

STAFF REPORT

DATE: May 8, 2023
TO: Sacramento Regional Transit Board of Directors
FROM: Shelly Valenton, Deputy General Manager/CEO
SUBJ: AMEND AND RESTATE TITLE III OF THE ADMINISTRATIVE
CODE FOR THE SACRAMENTO REGIONAL TRANSIT DISTRICT
BOARD'S RULES OF PROCEDURE

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

Repealing Resolution No. 18-08-0084 and adopting Resolution No. 2023-05-037, Amending and Restating Title III of the Sacramento Regional Transit District Administrative Code Relating to Rules of Procedure.

This action will modify Title III of the Sacramento Regional Transit (SacRT) Administrative Code to reflect the current board and voting structure. Other changes made include minor grammatical, clarification or updating that is needed.

FISCAL IMPACT

None as a result of this action.

DISCUSSION

The current Title III of the Sacramento Regional Transit (SacRT) Administrative Code references the Board's previous weighted voting structure and does not reflect changes that were implemented when Governor Newsom signed AB 1196 (Cooley) into law in 2021. Effective January 1, 2022, AB 1196 changed SacRT's Enabling Act to require that each member of the Board has one vote, the majority of the members appointed to the Board are necessary to constitute a quorum and all official acts of the Board require the affirmative vote of a majority of all of the members of the Board. The majority of the proposed changes to the Amended and Restated Title III would incorporate those statutory changes to SacRT's Administrative Code and bring Title III in line with SacRT's Enabling Act. .

In addition to incorporating the statutory changes enacted in AB 1196, staff has made a number of minor changes to modernize Title III, such as adding inclusive language (e.g., changing him/her to they/them), correcting grammatical errors, and making other similar minor clean up changes.

Title III currently only authorizes an affirmative vote to be recognized when a Board member uses the term “aye” to express their approval or consent. Recognizing that there are members of the Board who use the term “yes” instead of “aye”, staff has added language also recognizing “yes” as an acceptable term to express consent or approval by a voting member of the Board.

An additional proposed change is to add “performing employee evaluations” to the Closed Session guidelines. While performing employee evaluations in closed session is authorized by the Brown Act and the Board has historically performed such evaluations in closed session, Title III does not currently expressly include employee evaluations in the Closed Session guidelines. The Closed Session Guidelines will now include performing employee performance evaluations of any employee or officer that reports directly to the Board of Directors. All of the proposed changes are shown in strike out, redline in Attachment A, attached hereto.

State law authorizes the SacRT Board to adopt an administrative code setting forth procedures for the operation and management of the District (Public Utilities Code Section 102121) and to establish rules for its proceedings (Public Utilities Code Section 102104). The proposed changes are within the Board’s authority and consistent with the Brown Act and SacRT’s Enabling Act.

TITLE III – RULES OF PROCEDURE

CHAPTER 1

BOARD RULES

Article I

Meetings

§3.1.1.1 Regular Meetings

At least once during each calendar year, the Sacramento Regional Transit District (SacRT) Board of Directors, hereinafter referred to as “Board,” will adopt a resolution setting forth its regular meeting schedule for the ~~12-month~~12-month calendar period following the month and year in which the resolution is adopted. The resolution establishing the Board’s regular meeting schedule will state the date for each regular meeting, and the time or place for each regular meeting if it differs from the time or place set out in this section. Unless otherwise specified in the resolution establishing the Board’s regular meeting schedule, the Board will conduct its regular meetings in the first floor Auditorium at Regional Transit’s Administrative ~~Offices Headquarters located at 1400 29th Street, Sacramento, CA.~~ Regular meetings of the Board will start at 5:30 p.m. Whenever a regular meeting falls on a legal holiday, the meeting will be re-designated by the Board at its regular meeting immediately prior to the holiday. If, for any other reason, the Board decides to change the date of a regular meeting, the meeting will be designated by the Board at its regular meeting immediately prior to the meeting for which the date was changed. Absent the designation, any meeting other than the next regularly scheduled meeting, will be called and noticed as a special meeting. Legal holiday, as used above, will mean those days defined as legal holidays in *Government Code* Sections 6700 and 6701.

