

This item and the next two action items are for the Parks and Recreation Commission in its designated capacity as the San Mateo County Bicycle Advisory Committee

Agenda Item 1.A



**COUNTY OF SAN MATEO**  
Parks Department



**DATE:** July 24, 2015

**BICYCLE ADVISORY COMMITTEE MEETING DATE:** August 6, 2015

**TO:** Bicycle Advisory Committee  
**FROM:** Marlene Finley, Parks Director  
**SUBJECT:** Bylaws for the San Mateo County Bicycle Advisory Committee

**RECOMMENDATION:**

Review and adopt Bylaws for the San Mateo County Bicycle Advisory Committee.

**BACKGROUND:**

On January 27, 2015, the San Mateo County Board of Supervisors adopted Resolution No. 073601 designating the San Mateo County Parks and Recreation Commission the San Mateo County Bicycle Advisory Committee pursuant to Metropolitan Transportation Commission (MTC) Resolution No. 4108.

**DISCUSSION:**

The Parks and Recreation Commission as the newly designated San Mateo County Bicycle Committee (BAC) is charged with establishing bylaws to govern their operations as the BAC.

Draft Bylaws were drafted modeled on the Parks and Recreation Commission Bylaws, and have been reviewed by County Counsel.

Attached for your reference and consideration are the January 27 Board report and resolution, and the proposed Bylaws.

**FISCAL IMPACT:**

The Board of Supervisors found that as the Parks Department currently staffs the Parks and Recreation Commission, there is no foreseen fiscal impact as a result of designation the Commission as the BAC.

Next page is the Board of Supervisors' January 27, 2015 staff report designating the Parks and Recreation Commission as the Bicycle Advisory Commission.

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**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Board of Supervisors



**Date:** December 17, 2014  
**Board Meeting Date:** January 13, 2015  
**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Supervisor Don Horsley

**Subject:** Designation of the San Mateo County Bicycle Advisory Committee pursuant to Metropolitan Transportation Commission's Resolution No. 4108.

**RECOMMENDATION:**

Adopt a Resolution designating the San Mateo County Parks and Recreation Commission the San Mateo County Bicycle Advisory Committee pursuant to Metropolitan Transportation Commission Resolution No. 4108.

**BACKGROUND:**

Article 3 of the Transportation Development Act (TDA, Article 3) was established to provide a dedicated funding source for local bicycle and pedestrian projects. TDA, Article 3 funds derive from the Local Transportation Fund (LTF) which receives ¼ cent of statewide general sales tax.

In San Mateo County, the Metropolitan Transportation Commission (MTC) appropriates TDA, Article 3 funds to the City/County Association of Governments (C/CAG). C/CAG awards the funds to local bicycle and pedestrian projects through a competitive grant process. Currently, Call for Projects are limited to no more than once per calendar year.

On June 26, 2013, MTC adopted Resolution No. 4108, amending the policies that govern TDA, Article 3 funds. Resolution No. 4108 requires all cities and counties to establish a Bicycle Advisory Committee (BAC). The BAC is authorized to review and prioritize their respective jurisdictions' TDA, Article 3 bicycle and pedestrian projects and grant applications, and participate in the development and review of comprehensive bicycle plans. MTC staff has subsequently clarified that although the committee is called a Bicycle Advisory Committee, it shall consider and serve pedestrians and bicyclists' needs equally.

MTC Resolution No. 4108 took effect at the start of FY14/15; however, jurisdictions that have initiated the process of establishing or designating a BAC are eligible to receive funds from the current Call for Project which closed on Monday, January 12, 2015.

**DISCUSSION:**

Pursuant to MTC Resolution No. 4108, a County's BAC shall be comprised of at least five (5) members who live or work in the County and be appointed by the Board of Supervisors. It has also been determined that the Board of Supervisors can delegate the responsibilities of the BAC to an existing board or commission provided that it meets the following requirements:

- Five (5) members who live or work in the County
- Appointed by the Board of Supervisors
- Composed of both bicyclists and pedestrians

The policy also allows a jurisdiction to apply for an exemption if an existing countywide BAC provides for expanded representation. San Mateo County's Countywide Bicycle and Pedestrian Advisory Committee (BPAC), a committee of C/CAG, does not meet the requirements to serve as the County's BAC.

