

#### AGENDA BOARD OF DIRECTORS REGULAR MEETING MARCH 13, 2015 – 8:00 AM SANTA CRUZ METRO ADMIN OFFICES 110 VERNON STREET SANTA CRUZ, CA 95060

MISSION STATEMENT: "To provide a public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost-effective, reliable, accessible, safe, clean and courteous transit service."

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#### **BOARD ROSTER**

Director Ed Bottorff Director Dene Bustichi, Chair Director Karina Cervantez Director Cynthia Chase Director Jimmy Dutra Director Zach Friend Director Deborah Lane Director Don Lane Director John Leopold Director Bruce McPherson Director Mike Rotkin Ex-Officio Director Donna Blitzer

Alex Clifford Leslyn K. Syren City of Capitola City of Scotts Valley City of Watsonville City of Santa Cruz City of Watsonville County of Santa Cruz UC Santa Cruz

METRO CEO/General Manager METRO District Counsel

#### TITLE 6 - INTERPRETATION SERVICES / TÍTULO 6 - SERVICIOS DE TRADUCCIÓN

Spanish language interpretation and Spanish language copies of the agenda packet are available on an as-needed basis. Please make advance arrangements with the Executive Assistant at 831-426-6080. Interpretación en español y traducciones en español del paquete de la agenda están disponibles sobre una base como-necesaria. Por favor, hacer arreglos por adelantado con Coordinador de Servicios Administrativos al numero 831-426-6080.

#### AMERICANS WITH DISABILITIES ACT

The Board of Directors meets in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, or to access the agenda and the agenda packet (including a Spanish language copy of the agenda packet), should contact the Executive Assistant, at 831-426-6080 as soon as possible in advance of the

Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting Santa Cruz METRO regarding special requirements to participate in the Board meeting. For information regarding this agenda or interpretation services, please call Santa Cruz METRO at 831-426-6080.

#### **SECTION I: OPEN SESSION**

NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER

- 1 CALL TO ORDER
- 2 ROLL CALL
- 3 REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION Leslyn Syren, District Counsel

#### 4 ADJOURN TO CLOSED SESSION

#### SECTION II: CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: CEO/General Manager

#### SECTION I: OPEN SESSION RECONVENES

(ANTICIPATED TO BE 8:30A)

#### 5 ANNOUNCEMENTS

#### 6 COMMUNICATIONS TO THE BOARD OF DIRECTORS

This time is set aside for Directors and members of the general public to address any item not on the Agenda which is within the subject matter jurisdiction of the Board. No action or discussion shall be taken on any item presented except that any Director may respond to statements made or questions asked, or may ask questions for clarification. All matters of an administrative nature will be referred to staff. All matters relating to Santa Cruz METRO will be noted in the minutes and may be scheduled for discussion at a future meeting or referred to staff for clarification and report. Any Director may place matters brought up under Communications to the Board of Directors on a future agenda. In accordance with District Resolution 69-2-1, speakers appearing at a Board meeting shall be limited to three minutes in his or her presentation. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation. When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.

#### 7 LABOR ORGANIZATION COMMUNICATIONS

#### 8 ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

#### **CONSENT AGENDA**

All items appearing on the Consent Agenda are recommended actions which are considered to be routine and will be acted upon as one motion. All items removed will be considered later in the agenda. The Board Chair will allow public input prior to the approval of the Consent Agenda items.

9-01 ACCEPT AND FILE PRELIMINARY APPROVED CHECK JOURNAL DETAIL FOR THE MONTH OF DECEMBER 2014

Angela Aitken, Finance Manager

- 9-02 ACCEPT AND FILE MINUTES OF THE SANTA CRUZ METRO BOARD OF DIRECTORS MEETING OF FEBRUARY 27, 2015 Alex Clifford, CEO/General Manager
- 9-03 CONSIDERATION OF LA POSADA TRANSPORTATION ALTERNATIVES Ciro Aguirre, COO
- 9-04 CONSIDERATION OF RESOLUTION APPROVING THE FY15 REVISED CAPITAL BUDGET

Angela Aitken, Finance Manager

#### **REGULAR AGENDA**

- 10 ORAL PRESENTATION OF INTRODUCTION OF NEW CLASS Anna Marie Gouveia, Superintendent
- 11 YEAR TO DATE MONTHLY FINANCIAL REPORT AS OF DECEMBER 31, 2014

Angela Aitken, Finance Manager

- 12 CONSIDERATION OF AWARD OF CONTRACT WITH ATHENS ADMINISTRATORS FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION CLAIMS IN AN AMOUNT NOT TO EXCEED \$275,000 Suzanne Silva, Assistant HR Manager
- 13 CONSIDERATION OF ADOPTION OF SANTA CRUZ METRO'S AMENDED CONFLICT-OF-INTEREST CODE AND APPROVAL OF THE RESOLUTION CONFIRMING THIS ACTION Leslyn Syren, District Counsel
- 14 SANTA CRUZ METRO'S UNCONDITIONAL COMMITMENT TO ADHERE TO THE REQUIREMENT TO POST AN AGENDA AT LEAST 72 HOURS IN ADVANCE OF A REGULAR MEETING Leslyn Syren, District Counsel

#### **REGULAR AGENDA, Continued**

CONSIDERATION OF AMENDED RESOLUTION SETTING A PUBLIC 15 **HEARING ON APRIL 10, 2015 Leslyn Syren, District Counsel** 

16 CONSIDERATION OF APPOINTMENT OF BECKY TAYLOR TO THE METRO ADVISORY COMMITTEE (MAC) FOR A TERM OF OFFICE ENDING MARCH 12, 2017

Alex Clifford, CEO/General Manager

17 ANNOUNCEMENT OF NEXT MEETING: FRIDAY, MARCH 27, 2015 AT 9:00 AM, SANTA CRUZ CITY COUNCIL CHAMBERS, 809 CENTER STREET, SANTA CRUZ

**Chair Dene Bustichi** 

#### 18 ADJOURNMENT

Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day. The agenda packet and materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Santa Cruz METRO Administrative Office (110 Vernon Street, Santa Cruz) during normal business hours. Such documents are also available on the Santa Cruz METRO website at www.scmtd.com subject to staff's ability to post the document before the meeting.

Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015



**TO:** Board of Directors

**FROM:** Angela Aitken, Finance Manager

# SUBJECT: ACCEPT AND FILE PRELIMINARY APPROVED CHECK JOURNAL DETAIL FOR THE MONTH OF DECEMBER 2014

#### I. RECOMMENDED ACTION

# That the Board of Directors accept and file the preliminary approved Check Journal Detail for the month of December 2014.

#### II. SUMMARY

- This staff report provides the Board with a preliminary approved Check Journal Detail for the month of December 2014.
- The Finance Department is submitting the check journal for Board acceptance and filing.