§3.1.1.2 Special Meetings

A special meeting may be called at any time by the Chair, or by a majority of the members of the Board, by delivering personally, by email, or by mail, written notice to each member of the Board and to each local newspaper of general circulation, radio, or television station requesting notice in writing. The notice must be delivered and received at least 24 hours before the time of the meeting. The call and notice will specify the time and place of the special meeting and the business to be transacted. No business other than as specified in the notice will be considered at the meeting. The written notice need not be given to any member who, at or prior to the time the meeting convenes, files a written waiver of notice with the Secretary of the District. The waiver may be given by regular mail, telegram, ~~facsimile~~ or email. Any defect in the notice procedure will be deemed cured by actual attendance of the member at the meeting. (*Government Code* Section 54956)

§3.1.1.3 Adjournment of Meeting

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

§3.1.1.4 Session

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

§3.1.1.5 Roll Call

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

§3.1.1.6 Quorum

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

§3.1.1.7 Minutes

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

§3.1.1.8 Approval of Minutes

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

§3.1.1.9 Meetings to be Open to the Public

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

§3.1.1.10 Vote

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

§3.1.1.11 Voting by Alternates

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

§3.1.1.12 Continuing Body

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

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

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

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

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

§3.1.1.14 Closed Session

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

- A. To meet with District's legal counsel regarding anticipated and/or pending litigation
- B. To meet with District's designated representative regarding real property negotiations regarding ~~terms and price~~ and/or terms of payment.
- C. To consider the appointment, employment, discipline or dismissal of an officer or employee, or to hear complaints and charges against the officer or employee. At least 24 hours prior to the closed session, the District will deliver written notice to the officer or employee that he or she has the right to have the hearing made public. This section will not be construed as granting anyone the right to a hearing they do not already have by virtue of some other authority.
- D. To perform an employee performance evaluation of any employee or officer that reports directly to the Board of Directors.
- E. To meet with District's designated representatives regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees.
- F. To consider any matter affecting the national security.

- G. To meet with the Attorney General, District Attorney, Sheriff, or Chief of Police or other authorized representatives on matters posing a threat to the security of District buildings, public services or facilities.

§3.1.1.15 Time, Rules, and Agenda of Closed Session

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

- A. “CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Smith v. SacRT Pursuant to *Gov. Code* Section 54956.9(a)” (for filed claims against the District and litigation)
- B. “CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to *Gov. Code* Section 54956.9(b)” includes facts and circumstances upon which closed session is based and which are known to potential plaintiffs unless same will be announced prior to closed session (for significant exposure of litigation against the District).
- C. “CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Pursuant to *Gov. Code* Section 54956.9(b)(2) to decide whether facts and circumstances warrant closed session under *Gov. Code* Section 54956.9(b)(1)”
- D. “CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Pursuant to *Gov. Code* Section 54956.9(c) based on existing facts and circumstances, the District has decided or is deciding whether to initiate litigation.”
- E. “CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Pursuant to *Gov. Code* Section 54956.8: Property: (specify street address or assessor parcel number of the real property under negotiation)
Negotiating parties: (specify name of party – not agent)
Negotiation: (specify whether authority to negotiator will concern price, term of payment or both)”
- F. “PUBLIC EMPLOYEE APPOINTMENT
Pursuant to *Gov. Code* Section 54957
Title: (specify description of position to be filled)”
- G. “PUBLIC EMPLOYMENT
Pursuant to *Gov. Code* Section 54957
Title: (specify description of position to be filled)”
- H. “PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to *Gov. Code* Section 54957
Title: (specify position or title of employee being reviewed)”
- I. “PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Pursuant to *Gov. Code* Section 54957”
(no additional information is required)
- J. “CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to *Gov. Code* Section 54957.6
District Negotiator: (specify name)
Employee Organization: (specify name of organization representing employee)
OR
Unrepresented Employee: (specify position or title of unrepresented employee who is the subject of negotiations)”

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

§3.1.1.16 Closed Session Action

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

Article II

Officers

§3.1.2.1 Chair

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

§3.1.2.2 Chair Responsibilities

The Chair will preside and preserve order at all regular meetings, special meetings and hearings of the Board. The Chair will state every question coming before the Board, announce the decision of the Board on all subjects and decide all questions of order without debate, subject, however, to an appeal by a member of the Board. The Chair will sign all Board resolutions and all minutes of the Board meetings or hearings which they ~~have he or she has~~ witnessed being adopted or approved.

§3.1.2.3 Vice-Chair and Chair Pro Tem Responsibilities

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

§3.1.2.4 Secretary

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

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

§3.1.2.5 Elections

Election of any officer of the District will be by nomination, closing of nominations and balloting on nominees. Before the declaration of the result of the vote, a unanimous ballot may be cast for the successful candidate. The Chair and Vice-Chair will be elected at the first regular meeting in January unless otherwise provided under *Public Utilities* Code Section 102104. A Chair may serve successive years with Board affirmation at the end of each year using the same process listed above by the Board of Directors at its first regular meeting in January.