MTC staff has stated that there is no standard definition to meet the "bicyclist" requirement of the BAC membership.

I request that the County delegate the responsibilities of the BAC to the Parks and Recreation Commission (Commission). Currently, the Commission is tasked with enhancing community access to recreational destinations, adding community health as a Parks strategic goal and preparing a recommendation to include urban mini-parks within County Parks' responsibility under special circumstances. The Commissioners' understanding of their respective communities' needs and of the County's process for developing projects qualifies them to properly evaluate and prioritize bicycle and pedestrian projects and provide critical insight during the development of comprehensive bicycle plans. Additionally, training on best practices in transportation-focused walking and bicycling priorities can be provided to the Commission by the County Office of Sustainability Active Transportation Coordinator, County Office of Education Safe Routes to School Program and other appropriate resources to broaden the Commission's expertise.

Typically, C/CAG opens a Call for Project every other year. As the Call for Project is typically released every other year, the BAC will meet on an irregular and inconsistent basis. As the County has experienced, it is challenging to keep Boards and Commissions with regularly scheduled meetings fully seated. If the County were to establish a standalone BAC, it may be difficult to keep it fully seated due to the irregular and infrequent meetings. If the County's BAC is unable to meet the roles and responsibilities outlined in MTC Resolution No. 4108, they will be unable to perform their duties and will impact the County's ability to secure TDA, Article 3 funds for local bicycle and pedestrian projects. For this reason, designating an existing commission the BAC ensures that the County will always remain eligible for TDA, Article 3 funds.

The Commission is capable of and encouraged to form subcommittees and ad hoc committees to work directly with stakeholders on specific regional and local priorities. The Commission also has a representative from all five supervisorial districts; it will ensure geographic equity when prioritizing projects. Several Commissioners have confirmed that they are regular bicyclist thus complying with the membership requirements of the BAC.

If designated the San Mateo County Bicycle Advisory Committee, the Parks Commission shall establish bylaws to govern their activities as the Bicycle Advisory Committee.

The Resolution has been reviewed and approved by County Counsel as to form.

**FISCAL IMPACT:**

As the Parks Department currently staffs the Parks and Recreation Commission, there is no foreseen fiscal impact as a result of this designation.

Next page is the Board of Supervisors' January 27, 2015 Resolution No. 073601 establishing the Parks and Recreation Commission as the Bicycle Advisory Committee

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**RESOLUTION NO. 073601**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION DESIGNATING THE SAN MATEO COUNTY BICYCLE ADVISORY  
COMMITTEE PURSUANT TO METROPOLITAN TRANSPORTATION  
COMMISSION'S RESOLUTION NO. 4108**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, Article 3 of the Transportation Development Act was established to provide a dedicated funding source for local bicycle and pedestrian projects; and

**WHEREAS**, on June 26, 2013, the Metropolitan Transportation Commission adopted Resolution No. 4108 amending the policies that govern how Transportation Development Act, Article 3 funds are to be awarded; and;

**WHEREAS**, Resolution No. 4108 requires all cities and counties to establish a Bicycle Advisory Committee to review and prioritize their respective jurisdictions' Transportation Development Act, Article 3 bicycle and pedestrian projects and grant applications, and participate in the development and review of comprehensive bicycle plans; and

**WHEREAS**, Resolution No. 4108 allows the Board of Supervisors to delegate the responsibilities of the Bicycle Advisory Committee to an existing board or commission provided that the board or commission is (i) comprised of at least five (5) members who live or work in the County, (ii) appointed by the Board of Supervisors, and

(iii) composed of both bicyclists and pedestrians; and

**WHEREAS**, there is no standard definition to meet the “bicyclist” requirement of the Bicycle Advisory Committee membership; and

**WHEREAS**, this Board has selected to delegate the responsibilities of the Bicycle Advisory Committee to the San Mateo County Parks and Recreation Commission; and

**WHEREAS**, as the San Mateo County Bicycle Advisory Committee, the Parks and Recreation Commission will establish bylaws to govern their operations as the BAC.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that

1. The San Mateo County Parks and Recreation Commission is designated the San Mateo County Bicycle Advisory Committee pursuant to Metropolitan Transportation Commission Resolution Number 4108; and
2. The San Mateo County Parks and Recreation Commission shall establish bylaws to govern their activity as the Bicycle Advisory Committee.

