

Bylaws of the  
Modoc County Transportation Commission  
Dated April 5, 2016

**Preamble**

The purpose for developing the Modoc County Transportation Commission (MCTC) Bylaws is dual:

1. To establish clear roles and responsibilities of MCTC in order to more efficiently deliver transportation planning and projects within the region; and
2. To provide basic principles for a Policies and Procedures Manual, which is adopted separately by MCTC, and serves as an operational guide to ensure the smooth and proper execution of MCTC business.

The California State Business, Transportation Agency and the California Transportation Commission (CTC) have the authority to establish rules for the expenditure of funds by the MCTC. The statutory and other legal authorities (“rules”) which apply to the expenditure of funds by the MCTC include, but are not limited to:

1. Government Code (GC) Sections 29530 et seq.;
2. California Code of Regulations (CCR), Sections 6600 et seq.;
3. Public Utilities Code (PUC) Sections 99200 et seq.;
4. Streets and Highways Code;
5. California State Constitution;
6. United States Code;
7. CTC Guidelines for the State Transportation Improvement Program (STIP);
8. CTC Guidelines for the Regional Transportation Plan (RTP).

These rules are made part of these Bylaws by reference. If any conflicts arise between these Bylaws and amended Federal or State rules, the Federal or State rules shall supersede these Bylaws.

**I. MODOC COUNTY TRANSPORTATION COMMISSION OVERVIEW**

**A. Creation**

In 1972, the Modoc County Local Transportation Commission was created as the Local Transportation Commission and designated Regional Transportation Planning Agency (RTPA) for the County of Modoc. This designation was made by the Director of Transportation pursuant to Title 36, Division 3, Chapter 2, Section 29532 of the California Government Code.

Bylaws were originally adopted by MCTC in 1982. These amended Bylaws were adopted by MCTC on *April 5, 2016*, and supersede all prior bylaws.

The MCTC will continue its functions and duties as the Local Transportation Commission and Regional Transportation Planning Agency (RTPA) for the County of Modoc.

**B. Purpose**

The MCTC, as the RTPA, is intended to act as the lead planning and administrative agency for the transportation projects and programs in Modoc County. It is intended that the coordinated efforts of the City, County, and State officials and their technical staff through the MCTC will bring about positive improvements to the overall County transportation system. MCTC will identify funding sources, assist member agencies in obtaining funding, and ensure member

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agencies' compliance with State and Federal requirements. It is intended that the MCTC administer various transportation funding sources.

**C. MCTC Membership**

The MCTC is comprised of three representatives appointed by the City of Alturas (City) and three representatives appointed by the County of Modoc (County).

*1. Member Selection.*

The City shall have two (2) members who shall be members of and appointed by the City of Alturas City Council; the third City member shall be appointed by the Alturas City Council as a member at large.

The County shall have two (2) members who shall be members of and appointed by the Modoc County Board of Supervisors; the third County member shall be appointed by the Modoc County Board of Supervisors as a member at large.

Each MCTC member, or alternate member as assigned, shall be entitled to one vote on all matters coming before the MCTC. In the event that the City or County appointed members will be absent for a MCTC meeting, the appointed member shall contact the respective alternate member to coordinate their attendance and notify MCTC staff of the substitution.

*2. Alternate Member Criteria:*

The City shall designate one alternate representative who shall be a member of and appointed by the City of Alturas, City Council.

The County shall designate one alternate representative who shall be a member of and appointed by the Modoc County Board of Supervisors.

Each appointed alternate representative or alternate member shall be entitled to one vote on all matters coming before the MCTC, when substituting for another MCTC member.

*3. Election of Officers:*

At the first regular MCTC meeting of each year, the MCTC shall elect from among its members a Chair and Vice Chair. The Chair and Vice Chair shall serve at the pleasure of the MCTC and shall remain in office until a replacement is elected. The Chair shall preside over and conduct all meetings of the MCTC. In the absence of the Chair, the Vice Chair shall preside over and conduct all meetings of the MCTC and shall perform other duties assigned to the Chair under these Bylaws.

