

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
3	1/11/10	Open	Action	12/10/09

Subject: Amendment and Restatement of Title III to Clarify Board Rules of Procedure

ISSUE

Whether to amend and restate Title III of the Administrative Code relating to the RT Board Rules of Procedure.

RECOMMENDED ACTION

Adopt Resolution No. 10-01-_____, Amending and Restating Title III of the Sacramento Regional Transit District Administrative Code Relating to Rules of Procedure.

FISCAL IMPACT

None.

DISCUSSION

Title III of the RT Administrative Code establishes the rules of procedure governing the conduct of the Board's business. Two minor clarifying changes would conform Title III to established Board practice, including one related to the process for submitting items for Board meeting agendas and the other related to the applicability of allocated voting only at noticed Board meetings. In addition, the process for notifying jurisdictions that a vacancy has occurred and requesting appointment of a replacement currently requires a Board resolution; a simplified notice process is proposed. Minor technical corrections are also included.


1) Placing Items on Agenda

Article 3 of Title III governs the submission of materials for the Board's meeting agenda. State law requires an item requiring action to be listed on a local legislative body's posted agenda before deliberation or action upon the matter may occur. State law further authorizes a local legislative body to establish its own rules as to whether a member, or the body itself, may take action to direct staff to place a matter on a future agenda. The Board's current practice has been to allow a member to direct such a request to the General Manager/CEO through the Chair at a meeting; in addition, the General Manager/CEO and Chief Legal Counsel routinely submit matters to the Board Secretary for placement on the agenda. An amendment to Sections 3.1.3.5 would conform Title III to these existing practices.

2) Applicability of Weighted Voting

Article 7 of Title III sets out the Board's rules regarding official action. Under state law, a local entity's governing board requires a quorum to act and can act or deliberate only on matters included on a properly noticed agenda. The unique weighted voting system established for RT by

Approved:


General Manager/CEO

Presented:


Bruce A. Behrens, Chief Legal Counsel

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Public Utilities Code Section 102105.1, allocates votes to each voting entity. Where an entity has more than one vote, its votes are divided equally among that entity’s Board members that are “present and voting”. The presence of a majority of the votes defines a quorum for purposes of conducting a meeting. Accordingly, to avoid any possible confusion regarding the presence of a quorum outside of noticed meetings when a single County Board member and a single City of Sacramento Board member are present, an amendment to Section 3.1.7.8 would clarify that allocated voting applies only to noticed regular or special meetings of the Board.

3) Notice of Vacancy and Request for Appointment of Replacement

Section 3.1.2.8 of Title III currently requires the Board to adopt a resolution requesting the affected jurisdiction to appoint a replacement within 60 days of the occurrence of a Board vacancy. In order to streamline this process, a notification process by the Board Secretary would be substituted for a resolution.

State law authorizes the RT Board to adopt an administrative code setting forth procedures for the operation and management of the District (Public Utilities Code section 102121) and to establish rules for its proceedings (Public Utilities Code section 102104). The proposed changes are within the Board’s authority and consistent with the Brown Act. Based on this review, staff recommends that the following amended and restated version of Title III of the Code be adopted.

A red-lined copy of the proposed changes to the Board’s Procedures is attached.

RESOLUTION NO. 10-01-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

January 11, 2010

**AMENDING AND RESTATING TITLE III OF
THE SACRAMENTO REGIONAL TRANSIT DISTRICT ADMINISTRATIVE CODE
RELATING TO RULES OF PROCEDURE**

WHEREAS, Sacramento Regional Transit District's (RT) Enabling Act is set out in Part 14 (Section 102000 and following) of Division 10 of the California Public Utilities Code; and

WHEREAS, Section 102121 of RT's Enabling Act authorizes the RT Board to adopt an administrative code, including procedures for the operation and management of the district; and

WHEREAS, this Board has adopted Rules of Procedure pertaining to the manner in which RT Board meetings are conducted; and

WHEREAS, this Board desires to amend its Rules of Procedure in order to clarify its process and make technical corrections.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, Resolution No. 09-02-0025 shall be repealed, and

THAT, Title III, Rules of Procedure, of the Sacramento Regional Transit District Administrative Code shall read as follows:

