



# STAFF REPORT

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**DATE:** March 23, 2020  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Olga Sanchez-Ochoa, General Counsel  
**SUBJ:** TEMPORARILY SUSPENDING TITLE III OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT ADMINISTRATIVE CODE RELATING TO RULES OF PROCEDURE

## RECOMMENDATION

Adopt the Attached Resolution.

## RESULT OF RECOMMENDED ACTION

Temporarily suspending Title III of the Sacramento Regional Transit (SacRT) Administrative Code will further protect the safety and security of SacRT's employees and the public.

## FISCAL IMPACT

None as a result of this action.

## DISCUSSION

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhances State and Local Government's Ability to respond to the COVID-19 pandemic.

As part of the Executive Order N-25-20, Item #11 states:

"Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meeting accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act or the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting:

- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act or the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act or the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximum transparency and provide the public access to their meetings.”

Governor Newsome has asked the public not to gather in one place, and requested the cancellation or postponing of gatherings to slow the spread of the disease. Governor Newsome made clear during a news conference that he considers the directive to be mandatory.

Title III of SacRT's Administrative Code incorporates the requirements set forth in the Brown Act, into the process the Board follows to conduct Board meetings. Because of the Governor's Executive Order, staff recommends that the Board temporarily suspend Title III so that SacRT can avail itself of the flexibility provided to public agencies by the Governor's Executive Order in conducting their public meetings during the COVID-19 public health emergency. The flexibility offered in the Governor's Executive Order will protect the right of the public to meaningfully participate in the Board's legislative decisions, while ensuring that we encourage social distancing. To give the public an opportunity to provide comments, an e-mail box (BoardComments@sacrt.com) has been created to allow the public to make comments regarding any item relative to the agenda.

Staff recommends that the Board suspend Title III of the Sacramento Regional Transit District Boards Rules of Procedure as long as Executive Order N-25-20 is in place and

that Board meetings be conducted consistent with Executive Order N-25-20, effective immediately.

RESOLUTION NO. 20-03-0019

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

March 23, 2020

**TEMPORARILY SUSPENDING TITLE III OF THE SACRAMENTO REGIONAL  
TRANSIT DISTRICT ADMINISTRATIVE CODE RELATING TO RULES OF  
PROCEDURE**

WHEREAS, On March 12, 2020, Governor Newsom executed Executive Order N-25-20, proclaiming a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS, the Sacramento Regional Transit Board of Directors desires to temporarily suspend Title III of the District's Administrative Code.

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

THAT, Title III of the Sacramento Regional Transit District's Administrative Code Title III is hereby temporarily suspended for so long as Governor Gavin Newsom's Executive Order N-25-20 is in effect and all Board meetings will be conducted consistent with the provisions of Executive Order N-25-20.

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STEVE HANSEN, Chair

A T T E S T:

HENRY LI, Secretary

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