**D. Staffing**

*1. Executive Director*

The Executive Director is responsible for the general administration of MCTC activities and policy oversight. The Executive Director shall be selected by, and shall serve at the pleasure of the MCTC. The Executive Director plans, organizes and manages the daily activities of the MCTC and its staff, and directs the implementation of the Overall Work Program and Regional

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Transportation Plan. The specific powers and duties of the Executive Director are identified in Policies and Procedures Manual (incorporated by reference) and employment agreement between the Executive Director and MCTC. Performance reviews of the Executive Director shall be conducted regularly by the MCTC, normally on an annual basis.

*2. Technical Staff*

Additional professional and administrative staff may serve as employees of the MCTC to provide the support needed to carry out responsibilities of the MCTC. MCTC employees are under the direct supervision of the Executive Director and may be appointed, supervised, suspended, disciplined, or removed by the Executive Director in accordance with policy.

The specific positions, including duties and responsibilities, are adopted by the MCTC, as identified in the Policies and Procedures Manual incorporated into this document by reference. The Executive Director may request of the County or City to assign County or City personnel to perform work for the MCTC in relation to regional transportation planning. Work assigned to County *and/or* City employees should be programmed and approved in the MCTC annual Overall Work Program and included in the MCTC annual budget. MCTC will compensate the County and or City for the costs of agreed to work within 20 days of receipt of invoice.

The MCTC may annually negotiate an agreement with the City or County for various staff services that may include, but are not limited to, Treasurer, Auditor-Controller, Information Technology (IT), other administrative services, planning, and engineering.

**E. Committees**

*1. Technical Advisory Committee (TAC).*

The TAC is the clearinghouse and technical review body for the MCTC. Membership of the TAC consists of the MCTC Executive Director, the County Road Commissioner and County Planning Director, the City of Alturas Public Works Director, and the Caltrans District 2 Transportation Planner/Regional Planning Liaison. Other City, County and Caltrans staff members may attend and participate in TAC meetings as needed. TAC meetings are scheduled by the MCTC Executive Director and normally occur three weeks prior to the MCTC regular meeting.

*2. Social Services Transportation Advisory Council (SSTAC).*

The SSTAC shall act in an advisory capacity to the MCTC and have the following responsibilities:

- a. Annually participate in the identification of transit needs in the jurisdiction, including unmet transit needs that may exist within the region and that may be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services.
- b. The SSTAC may also advise the MCTC on any other transit issues, including coordination, consolidation or specialized transportation services.
- c. Members and alternates of the SSTAC shall be appointed according to Section 99238 of the Transportation Development Act Statutes and California Code of Regulations. The maximum numbers of members shall be ten (10), as directed by MCTC.

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3. *Other Committees.*

The MCTC may establish and maintain other committees as it deems necessary or convenient for the exercise of its powers and function in compliance with State and Federal guidelines and requirements. All committees shall operate in compliance with the Ralph M. Brown Act. Committees created by statute shall be conducted and appointed in accordance with that law/regulation. Existing committees are as follows:

- a. Executive Committee. The Executive Committee shall serve as an advisory body to the MCTC on matters regarding the administration and management of the MCTC.
- b. Employee Relations Committee.

4. *General*

All committees shall operate in compliance with the Ralph M. Brown Act. In addition, committees created by statute or regulation shall be conducted and appointed in accordance with that statute or regulation.

**F. Advisory Groups**

The MCTC shall have the ability to establish advisory groups when needed to discuss MCTC business.

**G. Organizational Chart**

The MCTC organization chart is approved and adopted by the MCTC. The organization chart is contained in the MCTC Policies and Procedures Manual.

**II. MEETINGS & AGENDAS**

**A. Dates, Times & Location of Meetings**

1. The MCTC holds its regular meetings on the first Tuesday of each even numbered month (February, April, June, August, October, and December) at 1:30 p.m. Meetings occur in the City of Alturas at 200 W North Street in the Alturas City Council Chambers or at Sage Stage, 108 South Main Street, Alturas. MCTC meetings shall be noticed and conducted in accordance with the Ralph M. Brown Act, including any special or emergency meetings.
2. *Technical Advisory Committee* - The TAC meetings are scheduled either the first or second Monday of the odd numbered months at 1:00 p.m. and are held at Sage Stage, 108 South Main Street, Alturas.
3. *Social Services Transportation Advisory Council (SSTAC)* - This committee will meet as described by the Transportation Development Act or at the discretion of the Executive Director.

