disposed of promptly and appropriately. The periods shown in the Records Retention Schedule are minimum time periods that do not start until the document and/or project is complete. Records can be maintained for time periods in excess of the retention period in the schedule if the records are still needed for reference.

The Records Management Policy applies to all persons, including employees, consultants, and contractors, responsible for the generation and/or maintenance of RTPA records. (See Appendix No. 22 - Records Management Policy and Forms)

## **6.02 Records & Reporting Requirements**

The City Finance Officer and/or County Auditor, as determined by the CCOG Board, shall maintain accounting records of all CCOG funds in accordance with the State Controller's Manual of Accounting Standards and Procedures for Counties. Such records shall be kept for a minimum of four years. Monthly, the City Finance Officer and/or County Auditor shall report the status of all funds to the Executive Director of the CCOG. At quarterly intervals, the City Finance Officer and/or County Auditor shall report the status of all funds to the Executive Director of the CCOG and the California State Transportation Agency. The reports shall conform to those standards established in CCR Section 6622.

**Transit Service Claimants:** Shall keep and maintain accurate and complete records and shall prepare an annual report of its operations in accordance with the Uniform System of Accounts and Records adopted by the State Controller pursuant to PUC Section 99243. The report shall be submitted to the Executive Director of the CCOG and to the State Controller within 90 days of the close of each fiscal year (on or before October 1). (Refer to CCR Section 6637)

**Non-Transit Claimants (the City and County):** Shall keep and maintain accurate and complete records per standard principles of accounting. Such records shall be kept for a minimum of four years. Expenditures of monies received for any non-transit purposes shall be reported to the State Controller on or before October 1 or within 90 days of the close of each fiscal year. (Refer to CCR Section 6665 and PUC Section 99406)

## **6.03 Annual Fiscal and Compliance Audits**

Annually and within 180 days after the end of the fiscal year, the City and/or County Auditor shall submit a report of a fiscal and compliance audit of the financial statements of the CCOG's LTF and STA accounts to the Executive Director of the CCOG and the State Controller. The audit shall be conducted in accordance with generally accepted auditing standards by the State Controller or by a certified public accountant who is not an officer or employee of the CCOG, the City of Angels or the County of Calaveras. (Refer to CCR Sections 6661 and 6751)

**All Claimants:** Annually and within 180 days after the end of the fiscal year, each claimant shall submit a report of a fiscal and compliance audit to the Executive Director of the CCOG and the State Controller, the audit(s) shall be conducted by independent auditors. (Refer to CCR Sections 6664, 6666 and 6667)

## **6.04 Triennial Performance Audits of Planning Entities and Transit Operators**

As the Regional Transportation Planning Agency, the CCOG is statutorily required to triennially designate an independent entity to conduct a performance audit of its activities with respect to the TDA pursuant to Public Utilities Code Section 99246. The CCOG also conducts a performance audit of the transit system and transit operator during this process.

Performance audits evaluate the efficiency, effectiveness and economy of the operations of CCOG and the Public Transit System. Performance audits must be in compliance with the Transportation Development Act and consistent with the requirements in the Performance Audit Guidebook issued by the California Department of Transportation.

The CCOG conducts a formal Request for Proposals process to hire an independent auditor to conduct a performance audit of both the CCOG and Public Transit System. The State requires the submittal of the CCOG performance audit, and verification that a performance audit was conducted on the Transit Operator. The CCOG shall approve both the CCOG and Transit performance audits. The CCOG performance audit shall be submitted to the Director of Caltrans by July 1, 1980, and by July 1 triennially thereafter. (Refer to CCR Section 6662.5 and PUC Section 99248)

### **Project Tracking and Reporting**

As necessary to track and monitor the effective and efficient use of CCOG funding, the County and City shall report the project status for all CCOG funded projects via the web-based Capital Improvement Program (CIP). Refer to the CIP User's Manual Appendix No. 8 and as available at [www.calacog.org](http://www.calacog.org). Failure to report to the Council the status of CCOG funded projects may result in denial of subsequent claims or future request for funding. CIP reports are generated by CCOG Staff and presented to the CCOG on a quarterly basis.

### **6.05 Audit of Allocated Funds**

At the discretion of the CCOG, Member Agencies may be required to submit audits on projects whereby the CCOG has allocated funds. Additionally, at the discretion of the Member Agencies, CCOG may be required to submit an audit on all non-TDA related revenues and expenditures.

### **6.06 Federal Audit Requirements**

The Calaveras Council of Governments will obtain grant agreements from the grantor or pass through entity that lists the Catalog of Federal Domestic Assistance (CFDA) number at the time the Council receives a federal award and retain the agreements in the grant file so they are available in years that a single audit is required.

# **Accounting Overview**

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## **Section 7.**

## **7.01 Fraud Policy**

This policy applies to any fraud or suspected fraud involving employees, officers, as well as members, vendors, consultants, contractor funding sources and/or any other parties with a business relationship with the CCOG. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship with the CCOG.

The Executive Director is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation, or concealment of material facts for the purpose of inducing another to act upon it to his or her injury. The Executive Director must be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity.

Any fraud that is detected or suspected must be reported immediately to the Executive Director or, alternatively, to the Chair of the CCOG. The CCOG Chair is responsible for the coordination of all investigations.

### **Actions Constituting Fraud**

The term fraud, misappropriation, and/or other fiscal irregularities refer to, but are not limited to:

1. Any dishonest or fraudulent act.
2. Forgery or alteration of any document or account belonging to the CCOG.
3. Forgery or alteration of a check, bank draft, or any other financial document.
4. Misappropriation of funds, securities, supplies, equipment, or other assets of the CCOG.
5. Impropriety in the handling or reporting of money or financial transactions.
6. Disclosing confidential or proprietary information to outside parties.
7. Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the CCOG.
8. Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment.
9. Any similar or related irregularity.

### **Other Irregularities**

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by the Executive Director and Chair of the CCOG. If there is a question as to whether an action constitutes fraud, contact the Executive Director or the Chair of the CCOG for guidance.

### **Investigation Responsibilities**

Upon notification by the Executive Director the CCOG Chair will oversee and coordinate the investigation of all suspected fraudulent acts as defined within this policy. The Executive Management Committee may utilize whatever internal and or external resources it considers necessary in conducting an investigation. If an investigation substantiates that fraudulent activities have occurred, the Executive Management Committee will issue reports to appropriate designated personnel and, if appropriate, to the Council. Decisions to prosecute or refer the examination of results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final dispositions of the case.

If suspected fraud or other wrongdoing involves programs funded in whole or in part with federal funds, additional responsibilities, such as special reporting and disclosure to the awarding agency, may apply to the organization. It is the policy of the CCOG to fully comply with all additional reporting, disclosure and other requirements pertaining to suspected acts of fraud as described in award documents.

### **Confidentiality**

The Executive Management Committee and the Executive Director treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the Executive

Director or CCOG Chair immediately, and should not attempt to personally conduct investigations or interviews related to any suspected fraudulent act (See Reporting Procedures Section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect CCOG from potential civil liability. As part of this confidentiality policy, the CCOG may conduct closed meetings at which time such matters may be discussed. All meetings conducted in closed session will be in compliance with the Brown Act.

### **Reporting Procedures**

An employee or complainant who discovers or suspects fraudulent activity will contact the Executive Director or the Chair of the CCOG immediately. The employee or other complainant as well as information provided will remain confidential. All inquiries concerning the activity under investigation from the suspected individuals, his or her attorney or representative, or any other inquirer should be directed to the Executive Management Committee or legal counsel. No information concerning the status of an investigation will be given out. The proper response to an inquiry is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to the "the allegation", "the crime", "the fraud", "the forgery", "the misappropriation", or any other specific reference.