§3.1.2.6 Board of Directors

The government of the District is vested in a Board appointed by the Voting Entities. The number of members on the Board will not be less than the number of Voting Entities that are eligible to make appointments to the Board. The exact number of the Board members will be determined in accordance with appointments made by the Voting Entities pursuant to *Public Utilities* Code Sections 102100.2, 102100.3, and 102100.5, subject to the provisions of *Public Utilities* Code Sections 102100.4 and 102100.7. Each Voting Entity may appoint an alternate to serve for an absent primary member in the manner set forth in *Public Utilities* Code Section 102100.10.

§3.1.2.7 Term of Office of Board Members

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

§3.1.2.8

Vacancy

If a vacancy occurs on the Board because of death, resignation, illness or for other reason, the Secretary of the Board will immediately provide written notice to the jurisdiction appointing the individual of the need appoint a replacement. The replacement is to be appointed within ~~sixty (60)~~ days of the transmittal of the notice.

Article III

Order of Board Business

§3.1.3.1

Agenda

The order of business for regular meetings will be as follows:

In open session:

1. Call to order at 5:30 pm
2. Roll Call
3. Pledge of Allegiance
4. Consent Calendar, including approval of Action Summary
5. Introduction of Special Guests
6. Unfinished Business
7. Public Hearings (unless conducted independently of regular meeting)
8. Public Addresses the Board on Matters not on the Agenda
9. New Business
10. General Manager's Report
11. Reports, Ideas and Questions from Directors, and Communications
12. Continuation of Public Addresses Board on Matters Not on the Agenda (if necessary)
13. Announcement of Closed Session Items.

For anticipated litigation, announcements must include facts and circumstances upon which the closed session is based and which are known to the potential plaintiffs unless set out in the written agenda.

14. Recess to Closed Session.

In closed session:

15. Closed session items.
16. Reconvene to open session.

In open session:

17. Closed Session report, if required.
18. Adjourn.

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

§3.1.3.2 Contents of Agenda

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

“*NOTICE TO THE PUBLIC

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

Public comment may be given on any agenda item as it is called and will be limited by the Chair to 3 minutes or less per speaker. Speakers using a translator will be provided twice the allotted time, to account for the time needed to translate speaker’s comment. When it appears there are several members of the public wishing to address the Board on a specific item, at the outset of the item the Chair of the Board will announce the maximum amount of time that will be allowed for public comment on that item.

Matters under the jurisdiction of the Board and not on the posted agenda may be addressed under the Item “Public addresses the Board on matters not on the agenda.” Up to 30 minutes will be allotted for this purpose. The Board limits public comment on matters not on the agenda to 3 minutes or less per person and not more than 15 minutes for a particular subject. If public comment has reached the 30 minute time limit, and not all public comment has been received, public comment will resume after other business has been conducted as set forth on the agenda. The Board will not act upon or discuss an item that is not listed on the agenda except as provided in Section 3.1.3.6.

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 located at 1400 29th Street, Sacramento, CA, and is posted on the SacRT website.

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

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

Copies of staff reports or other written documentation relating to each item of business referred to on the agenda are on SacRT's website, on file with the Clerk to the Board of Directors of the Sacramento Regional Transit District, and are available for public inspection at ~~1400 29th Street, Sacramento, California~~ its Administrative Offices.

§3.1.3.3 Consent Calendar

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

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

§3.1.3.4 Agenda Preparation, Delivery and Posting

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

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

§3.1.3.5 Submission of Materials for Agenda

Material intended for placement on the agenda for a regular meeting will be delivered to the Secretary ~~on or before 12:00 noon on the 21st day~~ before the deadline for meeting posting the meeting agenda. Members of the Board may submit items for inclusion on a future agenda by orally making the request to the Chair under Reports, Ideas and

Questions from Directors, and Communications. The General Manager/CEO and the ~~General Counsel~~ ~~Chief Counsel~~ may also submit items for inclusion on a future agenda.

§3.1.3.6 Matters Requiring Board Action

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

- A. Upon a determination by at least a Majority Vote of the full Board that an emergency situation exists as defined in Section 54956.5 of the *Government Code*.
- B. Upon a determination by at least a Two-Thirds Vote of the Board, or if the members and/or their alternates present do not have sufficient votes to cast at least a Two-Thirds Vote of the Board, a unanimous vote of all those members of the Board or their alternates who are present, that there is an immediate need to take action, and the need for action came to the District's attention after the agenda was posted.
- C. The item was properly posted for a prior meeting of the Board of Directors occurring not more than ~~five (five-5)~~ five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
- D. By directing the General Manager to place an item of business for discussion and/or action on a subsequent agenda.