**B. Quorum; Voting**

1. A majority of the members of MCTC shall constitute a quorum for MCTC meetings.
2. All action of the MCTC shall require an affirmative vote of the majority of all members of MCTC.

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**C. Agendas**

*Deadline for MCTC Agenda Item Requests.*

All items to be placed on the agenda of a regular MCTC meeting shall be presented to the Executive Director of the MCTC no later than twenty one calendar days prior to the MCTC meeting.

*Agenda Request and supporting documentation.*

In order for an item to be placed on the agenda, the following materials are required to be submitted by the deadline identified *above*:

- a. the exact title of the agenda item;
- b. a brief paragraph explaining the agenda item, the desired MCTC action and a notation of any related staff reports and/or documents that will be included in the meeting packets.

*Development & Dissemination of Final Agenda.*

The MCTC Executive Director shall be responsible for assembling and disseminating the final MCTC agenda and meeting packets. These packets will be sent to all MCTC and TAC members, and others that have requested the meeting packets. The packets and the agenda are posted to the MCTC website. Packets should be distributed no later than seven calendar days prior to the respective MCTC meeting.

**D. Rules of Procedure for Meetings**

All meetings of the MCTC and MCTC committees shall be conducted in accordance with Roberts Rules of Order, provided that in the event of a conflict, such rules shall be superseded by the Bylaws, any resolution of the MCTC, and the California law.

**III. POWERS AND FUNCTIONS:**

**A. General**

The MCTC functions as an independent public entity, separate from the City and County. The MCTC has the common powers to serve as an independent local those powers, when required to discharge any statutory or regulatory duty or power imposed on or delegated to the MCTC, the MCTC is authorized in its own name to:

1. Adopt a Policies and Procedure Manual establishing policies for the administration of MCTC functions.
2. Take actions necessary to fulfill obligations required by any public or private agency or individual, or the United States, the State of California, or any department, instrumentality, or agency thereof, for the MCTC, or funding applicant being eligible to receive funds for transportation purposes.
3. Employ agents and employees as necessary for the purposes of carrying out these Bylaws.
4. Administer the Transportation Development Act.
5. Contract for professional services unable to be performed by MCTC staff or by those personnel provided to MCTC by agreement with the City or County.
6. Make and enter into contracts.

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7. Acquire, improve, hold, lease, convey, and dispose of real and personal property as necessary to perform MCTC functions as stated in these Bylaws.
8. Incur debts, obligations, and liabilities.
9. Accept contributions, grants or loans for financing its activities.
10. Invest money that is not needed for immediate necessities, in the manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code.
11. Reimburse MCTC members and employees for all reasonable expenses and costs relating to official business of the MCTC.
12. Conduct all other acts reasonable and necessary to carry out the purposes of these Bylaws.
13. Sue and be sued, in its name only, but not in the same name or stead of the City or County.
14. Establish and maintain such committees as it deems necessary for the performance of its responsibilities as stated herein.
15. Seek designation as necessary from any public or private agency or individual, or the United States, the State of California, or any department, instrumentality or agency thereof, having funds available for transportation purposes, as the local agency with authority over regional transportation planning within the combined jurisdictions of the City and County, when action or participation by such a combined agency is required for the MCTC, City or County or other funding applicant to receive such funds.