### **7.02 Financial Functions**

Financial records shall be maintained in accordance with generally accepted accounting principles, applicable grant agreements, 2CFR Part 225 and applicable state regulations governing special districts.

CCOG shall organize and assign work duties and responsibilities so that no single employee performs a complete accounting cycle. In addition, established procedures shall require proper authorizations by designated officials for all actions taken.

The CCOG accounting functions consist of three (3) staff who manage and process financial information. Calaveras County Auditor Controller's staff play an integral role in auditing the records and requests submitted on behalf of the CCOG. Calaveras County Treasurer Tax Collector provides services including the maintenance, reconciliation, and investment of CCOG funds in accordance with County policy. The positions responsible for fulfilling this function are as follows:

Executive Director- Serving as CCOG Chief Administrative Officer

CCOG Administrative Services Officer

CCOG Administrative Assistant

County of Calaveras – Auditor Controller

County of Calaveras – Treasurer Tax Collector

### **Funds and Account Groups**

The Calaveras Council of Governments shall maintain separate and distinct funds, as follows:

Overall Work Program (OWP) Operating Account – 6100: This fund shall be managed as a general fund used to account for all projects and CCOG operations budget expenditures outlined in the Annual Overall Work Program (OWP).

Pursuant to the Transportation Development Act (TDA) and this manual, CCOG shall create and maintain the following agency trust funds:

Local Transportation Funds (LTF) Account – 6110: This fund shall account for all financial activity generated pursuant to the Transportation Development Act, Articles 3, 4.5, and 8.

State Transit Assistance (STA) Account – 6120: This fund shall account for all financial activity generated pursuant to the Transportation Development Act, Article 6.5.

Bicycle and Pedestrian Account – 5440: This fund is required under the Transportation Development Act (TDA). The RTPA is required to set aside 2% of Local Transportation Funds (LTF) for bicycle and pedestrian projects.

Regional Surface Transportation Program (RSTP) Account – 6140: This fund is required under the Streets and Highways Code, permits rural regional transportation planning agencies to exchange their annual apportionments of Federal Regional Surface Transportation Program funds for Non-Federal State Highway Account funds.

Public Transportation Modernization, Improvement and Service Enhancement (PTMISEA) Account – 6150: This fund was established for the local jurisdictions (City of Angels and County of Calaveras). These funds account for activity generated pursuant to the General obligation bond law, California Government Code Section 16724.4.

The primary responsibilities of the accounting functions consist of:

- General Ledger
- Budgeting
- Cash Management
- Asset Management
- Grant and Contract Administration
- Purchasing
- Accounts Receivable and Billing
- Cash Receipts
- Accounts Payable
- Payroll and Benefits
- Financial Statement Processing
- External Reporting of Financial Information
- Account Reconciliation
- Compliance of Government Reporting Requirements
- Annual Audits
- Leases
- Insurance

### **Records and Reports**

CCOG shall keep and maintain complete and accurate financial records and prepare required reports in accordance with uniform system of accounts and records, adopted by the State Controller of the State of California, California Office of Emergency Services, and the Internal Revenue Service.

CCOG Staff will provide the Council with financial reports reflecting all fund account activity on a biannual basis.

### **Processing of Checks and Cash Received in the Mail**

Funds received directly to the CCOG office are centralized to ensure that funds are appropriately directed, recorded, and deposited on a timely basis.

Mail is opened by the Administrative Assistant or by the Administrative Services Officer in the absence of the Administrative Assistant. The checks received are delivered to the Administrative Services Officer who reviews and initials the deposit slip. The deposit slip contains the project information/invoice. Deposit slips are signed by the Administrative Services Officer and approved by the Executive Director. A copy of the deposit slip is maintained by the Administrative Services Officer. The Administrative Assistant or



the Administrative Services Officer will deliver the deposit to the City of Angels, Finance Director or County Auditor Controller as contracted, who will initial and date the receipt received.

#### **Timelines of Bank Deposits**

Deposits to the City Finance Director or County Auditor Controller as contracted will be made as received by the CCOG office.

#### **Reconciliation of Deposits**

Monthly, the Administrative Services Officer shall reconcile the listings of receipts to the City Finance Director or County Auditor Controller as contracted, as reflected on the month end reports. Any discrepancies are immediately corrected through the City of Angels Administrative Office or County Auditor Controller's Office as appropriate. A Request for Correction form will be completed by CCOG Staff and submitted to the City Finance Director or County Auditor Controller.

#### **Use of Post Office Box**

Funds are to be delivered to the CCOG. All checks payable to the Organization are to be mailed directly to the CCOG post office box. As such, all invoices prepared by CCOG will include a reference to the post office box to which payments should be sent.

The CCOG uses the following Post Office Box:

P.O. Box 280  
San Andreas, CA 95249

### **7.03 Accounts Payable and Accounts Receivable**

The recording of asset expenses and the related liability is performed by an employee independent of ordering and receiving. The amounts recorded are based on the vendor invoice for the related goods and services. The vendor invoice should be approved by the Administrative Services Officer or the Executive Director prior to being processed. Invoices and related general ledger account distribution codes are reviewed at month end.

The primary objective for accounts payable and cash disbursement is to ensure that:

1. Disbursements are properly authorized
2. Invoices are processed in a timely manner
3. Vendor/ contractor credit terms and operating cash are managed for maximum benefits

#### **Recording of Accounts Payable**

All valid accounts payable transactions, properly supported with the required documentation, shall be recorded as accounts payable in a timely manner. Accounts payable are processed on a bi-weekly basis.

#### **Establishment of Control Devices**

Control of invoices is established by the Administrative Services Officer upon receipt of the invoice by the Administrative Assistant. Each invoice as a contract charge shall be recorded under the work element or job number, and distributed to the Project Manager for approval. The Administrative Assistant processes the accounts payable claims and all invoices are forwarded to the Administrative Services Officer for review and subject to approval by the Executive Director. Payment for invoices may be held pending grant reimbursement. The Administrative Services Officer is authorized to sign time sensitive claims in the absence of the Executive Director.

#### **Preparation and Processing of Accounts Payable (A/P)**

##### **Preparation of A/P Package**

Prior to any account payable being submitted for payment, a package called a "A/P package" shall be

assembled.

Each A/P package shall contain the following:

1. Batch cover sheet
2. Original invoice
3. Packing slip (where appropriate)
4. Any other supporting documentation deemed appropriate

**Processing of A/P Package**

The following procedures shall be applied to each A/P package by the Administrative Assistant and Administrative Services Officer:

1. Check for mathematical accuracy.
2. Properly code each invoice with the organization key, object code, and OWP project number.
3. Obtain the review approval of the Executive Director prior to submission to the County Auditor's office for approval and payment.

Approval by the Executive Director indicates his/her acknowledgement of satisfactory receipt of the goods or services as invoiced, agreement with all terms appearing on the vendor invoice, agreement with the general ledger coding, agreement with all funding terms and contracts.

# **Purchasing Procedures**

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## **Section 8.**

## **Purchasing Procedures**

The Administrative Assistant is responsible for the ordering and purchase of supplies and materials. Staff will prepare a list of items and submit the request to the Administrative Assistant based upon need. The Administrative Assistant will prepare the Purchasing Order form for approval within the purchase limits identified below.

