

## **Orange County Transit Work Program Amendment Policy**

Following the adoption of the Orange County Transit Annual Work Program, project sponsors and Orange County Transit lead agency staff may need to make changes to the scope or budget for approved Orange County Transit Annual Work Program implementation elements; to add or remove implementation elements from an applicable Work Program; or to make changes to other components of Orange County Transit Annual Work Programs, such as the controlling components of project funding agreements that tie to Orange County Transit Annual Work Program implementation elements (i.e., agreement periods of performance or reporting requirements), financial model assumptions that support the applicable Work Program, or scopes of work or funding amounts for future programmed implementation elements. Project sponsors may also need or desire for the operating funds allocated in an annual Work Program to be encumbered and carried over to a subsequent Work Program budget. The policies and procedures for making these changes are outlined below.

**Amendment Requests:** Requests should be submitted to the SWG Administrator using an Orange County Transit Annual Work Program Amendment Request Form in accordance with the published annual amendment schedule.

### **Amendment Types:**

1. The following Work Program amendment scenarios shall be classified as **Minor Amendments**:
  - a. An amendment that requires a transfer between budget ordinance appropriations but requires less than a 20% change to a project appropriation for projects equal to or less than \$250,000;
  - b. Changes to any adopted financial assumptions supporting the applicable Work Program that does not have a significant impact on the overall revenue or expenditure forecast, which is defined to be no more than a one percent (1%) over the life of the plan;
  - c. Changes in reporting requirements for performance on implementation elements authorized in the applicable Work Program;
  - d. Changes in funding amounts less than \$250,000 for implementation elements programmed in future fiscal years;
  - e. Any other change that does not meet any of the criteria of a Minor Amendment is a Major Amendment.
  
2. The following Work Program amendment scenarios shall be classified as **Major Amendments**:
  - a. A project requested to be added to the Work Program.
  - b. A project requested to be removed from the Work Program.
  - c. Changes to any adopted financial assumptions supporting the applicable Work Program that does have a significant impact on the overall revenue or expenditure forecast, which is defined to be

- more than a one percent (1%) over the life of the plan;
- d. Changes in scope for implementation elements programmed in current and future fiscal years;
  - e. Any amendment that requires a transfer of funds between capital or operating funding categories.
  - f. Any change that requires a change in budgeted reserves or fund balance.
3. Scenario where no amendment is required:
- a. Transfers within the same budget ordinance (i.e., within a capital or operating funding category) appropriation and insignificant scope changes are permitted without amendment. Changes of this type shall be disclosed as part of the established quarterly reporting process.

Any changes to project funding allocations, and all requested Work Program amendments, shall comply with the adopted Triangle Tax District - Orange County Transit Financial Policies and Procedures.

**Multiple Amendments to Single Project:**

If more than one amendment is requested for a single project in the adopted Operating Budget over the course of a fiscal year, its classification as a Minor versus Major amendment will be based on the cumulative change caused by all applicable amendments over the course of that fiscal year.

If more than one amendment is requested for a single project in the adopted Capital Budget over the life of the project, regardless of fiscal year, its classification as a Minor versus Major amendment will be based on the cumulative change caused by all applicable amendments over the life of the project.

**Removal of Work Program Projects:**

If a project sponsor determines that a project or implementation element included in the operating or capital budgets of an annual Work Program will not commence in the subject fiscal year or will not continue from a previous fiscal year, as budgeted, the project sponsor shall request that the project be removed from the annual Work Program.

If the project will commence in the subject fiscal year or continue from a previous fiscal year, as budgeted, but will not make use of Triangle Tax District – Orange Operating Fund or Orange Capital Fund revenues, the project sponsor is encouraged to notify Tax District staff of the change but is not required to request removal of the project from the annual Work Program unless it is determined by Tax District staff that the originally budgeted funding for the project is necessary to fund another Work Program amendment.

If a project sponsor determines that a project or implementation element included in the operating or capital budgets of an annual Work Program will not make use of the full amount of funds originally budgeted, the project sponsor is encouraged to submit an amendment request reducing the originally budgeted amount to a more realistic amount.

**Annual Work Program Amendment Schedule:**

The Staff Working Group (SWG) Administrator, with input from the Orange SWG and additional GoTriangle staff, will develop an annual Work Program Amendment Schedule that sets amendment request submission deadlines and public review periods for the upcoming fiscal year. There are three amendment cycles detailed on the schedule: 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter of the fiscal year.

The schedule will generally be consistent with DCHC MPO's Transportation Improvement Program (TIP) amendment schedule in the event that Orange County Transit project amendments require TIP action. The SWG may take exception outside the typical amendment cycle, through coordination with the MPO, where there is a need to maintain eligibility for federal or state funding.

