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M E M O R A N D U M

TO: 2024 Orange County Charter Review Commission
FROM: Wade C. Vose, General Counsel
DATE: May 13, 2024
SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Charter Amendment Creating Transportation Mobility Advisory Commission

Pursuant to the requirements of Sec. 702.B. of the Charter, please find attached as Exhibit “A” a revised ballot summary adding a summary of the Comptroller’s financial impact statement relating to the proposed charter amendment creating a Transportation Mobility Advisory Commission. The language added to the ballot summary is as follows: “Comptroller estimated financial impact: \$725,000 cost annually.”

For ease of reference, the charter text revisions of the proposed charter amendment are also included at Exhibit “A”. Such text remains unchanged from that reported out by the Transportation Committee.

Exhibit “A”

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**CHARTER AMENDMENT CREATING
TRANSPORTATION MOBILITY ADVISORY
COMMISSION**

Amending the Orange County Charter to create a Transportation Mobility Advisory Commission empowered to hold public hearings and make recommendations to the County Commission on: (1) proposed expenditures for transportation purposes prior to inclusion in the proposed County annual budget; (2) transportation and mobility innovation; and (3) review of past transportation expenditures; and to provide for County Commission appointment, funding of operating expenses, organization, and staff assistance. Comptroller estimated financial impact: \$725,000 cost annually.

___ Yes
___ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Orange County Charter are amended to read as follows:

Sec. 504. - Transportation Mobility Advisory Commission.

There is hereby created a Transportation Mobility Advisory Commission (“TransMAC”).

A. *Functions, powers, and duties.*

1. *Transportation Expenditure Review and Recommendation.*

a. For the purposes of this section, “Proposed Expenditures” shall mean all capital expenditures for transportation purposes, and all payments to other governmental or quasi-governmental entities for transportation purposes, funded from any available revenue source (except community redevelopment agencies and developer contributions pursuant to a proportionate share agreement, development agreement, or development order), to be proposed for inclusion in the County’s annual budget.

b. No later than the second Friday of January of each year, the County Administrator shall cause the relevant County departments to provide to TransMAC the County’s draft Proposed Expenditures,

together with detailed documentation concerning the draft Proposed Expenditures, including project name, commission district, location, type, amount, and supporting documentation, as applicable. No later than January 31 of each year, TransMAC shall hold a meeting at which the relevant County departments will make a presentation to TransMAC concerning the draft Proposed Expenditures.

c. During the months of February and March of each year, TransMAC shall hold no less than two (2) public hearings after 5 p.m. to review the Proposed Expenditures.

d. No later than the third Friday of March of each year, TransMAC shall issue a written report to the board providing advisory recommendations as to priority and projected budget amounts for such Proposed Expenditures. Such report may also include recommendations relating to the scope, work plan, organization, and implementation of projects to be funded by the Proposed Expenditures.

e. After the initial distribution of the proposed County annual budget to the board in July of each year, TransMAC shall hold at least one meeting to review and provide advisory comments and recommendations to the board concerning the transportation and transit expenditures contained in the proposed budget.

2. *Mobility Evolution and Enhancement.* From September through December of each year, TransMAC shall hold periodic public meetings to: (i) consider and review new transportation systems; (ii) examine the interface of new transportation systems with existing or future land uses, roadways, or other transit systems; (iii) advise and make recommendations to the board on new methods of transportation for all or a portion of the County, and for the integration of new trends in mobility with changes to land development requirements; (iv) consider and recommend new policy, legislative, or administrative topics to the board relating to transportation; and (v) review past County expenditures for transportation or transit purposes during the previous 10 years and recommend audits to the board.

3. TransMAC shall perform any other duties which may be lawfully assigned to it.

B. *Mandatory Review of Transportation Funding.* The substance of Proposed Expenditures shall be submitted for TransMAC review in accordance with Section 504.A.1 before their inclusion in the proposed County annual budget for the upcoming fiscal year. Emergency expenditures, expenditures funded by or related to funding opportunities arising after TransMAC review in the annual budget cycle,

and expenditures included in budget amendments adopted throughout the fiscal year relating to Proposed Expenditures previously reviewed by TransMAC, are not subject to the requirement of the previous sentence. Upon the request of the County Administrator, TransMAC shall hold a public hearing within 30 days after the request to review Proposed Expenditures not otherwise submitted for TransMAC review in accordance with Section 504.A.1 and not exempted by the previous sentence, and upon such review, or the failure of TransMAC to hold a public hearing within the time required, the requirements of subsections A.1 and B shall be satisfied with respect to such Proposed Expenditures.

- C. *Membership Number and Composition.* The membership of TransMAC shall consist of a number of members equal to the number of members of the board. TransMAC members shall be county residents who are not elected officials. In appointing TransMAC members, the board shall endeavor to include among the membership at least one member that is (i) an engineer; (ii) an accountant, banker, or financial analyst; (iii) an individual active in manufacturing or construction; (iv) an environmental advocate; (v) a civic community leader; (vi) a member of a local watchdog group; and (vii) a frequent user of transit.
- D. *Appointment, nomination, term, reappointment.* The members of TransMAC shall be appointed by the board. Each member of the board shall nominate one TransMAC member. Each TransMAC member shall serve a two-year term that commences and concludes upon the commencement of the nominating board member's term, or the two-year anniversary thereof, as the case may be. Vacancies shall be filled for the remainder of a term in the same manner as original appointment. TransMAC members may serve no more than eight (8) consecutive terms.
- E. *Organization, officers, rules.* TransMAC shall hold an organizational meeting in January of each year, at which TransMAC shall select a chair and vice-chair from among its membership. Further meetings of TransMAC shall be held upon the call of the chair. TransMAC may adopt rules for its operations and proceedings as it deems desirable.
- F. *Staffing and Staff assistance.* The Orange County Comptroller shall serve as the clerk to TransMAC. The board shall annually budget for and pay for the reasonable expenses of TransMAC. TransMAC may retain consultants, experts, and legal counsel as it deems necessary and desirable. The County Administrator and County Administrator's staff shall provide timely clerical and staff support, information, analysis, and documentation to TransMAC and its members upon request in furtherance of its duties.