TREASURE ISLAND
MOBILITY MANAGEMENT AGENCY

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Administrative Code

Ordinance No. 24-01

CHAPTER 1. TITLE AND AUTHORITY

This Ordinance is enacted pursuant to the provisions of California Streets and Highways Code Section 1967-1967.11 (the Treasure Island Transportation Management Act), and may be referred to as the "Treasure Island Mobility Management Agency (TIMMA) Administrative Code." This Ordinance prescribes the powers and duties of the TIMMA Board; the method of appointment of staff of TIMMA; and the policies, and systems of operation and management of TIMMA.

CHAPTER 2. DUTIES OF TIMMA

TIMMA shall have the exclusive power to do any or all things necessary and required to accomplish the stated purposes and goals of the Treasure Island Transportation Management Act, pursuant to the terms of a resolution or ordinance adopted by the TIMMA Board (Board):

(a) Administer the Treasure Island Transportation Program.
(b) Adopt an annual budget.
(c) Cause a post audit of its financial transactions and records at least annually by a certified public accountant.

CHAPTER 3. POWERS AND DUTIES OF TIMMA COMMISSIONERS

The eleven members of the Board of Commissioners of the San Francisco County Transportation Authority (Transportation Authority) shall be the Board of Commissioners of TIMMA. They shall be known as "Commissioners" individually, and as the Board of Commissioners, or Board, collectively.

(a) Chair. The Chair shall be a TIMMA Commissioner and shall possess the following powers and duties:

1. To preside at all meetings;

2. To appoint the membership and the Chair and Vice-Chair of the committees of TIMMA, except for the Community Advisory Committee;
3. To decide the agenda of TIMMA Board meetings;
4. To sign contracts, deeds, and other instruments on behalf of TIMMA; and
5. To perform such additional duties as may be designated by TIMMA.

(b) Vice-Chair. The Vice-Chair shall be a TIMMA Commissioner and shall perform the duties of the Chair in the absence or incapacity of the Chair.

SECTION 3.1. Method of Appointment of TIMMA Commissioners.

(a) The Chair shall be elected at the first meeting of TIMMA, and thereafter, after the first complete calendar year, annually at the first meeting in January or at the first meeting of the year.

(b) The Vice-Chair shall be elected at the first meeting of TIMMA, and thereafter, after the first complete calendar year, annually at the first meeting in January or at the first meeting of the year.

(c) The newly appointed Chair shall immediately preside following their election at the same meeting.

(d) If the Chair or Vice-Chair resigns or is removed from office, the election for Chair or Vice-Chair to serve the remainder of the term shall be at the next meeting of TIMMA. Except as provided in Section 3.2(a) below, the Chair and Vice Chair shall serve without compensation but shall be entitled to reimbursement as provided in Section 3.2(b) below.

SECTION 3.2. Compensation of Commissioners.

(a) TIMMA Commissioners shall be compensated at the rate of $100 for each day attending the business of TIMMA, but not to exceed $400 in any month, for any of the following occurrences that are related to business of TIMMA:

1. A meeting of the legislative body;
2. A meeting of an advisory body;

3. A conference or organized educational activity, including ethics training; or
4. Any other occurrence, if TIMMA has adopted a written policy in a public meeting specifying that the attendance at such occurrence would constitute the performance of official duties for which Commissioners may receive compensation.

(b) Commissioners shall receive reimbursement for necessary travel and personal expenses incurred in the performance of their duties when such expenses are authorized in advance and as set forth in TIMMA's adopted Travel, Conference, Training and Business Expense Reimbursement Policy.

(c) TIMMA Commissioners shall not be compensated or reimbursed for any of the above if it would result in a duplication of compensation or reimbursement as a member of the San Francisco Board of Supervisors or as a Commissioner of the Transportation Authority.

CHAPTER 4. STAFF OF TIMMA

The Transportation Authority shall lend staff to TIMMA as appropriate, subject to reimbursement by TIMMA for salary and related benefits and other costs allocable to services performed for TIMMA by Transportation Authority staff.