TITLE III

RULES OF PROCEDURE

CHAPTER 1 BOARD RULES

ARTICLE 1 MEETINGS

§3.1.1.1 Regular Meetings

At least once during each calendar year, the Sacramento Regional Transit District Board of Directors, hereinafter referred to as "Board," shall adopt a resolution setting forth its regular meeting schedule for the 12 month calendar period following the month and year in which the resolution is adopted. The resolution establishing the Board's regular meeting schedule shall state the date for each regular meeting, and the time or place for each regular meeting if it differs from the time or place set out in this section. Unless otherwise specified in the resolution establishing the Board's regular meeting schedule, the Board will conduct its regular meetings at Regional Transit's Administrative Headquarters located at 1400 29th Street, Sacramento, CA. Regular meetings of the Board will start at 5:00 p.m. and at 6:00 p.m. Regular meetings starting at 5:00 p.m. will be held in Room 222 (Second Floor, Library) of Regional Transit's Administrative Headquarters and will be limited to matters conducted in closed session. Regular meetings starting at 6:00 p.m. will be held in Room 114 (First Floor, Auditorium) of Regional Transit's Administrative Headquarters. Whenever a regular meeting falls on a legal holiday, said meeting shall be re-designated by the Board at its regular meeting immediately prior to such holiday. If, for any other reason, the Board decides to change the date of a regular meeting, said meeting shall be designated by the Board at its regular meeting immediately prior to the said meeting. Absent such designation, any meeting other than the next regularly scheduled meeting, shall be called and noticed as a special meeting. Legal holiday, as used above, shall mean those days defined as legal holidays in Government Code Sections 6700 and 6701.

§3.1.1.2 Special Meetings

A special meeting may be called at any time by the Chair, or by a majority of the members of the Board, by delivering personally or by mail, written notice to each member of the Board and to each local newspaper of general circulation, radio, or television station requesting notice in writing. Such notice must be delivered and received at least 24 hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No business other than as specified in the notice shall be considered at such meeting. Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the Secretary of the District a written waiver of notice. Such waiver may be given by telegram.

Any defect in the above notice procedure shall be deemed cured by actual attendance of the member at the meeting. (Government Code Section 54956)

§3.1.1.3 Adjournment of Meeting

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. Notice of adjournment of a duly called special meeting at which less than a quorum is present shall be given in the same manner as notice of the original meeting. If all members are absent from any regular or adjourned regular meeting, the Secretary of the District may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided herein for special meetings. In the case of all adjournments, a copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held, within 24 hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the time at which the adjourned meeting is to be held, it shall be held at the time specified for regular meetings. (Government Code Section 54955)

§3.1.1.4 Session

The Chair shall take the chair and call the Board to order. In the absence of the Chair and Vice-Chair, the Secretary shall call the meeting to order, whereupon the members present, by an order entered in the minutes, shall select one of the members to act as Chair *pro tem*, who, while so acting, shall have all of the authority of the Chair. Upon the arrival of the Chair or Vice-Chair, the Chair *pro tem* shall relinquish the chair upon the conclusion of the business immediately before the Board. Notwithstanding the foregoing, if the presiding Chair, Vice-Chair or Chair *pro tem* is called from the chair for a short period during a meeting to which he or she will return, he or she may appoint a member of the Board to preside until his or her return without interrupting the proceeding for the purpose of electing a Chair *pro tem*.

§3.1.1.5 Roll Call

Before proceeding with the business of the District, the roll of the members shall be called by the Secretary and the names of those present shall be entered in the minutes. The Secretary will announce if a quorum exists.

§3.1.1.6 Quorum

A quorum for the transaction of any business exists when sufficient members of the Board or their alternates are present to cast a Majority Vote of the Board.

§3.1.1.7 Minutes

The Secretary shall furnish each Board member with a copy of the minutes of each meeting with the agenda for the following meeting; said minutes may take the form of an Action Summary.

§3.1.1.8 Approval of Minutes

The minutes may be approved without reading unless such reading is requested by a member. A copy of the approved minutes of each meeting shall be inserted in the District's Minute Book.

§3.1.1.9 Meetings to be Open to the Public

All meetings of the District and its committees shall be open to the public unless the subject matter is a proper one for closed session. All meetings shall comply with the provisions of the Ralph M. Brown Act. (Government Code Sections 54950, et seq.)

§3.1.1.10 Vote

The vote upon an action item shall be either "aye," "no," or "abstain" pursuant to roll call, which vote may be cast by means of an electronic device. The number of votes cast "aye," "no," or "abstain" shall be tallied according to the number of votes allocated to each member of the Board or their alternate who voted, and shall be so recorded. If a member of the Board abstains from voting on an action item, that member's vote shall not be counted as either an "aye" or a "no." Each ordinance or resolution shall be in written or printed form. A member of the Board appointed pursuant to Public Utilities Code Section 102100.2, 102100.3 and 102100.5, subject to 102100.4 and 102100.7, may vote on any business coming before the Board.