### **8.01 Equipment & Supplies**

In general, the following procedures shall be followed by the CCOG Staff in securing equipment, supplies, and in the award and execution of service contracts:

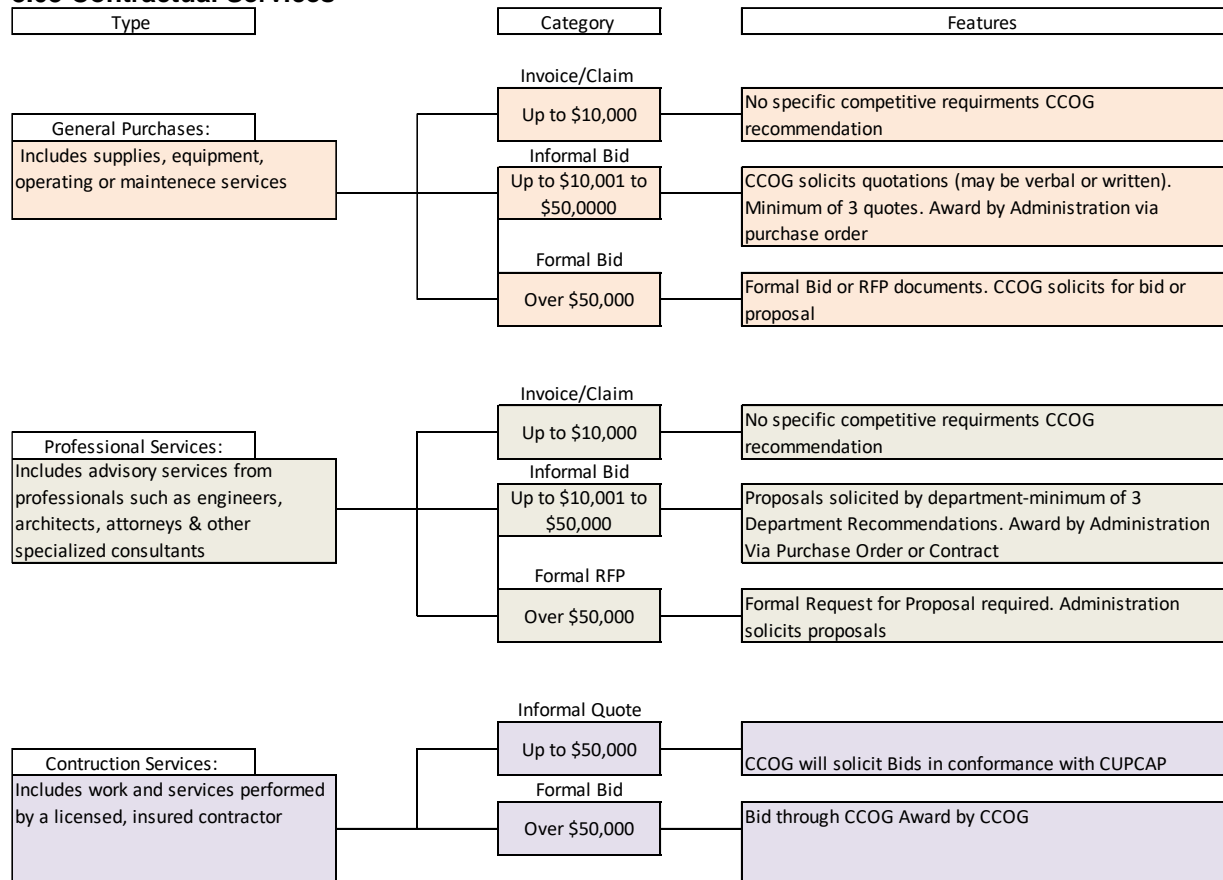
1. Single items costing more than \$100 and less than \$500 must be authorized prior to purchase, by the Executive Director.
2. Any one item of equipment costing \$5,000 or more must be identified specifically in the current approved OWP, or approved by the CCOG prior to purchase. The purchase of equipment or supplies that are not fixed assets and that cost less than \$5,000 may be authorized by the Executive Director.
3. Any fixed asset (a single item of property costing \$5,000 or more) must be recorded on the CCOG Inventory of Property when purchased.
4. It is the responsibility of the Executive Director to ensure that all purchases are made at the most favorable price for the CCOG consistent with efficient operation. Items purchased under the authority of the Executive Director shall be made after obtaining at least two competitive quotes for like or similar items.

All invoices for services rendered will be accounted for by the Administrative Services Officer according to the cost allocations for the given fiscal year. All invoices processed for payment by the Administrative Assistant and/or Administrative Services Officer will be submitted to the Executive Director for authorization to process. The Executive Director shall supervise and direct the purchasing and contract payment process including making the final determination on any proposed purchase or payment where budgetary or other contractual conditions may result in denial.

### **8.02 CAL Card Purchasing**

All employees of the organization will receive and sign a use policy agreeing to the terms and conditions. After one (1) year of employment an employee may receive a CAL Card. The Executive Director will have a purchasing limit of \$2,000 dollars, the Administrative Services Officer will have a purchasing limit of \$1,000 and other staff will have a purchasing limit of \$500. Purchasing procedures outlined in this section are applicable to credit card purchases. No employee shall incur travel or training expense without the approval of the Executive Director. See Travel Policy in Appendix 10.

### 8.03 Contractual Services



### 8.04 Professional Services

A Request for proposals (RFP) will be issued whenever there is a need for work to be performed by other than CCOG staff. Contracts for work to be performed at a cost of less than \$50,000 may be awarded through a fairly informal procedure where price or rate quotations are obtained from an adequate number of sources. Contracts for work under \$10,000 may, at the discretion of the Executive Director, be directly negotiated, omitting the RFP process.

When requesting federal or state funds to reimburse A&E Consultants, CCOG staff must follow the selection and contracting procedures specified by the Division of Local Assistance Consultant Procurement Manual and Chapter 10 of the *Local Assistance Procedures Manual* and in Local Program Procedure 00-05, *Revised Pre-award Audit Requirements and Consultant Procurement* (LPP 00-05). The provisions of the Brooks Act (40 USC, Section 1104) require local agencies to award federally funded engineering and design related contracts, otherwise known as Architectural and Engineering contracts, on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (23 Code of Federal Regulations (CFR), Part 172) at a fair and reasonable price (48 CFR 31.201-3). Both federal regulation and California state law (Government Code 4525-4529 et al) require selection of A&E consultant services on the basis of demonstrated competence and professional qualifications.

Non-A&E contract procurement for federal or state funded transportation projects must comply with

California State Public Contract code 10301-10381. Local agencies must use their own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal laws and regulations (2 CFR Part 200). Compliance with the Brook Act and qualification based selection is optional for non-A&E consultant procurement. All non-A&E procurements for federal-aid funded projects must be conducted by competitive proposals in a manner providing full and open competition consistent with federal and state standards. Refer to California State Public Contract Code 10335-10381 for more information.

## **Form and Content of the RFP**

**Introduction/General:** This section should set forth and describe the agency requesting the services, the amount and source of funds that are available for the project (note, however, that in some instances it may be desirable not to state the amount of funds available), the general parameters of the work product, the deliverable products or services, and the Proposal, address and CCOG staff contact person should be included.

**Background:** In this portion of the RFP, discuss the events which have taken place that have make this project desirable; provide general data or status information, etc.

**Project Summary and Description:** The problem that must be solved or issues to be addressed is specifically defined for the proposed contractors. The objectives should be clearly set forth, and where appropriate, the objectives should be stated in quantifiable terms to facilitate evaluation of the contractual effort.

**Statement of Work:** This section should describe the tasks, schedules, and intermediate products which are expected. The description of work should be concise and clearly understandable. The focus will usually be on types of activities and the results expected, allowing the consultant creativity in the approach to the work.

**Deliverable Products:** This will be the expected end result of the work effort. Examples are: a manual, a seminar, an audit or analysis, etc.