CHAPTER 5. METHODS, PROCEDURES, AND SYSTEMS OF OPERATION AND MANAGEMENT

As used in these Rules, the following words and phrases shall have the meanings respectively ascribed to them by Rules 1.2 through 1.18.

SECTION 5.1 Committees of TIMMA.

(a) TIMMA Committee. The Chair of TIMMA shall appoint a TIMMA Committee which shall be composed of three Commissioners. This Committee shall consider matters related to the Treasure Island Transportation Management Program requiring attention between meetings of the TIMMA Board.

(b) Additional Committees. The TIMMA Board may create, and the Chair shall appoint the membership of, select, standing, and other committees established consistent with the following criteria:

1. The Committee shall have a clear, simple, narrow, single statement of purpose;
2. The Committee will be created for a specified maximum period of time, which in the case of a standing committee may be permanent; and
3. The Committee will consist of no less than three and no more than five Commissioners. The TIMMA Chair shall annually appoint Chairs of the TIMMA Committee(s).

(c) TIMMA Committee Procedures. The Chair shall be eligible to be appointed and to serve on each Committee established under this Code as a voting, regular member. If not appointed as a regular member of a Committee, the Chair shall serve as a non-voting, ex-officio member, except that the Chair shall serve as a voting member when their presence is necessary in order to constitute a quorum. A majority of the authorized number of members of a committee shall constitute a quorum for the transaction of business, and all official acts of a committee shall require the affirmative vote of the majority of the authorized number of members of the committee. In the case of a tie vote, the Chair, if present but not acting as a voting member, may cast the deciding vote. If the Chair's presence as a nonvoting ex-officio member causes a majority of the members of the full Board to be present, the committee meeting shall be recessed, if necessary, and the meeting convened or reconvened as a special Board meeting.

SECTION 5.2. Community Advisory Committees.

(a) Community Advisory Committee. The TIMMA Board shall appoint five members to a Community Advisory Committee (CAC). Two members would represent Treasure Island and Yerba Buena Island residents, two members would represent businesses and nonprofits operating on the islands, and one CAC member would be an at-large member who could represent a citywide perspective and/or mobility concerns. When selecting CAC members, consideration will be given to ensure that they represent residents of diverse income levels and locations and a mix of large and small

businesses and nonprofits and reflect the racial and gender diversity of San Francisco. In addition, the District 6 member of the Transportation Authority's Community Advisory Committee shall serve as a non-voting ex-officio member of the TIMMA CAC, except they shall serve as a voting member when their presence is necessary in order to constitute a quorum. CAC members shall serve for a two-year period, although the TIMMA Board may appoint one or more of the initial members of the CAC to a three-year term to stagger the terms of CAC members. Any member who is absent for two of any four regularly scheduled consecutive meetings shall be automatically terminated. The TIMMA Board shall fill any vacancy for a new two-year period. The CAC shall meet as needed based on the TIMMA Board and Committee meeting schedule and all meetings shall be open to the public. The regular meetings of the CAC shall be held on Treasure Island in San Francisco, California. TIMMA staff, as provided by the Transportation Authority pursuant to Section 4, will be available to assist the CAC. The CAC shall assist TIMMA in:

1. Refining the mission of TIMMA;
2. Reflecting community values in the development and administration of the Treasure Island Transportation Program, and channeling TIMMA's mission and the Treasure Island Transportation Program back to the community;
3. Defining and/or refining criteria and priorities for implementing the 2011 Treasure Island Transportation Improvement Plan, as it may be amended; and
4. Monitoring the progress and effectiveness of the Treasure Island Transportation Program.

(b) Community Advisory Committee – Subcommittees. The Community Advisory Committee Chairperson may propose subcommittees to TIMMA Chair. Before submitting any such proposal to the TIMMA Chair, the Community Advisory Committee Chairperson shall consult with TIMMA staff to confirm the purpose, objective, and term of the subcommittee, and to ensure consistency with the approved TIMMA work program and availability of staff resources. All Community Advisory Committee subcommittees are subject to the approval of TIMMA Chair. Each subcommittee shall consist of three members.

(c) Additional Advisory Committees. The TIMMA Board may create and appoint other advisory committees that it deems necessary.