§3.1.1.11 Voting by Alternates

A person who is serving as an alternate for an absent member of the Board shall notify the Chair and the Clerk to the Board at the beginning of a meeting, or at the earliest practical opportunity thereafter and before voting, that he or she is serving either as an alternate or as both a primary member and as an alternate. An alternate shall state the name of the member of the Board for whom s/he is serving as an alternate. The Clerk of the Board shall confirm whether RT has received official notification from the applicable Voting Entity regarding the alternate's authority to serve as an alternate and the name of the member of the Board for whom s/he may serve as an alternate. If the Clerk of the Board confirms the alternate's voting eligibility, the Clerk to the Board shall so advise the Chair and the alternate may vote on any business coming before the Board at that meeting while the primary member for whom he or she is serving as an alternate is absent. An alternate shall have the number of votes that are allocated to that primary member for whom s/he is serving as an alternate. A primary member who is also serving as an alternate shall not be

obligated to cast the same vote in both capacities. The Clerk to the Board shall record in the minutes the time at which an alternate was recognized to be serving for an absent primary member.

§3.1.1.12 Continuing Body

The Board shall be a continuing body and no measure pending before it shall be abated or discontinued by reason of the expiration of the term of office or removal of a member of the Board.

§3.1.1.13 Discussion Only Through Chair; Limitation of Discussion; Disqualification of Members

Persons in attendance may address the Board or member thereof only through the Chair. Members of the Board may address one another or persons in attendance only through the Chair.

Except as otherwise herein provided, discussion on any particular meeting either by a Board member or by any person in attendance may be limited, at the discretion of the Chair, to such time as the Chair may find to be reasonable under the circumstances, provided that any decision of the Chair to limit discussion may be overruled by the Board.

Any member who is legally disqualified from participating in District action on any particular matter shall, as soon as such matter is reached on the agenda, disclose his or her disqualification and the reason therefor and shall take no part in the discussion, debate or vote on such matter. If such disqualification is not known to him or her at the time such matter is reached on the agenda, he or she shall make such disclosure as soon as his or her disqualification is known to him or her.

§3.1.1.14 Closed Sessions

Closed sessions shall be held only on those matters which the Ralph M. Brown Act (Government Code Section 54950, et seq.) and court decisions recognize as proper matters to be held in closed session. These include, but may not be limited to, the following matters:

- A. To meet with District's legal counsel regarding pending litigation.
- B. To meet with District's designated representatives regarding real property negotiations.
- C. To consider the appointment, employment, or dismissal of an officer or employee, or to hear complaints and charges against such officer or employee. At least 24 hours prior to the closed session, the District shall deliver written notice to the officer or employee that he or she has the right to have the hearing made public. This section shall not be construed as granting anyone the right to a hearing they do not already have by virtue of some other authority.

- D. To meet with District's designated representatives regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees.
- E. To consider any matter affecting the national security.
- F. To meet with the Attorney General, District Attorney, Sheriff, or Chief of Police or other authorized representatives on matters posing a threat to the security of District buildings, public services or facilities.

§3.1.1.15 Time, Rules and Agenda of Closed Session

A closed session shall be held only during a regular or special meeting, in full compliance with these Rules of Procedure, and in accordance with the disclosure provisions of the Ralph M. Brown Act. As applicable, disclosure on the agenda under the topic "Closed Session" shall be substantially as follows:

- A. "CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:
Smith v. RT Pursuant to Gov. Code Section 54956.9(a)"
(for filed claims against the District and litigation)
- B. "CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to Gov. Code Section 54956.9(b)"
Include facts and circumstances upon which closed session is based and which are known to potential plaintiffs unless same will be announced prior to closed session
(for significant exposure of litigation against the District).
- C. "CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
Pursuant to Gov. Code Section 54956.9(b)(2) to decide whether facts and circumstances warrant closed session under Gov. Code Section 54956.9(b)(1)"
- D. "CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
Pursuant to Gov. Code Section 54956.9(c) based on existing facts and circumstances, the District has decided or is deciding whether to initiate litigation"
- E. "CONFERENCE WITH REAL PROPERTY NEGOTIATOR:
Pursuant to Gov. Code Section 54956.8:
Property: (specify street address or parcel number of the real property under negotiation)
Negotiating parties: (specify name of party - not agent)
Negotiation: (specify whether authority to negotiator will concern price, term of payment, or both)"
- F. "PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Gov. Code Section 54957
Title: (specify description of position to be filled)"

- G. "PUBLIC EMPLOYMENT
Pursuant to Gov. Code Section 54957
Title: (specify description of position to be filled)"
- H. "PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Gov. Code Section 54957
Title: (specify position or title of employee being reviewed)"
- I. "PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Pursuant to Gov. Code Section 54957"
(no additional information is required)
- J. "CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Gov. Code Section 54957.6
District negotiator: (specify name)
Employee organization: (specify name of organization representing employee)
(or)
Unrepresented Employee: (specify position or title of unrepresented employee who is the subject of the negotiations)"

When a closed session is the only reason for calling a special meeting, the call shall specify the time and place of the special meeting, the business to be transacted, and such disclosure as is required under the Ralph M. Brown Act. If the session is for a personnel matter, the officer or employee involved must be notified of the nature of the session and in what way it applies to him or her.