§3.1.3.7 Access to Public Records Distributed at Meeting

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

Article IV

Hearing

§3.1.4.1 Opening of Hearing

A hearing will be deemed open when the Chair announces the item for which a hearing has been set.

§3.1.4.2 Order of Hearing

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

- 1. Chair announces item.
- 2. Staff makes presentation.
- 3. Proponents address Board.
- 4. Secretary reads communication from proponent (unless same has been read by one of the speakers).

5. Opponents address Board.
6. Secretary reads communication from opponent (unless same has been read by one of the speakers).
7. Rebuttals, if applicable. (Proponents first and opponents last.)
8. Public Comment.
9. Questions by the Board.
10. Discussion by the Board.
- ~~11. Board action as appropriate. ~~appropriate.~~~~

§3.1.4.3 Speaking Restriction

Each person appearing at a hearing before the Board will be limited to 3 minutes in his or her initial presentation. If ~~they he or she~~ desires further time, ~~they he or she~~ may request same before returning to ~~his or her~~ their seat, in which event, the Chair may, at ~~his or her~~ their discretion, permit further remarks either before or after all other speakers on ~~their~~ their ~~his or her~~ side have been heard and before proceeding to the next order in the hearing. Any person addressing the Board may submit written statements, petitions or other documents to complement their ~~his or her~~ presentation. A person appearing in rebuttal will be limited to 2 minutes.

§3.1.4.4 Close of Hearing

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

§3.1.4.5 Continuation of Hearings

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

§3.1.4.6 Continuation of Deliberations

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

§3.1.4.7 Decorum

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

Article V

Persons Addressing the Board

§3.1.5.1 Addressing Board

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

§3.1.5.2 Impertinence

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

Article VI

Members

§3.1.6.1 Synopsis in Minutes

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

§3.1.6.2 Speaking Privileges

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

§3.1.6.3 Speaking Interruption

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

§3.1.6.4 Debate Closing

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

§3.1.6.5 Motion Reconsideration

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

§3.1.7.1 Action

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

§3.1.7.2 Ordinances

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

§3.1.7.3 Ordinance Effective Date

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

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

§3.1.7.4 Votes, Signature and Attestation

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

§3.1.7.5 Ordinance Publication

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

of general circulation published in the District or on the District's ~~Internet Web~~ website as authorized under *Public Utilities Code* Section 102107.

§3.1.7.6 Codification

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

§3.1.7.7 Effect of Motion

Motions will be considered an act of the District and carry the same weight as a resolution.

§3.1.7.8 Allocation of Votes

~~There will be a total of 100 votes, which will be apportioned to the Voting Entities and allocated among the members of the Board appointed by the Voting Entities in accordance with *Public Utilities Code* Section 102105.1. Each member of the Board will have one vote. A majority of the members of the full Board will constitute a quorum. All official acts of the Board will require the affirmative vote of a majority of all the members of the Board (both present and not present), at least a Majority Vote of the Board unless a higher threshold a greater number of affirmative votes is required by law. The allocation of votes authorized by *Public Utilities Code* section 102105.2~~1~~ applies only to noticed meetings or hearings of the Board and does not apply to Ad Hoc Committees composed of less than a numerical majority of the Board's members.~~

ARTICLE VIII

Committees

§3.1.8.1 Appointment

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

§3.1.8.2 Standing Committee Meetings

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

§3.1.8.3 Ad Hoc Committee Meeting

It will be the policy of the Board that meetings of Ad Hoc Committees will be open to the public, except for meetings which would be eligible for closed sessions under the Brown Act. If less than a quorum of the Board is appointed to serve on an Ad Hoc Committee, no notice need be given other than the posting of a notice of the time and place of the committee meetings on a publicly accessible bulletin board at the administrative offices of the District, ~~located at 1400 29th Street, Sacramento, California.~~

ARTICLE IX

Rules

§3.1.9.1 Amendment

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

§3.1.9.2 Suspension

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

§3.1.9.3 Robert’s Rules

All rules of order not herein provided for will be determined in accordance with “Robert’s Rules of Order.”