**Proposal Evaluation Criteria:** If the criteria to be used are known, the contractors should be provided an outline of the criteria. This information may be communicated during a preproposal conference, if one is conducted.

**Contact:** Identify a contact person and contact information for RFP questions. Specify a question submittal deadline.

**Project Timetable:** Provide a timeline of events for the RFP and anticipated project begin and completion dates.

**General Conditions:** This section specifies conditions of award, pre-contractual expenses, limitations, RFP addendum, conflict of interest, proposal format, and other general conditions of the RFP.

**Sample Agreement:** Include as an attachment a sample of the agreement the consultant should be expected to execute for the particular project.

**Conference:** Time and place of preproposal conference, if any

## **Form of Proposal**

**Transmittal Letter:** The transmittal letter should include the name, title, address, phone number, and original signature of an individual with authority to negotiate on behalf of and to contractually bind the

consultant(s) firm, and who may be contacted during the period of proposal evaluation. Only one transmittal letter needs to be prepared to accompany all copies of the technical and cost proposals.

**Table of Contents:** A listing of the major sections in the proposal and the associated page numbers.

**Introduction:** A brief description of the proposer's firm, including the year the firm was established, type of organization of firm (partnership, corporation, etc.), and annual gross receipts of the firm. Please include a statement of the firm's qualifications for performing the subject consulting services. Include a brief description of the firm's recent experience in performing similar services for other agencies or companies.

**Technical Approach:** Statement of the problem or issue as the bidder understands it. Outline the objectives the bidder feels will constitute an effective solution to the problem or issue. Describe factors or issues whose resolution the bidder feels is essential to properly addressing the issue, or that would otherwise influence the course of the project. The managerial and technical approach the successful bidder will follow. Describe the phases or levels the bidder would follow during the project; identify time points when conferences with CCOG personnel may be necessary, etc.

**Work Plan:** Outline and describe in detail all project tasks to be undertaken; including estimation of human and computer resource time to complete each identifiable task. An identifiable end result must be specified.

Project Schedule for each task, outline the time frame by month or appropriate interval in which the task will be completed.

**Project Management:** The proposer must prepare an explanation of the project management system and practices to be used to assure that the required proposed services are completed timely and that the quality of the products will meet CCOG's requirements.

**Consultant Staff:** The proposal must describe the qualifications and experience of each professional who will participate in the project, including a resume for each member of the project team. A project manager must be designated, and an organizational chart showing the manager and all project staff proposed who will provide services must be included.

**Consultant Qualifications and References:** The proposal must include at least three references. References should include client contact names, addresses, phone numbers, descriptions of the type of work performed, approximate dates on which the work was completed, and professional staff who performed the work. If a subcontractor is proposed, two to three similar qualifications and references should be provided for the subcontractor. The proposal must also include discussion of the consultant's affirmative action policy, use of DBE's in the performance of this work, and disclosure of any actual, apparent, or potential conflicts of interest.

**Cost Proposal:** The cost proposal should be submitted in a separate sealed envelope. Do not include with the body of the proposal. The cost proposal shall describe both the hourly rate for principal(s) and employees to be assigned to this contract and a summary of any other related costs that are to be billed directly. Cost proposal should show amount budgeted per task. Payment for services under this agreement shall be made on a monthly basis or as tasks are completed.

Number of copies shall be specified by CCOG staff in the RFP.

#### **RFP Distribution**

The RFP will be distributed and may be advertised in newspapers or general circulation. All consultants, from established CCOG files, or those who appear to be qualified for a specific project, will be notified of

the intentions of the CCOG to accept proposals. Any qualified consultant requesting an RFP will be provided one and placed on a consultant list for future distribution.

The CCOG will take all reasonable steps to ensure that disadvantaged business enterprises (DBE's) are afforded a maximum opportunity to participate in the proposal process.

### **Evaluation of Proposals**

A panel of technically competent persons will be formed to evaluate the proposals received. Each proposal will be evaluated for its responsiveness to the RFP and the established evaluation criteria. The panel will formulate a recommendation of selection to the Executive Director. The evaluation panel's analysis of proposals will be documented.

### **Interview and Reference Checks**

Based upon the recommendation of the evaluation panel, consulting firms may be interviewed pending further consideration. Regardless of whether interviews are conducted, professional references provided by the consultant will be contacted.

## **8.05 Affirmative Consideration of Minority, Small Business and Women-Owned Businesses**

Positive effort shall be made by the CCOG to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. The following steps shall be taken in furtherance of this goal:

1. Ensure that small business, minority-owned firms, and women's business enterprises are solicited to the fullest extent practicable.
2. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small business, minority-owned firms, and women's business enterprises.
3. Consider in the contract process whether firms competing for larger contracts tend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
4. Encourage contracting with consortiums of small businesses, minority-owned firms, and women's business enterprises when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the minority-owned firms and women's business enterprises.

### **Disadvantaged Business Enterprise (DBE)**

When applicable, according to State and Federal programs, the CCOG meets Disadvantaged Business Enterprise (DBE) requirements according to State and Federal guidance. These include both annual reporting requirements as well as requirements for third party contracts.

It is the policy of the U.S. Department of Transportation that minority-and women-owned business enterprises (hereby referred to as DBE's) as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. CCOG will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin.

The Caltrans Director's Policy on DBE assures equal opportunity in doing business with Caltrans or subrecipients, such as MPOs/RTPAs and their outside contractors (e.g., consultants). The Director's Policy also ensures that MPOs/RTPAs and local governmental entities meet DBE program requirements,



and data and reports on DBE participation are collected for federal reporting requirements.

#### **8.06 Conflict of Interest Prohibited**

Conflict of interest is defined generally as acting in any way contrary to the best interest of the CCOG. Employees are expected to exercise good judgment and discretion in evaluating any particular activity so as to avoid any actual or apparent conflict of interest. No employee shall take any action on behalf of the CCOG, which they know, or reasonably should know, violates any applicable law or regulation.

This will obviously include such activities as kickbacks, bribery, falsehood, misrepresentation, and divulging non-public information to organizations that could potentially benefit from exclusive information. Employees are urged to conduct their activities in such a manner as to comply with the spirit as well as the letter of this policy.

Employees shall be free from any personal influence, interest, or relationship that might conflict with the best interests of the CCOG. Acceptance of entertainment, travel, or gifts of a character which might reasonably be deemed by others to affect the judgment or action of an employee in the performance of his employment with the CCOG would violate this policy.

When writing personal letters, articles to be published, and when participating in public affairs, staff members are cautioned to avoid embarrassing situations for the writer or participant and the CCOG. Personal letters may not be written on CCOG letterheads for obvious reasons. Endorsements, testimonials, publications, and participation in public affairs should be undertaken cautiously lest they be misinterpreted as endorsements by the CCOG.

This policy in no manner prohibits membership in any political organization, attendance at meetings, expression of views on political matters nor voting with complete freedom. Employees are in fact encouraged to actively support their individual political beliefs on their own time as long as these opinions are not represented as the official viewpoint of the CCOG. Therefore:

1. Employee may not use their position with the CCOG to promote any specific political action, candidate, or belief.
2. Employee may not use their CCOG titles in either written or verbal communications concerning political activities or beliefs.
3. Employee may not use CCOG letterhead stationery for personal and/or political correspondence.
4. Supervisory employees shall not attempt, through any means to coerce other Employees into working for or accepting their political beliefs or candidates.
5. Employee may not conduct personal political activity of any kind during working hours, nor use any CCOG property, resources, or office supplies, while engaged in personal political activity.