#### III. DISCUSSION/BACKGROUND

This preliminary approved Check Journal Detail provides the Board with a listing of the vendors and amounts paid out on a monthly cash flow basis (Operating and Capital expenses).

All invoices submitted for the month of December have been processed, checks issued and signed by the Finance Manager.

#### IV. FINANCIAL CONSIDERATIONS/IMPACT

None. The check journal is a presentation of invoices paid in December 2014 for purposes of Board review, agency disclosure, accountability and transparency.

#### V. ALTERNATIVES CONSIDERED

N/A

#### VI. ATTACHMENTS

Attachment A: Check Journal Detail for the Month of December 2014

Prepared By: Lorraine Bayer, Accountant II

**Board of Directors** March 13, 2015 Page 2 of 2

#### VII. **APPROVALS:**

Angela Aitken, Finance Manager

Alex Clifford, CEO/General Manager

Angels aitken Aly M

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# Attachment A

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PAGE 7	12/31/14	COMMENT												
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51388 12/19/ 51389 12/19/	'14 1,437. '14 1,437.	29 107A 62 135	SAN LORENZO LUMBER & HOME CTR SANTA CRUZ AUTO PARTS, INC.	62837 62797 62835	INVENTORY OKDER 12/8/14 STATEMENT BRAKE DRUM ROTOR PAD	291.84 1,437.29 120.06
51390 12/19/ 51391 12/19/ 51392 12/19/ 51393 12/19/ 51394 12/19/	/14 202. /14 264. /14 185. /14 13,322. /14 7,425.	34 149 00 957 00 001817 53 001075 12 003160	SANTA CRUZ SENTINEL SECURITY SHORING & STEEL PLT SOCIETY FOR HUMAN RESOURCE SOQUEL III ASSOCIATES STANGE, MICHAEL	628919 628843 628946 628946 628946 628567 628566 628567 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 62857 629577 629577 629577 629577 6295777 6205777 6205777 6205777 6205777 6205777 62057	LCEDLI MEMO LEGAL AD 15-02 MUD PLATES 2015 MEMBERSHIP JAN 15 RENT JAN 15 RENT MILE TEMP FLEET MGR	-22:44 264.00 185.00 13,322.53 225.12 225.12
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51403 12/19/1 51404 12/19/1 51405 12/19/1	14 20. 14 4,332. 14 1,091.	78 007 31 002829 22 434	UNITED PARCEL SERVICE VALLEY POWER SYSTEMS, INC. VERIZON WIRELESS 0	62823 62930 62903 62903 62904	LAUNDRY SERVICES FREIGHT FREIGHT RPUNENTORY ORDER RPR BUS #9801 INVENTORY ORDER 11/2-12/1 PTT FAC	10.23 20.78 20.74 4,215.97 33.60 319.14

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

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## Attachment A

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# 9-01A.11

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Attachment A

2,614,969.82

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TOTAL CHECKS

ACCOUNTS PAYABLE

2,614,969.82

TOTAL

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Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015

**TO:** Board of Directors

**FROM:** Alex Clifford, CEO

#### SUBJECT: ACCEPT AND FILE MINUTES OF THE SANTA CRUZ METRO BOARD OF DIRECTORS MEETING OF FEBRUARY 27, 2015

#### I. RECOMMENDED ACTION

That the Board of Directors Accept and File the Minutes for the Santa Cruz Metropolitan Transit District (METRO) Board of Directors Meeting of February 27, 2015

#### II. SUMMARY

- Staff is providing minutes from the Santa Cruz Metropolitan Transit District (METRO) Board of Directors Meeting of February 27, 2015.
- Each meeting, staff will provide minutes from the previous METRO Board of Directors meeting

#### III. DISCUSSION/BACKGROUND

The Board requested that staff include, in the Board Packet, minutes for previous METRO Board of Directors meetings. Staff is enclosing the minutes from these meetings as a mechanism of complying with this request.

#### IV. ATTACHMENTS

Attachment A: Draft minutes for the Board of Directors Meeting of February 27, 2015

Prepared by: Gina Pye, Executive Assistant

Board of Directors March 13, 2015 Page 2 of 2

#### V. APPROVALS:

Alex Clifford, CEO/General Manager

Aly

#### SANTA CRUZ METROPOLITAN TRANSIT DISTRICT BOARD OF DIRECTORS MEETING MINUTES REGULAR MEETING FEBRUARY 27, 2015 – 9:00 AM WATSONVILLE CITY CHAMBERS 809 CENTER STREET SANTA CRUZ, CA 95060

A regular meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District (METRO) was convened on Friday, February 27, 2015, at the Watsonville City Chambers located at 275 Main Street in Watsonville, CA.

The Board Meeting Agenda Packet can be found online at www.SCMTD.com and is available for inspection at Santa Cruz Metro's Administrative offices at 110 Vernon Street, Santa Cruz, California.

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#### SECTION I: OPEN SESSION

#### 1 CALL TO ORDER at 9:02A by Chair Bustichi

2 **ROLL CALL:** The following Directors were **present**, representing quorum: **Director Ed Bottorff City of Capitola Director Dene Bustichi, Chair City of Scotts Valley** Director Karina Cervantez **City of Watsonville** Director Cynthia Chase City of Santa Cruz **Director Jimmy Dutra City of Watsonville Director Zach Friend County of Santa Cruz County of Santa Cruz** Director Deborah Lane City of Santa Cruz Director Don Lane **County of Santa Cruz Director John Leopold Director Bruce McPherson County of Santa Cruz Director Mike Rotkin County of Santa Cruz** UC Santa Cruz Ex-Officio Director Donna Blitzer

STAFF PRESENT: Alex Clifford, CEO Leslyn Syren, General Counsel

METRO EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT (IN ALPHABETICAL ORDER) WERE:

Heather Adamson, AMBAG Angela Aitken, METRO Erron Alvey, METRO Grace Blakeslee, SCCRTC Carolyn Derwing, METRO Maria Granados Boyce, METRO Liseth Guizar, METRO Thomas Hiltner, METRO Louise Keller, METRO Debbie Kinslow, METRO Al Pierce, METRO Will Regan, SEIU Suzanne Silva, METRO Robyn Slater, METRO Chris Sullivan, METRO Aiden Tapiz Tony Tapiz Becky Taylor, Comm. on Disabilities April Warnock, METRO Daniel Zaragoza, METRO

9-02A-2

#### 3 ELECT CHAIR AND VICE CHAIR / SCCRTC AND AD HOC PACIFIC STATION REDESIGN APPOINTEES

(Moved to Item 4 in the Open Session at the request of Chair Bustichi and consent of the Board)

Chair Bustichi read the submitted nominee slates.

Director Dutra added the following slate for Board member consideration:

- SCCRTC Representatives: Ed Bottorff, Dene Bustichi and Lynn Robinson
- (as public representative)
- SCCRTC Alternates: Karina Cervantez, Mike Rotkin and Deborah Lane

Director Dutra requested that each nominee provide a statement on their behalf.