§3.1.1.16 Closed Session Action

The Chair shall report at the Board meeting during which the closed session is held any action taken and the roll call vote thereon to the extent and in the manner required by Government Code Section 54957.1.

ARTICLE 2 OFFICERS

§3.1.2.1 Chair

The Chair may move, second and debate from the chair, subject only to such limitations of debate as are by these Rules imposed on all members, and shall not be deprived of the rights or privileges of a member by reason of his or her occupying the chair. In an action to adopt a motion, resolution or ordinance, the Chair shall vote after all other members present have cast their vote.

§3.1.2.2 Chair Responsibilities

The Chair shall preside and preserve order at all regular meetings, special meetings and hearings of the Board. The Chair shall state every question coming before the Board, announce the decision of the Board on all subjects and decide all questions of order without debate, subject, however, to an appeal by a member of the Board. The Chair shall

sign all Board resolutions and all minutes of Board meetings or hearings which he or she has witnessed being adopted or approved.

§3.1.2.3 Vice-Chair and Chair Pro Tem Responsibilities

For the purpose of Public Utilities Code Section 102104, the Vice-Chair is the Chair *pro tem*; however, if both the Chair and Vice-Chair are absent or are unable to act, the members present, by an order entered in the minutes, shall select one of their members to act as Chair *pro tem*, who, while so acting, shall have all of the authority of the Chair.

§3.1.2.4 Secretary

The General Manager is the Secretary; however, he or she may designate an assistant to assume the powers and duties of Secretary. The Secretary shall have the following powers and duties:

- A. Post agendas and sign a declaration of the time and place where each agenda was posted and maintain a file of those declarations with the corporate records.
- B. Attend all meetings and hearings of the Board and keep minutes of such meetings or hearings in the District's Minute Book.
- C. Attest all resolutions of the Board and the minutes of all meetings or hearings which shall have been approved by the Board, and he or she shall have custody of same.
- D. Keep and have custody of all books, records and papers of the District, and certify true copies thereof whenever necessary.
- E. Perform such other duties as may be required either by statute, ordinance, resolution or order.
- F. Call the Board to order in absence of the Chair and Vice-Chair.

§3.1.2.5 Elections

Election of any officer of the District shall be by nomination, closing of nominations and balloting on nominees. Before the declaration of the result of the vote, a unanimous ballot may be cast for the successful candidate. The Chair and Vice-Chair shall be elected at the first regular meeting in January unless otherwise provided under Public Utilities Code Section 102104.

§3.1.2.6 Board of Directors

The government of the District is vested in a Board appointed by the Voting Entities. The number of members on the Board shall be not less than the number of Voting Entities that are eligible to make appointments to the Board. The exact number of Board members shall be determined in accordance with appointments made by the Voting Entities pursuant to Public Utilities Code Sections 102100.2, 102100.3, and 102100.5, subject to the provisions of Public Utilities Code Sections 102100.4 and 102100.7. Each Voting Entity

may appoint an alternate to serve for an absent primary member in the manner set forth in Public Utilities Code Section 102100.10.

§3.1.2.7 Term of Office of Board Members

The term of office of each Board member shall be as set forth in Public Utilities Code Section 102100.1. The term of office of each Board member appointed pursuant to Public Utilities Code Section 102100.3(b)&(c) is subject to termination as provided in Public Utilities Code Section 102100.4.

§3.1.2.8 Vacancy

In the event that a vacancy should occur on the Board because of death, resignation, illness, or for other reason, **the Secretary of the Board** ~~the remaining members of the Board shall, within thirty (30) days after such vacancy adopt a resolution for transmittal to~~ **immediately provide written notice to** the jurisdiction appointing the individual **of the need to appoint a replacement.** ~~whose absence caused the vacancy requesting such jurisdiction to appoint a~~ **Such replacement is to be appointed within sixty (60) days of the transmittal of said notice** resolution.