§3.1.9.4 Copies – District Rules

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

ARTICLE X

Definitions

§3.1.10.1 Majority Vote of the Board

“Majority Vote of the Board” means the affirmative vote by 50% plus one members of the full Board cast either by the seated member or and/or their alternates ~~casting at least a majority of the 100 votes apportioned to the Voting Entities.~~

§3.1.10.2 Two-Thirds Vote of the Board

“Two-Thirds Vote of the Board” means the affirmative vote by at least two-thirds of the members of the full Board cast either by the seated member or and/or their alternates ~~casting at least two-thirds of the 100 votes apportioned to the Voting Entities.~~

§3.1.10.3 Voting Entity

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

CHAPTER 2

PUBLIC TASK FORCE

ARTICLE I

Appointment

§3.2.1.1 Board Appointment

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

§3.2.1.2 Task Force Makeup

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

§3.2.1.3 Restrictions on Task Force Membership

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

§3.2.1.4 Terms of Service

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

§3.2.1.5 Administrative Matters

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

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

§3.2.1.6 **Compensation**~~No compensation will be paid for ad hoc task force membership.~~

Members appointed to the ad hoc task force will receive compensation consistent with the statutory requirements and monthly limits imposed on Board member compensation compensation.

§3.2.1.7 **Staff Support**

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

RESOLUTION NO. 2023-05-037

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

May 8, 2023

**AMEND AND RESTATE TITLE III OF THE ADMINISTRATIVE CODE FOR THE
SACRAMENTO REGIONAL TRANSIT DISTRICT BOARD'S RULES OF
PROCEDURE**

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

THAT, Resolution No. 18-08-0084 is hereby repealed and restated to amend SacRT's Title III of the Administrative Code as set out in the attached Exhibit 1, effective May 9, 2023.

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary

TITLE III – RULES OF PROCEDURE

CHAPTER 1

BOARD RULES

Article I

Meetings

§3.1.1.1 Regular Meetings

At least once during each calendar year, the Sacramento Regional Transit District (SacRT) Board of Directors, hereinafter referred to as “Board,” will adopt a resolution setting forth its regular meeting schedule for the 12-month calendar period following the month and year in which the resolution is adopted. The resolution establishing the Board’s regular meeting schedule will state the date for each regular meeting, and the time or place for each regular meeting if it differs from the time or place set out in this section. Unless otherwise specified in the resolution establishing the Board’s regular meeting schedule, the Board will conduct its regular meetings in the first floor Auditorium at Regional Transit’s Administrative Offices. Regular meetings of the Board will start at 5:30 p.m. Whenever a regular meeting falls on a legal holiday, the meeting will be re-designated by the Board at its regular meeting immediately prior to the holiday. If, for any other reason, the Board decides to change the date of a regular meeting, the meeting will be designated by the Board at its regular meeting immediately prior to the meeting for which the date was changed. Absent the designation, any meeting other than the next regularly scheduled meeting, will be called and noticed as a special meeting. Legal holiday, as used above, will mean those days defined as legal holidays in *Government Code* Sections 6700 and 6701.

§3.1.1.2 Special Meetings

A special meeting may be called at any time by the Chair, or by a majority of the members of the Board, by delivering personally, by email, or by mail, written notice to each member of the Board and to each local newspaper of general circulation, radio, or television station requesting notice in writing. The notice must be delivered and received at least 24 hours before the time of the meeting. The call and notice will specify the time and place of the special meeting and the business to be transacted. No business other than as specified in the notice will be considered at the meeting. The written notice need not be given to any member who, at or prior to the time the meeting convenes, files a written waiver of notice with the Secretary of the District. The waiver may be given by regular mail, telegram, or email. Any defect in the notice procedure will be deemed cured by actual attendance of the member at the meeting (*Government Code* Section 54956).

§3.1.1.3 **Adjournment of Meeting**

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

§3.1.1.4 **Session**

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

§3.1.1.5 **Roll Call**

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

§3.1.1.6 **Quorum**

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

§3.1.1.7 **Minutes**

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

§3.1.1.8 Approval of Minutes

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

§3.1.1.9 Meetings to be Open to the Public

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

§3.1.1.10 Vote

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

§3.1.1.11 Voting by Alternates

A person who is serving as an alternate for an absent member of the Board will notify the Chair and the Clerk to the Board at the beginning of a meeting, or at the earliest practical opportunity thereafter and before voting, that they are serving as an alternate for a primary member. An alternate will state the name of the member of the Board for whom they are serving as an alternate. The Clerk of the Board will confirm whether SacRT has received official notification from the applicable Voting Entity regarding the alternate's authority to serve as an alternate and the name of the member of the Board for whom they may serve as an alternate. If the Clerk to the Board confirms the alternate's voting eligibility, the Clerk to the Board will so advise the Chair and the alternate may vote on any business coming before the Board at that meeting while the primary member for whom he or she is serving as an alternate is absent. An alternate will have the same vote that the primary member for whom they are serving as an alternate. The Clerk to the Board will record in the minutes the time at which an alternate was recognized to be serving for an absent primary member.

§3.1.1.12 Continuing Body

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

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

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

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

Any member who is legally disqualified from participating in District action on any particular matter will, as soon as the matter is reached on the agenda, disclose their disqualification and the reason for it and will take no part in the discussion, debate or vote on the matter. If the disqualification is not known to them at the time the matter is reached on the agenda, they will make the disclosure as soon as their disqualification is known to them.

§3.1.1.14 Closed Session

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

- A. To meet with District's legal counsel regarding anticipated and/or pending litigation
- B. To meet with District's designated representative regarding real property negotiations regarding price and/or terms of payment.
- C. To consider the appointment, employment, discipline or dismissal of an officer or employee, or to hear complaints and charges against the officer or employee. At least 24 hours prior to the closed session, the District will deliver written notice to the officer or employee that he or she has the right to have the hearing made public. This section will not be construed as granting anyone the right to a hearing they do not already have by virtue of some other authority.
- D. To perform an employee performance evaluation of any employee or officer that reports directly to the Board of Directors.
- E. To meet with District's designated representatives regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees.
- F. To consider any matter affecting the national security.
- G. To meet with the Attorney General, District Attorney, Sheriff, or Chief of Police or other authorized representatives on matters posing a threat to the security of District buildings, public services or facilities.

§3.1.1.15 Time, Rules, and Agenda of Closed Session

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

- A. “CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Smith v. SacRT Pursuant to *Gov. Code* Section 54956.9(a)” (for filed claims against the District and litigation)
- B. “CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to *Gov. Code* Section 54956.9(b)” includes facts and circumstances upon which closed session is based and which are known to potential plaintiffs unless same will be announced prior to closed session (for significant exposure of litigation against the District).
- C. “CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Pursuant to *Gov. Code* Section 54956.9(b)(2) to decide whether facts and circumstances warrant closed session under *Gov. Code* Section 54956.9(b)(1)”
- D. “CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Pursuant to *Gov. Code* Section 54956.9(c) based on existing facts and circumstances, the District has decided or is deciding whether to initiate litigation.”
- E. “CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Pursuant to *Gov. Code* Section 54956.8: Property: (specify street address or assessor parcel number of the real property under negotiation)
Negotiating parties: (specify name of party – not agent)
Negotiation: (specify whether authority to negotiator will concern price, term of payment or both)”
- F. “PUBLIC EMPLOYEE APPOINTMENT
Pursuant to *Gov. Code* Section 54957
Title: (specify description of position to be filled)”
- G. “PUBLIC EMPLOYMENT
Pursuant to *Gov. Code* Section 54957
Title: (specify description of position to be filled)”
- H. “PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to *Gov. Code* Section 54957
Title: (specify position or title of employee being reviewed)”
- I. “PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Pursuant to *Gov. Code* Section 54957”
(no additional information is required)
- J. “CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to *Gov. Code* Section 54957.6
District Negotiator: (specify name)
Employee Organization: (specify name of organization representing employee)
OR

Unrepresented Employee: (specify position or title of unrepresented employee who is the subject of negotiations)”

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

§3.1.1.16 Closed Session Action

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

Article II

Officers

§3.1.2.1 Chair

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

§3.1.2.2 Chair Responsibilities

The Chair will preside and preserve order at all regular meetings, special meetings and hearings of the Board. The Chair will state every question coming before the Board, announce the decision of the Board on all subjects and decide all questions of order without debate, subject, however, to an appeal by a member of the Board. The Chair will sign all Board resolutions and all minutes of the Board meetings or hearings which they have witnessed being adopted or approved.

§3.1.2.3 Vice-Chair and Chair Pro Tem Responsibilities

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

§3.1.2.4 Secretary

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

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

§3.1.2.5 Elections

Election of any officer of the District will be by nomination, closing of nominations and balloting on nominees. Before the declaration of the result of the vote, a unanimous ballot may be cast for the successful candidate. The Chair and Vice-Chair will be elected at the first regular meeting in January unless otherwise provided under *Public Utilities Code Section 102104*. A Chair may serve successive years with Board affirmation at the end of each year using the same process listed above by the Board of Directors at its first regular meeting in January.

