



Sacramento Regional Transit District

BOARD MEETING NOTICE TO THE PUBLIC

This meeting will be teleconferenced in compliance with the Brown Act pursuant to Government Code Section 54953 as amended by Assembly Bill 361, during the COVID-19 Pandemic.

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**Submit written public comments relating to the attached Agenda no later than 2:00 p.m. on the day of the Board meeting to
Boardcomments@sacrt.com**

Please place the Item Number in the Subject Line of your correspondence. Comments are limited to 250 words or less.

Members of the public may also address the Board via Zoom to submit public comment. Please call 253-215-8782 or join the meeting online by logging into <https://us02web.zoom.us/j/82522201991>

Please note you will not be able to join the live stream until the posted meeting start time. If you wish to make a comment on an item, press the “raise a hand” button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. By participating in this meeting, you acknowledge that you are being recorded.



Sacramento Regional Transit District Agenda

**BOARD MEETING
5:30 P.M., MONDAY, JANUARY 10, 2022
VIRTUAL MEETING**

ROLL CALL — Directors Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela and Chair Miller

Alternates: Directors Kozlowski, Nguyen, Sander, Schaefer

1. PLEDGE OF ALLEGIANCE

2. CONSENT CALENDAR

2.1 Motion: Approval of the Action Summary of December 13, 2021

2.2 Resolution 22-01-0001: Award Contract for Construction Management Services for Rail Modernization 15-Minute Service to Folsom to 4LEAF, Inc. (L. Ham)

3. INTRODUCTION OF SPECIAL GUESTS

4. UNFINISHED BUSINESS

5. PUBLIC HEARING

6. PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA*

7. NEW BUSINESS

7.1 Motion: Extending the Term of the Current Chair (Steve Miller) and Vice Chair (Patrick Kennedy) for One More Year as Chair and Vice Chair for the Sacramento Regional Transit Board of Directors for 2022 (T. Smith/S. Valenton)

7.2 SacRT Board and Commission Appointments (T. Smith/S. Valenton)

A. Motion: Appointing One Board Member and One Alternate Board Member to the Capitol Corridor Joint Powers Authority; and

B. Chair Appointment: Appointing One Board or Management Staff Member to Retirement Board; and

1. ATU, IBEW, OE3, MCEG and AFSCME

- C. Chair Appointment: Form an Ad Hoc Committee to Discuss Voting Structure and Board Composition

8. GENERAL MANAGER'S REPORT

- 8.1 General Manager's Report
 - a. Major Project Updates
 - b. SacRT Safe Parking Update
 - c. SacRT GO Update
 - d. Semi-Annual Report: EEO Officer
 - e. Semi-Annual Report: General Counsel
 - f. Semi-Annual Report: Internal Auditor
 - g. SacRT Meeting Calendar

9. REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS

10. CONTINUATION OF PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA (If Necessary)

11. ANNOUNCEMENT OF CLOSED SESSION ITEMS

12. RECESS TO CLOSED SESSION

13. CLOSED SESSION

14. RECONVENE IN OPEN SESSION

15. CLOSED SESSION REPORT

16. ADJOURN

***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.

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, and is posted on the SacRT website.

The Regional Transit Board of Directors Meeting is being videotaped. A replay of this meeting can be seen on Metrocable Channel 14 and will be webcast at www.sacmetrochannel14.com on January 12 @ 9:00 a.m. and January 18 @ 9:00 a.m.

Any person(s) requiring accessible formats of the agenda should contact the Clerk of the Board at 916/556-0456, 279/234-8382 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 SacRT's website, on file with the Clerk to the Board of Directors of the Sacramento Regional Transit District. Any person who has any questions concerning any agenda item may call the Clerk to the Board of Sacramento Regional Transit District.

STAFF REPORT

DATE: January 10, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Tabetha Smith, Clerk to the Board
SUBJ: APPROVAL OF THE ACTION SUMMARY OF DECEMBER 13, 2021

RECOMMENDATION

Motion to Approve.

**SACRAMENTO REGIONAL TRANSIT DISTRICT
BOARD OF DIRECTORS
BOARD MEETING
December 13, 2021**

ROLL CALL: Roll Call was taken at 5:31 p.m. via Zoom. PRESENT: Directors Harris, Howell, Hume, Jennings, Kennedy, Schenirer, Serna, Valenzuela, and Chair Miller. Director Budge and Director Nottoli joined the meeting at 5:37 p.m.

1. PLEDGE OF ALLEGIANCE

2. CONSENT CALENDAR

- 2.1 Motion: Approval of the Action Summary of October 25, 2021
- 2.2 Resolution 21-12-0124: Authorize the Board of Directors to Teleconference from December 13, 2021 through January 12, 2022, in Compliance with the Brown Act Pursuant to Government Code Section 54953 as Amended by Assembly Bill 361, During the COVID-19 Pandemic (O. Sanchez-Ochoa/T. Smith)
- 2.3 Resolution 21-12-0125: 2022 Board Meeting Calendar (T. Smith/S. Valenton)
- 2.4 Resolution 21-12-0126: Conditionally Approving a Contract for Security Guard Services with Blue Knight Security & Patrol, Inc. (L. Hinz)
- 2.5 Ordinance 21-12-01: Adopt the Amended and Restated Title V Ordinance No. 21-12-01, "Providing a Special Claims Procedure" of SacRT's Administrative Code and to Rescind Ordinance No. 06-02-01 and Resolution Nos. 98-12-3249 and 21-03-0015 (B. Bernegger)
- 2.6 Resolution 21-12-0127: First Amendment to FY 2022 Operating Budget (B. Bernegger)
- 2.7 Resolution 21-12-0128: Approving the Renewal of All SacRT Health and Welfare Benefits for 2022 (S. Valenton)
- 2.8 Resolution 21-12-0129: Awarding a Contract for On-Call Revenue Vehicle Towing Services to North Valley Fleet Services Inc. (C. Alba)
- 2.9 Resolution 21-12-0130: Award Contract for Purchase and Installation of Above-Ground Floor-Mounted Wheel Truing Machine to HJR Equipment Rentals, Inc. DBA Delta Wheel Truing Solutions (E. Stanley)

- 2.10 Approving a Title VI Analysis and Amending the Fare Structure (B. Bernegger)
 - A. Resolution 21-12-0131: Approving a Title VI Fare Equity Analysis; and
 - B. Resolution 21-12-0132: Amending the Fare Structure to Add On-Board Light Rail and Elk Grove Fares
- 2.11 Resolution 21-12-0133: Approving a Sole Source Contract for Pre-Employment and DOT-DMV Certification Medical Examinations, Prescription Drug Safety Reviews, and Evaluation of Job Description Physical Requirements with Dignity Health Medical Foundation DBA Mercy Medical Group, A Service of Dignity Health Medical Foundation (S. Valenton)
- 2.12 Resolution 21-12-0134: Approving the First Amendment to the Personal Services Contract with Priscilla Vargas (C. Alba)
- 2.13 Resolution 21-12-0136: Fourth Amendment to FY 2022 Capital Budget (B. Bernegger)
- 2.14 Resolution 21-12-0137: Amending and Restating Title XIII of the SacRT Administrative Code (O. Sanchez-Ochoa)
- 2.15 Resolution 21-12-0138: Approving the Fourth Amendment to the Contract for Low Floor Light Rail Vehicle Procurement with Siemens Mobility, Inc. for Purchase of Eight Additional S700 Low-Floor Light Rail Vehicles (E. Stanley)
- 2.16 Resolution 21-12-0139: Delegating Authority to the General Manager/CEO to Award a Contract for the Design-Build Equipment Replacement & Rehabilitation of Bus Maintenance Facility 1 Compressed Natural Gas (CNG) Fueling Facility with EFS West (L. Ham)
- 2.17 Resolution 21-12-0140: Ratifying the General Manager/CEO's Execution of Software Maintenance Agreements with Trapeze Software Group, Inc. and Delegating Authority to the General Manager/CEO to Pay Annual Software Support Fees for Trapeze Software Group, Inc. Products (S. Valenton)
- 2.18 Resolution 21-12-0141: Approving a Sole Source Procurement, Ratifying the General Manager/CEO's 2015 Execution of Two Authorization to Order Contracts Under State of California CALNET 3 Master Agreements C3-A-12-10-TS-01 and C3-B-12-10-TS-01 and Delegating Authority to the General Manager/CEO to Bind SacRT to Contracts for Legacy Telecommunications Voice and Data Networks and Communications Services with AT&T Under State of California NEXTGEN Master Agreement (S. Valenton)
- 2.19 Resolution 21-12-0142: Award Contract for Insurance Broker Services to Alliant Insurance Services (B. Bernegger)