**B. Tasks and Responsibilities**

As the Regional Transportation Planning Agency for Modoc County, the MCTC's primary tasks and responsibilities include:

1. General oversight, administration and/or coordination of various Federal and State transportation funding programs and grants.
  - a. Secure State and Federal funds for the region and ensure projects are consistent with the Regional Transportation Plan.
  - b. Plan, program, and monitor Modoc regional projects in the Regional Transportation Improvement Program and the State Transportation Improvement Program, which includes project delivery, timely use of funds, and compliance with state and federal regulations and the California Transportation Commission (CTC) guidelines.
  - c. Manage other contributions to transportation planning projects.
  - d. Prepare, update, and distribute policies and procedures for administration of planning and programming functions and other provisions related to Federal, State, and local funding requirements.
2. Administration of Transportation Development Act (TDA) Funds.
  - a. Apportion, allocate, manage, and maintain Transportation Development Act funds in accordance with State law and MCTC Policy and Procedures.
  - b. Contract with an independent auditor to conduct annual fiscal and compliance audits for MCTC and public transit operators as required by the State Controller's Office (submitted 90 days after the end of each fiscal year).

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- c. Contract with an independent entity to conduct the triennial performance audits as required by TDA.
3. Develop, manage, and administer the Overall Work Program and associated funding sources (Rural Planning Assistance, FTA 5304 planning grants, PPM, RTAP, etc.)
  - a. Apply for and support City and County transportation planning study grants.
  - b. Develop, prepare, update, adopt, and implement the Regional Transportation Plan as required by State and Federal laws and regulations.
  - c. Review applications for funding, program funds to support eligible applications, manage and oversee completion of the projects, and reimburse City or County for work invoiced.
  - d. Prepare, adopt, and submit the Regional Transportation Improvement Program (RTIP)
  - e. Prepare and update the Modoc Short Range Transit Plan as necessary to obtain state and federal grant funds.
  - f. Encourage citizen participation through a variety of resources including the MCTC website, legal notices, display ads, etc.
  - g. Provide technical assistance to the City and County for transportation programs. Collect, analyze and disseminate information and provide support to City and County efforts to obtain State and Federal aid program funding.
  - h. Represent the Modoc region to State and Federal governments on countywide problems, issues, and concerns.
  - i. Coordinate and assist tribal efforts to obtain funding; assist in resolving issues between regional stakeholders.

**C. Powers of Member Agencies**

Nothing contained in these Bylaws shall be construed as limiting or attempting to limit the powers of the City or County, or other public agencies interacting with MCTC, from initiating or completing a public project within its respective jurisdiction. The MCTC shall take no action to preclude, inhibit or discourage any appeal by the City or County or other public agencies interacting with the MCTC, to any agency for financial or other assistance, when eligibility for or receipt of such assistance is available to the respective agency without regard to the recommendation of MCTC.

Each project proponent shall be directly responsible for planning, design, environmental and management of construction projects. The MCTC facilitates the programming for regional transportation planning and funding of projects (i.e. RTP, RTIP) and monitors timely use of funds and project delivery. The project proponent shall be solely responsible for all aspects of project review and approval including but not limited to: application processing, special studies (i.e. biological, archeological etc), environmental review as required by the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA), associated coordination and administration of consultant contracts if needed and all required project entitlements. Upon agreement between MCTC and an agency, the MCTC may be designated as the lead agency.

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Community Plans, Specific Plans and Master Plans exist within the framework of the legally established City or County General Plan. As such, all future projects related to the development, maintenance, modification and/or amendment of said plans shall be solely at the discretion of the City Council or County Board of Supervisors, as applicable.

**D. Public Transit**

1. The Modoc Transportation Agency (MTA) shall be responsible for the administration, operation and management of the public transit system in Modoc County. MTA is a separate and independent public agency established by a joint powers agreement between the City and the County.
2. The MCTC is responsible for performing all RTPA functions as required by the TDA, FTA and other State and Federal programs.

**IV. REQUIRED RECORDS, REPORTS & AUDITS**

**A. Records & Reporting Requirements**

1. The MCTC shall cause to be kept accurate and correct books of account, showing in detail the costs of administration, any bond interest, any bond redemption, operation and maintenance, and all financial transactions of the MCTC. Said books of account shall be open to inspection at all reasonable times by any representative of the City or County or any other authorized agency, including an accountant or other person authorized by the agency to inspect said books of account. The MCTC shall cause the books of account and other financial records of MCTC to be audited annually. The financial transactions of the MCTC shall be accounted for separately and its records kept for the period of time required under applicable laws and regulations.

