

April 5, 2018

Mr. Hasan Ikhata  
Executive Director  
Southern California Association of Governments  
900 Wilshire Boulevard, Suite 1700  
Los Angeles, California 90017

**Subject: Proposed Amendment 2A to the SCAG Bylaws**

Dear Mr. Ikhata:

At the March 1, 2018 Regional Council meeting, the Regional Council approved proposed amendment 2A to the Southern California Association of Governments (SCAG) Bylaws. Proposed amendment 2A would provide Past Presidents of SCAG full voting membership in the Regional Council if elected to city council or county supervisor positions, and non-voting participation in the Regional Council in an ex officio capacity if no longer serving as an elected city council or county supervisor. The authors of the proposed amendment 2A, Honorable Margaret Finlay and Honorable Pam O'Connor, presented the item to the Regional Council without much discussion.

The OCCOG is not necessarily opposed to proposed amendment 2A to the SCAG Bylaws in principle. However, upon further internal review and discussion, several questions have been raised which OCCOG finds to be critical and necessary for SCAG to clarify, to fully understand the breadth and consequences of the proposed amendment. These key points and questions, in addition to requests for additional information, are outlined below.

**1. Number of Past Presidents Eligible for Regional Council Membership:**

It is OCCOG's understanding that the proposed amendment does not impose any numerical limit on how many Past Presidents may serve at one time.

During discussion of the proposed amendment, Honorable Pam O'Connor noted that there is a backlog of Past Presidents who would be interested in assuming these Regional Council membership positions.

The proposed amendment generates intriguing questions on the balance of geographic representation on the Regional Council, which is currently maintained through the SCAG bylaws provisions on city districts and county appointments. Would certain city districts or counties have multiple representation and voting opportunities on the Regional Council, as a result of this proposed amendment? If there is tremendous interest and success in Past Presidents serving on the SCAG Regional Council, could the new membership of Past Presidents affect voting and quorum considerations? Is this a concern?

Perhaps to better understand this issue, it would be very helpful if SCAG would provide a comprehensive list of all the Past Presidents that are eligible to serve in either the "at large" or "ex officio" capacity, including information on the county representation of the Past Presidents and whether the district represented is a single city district or a multi-jurisdictional city district.

**2. Unbiased Representation:**

There are two options for the Past President position, the "at large" and "ex officio" position. How would SCAG ensure the Past President represents the interests of the SCAG region and not the interests of the individual's current or former jurisdiction or subregion? What checks would be in place to ensure

the personal interests of the ex officio members would not influence the policy discussion at the Regional Council?

**3. Clarify if SCAG Past Presidents Can Serve on the Regional Council While Concurrently Serving in Higher Office Elected Capacity:**

Under the proposed bylaws amendment, could a Past President that has achieved higher office, such as a state legislator, also serve on the SCAG Regional Council?

**4. Conflict of Interest Provisions:**

Transparency is an important consideration with the Past President membership. Would SCAG's Conflict of Interest provisions address any potential situations should there be any Past Presidents that are consultants and specialize in policy areas specific to the development of the Regional Transportation Plan/Sustainable Communities Strategy and the Regional Housing Needs Assessment?

**5. Clarify If SCAG Past Presidents Are Eligible to Serve on SCAG Policy Committees, Ad Hoc Committees and Working Groups:**

Proposed amendment 2A states that Past Presidents "would not be eligible to serve as SCAG Officers or chairs or vice-chairs of any SCAG committee." However, it is unclear if the Past Presidents would be permitted to serve as a member of a Policy Committee, Ad Hoc Committee or Working Group. Please clarify.

**6. Clarify the Term Length of the Past President Position:**

The Past President would be allowed to serve on the Regional Council ("at large" and "ex officio") for up to five (5) years. Is this term a consecutive term or a combined term for a lifetime maximum?

## 7. Fiscal Impacts and Compensation

Please outline the potential fiscal impacts of the Past President position. The Draft SCAG Policy Manual reviewed by the EAC on April 5, 2018, does not clarify stipends for the proposed Past President position. It is assumed, based on the Draft Policy Manual, the Past President still in office would receive stipends for meetings (up to nine per year) and reimbursement for travel expenses, including a daily stipend for meals. However, the Past President ex officio would not receive a stipend, but would receive reimbursement for the annual General Assembly. A proposed amendment approved by the EAC would allow ex-officio Past President to receive reimbursement for travel to SCAG related events where the Past President's experience would provide an additional benefit to the discussion (i.e. Sacramento Legislative trip). The amendment did not specify if travel for ex officio Past Presidents would be limited to regional events, state events, national events, or international events. This should be clarified in the final version of the SCAG Policy Manual IF the proposed amendment 2A is approved. The amendment did not specify if the ex officio would need EAC approval before the travel expenses are procured or after for reimbursement.

Given the unknown consequences and impacts proposed amendment 2A may have on policy decisions, the OCCOG would like to ask SCAG staff and the amendment's authors to consider making proposed amendment 2A a five-year pilot program. At the end of the pilot period, the Regional Council would evaluate the impact of the Past President position on the Regional Council and either dissolve the pilot program or permanently amend the SCAG Bylaws.

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If you have any additional questions, please contact Marnie Primmer, OCCOG  
Executive Director, at [edocog@gmail.com](mailto:edocog@gmail.com).

Sincerely,