\* \* \* \* \*



Regularly passed and adopted this 27th day of January 2015

*AYES and in favor of said resolution:*

Supervisors: CAROLE GROOM

DAVE PINE

DON HORSLEY

WARREN SLOCUM

ADRIENNE J. TISSIER

*NOES and against said resolution:*

Supervisors: NONE

 

Absent Supervisors: NONE

 

CAROLE GROOM

President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*

Mina Lim

Mina Lim Acting Deputy  
Clerk of the Board of Supervisors

Next 5 pages are the proposed bylaws for the Bicycle Advisory Committee

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**SAN MATEO COUNTY  
BICYCLE ADVISORY COMMITTEE  
BYLAWS**

**Article 1: Name**

This body shall be known as the San Mateo County Bicycle Advisory Committee (“BAC”).

**Article 2: Purpose**

The BAC was designated by the San Mateo County Board of Supervisors on January 27, 2015, Resolution No. 073601, pursuant to the Metropolitan Transportation Commission’s (MTC) Resolution No. 4108. The BAC is authorized to review and prioritize San Mateo County’s Transportation Development Act (TDA, Article 3) bicycle and pedestrian projects and grant applications, and participate in the development and review of comprehensive bicycle plans. MTC has directed that the BAC shall consider and serve pedestrians and bicyclists’ needs equally.

**Article 3: Responsibilities**

The BAC’s responsibilities shall include the following:

- A. The BAC shall review and prioritize TDA Article 3 bicycle and pedestrian projects and grant applications within the jurisdiction of San Mateo County.
- B. The BAC shall participate in the development and review of comprehensive bicycle plans within the jurisdiction of San Mateo County.
- C. The BAC shall amend the Bylaws, as necessary and as permitted by (1) Resolution No. 073601, dated January 27, 2015, by which the County of San Mateo Board of Supervisors designated the standing Parks and Recreation Commission as the BAC, and (2) these Bylaws.

**Article 4: BAC Members**

The BAC Members are the appointed members of the San Mateo County Parks and Recreation Commission that consist of five members, appointed by and serving at the pleasure of the San Mateo County Board of Supervisors. One member shall reside in each supervisorial district and members shall reside in the district of their appointment during their term. These residency requirements

may be waived by the Board of Supervisors, pursuant to the terms of San Mateo County Ordinance Code Section 2.63.010.

All BAC members must attend all BAC meetings, unless otherwise excused. BAC members shall be entitled to receive all documents and materials related to the BAC and its purpose, and may vote at the meetings of the BAC.

**Article 5: Term of Office**

The term of office for each BAC member is coterminous with their term of office as a Parks and Recreation Commission member, and shall be four years. The term for a member shall coincide with the term of office of the Supervisor representing the member's district of appointment. When a Supervisor vacates office for any reason, the term of the member appointed from the same district shall also be vacated, except that said member may continue in office until a successor is appointed by the Board of Supervisors. Members are limited to three consecutive full terms of office. For purposes of determining the number of consecutive terms that a member may serve, any person appointed to fill a vacancy on the Parks and Recreation Commission and the BAC will be considered to have served a full term if there are two or more years remaining in the term to which appointed, determined as of the date of appointment to fill the vacancy; and any person appointed to fill a vacancy on the Commission and the BAC with less than two years remaining in the term as of the date of appointment to fill the vacancy will not be considered to have served a full term.

**Article 6: Removal**

The San Mateo County Board of Supervisors may remove for cause (by majority vote) or without cause (by four-fifths vote) any members of the Parks and Recreation Commission, as required by the San Mateo County Charter, which action if occurring would necessitate the removal of the coterminous BAC member.

**Article 7: Conflict of Interest**

County Parks and Recreation Commissioners must annually file the Statement of Economic Interests form (Fair Political Practices Commission Form 700), and will also jointly file as BAC members.