**B. Transit Service Claimants (MTA)**

1. Claimants shall keep and maintain accurate and complete records and shall prepare an annual report of their operation in accordance with the Uniform System of Accounts and Records adopted by the State Controller pursuant to Public Utilities Code (PUC) Section 99243. The report shall be submitted to the Executive Director of the MCTC and to the State Controller within applicable guidelines. (Refer to California Code of Regulations (CCR) Section 6637)

**C. Non-transit Claimants (City and County)**

1. The City and the 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. Expenditure of moneys received for any non-transit purposes shall be reported to the State Controller on or before October 1, of each fiscal year. (Refer to CCR Section 6665 and PUC 99406)

**D. Treasurer** The Finance Officer of the City and/or Treasurer of the County shall be the Treasurer of the MCTC, as determined by the MCTC. The Treasurer shall:

1. Receive and receipt TDA funding on behalf of the MCTC and place it in the treasury of the City and/or County to the credit of MCTC.
2. Be responsible, upon the Treasurer's official bond, for the safekeeping and disbursement of MCTC funds held by the Treasurer



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3. Pay any sums due from the MCTC from the MCTC funds held by the Treasurer or any portion thereof, upon warrants of the Auditor-Controller designated herein.
4. Verify and report in writing to the MCTC the amount of money the Treasurer holds for the MCTC, the amount of receipts and disbursements since the Treasurer's last report, and any interest accrued to those funds.

**E. Auditor-Controller**

The Treasurer of the City and/or Auditor-Controller of the County shall be the "Controller" for the MCTC, as determined by the MCTC.

The Controller shall:

1. Draw warrants paying demands against the MCTC when the demands have been approved by the MCTC and/or the MCTC Executive Director. The Controller shall be responsible on the Controller's official bond for the Controller's approval of disbursements of the MCTC money.
2. Keep and maintain records and books of account on the basis of generally accepted accounting standards.
3. Make an audit of, or make available, all financial records of the MCTC to a certified public accountant or public accountant contracted by the MCTC to make an audit of the accounts and records of the MCTC.

**F. Approvals**

The Executive Director of the MCTC and the Chairperson of the MCTC shall together have the power to approve the auditor demands against the MCTC. The Vice Chairperson of the MCTC shall be substituted in the absence or vacancy of the Chairperson.

**G. Annual Fiscal & Compliance Audits**

Annually and within 90 days after the end of the fiscal year, the MCTC shall submit a report of a fiscal audit of the financial statements of the MCTC to the State Controller. The audit shall be conducted in accordance with generally accepted auditing standards by the State Auditor or by a certified public accountant who is not an officer or employee of the MCTC, the City or County. (Refer to Sections CCR 6661 and 6751)

All Claimants (MTA, the City and County). Annually and within 90 days after the end of the fiscal year, each claimant shall have prepared a fiscal and compliance audit. These audits will be submitted to the MCTC and the State. The fiscal and compliance audit shall be conducted by independent auditors. (Refer to CCR Sections 6664, 6666, 6667)

**H. MCTC Triennial Performance Audit**

The MCTC shall 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 performance audit shall be submitted to the MCTC and the Director of the Department of Transportation by July 1, 1980, and by July 1 triennially thereafter. (Refer to CCR Section 6662.5)

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**I. Annual Budget**

1. On or before March 1st of each year, MCTC shall prepare a budget estimate for the ensuing fiscal year.
2. The budget estimate will be in such form as MCTC may prescribe using guidelines of the California State Controller. The budget estimate shall contain a summary of the fiscal policy of the MCTC for the budget year and shall include all data showing the relation between the total proposed expenditures and the total anticipated income or other means of financing the budget for the ensuing year, contrasted with the actual year-to-date income and expenditures plus estimated remaining income and expenditures for the current year.
3. The MCTC shall adopt the budget, during a regularly scheduled meeting, prior to July 1 of each fiscal year. The MCTC may increase, decrease, delete or modify the budget during the meeting.
4. The MCTC may amend the budget during the fiscal year to account for unrealized revenues or expenditures.

**V. Amendment or Termination**

1. These Bylaws may be amended or terminated by the MCTC by formal action of the MCTC during a regularly scheduled, public noticed meeting.