ARTICLE 3
ORDER OF BOARD BUSINESS

§3.1.3.1 Agenda

The order of business for regular meetings starting at 5:00 p.m. shall be as follows:

In open session:

1. Call to order at 5:00 p.m.
2. Roll call.
3. Announcement of closed session items.
4. For anticipated litigation, announcements must include such facts and circumstances upon which the closed session is based and which are known to the potential plaintiffs unless set out in the written agenda.
5. Recess to closed session.

In closed session:

6. Closed session items.
Reconvene in open session.

In open session:

7. Closed session report, if required.
8. Adjourn.

The order of business for regular meetings starting at 6:00 p.m. shall be as follows:

In open session:

1. Call to order at 6:00 p.m.
2. Roll call.
3. Consent calendar, including approval of Action Summary.
4. General Manager's Report.

5. Introduction of special guests.
6. Unfinished business.
7. Public hearings.
8. New business.
9. Reports, Ideas and Questions from Directors, and Communications
10. Public addresses Board on matters not on the agenda.
11. Announcement of closed session items.
For anticipated litigation, announcements must include facts and circumstances upon which the closed session is based and which are known to the potential plaintiffs unless set out in the written agenda.
12. Recess to closed session.

In closed session:

13. Closed session items.
Reconvene in open session.

In open session:

14. Closed session report, if required.
15. Adjourn.

NOTE: The foregoing order of business may be changed after opening of a session, upon order of the Chair with consent of the Board or upon motion of the Board.

§3.1.3.2 Contents of Agenda

The agenda shall specify the time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the general matter or subject matter of each agenda item. Matters shall be listed in the order specified in Section 3.1.3.1 above and shall contain the following notation:

"*NOTICE TO THE PUBLIC

It is the policy of the Board of Directors of the Sacramento Regional Transit District to encourage participation in the meetings of the Board of Directors. At each open meeting, members of the public shall be provided with an opportunity to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board of Directors. Please fill out a speaker card and give it to the Board clerk if you wish to address the Board. Speaker cards are provided on the table at the back of the auditorium.

Public testimony may be given on any agenda item as it is called and will be limited by the Chair to five minutes or less per speaker. When it appears there are several members of the public wishing to address the Board on a specific item, at the outset of the item the Chair of the Board will announce the maximum amount of time that will be allowed for presentation of testimony.

Matters under the jurisdiction of the Board and not on the posted agenda may be addressed by the public following the item entitled "New Business."

Up to 20 minutes will be allotted for this purpose. The Board limits testimony on matters not on the agenda to three minutes per person and not more than fifteen minutes for a particular subject.

This agenda may be amended up to 72 hours prior to the meeting being held. An Agenda, in final form, is located by the front door of Regional Transit's building at 1400 29th Street, Sacramento, California.

Regional Transit makes every effort to post its Board Agenda on our website; however, there may be times when the most current version may not be available for posting.

The Regional Transit Board of Directors Meeting is being videotaped this evening. A replay of this meeting can be seen on Metrocable Channel 14 and will be webcast at www.sacmetrocalve.tv on _____ and on _____.

Any person(s) requiring accessible formats of the agenda or assisted listening devices/sign language interpreters should contact the Clerk of the Board at 916/556-0456 or TDD 916/483-4327 at least 72 business hours in advance of the Board Meeting.

Copies of staff reports or other written documentation relating to each item of business referred to on the agenda are on file with the Clerk to the Board of Directors of the Sacramento Regional Transit District and are available for public inspection at 1400 29th Street, Sacramento, California. Any person who has any questions concerning any agenda item may call the Clerk to the Board of Sacramento Regional Transit District to make inquiry regarding the nature of the item described on the agenda."

Members of the public who wish to address the Board on matters not listed on the agenda, but on an item coming within the jurisdiction of the Board, shall be provided with the opportunity to do so under the agenda item heading "Public addresses Board on matters not on agenda." The Chair may, in the absence of objection from members of the Board, specify a time limitation on any presentation made before the Board of Directors. The Chair shall not limit presentations made by members of the public to under three (3) minutes. The Board shall not act upon or discuss an item that is not listed on the agenda except as provided under Section 3.1.3.6.

§3.1.3.3 Consent Calendar

The Consent Calendar shall consist of matters requiring Board action of either a routine nature or on which staff comment is not appropriate or necessary, or which have previously been discussed and appear on the Agenda for final action only.

The Chair may authorize those items to be listed on the Consent Calendar agenda. All items listed under the Consent Calendar, excepting those individual items which the Chair reserves for separate consideration at the request of any Board member, may be acted upon by a single motion.