- 2.20 Resolution 21-12-0143: Approving the Second Amendment to the Contract for Bus Shelter and Bench Acquisition, Installation and Maintenance, and Advertising Services with Clear Channel Outdoor to Include Shelters and Benches within the City of Elk Grove and Exercise the Option Years 11-15 (L. Ham)

Written public comment from Tamie A. Dramer, Member, Sacramento Transit Riders Union, was read into the record by the Clerk on Items 2.3 and 2.10.

Ms. Dramer gave a summary of SacTRU and then asked the Board to adopt the 2022 calendar Item 2.3 and commit to holding regularly scheduled meetings, not cancelling monthly SacRT Board meetings unless necessary. She stated that people make time in their lives to participate in monthly meetings to be able to advocate for the services they require, and that public participation is the root of making sure tax dollars and fares are used effectively.

Ms. Dramer stated SacTRU is also in support of Item 2.10 and that all fares and discounts should be the same districtwide, so that riders know exactly what fares are required at all times regardless of location.

Director Howell moved; Director Hume seconded approval of the Consent Calendar with the exception of Item 2.4 which was pulled for discussion. Motion was carried by roll call vote. Ayes: Directors Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela, and Chair Miller. Noes: None; Abstain: None; Absent: None.

- 2.4 Resolution 21-12-0126: Conditionally Approving a Contract for Security Guard Services with Blue Knight Security & Patrol, Inc. (L. Hinz)

Director Valenzuela commented that concerns were raised about the President of Blue Knight Security & Patrol, Inc., and his political opinions as shown on social media. Director Valenzuela then mentioned that she had a conversation with Mr. Li that assured her that the process for complaints and the contract would be clear in the event there are any incidents.

Director Kennedy stated that he did not have the benefit of meeting with staff and if this item were to be decided on this evening, he is not comfortable supporting the item without an opportunity to fully vet the issues.

Mr. Li asked staff Lisa Hinz to update the Board regarding the issues that were brought to their attention with regards to John Jarrett, the owner of Blue Knight Security & Patrol, Inc.

Ms. Hinz acknowledged that after receiving the public comments earlier in the day, she took the opportunity to do a background check. Ms. Hinz reached out to both the Better Business Bureau and the Bureau of Security & Services. She made sure that Blue Knight's license was active and valid and that there were not any complaints. Ms. Hinz looked at social media outlets and called the owner, John Jarrett, and shared concerns including the term "transient

abatement” which was used on his LinkedIn account. Mr. Jarrett’s meaning of the term was that many businesses have issues with safety and security relative to transients or homeless encampments in and around their business and people feel unsafe when they approach these businesses. Mr. Jarrett immediately changed the words on his LinkedIn because he does not want it to be perceived in a negative connotation. Mr. Jarrett then shared his view on community-oriented placing and helping homeless people.

Director Valenzuela thanked Ms. Hinz and stated there were some other political posts shared with her that she does not agree with but that is not enough to say they do not get to work with SacRT. Director Valenzuela thanked Mr. Li for the fast response and for the conversations he had today with Mr. Jarrett and herself about making sure the contract expectations were clear and that there was a clear process if there was any mistreatment or bad behavior. Director Valenzuela then moved the item.

The Clerk read written Public Comment into the record from PJ, Casey Thompson, Emily Smet and John Jarrett.

PJ expressed concern over the approval of Blue Knight Security & Patrol for the onboard security at SacRT. PJ asked for safeguard policies and procedures to be put into place to ensure that any potential discrimination, abuse, or other mistreatment of poor or minority passengers could be documented, reported, and followed up on.

Casey Thompson expressed opposition to the approval of Blue Knight Security & Patrol for onboard security at SacRT. Casey referenced the social media post as well as the term “transient abatement” and stated public services are never best provided by private contractors who must turn a profit to provide service and recommended SacRT to employ security personnel directly. Casey asked to have safeguard policies and procedures put in place.

Emily Smet cited grave concerns regarding the approval of Blue Knight Security & Patrol for the security at SacRT. Ms. Smet referenced a social media post liked by the owner, John Jarrett and stated he has dangerous views on the unhoused and gun control. Ms. Smet is urging reconsideration and asking that if SacRT must go with the lowest bidder, that SacRT ensure that instances of abuse by security staff may be reported, documented, and tracked.

John Jarrett, President of Blue Knight Security, addressed a concern that came to his attention regarding a phrase on his LinkedIn page where he listed, “Homeless abatement,” as one of the services provided. The phrase was added in response to clients who ask if Blue Knight Security dealt with homeless and transient individuals. It was not meant to make people think that Blue Knight mistreated people that were less fortunate. Mr. Jarrett explained that he has spent most of his adult life trying to serve others, whether it was in the military, as a police officer or in his current role. Mr. Jarrett stated that he stresses to employees to use a compassion-based approach when called by clients to address homeless issues and treat them with respect, not disdain. Mr. Jarrett has reworded the phrase on his LinkedIn page, appreciates it being brought to his attention and hopes this clears up any concerns.

Public Comment was taken by phone from Jeff Tardaguila.

Mr. Tardaguila asked for clarification given SacRT is not law enforcement and cannot arrest anyone if the security was primarily for the bus system, for the light rail locations or for the attempt at homeless shelters?

Ms. Hinz responded that many of the security guards SacRT use are either in SacRT parking lots for employees to prevent theft or at light rail stations out on the platforms. The security guards are not doing enforcement. It is more of a customer service function.

Director Kennedy stated he will be abstaining.

Director Valenzuela moved; Director Harris seconded approval of Item 2.4 as written. Motion was carried by roll call vote. Ayes: Directors Budge, Harris, Howell, Hume, Nottoli, Schenirer, Valenzuela, and Chair Miller. Noes: Serna; Abstain: Jennings and Kennedy; Absent: None.

3. INTRODUCTION OF SPECIAL GUESTS

4. UNFINISHED BUSINESS

5. PUBLIC HEARING

6. PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA

The Clerk read two written public comments into the record:

Jeff stated that employees do not have the proper tools or equipment to perform their duties safely, efficiently, or effectively and when issues are brought to management, the employees are disciplined and/or ignored. Jeff asked at what point will Board members take action so the issues do not become so bad that it creates unsafe and/or hostile working conditions for employees as well as customers. Jeff asked if Board members would be willing to meet with employees to try and resolve issues.

Staff Laura Ham, VP of Planning and Engineering responded to Jeff in writing.

Derek Korte asked why SacRT buses do not have warnings on the rear that read, "This Vehicle Stops at All Railroad Crossings" as well as "Makes Frequent Stops"?

Staff Carmen Alba, VP of Bus Operations responded to Mr. Korte in writing.

Public Comment was taken by phone from Jeff Tardaguila.

Mr. Tardaguila requested the Board not to cancel meetings next year and asked staff to provide an update on Watt I-80. He expressed his disappointment that meetings are not in person and stated that he had difficulty accessing the online meeting. He requested an update from Director Hume about San Joaquin train platforms and thanked Director Serna for

making him aware of the public comment for the train platform at 19th Street. He hopes SacRT is reconsidering a bus stop beyond 19th Street and Q. Mr. Tardaguila asked about the Sacramento City College Train Station. These are items he would like to see come up for discussion this next year.