§3.1.2.6 Board of Directors

The government of the District is vested in a Board appointed by the Voting Entities. The number of members on the Board will not be less than the number of Voting Entities that are eligible to make appointments to the Board. The exact number of the Board members will be determined in accordance with appointments made by the Voting Entities pursuant to *Public Utilities Code Sections 102100.2, 102100.3, and 102100.5*, subject to the provisions of *Public Utilities Code Sections 102100.4 and 102100.7*. Each Voting Entity may appoint an alternate to serve for an absent primary member in the manner set forth in *Public Utilities Code Section 102100.10*.

§3.1.2.7 Term of Office of Board Members

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

§3.1.2.8 Vacancy

If a vacancy occurs on the Board because of death, resignation, illness or for other reason, the Secretary of the Board will immediately provide written notice to the jurisdiction appointing the individual of the need appoint a replacement. The replacement is to be appointed within 60 days of the transmittal of the notice.

Article III
Order of Board Business

§3.1.3.1 Agenda

The order of business for regular meetings will be as follows:

In open session:

1. Call to order at 5:30 pm
2. Roll Call
3. Pledge of Allegiance
4. Consent Calendar, including approval of Action Summary
5. Introduction of Special Guests
6. Unfinished Business
7. Public Hearings (unless conducted independently of regular meeting)
8. Public Addresses the Board on Matters not on the Agenda
9. New Business
10. General Manager's Report
11. Reports, Ideas and Questions from Directors, and Communications
12. Continuation of Public Addresses Board on Matters Not on the Agenda (if necessary)
13. Announcement of Closed Session Items.
For anticipated litigation, announcements must include facts and circumstances upon which the closed session is based and which are known to the potential plaintiffs unless set out in the written agenda.
14. Recess to Closed Session.
In closed session:
15. Closed session items.
16. Reconvene to open session.
In open session:
17. Closed Session report, if required.
18. Adjourn.

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

§3.1.3.2 Contents of Agenda

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

**NOTICE TO THE PUBLIC

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

Public comment may be given on any agenda item as it is called and will be limited by the Chair to 3 minutes or less per speaker. Speakers using a translator will be provided twice the allotted time, to account for the time needed to translate speaker's comment. When it appears there are several members of the public wishing to address the Board on a specific item, at the outset of the item the Chair of the Board will announce the maximum amount of time that will be allowed for public comment on that item.

Matters under the jurisdiction of the Board and not on the posted agenda may be addressed under the Item "Public addresses the Board on matters not on the agenda." Up to 30 minutes will be allotted for this purpose. The Board limits public comment on matters not on the agenda to 3 minutes or less per person and not more than 15 minutes for a particular subject. If public comment has reached the 30 minute time limit, and not all public comment has been received, public comment will resume after other business has been conducted as set forth on the agenda. The Board will not act upon or discuss an item that is not listed on the agenda except as provided in Section 3.1.3.6.

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 located at 1400 29th Street, Sacramento, CA, and is posted on the SacRT website.

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

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

Copies of staff reports or other written documentation relating to each item of business referred to on the agenda are on SacRT's website, on file with the Clerk to the Board of Directors of the Sacramento Regional Transit District, and are available for public inspection at its Administrative Offices.

§3.1.3.3

Consent Calendar

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

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

§3.1.3.4 Agenda Preparation, Delivery and Posting

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

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

§3.1.3.5 Submission of Materials for Agenda

Material intended for placement on the agenda for a regular meeting will be delivered to the Secretary before the deadline for posting the meeting agenda. Members of the Board may submit items for inclusion on a future agenda by orally making the request to the Chair under Reports, Ideas and Questions from Directors, and Communications. The General Manager/CEO and the General Counsel may also submit items for inclusion on a future agenda.

§3.1.3.6 Matters Requiring Board Action

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

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

- C. The item was properly posted for a prior meeting of the Board of Directors occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
- D. By directing the General Manager to place an item of business for discussion and/or action on a subsequent agenda.

§3.1.3.7 Access to Public Records Distributed at Meeting

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

Article IV

Hearing

§3.1.4.1 Opening of Hearing

A hearing will be deemed open when the Chair announces the item for which a hearing has been set.

§3.1.4.2 Order of Hearing

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

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

§3.1.4.3 Speaking Restriction

Each person appearing at a hearing before the Board will be limited to 3 minutes in his or her initial presentation. If they desire further time, they may request same before returning to their seat, in which event, the Chair may, at their discretion, permit further remarks either before or after all other speakers on their side have been heard and before proceeding to the next order in the hearing. Any person addressing the Board may submit

written statements, petitions or other documents to complement their presentation. A person appearing in rebuttal will be limited to 2 minutes.