The CCOG does not encourage employees to engage in outside employment. No employee shall engage in outside employment which requests or requires employment with the CCOG as a prerequisite for said outside employment, creates a conflict of interest, or interferes with the employee's efficiency and quality of work. The name and location of any outside employer shall be filed with the Executive Director by the employee within three days after beginning such outside employment. This is a confidential file, which shall be reviewed by legal counsel annually to assure there is not conflict of interest.

Any questions regarding a potential conflict of interest or outside work shall be discussed in advance with the Executive Director.

# **Employment and Personnel**

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## **Section 9.**

## 9.01 Definitions

**Regular Hire:** When applied to a position or employee, either full-time or part-time, means a permanent, year-round basis of employment with a regular schedule of time worked per pay period. It excludes extra-hire positions and extra-hire employees.

**Extra Hire:** This term means any employee who is employed for work of a seasonal, part time or emergency nature, or to fill a short-term vacancy in a regular authorized position. Extra-hire staff are not eligible for any benefits normally awarded to permanent CCOG employees, and may not acquire seniority rights. An Extra-hire employee is an at will employee and may be terminated without cause. An Extra-Hire employee is restricted to working not more than 1000 hours per fiscal year unless the extra-hire employee is a PERS retiree. A PERS retiree is restricted to working not more than 960 hours per calendar year.

**Limited Term or Limited Term Position:** Means an employee or job vacancy utilized to perform a specific mission in a given period of time due to special needs or pursuant to a special program as adopted by the Council. Limited term positions may be established by the Council based on need and available funds. Such positions are established as part-time or full-time position with benefits but do not allow the incumbent to acquire permanent status due to the limited term nature of the position. The intent of the limited term position is to establish a position with an anticipated ending or position elimination date. A limited term position carries with it no service credit, seniority or guarantee of continued employment. A limited term employee is an at-will employee and may be terminated without cause.

**At-Will Employee Status:** All employees of CCOG are considered "at-will". An at-will employee means that the employee or the employer may terminate employment at any time, with or without cause or prior notice. Nothing in this Policies and Procedures should be interpreted to change an employee's at-will status.

## 9.02 Recruitment Process

The CCOG is an equal opportunity employer and hires individuals on the basis of their qualifications and ability to fulfill the responsibilities of the position for which they have applied. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Job openings will be posted in the office, local newspapers, community websites, and other locations deemed appropriate by the Executive Director. Each job posting will include the dates of the posting period, job title, job summary, essential duties, and qualifications.

As part of the hiring process, the Administrative Services Officer will conduct inquiries into references provided. Responses to such inquiries will confirm only dates of employment, wage rates, and positions held. Similarly, the Administrative Services Officer will respond to all reference check inquiries from other employers confirming only employment dates, wage rates, and positions held.

The Organization relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentation, falsifications, or material omissions in the information or data provided, may result in the exclusion of the individual from further consideration or termination of employment if the person was hired.

As part of the recruitment process the Administrative Services Officer will maintain all recruitment files containing the job flier, all media posting of the position, all applications received, screening committee documentation, interview list, interview panel, interview questions, and interview scoring sheets. After a candidate has been selected an offer of employment will be delivered to the candidate outlining the

position, wage, start date and orientation date.

### **9.03 Orientation Process**

The Administrative Services Officer will conduct an orientation meeting with all new employees. As part of the orientation process, all newly hired employees will be required to complete the following:

1. Personnel Action Form
2. Employee Information Sheet
3. Form W-4 Employee Federal Withholding Certificate
4. Form I-9 Employment Eligibility Verification
5. Copy of Valid Driver's License
6. Copy of Social Security Card
7. Oath of Office
8. Payroll Warrant
9. Direct Deposit Enrollment Authorization (Optional)
10. Designation Form
11. Vehicle Policy
12. Discrimination/Harassment Policy Acknowledgement Form
13. Internet Access Consent and Waiver
14. Password Security Responsibility
15. Travel Policy
16. Confidentiality Policy

New employees will be provided with the following as part of the orientation process.

1. Job Title and Salary Schedule
2. Payroll Calendar
3. Copy of all current Policies and Procedures

### **9.04 Personnel Files**

The Organization maintains personnel files on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, waivers and Policy acknowledgements and other employment records.

Personnel files are the property of the Organization, and access to the information contained within is confidential. Generally, only the Executive Director and Administrative Services Officer are positions within the Organization granted access to, with legitimate reason, information contained within Personnel Files.

Employees who wish to review their own file should contact the Administrative Services Officer. With reasonable advance notice, employees may review their own personnel files in CCOG offices and in the presence of an individual appointed to maintain the files.

### **9.05 Probationary Period**

All original and promotional appointments are tentative and subject to a probationary period of twenty-six (26) complete pay periods. The probationary period shall be used to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets the standard of work. The Organization uses this period to evaluate employee capabilities, work habits, and overall performance. Either employee or employer may end the

employment relationship at any time during the probationary period.

If the Executive Director determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, an employee's probationary period may be extended for an additional thirteen (13) pay periods to a maximum of thirty-nine (39) pay periods. The Executive Director shall notify the employee of the decision to extend the probationary period no later than 30 days preceding the effective date of the employee's anniversary date.

#### **Released While on Probation**

An employee on probation may be released at any time without cause, and shall not have any right to appeal or other recourse.

### **9.06 Authorization to Discipline**

The Executive Director may dismiss, suspend or demote any employee in the classified service. If the employee does not appeal such action within ten (10) working days after notification of such action, the disciplinary action shall be final. Progressive discipline is an integral part of the CCOG's discipline policy and may include four steps. The first offense calls for a verbal warning, the second offense may call for a written warning, the third may lead to suspension, and finally, the fourth step may require termination. The major purpose of any disciplinary action is to correct the problem, prevent reoccurrence, and to prepare the employee for satisfactory service in the future. The Executive Director, as the appointing authority, may dismiss, suspend, or demote any employee in accordance with established procedures. Notably, the CCOG recognizes that there are certain types of employee problems that are serious enough to justify either suspension, or in extreme situations, termination of employment without going through the usual progressive discipline steps. An employee subject to such disciplinary actions may appeal such action within ten (10) working days after notification of such action. In the event that no appeal is made, the disciplinary action shall be final.

#### **Conduct Subject to Discipline**

An employee may be dismissed, suspended or demoted for just cause including but not limited to the following:

Failure to meet the prescribed standard of work, performance, attendance, and/or ethics to an extent that the employee's performance is deemed below standard.

1. Theft or destruction of property
2. Inefficiency
3. Incompetence
4. Neglect of duty
5. Insubordination
6. Conviction of a felony
7. Discourteous treatment of the public or other employees
8. Unauthorized absences or abuse of sick leave
9. Improper political activity as defined in federal, state, or local laws
10. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his/her duties
11. Falsification of records or fraud in securing appointment
12. Willful disobedience
13. Other conduct either during or outside of duty hours, including obscene or immoral conduct, which causes credit to his/her employment
14. Dishonesty
15. Drunkenness
16. Intemperance
17. Impairment from, possession of, sale or use of illegal drugs while on duty
18. Inexcusable absence without leave
19. Conviction of a misdemeanor when the conviction discredits the CCOG and its business operations
20. Use of CCOG property in violation of the law, Council order, or policy
21. Any other failure of good behavior or acts either during or outside of duty hours, which are incompatible with or inimical to the public service

### **Disciplinary Appeal**

An employee who is dismissed, suspended, or demoted for cause may appeal the disciplinary action pursuant to the following:

1. The disciplinary appeal shall be filed in writing with the Council's Executive Management Committee within ten (10) workdays of the time at which the affected employee was notified of the final determination of discipline.
2. The Council's Executive Management Committee shall have the authority to settle disciplinary appeals. This authority to settle the appeal includes the authority to modify the disciplinary action with or without the award of back pay.