7. NEW BUSINESS

- 7.1 Intent Motion: Extend the Term of the Current Chair (Steve Miller) and Vice Chair (Patrick Kennedy) for One More Year as Chair and Vice Chair for the SacRT Board of Directors for 2022. (T. Smith/S. Valenton)

Director Schenirer moved; Director Budge seconded approval of Item 7.1. Motion was carried by roll call vote. Ayes: Directors Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela, and Chair Miller. Noes: None; Abstain: None; Absent: None.

- 7.2 Resolution 21-12-0135: Receive and File the Annual Comprehensive Financial Report, Reports on Compliance and Internal Controls as Required by Uniform Guidance, and the Transportation Development Act Report to the Board of Directors for the Fiscal Year Ended June 30, 2021, and Designate \$5,943,570 to SacRT's Operating Reserve (B. Bernegger)

Brent Bernegger reported that the June 30, 2021, fiscal year financial audit has concluded with close to \$6M of surplus that will go into the operating reserve. Mr. Bernegger thanked the finance team and introduced SacRT audit Partner Brad Shelle.

Mr. Shelle provided background on the results of the audit. He explained the objective is to express an opinion on the financial statements and that they are in accordance with accounting principles generally accepted in the United States. The audit was completed in a timely and efficient manner thanks to the preparedness of the SacRT accounting and finance team. On all of the audits, an unqualified opinion has been provided which is the highest level of assurance meaning the financial statements are free of any material misstatements.

Director Schenirer thanked Mr. Bernegger and all the finance staff and Mr. Li. He then stated SacRT had zero reserves and that the turnaround financially has been remarkable.

Director Schenirer moved; Director Hume seconded approval of Item 7.2. Motion was carried by roll call vote. Ayes: Directors Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela, and Chair Miller. Noes: None; Abstain: None; Absent: None.

- 7.3 Information: Board Composition (O. Sanchez-Ochoa/S. Valenton)

Shelly Valenton started her presentation by recognizing the request from some of the SacRT Board members to have staff provide information on the current and the new structure and the composition of SacRT's governing board. The purpose is to provide a background and present to the Board available options for discussion and possible future action. Ms. Valenton

then noted that Assembly Bill 1196 was signed into law in September and will take effect January 1, 2022, which changes the current voting structure for SacRT Board of directors from a weighted voting structure to a one member one vote structure. She then summarized what that would look like for SacRT Board of Directors.

Ms. Valenton acknowledged that the County has raised concerns about its decrease in voting power while the City of Sacramento's voting power will increase in proportion. Ms Valenton also reported that during annexation discussions, the City of Elk Grove requested that SacRT increase its seat allocation from one seat to two as Elk Grove's population is almost double that of Folsom, Citrus Heights, and Rancho Cordova and staff committed that this item will be taken to the Board for consideration.

Ms. Valenton explained that the composition of SacRT's board is set out in state law. SacRT's Enabling Act under the Public Utilities Code (PUC) was established 50 years ago and dictates the Board's composition, the way board seats are allocated and if and how representation can be increased or decreased. The Enabling Act further sets forth how the composition can be changed.

Olga Sanchez-Ochoa then outlined and offered staff's analysis on available options to implement changes to the Board's composition and voting structures. She affirmed that SacRT's enabling act provides two options for changing the board seat allocation first pursuant to Cal. PUC section 102100.5 the City of Sacramento and the County of Sacramento are both authorized to voluntarily appoint fewer board members than their current Board member allocation. Pursuant to SacRT's enabling act, The City of Sacramento currently has four seats, and the County has three seats on the Board. Either jurisdiction may appoint fewer than their seat allocation so long as they each appoint at least one Board member.

The second option in SacRT's enabling act allows for the jurisdictions that sit on the SacRT Board to come together no more often than once every two years to reallocate the number of seats each jurisdiction is allowed. That reallocation must be based on the gross cost of service within each jurisdiction's boundary which means the more SacRT spends on service in any one jurisdiction, the greater the jurisdiction share of seats would be. In 2005 when the Board asked the legislature to adopt the weighted voting structure that we currently have, the Board briefly considered whether seat allocation based on gross cost of service would result in a more equitable distribution of seats. The Board at that time determined that the methodology would only result in more inequity among the jurisdictions and disregarded that option.

Ms. Sanchez Ochoa outlined three options for the Board's consideration: Option number one would be for the board to do nothing and opt to maintain the one member, one vote structure that will take effect January 1, 2022.

Option number two is to ask the City of Sacramento to voluntarily reduce its seat allocation pursuant to Cal PUC Section 102100.5 from four seats to three seats bringing it in line with the County's allocation of three seats thereby equalizing its voting strength with that of the County.

The third option was for the the Board to create an Ad Hoc subcommittee that would study the issue of vote allocation and discuss possible changes to the SacRT's Enabling Act to authorize a different Board composition or alternatively, discuss whether to reallocate seats pursuant to its members entities authority to reallocate seats based on the gross cost of service provided in each jurisdiction.

Director Serna believes this is an important enough prospective change to the SacRT voting system that he would feel more comfortable if the last option, to form an Ad Hoc subcommittee, was chose and some time was spent looking at options. Director Serna thanked staff for their assessment and assistance.

Director Howell said she isn't prepared to make a decision this evening and there definitely needs to be more conversation about this and she encouraged taking a look at population numbers and where services are being offered.

Director Hume announced that he brought this forward because it was discussed during annexation discussions with Elk Grove Director Hume thinks it merits further exploration because to go from weighted voting to a one-seat one-vote system Elk Grove's voting power gets worse. He emphasized that if you look at population standards, Elk Grove is nearly half the population of the City of Sacramento and yet has a third of the voting power. Elk Grove has nearly double the population of the other suburban cities and would be equal in voting power. From an equity standpoint, Elk Grove is expecting something to be done. Director Hume is in favor of option three.

Director Budge agreed with Director Hume with respect to the different population perspective and stated it is not just the amount of populations that are currently being served but there needs to be a way to serve growing populations. She went on to say that along with the City of Elk Grove, the cities of Rancho Cordova and Folsom are also growing dramatically and have enormous populations that would like an opportunity not to get in their single occupant vehicle to go to work. Director Budge is in favor of option three and would volunteer to be on the committee.

Director Kennedy understands Director Hume's position and that of the City of Elk Grove has an equitable issue that needs to be addressed. He agrees with Director Serna and Budge that further study is necessary and should be in the hands of the subcommittee.

Director Nottoli supports the idea of an Ad Hoc subcommittee. He added that as Director Budge has said, and others have referenced, that there are different combinations of how we recognize the constituencies we serve on respective bodies and boards but also how we then account for growth over time and SacRT certainly is unique in that there is accounting for where the service is. Having been a member of the Board for many years, Director Nottoli thinks it is important to look forward. He remembers the challenges 15 years ago working through the weighted voting and representation. He thinks this is timely and supports the Ad Hoc committee and agrees with Director Howell that looking at population numbers and

service assignments is needed. Director Notolli recommended having a timeline for when to expect to have additional comments if not a recommendation to come back to the board.

Director Jennings referenced Director Nottoli's last point and emphasized the timeline and the responsibilities and boundaries of the committee as far as what they can and cannot do and what they can bring back to the Board. Director Jennings said if the decision is made to go with option three, there should be a defined and clear timeline given the effective date of January 1, 2021, for the committee to come together to do the work, report back and then allow some time to be able to elaborate over the information.

Chair Miller asked if the new voting structure will go into effect for the first Board meeting in January if the Board does not take alternative action.

Ms. Sanchez-Ochoa responded affirmatively and stated that regardless of any action of the Board, effective January 1, 2022, the new voting structure of one member one vote system will take effect. It will take a legislative process to change the seat allocation.. Once the subcommittee does their work and makes recommendations to the full Board, then the Board determines what they want to do. Then it will be brought to the legislature to go through the process of having them change the Enabling Act to allow a different methodology for appointing seats or a different structure.

Chair Miller then brought up that option two would be easiest. He mentioned he is not wanting to speak for the City of Sacramento, nor does he know how much time they would need to consider that. He is also interested in hearing from the Board on the makeup of the Ad Hoc committee so that it is equitable as well.

Director Howell asked how many people would be on the Ad Hoc subcommittee and if there is maximum number.

Ms. Sanchez-Ochoa stated there is not a maximum and the last time the Board changed its weighting structure in 2005 the subcommittee had a member from the County a member from the City and then each of the other jurisdictions sat on the subcommittee. This was viewed as the most equitable way to discuss it so that everyone had a voice

Director Howell commented that if the subcommittee is going to get together, they need to do it quickly.

Director Hume stated he would be happy to serve on the subcommittee given Elk Grove is a major part of the discussion. He understands this is not a fix that is going to be put into place concurrent or in advance of moving to the one seat one vote system given this is going to require an act of legislature to change the enabling documents.

Director Harris agreed with Director Hume and added it is a situation that warrants extensive discussion to change our Enabling Act. It is a big change, and the metrics and equity issues need to be looked at carefully.

Director Howell brought up option two as something that could be done right away and then also have the subcommittee. She requested that the City of Sacramento reduce their number of seats right away to three and then move quickly forward with the Ad Hoc committee so that the request of the state legislature can be made to adjust the membership and the voting rights in accordance with what the board thinks is best for all patrons in the jurisdictions.

Chair Miller asked colleagues from the City of Sacramento if this would need to be taken back to council.

Director Valenzuela is supportive of a committee looking at this because it is much more complicated than just population. This warrants an opportunity to go back to the drawing board, especially if it will be going to go to the legislature, and really make sure all factors at play are considered before decisions are made. Director Valenzuela is not comfortable dropping somebody from the City right away.

Director Harris agreed with Director Valenzuela and emphasized there are many considerations and no urgency to decide tonight. Overall, the Ad Hoc committee can look at all of the considerations that are on the table.

Chair Miller asked if anybody would object to him forming an Ad Hoc committee with one member from each jurisdiction.

Ms. Sanchez-Ochoa informed that this is an information item and that if Chair Miller would like to form the committee it would need to be done in January.

Ms. Valenton added that January is the meeting where appointments will be made and reviewed so it is perfect timing to do this.

8. GENERAL MANAGER'S REPORT

8.1 General Manager's Report

- a. Major Project Updates
- b. Capitol Corridor Joint Powers Authority – Meeting of November 17, 2021
- c. San Joaquin Joint Powers Authority – November 19, 2021 (Hume)
- d. SacRT Meeting Calendar

Mr. Li thanked the Board and the public for attending the last Board meeting of 2021. He announced SacRT would be safely celebrating the Outstanding System of the Year award in appreciation of SacRT employees and Board members, with holiday lunches at five different SacRT facilities.

Mr. Li highlighted the hiring events that SacRT is hosting, noting that the national workforce shortage is impacting all sectors of the economy, including public transit. Private transit agencies are struggling to meet service demands due to a driver shortage. Multiple large transit agency CEOs have mentioned they are going to reduce services from 10-25% due to the workforce shortage. Mr. Li stated that SacRT is faring better than many and is taking a

strategic and a proactive approach to meet workforce needs. Last week, SacRT hosted a hiring event that received great media attention and attracted over 80 individuals interested in employment. SacRT will be hosting a second event Tuesday, December 14th and expects similar interest. Mr. Li hopes the incentives, great benefits and other recruitment efforts will help backfill open positions.

Mr. Li then shared some tremendous and historical news that after several years of talking about the infrastructure package, the President signed a new five-year infrastructure investment into law. The historical package provides about 107 billion dollars for public transit and increases each of the formula and the competitive grant programs by up to 37% compared to current levels. The law will prepare the Sacramento region for at least 50 years or up to 100 years by rebuilding and replacing infrastructure that is nearing the end of its useful life. The formula and the competitive funding to SacRT will promote safety, help to combat the climate crisis and advance equitable access to transportation. With the increased federal support and investment, SacRT can envision a resilient and more equitable mobility network. SacRT is thankful for the Congressional delegation support.

Mr. Li then provided an update from the last board meeting when he was dedicated authority to finalize the terms of a safe parking lease with the City of Sacramento and Caltrans for a portion of SacRT's Roseville Road Station park-and-ride lot. Mr. Li knows the urgency and importance of this project and there have been numerous meetings and on-site visits held to try to move this along as fast as possible. Hopefully the lease agreement can be finalized by the end of the month and then immediately SacRT will seek federal approval to move forward with the project. Mr. Li said that he will be sure to keep the Board and the public updated on this important program.

Mr. Li announced that the SacRT marketing team has been busy supporting community events providing free rides on Small Business Saturday and to the 38th Annual Santa Parade which is one of the largest annual family events in the region. SacRT has also brought back the Holiday Bus, offered free rides, and collected donations for Civic Thread, formerly known as WALKSacramento. Free rides to the New Year's Eve Sky Spectacular event on Friday, December 31st will also be offered.

The SacRT Bus Operations team did tremendous work in assisting the 38th annual California International Marathon which attracted over 10 thousand runners. It generates nearly \$10 million in economic activities for the region. SacRT received great feedback from event organizers including one that Mr. Li shared on a slide that read as follows:

"Your team did a great job for the athletes with disabilities athletes this morning. Best service we've received from busing services in all the time I've been doing this."

Mr. Li concluded his remarks with providing a brief update on two recent conferences. He reported that SacRT and the region hosted the California Transit Association's 56th Annual Fall Conference and Expo at the beginning of November after nearly two years of cancellations. It was great to gather in person in Sacramento where over 400 people attended this conference. Mr. Li thanked SacRT staff who helped organize the event and shared that great feedback was

received as the host city. Additionally, the second event was the APTA conference. Some of the SacRT team including Chair Miller and Director Valenzuela, traveled to Orlando to attend APTA's TransFORM Conference and Expo. Over 10,000 attendees came, which was amazing to have this many people attending an event in one location. The conference is a public transit's premier showcase of the latest technologies and new services. It is a great way to connect with the industry. SacRT was honored to receive the Outstanding Public Transit System of the Year award while in Orlando. Mr. Li congratulated all SacRT staff, the Board of Directors and the community on this highest honor and recognition in the industry. SacRT looks forward to celebrating in person with the various internal and external partners this month and in the future.

Mr. Li wished everyone a wonderful holiday season and a Merry Christmas and then shared a short video.

Director Valenzuela thanked Mr. Li for sharing the video and then commented on labor shortages for possible future discussions. She mentioned daycare availability is hard to find and as a result, a lot of folks are choosing to stay home. Director Valenzuela is wondering if this is something that could be discussed with the unions and whether SacRT can help in some way. She shared that SMUD just broke ground on a day care facility.

9. REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS

Director Valenzuela thanked Mr. Li and staff for sending buses to help transport folks to encampments and to safety when warming centers are opened. She is hoping if in the future there could be a board item or talks about a set route for weather emergencies, not just for unhoused folks, but also for folks who just might need access to warming/cooling centers or extreme weather centers. Director Valenzuela is hoping for something more predictable such as when the centers get activated, here is where you can go to be picked up. There is also the challenge of once folks get to the respite centers, the need of going back to where they were.

Director Kennedy mentioned that when the change was made with paratransit, the Board asked for staff to come back with a presentation or report on the status of how it's going from a ridership standpoint as well as revenue versus cost and he asked for that report to come forward.