SECTION 5.3 Contracts.

(a) Contracts for the purchase of supplies, equipment, and materials in excess of $100,000 shall be awarded after a formal competitive procurement process in conformance with TIMMA's adopted Procurement Policy.

(b) Contracts for the purchase of services in excess of $100,000 shall be awarded after a formal competitive procurement process in conformance with the TIMMA Procurement Policy.

(c) The Executive Director is authorized to contract for goods and services for an amount less than or equal to $100,000 per fiscal year in conformance with the TIMMA Procurement Policy. The Executive Director is authorized to amend contracts and agreements within the parameters specified in the TIMMA Procurement Policy.

(d) Where advantageous, TIMMA may contract without initiating a competitive procurement process with the City and County of San Francisco to render designated services or to provide materials on behalf of TIMMA.

(e) To the extent permitted by law, Disadvantaged Business Enterprises and Local Business Enterprises shall have the maximum feasible opportunity to participate in the performance of contracts financed in whole or in part with TIMMA funds. TIMMA shall not discriminate on the basis of race, national origin, color, religion, sex, sexual orientation, age, or disability in the award and performance of its contracts.

SECTION 5.4 Procedures for Implementing the California Environmental Quality Act.

SECTION 5.4.1.AUTHORITY AND MANDATE.

(a) This Section 5.4 is adopted pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 and following, as amended; and

pursuant to the Guidelines for Implementation of the California Environmental Quality Act, as amended, appearing as Title 14, Division 6, Chapter 3 of the California Code of Regulations (hereinafter referred to collectively as "CEQA").

(b) Any amendments to CEQA adopted subsequent to the effective date shall not invalidate any provision of this Section 5.4. Any amendments to CEQA that may be inconsistent with this Section 5.4 shall govern until such time as the relevant provision of this Section 5.4 is amended to remove such inconsistency. The provisions of this Section 5.5 shall be interpreted in a manner that is consistent with CEQA.

(c) This Section 54 shall govern in relation to all other ordinances of TIMMA and rules and regulations pursuant thereto. In the event of any inconsistency, the provisions of this Section 5.4 shall prevail.

SECTION 5.4.2. INCORPORATION BY REFERENCE.

The provisions of CEQA are not repeated here but are expressly incorporated herein by reference as though fully set forth.

SECTION 5.4.3. RESPONSIBILITY.

The administrative actions required by CEQA, to the extent authorized by Section 15025 of the CEQA Guidelines, with respect to the preparation of environmental documents, giving of notice and completing other activities shall be performed by staff of TIMMA or by consultants under the direction of TIMMA. These activities may include, but are not limited to:

(a) Preparing any necessary forms, checklists, and processing guidelines to implement CEQA in accordance with this Section 5.4;

(b) Determining whether there are excluded and exempt activities which are not subject to CEQA;

(c) Determining when a negative declaration or environmental impact report (EIR) is required when TIMMA is acting as a lead agency or as is otherwise required by CEQA;

(d) Ensuring that agencies and other interested parties are consulted and have an opportunity to comment during the CEQA process when TIMMA is acting as a lead agency or as is otherwise required by CEQA;

(e) Preparing environmental documents and notices when TIMMA is acting as a lead agency or as is otherwise required by CEQA;

(f) Consulting, providing comments, and attending hearings as necessary on behalf of TIMMA when it acts as a responsible agency under CEQA; and

(g) Ensuring coordination with federal lead and responsible agencies when project review is required under both CEQA and the National Environmental Policy Act ("NEPA").

SECTION 5.4.4. LIST OF NON-PHYSICAL AND MINISTERIAL PROJECTS.

TIMMA shall maintain a list of types of ministerial projects that are excluded from CEQA review. TIMMA shall also maintain a list of types of projects that normally do not cause a physical change in the environment and are therefore excluded from CEQA review. Such lists shall be modified over time as the status of types of projects may change under applicable laws, ordinances, rules, and regulations. The list shall not be considered totally inclusive, and may at times require refinement or interpretation on a case-by-case basis. The list of ministerial projects and modifications thereto shall be kept posted in the offices of TIMMA, and copies shall be sent to the TIMMA Board when the list is updated or modified.