### **9.07 Leaves**

The Calaveras Council of Governments will adhere to the provisions of the Family Medical Leave Act (FMLA), California Family Rights Act, the California Paid Family Leave Program and other related federal, state, and local laws with regards to paid and unpaid leaves of absence.

#### **Family Medical Leave Act/California Family Rights Act**

An unpaid leave of absence may be granted under the provisions of FMLA and CFRA only if the employee has worked for the Organization at least twelve (12) months including a minimum of 1,250 hours of paid service during the twelve (12) month period preceding the leave and the Organization employs 50 or more employees within a 75-mile radius of the worksite.

Consistent with the FMLA and CFRA, employees eligible for leave may elect to take up to twelve (12) weeks of unpaid leave to attend to the birth or adoption of a child, to care for a seriously ill member of his/her immediate family, when the employee is unable to work because of his/her own serious medical condition, or for another qualifying reason

The CCOG will continue to provide group health benefits and will pay the Organization's share of the

health policy during leave. The employee is responsible for timely payment of his/her portion of the policy.

The CCOG will reinstate the employee to the employee's previously held position or a substantially equivalent position if said position is not available unless the employee is unable to perform the essential functions of the job due to physical or mental conditions. However, consistent with applicable laws, an employee may receive reasonable accommodations for a disability unless it would cause an undue hardship to CCOG.

An employee on FMLA is equally subject to layoffs as are others continuously employed by the Organization.

The employee is required to give thirty (30) calendar days' notice to the Executive Director that a leave under the FMLA is being requested. If such an advance notice is not practical, the employee shall inform the Executive Director of the need for leave as soon as possible. Leave must be applied for in writing to the Executive Director with accompanying documentation and verification by the appropriate medical provider.

#### **Pregnancy-Related Disability Leave**

Any employee who is disabled by pregnancy, childbirth, or related conditions may take a Pregnancy-Related Disability leave for the period of actual disability of up to four months, in addition to any family care or medical leave to which the employee may be entitled (e.g., Family Care, Medical and Military Family Leaves). Pregnancy-Related Disability Leaves may be taken intermittently, or on a reduced-hours schedule, as medically necessary. Moreover, an employee is entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she so requests and provides CCOG with medical certification from her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated.

#### **Other Required Leaves:**

The CCOG will grant employees any leave to the extent required by applicable law. Unless otherwise required by law or specified herein, employees will not be paid for such leaves of absence.

#### **Non-Family Medical Leaves of Absence**

If a leave does not qualify under FMLA, the employee must request a paid or unpaid leave of absence for personal or medical reasons in accordance with the following:

1. All requests for leaves of absence pursuant to the sections shall first be submitted in writing to the Executive Director. Leaves of fourteen (14) calendar days or less may be approved or denied by the Executive Director. Leaves of fourteen (14) days or more may be approved or denied by the Executive Management Committee.
2. A request for medical leave under the provisions of this section requires medical verification by the employee's medical provider and must be provided for in writing to the Executive Director.
3. The CCOG will continue to pay the Organization's share of the employee's group health insurance policy, the employee is responsible for the timely payment of his/her

portion of the health policy. The payment schedule shall be determined by the Executive Director.

4. The CCOG will not contribute to the health insurance policy if the leave is for reasons other than disability.
5. The CCOG reserves the right to deny such leave and to deny extensions of such leave.
6. An employee granted a leave under this provision is expected to return to his/her normally assigned duties upon the expiration of the leave. He/She is equally subject to layoffs.
7. An employee unable to perform the essential functions of the job under provisions of the Americans with Disabilities Act may not be reinstated to CCOG employment.

#### **Workers' Compensation**

An unpaid leave of absence will be granted to employees who are on authorized workers compensation status due to industrial illness or injury as provided by state law. The Organization will continue to pay the CCOG portion of the employee's health insurance policy during this leave. It is the employee's responsibility to pay his/her portion of the policy in a timely manner. An employee on Workers' Compensation leave may be terminated as provided by state law, including participation in vocational rehabilitation or retirement.

#### **Military Leave**

An employee who is a member of the Military Reserves, and is ordered to duty, shall be granted leave with pay while engaged therein, provided the leave does not exceed limits set forth in the Military and Veteran's Code. All regular employees in the service of the CCOG who have been inducted into the Army, Navy, Marine Corps, Air Force, or any other branch of Military Service of the United States or the State of California shall be allowed leave of absence without pay for the duration of a national emergency. An employee shall be reinstated in the position held when inducted into Military Service, as set forth in the Military and Veteran's Code.

#### **Absence Due to Required Attendance in Court**

With prior notice, a regular employee shall be authorized absence from duty for appearance in court because of jury service, in obedience to subpoena or by direction of proper authority, in accordance with the following provisions:

1. Said absence from duty will be with full pay for each day the employee serves on the jury or testifies as a witness in a criminal or civil case, other than as a defendant, including necessary travel time. As a condition of receiving such pay, the employee must remit to the Executive Director, within fifteen (15) days after receipt, all fees received.
2. Jury duty or witness duty shall be considered in terms of whole days (8 hours) or half days (4 hours) of service. If an employee is not due to appear for jury duty or as a witness until an afternoon court session, he/she will be expected to work his/her usual morning schedule.

If an employee is required to appear for morning court session and is sent home before noon and not required to return in the afternoon, he/she will be expected to work the usual afternoon schedule.

3. Absence from duty will be without pay when the employee appears in private litigation to which the CCOG is not a party, or the employee is suing CCOG.



**Time Off to Vote**

The Calaveras Council of Governments encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule, or via absentee ballot. If employees are unable to vote in an election during nonworking hours, the Organization will grant up to two (2) hours of paid time off.

Requests for time off must be made to the Executive Director in advance. A voter's receipt must be submitted on the first working day following the election to qualify for paid time.

**Absence without Leave**

Failure to report for duty at the expiration of a leave or failure to report for duty after a leave of absence request has been disapproved, revoked, or cancelled by the Executive Director, shall be considered as an unauthorized absence without leave.

Absence without leave due to lack of sick leave, vacation, or CTO hours: employees who are absent from their regularly assigned workday shall be expected to use, as appropriate, available accrued sick leave, vacation leave, or CTO hours, or have obtained prior approval for an authorized leave of absence as in accordance with existing policy. Employees whose absence places them in unpaid status due to lack of accumulated paid leave hours and who have not received authorization for an approved leave of absence shall be considered absent without leave and subject to disciplinary action.

Absence from duty without leave for any length of time without a satisfactory explanation is cause for dismissal. Absence without leave for three (3) or more consecutive shifts without a satisfactory explanation shall be deemed a tender of resignation. Employees wishing to challenge a finding of resignation may appeal within ten (10) calendar days to the Calaveras Council of Governments Administrative Committee, whose decision shall be binding.

**Office Closure**

The office may close due to unforeseen circumstances, such as public utility failure (power water, sewer or gas), natural disaster (fire, flooding, or extreme weather), or other safety concern. If employees are sent home due to an office closure, they are paid for the hours worked. Employees are permitted to use paid sick leave, vacation time, compensatory time off, or management time off for the hours not worked due to the office closure. Employees participating in the telework program may continue to work from home if possible.

**9.08 Workers' Compensation**

The employee is protected by the Organization's workers' compensation insurance policy while employed by the Calaveras Council of Governments, at no cost to the employee. The policy offers coverage in case of occupational injury or illness. Please see the Section entitled "Leaves of Absence" for more information.

**9.09 Benefits****Holidays**

The Calaveras Council of Governments will grant paid time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight time pay rate times the number of hours the employee would have otherwise worked on that day. The following days shall be observed as holidays:

New Year's Eve  
New Year's Day  
Martin Luther King Day  
President's Day

Juneteenth  
Columbus Day  
Veteran's Day  
Thanksgiving Day

Memorial Day  
Independence Day  
Labor Day

Day after Thanksgiving  
Christmas Eve  
Christmas Day

If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. If a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

### **Health, Dental, Vision**

The Calaveras Council of Governments agrees to provide health, dental, and vision insurance coverage accessible through a qualified cafeteria plan. The CCOG provides a comprehensive medical insurance plan for eligible employees and their dependents. The CCOG Contribution equates to 80% of the health insurance premium for each CCOG employee and their eligible dependents. Dental and Vision Insurance Contribution equates to 100%. Health, Dental and Vision Insurance Coverage will be evaluated on an Annual bases and presented to the Council for approval.

### **Open Enrollment**

All employees understand that their election as a participant in the CCOG's Cafeteria Plan cannot be changed during the plan year unless the employee has a change in the status of their family. These changes are defined as qualifying events such as, but not limited to death, divorce, and birth/adoption of a child, marriage or change in employment. All employees shall also understand that any contribution the employee is required to make for coverage that the employee has chosen shall be taken from their earnings.

### **Cash in Lieu of Health Insurance**

For employee's who elect not to partake in the CCOG's medical coverage, and provide proof of existing health insurance, they will be provided with four hundred dollars (\$ 400.00) monthly not to exceed \$ 4,800 a year. Employees electing the "Cash in Lieu" of benefits shall request this option only during the annually designated open enrollment period or at date of hire. If an employee elects dental and vision benefits in addition to "Cash in Lieu" the monthly "Cash in Lieu" benefit will be three hundred dollars (\$300.00) monthly not to exceed \$3,600 a year.

### **Long Term Disability**

The Calaveras Council of Governments provides a long-term disability (LTD) benefits plan to help eligible employees cope with an illness or injury that results in a long-term absence from employment. Long term disability is designed to ensure a continuation of income for employees who are disabled and unable to work.

### **Unemployment Compensation**

The Calaveras Council of Governments contributes each year to the California Unemployment Insurance Fund on behalf of its employees.

### **Workers' Compensation**

The employee is protected by the Organization's workers' compensation insurance policy while employed by the Calaveras Council of Governments, at no cost to the employee. The policy offers coverage in case of occupational injury or illness. Please see the Section entitled "Leaves of Absence" for more information.

### **PERS Paid by Calaveras Council of Governments**

CCOG will continue to contribute the Employer's portion of the employee's regular gross salary as identified annually in the CalPERS Actuarial Report. The CCOG implemented PERS two percent (2%) at age fifty-five (55) retirement formula effective July 1, 2007.

Employee's hired on or after January 1, 2013 CCOG will contribute an amount equal to six and a half

(6.5) percent of the employee's regular gross salary towards the Employer's portions of PERS . The CCOG implemented PERS two percent (2%) at age sixty-two (62) retirement formula effective January 1, 2013.

#### **PERS Paid by Employees**

Effective the first pay period in December 2013 (December 14, 2013) employee's will pay seven (7%) percent of the employee's regular gross salary, the total portion of the Employee Contribution of PERS.

#### **Deferred Compensation Program**

The Calaveras Council of Governments offers a voluntary Deferred Compensation Plan to all full-time employees. The Plan complies with the requirements of Internal Revenue Code Section 457 for State and Local Government Employees and is administered by the ICMA Retirement Corporation. Employees may contribute up to the maximum allowable under the Code Section 457 guidelines for the Plan. The CCOG will contribute on a monthly basis \$50 for each employee participating in the Organization-sponsored deferred compensation plan up to a maximum CCOG match of \$600 yearly.

#### **Life Insurance**

The CCOG offers eligible employees a \$50,000 life insurance policy at no cost to the employee. Additional supplemental and/or dependent life insurance coverage may also be purchased.

#### **Longevity Pay**

The Calaveras Council of Governments will compensate employees for longevity with the CCOG by offering the following incentives:

- 6 continuous years = 2.5% increase in pay
- 10 continuous years = 2.5% increase in pay
- 15 continuous years = 2.5% increase in pay
- 20 continuous years = 2.5% increase in pay
- 25 continuous years = 2.5% increase in pay

Longevity incentive compensation shall be computed on the base salary of the employee and shall not be computed on a salary that includes payment for any other longevity incentive. By way of further clarification, an employee eligible to receive all longevity incentives shall receive a maximum of twelve-and one-half percent (12.5%) above his/her base salary.

#### **Bereavement Leave**

Regular employees shall be entitled up to twenty-four (24) hours of bereavement leave per fiscal year for bereavement leave due to the death of persons in the immediate family. The Executive Director may grant additional hours as he/she determines appropriate.

For purposes of this provision "immediate family" includes the employee's mother/father; mother/father-in-law; husband, wife, son, son-in-law, grandchild, grandparents, brother/sister; brother/sister-in-law; daughter, daughter-in-law; or any relative living in the immediate household.

#### **Management Time Off (MTO)**

Non FSLA employees receive forty (40) hours use it or lose it annually at the beginning of the calendar year. Pro-rated to twenty (20) hours if hired after June 30th. MTO hours are to be used annually during the course of employment. The hours are considered use it or lose it, meaning that this leave will not carry over into the following calendar year and the remaining hours are forfeited. MTO is not available for payout at the time an employee, resigns, or is released from his/her duties.

#### **Compensatory Time Off (CTO)**

Non-exempt FSLA employees are eligible to earn CTO. CTO is authorized unpaid time worked in excess of forty (40) hours in a workweek. CTO hours are earned at time and a half.

## **Sick Leave**

**Accrual:** Regular employees working (50) percent of full-time or more shall accrue sick leave at the rate of 3.692 hours for each full eighty-hour (80) payroll period.

Employees shall accrue sick leave on the basis of regular hours worked. Unused sick leave shall accumulate from year to year. Employees shall continue to accrue sick leave while off duty on authorized sick leave. Employees shall not accrue sick leave during any leave or leaves of absence without pay. Sick leave accrual begins on the first hour worked. "Hours worked" as used herein are straight time hours only and do not include overtime.

**Usage:** Employees may use sick leave, charged in minimum increments of one-half (1/2) hour, for those hours which the employee would normally have worked, to a maximum of the hours accrued, for the following reasons:

1. Illness/Self: The employee's illness, injury, exposure to contagious disease, which incapacitates him/her from performing his/her duties, preventative care, diagnosis, care or treatment of an existing health condition, and for specified purposes for victims of domestic violence, sexual assault or stalking.
2. Illness/Immediate Family: The employee's attendance on a member of his/her immediate family who is ill. An employee may use up to sixty (60) hours per fiscal year of accrued sick leave for illness in the immediate family (FMLA). For the purpose of this Section, immediate family means the employee's parent, child, spouse, registered domestic partner, grandparent, grandchild or sibling.
3. Office Closure: The office may close due to unforeseen circumstances and employees are permitted to use sick time for the hours not worked due to the office closure.
4. In special cases, the Executive Director may grant sick leave in other circumstances. No sick leave shall be paid to an employee during a leave of absence without pay.
5. An employee shall not be permitted to use sick leave if the employee is eligible to receive long term disability benefits.

**Unused Sick Leave:** An employee who submits a written resignation from CCOG service shall not be eligible to use sick leave in lieu of vacation. Accumulated sick leave is not available for payout at the time an employee, resigns, or is released from his/her duties, however the employee can elect to apply all accumulated sick leave towards PERS service credit for retirement purposes if applicable.

## **Vacation**

Employees in continuous, full-time service shall accrue vacation per the following schedule. Vacation accrual shall begin with the first hour of work. Full-time services are defined as 2080 hours per work year.

The time at which employees may take vacation leave shall be approved by the Executive Director. An employee whose employment terminates will receive any vacation accruals included in his/her final compensation.

Employees on unpaid leave will not accrue paid time off. Paid time off will be accrued on the following basis:

0–3 years	80 hours per year	160 hours Max
3-10 years	120 hours per year	240 hours Max
More than 10 years	160 hours per year	320 hours Max

Vacation accrual shall be at the rate of approximately 3.080 hours bi-weekly for the first three (3)

complete years; thereafter, it shall accrue approximately 4.615 hours bi-weekly through ten (10) complete years; and thereafter, vacation shall be accrued at approximately 6.154 hours bi-weekly. Regular employees who work fifty (50) percent of full-time or more shall accrue vacation credits. Vacation shall accrue on the basis of regular hours worked.

Vacation accrues up to and will be capped at a maximum of double the employee's annual accrual. Once that maximum amount is reached, no further vacation will accrue until some vacation time is used to reduce the employee's balance below the maximum annual accrual.

## **9.10 Telework Policy**

### **Definition**

Telework - An alternative work mode in which the employee works in a designated area outside their principal work location.

### **Purpose**

An arrangement that allows CCOG employees to work in an area outside their principal work location, teleworking is a cooperative arrangement between employees and the Executive Director. Teleworking is not to be confused with alternative work schedules or flexible schedules, although some teleworkers will have alternative work schedules or flexible schedules; not all who have such schedules will be teleworkers. Teleworking benefits employees, departments, and the community, including:

- a. The ability to function during an emergency when the principal work location is inaccessible.
- b. Increased productivity: easier to focus, less distractions, and interruptions.
- c. Recruitment and retention of highly-qualified employees.
- d. Greater employee flexibility
- e. Improved employee morale and job satisfaction.
- f. Reduced employee absenteeism
- g. Reduced employee commute time and costs.
- h. Decreased energy consumption, air pollution, traffic

### **Authority**

Administration of the Telework Policy is under the authority of the Executive Director. Salary, benefits, and work status will not change due to involvement in the Telework Program. Removal or denial by the Executive Director of a telework schedule will not be viewed as a punitive action.

### **Eligibility**

An employee of CCOG may be eligible to telework if:

- a. Their work can be performed at a remote location during a regularly-scheduled work day or portion thereof.
- b. Their workload, the workload of other CCOG employees, or workload of outside agencies will not be compromised because of teleworking.
- c. They have passed probation. Special circumstances may be addressed by the Director.

An employee may not be a good candidate for teleworking if:

- a. Their work is entirely, or primarily, location-dependent, or requires access to resources that are not allowable or practical from a remote location.
- b. Their presence is required at his/her principal work location for coordination and participation in team-based, quick-reaction, and/or turnaround tasks, or to address unscheduled events.

- c. Other types of work or work schedules that do not allow them to be away from their principal work location for entire days or portions thereof.
- d. The employee would benefit from consistent supervision or monitoring.

### **Scheduling and Work Hours**

Telework days and hours must be agreed upon in advance with the Executive Director. At the discretion of the Executive Director, the actual telework days per week or month may vary depending on the nature of the work. The teleworker must be available to communicate with those with whom he/she normally conducts business by phone, email, and web/audio conferencing during the telework engagement, if required, except for during lunch and break periods.

If the teleworker encounters constraints that prohibit him/her from continuing the telework engagement (e.g., required equipment fails), the teleworker must either report to their primary work location to continue working, or notify his/her department head or designee to determine if alternate work can be done to continue the telework engagement. Alternatively, with Executive Director approval, the employee may take remaining time off via vacation or personal leave time. Teleworkers will be as accessible as their onsite counterparts during agreed upon regular work hours, regardless of work location.

The business needs of the primary work location may take precedence over regularly scheduled telework days, whereas a teleworker may be required to be onsite.

A teleworking employee must perform work during his/her scheduled teleworking hours. Teleworking employees may take care of personal business during unpaid lunch periods, as they would at the principal work location.

### **Agreement Options**

Teleworking agreements can be on a regular and recurring or an occasional basis.

#### **Regular and Recurring Telework Agreements:**

Regular and recurring means that an employee works away from the principal work location on an established day or days, and on a recurring schedule. Employees who telework on a regular and recurring basis must be available to work at the principal work location on teleworking days if needed. Requests by employees to change their regularly scheduled telework days must be approved by the Executive Director.

#### **Occasional Telework Agreements:**

Occasional means an employee works away from their primary work location on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for employees who generally need to be in the primary work location, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

### **Evaluation**

The Executive Director will review the work results with the teleworker on a regular basis to ensure that work expectations are being met. The Executive Director will conduct evaluations of the Telework Policy to determine if changes or telework termination is required. Employees will be expected to take part in the evaluation process to help provide feedback and suggestions.

Evaluations will include measurements of commute travel saved by teleworking. Evaluation measurements will include, but are not limited to, productivity, quality of work, responsiveness, sick leave use, and availability/flexibility to agency needs.

## **9.11 Lactation Accommodation Policy**

Any employee who is a nursing mother is eligible to take a reasonable amount of break time to express breast milk for the employee's infant child each time the employee has a need to express breast milk. There is no length of service requirement to be eligible.

### **Lactation Break Accommodations**

An employee has the right to request lactation accommodation to a reasonable break each time she needs to express her breast milk at a place other than a bathroom that is close proximity to the employee's work area, shielded from view, and free from intrusion. To request lactation accommodation, an employee should contact the employee's immediate supervisor or another member of management.

Subject to any permissible defenses, CCOG has an obligation to reasonably accommodate an employee's request regarding lactation accommodation and to provide the requisite facilities. If CCOG is not able to provide break time or a lactation location, CCOG will provide a written response to the employee, as required by law.

Please contact your immediate supervisor or another member of management for information about the designated location for lactation breaks in closest proximity to your work area.

### **Lactation Break Location**

The Company will provide a lactation location that:

- Is not a bathroom but that is in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk;
- Is safe, clean, and free of hazardous materials, as defined in section 6382 of the Labor Code;
- Contains a surface to place a breast pump and personal items;
- Contains a place to sit; and
- Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.

### **Compensation During Breaks**

Employees who use their regular paid rest breaks as their lactation breaks are paid during the rest breaks. Employees who use an unpaid meal break or additional non-working time to express breast milk should let their immediate supervisor or another member of management know and generally such time will be unpaid.

Exempt employees may be provided break time with pay when necessary to comply with state and federal wage and hour laws.

### **Complaint Procedure**

You have the right to file a complaint with the state's Labor Commissioner for any violation of a right under the lactation accommodation law, including the prohibition against retaliation. If you are subjected to any conduct that you believe violates this policy, you should promptly speak to, write, or otherwise contact your immediate supervisor or another member of management, who will ensure that a prompt investigation is conducted and take prompt corrective action, if appropriate.

### **No Retaliation**

CCOG complies with all applicable laws and expressly prohibits any form of discipline, reprisal,

intimidation, retaliation, or discrimination against any individual for requesting or taking lactation breaks, or filing a complaint for violations of this policy, the Fair Labor Standards Act, the California Labor Code, or local law.

CCOG is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to their immediate supervisor or another member of management. If employees do not report retaliatory conduct, CCOG may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.