## **Appendix: Roles and Responsibilities**

### **Role of the SWG Administrator and Orange County Transit Lead Agencies**

Per the Transit Governance ILA (2023), two of the three ILA parties have responsibilities as it relates to Work Program Amendment facilitation. They are Orange County, and GoTriangle. They execute the work required to ensure that Orange County Transit processes and SWG assigned tasks are completed in accordance with applicable laws, regulations, policies, and other guidance. Both agencies play a role in processing Work Program amendment requests and updating the Orange County Transit Annual Work Program Amendment Policy.

The SWG Administrator will:

- Develop the annual Work Program Amendment Schedule.
- Update the Work Program amendment request form as needed.
- Manage the Orange County Transit Annual Work Program Amendment Policy update process
- Collect and review amendment request forms for completeness and/or technical issues
- Work closely with project sponsors to address questions and resolve technical issues pertaining to amendment requests.
- Compile an initial amendment list that includes known information for each submitted request and will update the list as new or additional information becomes available.
  - The list shall clearly be grouped by amendment requests pertaining to operating projects/implementation elements versus those pertaining to capital projects/implementation elements and shall indicate whether the requests are Minor or Major.
- Prepare and present Work Program amendment request information, including GoTriangle financial slides, for review and consideration of the SWG, the Orange County Board of Commissioners, and GoTriangle Board of Trustees at appropriate decision-making points.
- Open a public-review period for quarterly amendment requests.
  - A review period of no less than 21days for Major amendments. If a mix of Major and Minor requests are submitted, the 21-day requirement applies to all requests.
- Work with County and GoTriangle engagement staff to develop public notice content and materials and then post on the GoForward/SWG website, share with SWG partners and otherwise support the engagement effort.
- Include an engagement summary report with the recommended amendment list for Orange County and GoTriangle governing board consideration.
- Forward all approved amendments and a list of actions that need to be taken to GoTriangle's Tax District for processing.
- Track authorized amendments and by September each year, update the Orange County Transit Annual Work Program database (if/when applicable), publish updated annual Work Program documents on the GoForward/SWG websites.

GoTriangle staff will:

- Review submitted amendment requests to assess financial impacts of proposed changes.
- Model financial scenario options, when needed, and present them to the SWG for review and discussion.
- Work with SWG Administrator/County staff to finalize financial dispositions for review and consideration.

- Produce slides detailing the financial impacts of requested amendments, submit them to the SWG Administrator to be incorporated into a master presentation file, and present the information for review and consideration of the SWG.
- Work with the SWG Administrator, County and GoTriangle to develop public notice content and materials and then post on the GoForward, County and GoTriangle web pages, share with Orange County Transit stakeholders and the community.
- Collect online analytics and performance data, public comments or questions, and other relevant information from the engagement period and provide it to the SWG Administrator for inclusion in the engagement summary report.
- Work with the SWG Administrator to make any needed adjustments to the financial components of the amendment list and slides prior to presentation to the governing boards.
- Process all approved Work Program amendment requests which may include changes to budget ordinance(s), changes to project agreements or other administrative actions.
- Ensure that links to the annual Orange County Transit Annual Work Program documents on the GoForward, County and GoTriangle websites are working and directed at the updated Work Program document(s) in September each year.

#### **SWG Review and Recommendation:**

SWG Administrator will consult with the SWG Chair regarding inclusion of Work Program amendment request items on SWG meeting agendas. Time allocated for each SWG presentation is set by the Chair and published on each agenda. SWG Administrator will provide the amendment request item description to be published on the agenda, will submit a master presentation file for discussion during the meeting, and will provide the most current amendment list, associated amendment request forms for SWG review and discussion.

The SWG can choose to re-categorize an amendment from Minor to Major, can recommend an adjustment, attach contingencies, or otherwise recommend a modification to an amendment request, and will make a recommendation to the Orange County Board of Commissioners and GoTriangle Board of Trustees for approval or disapproval of Work Program amendment requests.

SWG Administrator shall document the recommendation of the SWG including specific details and concerns that led to a recommended modification or disapproval of an amendment request.

#### **Governing Board Review and Adoption:**

The Orange County Board of Commissioners and the GoTriangle Board of Trustees shall review the amendment list, disposition(s) and SWG recommendation and consider authorizing the Orange County Transit Annual Work Program amendment requests. No amendments are authorized prior to board actions approving them. SWG Administrator will coordinate with Orange County and GoTriangle staff to ensure timely placement of Work Program amendment recommendations on agency agendas.

#### **Adjustments to Roles and Responsibilities**

Changes to the roles and responsibilities described within this appendix are classified as an administrative modification that can be implemented without requiring an amendment to the Orange County Transit Annual Work Program Amendment Policy, but must be agreed upon by the impacted agency, or other body which may require a process to formalize.