SECTION 5.4.5. CATEGORICAL EXEMPTIONS.

TIMMA shall maintain a list of types of projects that are categorically exempt from CEQA. This list shall be kept posted in the offices of TIMMA, with updated

copies sent to the Board. The list shall be kept up to date in accordance with any changes in CEQA.

SECTION 5.4.6. INITIAL EVALUATION OF PROJECTS

(a) For projects that are not statutorily excluded or categorically exempt from CEQA, an initial study shall be prepared to establish whether a negative declaration or an EIR is required prior to the decision as to whether to carry out or approve the project. If it is clear at the outset that an EIR is required for a project, however, such determination may be made immediately and no initial study shall be required.

(b) Each initial study shall meet the requirements of CEQA with respect to contents and consultation with Responsible and Trustee Agencies. During preparation of the initial study, TIMMA may consult with any person having knowledge or interest concerning the project.

(c) If a project is subject to both CEQA and NEPA, an environmental assessment prepared pursuant to NEPA may be used to satisfy the requirements of this Section.

(d) Based on the analysis and conclusions in the initial study, TIMMA shall determine, based on the requirements of CEQA, whether there is substantial evidence that any aspect of the project may cause a significant effect on the environment, and whether a negative declaration or an EIR shall be prepared.

SECTION 5.4.7. NEGATIVE DECLARATIONS OR MITIGATED NEGATIVE DECLARATIONS.

(a) When a negative declaration is required, it shall be prepared by or at the direction of TIMMA. All CEQA requirements governing contents, notice, and recirculation shall be met.

(b) The Board shall review and consider the information contained in the final negative declaration, together with any comments received during the public review process, and, upon making the findings as provided in CEQA

Guidelines Section 15074, subdivision (b), shall adopt the negative declaration, prior to approving the project. If the Board adopts a mitigated negative declaration, it shall also adopt a program for reporting on or monitoring the mitigation measures for the project that it has either required or made a condition of approval to mitigate or avoid significant environmental effects.

SECTION 5.4.8. DRAFT ENVIRONMENTAL IMPACT REPORTS.

(a) If it is determined that a project may have a significant effect on the environment and that an EIR is required, TIMMA shall prepare a Notice of Preparation and shall meet all requirements for notice and circulation as required by CEQA.

(b) The EIR shall be prepared by or under the direction of TIMMA. The EIR shall first be prepared as a draft report. During preparation of the draft EIR, TIMMA may consult with any person or organization that TIMMA believes will be concerned with the environmental effects of the project and shall meet all CEQA consultation requirements (CEQA Guidelines, Sections 15082, 15083, and 15086).

(c) When the draft EIR has been prepared, TIMMA shall file a Notice of Completion and shall provide public notice of the draft EIR, as required by CEQA Guidelines Section 15085. The comment period on draft EIRs shall meet the requirements of CEQA. The draft EIR shall be available to the general public upon filing of the Notice of Completion.

(d) Public participation, both formal and informal, shall be encouraged at all stages of review, and written comments shall be accepted at any time up to the conclusion of the public comment period. TIMMA may give public notice at any formal stage of the review process, beyond the notices required by CEQA, in any manner it may deem appropriate, and may maintain a public log as to the status of all projects under formal review. Members of the general public shall be encouraged to submit their comments in writing as early as possible.

SECTION 5.4.9. FINAL ENVIRONMENTAL IMPACT REPORTS.

(a) A final EIR shall be prepared in accordance with CEQA by, or at the direction of, TIMMA, based upon the draft EIR, the consultations and comments received during the review process, and additional information that may become available.

(b) In the judgment of the Board, if the final EIR is adequate, accurate and objective, and reflects the independent judgment and analysis of the Board, the Board shall certify its completion in compliance with CEQA Guidelines 15090-15095. The certification of completion shall contain findings as to whether the project as proposed will, or will not, have a significant effect on the environment, any changes that have been required or incorporated into the project to avoid or substantially lessen any significant environmental effect of the project, and shall include adoption of a program for the monitoring and reporting on any changes or mitigation measures required in the project.