BAC members are subject to the same conflict of interest rules applicable to San Mateo County boards, commissions, and advisory committees.

**Article 8: Compensation**

BAC members are to be volunteers in relation to their work for the BAC and shall not receive compensation for their participation on the BAC. No member of the

BAC shall be deemed an employee of the County of San Mateo by virtue of their work on the BAC.

## **Article 9: Meetings**

### **Section A - Regular Meetings**

Meetings of the BAC will be held as needed and to the extent feasible on the same dates as the regular meetings of the San Mateo County Parks and Recreation Commission. The latter are held regularly on the first Thursday of even-numbered months at 4:00 p.m. in the Board of Supervisors Chambers, Hall of Justice, 400 County Center, Redwood City, CA 94063. Meeting months are February, April, June, August, October and December. Additional meetings may be set by the BAC as needs arise.

All meetings of the BAC, including, without limitation, regular, special, and adjourned meetings, shall be called, publicly noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code), as amended (the "Brown Act"). Minutes of each meeting shall be kept.

### **Section B - Conduct of Meetings**

Meetings shall be conducted under Rosenberg's Rules of Order, available at <http://daverosenberg.net/articles/RulesOfOrder.htm>.

### **Section C - Notice, Agenda, and Supportive Materials**

1. Written notice of each regular meeting of the BAC, specifying the time, place, and agenda items, shall be sent to each member not less than four (4) days before the meeting. Preparation of the Agenda shall be the responsibility of the San Mateo County Parks Department and in coordination with C/CAG staff.
2. The agenda of each meeting shall be posted in a public notice area in accordance with the Brown Act and not less than seventy-two (72) hours prior to the meeting except as permitted by the Brown Act.
3. Supportive materials for policy decisions to be voted upon shall be distributed to all members along with the meeting notice.

### **Section D - Special Meetings**

To hold a special meeting, advance notice of such meeting shall be given as required by law.

## Section E - Quorum and Voting Requirements

1. A quorum is necessary to conduct business and make recommendations. A quorum shall be constituted by the presence (either physical presence or participation by telephone, videoconference, or other similar electronic means as permitted by the Brown Act) of three members.
2. A majority vote of members present is required to take any action.
3. Each member shall be entitled to one vote. Only members who are present (as defined in Subsection E.1, above) are permitted to vote; no proxy votes will be accepted.
4. Attendance at all meetings shall be recorded in the official minutes.

### **Article 10: Officers**

The Officers of the BAC shall be the Chair, the Vice-Chair, and the Secretary of the San Mateo County Parks and Recreation Commission as stipulated under the latter's Bylaws (section attached as Attachment 1 for reference). A member of Parks' support staff shall serve as the Secretary of the BAC.

### **Article 11: Committees**

The BAC may designate one or more committees as the BAC deems appropriate to address specific issues or duties as they arise. Any such committee is limited to a membership of fewer than half the members of the BAC. Committees may also consist of additional persons from the community chosen for their knowledge and concern about a specific issue, field, or endeavor who are not members of the BAC. The BAC shall consult with the Office of County Counsel as to the applicability of the Brown Act to committees of the BAC.

The designation of such committees and the delegation thereto of authority shall not operate to relieve the BAC of its responsibility. Committees shall not have power to bind the BAC, and any recommendations of a committee must be approved by the BAC by formal action occurring at BAC meetings pursuant to the proper notice required for such action.

### **Article 12: Amendments**

These Bylaws may be amended at any meeting of the BAC at which a quorum is present upon agreement by two-thirds (2/3) of those present and voting. At least seven (7) days written notice must be given to each member of the BAC of the intention to alter, amend, or adopt new Bylaws at such meetings, and such notice must include the text of the proposed alteration, amendment, or substitution. Bylaw changes which are approved by the BAC and which are inconsistent with

or in opposition to established San Mateo County policies and procedures are not effective unless approved by the San Mateo County Board of Supervisors. These Bylaws must always remain consistent with the Resolution which designated the BAC, and any change to the Bylaws which is inconsistent with that Resolution is null and void.

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Original: July 2015

Revision History: