

**SACRAMENTO REGIONAL TRANSIT DISTRICT  
BOARD OF DIRECTORS  
BOARD MEETING  
March 14, 2016**

**ROLL CALL:** Roll Call was taken at 6:01 p.m. PRESENT: Directors Budge, Hansen, Harris, Hume, Jennings, MacGlashan, Miller, Morin, Nottoli, Serna and Chair Schenirer.

**CONSENT CALENDAR**

1. Motion: Approval of the Action Summary of February 22, 2016
2. Motion: Rejection of Claims: *Bonnett, S.* *Flynn, P.*
3. Resolution: Approving an Easement Agreement between the Sacramento Regional Transit District (RT) and the City of Rancho Cordova to Install a Lincoln Memorial Highway Monument within RT's Property at Mather/Mills Light Rail Station (Nakano)
4. Resolution: Approving the Second Amendment to the Contract for Federal Transit Administration New Starts, Environmental and Engineering Services for the Green Line to the Airport Rail Project with AECOM Technical Services, Inc. (Damon)
5. Resolution: Approving the Third Amendment to the Personal Services Contract with Robin Haswell for Project Assistance (Boswell)
6. Resolution: Amending Resolution No. 15-06-0061, Authorizing Acquisition of Additional General Liability Coverage Including Public Officials Errors and Omissions, Property, Boiler and Machinery, Excess Workers' Compensation, Employment Practices Liability, Crime/Employee Dishonesty Insurance, Privacy & Network Liability and Underground Storage Tank Pollution Liability for the Period of July 1, 2015 through June 30, 2016 (Spangler)

**ACTION: APPROVED - Director Miller moved; Director Budge seconded approval of the consent calendar as written. Motion was carried by voice vote.**

**GENERAL MANAGER'S REPORT**

7. General Manager's Report
  - a. Government Affairs Update
  - b. RT Contracting Responsibilities Update (Spangler)
  - c. System-Wide Improvement Initiatives (Ham)
  - d. Air Resources Board/Zero Emission Bus Regulations

e. RT Meeting Calendar

Speakers:	Nancy Fleischer	Mike Barnbaum	Maria Cornejo
	Dr. Harry Wang	Patricia Daugherty	Jeffery Tardaguila
	Rick Hodgkins	Farrah Shields	Kim Stoddard
	Mikos Fabersunne	Nicki Mehta	

Mike Wiley verbalized his written report. Mr. Wiley noted that the California Transit Association (CTA) is working very closely with the California Air Resources Board (ARB) to look at development of new regulations affecting transit systems throughout California (called the Zero Emission Bus Regulations). The ARB is scheduled to consider the ramifications of the new regulation in the fall or early winter of this year. CTA is focusing on a portion of the regulation to make certain that it has flexibility, is performance based, and does not have a negative impact on transit systems and costs associated with zero emissions.

Laura Ham noted that bids were received today on the Phase 1 station improvements. Staff is evaluating those bids and will provide an update at the next RT Board meeting. RT now has a homeless navigator out on the system in training this week. The navigator is working with the City's Impact Team and one of RT's Deputies assigned to that team to deal with homeless issues on RT's system.

Tim Spangler noted that the Legal Department was asked to look at RT's contracting responsibilities as it related to adopting a policy that would consider a contractor's record of respecting and avoiding harm to human rights in connection with procurements. The issue has been coupled with public comment pertaining to RT's contractor, G4S. Mr. Spangler indicated that whether or not RT would adopt a policy in its procurement third-party contracting has nothing to do with G4S, solely a procurement practice issue. From a federal and state procurement standpoint, full and open competition is the law. RT, as a recipient of federal assistance, is obligated to comply with the Federal Transit Administration's (FTA) third-party contracting rules or risk losing federal assistance. The same rules apply with regard to state grants, and some of RT's procurements are covered by the state public contract code which has its own requirements and interpretative case law. RT's Procurement Ordinance and Procurement Policy Manual are created with the idea of keeping RT in compliance with state and federal rules. Because the stakes are high, the Legal Department spends a great deal of time analyzing and interpreting procurements, providing legal advice to the Procurement Department because some of the applications of these rules can be fairly challenging. Many of the procurements are lowest responsible bidder procurements; the concept of whether a bidder is responsible is one of the criteria that the Legal Department uses to make the findings and is part of the analysis. Those decisions that RT makes about whether a contractor is responsible can be challenged by a contractor affected by the finding, and could result in protests which can be lengthy, costly and time consuming. All of that underscores the importance of carefully analyzing any policy or criteria that could potentially run afoul of state or federal rules or lead to protests. The Legal Department analysis has focused on the federal procurement

guidance, including the statutory requirements, the federal circular, the federal best practices procurement manual, the frequently asked questions and answers that the FTA provides along with the federal acquisition regulations which do not specifically apply to federal grantees, but can be used in the absence of other guidance. Staff has contacted the FTA in Washington DC and locally in Region IX (Counsel's office). Staff has looked at California specific guidance including RT's Enabling Act, the Public Contract Code, interpretative case law that discusses what responsibility means in the contracting sense, RT's specific procurement guidance which is RT's own internal documents which are designed to keep RT in compliance with state and federal law, and consulted with other transit agencies specifically Mr. Spangler's Counsel peers. Transit agencies are uniquely situated with regard to this type of issue because they are heavily dependent on federal funds and are used to complying with the procurement requirements that the federal government puts out. Mr. Spangler has also received material from members of the public including material that purports to set out criteria used to evaluate contractor responsibility as it pertains to protection of human rights, including a document called, "The Guiding Principles on Business and Human Rights" which has been adopted by the United Nations, "The UN Guide to Corporate Sustainability", and a report called, "Turning a Blind Eye Respecting Human Rights in Government Purchasing". All information is being considered by the Legal Department. Because of the volume of material that has to be reviewed, and the obvious serious consequences of actions that RT may take in this regard, staff is taking a very deliberate approach. Mr. Spangler's expectation is to be able to provide a completed analysis at the March 28<sup>th</sup> Board meeting.

Speakers:	Nancy Fleischer	Mike Barnbaum	Maria Cornejo
	Dr. Harry Wang	Patricia Daughtery	Jeffery Tardaguila
	Rick Hodgkins	Farrah Shields	Kim Stoddard
	Mikos Fabersunne	Nicki Mehta	

## **INTRODUCTION OF SPECIAL GUESTS**

8. Commending Mike Mattos (Wiley)

**ACTION: APPROVED - Director Hansen moved; Director Morin seconded approval of the item as written. Motion was carried by voice vote.**

9. Henry Li, Assistant General Manager – Administration (Wiley)

Chair Schenirer welcomed and thanked Mr. Li for choosing RT.

## **UNFINISHED BUSINESS**

## **PUBLIC HEARING**

## **NEW BUSINESS**

10. Resolution: Amending Exhibit A of Resolution No. 15-07-0085, and Approving New Job Descriptions and the District's Authorized Classifications, Positions and Salary Grades (Bonnell, Leong & Lonergan)

Speakers: Mike Barnbaum                      Farrah Shields                      Chris Yatooma  
                  Maggie Coulter                      Ellen Schwartz                      Estevan Hernandez  
                  Yassar Dahbour

Director Budge asked staff to provide her with the salary range for the part time cleaner position which is still yet to be determined. Mark Lonergan will provide that information.

Director Serna requested a regular report back on inspection and violations and how the new Transit Agents program is working. Mike Wiley indicated that he will provide a report back on inspection and violation throughout the pilot program and as part of the evaluation process Mr. Wiley indicated that he also wanted to get the rider's feedback on safety and security.

Director Harris requested a schedule of the cleaning program for vehicles. Mark Lonergan will provide that information.

**ACTION: APPROVED - Director Serna moved; Director Budge seconded approval of the item as written. Motion was carried by voice vote.**

11. Fiscal Sustainability and Revenue Enhancements through Fare Changes (Wiley, Carter, Bernegger, Cartwright)
- A. Resolution: Amending Resolution No. 09-10-0174, Setting Forth the Fare Structure for Fixed Route Service and Approving a Title VI Equity Analysis; and
- B. Resolution: Repealing Resolution No. 09-06-0101, 08-10-0148 and 05-08-0144 and Establishing Fares for Complementary Paratransit Service

Speakers: Scott Leventon                      Thomas Hopkins                      Stephanie Watts  
                  Swami Hariharananda                      John Murray                      Helen O'Connell  
                  Alice Kimble                      Rick Hodgkins                      Mike Barnbaum  
                  Nick Bryant                      Dan Hoagland                      Regina Brink  
                  Dan Allison                      Roger Blackwell                      Jill Faust  
                  Adam Shaible                      Barbara Stanton                      Tiffani Fink  
                  Zachery Miller                      Maria Cornejo                      Lee Thao  
                  Beverly Valley                      Robert Coplin                      Jeffery Tardaguila  
                  Chris Jensen                      Maggie Coulter                      Cory Rodda  
                  Genelle Smith                      Jim Notley                      Crystal Lee  
                  Fatima Malik                      Russell Rawlings                      Laurie Jones\*

Roberto Garner  
Michelle Pariset  
Jamar Jefferson  
Delphine Cathcart

Lisa McGurty  
John Deeter  
Deborah Desrosiers  
Delphine Brody

Tamie Dramer  
Mikos Fabersunne  
Birquette Ginch  
Craig Powell\*

Director Morin requested that staff provide options for paratransit service prior to September; possibly putting out a Request for Proposal for paratransit service or bringing the service in-house, etc. Chair Schenirer added the fact that staff should look at income based (sliding scale – means test).