10. CONTINUATION OF PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA (If Necessary)

11. ANNOUNCEMENT OF CLOSED SESSION ITEMS

12. RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:49 p.m.

13. CLOSED SESSION

A) Conference with Real Estate Negotiator Pursuant to Gov. Code Section 54956.8

- 1) Property: 1102 Q Street, Sacramento, CA 95811
Agency Negotiator: Brent Bernegger, VP, Finance/Chief Financial Officer,
Traci Canfield, Sr. Manager, Real Estate/TOD
Negotiating Parties: The Evergreen Company
Under Negotiation: Price and Terms
- 2) Property: 1201 K Street, Sacramento, CA 95814
Agency Negotiator: Brent Bernegger, VP, Finance/Chief Financial Officer,
Traci Canfield, Sr. Manager, Real Estate/TOD
Negotiating Parties: California Dental Association
Under Negotiation: Price and Terms
- 3) Property: 980 9th Street, Sacramento, CA 95814
Agency Negotiator: Brent Bernegger, VP, Finance/Chief Financial Officer,
Traci Canfield, Sr. Manager, Real Estate/TOD
Negotiating Parties: Prime US REIT
Under Negotiation: Price and Terms
- 4) Property: 2710 R Street, Sacramento, CA 95816
Agency Negotiator: Brent Bernegger, VP, Finance/Chief Financial Officer,
Traci Canfield, Sr. Manager, Real Estate/TOD
Negotiating Parties: James R Day Trust
Under Negotiation: Price and Terms

Public comment was taken from Jeff Tardaguila.

Mr. Tardaguila stated whether it is buying or selling he thinks the information should be able to be provided in the public sector.

Chair Miller stated that when it comes to price, terms, and negotiations it is one of those things that is covered in confidentiality and can go into closed session to discuss. When there is a reportable action, that is what will reveal the pricing terms that were agreed on, if reached in negotiations. The law allows the Board to convene in closed session for this.

14. RECONVENE IN OPEN SESSION

15. CLOSED SESSION REPORT

There was no Closed Session report.

16. ADJOURN

As there was no further business to be conducted, the meeting was adjourned at 7:31 p.m.

STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary



STAFF REPORT

DATE: January 10, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Laura Ham, VP, Planning and Engineering
SUBJ: AWARD CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR RAIL MODERNIZATION 15-MINUTE SERVICE TO FOLSOM TO 4LEAF, INC.

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

Approving the Award of the Contract for Construction Management Services for Rail Modernization 15-Minute Service to Folsom to 4LEAF, Inc. will provide supplemental resources to assist SacRT's limited construction management staff to oversee construction of the Folsom sidetrack and ensure timely completion in accordance with the construction contract requirements.

FISCAL IMPACT

The negotiated price for the Contract for Construction Management Services for Rail Modernization 15-Minute Service to Folsom is \$2,349,386.29. This Contract is being funded with State Grants (Solutions for Congested Corridors).

DISCUSSION

Sacramento Regional Transit (SacRT) is currently soliciting bids to improve light rail service to Folsom along the Gold Line (Highway 50 corridor) through the installation of a second track, or a "sidetrack" at Glenn Light Rail Station. The improvements will allow light rail trains to operate every 15 minutes between the Sunrise Station and end of the line at the Historic Folsom Station, rather than the existing 30 minutes. The 15-minute service is currently impeded because only a single track serves the line between the Hazel Station and the Historic Folsom Station. As a result, eastbound light rail trains traveling from downtown Sacramento to Historic Folsom, and westbound trains traveling from Historic Folsom to downtown Sacramento must use the same track.

To assist SacRT staff during the construction of the sidetrack, on August 5, 2021, SacRT released a Request for Proposals (RFP) for Construction Management (CM) Services Rail Modernization 15-Minute Service to Folsom in accordance with SacRT's Procurement Ordinance. On September 10, 2021, SacRT received proposals from 4LEAF, Inc. and TRC Engineers. An internal Selection Committee evaluated and ranked each proposal based on the qualifying criteria. Because construction management is considered an architecture and engineering contract (A&E), price is not considered as a selection criteria and price proposals are not opened until the top-ranked firm has been established. Both firms were determined to be in the competitive range, and both were invited to return for oral presentations.

On November 8, 2021, both firms gave oral presentations to the Selection Committee. Following the presentations, a total weighted score and final ranking was compiled, and 4LEAF, Inc. was deemed the most qualified firm.

After making the determination of the most-qualified firm, SacRT reviewed the cost proposal for the referenced services and began negotiations with 4LEAF, Inc. to finalize the contract cost. After negotiations, the final agreed-upon not-to-exceed contract is \$2,349,386.29, which reflects 4LEAF's estimate of the necessary effort to complete all of the work called for by the RFP. The work will be completed on a cost-plus-fixed-fee basis based on actual hours work and costs incurred, including audited indirect costs and direct costs.

RESOLUTION NO. 22-01-0001

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

January 10, 2022

AWARD CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR RAIL MODERNIZATION 15-MINUTE SERVICE TO FOLSOM TO 4LEAF, INC.

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

THAT, the Contract for Construction Management Services for Rail Modernization 15-Minute Service to Folsom between the Sacramento Regional Transit District, therein referred to as "SacRT," and 4LEAF, Inc., therein referred to as "Contractor," whereby Contractor agrees to provide Construction Management Services for Rail Modernization 15-Minute Service to Folsom, as further specified therein, for an amount not to exceed \$2,349,386.29, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute the foregoing Contract.

STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary

STAFF REPORT

DATE: January 10, 2022

TO: Sacramento Regional Transit Board of Directors

FROM: Tabetha Smith, Clerk to the Board & Shelly Valenton, VP,
Integrated Services and Strategic Initiatives/Chief of Staff

SUBJ: EXTENDING THE TERM OF THE CURRENT CHAIR (STEVE MILLER) AND VICE CHAIR (PATRICK KENNEDY) FOR ONE MORE YEAR AS CHAIR AND VICE CHAIR FOR THE SACRAMENTO REGIONAL TRANSIT BOARD OF DIRECTORS FOR 2022

RECOMMENDATION

Motion to Approve.

RESULT OF RECOMMENDED ACTION

Provides for the selection of the Chair and Vice Chair for Calendar Year 2022.

FISCAL IMPACT

None as a result of this action.

DISCUSSION

SacRT's Enabling Act provides for the election of the Chair and Vice Chair at the first meeting in January of each year. Selection is done by a majority vote of the members of the Board.

On December 13, 2021, the SacRT Board of Directors adopted an intent motion to extend the current terms of Steve Miller as Chair, and Patrick Kennedy as Vice Chair of the SacRT Board of Directors for Calendar Year 2022.

At this time, the Board is being asked to formally nominate and elect the Chair and Vice Chair of the SacRT Board of Directors for Calendar Year 2022.



STAFF REPORT

DATE: January 10, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Tabetha Smith, Clerk to the Board & Shelly Valenton, VP, Integrated Services and Strategic Initiatives/Chief of Staff
SUBJ: APPOINTMENTS TO BOARD AND COMMITTEES

RECOMMENDATION

Motion to Approve, and Chair Appointments to Boards and Committees.

RESULT OF RECOMMENDED ACTION

Allows for the continued flow of information between SacRT and other jurisdictions.

- A. Motion: Appointing One Board Member and One Alternate Board Member to the Capitol Corridor Joint Powers Authority; and
- B. Chair Appointment: Appointing One Board or Management Staff member to Retirement Board; and
 - 1. ATU, IBEW, OE3, MCEG and AFSCME
- C. Chair Appointment: Form an Ad Hoc Committee to Discuss Voting Structure and Board Composition.

FISCAL IMPACT

None as a result of these actions.

DISCUSSION

Capitol Corridor Joint Powers Authority (CCJPA)

The CCJPA is a partnership formed among six local transportation agencies for the purpose of administering and managing the operation of the Capital Corridor Rail Service as part of the California intercity passenger rail system. The current members of this Board are Chair Miller and Director Howell, and alternates are Directors Kennedy and Harris. The Board normally meets on the third Wednesday of February, April, June, September, and November in the morning in various locations. SacRT Board members,

or their jurisdiction, who serve on this Board are compensated at a rate of \$100 per meeting, plus applicable expenses.