§3.1.3.4 Agenda Preparation, Delivery and Posting

A written agenda for each meeting shall be prepared, delivered and posted as follows:

- A. A written agenda, together with all supporting documents, of the business of each regular meeting shall be prepared by the Secretary and mailed or delivered to the Board members, District Legal Counsel, and the press at least three (3) days before the meeting. The purpose of the agenda is to give Board members at least two (2) days' notice of all business coming before them. Notice of regular meetings without supporting documents shall be mailed at least one week (seven (7) days) before the meeting to any owner of property located within the District who has filed a written request for such notice with the Secretary. In the case of special meetings which may be called less than seven (7) days in advance of the meeting date, the requesting property owner shall receive such notice as soon as may be practical under the circumstances.
- B. The written agenda for each regular meeting and for every meeting continued for more than five (5) calendar days shall be posted at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public.

§3.1.3.5 Submission of Materials for Agenda

Material intended for placement on the agenda for a regular meeting shall be delivered to the Secretary on or before 12:00 Noon on the 21st day before the meeting. **Members of the Board may submit items for inclusion on a future agenda by orally making the request to the Chair under Reports, Ideas and Questions from Directors, and Communications. The General Manager/CEO and the Chief Legal Counsel may also submit items for inclusion on a future agenda.**

§3.1.3.6 Matters Requiring Board Action

A matter requiring Board action must be listed on the posted agenda before the Board may act upon it. The Board may take action on items of business not appearing on the posted agenda under any of the following conditions:

- A. Upon a determination by at least a Majority Vote of the Board that an emergency situation exists as defined in Section 54956.5 of the Government Code.
- B. Upon a determination by at least a Two-Thirds Vote of the Board, or, if the members and/or their alternates present do not have sufficient votes to cast at least a Two-Thirds Vote of the Board, a unanimous vote of all those members of the Board or their alternates who are present, that there is an immediate need to take action, and the need for action came to the District's attention after the agenda was posted.
- C. The item was properly posted for a prior meeting of the Board of Directors occurring

not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

- D. By directing the General Manager to place an item of business for discussion and/or action on a subsequent agenda.

§3.1.3.7 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a meeting shall be made available for public inspection at the meeting if prepared by the District or a member of its Board, or after the meeting if prepared by some other person.

ARTICLE 4 HEARING

§3.1.4.1 Opening of Hearing

A hearing shall be deemed to be opened when the Chair announces the item for which a hearing has been set.

§3.1.4.2 Order of Hearing

Consideration of a matter regularly set for hearing before the Board shall proceed in the following order:

1. Chair announces item.
2. Staff makes presentation.
3. Proponents address Board.
4. Secretary reads communication from proponent (unless same has been read by one of the speakers).
5. Opponents address Board.
6. Secretary reads communication from opponent (unless same has been read by one of the speakers).
7. Rebuttals, if applicable. (Proponents first and opponents last.)
8. Public Testimony.
9. Questions by the Board.
10. Discussion by the Board.
11. Board action as appropriate.

§3.1.4.3 Speaking Restriction

Each person appearing at a hearing before the Board shall be limited to five (5) minutes in his or her initial presentation. If he or she desires further time, he or she may request same before returning to his or her seat, in which event the Chair may, at his or her discretion, permit further remarks either before or after all other speakers on his or her side have been heard and before proceeding to the next order in the hearing. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation. A person appearing in rebuttal shall be limited to two

minutes.

§3.1.4.4 Close of Hearing

Unless a hearing is continued as provided under Section 3.1.4.5, a hearing shall be deemed to be closed when the Chair announces the next agenda item following that hearing or adjourns the meeting, whichever occurs first.

§3.1.4.5 Continuation of Hearings

Subject to the requirements of law, a hearing may be continued by the Board from time to time. In continuing such hearing, the Board shall specify the time and place to which the hearing will be continued.

§3.1.4.6 Continuation of Deliberations

Subject to the requirements of law, the Board may take under submission for a reasonable period of time any matter which has been heard before it and may for this purpose continue its deliberations on such matter from time to time. In continuing such deliberations, the Board shall specify the time and place at which such deliberations will be continued.

§3.1.4.7 Decorum

While the Board is in session the members must preserve order and decorum, and a member shall neither by conversation, or otherwise, delay or interrupt the proceedings or the peace of the Board nor disturb any member while speaking, nor refuse to obey the orders of the Board or its presiding officer.

ARTICLE 5
PERSONS ADDRESSING BOARD

§3.1.5.1 Addressing Board

The regular time for the public to address the Board shall be when the Chair in due order of business invites them to do so. At other times, permission to address the Board shall be at its discretion. A person desiring to address the Board shall give his or her name, address and group affiliation, if any, to the Secretary for the record and address the Chair.

