



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Transportation Committee

Final Report and Recommendation to the Charter Review Commission

April 10, 2024

Committee Members:

Tom Callan, Chair
Rishi Bagga
Eric R. Grimmer
Chuck O'Neal
Eugene Stoccardo

At its November 9, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") formed the Transportation Committee to study transportation policy, and determine whether to recommend changes to the Orange County Charter.

Based on its study, the Transportation Committee recommends creating a Transportation Mobility Advisory Commission, as embodied in the Committee's recommended charter amendment (attached as Exhibit "A"), which the Committee recommends that the CRC place on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview and Rationale for Proposed Charter Amendment

The proposed charter amendment creates a Transportation Mobility Advisory Commission ("TransMAC") appointed by the Board of County Commissioners. TransMac would hold public hearings annually to make recommendations on proposed expenditures for transportation purposes prior to their inclusion in the proposed County annual budget. TransMAC would also hold meetings to make recommendations to the County Commission on transportation and mobility innovation, and to review past County transportation expenditures.

The purpose of the TransMac Commission is twofold.

First, it is to provide a forum where all transportation funding must be publicly reviewed and examined at the same time by a citizen-led appointed board, to make recommendations to the BCC in the upcoming budget. This includes all roadway, pedestrian safety, transit, and other expenditures related to transportation from any sources of revenue, with specifically carved out exceptions listed therein.

The second purpose is to provide a forum to review, vet and recommend emerging transportation technologies to the BCC as well as County staff.

Orange County has approached the funding of transportation the same way for the past 50 years or so. Much mistrust or skepticism has grown within the general public for the funding of transportation from a variety of political points of view. Some believe special or development interests exert too much influence within the process. Others believe expenditures on transit or rail yield returns that do not justify the expenditures. The result is that people from all political perspectives have voiced skepticism and mistrust on transportation funding.

TransMAC as a Charter-created process (for the annual recommendation and ranking of funding for transportation spending at the required public hearings) creates a forum wherein citizens can evaluate and comment on competing requests for spending and spending priorities in an open and transparent manner. It is believed that in order to have the citizens buy-in to any future sales tax or other additional funding sources, this process is needed to build trust and to demonstrate on an annual basis the shortfall in transportation spending in Orange County. TransMAC also provides the forum for citizens to promote or critique projects.

TransMAC can evolve into a service to County staff and the BCC. It allows a public vetting that frees up the BCC to allow consensus to evolve prior to the annual budget requests. TransMAC as an advisory board for transportation funding will serve much like the Planning and Zoning Commission as a vehicle to resolve conflicts prior to the BCC. Finally, there is no better way to show the need to the citizens for the funding of transportation than to have the citizens annually examine and review the needs and shortfalls in the community.

Overview of the Committee Process

Prior to the committee holding its first meeting, CRC Chair Homer Hartage and Committee Chair Callan held two Sunshine Meetings on November 20 and December 4, 2023 to discuss transportation. Based upon their discussions, Committee Chair Callan drafted initial charter language, new Sec. 504 Transportation Mobility Advisory Commission, in order to initiate committee discussion.

The committee held six (6) meetings from January through March 2024. The meetings were attended by several members of the public as well as the office of District 5 Commissioner Emily Bonilla, and various members of Orange County staff. The committee considered significant input specifically from Orange County Public Works staff when discussing the various drafts of the amendment.

The committee began its work at its January 8, 2024 meeting by reviewing the initial charter language prepared by Committee Chair Callan. At the conclusion of the meeting, Committee Chair Callan requested the committee members submit comments to CRC staff for incorporation in to the draft charter language and discussion at their next meeting.

At its January 31, 2024 meeting, the committee reviewed its work to date and reviewed the draft charter language revised by Committee Chair Callan. At this meeting, the committee provided direction to General Counsel Vose to draft a charter amendment based upon committee discussions.

At its February 16, 2024 meeting, the committee reviewed its work to date and discussed the revised draft of the charter amendment dated February 12, 2024. The revised draft prepared by Mr. Vose represented a substantial rewrite of the previous draft charter language while making every effort to retain the essential elements of the prior draft of the amendment.

At its March 5, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 4, 2024. The draft did not fully incorporate all of the matters discussed at the February 16, 2024 meeting among the committee members and County staff, but was provided to serve as a foundation for further revisions at an upcoming meeting.

At its March 15, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 12, 2024.

Finally, at its March 27, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 22, 2024.

At the same meeting, the committee voted unanimously to advance the recommendation to the full CRC, including the proposed ballot and charter language attached as Exhibit “A;” and further, delegated to Committee Chair Callan the opportunity to draft the final report with Mr. Vose and staff.

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.

_____ 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.