§3.1.4.4 Close of Hearing

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

§3.1.4.5 Continuation of Hearings

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

§3.1.4.6 Continuation of Deliberations

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

§3.1.4.7 Decorum

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

Article V

Persons Addressing the Board

§3.1.5.1 Addressing Board

The regular time for the public to address the Board will be when the Chair in due orders of business invites them to do so. At other times, permission to address the Board will be at its discretion. A person desiring to address the Board will be requested to give their name, address and group affiliation, if any, to the Secretary for the record before addressing the Chair.

§3.1.5.2 Impertinence

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

Article VI

Members

§3.1.6.1 Synopsis in Minutes

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

§3.1.6.2 Speaking Privileges

Any member desiring to speak will address the Chair and upon recognition by the Chair will confine themselves to the question under debate, avoiding all personalities and disrespectful language.

§3.1.6.3 Speaking Interruption

A member will not be interrupted when speaking unless it be to call them to order, for the purpose of explanation, or to permit solicited responses. If a member, while speaking, is called to order, they will cease speaking and resume their seat until the question of order is determined, when, if permitted, they may proceed.

§3.1.6.4 Debate Closing

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

§3.1.6.5 Motion Reconsideration

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

§3.1.7.1 Action

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

§3.1.7.2 Ordinances

The usual course of procedure with an ordinance will be to lay it over for one meeting from the date of introduction or presentation, before calling it up for action, and to have the Secretary furnish a copy of each ordinance introduced, or presented, to each member of the Board as soon as possible after its introduction. The enacting clause of the

ordinance will be as follows: “The Board of Directors of Sacramento Regional Transit District do ordain as follows:”

§3.1.7.3 Ordinance Effective Date

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

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

§3.1.7.4 Votes, Signature and Attestation

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

§3.1.7.5 Ordinance Publication

The following directive will be included in each ordinance of a general nature. “The District Secretary is hereby directed to publish this ordinance in full within 15 days after adoption.” Before the expiration of 15 days after passage of an ordinance, it will be published once, with the names of the members voting for or against it, in a newspaper of general circulation published in the District or on the District’s website as authorized under *Public Utilities Code* Section 102107.

§3.1.7.6 Codification

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

§3.1.7.7 Effect of Motion

Motions will be considered an act of the District and carry the same weight as a resolution.

§3.1.7.8 Allocation of Votes

Each member of the Board will have one vote. A majority of the members of the full Board will constitute a quorum. All official acts of the Board will require the affirmative vote of a majority of all the members of the Board (both present and not present), unless a higher threshold is required by law. The allocation of votes authorized by *Public Utilities Code* section 102105.2 applies only to noticed meetings or hearings of the Board and does not apply to Ad Hoc Committees composed of less than a numerical majority of the Board’s members.

ARTICLE VIII

Committees

§3.1.8.1 Appointment

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

§3.1.8.2 Standing Committee Meetings

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

§3.1.8.3 Ad Hoc Committee Meeting

It will be the policy of the Board that meetings of Ad Hoc Committees will be open to the public, except for meetings which would be eligible for closed sessions under the Brown Act. If less than a quorum of the Board is appointed to serve on an Ad Hoc Committee, no notice need be given other than the posting of a notice of the time and place of the committee meetings on a publicly accessible bulletin board at the administrative offices of the District.

ARTICLE IX

Rules

§3.1.9.1 Amendment

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

§3.1.9.2 Suspension

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

§3.1.9.3 Robert's Rules

All rules of order not herein provided for will be determined in accordance with "Robert's Rules of Order."

§3.1.9.4 Copies – District Rules

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

ARTICLE X

Definitions

§3.1.10.1 Majority Vote of the Board

“Majority Vote of the Board” means the affirmative vote by 50% plus one member of the full Board cast either by the seated member or their alternate.

§3.1.10.2 Two-Thirds Vote of the Board

“Two-Thirds Vote of the Board” means the affirmative vote by at least two-thirds of the members of the full Board cast either by the seated member or their alternate.

§3.1.10.3 Voting Entity

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

CHAPTER 2

PUBLIC TASK FORCE

ARTICLE I

Appointment

§3.2.1.1 Board Appointment

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

§3.2.1.2 Task Force Makeup

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

§3.2.1.3 Restrictions on Task Force Membership

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

§3.2.1.4 Terms of Service

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

§3.2.1.5 Administrative Matters

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

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

§3.2.1.6 Compensation

Members appointed to the ad hoc task force will receive compensation consistent with the statutory requirements and monthly limits imposed on Board member compensation.

§3.2.1.7 Staff Support

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