At this time, due to anticipated schedule conflicts, staff is requesting that the Board select to have Director Harris become a member and Director Howell be appointed as an alternate to sit on the CCJPA.

Retirement Boards (5)

In 2014, the Retirement Boards revised their Bylaws to create four-year terms for each of the members. Chair Kennedy appointed himself to the Retirement Board on January 28, 2019, and assumed Director Morin's term that expired on December 31, 2021. Director Jennings and General Manager Li's terms will expire on December 31, 2023. When a term expires or is vacated, the Chair of the Board of Directors needs to appoint a Management Staff Member or Board Member to assume the seat of the expired term. A Management member is defined as a Board member or a member of SacRT's Management staff.

Each Retirement Board (ATU, IBEW, OE3, AFSCME, and MCEG) consists of two members and an alternate appointed by the unions, and two members and an alternate appointed by the SacRT Board Chair. For 2022, the Retirement Boards have adopted a meeting schedule in the months of February, March, April, June, July, September, October, and December to review the performance of the SacRT Retirement system's investments, and Retirement Plan fund managers, as well as to approve disability retirements as needed. The meetings are held from 9:00 a.m. - Noon.

At this time, the SacRT Board Chair needs to appoint one management member to each of the Retirement Boards to fill the expired term of Vice Chair Kennedy. The SacRT Board Chair may appoint the same member to each Retirement Board. A Management member is defined as a Board member or a member of SacRT's Management staff.

Ad Hoc Board Composition and Voting Structure Committee

Information item on Board Composition and Voting Structure was presented to the SacRT Board of Directors on December 13, 2021. At that meeting, the Board discussed forming an Ad Hoc subcommittee and the Chair asked staff to bring back an action item to form an Ad Hoc subcommittee and appoint member to the committee, similar to what the Board did in 2005, to discuss possible changes to SacRT's Enabling Act to recommend to the full Board a change to the Board composition.

Below is a summary of Board Member appointments. Attachment 1 provides a list of Committee schedules.

Board/Committee	Miller	Budge	Harris	Howell	Hume	Jennings	Kennedy	Nottoli	Schenirer	Serna	Valenzuela	
CCJPA	M		Alt.	M			Alt					M/Alt.
SPTCJPA		M						Alt.				
SJJPA					M			Alt.				
SJRRC/Development Committee					M							
SacRT Retirement Board						Alt.**						M
Ad Hoc - Real Estate	M	M		M		Alt.	M		M			
SacRT/YCTD Discussions	M						M					
Ad Hoc – Board Composition												MMMMM

*Term expired 12/31/21

**Term expires 12/31/23; General Manager Li also serves on the Retirement Board

Red indicates a replacement/appointment is needed.

BELOW IS INFORMATION ON COMMITTEE APPOINTMENTS THAT DO NOT REQUIRE ANY CHANGES AT THIS TIME.

Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTCJPA)

The SPTCJPA was formed to serve the mutual interest of member agencies to preserve the Southern Pacific Placerville Railroad right of way as a transportation corridor. Director Budge currently serves as the Representative on this Authority. Director Nottoli currently serves as alternate on this Authority. There are no term limits to this appointment. The JPA Agreement requires that “one director and one alternate shall be current members of the District Board of Directors.” This Authority meets four times per year (February, May, August, and November). The Board meets quarterly and SacRT’s representative, (or their appointing jurisdiction), receives \$100 per meeting.

San Joaquin Joint Powers Authority (SJJPA)

The SJJPA’s purpose is to plan, develop, and implement policy to administer and manage the operations, funding, improvements, negotiations, and marketing of the San Joaquins. The SJJPA is responsible for coordinating with and advocating for rail improvements and operating strategies with state and federal agencies. The SJJPA develops procedures for and undertakes the selection of a Managing Agency to run the day-to-day operations of the San Joaquins. Director Hume serves as SacRT’s member representative and Director Nottoli as the member alternate. The SJJPA meets bi-monthly at varying locations throughout the State.

San Joaquin Regional Rail Commission Stations/Development Committee

In 2018, the San Joaquin Regional Rail Commission created a 4-member Valley Rail Stations/Development Committee to facilitate the necessary decision-making authority to deliver the Valley Rail expansion project (expansion of the ACE from Lathrop to Ceres and Merced, and expansion of the ACE and San Joaquins to Natomas). The two rail expansion services are funded through SB1 and TIRCP. The committee evaluates how these service expansions will be implemented and later governed. The Commission has requested that one of the Committee members be solicited from SacRT's Board of Directors. The Commission is recommending that the appointed member have a history of working on passenger rail service and represent a jurisdiction in which a new facility will be built. Director Hume serves as SacRT's member representative. No Alternates need to be designated for the Committee.

Ad Hoc Real Estate Committee

The Real Estate Ad Hoc Committee was created on September 14, 2020, in order to provide input and recommendations to the Board and SacRT staff for SacRT's Administrative Campus and other facilities. Currently Chair Miller, Vice Chair Kennedy, and Directors Budge, Howell and Schenirer are Representatives on this Committee and the alternate is Director Jennings.

SacRT/Yolo County Transportation District 2 x 2

In May 2020, prior Chair Hansen asked Vice Chair (Steve Miller) to join him in discussions with the Yolo County Transportation District about annexation. Two Board members from the Yolo County Transportation District (Chris Ledesma, Lucas Frerichs) participated in these discussion with the SacRT Chair and Vice Chair. In January 2021, Chair Miller appointed Vice Chair Kennedy to the SacRT/Yolo Transportation District Ad Hoc Committee.

Attachment 1

BOARD AND COMMITTEE ADOPTED 2022 CALENDAR SCHEDULES

Highlight indicates conflicting dates

Entity	Monday	Wednesday	Friday
Capitol Corridor JPA		February 16 April 20 June 15 (10:30 am) September 21 November 16 10:00 a.m. – 12:00 p.m.*	
San Joaquin JPA			January 28 March 25 May 20 July 22 September 23 November 18 9:00 a.m. – 11:00 a.m.*
Sacramento Placerville TCJPA	January 31 May 9 9:30 a.m.		
Retirement Board (SacRT)		February 16 March 9 April 27 June 8 July 27 September 14 October 26 December 14 9:00 a.m. – 12:00 p.m.	
San Joaquin Regional Rail Commission Stations/Development Committee* Various Day/Time			
Ad Hoc Committees & YCTD Discussions (All) Varies Day/Time			

*Requires Travel Time outside of the City of Sacramento when not being held as a virtual meeting.

STAFF REPORT

DATE: January 10, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Henry Li, General Manager/CEO
SUBJ: GENERAL MANAGERS REPORT

RECOMMENDATION

No Recommendation - For Information Only.

Major Project Updates

Oral Presentation

SacRT Safe Parking Update

Oral Presentation

SacRT GO Update

Staff Presentation

Semi-Annual Report: EEO Officer

Written Report Attached

Semi-Annual Report: General Counsel

Written Report Attached

Semi-Annual Report: Internal Auditor

Written Report Attached

SacRT Meeting Calendar

Regional Transit Board Meeting

February 14, 2022
SacRT Auditorium / Webconference
5:30 P.M

Quarterly Retirement Board Meeting

March 9, 2022
SacRT Auditorium / Webconference
9:00 A.M.

Mobility Advisory Council Meeting

February 3, 2022
SacRT Auditorium / Webconference
2:30 P.M

STAFF REPORT

DATE: January 10, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Greg Walters, EEO Officer
SUBJ: EQUAL EMPLOYMENT OPPORTUNITY UPDATE

RECOMMENDATION

No Recommendation - For Information Only.

The past year was Greg Walters' first as Interim and then regular EEO Officer. Our focus in this last year, in addition to responding to employee complaints, was to complete as many items in the FTA Circular 4704.1A checklist in anticipation of the FTA triennial audit.

Specific accomplishments include:

- Updated complaint procedures for harassment, discrimination, and retaliation complaints.
- Developed and implemented the Americans with Disabilities Act Request for Accommodation SOP and the Religious Accommodation Request SOP.
- Conducted multiple internal employment practices audits as required by the FTA including advertising/outreach, screening applications, performance evaluations, and the interviewing and selection process. We are currently working through the recommendations.
- Facilitated ongoing EEO training for all employees on sexual harassment and discrimination prevention.
- Focus on meeting FTA's audit checklist of EEO requirements and completing more than half in anticipation of the next audit.
- Completed audit of ParaTransit, our one subrecipient who met the threshold for EEO oversight.
- Developed and published an EEO frequently asked questions document.

By the Numbers (As of December 15, 2021)

9/30/2020

Total Employees	1265	% of Total Employees
Persons of Color	876	70%
Veterans	53	4.20%
Disabled	50	3.90%

12/15/2021

Total Employees	1253	% of Total Employees
Persons of Color	868	69%
Veterans	52	4.20%
Disabled	58	4.60%

SacRT hired 148 employees in the last twelve months; 71% were persons of color

Promotions	91	% of Total Promotions
Persons of Color Promoted	60	66%
Females Promoted	32	35%

Complaints

Interestingly, all but one complaint was internal and almost all of those were not EEO-related. They were usually interpersonal conflict issues. We received only one DFEH complaint this year which should go in our favor. DFEH decided three DFEH complaints from prior years – all with no findings of discrimination, harassment, or retaliation.

EEO Program and Affirmative Action Plan Renewals

SacRT's EEO Program expired December 31, 2021. We will have it updated by the FTA deadline of March 31, 2022. With the fresh narrative, we update the workforce, job group, and availability analysis using the updated Office of Federal Contract Compliance Programs (OFCCP) formulas and data. From this we will identify race and gender underutilization by job group. This allows us to set short- and long-range goals and communicate with supervisors and hiring managers about underutilization for each of their supervised positions.

Training in 2022

With the hiring and help of the new Training Manager and armed with our new data, we will conduct EEO training for hiring and interviewing panels and all supervisors to help them understand their roles and responsibilities and further expand our success with diversity hiring, equity, and inclusion. Also planned are training sessions or workshops on topics related to our emphasis on diversity, equity, and inclusion.

We are required to train all employees again (every two years) on sexual harassment, discrimination, and harassment prevention by December 2022 as required to California law SB1343.

Next

Next year's focus will be on the EEO Program renewal, training, and implementing recommendations from our internal audits and anything suggested by the FTA with respect to our EEO compliance responsibilities. SacRT and the EEO Office continually strive to make our work environment conducive to safe, effective, and productive work consistent with SacRT's values and goals.



STAFF REPORT

DATE: January 10, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Olga Sanchez-Ochoa, General Counsel
SUBJ: 2021 LEGAL DEPARTMENT ANNUAL REPORT

RECOMMENDATION

No Recommendation - For Information Only.

RESULT OF RECOMMENDED ACTION

N/A

FISCAL IMPACT

N/A

DISCUSSION

Overview:

The Legal Department grew in 2021 when we added one new attorney to our team, which allowed the department to take on additional responsibilities to help the District reduce its reliance on outside legal support. As I review our accomplishments for 2021, I am impressed with the volume of work my team accomplished in 2021 despite being a small team of three attorneys and one paralegal. This year the department took full responsibility for the employment litigation practice area and processing of California Public Records Act (CPRA) requests. Our department has been very busy this year helping progress the Board's agenda. Below please find a synopsis of some of our most significant accomplishments.

Covid-19 Support:

Throughout the year, SacRT Legal has worked closely with Management to try and understand the ever-changing landscape of covid regulations, government recommendations and laws. Legal participates in Management's regular Covid-19 meetings and provides Management with advice and counsel on CalOSHA's Emergency Temporary Standards (ETS), the Federal OSHA ETS, California Department of Public Health Covid-19 guidance, Sacramento County Covid-19 guidance, to help SacRT ensure that it is providing the public and its employees with a legally compliant, healthy and safe work environment during these very difficult times.

Employment Litigation:

In 2021, responsibility for management and oversight of employment related litigation was shifted from the Risk Department to the Legal Department. With the addition of one new attorney with experience in employment related litigation, SacRT's Legal Department has been able to seamlessly take over the oversight of all employment related claims and lawsuits. Absorbing the responsibility has allowed SacRT to experience cost savings in this area because SacRT's inhouse attorneys are able to second chair each case. Staff in SacRT's Legal Department handles all document gathering and review throughout the litigation process, which significantly reduces litigation costs. In addition, close oversight of these cases by inhouse counsel has resulted in the quick, cost-effective resolution of some cases. In 2022, SacRT Legal will continue to work with outside counsel to effectively and efficiently litigate our employment cases.

Unhoused Crises and Safe Parking

As every other public agency in the region has had to grapple with how best to address the unhoused crises, SacRT has navigated many challenges over the past year related to the unhoused crises. Management has had to balance the need to protect its critical infrastructure and provide a reliable, clean and safe transit system to the riding public against a desire to find compassionate solutions to the unhoused crises. SacRT's Legal Department has been a partner to other departments at SacRT in finding that balance. Throughout the year we have provided legal counsel and advice to Management regarding whether *Martin v. Boise* governs SacRT's management of the unhoused crises within its system and how best to legally address the many challenges SacRT faces in this area.

Additionally, SacRT has worked closely with the City of Sacramento (City) over the past year as the City implements its Safe Parking program. SacRT's Legal Department has worked closely with Management by providing advice and counsel regarding the legal limitations to SacRT's ability to offer the use of Federal Transit Administration (FTA) funded assets for use in the Safe Parking program, SacRT's obligations under various land use arrangements to provide access to its facilities for use in the Safe Parking program, as well as its legal liability risk exposure. Currently, Legal Department staff is working with Caltrans on a complex three-party lease agreement that will allow the City to use SacRT's parking lot at its Roseville Road Light Rail Station as a Safe Parking site. The Legal Department is also working with SacRT Management on providing the City access to other of SacRT's Light Rail stations for use as Safe Parking sites.

SacRT's Administrative Code Revisions

SacRT's Administrative Code has 15 titles that govern the various aspects of SacRT's operations. Several of the titles are outdated and in need of revision. This year, SacRT's Legal Department worked with several departments to update and revise 3 titles of the Administrative Code to address necessary changes and modernize the terms.

Title I – Procurement Ordinance. SacRT's Legal team worked with the Procurement Department to make some necessary changes to the Procurement Ordinance modifying

the manner unauthorized procurements are handled. The changes have granted the General Manager/CEO more flexibility to ratify unauthorized procurements.

Title V – Claims Procedure. How SacRT processes claims has historically been set out in Title V of the Administrative Code. However, over the years, changes in the process have been adopted by the Board through Resolutions, creating confusion and inconsistency in the claims and settlement process. SacRT Legal worked with the Risk Department to revise Title V to incorporate changes the Board made through resolution, to ensure that the complete claims and settlement procedures are set out in Title V, rather than in various resolutions. The entirety of the Claims Procedure is now set out in Article V.

Title XIII – Providing Meals & Refreshments to Employees and Board Directors. Title XIII was last updated in 1998. The code sets out the dollar limits for reimbursement for meals and refreshments provided to employees and Board Directors who are required to work through their meal periods, who are participating in an employee recognition event or for morale-building work events. The limits were significantly outdated and inconsistent with the current IRS allowable reimbursement rates. For instance, under the 1998 version of Title XIII, SacRT was authorized to pay \$8.00 for an employee's lunch, an amount that we would be hard pressed to find with today's take-our prices. The amounts included in the revised Title XIII are consistent with today's IRS rules. To ensure that the amounts listed in the code grow with inflation, the revised Title XIII authorizes SacRT to increase the authorized reimbursement amounts consistent with increases in the Consumer Price Index for take-away meals.