Additionally, Chair Schenirer mentioned that the Board might want to make a decision on a moratorium on expansion until RT is able to sustain its current services.

Directors Hansen and Harris encouraged the public to attend the Sacramento Transportation Authority (STA) Meeting on March 30<sup>th</sup> and advocate for a higher percentage of tax for transit to be allocated to Regional Transit for operations.

Chair Schenirer asked staff to report back in September to look at RT's financial outlook with the experience from the Transit Agents, greater experience with the carbon credits, fare increases, outreach, etc. so that the Board can look at RT's financial position in Fiscal Year 17/18. Chair Schenirer also asked staff to provide an update of the results of the ballot Measure and outreach at the November 14<sup>th</sup> Board meeting.

Chair Schenirer asked for an amendment to Director Hansen's motion on the student semi-monthly sticker (free/reduced lunch eligible students) for July 1, 2016 to change the \$17.50 to \$15.00, with the commitment that he would meet with all the school superintendents to see if he can raise the \$2.50 difference per child from the schools. Chair Schenirer noted that if he can pass his marijuana tax, he will ask the city to put \$80,000 back into RT.

Director Serna suggested that any information that comes back to the Board regarding all these issues contain options for the Board to discuss as it relates to the sensitivity of RT's passengers.

**ACTION: APPROVED - Director Hansen moved the July 1, 2016 fare increases only with a change to the Paratransit Monthly pass whereby a recipient of the Paratransit Monthly pass has the option to choose from a Paratransit Monthly pass with a 60 one-way ride limit, or a Paratransit Monthly pass with a 44 one-way ride limit and an unlimited fixed route pass, and the monthly price for that pass would be \$137.50. Director Morin seconded the motion. Additionally the motion was again amended by Chair Schenirer, accepted by the maker and seconder of the motion to change the Student Semi-Monthly Sticker (Free/Reduced Lunch Eligible Students only) to \$15.00 beginning July 1, 2016. Ayes: Directors Budge, Hansen, Harris, Hume, Jennings, MacGlashan, Morin, and Chair Schenirer. Noes: Directors Miller, Nottoli and Serna. Motion carries.**

## **REPORTS, IDEAS AND COMMUNICATIONS FROM BOARD MEMBERS**

12. Capitol Corridor Joint Powers Authority Meeting – February 17, 2016 (Serna)

No additional comments were provided by Director Serna.

## **PUBLIC ADDRESSES THE BOARD ON MATTERS NOT ON THE AGENDA**

Speakers:

Roberto Garner – Mr. Garner does not support G4S after they turned him down for employment. He supports Securitas. Mr. Garner wanted to know that if STA gives RT the sales tax whether they would be willing to drop the fee increase? Mr. Garner guarantees it will be done.

Robert Coplin – Mr. Coplin does not want organizations that have human rights violations/claims to deal with RT.

Maggie Coulter – Ms. Coulter is disappointed that the Board passed the fare increases without looking at alternative ideas. Ms. Coulter suggested that the Board look at new ways of thinking, including bringing security positions in-house or looking at another contractor. Ms. Coulter was upset that she was not able to address this issue during Item 10.

Delphine Brody – Ms. Brody is disappointed that a fare increase was passed. She hopes that all recommendations will be considered for cost savings, and the aspects of the fare increase that affect people with disabilities, student and seniors will be repealed. Ms. Brody believes that G4S is a serial, global human rights violator and it would be “inappropriate for RT to renew its contract with G4S”. She noted that G4S is selling all of their Israeli holdings and its US and UK private prison holdings.

Adam Shaible – Mr. Shaible believes that the most important freedom we have is movement. Mr. Shaible requested that “blind people be taken out of the class of eight year olds when it comes to the right to drive a driverless car if it goes that way with Google or wherever”. He supports the fare increase for public transit. He does not mind paying the sales tax, but he wants his right to move.

## **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

### **RECESS TO CLOSED SESSION**

### **CLOSED SESSION**

### **RECONVENE IN OPEN SESSION**

**CLOSED SESSION REPORT**

**ADJOURN**

\*Handout

As there was no further business to be conducted, the meeting was adjourned at 10:43 p.m.

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JAY SCHENIRER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary