



Sacramento Regional Transit District

## **BOARD MEETING NOTICE TO THE PUBLIC & AGENDA**

The SacRT Board meeting will be live stream and open to the public for attendance. The practice of social distancing and wearing of face coverings is recommended for the health and safety of all persons participating in person during the meeting although it is not required.

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<http://sacrt.com/board>

Please check the Sacramento Metropolitan Cable Commission Broadcast Calendar - <https://sacmetrocable.saccounty.net> for replay dates and times.

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](mailto:Boardcomments@sacrt.com)

Written comments will be distributed to Board members and filed in the record. 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. To join, please call 253-215-8782 and enter Webinar ID: 837 9338 8162 or join the meeting online by logging into

<https://us02web.zoom.us/j/83793388162>

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, NOVEMBER 13, 2023**  
**SACRAMENTO REGIONAL TRANSIT AUDITORIUM**  
**1400 29<sup>TH</sup> STREET, SACRAMENTO, CALIFORNIA**  
**Website Address: [www.sacrt.com](http://www.sacrt.com)**  
**(29<sup>th</sup> St. Light Rail Station Bus 38, 67, 68)**  
**See notice for Teleconference information.**

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**ROLL CALL** — Directors Budge, Daniels, Hume, Jennings, Kozlowski, Loloee, Maple, Serna, Singh-Allen, Valenzuela and Chair Kennedy

Alternates: Directors Chalamcherla, Sander, Schaefer, Suen

**1. PLEDGE OF ALLEGIANCE**

**2. CONSENT CALENDAR**

- 2.1 Motion: Approval of the Action Summary of October 23, 2023
- 2.2 Receive and File: Quarterly Treasurer's Report (J. Johnson)
- 2.3 Resolution 2023-11-108: Delegating Authority to the General Manager/CEO to Amend or Approve and Execute Procurement Contracts for Cybersecurity Incident Response (S. Valenton)
- 2.4 Resolution 2023-11-109: Amend and Restate Title III of the Administrative Code for the Sacramento Regional District Board's Rules of Procedure (S. Valenton)
- 2.5 Resolution 2023-11-110: Approve Contract Change Order No. 10 to the Contract for Low Floor Vehicle Platform Conversion Phase 1 with PNP Construction, Inc. (H. Ikwut-Ukwa)
- 2.6 Resolution 2023-11-111: Ratifying the Execution of Special Purchase Amendments to the Gas Services Agreement with the Department of General Services and Delegating Authority to the General Manager/CEO to Enter into Future Agreements with The Department of General Services Under the Natural Gas Services Program for the Purchase of Compressed Natural Gas (J. Johnson)

**3. INTRODUCTION OF SPECIAL GUESTS**

- 3.1 Community Transit Champion Recognition Program (D. Selenis)
  - a. Miguel Barraza (Director Maple)
  - b. Rick Hodgkins (CEO, Henry Li)
  - c. Keith Smothers (Director Hume)
  - d. David Von Aspern (Director Serna)

**4. UNFINISHED BUSINESS**

**5. PUBLIC HEARING**

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

**7. NEW BUSINESS**

- 7.1 Motion to Approve: Dos Rios Light Rail Station (L. Ham)

**8. GENERAL MANAGER'S REPORT**

- 8.1 General Manager's Report
  - a. Major Project Updates
  - b. 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**

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\*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 Sacramento Regional Transit's building located at 1400 29<sup>th</sup> Street, Sacramento, California, and is posted on the SacRT website.

This meeting of the Sacramento Regional Transit District will be cablecast on Metro Cable 14, the local government affairs channel on Comcast, Consolidated Communications and AT&T U-Verse cable systems. This meeting is closed captioned and webcast at [metro14live.sacounty.gov](http://metro14live.sacounty.gov). Today's meeting replays Friday, November 17<sup>th</sup> at 2:00 PM and Saturday, November 18<sup>th</sup> at 1:00 PM on Channel 14. This meeting can also be viewed at [youtube.com/metrocable14](http://youtube.com/metrocable14).

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 916/557-4686 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.

## **STAFF REPORT**

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**DATE:** November 13, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Tabetha Smith, Clerk to the Board  
**SUBJ:** APPROVAL OF THE ACTION SUMMARY OF OCTOBER 23, 2023

### RECOMMENDATION

Motion to Approve.

**SACRAMENTO REGIONAL TRANSIT DISTRICT  
BOARD OF DIRECTORS  
BOARD MEETING  
OCTOBER 23, 2023**

**ROLL CALL:** Roll Call was taken at 5:31 p.m. PRESENT: Directors Budge, Daniels, Jennings Kozlowski, Maple, Serna, Singh-Allen, Valenzuela, and Chair Kennedy. Absent: None. Directors Hume and Loloee arrived at 5:32 p.m.

**1. PLEDGE OF ALLEGIANCE**

**2. CONSENT CALENDAR**

- 2.1 Motion: Approval of the Action Summary of September 25, 2023
- 2.2 Resolution 2023-10-097: Approve a Sole Source Procurement and Award Contracts to Motorola Solutions, Inc. for Purchase of Radio System Equipment for New SacRT GO and Low Floor Light Rail Vehicles (C. Alba)
- 2.3 Resolution 2023-10-098: Conditionally Delegating Authority to the General Manager/CEO to Award a Contract for Watt/I-80 Transit Center Improvements (L. Ham)
- 2.4 Resolution 2023-10-099: Conditionally Delegating Authority to the General Manager/CEO to Award a Contract for Low Floor Vehicle Platform Conversion Phase 3 (L. Ham)
- 2.5 Resolution 2023-10-100: Delegating Authority to the General Manager/CEO to Enter into a Student Transit Pass Agreement – 2023 with Los Rios Community College District (J. Johnson)
- 2.6 Resolution 2023-10-101: Conditionally Awarding a Contract for Website Administration and Support Services to Exemplifai, LLC (D. Selenis)
- 2.7 Conditionally Awarding Three Contracts for On-Call Planning Support Services and Delegating Authority to the General Manager/CEO to Award and Execute Work Orders Under One or More Contracts for On-Call Planning Support Services (L. Ham)
  - A) Resolution 2023-10-102: Conditionally Awarding a Contract for On-Call Planning Support Services to AECOM Technical Services, Inc.; and
  - B) Resolution 2023-10-103: Conditionally Awarding a Contract for On-Call Planning Support Services to DKS Associates, Inc.; and

- C) Resolution 2023-10-104: Conditionally Awarding a Contract for On-Call Planning Support Services to WSP USA, Inc.; and
- D) Resolution 2023-10-105: Delegating Authority to the General Manager/CEO to Approve and Execute a Work Order for Hydrogen Feasibility Study & Business Plan Under a Contract for On-Call Planning Support Services; and
- E) Resolution 2023-10-106: Delegating Authority to the General Manager/CEO to Approve and Execute a Work Order for Facilities Expansion Master Plan Under a Contract for On-Call Planning Support Services; and
- F) Resolution 2023-10-107: Delegating Authority to the General Manager/CEO to Approve and Execute a Work Order for Meadowview TOD Master Plan Under a Contract for On-Call Planning Support Services

***ACTION: APPROVED - Director Budge moved; Director Serna seconded approval of the consent calendar as written. Motion was carried by voice vote. Absent: None.***

**3. INTRODUCTION OF SPECIAL GUESTS**

**4. UNFINISHED BUSINESS**

**5. PUBLIC HEARING**

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

Speakers:

Kesha Harris came to the Board meeting on September 25, 2023, with several issues regarding the Dos Rios bus stop and was excited to announce that all of her issues have been resolved. She was complimented SacRT Customer Advocacy and the Board's help to resolve her issues. She requested to be a part of the conversations regarding the Dos Rios Light Rail Station.

Mr. Li provided a brief update on the Dos Rios Light Rail Station. He explained there was a three-year delay due to soil contamination issues which greatly increased the cost. He appreciates SacRT partners and the Board working through the issues. Dos Rios will remain one of SacRT's main projects.

Public comment was taken by phone from Rick Hodgkins and Devin Strecker.

Mr. Hodgkins proposed bringing back a bus that covers the entire Sunrise corridor.

Director Budge stated the light rail system was designed to be fed by bus routes and when bus routes are cut that purpose is defeated. If this is an issue with Sunrise, she requested it be addressed.

Chair Kennedy stated it is an ongoing process and appreciates the comment.

Mr. Strecker stated his support for the Dos Rios Light Rail Station. He said the \$17M grant through Transformative Climate Communities and the Strategic Growth Council deadline had no extension, making the situation dire. SHRA is asking for community input of alternative solutions by December 1. Mr. Strecker said he and the River District Board have the Dos Rios Light Rail Station as their highest priority and is hoping a work around will be found to save the project.

Chair Kennedy guarantees this is a hot topic and there will be follow up report on this project.

## **7. NEW BUSINESS**

### **7.1 Information: Evaluation of Funding Options Presentation (L. Ham)**

Laura Ham stated this item is being presented in response to a board member's request to evaluate funding opportunities. SacRT hired a consultant to evaluate opportunities and the report that is attached to the staff report more broadly examines the funding opportunities. Ms. Ham introduced Celia McAdam, AIM Consulting, to present the report.

Ms. McAdams stated the purpose of the report is to look at locally controlled funding sources and see if there are opportunities for SacRT. She provided a background stating that the underpinning of almost all transportation programs is SACOG's Metropolitan Transportation Planner (MTP). Major projects in the MTP can take decades. There are a series of steps, each of which require money to be found, which often causes delays. There must be an adopted MTP, approved by the state or major state transportation funding stops. The rules have changed a lot over the last twenty years with a series of legislations all of which ratchet down the allowable impacts of transportation projects. Ms. McAdams provided some highlights of the legislation. She noted that SACOG has been able to move the adoption of their next MTP to 2025 and no numbers have been released as to how close they will come to the greenhouse gas (GHG) targets. The 2025 plan will have five years less to meet the 2035 targets than the current plan adopted in 2025. There are lower growth forecasts coming from the state that make it harder to do the kind of compact growth that is called for in the MTP assumptions to make transit and other alternative transportation more likely. She stated that the region really needs to ask whether all the projects in the current plans are still viable under all the new rules. If the region does not create an MTP project list that meets 19% reduction in GHG, state funding will get shut down for everybody.

Ms. McAdams stated that SacRT has an opportunity to jumpstart transit projects, particularly BRT because it will help the region meet the GHG and vehicle miles traveled (VMT) goals. SacRT projects can also help the region with economic goals. She shared some locally controlled funds that could potentially go toward SacRT projects but stated overall there is less money in the program than was envisioned when passed in 2004. Given that, she asked if the project list can still be delivered or if there is opportunity to reimagine some of the projects in a more GHG and VMT friendly way by including BRT and transit.

Ms. McAdams provided ideas as to how SacRT can move forward. She recommended the transportation partners start a dialogue and take an assessment of whether all the projects are still realistic and feasible. It could be possible for SacRT to trade Capital funds that are allocated



to the district and work with STA to trade those or Measure A Sales tax funds that are not subject to State restrictions for the use of transit funds for operations. She mentioned there are current discussions about a new transportation tax and SacRT needs to be well represented. Ms. McAdams stated in a long-term view, SacRT can continue to pursue the idea of property bases assessment for transit operation and new development.

In closing, she commented on the crossover of Board members serving on multiple boards and that the more direct and consistent communication there is among the leadership, the more likely a consensus to build and move forward will be found all while addressing the region's transportation needs in a balanced way that still meets the requirements.

Chair Kennedy announced that in November, there is a first ever four agency joint meeting.

Director Valenzuela thanked SacRT staff and Ms. McAdams for the report. She asked if the STA should be officially notified of the four-agency joint meeting.

Chair Kennedy will have that discussion with staff that are putting the meeting together.

Director Budge asked if anyone is putting together a list of projects that are not viable.

Ms. McAdams said there is no official assessment that she is aware of.

Director Budge has heard that SACOG may be against some projects that originated at SACOG.

Director Singh-Allen asked for staff to continue to meet with STA and SACOG. The list is important and the more common ground that can be reached to build consensus moving forward would be helpful. She also acknowledged the letter from the various stakeholders.

Speakers:

Kevin Bewsey, Executive Director, Sacramento Transportation Authority, thanked Celia McAdams and wanted to point out that SB125 will provide about \$160M in new capital and operating funds for transit which is a huge infusion of funds for SacRT that needs to be considered. He stated the challenge of receiving capital dollars is operating dollars are also needed and the best source for operating dollars is a measure. He would love to work with SacRT on some of these concepts.

Public comment was taken by phone from Rick Hodgkins.

Mr. Hodgkins reiterated a comment by Chair Kennedy in a previous meeting regarding the difficulty of a tax measure passing until the unhoused crisis is handled. He mentioned building out of homelessness is not possible and that the Costa-Hawkins Rental Housing Act of 1995 needs to be repealed. He stated that contracting with Uber and Lyft should be revisited with regards to funding for SmART Ride.

A letter to the Board from eighteen local agencies was read into the record.

The letter recognized Sacramento as the Capital City of the fourth-largest economy in the world and applauded the content in the Evaluation of Funding Opportunities Memo to support transit, infrastructure, and address climate change. It recognized that it has been 20 years since the

first “Measure A” passed and the regulatory, legislative, and political landscapes are vastly different today from what they were in 2004. The letter was offered to demonstrate the region’s spirit of collaboration and cooperation. The signers are ready to work together to rethink the funding issue and find new ways to pay for improving infrastructure, protecting the environment, creating jobs, and growing the local economy.

Director Kozlowski stated it would be interesting to have an evaluation of what the cost of meeting the carbon targets is in dollars per metric ton of carbon reduction and evaluating the highest and best use of the dollars that are available rather than assuming that changing the project mix in the MTP was a magic bullet.

Chair Kennedy said that sounds like a SACOG discussion.

- 7.2 Information: Presentation on Ongoing Projects and Initiatives (S. Valenton)
  - a. Bus Efficiency and Use of Smaller Cutaways (C. Alba, L. Ham)
  - b. Customer Service Response to Feedback and Comments (L. Hinz)

Shelly Valenton, Deputy General Manager, introduced item 7.2 and provided a brief overview of previous, current, and future topics to be presented. Ms. Valenton then introduced Carmen Alba, VP Bus Operation and Laura Ham, VP Planning & Engineering, to provide a presentation on Bus Efficiency and the Use of Smaller Cutaways.

Ms. Alba shared the results of staff analysis in response to an inquiry about using smaller vehicles on fixed route transit services that are traditionally operated with standard 40-foot buses, to potentially save money on routes with lower ridership. She stated 15 different elements of the fleet and staffing composition were evaluated with a heavy focus on customer experience and operational efficiency.

Ms. Alba provided a visual of SacRT’s diverse fleet and then gave a brief description of small and full-size buses. She explained the buses move from one route to another throughout the day to cover all work assignments most effectively and that specialty software and technical staff are used to optimize route assignments. She provided additional information regarding considerations of the different buses which included efficiency, on-time performance, passenger comfort and fare collection.

Ms. Ham stated SacRT’s small bus fleet is not ideally suited for use on fixed route due to the vehicle configuration. She added additional information and considerations regarding cost of operation, cost per mile for fuel, cost per hour and peak ridership. She explained another important issue to be considered is the mandated transition to zero emission vehicles.

Ms. Ham shared a slide with a summary of the factors considered with the vast majority favoring the 40 ft. bus category. She explained that SacRT is scheduled to start another comprehensive operational analysis (COA) of all services next year and is in the process of designating funding to complete that effort. Within that COA, SacRT will look at the efficiency and ridership of all routes, including fixed route, microtransit and other neighborhood services. Ms. Ham stated as the bus network is evaluated, SacRT will be looking for any opportunities to use more neighborhood-friendly small vehicles, and the optimal service delivery in lower ridership

generating areas will also be evaluated.

Director Hume asked how it was determined that the 40-foot bus was superior when considering on-time performance and passenger comfort.

Ms. Ham responded that it was primarily loading time, lift vs. ramp.

Director Hume asked if when we potentially move to the smaller buses with the lift that was shown on the slide, if those discrepancies would then be equalized.

Ms. Ham acknowledged the discrepancies would be equalized. She noted that regarding passenger comfort, the lift when brought in, can be loud and creates more interior noise when traveling.

Chair Kennedy highlighted that a lot of the fixed cost is labor and that regardless of the size of the bus, the labor cost will remain consistent.

Ms. Ham stated labor is about 80%.

Ms. Hinz, VP Safety, Security and Customer Satisfaction, provided an update on customer service response and feedback. She stated that Mr. Blanke's concern of a homeless encampment against the soundwall has been addressed and the area will continue to be monitored. She did a little investigation regarding trash on the light rail trains and outlined a routine cleaning schedule to address the concern. She shared that Ms. Harris' concerns regarding the Dos Rios bus stop being blocked have been addressed and taken care of.

Ms. Hinz shared that planning has met with Metro Air Park at the request of Director Serna regarding SacRT assisting and providing rides and is collecting data to further explore providing service.

Lastly, Ms. Hinz announced that a survey was conducted regarding Director Daniels' request to look into changing the meeting time and that more information would be provided at the next board meeting.

The clerk read one written public comment from Glenn Mandelkern into the record.

Mr. Mandelkern is concerned about potential confusion and loss of ridership given route 95 is no longer available and is hoping it can be restored. He also requested that riders are informed in advance of physical changes to take place.

## **8. GENERAL MANAGER'S REPORT**

- 8.1 General Manager's Report
  - a. Major Project Updates
  - b. SacRT Meeting Calendar
  - c. Lifetime Senior Transit Pass

Mr. Li announced SacRT is at 90% bus ridership recovery and October may be even higher due to Discovery Park being home to two of the largest music festivals in the country, Aftershock and the Golden Sky Music Festival. SacRT shuttle buses are critical to the events operations.

Mr. Li provided a service update due to an issue with the concrete pad where the buses pull into the University/65<sup>th</sup> Street Station. All five bus routes that serve the transit center will be temporarily relocated to the Power Inn Station during construction. This will continue for approximately two months. SacRT apologizes in advance for any inconvenience; however, rider and employee safety are SacRT's number one priorities.

Mr. Li commended SacRT's Human Resources Department for hosting two successful in-person hiring events with excellent results and a record number of attendees. In addition, SacRT partnered with Councilmembers Maple and Vang on the South Sacramento Union Job Fair on October 11<sup>th</sup> and provided free rides to roughly 500 attendees.

Mr. Li shared that SacRT hosted two SacRT GO Paratransit open house events in early October. Between the virtual open house and the in-person event, there were nearly 100 attendees. He thanked Director Valenzuela for introducing SacRT to the Los Manitos group, Spanish speaking seniors that gather at the Hart Senior Center every Wednesday. He shared a thank you email from their Chair.

Mr. Li concluded his remarks by sharing a video put together to promote SacRT planned Bus Rapid Transit line along Stockton Boulevard. Mr. Li thanked Chair Kennedy and SACOG Board members for visiting the site. SacRT's goal in the next five years is to secure up to \$500M to complete at least five or six BRT routes around the strategic corridors in the region. SacRT has secured \$400M for light rail modernization and needs another \$100M to \$200M to complete that project.

Mr. Li announced there will be a big press conference at the Iron Point Light Rail Station on November 8<sup>th</sup> where Congressman Kevin Kiley and Congresswoman Doris Matsui will both be speaking as well as a state senator and two assembly members. He encourages all the Board members to attend.

Director Maple complimented SacRT Customer Service on their responsiveness. She was especially thankful for the service at the South Sacramento Union Job Fair which went beyond expectations and at the Smart Forum at the Colonial Theater which helped the community to see the vision.

Director Valenzuela thanked Mr. Flores and the team for walking into the Hart Senior Center with her and meeting with Los Manitos. It is important for them to understand the translation to be able to use the application given English is not their first language. They would like to be a pilot for the other communities in Sacramento that do not speak English. Next on the list is travel training, getting on the buses and doing field trips with seniors.

Mr. Li turned it over to General Counsel, Olga Sanchez-Ochoa to provide an update on the request from Chair Kennedy to explore how SacRT could bring back the Super Senior Pass.

Ms. Sanchez-Ochoa provided a brief history of the lifetime pass. The lifetime pass was available to individuals 75 years of age or older and provided the holder unlimited access to SacRT's fixed route system at no cost for the remainder of their life. On June 22, 2009, the Board of Directors eliminated the lifetime pass for future applicants in an attempt to fill a \$9M budget shortfall as part of the FY2010 budget process. In 2017, while considering reintroducing the pass on a limited basis, the legal department reviewed CPUC section 99155b and its impact on the cost of the lifetime pass. Pursuant to that section, any discount provided to seniors must also be provided to individuals with a qualifying disability making the return of the lifetime pass cost prohibitive. In researching and discussing the issue with peers throughout Northern California, staff has determined the only way to return the lifetime pass without triggering the obligation to provide the same pass to individuals with qualifying disabilities is to pursue a legislative solution. Two options were identified and shared with the Board. Staff believes that pursuing a SacRT specific carve out would be the better option and after discussing with state lobbyist, staff recommends modifying CPUC section 102121 to add the authority to adopt a super senior discount for individuals 80 or older. Language has been drafted to achieve this and will be provided to the lobbyist so that an author can be found.

The Board started to make a motion and vote when Director Serna mentioned his concern regarding the way it was agendized did not allow the public an opportunity to comment.

Mr. Li and Ms. Sanchez-Ochoa agreed to bring the item back to the Board.

The clerk stated there was written and public comment by phone.

Chair Kennedy stated since written comment is part of the record it did not need to be read.

Director Serna agreed and stated he thought unless the writer specifically asked for the comment to be read it was not necessary.

The clerk confirmed that moving forward, written public would be provided to the Board ahead of time via email.

Director Budge mentioned it should be printed and provided in the back of the room.

Chair Kennedy acknowledged receipt of Barbara Stanton's letter.

Public comment was taken by phone from Rick Hodgkins and Jeffery Tardaguila.

Mr. Hodgkins supports the senior pass. He encourages the use of the public address system for the announcement of trains arriving and leaving for those that do not have smart phones or are visually impaired. He stated that smaller cutaways should be used to feed into the light rail stations and as often as the light rail runs.

Mr. Tardaguila had some concerns regarding the 65<sup>th</sup> Light Rail Station. He asked if routes 82 and 87 are still going into Sac State before going to Power Inn, if the Amador bus stop within the 65<sup>th</sup> light rail station has been addressed and if the South area on 65<sup>th</sup> is still available. He recommended the use of sandwich boards to list the alternate locations. He is concerned that the new buses for the 51 route are only able to accommodate two wheelchair devices.

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

9.1 San Joaquin Joint Powers Authority Meeting Summary – September 22, 2023

Director Budge stated the Cordovan was designed to originate at the Zinfandel Station, run routes and then returns to Zinfandel Station.

- 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**

As there was no further business to be conducted, the meeting was adjourned at 7:03 p.m.

\_\_\_\_\_  
PATRICK KENNEDY, Chair

A T T E S T:  
HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary

## **STAFF REPORT**

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**DATE:** November 13, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Jason Johnson, VP, Finance/CFO  
**SUBJ:** QUARTERLY TREASURER'S REPORT

### RECOMMENDATION

No Recommendation - For Information Only.

### RESULT OF RECOMMENDED ACTION

Under SacRT's Board-adopted Investment Policy, the Treasurer for the Sacramento Regional Transit District (SacRT) is required to submit a Quarterly Treasurer's Report to the Board of Directors. The report fulfills this requirement and certifies that SacRT has sufficient funds available to meet its expenditure requirements for the next six months.

### FISCAL IMPACT

None as a result of this report.

### DISCUSSION


The Quarterly Treasurer's Report (Attachment 1) for the quarter ended September 30, 2023, provides the depository, maturity date, par value, current market value, and estimated annualized interest earnings for SacRT's investments. California Government Code 53646 allows but does not require submission of a quarterly Treasurer's Report; in the adopted Investment Policy (Resolution 12-10-0162), the Board made the Treasurer's Report a mandatory requirement (Section VI). This informational report fulfills that requirement.

# Attachment 1


**SACRAMENTO REGIONAL TRANSIT DISTRICT  
TREASURER'S REPORT OF INVESTMENTS & CASH  
SEPTEMBER 30, 2023**

DEPOSITORY	RATE %	MARKET VALUE	PAR VALUE	ANNUALIZED INT. RETURN	SPECIAL NOTES
<b>INVESTMENTS</b>					
LOCAL AGENCY INVESTMENT FUND (LAIF)	2.89%	\$ 70,505,723	\$ 70,505,723	\$ 2,035,853	Type: State Pooled Investment Account Considered 1 day funds
CALTRUST	4.25%	\$ 58,397,788	\$ 58,397,788	\$ 2,481,906	Type: Joint Powers Authority Pooled Investment Account Considered 2 day funds
CHANDLER ASSET MANAGEMENT PORTFOLIO	2.62%	\$ 3,301,549	\$ 3,499,533	\$ 86,501	Type: District Investment Account Considered 2 day funds
<b>TOTAL INVESTMENTS</b>		<b>\$ 132,403,043</b>		<b>\$ 4,604,259</b>	
AVERAGE PERCENTAGE ON INVESTMENTS	3.48%	WEIGHTED AVERAGE MATURITY		1.46 days	
<b>OPERATING ACCOUNTS</b>					
US BANK	N/A	\$ 3,913,589	\$ 3,913,589	-	Type: District and Worker's Compensation Checking Accounts Immediate Access
US BANK	N/A	\$ 212,703	\$ 212,703	-	Type: District Investor Accounts Restricted for 50-FIG by Third Party Agreement Immediate Access Upon Release of Restrictions
US BANK	N/A	\$ 128,224	\$ 128,224	-	Type: District Checking Account Restricted by Grantor Agencies for Capital Projects Immediate Access Upon Release of Restrictions
<b>TOTAL OPERATING ACCOUNTS</b>		<b>\$ 4,254,516</b>		<b>-</b>	

I hereby certify that the above amounts and locations of accounts represent the total investments of Sacramento Regional Transit District as of the date of this report and that the investments are in conformity with the Investment Policy as updated in Resolution 12-10-0162 on October 22, 2012. I hereby certify that Sacramento Regional Transit District has sufficient funds available to meet its expenditure requirements for the next six months.

  
\_\_\_\_\_  
JASON JOHNSON  
VP of FINANCE/CFO

10/19/2023  
DATE

  
\_\_\_\_\_  
HENRY LI  
GENERAL MANAGER/CEO

10/19/2023  
DATE



## STAFF REPORT

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**DATE:** November 13, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Shelly Valenton, Deputy General Manager/CEO  
**SUBJ:** DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO  
TO AMEND OR APPROVE AND EXECUTE PROCUREMENT  
CONTRACTS FOR CYBERSECURITY INCIDENT RESPONSE

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

The proposed Resolution will allow the General Manager/CEO to enter into or amend existing procurement contracts over \$150,000, with one or more vendors, to purchase Information Technology (IT) equipment and professional services as needed to respond to a potential or realized cybersecurity incident and to protect SacRT assets.

### FISCAL IMPACT

There is no fiscal impact due to the approval of this Resolution. Fiscal impact will only be incurred in response to a potential or actual incident that would jeopardize the confidentiality, integrity, or availability of SacRT's digital information or information systems.

Any expenditure for cybersecurity incidents will be covered by the approved Information Technology Operating Budget. If the amount exceeds the approved budget, a budget amendment will be brought to the Board of Directors to the extent required by Title VI of the Administrative Code.

### DISCUSSION

A cybersecurity incident is an event that could jeopardize the confidentiality, integrity, or availability of digital information or information systems.

- **Confidentiality** protects sensitive information from unauthorized access, allowing only authorized individuals to utilize it.
- **Integrity** ensures the data remains accurate, complete, and unaltered throughout its entire lifecycle, defending against unauthorized modifications.
- **Availability** ensures that authorized users can access information and systems without interruption, minimizing potential disruptions.

Cyber-attacks can come in many forms – from ransomware targeting critical infrastructure to data breaches jeopardizing sensitive personal and business information. Each year the cybersecurity challenges facing SacRT increase due to the increasing sophistication of attacks employed by threat actors, and the ever-changing design of IT infrastructure (i.e., cloud migration).

Cybersecurity risks are becoming more systemic and more severe. Although the short-term impacts of a cyberattack on an agency are quite severe, the long-term consequences can be devastating, for example: damage to reputation, reduction in credit rating, increase in cyber insurance premiums, operational disruptions, and legal ramifications.

Cybersecurity threats include, but are not limited to: phishing, where attackers trick users into revealing sensitive information; malware, which is harmful software that can damage or infiltrate systems; cloud vulnerabilities, which expose data stored or processed in cloud services; and ransomware, which encrypts data until a ransom is paid.

In 2017, SacRT was the victim of a cyberattack when the SacRT systems were breached using ransomware. This breach impacted all systems and 90% of the SacRT virtual machine infrastructure was deleted. SacRT did not pay the ransom, and over the course of four days, the IT Department had to work quickly around the clock, in coordination with third-party vendors, to restore all major systems. It took several weeks to fully restore the environment; in addition to damaging critical technology infrastructure, the incident created major impacts to the delivery of transit services.

SacRT is committed to protecting the Confidentiality, Integrity, and Availability of digital information and information systems from cybersecurity attacks.

The long-term vision is to continuously improve SacRT's cybersecurity posture. This requires SacRT to be able to identify and respond to the latest threats while simultaneously building defenses against the existing threats. Because of the sophistication and breadth of cybersecurity attacks, SacRT's internal resources are often insufficient to fully respond. This often can only be accomplished in concert with SacRT's Information Technology services providers and subject matter experts.

The evolving threat landscape makes it challenging to defend against future attacks. If an incident is suspected, this delegation will allow the General Manager/CEO to:

- Confirm an incident or intrusion has occurred
- Identify and prioritize vulnerabilities
- Recover the environment
- Expel the bad actor
- Implement controls to prevent further intrusions

Currently, the General Manager/CEO's procurement contract authority is as follows:

- (1) New contracts up to \$150,000;
- (2) Amendments of up to \$150,000 to Board-approved contracts;
- (3) Amendments to General Manager-approved contracts up to an aggregate total (between the initial contract and amendments) of \$150,000.

(4) Contract Change Orders for public works – authority varies based on the original value of the Contract, but the aggregate limit for smaller public works projects is generally 10% of the original contract price and the individual limit is \$150,000 for a single Contract Change Order regardless of the original contract value.

When these limits are exceeded, the Board must approve the contract before it can be executed and the Board may, in addition, be required to make findings related to non-competitive procurements or a decision to amend a contract above the informal solicitation threshold.

To allow the agency to nimbly respond to cybersecurity threats and protect SacRT's systems, assets, and ongoing provision of transit service, this delegation will, in the event of a cybersecurity incident, delegate authority to the General Manager/CEO to enter into or amend existing contracts over \$150,000, and up to an aggregate of \$1,000,000 per incident, for IT equipment and professional services with one or more vendors, to purchase equipment and services to the extent necessary and as needed to respond to a cybersecurity incident to protect SacRT assets prior to the next regularly-scheduled Board meeting.

The Procurement and Legal Departments will ensure that all purchasing is compliant with the Board-approved Procurement Ordinance. Procurement will identify the most-efficient path forward while ensuring that competitive pricing is obtained.

As these threats are ever evolving, it is impossible to predict what equipment or services will be needed to respond to a cybersecurity incident until that incident presents itself.

Any contract entered into under this delegation will be limited to those actions that are deemed reasonably necessarily to be taken prior to the next-scheduled Board meeting. The General Manager must report any action under this delegation as soon as reasonably possible but in no event more than 45 days after the action is taken. If further contracts or amendments are needed to provide supplies or services to respond to the cybersecurity incident after the next regularly-scheduled Board meeting, those contracts and amendments must be approved by the Board.

RESOLUTION NO. 2023-11-108

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

November 13, 2023

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO AMEND OR APPROVE AND EXECUTE PROCUREMENT CONTRACTS FOR CYBERSECURITY INCIDENT RESPONSE**

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

THAT, authority is hereby delegated to the General Manager/CEO to approve Procurement contracts and amendments, to one or more vendors, that would otherwise be in excess of their authority, as set forth in the Procurement Ordinance (2022-12-001, as it may be amended), up to a maximum aggregate amount of \$1,000,000 per incident, for IT equipment and professional services deemed reasonable and necessary to respond to cybersecurity emergencies to protect SacRT's systems, information, assets, and the provision of transit services prior to the next regularly-scheduled Board meeting.

THAT, any Procurement undertaken pursuant to this delegation of authority must be undertaken in compliance with the otherwise-applicable provisions of the Procurement Ordinance.

THAT, any contract or amendment entered into under this delegation will be limited to those actions deemed reasonably necessary to be taken prior to the next-scheduled Board meeting. The General Manager/CEO must report any action under this delegation to the Board as soon as reasonably possible but in no event more than 45 days after the action is taken. If further contracts or amendments are needed to provide supplies or services to respond to the cybersecurity incident after the next regularly scheduled Board meeting, those contracts and amendments must be approved by the Board.

THAT, this delegation of authority will expire, without further action of the Board, on December 31, 2028.

\_\_\_\_\_  
PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary

## **STAFF REPORT**

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**DATE:** November 13, 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. 2023-05-037 and adopting Resolution No. 2023-11-109, Amending and Restating Title III of the Sacramento Regional Transit (SacRT) District Administrative Code Relating to Rules of Procedure.

This action will modify Title III of the Sacramento Regional Transit Administrative Code to remove the specific reference to a 5:30 p.m. start time for the regular monthly meetings of the SacRT Board of Directors. 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 SacRT Administrative Code references the Board's previous meeting time of 5:30 p.m. At the September 25, 2023, SacRT Board meeting, Director Daniels recommended looking at moving the meeting to the daytime instead of the evening given there have been a few meetings where securing a quorum has been difficult. After surveying the Board for their availability and checking the meeting schedule of other boards and commissions, staff is proposing a 4:00 p.m. start time for future meetings beginning the first meeting in January 2024.

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 to the Board's Rules of Procedure include removing the specific meeting time of 5:30 p.m. in the document, to provide the Board greater flexibility in determining and changing a meeting time, subject to public notice procedures as

outlined in the document (Attachment 1). The 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 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. **The Board Agenda will include the physical address of the location where the Board meeting will be held.** ~~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 **and/or time** 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~~ time specified on Board approved calendar
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 **a notice that is substantially similar to the following notification, but which may be modified from time to time due to modifications in contact information, location of meeting, and information about accessing the meetings virtually:**

“\*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.

**Written public comments submitted to boardcomments@sacrt.com up to 250 words and received by \_\_\_\_\_ p.m. on the day of the meeting will be provided to the Board and will become part of public record upon submission to the Board.**

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 ~~posted located~~ by the front door of **Sacramento** Regional Transit’s building located at \_\_\_\_\_ ~~1400 29<sup>th</sup> 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 \_\_\_\_\_.~~

**This meeting of the Sacramento Regional Transit District will be cablecast on Metro Cable 14, the local government affairs channel on Comcast, Consolidated Communications and AT&T U-Verse cable systems. This meeting is closed captioned and webcast at metro14live.saccounty.gov. The meeting will replay \_\_\_\_\_ and \_\_\_\_\_ on Channel 14. The meeting can also be viewed at youtube.com/metrocable14.**

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~~ **916-557-4686** \_\_\_\_\_ 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~~ **persons who request notice** 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.”

RESOLUTION NO. 2023-11-109

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

November 13, 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. 2023-05-037 is hereby repealed and restated to amend SacRT's Title III of the Administrative Code as set out in the attached Exhibit 1, effective November 14, 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. Unless otherwise specified in the resolution establishing the Board’s regular meeting schedule, the Board will conduct its regular meetings at Sacramento Regional Transit’s Administrative Offices. The Board Agenda will include the physical address of the location where the Board meeting will be held. 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 and/or time 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 time specified on Board approved calendar
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 a notice that is substantially similar to the following notification, but which may be modified from time to time due to modifications in contact information, location of meeting, and information about accessing the meetings virtually:



## “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.

Written public comment submitted to [boardcomments@sacrt.com](mailto:boardcomments@sacrt.com) up to 250 words and received by \_\_\_\_\_ p.m. on the day of the meeting will be provided to the Board and will become part of public record upon submission to the Board.

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 posted by the front door of Sacramento Regional Transit’s building located at \_\_\_\_\_ and is posted on the SacRT website.

This meeting of the Sacramento Regional Transit District will be cablecast on Metro Cable 14, the local government affairs channel on Comcast, Consolidated Communications and AT&T U-Verse cable systems. This meeting is closed captioned and webcast at [metro14live.saccounty.gov](http://metro14live.saccounty.gov). The meeting will replay \_\_\_\_\_ and \_\_\_\_\_ on Channel 14. The meeting can also be viewed at [youtube.com/metrocable14](http://youtube.com/metrocable14).

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 916-557-4686 \_\_\_\_\_ 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 persons who request notice 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.”



# STAFF REPORT

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**DATE:** November 13, 2023

**TO:** Sacramento Regional Transit Board of Directors

**FROM:** Henry Ikwut-Ukwa, VP, Capital Programs

**SUBJ:** APPROVE CONTRACT CHANGE ORDER NO. 10 TO THE CONTRACT FOR LOW FLOOR VEHICLE PLATFORM CONVERSION PHASE 1 WITH PNP CONSTRUCTION, INC.

## RECOMMENDATION

Adopt the Attached Resolution.

## RESULT OF RECOMMENDED ACTION

Approving Contract Change Order (CCO) No. 10 to the construction contract will modify raised platform end treatments at both the already-constructed stations and the stations where work has yet to be performed.

## FISCAL IMPACT

CCO No. 10 will increase the Contract Total Consideration by the lump sum amount of \$339,563.00, from \$17,474,522.48 to \$17,814,085.48. This CCO No. 10 is being funded with the following federal and state sources: State Proposition 1A, State Transit Assistance, and Federal 5307.

## DISCUSSION

The Light Rail Modernization Project includes the procurement of low floor light rail vehicles, 15-minute service to Historic Folsom, and the station platform conversions to accommodate low-floor light rail vehicles. The Low Floor Vehicle Platform Conversion Project Phase 1 (Low Floor 1) includes adjusting all Gold Line platforms to an 8-inch elevation above top of rail to accommodate 2-car trains; replacing detectable warning tiles/directional guidance tiles; adjusting all facilities and furniture on the platforms to the new height; removing all in-ground artwork in direct conflict; modifying tree grates/planters; modifying drainage facilities; modifying adjacent improvements to meet ADA requirements; and adding crosswalk areas, fencing, and signage.

On April 10, 2023, the Board approved CCO No. 4 for a delegation of authority to the General Manager/CEO to make specified changes to the Contract for Low Floor Vehicle Platform Conversion Phase 1 between SacRT and PNP Construction, Inc. for the Base Bid items. On May 8, 2023, the Board approved CCO No. 6 to extend those changes to the Additive Alternate stations.

Because Low Floor Phase 1 is converting only a portion of each station platform to accommodate a 2-car low floor train and is leaving in place the existing mini-high platform required for access to SacRT's existing light rail fleet, there are locations where there is insufficient room to add an ADA ramp at each end of the raised platform and access to the raised platform is from the back. At these locations, the design plans reviewed and approved by the Director, Engineering and Construction that were included with the construction contract call for a contrast treatment consisting of concrete with embedded cobble stones to designate the end of the raised platform.



On June 27, 2023, SacRT's Customer Advocacy Department received a complaint that the contrast treatment at 7<sup>th</sup> & I light rail station may be a tripping hazard. While the stations have been constructed as designed, SacRT staff investigated and developed alternative design options that have been determined to be preferable, including: (a) removing the contrast at certain stations where it is already installed and adding either a ramp or railing; (b) adding railings in addition to the existing contrast; and (c) installing curb and/or railings instead of the contrast at specified still-to-be-constructed locations. The following stations will not be affected by these changes because they do not have contrast treatment as part of their design:

1. Sacramento Valley Station
2. Starfire Station
3. Butterfield Station
4. Iron Point Station
5. Historic Folsom Station

The revised plans were presented to PNP Construction, Inc. with a Request for Change Quote. PNP Construction, Inc. offered to perform the revised work for a lump-sum amount of \$339,563.00. This amount has been determined to be fair and reasonable based on a cost analysis comparison to the approved schedule of values.

The construction schedule will not be affected by these changes.

RESOLUTION NO. 2023-11-110

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

November 13, 2023

**APPROVE CONTRACT CHANGE ORDER NO. 10 TO THE CONTRACT FOR LOW FLOOR VEHICLE PLATFORM CONVERSION PHASE 1 WITH PNP CONSTRUCTION, INC.**

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

THAT, Contract Change Order No. 10 to the Construction Contract for Low Floor Vehicle Platform Conversion Phase 1 between the Sacramento Regional Transit District, therein referred to as "SacRT" and PNP Construction, Inc., therein referred to as "Contractor," whereby Contractor agrees to implement revised design Plans for the raised platform end treatment, as further specified in the Plans for each of the specified stations, including removal and disposal work as necessary, and the Contract Total Consideration is increased by \$339,563.00, from \$17,474,522.48 to \$17,814,085.48, is hereby approved.

THAT, General Manager/CEO is hereby authorized and directed to execute Contract Change Order No. 10 to the Contract.

\_\_\_\_\_  
PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary

## **STAFF REPORT**

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**DATE:** November 13, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Jason Johnson, VP, Finance/CFO  
**SUBJ:** RATIFYING THE EXECUTION OF SPECIAL PURCHASE AMENDMENTS TO THE GAS SERVICES AGREEMENT WITH THE DEPARTMENT OF GENERAL SERVICES AND DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO ENTER INTO FUTURE AGREEMENTS WITH THE DEPARTMENT OF GENERAL SERVICES UNDER THE NATURAL GAS SERVICES PROGRAM FOR THE PURCHASE OF COMPRESSED NATURAL GAS

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

Approval of the attached Resolution will ratify the special purchase amendments previously signed by the General Manager/CEO for the purchase of biomethane fuel from the State of California Department of General Services (DGS) and allow the General Manager/CEO to continue purchasing through the advantageous state pricing and renewable energy credits.

### FISCAL IMPACT

Approving continued purchasing through DGS, including the purchasing of renewable natural gas is expected to result in cost savings to SacRT as compared to other purchasing options. The estimated cost for fuel is included in the approved FY 24 Operating Budget in the amount of \$3.2 million.

### DISCUSSION

The Natural Gas Services Program within DGS was established by statute (Public Contract Code section 10299.1) and procures natural gas on behalf of California State Government agencies, including the University of California, California State University, and California Community College systems, and counties, cities, and special districts throughout the state. On January 23, 2006, under Resolution No. 06-01-0022, the Board authorized SacRT to enter into an agreement with DGS to purchase its compressed natural gas (CNG) for a 5-year term.

In 2011, by Resolution No. 11-01-0003, the Board authorized the General Manager/CEO to enter into a new Gas Services Agreement with DGS for CNG purchase. Recognizing the continued benefits of this economy of scale purchasing, the Board's 2011 approval authorized the Gas Services Agreement to continue for an indefinite period until terminated by either party.

Subsequent to the execution of the initial agreement, Staff was informed that SacRT could realize additional savings on its CNG purchasing by entering into Special Purchase Amendments for the purchase of biomethane CNG, which allows SacRT to take advantage of state and federal tax credits to reduce the overall CNG purchasing costs. Since 2011, Staff has executed three Special Purchase Amendments.

Staff reviewed the existing CNG purchase agreements and amendments as part of the agreement renewal process. During this review it was determined that because the Board's 2011 approval was specific to the Gas Services Agreement, the execution of the three Special Purchase Amendments by SacRT Staff was unauthorized. To correct this oversight and allow for continued participation in this cost-saving program, Staff is requesting that the Board retroactively ratify the existing amendments and delegate authority to the General Manager/CEO, on a forward-going basis, to sign any and all agreements necessary to continue participation in the Natural Gas Services Program so long as the General Manager/CEO determines that it is advantageous to SacRT.

RESOLUTION NO. 2023-11-111

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

November 13, 2023

**RATIFYING THE EXECUTION OF SPECIAL PURCHASE AMENDMENTS TO THE GAS SERVICES AGREEMENT WITH THE DEPARTMENT OF GENERAL SERVICES AND DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO ENTER INTO FUTURE AGREEMENTS WITH THE DEPARTMENT OF GENERAL SERVICES UNDER THE NATURAL GAS SERVICES PROGRAM FOR THE PURCHASE OF COMPRESSED NATURAL GAS**

WHEREAS, pursuant to Public Contract Code section 10299.1, the Sacramento Regional Transit District is authorized to purchase compressed natural gas (CNG) through the State of California, Department of General Services (DGS) Natural Gas Services Program, notwithstanding any other provision of law, including Public Utilities Code section 102222; and

WHEREAS, in 2011, by Resolution No. 11-01-0003, the Board authorized the General Manager/CEO to enter into a new Gas Services Agreement with DGS for CNG purchase for an indefinite term; and

WHEREAS, due to the availability of state and federal tax credits for renewable natural gas, SacRT had an opportunity to obtain additional cost savings for CNG purchase and SacRT staff realized those savings by executing Special Purchase Amendments that were beyond the scope of the original authorization; and

WHEREAS, the Board desires to provide additional flexibility to the General Manager/CEO to take advantage of the benefits of the Natural Gas Services Program.

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

THAT, pursuant to Section 1.105 of the Procurement Ordinance (Ordinance No. 22-12-01), the Board of Directors hereby ratifies the prior execution of three Special Purchase Amendments for the purchase of biomethane gas under the Gas Services Agreement by and between the Sacramento Regional Transit District and DGS (approved by Resolution No. 11-01-0003) because supplies or services have been provided to and accepted by SacRT, the resulting contract would otherwise have been proper if approved by the Board of Directors; the price was fair and reasonable; and sufficient funds are available.

THAT, the Board of Directors hereby delegates authority to the General Manager/CEO to execute any and all agreements necessary to continue participation in the DGS Natural Gas Services Program, including the purchase of specialized CNG products, so long as the General Manager/CEO determines that it is advantageous to SacRT to do so.

THAT, this delegation will continue until repealed by the Board.

\_\_\_\_\_  
PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary





# Transit Champion

presented to

*Miguel Bararza*

in recognition of your continued support and enthusiasm for public transportation, on November 13, 2023

Caity Maple

SacRT Board Member & City of Sacramento Councilmember

Patrick Kennedy

SacRT Board Chair & Sacramento County Supervisor

Henry Li

SacRT General Manager/CEO





# Transit Champion

presented to

*Rick Hodgkins*

in recognition of your continued support and enthusiasm for public transportation, on November 13, 2023

Patrick Kennedy

SacRT Board Chair &  
Sacramento County Supervisor

Henry Li

SacRT General Manager/CEO







# Transit Champion

presented to

*David Von Aspern*

in recognition of your continued support and enthusiasm for public transportation, on November 13, 2023

Phil Serna

SacRT Board Member &  
Sacramento County Supervisor

Patrick Kennedy

SacRT Board Chair &  
Sacramento County Supervisor

Henry Li

SacRT General Manager/CEO





# Transit Champion

presented to

*Keith Smothers*

in recognition of your continued support and enthusiasm for public transportation, on November 13, 2023

Pat Hume

SacRT Board Member &  
Sacramento County Supervisor

Patrick Kennedy

SacRT Board Chair &  
Sacramento County Supervisor

Henry Li

SacRT General Manager/CEO





## **STAFF REPORT**

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**DATE:** November 13, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Laura Ham, VP, Planning and Engineering  
**SUBJ:** DOS RIOS LIGHT RAIL STATION

### RECOMMENDATION

Motion to Approve.

### RESULT OF RECOMMENDED ACTION

Based on the final motion approved by the Board at the meeting, staff will take the appropriate action.

### FISCAL IMPACT

The Project has a current total estimated cost of \$43M which is included in the FY 24 Capital Plan, with a current estimated funding shortfall of \$19.2M. The cost breakdown is as follows:

Construction - \$22M  
Contingency and Risk - \$8M  
Administration, Bus Bridge, and Flagging - \$10M  
Construction Site Management - \$3M

It should be noted that the construction-related costs are estimates based on the cost of recent SacRT projects and may still change after the final bids are received.

Staff, in conjunction with a number of external stakeholders, has identified the following available funding sources:

Transformative Climate Communities Grant (TCC) - \$17.6M  
Affordable Housing Sustainable Communities Grant (AHSC) - \$940K  
State Transit Assistance Funds (SacRT) - \$3.2M  
FTA-5307 Funds (SacRT) - \$1M  
Congressional Directed Request (Matsui) - \$1M  
Total \$23.8M

This leaves a funding gap of approximately \$19.2M. To fund this gap, SacRT could potentially allocate funds normally used for local grant match requirements for capital

projects and/or a portion of SacRT's one-time Senate Bill 125 (SB 125) funding, and/or any other funding from other project partners such as City of Sacramento as directed by the Board.

In July 2023, California passed SB 125, which created a new one-time source of transit funding to primarily address the fiscal cliff issues facing many transit agencies and some capital needs that have been growing in recent years for the state's transit operators/agencies. The legislative intent is to maintain baseline operations to avoid service cuts or union-job layoffs.

These programs are administered by the California State Transportation Agency (CalSTA). The funding will be coming directly to the state's Regional Transportation Planning Agencies (RTPAs) with SACOG expected to receive a total of \$238,207,703 across the two programs - \$200.9 million in Transit & Intercity Capital Program (TIRCP) and \$37.3 million in Zero Emission Transit Capital Program (ZETCP). Funding will be made available to public agencies that are eligible to receive TIRCP capital funding that operate or plan for existing or planned rail service (including intercity, commuter, and urban rail) and bus service (including commuter bus, vanpool, and microtransit).

In recognition of the short timeline for providing information to CalSTA, SacRT staff have worked with SACOG staff to request an initial \$10M for the Project in SB 125 funds, pending board direction on this Project. SacRT's intent is to apply the remainder of our SB 125 funding to maintain baseline operations through fiscal year 2026-2027 to cover the operating deficits per the legislatively intended use of these funds. SacRT staff will continue to work with SACOG to ensure SacRT receives an appropriate and equitable portion of SB 125 funds.

## DISCUSSION

### Project Background:

The Dos Rios Light Rail Station (Project) on the SacRT Blue Line at North 12<sup>th</sup> Street in the City of Sacramento has been envisioned for many years as a part of the City of Sacramento Transformation Plan and Transit Oriented Development (TOD) Plan for the Twin Rivers-River District. The Project is a partnership between the City of Sacramento, SHRA, and SacRT. The Twin Rivers Redevelopment Zone is in Sacramento's River District, an industrial area that is transforming into a major infill development opportunity area. Since 1990, the City of Sacramento has targeted the River District and the adjacent Railyards for reinvestment and revitalization. The Sacramento Housing and Redevelopment Agency (SHRA) is leading the effort to redevelop the Twin Rivers Housing site. The new Mirasol Village housing offers a total of 427 units for low-income residents with additional market rate units also available. The vision for the historically isolated area includes full connectivity to transit, employment centers, services, retail, and cultural amenities, creating a vibrant gateway to downtown Sacramento. Although SacRT's existing Blue Line light rail route runs directly through the eastern portion of the River District, the nearest stations to the Mirasol Village Housing Complex are Alkali Flat/La Valentina Station, which is more than a half-mile to the south, and Globe Station, which is over a mile to the north across the American River. Access to the Green Line to

Downtown is almost a half-mile to the west. The distance between stations leaves much of the eastern end of the River District effectively isolated from the rest of the city with limited access to the regional transit system.

In 2005, SacRT completed a detailed operational analysis for the Project. SacRT completed an alternative analysis for the Project in August 2006. Preliminary design for the Project was completed in mid-2014 through 2015. Environmental clearance for CEQA was completed in 2017 and NEPA in 2019.

### Project Design:

The Project, since its inception in 2005, has presented design challenges. It consists of realigning and constructing 1,400 ft. of track to straighten the tracks through the station, allowing relocation of the turnout further outbound to provide the length required for the platform and to move the platforms out of the city street. The Project also includes replacing and moving the overhead catenary system, constructing the station platform and amenities, and other components.

The current track configuration does not have sufficient room to build a new station and the tracks are on a curve. A station on a curve poses a safety issue since the operator cannot see the entire length of the train and all the doors. Therefore, the tracks must be realigned to provide tangent (straight) track per SacRT Design Criteria. In addition, with the current track alignment, there is only 200' available for a station between Sproule Ave. and the turnout. The current Dos Rios Light Rail Station platform design length required is 352' to accommodate 3-car consist and mini-high ramps on both ends of the platforms. With the current track alignment, the inbound platform would require the take of a city traffic lane, reducing N. 12th Street from 3 to 2 lanes. For the reasons described above, it is essential for the Project to realign and construct 1400 feet of double track.

### Project Grant Awards:

In December of 2018, it was announced that the SHRA was the recipient of a \$23M Strategic Growth Council (SGC) Transformative Climate Communities (TCC) grant, with \$17.6M directed to the light rail station project and the remainder directed to the Mirasol Village housing development. SacRT is a subrecipient to SHRA on the TCC grant. The Master Grant Agreement was executed in May 2020 and the SHRA Subrecipient Grant Agreement was executed in March of 2021.

SHRA was also awarded \$18.8 million in Affordable Housing Sustainable Communities (AHSC) funding for housing and transit (2019); SacRT is a subrecipient for \$940,000 of this AHSC funding.

### Site Cleanup:

SHRA owns the site where the Dos Rios Light Rail Station will be constructed, known as the "Dos Rios Triangle." The site is part of the larger Sacramento Twin Rivers Development Plan. The currently vacant and structurally undeveloped Site is bounded by North 12<sup>th</sup> Street, Sproule Avenue, and North 16<sup>th</sup> Street in Sacramento. Companies previously occupying the Site have conducted salvaging, equipment manufacturing,

refrigeration, wrecking, auto sales, automobile manufacturing and truck repair. Detailed assessment of the site was conducted by SHRA's contractor Tetra Tech, in 2020, 2021 and 2022. The soil was discovered to be contaminated with concentrations of lead, arsenic, dieldrin, and volatile organic compounds (VOCs).

SHRA contracted to Pacific States Environmental Contractors, Inc. in 2022 to complete the response action on the Light Rail Property. Due to levels of contamination, the site outside the Light Rail Station area was revised from residential to commercial-only use for the foreseeable future. The work also included the removal of previously unknown septic tanks and will require placement of a temporary gravel cover to allow access to the Light Rail Station property and use of the site as a staging area for the construction of the Light Rail Station. The contractor completed the response action on the Light Rail Property in 2023, which included soil excavation to remove soils, waste characterization and disposal. The excavated soils were stockpiled and sampled for hazardous waste characterization. Prior to commencement of construction of the Light Rail Station, SHRA's contractor will install a cover over the impacted soils on the remainder of the Site outside of the Light Rail Station Property; this has not yet occurred.

Because lead concentrations remaining in Site soils may exceed the preliminary remedial goal for construction workers a Site Management Plan must be followed to provide guidance to construction activities. Due to soils exceeding hazardous waste criteria along the property line that could not be removed, all workers on the Site require Hazardous Waste and Emergency Response Standard (HAZWOPER) training and must be a certified Contractor. Additional potential environmental concerns include buried drums or other materials that may impact the site. If this occurs, the contractor must notify SHRA. SHRA's site cleanup and requirements of the Site Management Plan have resulted in significant delays and cost increases on the SacRT Project; additional soil handling requirements may further impact bid pricing for potential contractors. Due to several hot spots, the Department of Toxic Substance Control (DTSC) is still reviewing SHRA's closeout report as well as the pending covering of the area outside of the Light Rail Station Property that will be used as a contractor staging area, this site is not yet ready for construction activity, but we expect it will be by the time construction begins.

#### Project Cost Increases, Final Design, and Bidding Schedule:

The original Strategic Growth Council (SGC) workbook plan anticipated going out to bid in July of 2021, and the final design of the station was completed in early summer of 2021; however, the documents could not be issued for bid until the site remediation was completed. The Site remediation led by SHRA also began in 2021 and was originally anticipated to be completed in 2021 but, as explained in the previous section, the Site cleanup was much more extensive than anticipated, which delayed the release of bid documents and has required extensive revision to the plans to account for the post-remediation site elevations and conditions.

Concurrently, the City of Sacramento proceeded with a separate project to reconstruct portions of N. 12th Street in 2021. The final configuration of the City project required further modifications to the station design and the final bid documents were updated and completed in May 2022.



In August 2022, SacRT awarded a \$3M construction management contract to 4-Leaf. SacRT also updated bid pricing based upon current bids from the Folsom 15-Minute Service Project.

Due to sub-recipient agreement timing, the original planning level project estimate did not include the cost of flagging and bus bridges. Flaggers for work around live track are required by the California Public Utilities Commission (CPUC) and are responsible for public safety and for temporary control of railroad traffic. Flaggers ensure the safety of passengers and workers during construction. This project will be constructed on an active rail line in a city street. This line is SacRT's main artery across the river to the light rail maintenance and storage yard. As this is an active line, passengers will be transported via a shuttle bus (or a bus bridge) in between stations, while the line is under construction. Flagging and bus bridges will be required during the majority of the construction timeline.

SacRT was prepared to go out to bid when final design was completed; however, because SHRA's site soil remediation had taken longer than expected, the bidding was delayed. During SHRA's soil remediation, additional contaminants were discovered and DTSC required multiple additional excavations to remove contaminants and test soil. In addition, as extensive excavation, including the removal of septic tanks, occurred during site remediation, SacRT and SHRA realized that the site would need to be resurveyed, topographical information in the bid documents would need to be updated, and requirements of the site management plan, including constrained contractor staging, specialized training, certifications, and soil handling requirements, would also need to be incorporated in the bid documents. The additional cost to resurvey the site was \$23,185, funded by SacRT.

DTSC issued conditional approval of the site management plan in July of 2023; however, the site was not ready to resurvey and was not ready for construction. As SacRT indicated in its letter to SHRA on August 24, 2023, as soon as the site was ready for SacRT to survey, SacRT planned to mobilize its contractor and proceed immediately. Clearance was provided by SHRA to SacRT for the contractor to resurvey the site on October 9, 2023 and SacRT completed the survey on October 16, 2023, an unprecedented quick turnaround for a resurvey effort. Because of the extent of the changes to the elevations of the site, site mapping and updates to site grades and the bid documents are extensive. The new work order will completely update the 100% Bid Set. Staff anticipates that updated bid documents will be prepared and ready for release no later than December 15, 2023. As of the writing of this staff report, DTSC has not approved the soil remediation Closeout Report and the site is not cleared for construction activities.

SacRT has contracted services to Mark Thomas consulting for design services on this project. SacRT funded design costs on the project to date include:

- \$635,222.23 – Dos Rios Preliminary Engineering
- \$99,617.35 - Dos Rios Preliminary Engineering
- \$31,582.37 – Traction Power Analysis
- \$149,662.99 – Dos Rios Preliminary Engineering
- \$924,914.99 – Dos Rios Final Design
- \$14,818.54 – Dos Rios Final Design
- \$17,177.63 – Dos Rios SMUD Plat and Legals
- \$154,747.15 – Dos Rios Design Phase 3

- \$23,184.97 – Dos Rios Re-Survey
  - \$239,991.44 - Design Support during Bidding and Construction
- Total - \$2,290,919.66**

The 2023 estimated project budget for The Project is \$43M, including risk and contingency. This total is reflective of extensive efforts to identify and apply cost-saving measures. Prior to the most recent estimate, SacRT removed nearly \$7M from the scope, by eliminating a traction power substation and automatic switching system. Staff further went line item by line item to find value engineering opportunities, resulting in a further \$700k reduction in costs, for a total of almost \$8M in reductions from the scope. The current design is the simplest, most feasible, and operable station that satisfies SacRT design and engineering standards and requirements. SacRT has already reduced the cost as much as possible through value engineering.

The overall project costs have increased significantly because of the delays to the project, the cost escalation in the current construction market, soil management requirements, worldwide supply chain issues brought on by the pandemic, inflation and additional SacRT project costs such as flagging and bus bridges.

#### Project Funding Shortfall, Schedule and Alternative Project:

In early 2023, SHRA and SacRT met with SGC to discuss the project funding shortfall. Various funding options were discussed, and SacRT and SGC appealed to partners, including the City of Sacramento to find another grant or local funding to fill the gap. In February 2023, SacRT applied for \$22M in TIRCP Cycle 6 funds as its top-priority project. SacRT and SHRA also prioritized the project in Congressionally Directed Spending Requests. SacRT was not successful in its request for the Dos Rios Light Rail Station Project in its TIRCP Cycle 6 application but secured a \$5.5M Congressionally Directed Spending Request recommendation from Congresswoman Matsui. The \$5.5M recommendation was reduced to \$1M in the House Transportation Budget. SacRT was notified of the unsuccessful TIRCP application at the end of April 2023, and met with SGC and SHRA in May 2023 to discuss additional options. SacRT requested an extension during that meeting, as well as an additional funding allocation to address the cost escalation on the project. SGC explained that due to the budgetary structure of the TCC program, an additional funding allocation was not possible. Although SacRT and SHRA communicated with SGC over the summer, SGC ultimately notified SHRA on July 31, 2023, that the project was in non-performance status and that SHRA must provide an updated project budget and funding strategy.

SacRT has numerous state of good repair and capital needs and cannot bear the entire financial burden that has been created as a result of this delayed project and the current economic environment for construction. At the staff level, it was proposed that \$10 million in SacRT's funding could possibly be directed to the Project, subject to board approval, and additional time was requested to apply for additional state and federal grant funds. Staff requested an extension for a period of 2 years to allow time to apply for additional funding through various grant cycles. SacRT and SHRA continued to advocate for additional funding with partner agencies and elected officials.

SacRT acknowledged in its correspondence with SHRA and SGC that the previously approved TCC budget did not include administrative costs, flagging, or project management for SacRT, now estimated at \$10M. These costs are regularly included in grant awards, but staff recognizes that it was not part of the original agreement. Therefore, SacRT would need to identify another funding source for the \$10M in project administration, bus bridge and flagging costs, as well as the \$9.2 million in construction costs, for a total of approximately \$19.2 million in required funding. Future rounds of TIRCP, SB1 and RAISE were identified as possible funding sources for the gap, but a project extension would be required.

If an extension was not granted and a supplemental allocation from SGC was not possible, at SHRA's request, SacRT began preparing an alternative transit investment that would ensure that the residents were afforded a transit option. SacRT currently operates Route 33, a "loop" that connects Marisol Village to Alkali Flat Light Rail station along the Blue Line. Transit improvements developed as an alternative to the Dos Rios Light Rail station included an east/west redesign of Route 33 connecting Blue Line, Green Line, Route 11 (Truxel), Mirasol Village, Greyhound, and the Museum of Science and Curiosity, every 30 minutes, seven days a week, including new zero-emission buses. Staff is developing options to provide 30-, 20- or 15-minute frequency on the Route 33 7-days per week as a potential substitute project. Staff also proposed options to improve Route 11 (Truxel), Route 142 (Airport) and the extension of approximately three existing commuter bus routes to the Richards Blvd Office complex. It is important to note that if the TCC funds are spent on the substitute project, operations and maintenance costs may only be covered until the grant expires in June of 2027.

On September 20, 2023, SGC responded to SHRA's August 29 letter with a second non-performance notification, requesting further development of the substitute project and a denial of an extension of the grant term citing that, "TCC does not have authority to administer a grant agreement beyond the current grant term. Grant funds awarded to the TCC SIMPL projects must be liquidated by June 30, 2027 in accordance with SB 101, Budget Act of 2023, Section 2, Item 0650-491... Given the apparent infeasibility of Project #2 ([sic] Dos Rios Light Rail Station Project), we request that SHRA work with SIMPL project partners to prepare a proposed alternative project that would substantially retain the intended transportation benefits and support the community vision for the SIMPL grant and can be feasibly implemented in the grant term."

The letter emphasized that the replacement project should be founded in broad-based community engagement. An amended corrective action plan and draft amendment request are required no later than December 1, 2023. To that end, SHRA has coordinated at least 8 public outreach meetings related to the substitute project. SacRT has participated in these meetings and provided information both on the light rail station project and the potential substitute project. Community members have been unanimous in their continued support for the Dos Rios project and expressed serious concern to hear that the station might not be built. Residents understand that station construction has been delayed, and they provided valuable feedback related to bus routes, connections and circulator services in the neighborhood.

Given the impossibility of an extension of the grant term, options to fill the funding gap and complete the light rail station project by the end of 2026 are limited even further than

previously understood. Immediately following the September 20, 2023 letter from SGC, the issue was raised at the SacRT Board of Directors meeting on September 25, 2023, including a request of project partners, such as the City of Sacramento, to contribute funds to address the deficit. This issue was also discussed at the October 13, 2023 Board meeting. At that time, the Board requested that a meeting be scheduled with the City and County of Sacramento and SHRA to discuss the shortfall. SacRT staff scheduled the requested meeting on November 2, 2023. Senator Ashby and SHRA hosted a replacement meeting on November 2, 2023 to determine a path forward. At that meeting a proposal was put forth that SacRT should consider the use of \$10M in SacRT's SB125 funding, as well as approximately \$9.2M of SacRT's other funds. At the November 2, 2023 meeting, staff committed to bring the proposal to the SacRT Board at the November 13, 2023 meeting. Although the Dos Rios Light Rail station has consistently been a high priority expansion project, SacRT has numerous other unfunded state of good repair and other capital needs. SacRT has a FY24 Capital Budget totaling \$1.9B, with over \$1B in shortfall, including for high priority projects such as the completion of the Light Rail Modernization Project and the state mandated transition to a zero-emission fleet.

The City of Sacramento staff has consistently indicated that there is no City funding available to support the project and this was confirmed by SacRT staff at a meeting with the City of Sacramento and SHRA staff on November 6, 2023. The City of Sacramento also indicated that they would not be able to provide additional support to the project, such as project management support, without reimbursement.

#### Options and Board Direction:

Staff will present a comprehensive project update at the November 13, 2023 Board of Directors meeting and seek input and direction from the Board on the path forward. Staff continues to prioritize the construction, and each of these options reaffirms SacRT's commitment to build the Dos Rios Light Rail Station Project, but seeks direction from the Board on one of the following options:

1. Request an allocation of \$10M in SacRT's SB125 funds and utilize approximately \$9.2M SacRT's other funds to fully fund the Dos Rios Light Rail Station Project.
2. Direct SacRT's SB125 and other funds to fund up to ½ of the shortfall of approximately \$19.2M through SacRT's SB125 allocation, and continue to seek partnership on the remaining ½ from other partners
3. Move forward with the substitute project, which includes the implementation of robust bus service, including augmentation of Route 33 and potentially other routes in the Project Area with zero emission, frequent service; while continuing to pursue new grant funding for the station in the future.

## **STAFF REPORT**

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**DATE:** November 13, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Henry Li, General Manager/CEO  
**SUBJ:** GENERAL MANAGER'S REPORT

### RECOMMENDATION

No Recommendation - For Information Only.

### **SacRT Meeting Calendar**

#### **Regional Transit Board Meeting**

December 11, 2023  
SacRT Auditorium / Webconference  
5:30 P.M

#### **Quarterly Retirement Board Meeting**

December 20, 2023  
SacRT Auditorium / Webconference  
9:00 A.M

#### **Mobility Advisory Council Meeting**

December 7, 2023  
SacRT Auditorium / Webconference  
2:30 P.M

### **SacRT Awarded LCTOP Funding**

On October 7<sup>th</sup>, SacRT was awarded \$5.3 million in California Climate Investment funds that will help combat pollution and create more affordable transportation options. Funding from the Low Carbon Transportation Operations Program (LCTOP) will continue to fund expanded routes 11, 13, and 68 that were implemented by SacRT Forward (route optimization project) as well, as SmarT Ride operations and the conversion of four light rail stations to accommodate low-floor platforms.

More information about the investment is available on this link:

[www.gov.ca.gov/2023/10/27/california-distributes-192-million-for-more-clean-transit/](http://www.gov.ca.gov/2023/10/27/california-distributes-192-million-for-more-clean-transit/)

### **Systemwide Free Ride Day**

In celebration of Small Business Saturday, SacRT is offering free rides on Saturday, November 25, 2023. All customers can enjoy free rides on light rail, fixed-route bus, and

-demand SmarT ride services, no flyer needed – just board and go. SacRT GO paratransit service will also be free to qualifying riders, with a reservation made in advance. Learn more at [sacrt.com/freerides](http://sacrt.com/freerides).

### **Ride Free on the SacRT Holiday Bus**

SacRT's annual FREE Holiday Bus returns on Friday, December 1, 2023, operating through Tuesday, January 2, 2024! The holiday themed 40-foot bus will travel on various routes throughout the region.

Here is the schedule:

- Friday, December 1, 2023 – Routes 62, 106, 252
- Saturday, December 2, 2023 – Routes 51, 56
- Sunday, December 3, 2023 – Route 81
- Monday, December 4, 2023 – Route 1
- Tuesday, December 5, 2023 – Routes 67, 68
- Wednesday, December 6, 2023 – Route 86
- Thursday, December 7, 2023 – Route 13
- Friday, December 8, 2023 – Route F10
- Saturday, December 9, 2023 – Santa Parade
- Sunday, December 10, 2023 – Routes 30, 38
- Monday, December 11, 2023 – Route 19
- Tuesday, December 12, 2023 – Route 11
- Wednesday, December 13, 2023 – Routes 75, 78
- Thursday, December 14, 2023 – Route E110
- Friday, December 15, 2023 – Routes 15, 88
- Saturday, December 16, 2023 – Route 23
- Sunday, December 17, 2023 – Route 142
- Monday, December 18, 2023 – Route 138
- Tuesday, December 19, 2023 – Routes 30, 38
- Wednesday, December 20, 2023 – Route 61
- Thursday, December 21, 2023 – Route 25
- Friday, December 22, 2023 – Routes 26, 72, 84, 161
- Saturday, December 23, 2023 – Routes 21, 93
- Sunday, December 24, 2023 – Routes 15, 23, 88
- Monday, December 25, 2023 – Route 1 (Sunday/holiday schedule)
- Tuesday, December 26, 2023 – Route 137
- Wednesday, December 27, 2023 – Route 81, 102, 129
- Thursday, December 28, 2023 – Routes 93, 113
- Friday, December 29, 2023 – Route 82
- Saturday, December 30, 2023 – Routes 72, 75, 78
- Sunday, December 31, 2023 – Route 51
- Monday, January 1, 2024 – Routes 30, 38 (Sunday/holiday schedule)
- Tuesday, January 2, 2024 – Routes 25, 26, 87

### **New Hours for SacRT Customer Service**

SacRT's Customer Advocacy department is now assisting customers seven days a week! On weekends, customers can call, email, or complete the online feedback form between the hours of 10 a.m. and 2 p.m., and on weekdays, the hours are from 8 a.m. to 5 p.m.

- Phone: 916-321-2877, option 3, then option 6
- Email: [customeradvocacy@sacrt.com](mailto:customeradvocacy@sacrt.com)
- Online Form: [sacrt.com/customerfeedback](https://sacrt.com/customerfeedback)