In 2022, the Legal Department anticipates continuing its working on revising outdated titles in the Administrative Code to ensure that the Administrative Code is consistent and compliant with current law.

California Public Records Act

SacRT's Legal Department historically handled responding to California Public Records Act (CPRA) requests. In 2018 when the legal function at SacRT was restructured, the responsibility for responding to CPRA requests was moved to the Risk Department. SacRT receives a not-insignificant number of CPRA requests and the volume became too demanding for the Risk Attorney to handle, given all the other requirements placed on that position. In April 2021, the responsibility to respond to all CPRA requests returned to SacRT's Legal Department. Since April, the Legal Department has processed approximately 40 requests of varying degrees of complexity. The Legal Department works closely with the General Manager/CEO's office to timely process each request.

Board Structure

A project the Legal Department was asked to work on late in 2021 was to research how SacRT's Board structure is established and how it can be changed. Working closely with Management, SacRT's Legal Department researched the issue and provided the Board with an overview of the relevant governing statute and options to change the Board structure. SacRT Legal anticipates working closely with the Board in 2022 on developing

options for modifying the current Board structure to ensure voting equity among its members as the Board Ad Hoc Subcommittee studies the issue.

Real Estate Support

Throughout 2021 the Legal Department worked closely with the Real Estate Department on a number of key projects including SacRT granting a water line easement to the City of Folsom for a new development in Folsom, providing legal support for the Dos Rios Light Rail Station project, providing legal support for the close out of several remaining real estate transactions related to the SSCP2 project, providing legal support for the acquisition of a new administrative campus and maintenance facilities, providing legal support for the disposition of SacRT's existing facilities, and providing legal support for numerous easements, licenses, rights of entry and other real estate related transactions. There are a number of real estate related transactions that are in progress that SacRT's Legal Department will dedicate significant resources in 2022 to progress those transactions.

Pension Support

The Legal Department continues to serve the role of counsel to SacRT's pension staff as that staff performs their role of pension administrator. While the Retirement System has its own counsel, SacRT, as the pension administrator that executes the directives of the Retirement Boards, relies on SacRT's Legal Department to provide advice and counsel on pension related issues from the perspective of the pension administrator. In that role, SacRT's Legal Department continues to review all pension applications and approvals before their final approval by the General Manager/CEO. SacRT's Legal Department has also been working with outside counsel on revising SacRT's plan documents to incorporate PEPRA requirements. The revision of all three pension plans is an on-going project that will continue through 2022.

Leave Administration

SacRT established a Leave Administration Committee approximately 10 years ago to manage complex leave requests submitted by employees. The Committee is a cross-departmental body made up of representatives from Human Resources, Labor Relations, EEO, Risk and Legal. SacRT's Legal Department has been actively engaged with the Committee throughout 2021 providing legal advice and counsel to the Committee on SacRT's legal obligations related to FMLA, ADA, CFRA, PDL and the various other leave laws that provide leave entitlement to employees in California.

Procurement Support

SacRT's Legal Department has historically played a significant role in the Procurement process. This past year was no different. The Legal Department participated in all procurements from stem to stern, including assisting in the drafting and review of all bid documents, providing advice and counsel during the selection process, drafting the contracts and providing assistance with contract interpretation after contract execution.

This year the Legal Department worked on a number of significant procurements including:

1. BMF2 CNG compressor replacement design-build contract
2. New CNG bus contract with Gillig
3. Clean up and continuation of IT Contracts for Verizon, AT&T and Microsoft
4. Siemens contract amendments for vehicle configuration and additional 8 vehicles
5. Agreement for Year 3 of RydeFreeRT
6. Revised Transfer Agreement with YCTD
7. Fare Structure resolutions for complementary fare and discount fare programs
8. Title VI review and Fare Structure resolutions for Elk Grove and contactless fare pilot program
9. GiddyUp EV License Agreement and Right of Entry
10. 15-Minute Service to Folsom Construction Management and Construction solicitations (contracts to be awarded in January/February)
11. Elk Grove annexation contracts for radios, radio installation
12. Cost Sharing Agreement for Operation of Smart Ride Service within the County of Sacramento, County Service Area No. 10, Benefit Zone 3
13. Insurance broker services contract
14. Security Guard Services contract
15. Amendment to Rancho Cordova operations agreement to enhance Route 177 service and make other service improvements
16. Contracts for Pre-Employment Medical Examinations and DMV Certification
17. Extension of LRV advertising contract with Lamar
18. Interim Low-Floor Vehicle Station Platform modification IFB (slated to be released this week)
19. Dos Rios construction management and construction contracts (in progress to be released in January/February)

In addition to the procurements listed above, SacRT Legal worked on numerous other smaller procurements. SacRT Legal anticipates that it will continue to serve a key role in the procurement process in 2022.

General Legal Support

Throughout 2021 SacRT's Legal Department provided advice and counsel to SacRT Management on the many projects the district is progressing. We provided advice and counsel on labor and employment issues, real property, CEQA, NEPA, PEPR, First Amendment issues, procurement, Brown Act, FPPC and conflicts issues, leave administration, and the many legal issues that arise on a daily basis at a high performing public transit agency. We have faced many challenges during this year and anticipate that 2022 will be no different. We look forward to continuing to assist SacRT Management progress the Board's many initiatives and priorities.

STAFF REPORT

DATE: January 10, 2022
TO: Sacramento Regional Transit Board of Directors
FROM: Coye Carter, Internal Account and Compliance Auditor
SUBJ: INTERNAL AUDIT UPDATE

RECOMMENDATION

No Recommendation - For Information Only.

Internal Audit Year-End Report to the Board of Directors

The Sacramento Regional Transit District's (SacRT) Internal Audit (IA) Unit plans, coordinates and oversees organizational internal audit and risk assessment activities. IA reviews the integrity and efficiency of SacRT's critical activities, projects, and programs in order to determine if internal controls are adequate and effective in mitigating business risks and complying with applicable laws and regulations. Additionally, IA works collaboratively with management and staff at all levels to implement necessary changes and corrective actions to assist SacRT with accomplishing its organizational goals and missions.

Mr. Coye Carter, SacRT's current Internal Accountability Auditor, was hired in January 2020. He reports to Shelly Valenton, VP Integrated Services and Strategic Initiatives/Chief of Staff. In March 2021, IA created an Internal Audit Plan for fiscal years 2021 through 2023. The Internal Audit Plan was developed through interviews with SacRT leadership, managers, and staff and review of financial reports, audit reports, and governing regulations for transportation agencies. Several engagements noted on the Internal Audit Plan were completed or are on-going:

- Disadvantaged Business Enterprise (DBE) Program Compliance Follow-up Review – (Completed)
- Procurement (P-Card) and Fuel Card Internal Control Review – (Completed)
- Equal Employment Opportunity (EEO) Program Compliance Review – (Completed)
- Petty Cash Internal Control Review – (Completed)
- Capital Assets Review – (On-going)
- Inventory Control Review – (On-going)
- Timesheet Internal Control Review – (On-going)

IA has the following engagements scheduled in 2022:

- Non-Revenue Vehicle Use Program Review
- Elk Grove Annexation Review
- Subrecipient Monitoring Review
- Grant Activities Tracking Internal Control Review

The Internal Audit Plan is periodically reevaluated and adjusted to suit organizational priorities and accommodate special project requests from SacRT leadership.

In November 2021, SacRT was notified by the Federal Transportation Administration (FTA) about its upcoming 2022 Triennial Review. The purpose of the FTA's Triennial Review is to confirm if grantees receiving Urbanized Area Formula Program funding are adhering to the FTA's requirements and policies. IA is participating with coordination and liaison efforts between FTA reviewers and SacRT staff. IA is also participating in the California Department of Transportation's (Caltrans) 2022 Transportation Development Act (TDA) Triennial. The purpose of Caltrans' TDA Triennial is to verify that transportation agencies used provided funding efficiently and effectively for improving public transportation services and regional transportation plans.