



## STAFF REPORT

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**DATE:** August 24, 2020  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Olga Sanchez-Ochoa, General Counsel  
**SUBJ:** Campaign Contribution Policy

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

If this policy is adopted by the Board of Directors, employees will be prohibited from soliciting or making campaign contributions to sitting SacRT Board Members during work hours and while on SacRT Facilities, as set forth in California Government Code §3207.

### FISCAL IMPACT

None as a result of this action.

### DISCUSSION

As the nation currently navigates the 2020 election cycle, the SacRT Board of Directors would like to address a deficiency it identified with its policies, rules and ordinances that impacts political campaign contributions. California Government Code §3205 prohibits members of a local public agency board from knowingly soliciting campaign contributions from employees of that agency. While §3205 prohibits elected officials from knowingly making such solicitations, there is no statutory prohibition restricting the ability of employees from that agency from making or soliciting such contributions. Consequently, if a public agency employee solicits or makes campaign contribution to a sitting Board member while at work, it could give rise to an accusation that the Board member violated the prohibition set out in §3205, and/or create the appearance that an employee was coerced into making a campaign contribution.

California Government Code §3207 authorizes the governing board of a local public agency to adopt a rule or regulation prohibiting employees from making a campaign contribution during work hours and within agency facilities. To avoid the creation of an appearance that anything improper occurred if a SacRT employee solicits or makes campaign contributions to a sitting Board member, the Board desires to adopt a policy that will serve as a companion piece to §3205. The proposed policy prohibits employees from making, recommending, soliciting or otherwise encouraging others to make a campaign contribution to a sitting SacRT Board Director during work hours and while within SacRT facilities as defined in the proposed policy.

RESOLUTION NO. 20-08-0077

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

August 24, 2020

**APPROVING THE CAMPAIGN CONTRIBUTION POLICY**

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

THAT, the Board hereby approves the Campaign Contribution Policy, attached hereto as Exhibit A, prohibiting SacRT employees from making or soliciting campaign contributions to Sacramento Regional Transit District Board Directors during working hours and on SacRT facilities, as authorized under Cal. Gov't. Code §3207.

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STEVE HANSEN, Chair

A T T E S T:

HENRY LI, Secretary

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

## Exhibit A

### **POLICY PROHIBITING CAMPAIGN CONTRIBUTIONS TO MEMBERS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT BOARD BY SACRAMENTO REGIONAL TRANSIT DISTRICT EMPLOYEES DURING WORK HOURS AND/OR WITHIN SACRT FACILITIES**

#### **POLICY**

Sacramento Regional Transit District (SacRT) employees are prohibited from soliciting, recommending, suggesting, or otherwise encouraging their colleagues, contractors or other third parties engaged with SacRT, to make a political campaign contribution to a sitting Member of the Sacramento Regional Transit District Board of Directors during work hours and/or in any SacRT Facility, as defined herein, or using any SacRT equipment including computers, cell phones, fax machines, copy machines or any other SacRT owned or leased equipment. Sacramento Regional Transit District employees are also prohibited from directly or indirectly making a campaign contribution to a sitting Board Member of the Sacramento Regional Transit District Board of Directors during work hours and/or in any SacRT Facility or using any SacRT owned or leased equipment including computers, cell phones, fax machines, copy machines or any other similar equipment.

#### **POLICY STATEMENT**

SacRT recognizes that its employees enjoy certain rights to engage in political activity under the First Amendment to the United States Constitution and under California state law (Cal. Gov't. Code Section 3203). However, Cal. Gov't. Code Section 3205 prohibits local elected officials from knowingly soliciting campaign contributions from employees who work at the agency or entity governed by the Board on which the elected official sits. In an effort to eliminate any appearance of or actual bias, to ensure that employees do not feel pressured to engage in certain political activities at work, and to promote transparency, SacRT believes that it would be in the public interest to ensure that no employee be allowed to themselves make or directly or indirectly solicit, suggest, recommend, or encourage another employee, contractor, or other third party to make a campaign contribution to any sitting Board member of the SacRT Board of Directors during work hours and/or while present within a SacRT Facility and/or using any SacRT office equipment including computers, cell phones, copy/scanning/fax machines or any other office equipment owned or leased by SacRT.

#### **PURPOSE**

The purpose of this policy is to foster an ethical work environment and to ensure that no employee is ever made to feel compelled to provide a political contribution to a member of the SacRT governing Board, to eliminate the appearance of or actual bias and to promote transparency.

## **APPLICATION**

This policy applies to all SacRT employees including temporary employees, and all SacRT contractors.

## **AUTHORITY**

Pursuant to California Government Code Section 3207, the governing board of a California local agency may enact a rule or regulation prohibiting its employees from engaging in political activities during working hours and/or on the premises of the local agency.

## **DEFINITIONS**

Contractor – Contractor means any individual who provides supplies, goods or services to SacRT under a contract between the individual or a company by which the individual is employed or which the individual owns and SacRT.

Employee – Employee means any individual employed by SacRT to perform work in exchange for compensation that meets the Common Law definition of employee, including part-time, temporary and contract employees.

Facility – Facility means all locations, whether owned or leased by SacRT at which SacRT conducts its business operations. This includes, but is not limited to, light rail stations, bus and light rail maintenance facilities, office buildings, storage facilities, and parking lots.

## **RESPONSIBILITIES**

The Office of the General Counsel is responsible for investigating alleged violations of this Policy. The General Counsel must develop a Standard Operating Procedure describing how complaints are to be filed and how they will be processed and investigated.

## **PROCEDURES**

The Office of the General Counsel will develop procedure documents setting out the process for filing and investigating any complaint alleging a violation of this Policy.