SECTION 5.4.10. ACTIONS ON PROJECTS.

(a) Before making its decision whether to carry out or approve the project, the Board shall review and consider the information contained in the Final EIR, Negative Declaration of Mitigated Negative Declaration and shall make findings as required by CEQA Guidelines Section 15091 or Section 15074, as applicable.

(b) After the Board has decided to carry out or approve a project, TIMMA shall file a notice of determination with the county clerk of the county or counties in which the project is to be located and as required by CEQA Guidelines Section 15094 or Section 15075, as applicable. Such notice shall contain the information required by CEQA Guidelines Section 15094 or Section 15075, as applicable. If the project requires a discretionary approval by a state agency, a copy of the notice of determination shall also be filed with the California Governor's Office of Planning and Research.

SECTION 5.4.11. ADDITIONAL ENVIRONMENTAL REVIEW.

If TIMMA or the Board determine that additional environmental review is required by CEQA Guidelines Section 15162-15164, or if modifications to a

project require additional environmental review, such review will be conducted as provided by CEQA Guidelines Section 15162-15164 and in accordance with the applicable procedures set forth in this Section 5.4.

SECTION 5.4.12. EVALUATION OF MODIFIED PROJECTS.

(a) After evaluation of a proposed project has been completed, a substantial modification of the project may require reevaluation of the proposed project.

(b) Where such a modification occurs as to a project that has been determined to be excluded or categorically exempt, a new determination shall be made. If the project is again determined to be excluded or categorically exempt, no further evaluation shall be required. If the project is determined not to be excluded or categorically exempt, an initial study shall be conducted as provided in Section 5.4.6.

(c) Where such a modification occurs as to a project for which a negative declaration has been adopted or a final EIR has been certified, TIMMA shall reevaluate the proposed project in relation to such modification. If, on the basis of such reevaluation, TIMMA determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons supporting the determination shall be noted in writing in the case record, and no further evaluation shall be required. If TIMMA determines that additional environmental review is necessary, a new evaluation shall be completed prior to the decision by the Board as to whether to carry out or approve the project as modified. CEQA Guidelines Sections 15162-15164 sets forth specific requirements for the determination of whether a supplemental or subsequent EIR is necessary, as well as the applicable process for either a supplemental or subsequent EIR.

SECTION 5.4.13. MULTIPLE ACTIONS ON PROJECTS.

The concept of a project is broadly defined by CEQA so that multiple actions of the same or of different kinds may often constitute a single project. This expansive concept of a project permits all the ramifications of a larger public action to be considered together rather than in a piecemeal fashion, and avoids duplication of review.

Early and timely evaluation of projects and preparation of EIRs shall be emphasized.

Only one initial study, negative declaration or EIR shall be required for each project.

Only one evaluation of a project or preparation of an EIR shall occur in cases in which both TIMMA and one or more other public agencies are to jointly carry out or approve a project. In such cases the evaluation or preparation is performed by the lead agency, and the determination of which agency shall be the lead agency is determined with reference to the criteria contained in CEQA Section 21165.

CEQA provides that a single initial study, negative declaration, or EIR may be employed for more than one project, if all such projects are essentially the same in terms of environmental effects and circumstances. Furthermore, an initial study, negative declaration or EIR prepared for an earlier project may be applied to a later project, if the circumstances and environmental effects of the projects are essentially the same.

SECTION 5.4.14. SEVERABILITY.

(a) If any article, section, subsection, paragraph, sentence, clause or phrase of this Section 5.4, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions. The Board hereby declares that it would have passed each article, section, subsection, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses, or phrases are declared unconstitutional or invalid or ineffective.

(b) If the application of any provision or provisions of this Section 5.4 to any person, property or circumstances is found to be unconstitutional or invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the person, property or circumstances immediately involved in the controversy,

and the application of any such provision to other persons, properties and circumstances shall not be affected.

(c) These severability provisions shall apply to this Section 5.4 as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

CHAPTER 6. SEAL

TIMMA may provide for and adopt an official seal. The use of the seal of TIMMA shall be for purposes directly connected with the official business of TIMMA.