§3.1.5.2 Impertinence

Any person making personal, impertinent or indecorous remarks while addressing the Board may be barred by the Chair from further appearance before the Board at that meeting or hearing, unless permission to continue be granted by an affirmative vote of the Board as provided in Section 3.1.7.8.

ARTICLE 6 MEMBERS

§3.1.6.1 Synopsis in Minutes

The Secretary shall prepare minutes in the form of an action summary; however, during the consideration of any particular matter, a Board member may make a request that the minutes contain a synopsis of the discussion or deliberations of any question coming before the Board or such greater level of detail as may be requested.

§3.1.6.2 Speaking Privileges

Any member desiring to speak shall address the Chair and upon recognition by the Chair shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

§3.1.6.3 Speaking Interruption

A member shall not be interrupted when speaking unless it be to call him or her to order, for the purpose of explanation, or to permit solicited responses. If a member, while speaking, be called to order, he or she shall cease speaking and resume his or her seat until the question of order is determined, when, if permitted, he or she may proceed.

§3.1.6.4 Debate Closing

The member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.

§3.1.6.5 Motion Reconsideration

A motion to reconsider any action taken by the Board may be made only on the day such action was taken, either during the same session or at an adjourned session thereof. Such motion must be made by a member on the prevailing side and seconded by any member. The motion, which may be made at any time during said meeting, has precedence over all other motions except a motion to adjourn. The motion to reconsider is debatable unless the action to be reconsidered is undebatable.

ARTICLE 7 OFFICIAL ACTIONS

§3.1.7.1 Action

Motions and resolutions, unless laid over by a majority vote of the Board, may be acted upon the day of introduction or presentation. No continuance shall be granted if the effect of such a continuance is to render useless a subsequent vote on the issue.

§3.1.7.2 Ordinances

The usual course of procedure with an ordinance shall be to lay it over for one meeting from the date of introduction or presentation, before calling it up for action, and to have the Secretary furnish a copy of each ordinance introduced, or presented, to each member of the Board as soon as possible after its introduction. The enacting clause of all ordinances shall be as follows: "The Board of Directors of Sacramento Regional Transit District do ordain as follows:"

§3.1.7.3 Ordinance Effective Date

No ordinance shall become effective until 30 days from and after the date of its final passage, except:

- A. An ordinance calling or otherwise relating to an election.
- B. An ordinance for the immediate preservation of the public health, peace and safety, which contains a declaration of, and the facts constituting its urgency, and is passed by an affirmative vote of the Board as provided in Section 3.1.7.8.
- C. Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

§3.1.7.4 Votes, Signature and Attestation

Every ordinance and resolution shall be signed by the Chair/Chair *pro tem* (depending upon who presided at the meeting of enactment) and attested by the Secretary. The votes cast on an ordinance shall be entered on the face of the ordinance by recording the vote cast by each present member or their alternate as either "aye," "no," or "abstain," and the total number of votes cast by all members voting "aye," "no," or "abstain."

§3.1.7.5 Ordinance Publication

The following directive shall be included in each ordinance of a general nature. "The District Secretary is hereby directed to publish this ordinance in full within fifteen (15) days after adoption." Before the expiration of fifteen (15) days after passage of an ordinance, it shall be published once, with the names of the members voting for and against it, in a newspaper of general circulation published in the District.

§3.1.7.6 Codification

Ordinances and resolutions may be codified in the manner established for counties pursuant to Government Code Sections 25126-25130.

§3.1.7.7 Effect of Motion

Motions shall be considered an act of the District and carry the same weight as a

resolution.

§3.1.7.8 Majority Minimum

There shall be a total of 100 votes, which shall be apportioned to the Voting Entities and allocated among the members of the Board appointed by the Voting Entities in accordance with Public Utilities Code Section 102105.1. All official acts of the Board shall require at least a Majority Vote of the Board unless a greater number of affirmative votes is required by law. **The allocation of votes authorized by Public Utilities Code section 102105.1 applies only to noticed meetings or hearings of the Board.**

ARTICLE 8
COMMITTEES

§3.1.8.1 Appointment

The Chair shall appoint all standing and special (ad hoc) committees.

§3.1.8.2 Standing Committee Meetings

All the provisions of these rules with respect to notice of a special meeting, including written notice to the press, shall apply to the meeting of a Standing Committee whether or not the committee is made up of more than a quorum of the Board.

§3.1.8.3 Ad Hoc Committee Meeting

It shall be the policy of the Board that meetings of Ad Hoc Committees shall be open to the public. However, if less than a quorum of the Board is appointed to serve on an Ad Hoc Committee, no notice need be given other than the posting of a notice of the time and place of such committee meetings on a publicly accessible bulletin board at the offices of the District, which is located at 1400 29th Street, Sacramento, California.

ARTICLE 9
RULES

§3.1.9.1 Amendment

Any rule may be altered, amended or annulled at any time by an affirmative vote of the Board as provided in Section 3.1.7.8, provided a week's notice of such change is given to each board member.

§3.1.9.2 Suspension

Any rule may be temporarily suspended by an affirmative vote of the Board as provided in Section 3.1.7.8.

§3.1.9.3 Robert's Rules

All rules of order not herein provided for shall be determined in accordance with "Robert's

Rules of Order."

§3.1.9.4 Copies - District Rules

The Secretary shall furnish each member one or more copies of these Rules and provide a supply for public purposes.

§3.1.9.5 Copies - Robert's Rules

The Secretary shall furnish each member a copy of "Robert's Rules of Order."

ARTICLE 10
DEFINITIONS

§3.1.10.1 Majority Vote of the Board

"Majority Vote of the Board" means the affirmative vote by members of the Board and/or their alternates casting a least a majority of the 100 votes apportioned to the Voting Entities.

§3.1.10.2 Two-Thirds Vote of the Board

"Two-Thirds Vote of the Board" means the affirmative vote by members of the Board and/or their alternates casting at least two-thirds of the 100 votes apportioned to the Voting Entities.

§3.1.10.3 Voting Entity

"Voting Entity" and "Voting Entities" have the meaning set forth in Public Utilities Code Section 102027.

CHAPTER 2
PUBLIC TASK FORCE

ARTICLE 1
APPOINTMENT

§3.2.1.1 Board Appointment

If the Board determines that public advice and participation is desired on specific issues, the Board may seek advice from knowledgeable persons on those issues by appointing an ad hoc task force in accordance with the procedures set forth in this Chapter. The determination to establish such a task force shall be made by resolution which shall spell out the task and issue with which the task force is to be charged.

§3.2.1.2 Task Force Makeup

Upon a determination to establish such an ad hoc task force, the Board shall accept nominees from Board members, staff, community organizations, and elected officials.

From the names submitted, the Chair shall select not to exceed nine persons for membership on said ad hoc task force. The task force shall come into being upon a motion duly passed by the Board of Directors and entered into the minutes approving the members nominated by the Chair or names that the Board has added or substituted therefor. The Board may appoint up to three members of the Board to any task force so long as (i) the total number of persons on the task force does not exceed nine and (ii) those members of the Board who are appointed to the task force have a combined voting allocation of less than a Majority Vote of the Board . Should members of a task force serve on any other local agency, public commission, board or council, no more members than a quorum-less-one of any single such board shall serve on the task force. Said ad hoc task force shall not constitute advisory commissions authorized by Public Utility Code Sections 102140 through 102142.

§3.2.1.3 Restrictions on Task Force Membership

The task force shall consist of not more than nine persons. If the Board establishes successive task forces, membership on succeeding task forces shall not include members who have served upon the immediately preceding task force. In the event the Board establishes more than one task force at a time, no more than two members on any one task force may serve on the other task force simultaneously. Further, the restrictions upon membership set forth in Section 3.2.1.2, supra, shall not be violated when membership is determined.

§3.2.1.4 Terms of Service

No task force shall be in existence for longer than six months without specific Board approval. At the time of an ad hoc task force creation, the Board shall designate a term no longer than six months within which the task force is to discharge its duties. Should the purpose for which the task force is created be satisfied before the term designated by the Board, the task force shall dissolve automatically. The Board retains the authority to dissolve a task force at any time before expiration of its term by majority vote at a regular meeting of the Board.

§3.2.1.5 Administrative Matters

At the time of creation, the Board shall, by majority vote, determine the process for reporting, which may include reporting through an established Board committee or directly to the full Board.

The Board may specify the form of the task force's final product such as oral or written report. During the term of any task force, the Board reserves the right to remove any members of the task force, to give any further instruction to the task force, or to clarify any prior direction or instruction to the task force. At the time of task force creation, the Chair of the Board shall designate the ad hoc task force chairperson from among the members appointed to the Board.

§3.2.1.6 Compensation

No compensation shall be paid for ad hoc task force membership.

§3.2.1.7 Staff Support

Consistent with other priorities of the District, the General Manager will make every effort to provide adequate staff support to the "established task force."

STEVE COHN, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
CINDY BROOKS, Assistant Secretary