Chair Bustichi relayed his past experience with the SCCRTC and appreciates the concern regarding the rail line/train expense versus use. He believes HOV lanes towards Watsonville are an important component and that the tax measure: can be supportive dependent on how it is ultimately presented. He cautioned focus towards a significant component for METRO.

Director Cervantez noted the visible disinvestment in transportation on Highway 1 during commute hours. She has pushed for alternate modes of transportation and trail development.

Director Bottorff believes in the ability to tie the pedestrian and rail trails together, citing the opening of the La Selva Bridge. An RTC and METRO partnership is essential for tax measure to improve transportation options in Santa Cruz County.; i.e., an HOV lane and alternative transportation are both needed.

Director Rotkin noted that he is on both submitted slates so will save his speech for a later time.

Director Deborah Lane spoke as a member of marginalized community. She is interested in supporting METRO and the sales tax initiative. She does not support Highway 1 widening.

# ACTION: MOTION TO ACCEPT THE SCCRTC SLATE AS PRESENTED BY DIRECTOR LEOPOLD

#### MOTION: DIRECTOR LEOPOLD SECONDED: DIRECTOR ROTKIN

MOTION PASSED WITH 6 AYES (Directors Bottorff, Cervantez, Dutra, Deborah Lane, Don Lane, and Rotkin), OPPOSED (Directors Bustichi, Friend, Leopold and McPherson) Director Chase was absent.

Director Rotkin clarified the alternate process.

Director Leopold noted that there will be seven METRO Board members will be on RTC committee.

#### ACTION: MOTION TO ACCEPT THE AD HOC PACIFIC STATION REDESIGN SLATE AS PRESENTED BY CHAIR BUSTICHI WITH THE ADDITION OF DIRECTOR McPHERSON (OVERSIGHT IN LAST MEETING)

MOTION: DIRECTOR DON LANE SECONDED: CHAIR BUSTICHI

MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin) Director Chase was absent.

#### 4 CONSIDERATION OF RESOLUTIONS OF APPRECIATION FOR OUTGOING BOARD MEMBERS

(Moved to Item 3 in the Open Session at the request of Chair Bustichi and consent of the Board)

Chair Bustichi requested that Agenda Item 4, Consideration of Resolutions of Appreciation for Outgoing Board Members, be moved up to Open Session Item 3. Chair Bustichi read one resolution which broadly applied to all five outgoing board members with the same effective retirement date of December 2014 and had the following comments applicable to individual Board members:

Outgoing Director Hilary Bryant served December 2010 to 2014. She was an active member, a great colleague who served the City of Santa Cruz and the entire METRO district. Her tenure as Mayor of Santa Cruz included the death of 2 police officers. Chair Bustichi thanked her for her service and dedication.

Outgoing Director Daniel Dodge served from January 2011 to December 2014. He represented Watsonville and its constituents and was involved with APTA and healthy eating options nationwide

Outgoing Director Ron Graves represented the City of Capitola and had been the longest serving commissioner on 2 separate occasions. His common sense approach was appreciated by many.

# 9-02A.3

Outgoing Director Michelle Hinkle has been METRO's longest serving member. She spoke with patience and heart to ensure people who needed METRO's service had an opportunity to use it.

Outgoing Director Lynn Robinson served 2008 to 2014. She and Chair Bustichi created a bond as Mayors of Scotts Valley and Santa Cruz who were politically aligned with common interests in METRO.

#### ACTION: MOTION TO ACCEPT THE RESOLUTIONS OF APPRECIATION FOR OUTGOING BOARD MEMBERS BRYANT, DODGE, GRAVES, HINKLE AND ROBINSON AS PRESENTED

#### MOTION: DIRECTOR ROTKIN SECONDED: DIRECTOR McPHERSON

# MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin) Director Chase was absent.

The outgoing Board members had the following comments:

Lynn Robinson, former City of Santa Cruz Mayor, thanked the Board and the assembly. She was very impressed. She expressed particular appreciation for Directors Hinkle and Graves for their years of working together and to Chair Bustichi as Chair and Vice Chair. It was hard work but they accomplished many good things. Thank you to the METRO employees, staff and bus operators. She would be pleased to serve on the Pacific Station Ad Hoc Committee.

Outgoing Director Michelle Hinkle wished the new Board members the best of luck with the heavy lifting required in terms of board packet weight.

Outgoing Director Hilary Bryant thanked everyone for their service; appreciates it as a member of the community. It was a great honor to serve on the METRO board.

Outgoing Director Ron Graves was proud to have served many times on the METRO Board, going back to the 1989 earthquake, through 3 General Managers. The challenge remains enticing new riders to get out of their cars.

Outgoing Director Daniel Dodge expressed his thanks to the Board and staff; it has been his pleasure and honor to advocate on behalf of the ADA community. METRO service has provided him with many opportunities throughout his life.

Director Leopold expressed his appreciation to outgoing Director Graves who taught him about transit when he first joined the board; he appreciated his leadership and mentorship.

Director Rotkin added that as a new Board member, he and the others have big shoes to fill.

Chair Bustichi opened the floor for public comment.

Eduardo Montesino, representing UTU/ParaCruz Operators, thanked the outgoing board members on behalf of the METRO family for their service. He stressed there still exists a need their advocacy and partnership.



Manny Martinez, SEIU Representative, echoed Mr. Montesino's sentiments for continued Board support.

Carolyn Derwing, SEIU-SEA President, echoed the prior comments and recognizes the difficult decisions sometimes required of the Board members.

Will Regan, VMU Representative, thanked the Board of keeping the buses on the street.

Tony Tapiz, Watsonville resident, thanked former Director Hinkle for her service and METRO for sending him to Leadership Santa Cruz.

Norm Hagen, former METRO Board member, current member of the E&DTAC and MAC, thanked those he served with. As a rider, he believes in the METRO system and thanks the drivers for their courtesy.

#### 5 SCCIC ANNUAL MEETING @ 10:00A

# METRO BOARD MEETING RECESSED AT 10:02A FOR ITEM 5, SCCIC ANNUAL MEETING

#### METRO BOARD MEETING RECONVENED AT10:11A

#### 6 ANNOUNCEMENTS

Chair Bustichi announced that Spanish language interpretation is being provided by Carlos Landaverry for any agenda item which may require his services. Mr. Landaverry approached the podium and, in English and Spanish, introduced himself and alerted attendees as to his position in the Chambers.

Chair Bustichi added that today's meeting is being broadcast by Community Television of Santa Cruz County. Today's technician is Mike Oliphant.

Chair Bustichi announced that General Counsel Syren requested pulling Item 10-02, Notice of Actions Taken in Closed Session.

Chair Bustichi highlighted the additional documentation which was available at each Board member's seat and at the rear of the room for public viewing.

#### 7 COMMUNICATIONS TO THE BOARD OF DIRECTORS

• February 19, 2015 Letter from the METRO Advisory Committee (MAC) regarding Concerns About the Process of Dissolution of BSAC and METRO Staff response to MAC

Chair Bustichi opened the microphone to attendees for announcements at 10:22A.

Veronica Elsea, MAC Chair, said that the MAC members voted at their 2/18/15 meeting to submit a letter regarding their concerns related to the dissolution of the BSAC (Bus Safety Advisory Committee). She urged the Board to read and consider carefully their input. She was concerned that the Board hadn't received adequate time to review its contents as the METRO Staff intercepted letter and withheld it to include their response in today's packet.



She added that MAC hadn't seen a response until today. In conclusion, she urged the Board to place this item on the agenda to ensure timely and fair input from public.

Felipa de Leon, Watsonville resident of Independent Square, spoke regarding the letter she received on Wednesday about the public meeting. She requested that METRO's CEO provide a presentation at Independent Square and other locations.

Becky Taylor, a member of the bus riding public, stated that decisions to cut service are personal. In fact, in 2004, she chose her residence due to its proximity to the bus line. She asked the Board to remember people like her when considering choices.

Norm Hagen, MAC member, noted that their committee currently has three open positions and asked that those be filled as quickly at the next Board meeting.

Director Deborah Lane relayed her interaction with CEO Clifford regarding the Route 68 and 6 posters, press releases and the La Posada loop and urged oversight on press releases and posters going forward. She noted that the Senior Commission would be submitting a letter to the Board next month.

Chair Bustichi stated he believed Staff took the appropriate action concerning the MAC letter and their response and that no further action is required by the board at this time.

#### 8 LABOR ORGANIZATION COMMUNICATIONS

Chair Bustichi opened the microphone to the assembly.

Eduardo Montesino, representing UTU/ParaCruz Operators, expressed his concerns regarding the dissolving of Route 6 and relocation of the bus stop. There are safety concerns involved in the merging of Route 69. He asked that a sign be posted alerting riders as to the new bus stop location.

#### CONSENT AGENDA

- 10-01 CONSIDERATION OF TORT CLAIMS
- 10-02 NOTICE OF ACTIONS TAKEN IN CLOSED SESSION Consent Agenda Item 10-02 pulled at the request of General Counsel Syren.
- 10-03 ACCEPT AND FILE MINUTES OF THE SANTA CRUZ METRO BOARD OF DIRECTORS MEETING OF FEBRUARY 13, 2015

Director Deborah Lane requested a change to Page 10-03A.7, 2<sup>nd</sup> paragraph: Staff to correct to read, "Director Deborah Lane expressed her opinion of **asked a question** regarding the powers ...".

ACTION: MOTION TO ACCEPT AND FILE MINUTES OF THE SANTA CRUZ METRO BOARD OF DIRECTORS MEETING OF FEBRUARY 13, 2015 WITH THE CHANGE REQUESTED BY DIRECTOR DEBORAH LANE

MOTION: DIRECTOR DEBORAH LANE SECONDED: DIRECTOR ROTKIN

# 9-02A.6

MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin) Director Chase was absent.

- 10-04 ACCEPT AND FILE METRO SYSTEM RIDERSHIP REPORTS FOR THE MONTH OF DECEMBER 2014
- 10-05 ACCEPT AND FILE THE METRO PARACRUZ OPERATIONS STATUS REPORT FOR DECEMBER 2014

In response to Director Rotkin's observation regarding the change in "ready window" statistics on page 10-05A.1, April Warnock, Paratransit Superintendent, noted that last year's manual entries were more prone to error. Today's automatic system tracks this statistic. METRO remains committed to working toward obtaining better statistics through the new system which allows GPS tracking. Director Rotkin noted that the rides are within the "ready window" and expressed his appreciation for the commitment to more accuracy.

#### ACTION: MOTION TO ACCEPT AND FILE METRO PARACRUZ OPERATIONS STATUS REPORT FOR DECEMBER 2014

#### MOTION: DIRECTOR LEOPOLD SECONDED: DIRECTOR McPHERSON

MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin) Director Chase was absent.

10-06 ACCEPT AND FILE STATUS REPORT OF ACTIVE GRANTS AND SUBMITTED GRANT PROPOSALS FOR FEBRUARY 2015

#### 10-07 SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY

Director Deborah Lane hears good things about the program but has concerns regarding the participants. She would appreciate a later discussion to permit all METRO employees the opportunity to participate.

Carolyn Derwing, SEIU-SEA President, agreed that it is a good program which should be open to employees other than management; she believes the restriction is imposed by CEO. This agenda item reads such that it would no longer appear before the Board. She believes the public should know how many and which employees are participating in Leadership Santa Cruz as well as the cost of the donated bus. She questioned why the change was being proposed.

Chair Bustichi noted that that the CEO/General Manager had been hired to make decisions on behalf of METRO staff. Board members should not be making decisions for individual staff members; doing so would be a disservice to the CEO. He agrees with the idea to keep this as a line item on the budget rather than a specific agenda item as it streamlines the process and staff time.

CEO Clifford echoed Chair Bustichi's statements. He expressed his appreciation to the Board for respecting his ability in the process noting that this process is similar to the APTA process wherein commitments against workload, etc. are carefully considered and asked the Board to continue allowing him to make this type of decision



Director Deborah Lane objected to Chair Bustichi's comments. She asked, "Is the Board becoming a ceremonial function?" She opposes allowing the CEO to make this decision and would like to see any METRO employee apply for participation.

Director Cervantez noted the importance of such opportunities for professional development.

Director Rotkin noted there is nothing which limits the decision to management participation. It is a great, well structured program. We must continue to be mindful of public budget responsibilities.

#### ACTION: MOTION TO ACCEPT THE STAFF REPORT AS PRESENTED REGARDING LEADERSHIP SANTA CRUZ WITH AN ANNUAL REPORT TO BE SUBMITTED BY THE CEO/GENERAL MANAGER NOTING PARTICIPATING EMPLOYEES

MOTION: DIRECTOR ROTKIN SECONDED: DIRECTOR BOTTORFF

MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Don Lane, Leopold, McPherson, and Rotkin) and ONE NAY (Director Deborah Lane) Director Chase was absent.

10-08 CONSIDER A RESOLUTION DESIGNATING THE CEO AS THE AUTHORIZED AGENT TO SUBMIT AN APPLICATION FOR CAP & TRADE FUNDS Director McPherson requested item 10.8 move to the General Agenda as Item 1 due to its importance to the Watsonville community.

Director McPherson requested a summation of the resolution. Tom Hiltner, Grant / Legislative Analyst, explained the options in further detail.

Director Dutra asked questions regarding the use of available space as appropriate for the local population. CEO Clifford explained the improvements, the addition of the customer service space and an onsite police substation. General Counsel Syren added that we are currently in the design phase for a remodel of the Watsonville Transit Center.

#### ACTION: MOTION TO APPROVE THE CONSENT AGENDA WITH AGENDA ITEMS 10-03, 10-05 and 10-07 PULLED FROM CONSENT AND MOVED TO THE REGULAR AGENDA

MOTION: DIRECTOR DEBORAH LANE SECONDED: DIRECTOR LEOPOLD MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin). Director Chase was absent.

#### **REGULAR AGENDA**

#### 11 PARACRUZ COMMENDATIONS FOR RAMONA NANCE, PARATRANSIT OPERATOR, AND CHRIS SULLIVAN, PARATRANSIT SUPERVISOR

ACTION: MOTION TO RESCHEDULE THE PARACRUZ COMMENDATIONS FOR RAMONA NANCE, PARATRANSIT OPERATOR, AND CHRIS SULLIVAN, PARATRANSIT SUPERVISOR TO THE MARCH 27, 2015 BOARD MEETING

MOTION: DIRECTOR ROTKIN SECONDED: DIRECTORS DEBORAH AND DON LANE MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin). Director Chase was absent.

#### 12 CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN SANTA CRUZ METRO AND THE CITY OF SANTA CRUZ FOR PACIFIC STATION DEVELOPMENT FACILITATION SERVICES

Tom Hiltner, Grants/Legislative Analyst, elaborated on the modifications to the MOU for the roles in managing and developing Pacific Station, providing the history of the project and the relationship between METRO and the City of Santa Cruz.

#### ACTION: MOTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN SANTA CRUZ METRO AND THE CITY OF SANTA CRUZ FOR PACIFIC STATION DEVELOPMENT FACILITATION SERVICES

MOTION: DIRECTOR McPHERSON SECONDED: DIRECTORS ROTKIN AND DON LANE MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin). Director Chase was absent.

#### **13 CEO TO GIVE ORAL REPORT** Alex Clifford, CEO/General Manager, asked to consolidate his oral report with Item 14.

14 CONSIDERATION OF A RESOLUTION TO SET A PUBLIC HEARING ON FARE AND SERVICE RESTRUCTURING OF HIGHWAY 17 EXPRESS & PARATRANSIT Maria Granados Boyce, Customer Service Supervisor, April Warnock, Paratransit Superintendent, and CEO Clifford outlined METRO's participation in the public meetings around the subject, noting where and when materials were distributed, outstanding Staff contributions and efforts, etc. A system-wide restructure is overdue but it's a long process and may occur in the future. A line item in the budget will be brought forward with the FY16 & FY17 budget.

Director Rotkin referred to a District study of the routes undertaken in the early 2000s. CEO Clifford responded that he would look for this referenced document.

General Counsel Syren provided Federal regulation clarification regarding ParaCruz fare restructuring at Director Deborah Lane's request.

In response to Board member questions, CEO Clifford highlighted the final slide which summarizes all of the proposals and asked for approval to move forward with an April 10, 2015 public hearing at the Santa Cruz City Chambers.

Chair Bustichi reminded the Board that the only decision today was to set a public hearing.

ACTION: MOTION TO APPROVE THE RESOLUTION TO SET A PUBLIC HEARING ON FARE AND SERVICE RESTRUCTURING OF HIGHWAY 17 EXPRESS AND PARATRANSIT

MOTION: DIRECTOR ROTKIN SECONDED: DIRECTOR DON LANE MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin). Director Chase was absent.

Discussion among the Directors continued with requests for morning and evening hearings in South County and in Santa Cruz.

Chair Bustichi opened the floor to public comment:

Norm Hagen believes that change is necessary. ParaCruz has been a gift of the county to everyone. He does, however, take exception to the idea of not providing service when the buses don't run; using the MAC meetings which end at 8:00P as an example. He is concerned for elderly women's safety and would like to see an option for those outside the service area. Director Rotkin and Mr. Hagen to continue this discussion after the meeting.

Becky Taylor, member of Commission on Disabilities, said that the Commission is opposed to holding any public hearings on any change in service, access routes and Paratransit at any location that is not easily accessible to persons with disabilities. She thanked the Board for moving the public hearing to the City of Santa Cruz Chambers.

Eduardo Montesino, representing UTU/ParaCruz Operators, said that the public didn't fully understand the first option. He encouraged staff to double-check Title VI requirements.

#### ACTION: MOTION TO APPROVE THE RESOLUTION TO SET PUBLIC HEARINGS ON FARE AND SERVICE RESTRUCTURING OF HIGHWAY 17 EXPRESS AND PARATRANSIT ON APRIL 10, 2015 AT 9:00A IN THE CITY OF SANTA CRUZ CHAMBERS AND TO CONTINUE THE HEARING AT 6:30P IN THE WATSONVILLE CITY CHAMBERS (IF AVAILABLE). THE APRIL 24, 2015 BOARD MEETING WILL BE CANCELLED.

MOTION: DIRECTOR ROTKIN SECONDED: DIRECTORS DON & DEBORAH LANE MOTION PASSED WITH 10 AYES (Directors Bustichi, Bottorff, Cervantez, Dutra, Friend, Deborah Lane, Don Lane, Leopold, McPherson, and Rotkin). Director Chase was absent.

- 15 REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION None per Leslyn Syren, District Counsel
- **16** Chair Bustichi announced the next meeting is Friday, March 13, 2015 AT 8:30 AM, Santa Cruz Metro Admin Offices, 110 Vernon Street, Santa Cruz

9-02A.10

#### 17 ADJOURNMENT

Chair Bustichi adjourned at 11:32A

Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day. The agenda packet and materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Santa Cruz METRO Administrative Office (110 Vernon Street, Santa Cruz) during normal business hours. Such documents are also available on the Santa Cruz METRO website at www.scmtd.com subject to staff's ability to post the document before the meeting.

Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015

- **TO:** Board of Directors
- **FROM:** Ciro Aguirre, Chief Operations Officer

#### SUBJECT: CONSIDERATION OF LA POSADA TRANSPORTATION ALTERNATIVES

#### I. RECOMMENDED ACTION

#### Informational purposes only; no action required.

#### II. SUMMARY

- On 1/23/15, the Board of Directors suspended the Route 6, which served a bus stop directly in front of the La Posada Retirement Community.
- The Board requested that staff investigate other transportation services which could provide direct service for the La Posada residents.
- Santa Cruz City sponsored programs specific to non-profits could be potential sources for La Posada residents to consider coordinating transportation services.
- La Posada provides transportation services that are restricted to planned events, not individual needs, or specific locations as desired by its residents.
- La Posada residents could petition La Posada management to extend transportation services to include individual needs and location specific destinations.
- Staff recommends that the Board receive this report for information purposes only on transportation alternatives to La Posada.

#### III. DISCUSSION/BACKGROUND

On January 23, 2015 the Santa Cruz Metropolitan Transit District (METRO) Board of Directors voted to suspend service on the Route 6 and not to amend the Route 68 to serve the Frederick and Gault area.

As a result of these Board actions residents of the La Posada Retirement Community may access METRO bus service on Soquel Avenue approximately one block from the La Posada complex.

The Board directed METRO staff to investigate alternative transportation options that could serve the residents of La Posada.

Staff reviewed the Santa Cruz County Guide to Specialized Transportation Services and directly contacted providers that could potentially meet the needs of the La Posada community. Most of the specialized transportation services are for exclusive groups or specific trip purposes as follows:

 Veterans may take a scheduled bus to the Palo Alto Veterans Administration Hospital; seniors may obtain individual transportation to meal centers; stroke patients may receive transportation service to the Stroke Center through Lift-Line; a member of the Mid-County Senior Center may ride the Center's shuttle to shopping on Monday, Wednesday and Friday, with medical appointments scheduled on Tuesday and Thursday.

CONTACTS:	Scotts Valley Senior Center	438-8666
	Mid-County Senior Center	476-4711
	Live Oak Senior Center	476-3272
	Market Street Senior Center	423-6640
	Volunteer center of Santa Cruz County	427-5070

2. Private Operators provide chartered service at an hourly rate from \$30 to \$54 per hour.

CONTACTS:	West Coast Limos	464-2600
	First Transit	460-9911
	Access Options	722-6804

At the request of Director Zach Friend, METRO staff reviewed services funded by the City of Santa Cruz Community Council under the Santa Cruz City Community Program. This program provides funding to non-profit agencies for social services. The funding is discretionary and awarded on a 2-year cycle with Grants ranging from \$5K to \$60K per agency. The project or program must be applicable to City goals and plans. Applications are typically due in early March every other year.

La Posada is not a non-profit organization; rather, it is a privately managed, for profit retirement community, in which some apartments are subsidized by Section 8 low-income housing assistance. As a result, La Posada would not qualify for this funding, but a seniors' transportation service to a complex like La Posada would be within the realm of services currently funded such as Grey Bears, Seniors Network Service or the Seniors Council.

La Posada residents could contact these entities and request consideration to have specific transportation services provided using these funds on behalf of seniors in various retirement communities. Please see Attachment A.

A review of the La Posada website (Attachment B) revealed that one of the services provided to residents is Transportation Service utilizing a 14 passenger cutaway bus (Attachment C).

A La Posada representative stated that residents are offered transportation for group outings to a specific location on a specific day as planned in advance by the activities coordinator, and interested persons must sign up to participate for that activity.

Residents are transported from La Posada to the activity and back. Transportation is not available for individuals going to specific destinations such as Capitola Mall.

It is staff's recommendation that the most viable option La Posada residents may have for trips to Capitola Mall and other destinations throughout the county would be for the residents to petition La Posada management to use its transportation service more extensively to meet more of their transportation needs on an individual basis.

#### IV. FINANCIAL CONSIDERATIONS/IMPACT

None

#### V. ALTERNATIVES CONSIDERED

- Use of Santa Cruz City Community Programs Funding. Cannot be applied directly to La Posada as it is a for-profit entity, but other non-profit entities receiving these funds could sponsor transportation services to La Posada and other Senior Retirement Communities throughout the County.
- La Posada residents could work with the Senior Centers to develop a transportation service plan that will address specific travel needs. Funding is limited and the cost may be prohibitive for many of these entities.
- La Posada residents could petition La Posada Management to improve/increase transportation service availability and have it become more inclusive of their specific individual transportation needs.

#### VI. ATTACHMENTS

Attachment A:	Santa Cruz Community Programs List
Attachment B:	La Posada Retirement Community Web Page
	http://www.laposadaretirementcommunity.com/

#### Attachment C: Photo of La Posada's Bus

Prepared By: Ciro Aguirre, Chief Operations Officer

Board of Directors March 13, 2015 Page 5 of 5

#### VII. APPROVALS:

Approved as to form: Leslyn K. Syren, District Counsel

Alex Clifford, CEO/General Manager

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FY 2015	FY 2015			Total
City Council Approved	Approved	CDBG	Red Cross	Funding
Community Programs Funding	General Fund	CDDG	Neu cross	i unung
Advocacy, Inc.	17,170			17,170
Big Brothers Big Sisters	15,150			15,150
Cabrillo College Stroke Center	18,180			18,180
CAB-Gemma Program	8,080			8,080
CAB-Immigration Project	5,050			5,050
CAB-Shelter Project	37,875		11,000	48,875
California Grey Bears	25,250			25,250
California Rural Legal Assistance	20,200			20,200
Campus Kids Connection	6,060			6,060
Central Coast Center for Ind Living	5,050			5,050
Community Bridges - Beach Flats Com Ctr	0	25,000	25,000	50,000
Community Bridges - Child Devlop Div	68,680			68,680
Community Bridges - Liftline	15,150			15,150
Community Bridges - LOFRC	5,050			5,050
Community Bridges - Meals on Wheels	25,250			25,250
Court Appointed Special Advocates	7,575			7,575
Dientes Community Dental Clinic	32,825			32,825
Diversity Center	5,050			5,050
Emeline Childcare Center	5,050			5,050
Encompass-Res. Recovery	7,575			7,575
Encompass-River St Shelter	40,400			40,400
Encompass-Youth Services	58,580			58,580
Encompass-SC AIDS Project	5,050			5,050
Familia Center	0	75,000		75,000
Families in Transition	12,120			12,120
Fam Svc Agncy - Counseling Services	7,070			7,070
Fam Svc Agncy - I-You Venture	5,050			5,050
Fam Svc Agncy - Senior Outreach	5,050			5,050
Fam Svc Agncy - Suicide Prevention	5,050			5,050
Fam Svc Agncy - Survivors Healing Center	5,050			5,050
Fam Svc Agncy - WomenCARE	5,050			5,050
Homeless Garden Project	5,050	45.000		5,050
Homeless Svcs Ctr - Day Resource Ctr	41,410	15,000		56,410
Homeless Svcs Ctr - Paul Lee Loft	11,110			11,110
Homeless Svcs Ctr - P. Smith CH	70,700			70,700
Homeless Svcs Ctr - Rebele Fam Shel Life Lab - Food What	45,450			45,450
Neighborhood Childcare Center	5,050 43,430			5,050 43,430
New Life Community Services	7,070			7,070
Parents Center	10,100			10,100
Planned Parenthood Mar Monte	58,580			58,580
SC Boys and Girls Club	14,645			14,645
SC Toddler Care Center	48,480			48,480
SC Women's Health Center	45,450			45,450
SC Teen Center	0	35,000		35,000
Second Harvest Food Bank	32,320	55,000		32,320
Senior Citizens Legal Services	12,120			12,120
Senior Network Services	15,150			15,150
Seniors Council - Project SCOUT	10,100			10,100
Volunteer Centers of SC County	20,200			20,200
Volunteer Centers of SC - YouthSERVE	5,050			5,050
Walnut Avenue - Family Support Svcs	5,050			5,050
Walnut Avenue - PAT Childcare Services	20,200			20,200
Women's Crisis Support/DdM	45,450			45,450
Comm Programs/Process Evaluation	5,000			5,000
Totals		150,000	36,000	1,241,905

9-03A.1

### Multi-Program Agency Roll-Up

Community Action Board (3 prgms)	62,005
Community Bridges (5 prgms)	164,130
Family Service Agency (6 prgms)	32,320
Homeless Services Center (4 prgms)	183,670
Encompass (4 prgms)	111,605
Volunteer Center (2 prgms)	25,250
Walnut Ave Women's Ctr (2 prgms)	25,250

La Posada Retirement Community

# Attachment B



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Sign In



#### Services

**Request for Info** 

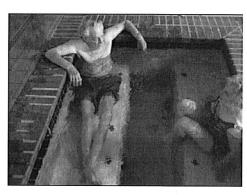
**Contact Us** 

Map & Directions

Services

Whether you are a senior citizen in need of a supportive environment or a family member in search of a safe community for an aging parent, you can rest assured that La Posada Retirement Community will provide the best service possible.

- Head Section 8
- Market Rate Units .
- Allow Pets Under 25 Pounds
- Kitchenettes
  - Central Dining Room (Provide Breakfast and Dinner)
- Jacuzzi
- Swimming Pool .
- Raised Garden Beds
- Studio and One-Bedroom Suites with Private Bath .
- **Delicious Meals**
- **Cultural Activities** .
- Transportation Service
- Housekeeping .
- 24-Hour Staffing



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9-03B.2

Sign In



Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015

- **TO:** Board of Directors
- **FROM:** Angela Aitken, Finance Manager

#### SUBJECT: CONSIDERATION OF RESOLUTION APPROVING THE FY15 REVISED CAPITAL BUDGET

#### I. RECOMMENDED ACTION

# That the Board of Directors adopt a resolution approving the FY15 Revised Capital Budget, as presented in Attachment B

#### II. SUMMARY

- The Board of Directors adopted the FY15 Capital Budget on June 27, 2014.
- Periodic capital budget revisions may be required due to new grant awards, new projects, changes to the scope of existing projects, and removal of projects that are no longer needed.
- Revisions to an adopted capital budget require Board approval and the adoption of a resolution.

#### III. DISCUSSION/BACKGROUND

The Board of Directors must adopt an Operating and Capital Budget by June 30<sup>th</sup> each year. The Board adopted the FY15 & FY16 Operating and FY15 Capital Budget on June 27, 2014.

Since the FY15 Capital Budget was adopted, one (1) revision was approved on December 12, 2014; an overall increase of \$907,923.

Staff requests that the Board adopt a resolution (**Attachment A**) to approve the Revised FY15 Capital Budget (**Attachment B**)

A Reconciliation by Project as of March 13, 2015 (**Attachment C**) is provided; this reconciles the (current) Revised Capital Budget against the (original) FY15 Capital Budget adopted on June 27, 2014.

#### IV. FINANCIAL CONSIDERATIONS/IMPACT

The original FY15 Capital Budget adopted June 27, 2014 totals \$20,861,899. On December 12, 2014 the first revision added \$907,923, for a revised FY15 Capital Budget balance of \$21,769,822. This second revision impacts three projects and is a net decrease of \$9,000, for a Revised FY15 Capital Budget balance of \$21,760,822. The FY15 Revised Capital Budget – Reconciliation by Project as of March 13, 2015 (Attachment C) lists the detail of all changes by project since adoption on June 27, 2014. The year to date change is a net increase of \$898,923.

The last three (3) projects on Attachment C account for the net decrease of \$9,000 requested in this report.

The Capital / Operating Reserve balance is currently estimated at approximately \$2.3M.

#### V. ALTERNATIVES CONSIDERED

• There are no recommended alternatives at this time. If the revised budget is not approved, important capital improvements and capital projects would be delayed or cancelled.

#### VI. ATTACHMENTS

Attachment A:	FY15 Revised Capital Budget Resolution
Attachment B:	FY15 Revised Capital Budget
Attachment C:	FY15 Revised Capital Budget – Reconciliation by Project as of March 13, 2015

Prepared By: Debbie Kinslow, Assistant Finance Manager

Board of Directors March 13, 2015 Page 3 of 3

#### VII. APPROVALS:

Angela Aitken, Finance Manager

Approved as to form: Leslyn K. Syren, District Counsel

Approved as to fiscal impact: Angela Aitken, Finance Manager

Alex Clifford, CEO/General Manager

FY15 Capital Budget Revisions SR 031315

# BEFORE THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Resolution No. On the Motion of Director: Duly Seconded by Director: The Following Resolution is Adopted:

#### A RESOLUTION OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT AUTHORIZING A REVISION TO THE FY15 CAPITAL BUDGET

**WHEREAS**, it is necessary to revise the adopted FY15 Capital Budget of the Santa Cruz Metropolitan Transit District to provide for revisions in the capital budget.

**NOW, THEREFORE, BE IT RESOLVED**, the FY15 Capital Budget is hereby amended per the attached Attachment B.

**PASSED AND ADOPTED** this 13<sup>th</sup> Day of March 2015 by the following vote:

- AYES: Directors -
- NOES: Directors -
- ABSTAIN: Directors -
- ABSENT: Directors -

Approved:

Dene Bustichi, Chair

#### Attest:

Alex Clifford, CEO/General Manager

Approved as to form: Leslyn K. Syren, District Counsel

	SANTA CRU	NTA CRUZ METROPOLITAN TRANSIT DISTRICT	<b>TAN TRANSIT</b>	DISTRICT			
	RE	<b>REVISED FY15 CAPITAL BUDGET</b>	PITAL BUDGE	F			
	_	AS OF MARCH 13, 2015	H 13, 2015	-	-	-	
PROJECT/ACTIVITY	OPERATING / CAPITAL RESERVES	PLEDGED - STA - SLPP BACKFILL <sup>(1)</sup>	RESTRICTED - SAKATA/LAW SUIT PROCEEDS	RESTRICTED - STA	RESTRICTED - STATE BOND FUNDS (1B) <sup>(2)</sup>	RESTRICTED - FY11 PTMISEA (1B)	TOTAL
Estimated Balance @ December 31, 2013:	\$ 11,000,000	\$ 3,012,000	\$ 1,335,000	\$ 575,000	\$ 930,000	000,	\$ 27,252,000
Grant-Funded Projects							
MetroBase Project - Operations Bidg. (STA, SLPP, SAKATA, 1 PTMISEA)	\$ 3,012,000	\$ 3,012,000	\$ 1,335,000	۰ ب	، ب	\$ 8,400,000	\$ 15,759,000
MetroBase Project - Phase II - Real Estate Acquisition 2 (SAKATA, PTMISEA)						\$ 2.000.000	\$ 2.000.000
					\$ 489.495		
5 STA)	\$ 462,649						\$ 462,649
Pacific Station/Metro Center - Conceptual Design / MOU w/ City 6 of SC (RESERVES, FTA)	\$ 220,500						\$ 220,500
State of Good Repair #2 - 6 Buses, 42 MDC's (RESERVES, 7 FTA)	\$ 231.790						\$ 231.790
Watsonville Transit Center - Conceptual Design (RESERVES,				30000			490.000
	\$ 4,086,939	\$ 3,012,000	\$ 1,335,000	\$ 30,000	\$ 930,000	\$ 10,400,000	19,
IT Projects Replacement IT Equipment (Computers, Laptops, Printers, etc.) 9 (STA)				\$			\$
Subtotal	- \$	۰ ج	' \$	\$ 50,000	•	\$	\$ 50,000
Facilities Repair & Improvements							
11 Metro Center Repairs (RESERVES, STA)	\$ 260,000			\$ 26,000			\$ 286,000
12 Fire Egress at 138 Golf Club (STA) (Partial Funding)							\$ 50,000
13 Repaint SVT (STA)				\$ 44,300		5	\$ 44,300
14 Bus Stop Repairs / Improvements (RESERVES, STA)	\$ 43,436						
15 WTC Renovations & Repairs (STA)				\$ 39,000			\$ 39,000
16 Interactive White Board - Paracruz (STA)		•	e		e		
Subtotal	\$ 303,436	- •	۰ م	\$ 243,305	י א	·	\$ 546,801

# FV15 Final Capital Budget 062714-Revised 031315 Attachment B-Gina

9-04B.1

L		SANTA CR	UZ ME	TROPOLIT	SANTA CRUZ METROPOLITAN TRANSIT DISTRICT	DISTRICT					
		RE	EVISED	) FY15 CAF	REVISED FY15 CAPITAL BUDGET	F					
			AS	AS OF MARCH 13, 2015	H 13, 2015					_	
		OPERATING /		PLEDGED -	RESTRICTED - SAKATA/LAW				RESTRICTED -		
	PROJECT/ACTIVITY	CAPITAL RESERVES	s 4	STA - SLPP BACKFILL <sup>(1)</sup>	SUIT PROCEEDS	RESTRICTED STA	- STATE BOND FUNDS (1B) <sup>(2)</sup>		FY11 PTMISEA (1B)		TOTAL
Rev	Kevenue Vehicle Replacement										
17										÷	567,097
18	<ul> <li>Paracruz Van Replacements (4) (RESERVES, STIP)</li> <li>Subtrated</li> </ul>	\$ 431,250 \$ 008 347		1	ť	ť	ť	-	ť	<del>လ</del> မ	431,250 008 347
	20010108			•	÷	9	<del>?</del>	'	•	9	990,041
Non	Non-Revenue Vehicle Replacement										
19	Replace 3 Relief Vehicles (STA)					\$ 66,000	6			¢	66,000
20						\$ 21,000	6			\$	21,000
	Subtotal	۔ \$	\$	-	-		0 \$	-	- \$	\$	87,000
Flee											
21							0			φ	12,000
22							0			φ	10,000
23	Å					\$ 6,800				Ş	6,800
	Subtotal	' \$	\$ S	I	۔ ج	\$ 28,800	8 0	-	۔ ج	S	28,800
θ	Office Equipment										
24							0			÷	52,000
25										s S	40,000
26	Furniture Suites for new GM & AGM (SIA) Modular Drawer Cabinate (A) for Eacilities Maint Darte (STA)					\$ 10,000				<del></del>	10,000
j.		۰ ج	¢	'	' \$	\$ 102,000	\$	1	۰ ډ	<del>ب</del>	102,000
Misc.	ان										
28		\$ 105,000	_			\$ 20,935	2			φ	125,935
29	I VM Audiole Improvements - Firmware, braille Placards, and Kev Pads (RESERVES)	\$ 25.000								ю	25.000
30						\$ 3,000	6			s S	3,000
	Subtotal	\$ 130,000	¢		•	\$ 23,935	5 \$	-	<del>،</del> \$	\$	153,935
TOT	TOTAL CAPITAL PROJECTS	\$ 5,518,722	ŝ	3,012,000	\$ 1,335,000	\$ 565,100	0 \$ 930,000		\$ 10,400,000	\$	21,760,822
Esti	Estimated Ending Balance @ June 30, 2015:	\$ 5,481,278	\$	'	۰ ۶	\$ 9,900	\$	-	۰ ج	φ	5,491,178
			_					-		_	

FV15 Final Capital Budget 062714-Revised 031315 Attachment B-Gina

INISED FY15 CAPITAL BUDGET         AS OF MARCH 13, 2015         AS OF MARCH 13, 2015         RESTRICTED - RESTRICTED - RESTRICTED - SAKATALAW         PLEDGED - SAKATALAW       RESTRICTED - RESTRICTED - RESTRICTED - SAKATALAW         STA - SLPP       Sakat 70         BackFilL (1)       PROCEEDS       RESTRICTED - FUNDS (1B) (2)       (1B)       TO         BackFilL (1)       PROCEEDS       S 505,100       S 10,400,000       S 3       S 10,400,000       S 3         BackFilL (1)       PROCEEDS       S 665,100       S 930,000       S 10,400,000       S 3       S 3         (1)       S 3,012,000       S 1,335,000       S 665,100       S 10,400,000       S 3       S 3         (2)       S 3,012,000       S 1,335,000       S 665,100       S 10,400,000       S 3       S 3         (3)       S 3,012,000       S 1,335,000       S 665,100       S 10,400,000       S 3       S 3         (3)       S 3,012,000       S 1,335,000       S 665,100       S 10,400,000       S 10,400,000 </th <th></th> <th>SANTA CRUZ</th> <th>Z METROPOLI</th> <th>ANTA CRUZ METROPOLITAN TRANSIT DISTRICT</th> <th>DISTRICT</th> <th></th> <th></th> <th></th> <th></th>		SANTA CRUZ	Z METROPOLI	ANTA CRUZ METROPOLITAN TRANSIT DISTRICT	DISTRICT				
AS OF MARCH 13, 2015           AS OF MARCH 13, 2015         RESTRICTED.         RE		REV	ISED FY15 CA	<b>PITAL BUDGE</b>	F				
			AS OF MARC	:H 13, 2015					
$ \left( \begin{array}{c c c c c c c c c c c c c c c c c c c $	PROJECTIALTY	OPERATING / CAPITAL RESERVES	PLEDGED - STA - SLPP BACKFILL <sup>(1)</sup>	RESTRICTED - SAKATA/LAW SUIT PROCEEDS	RESTRICTED -	RESTRICTED - STATE BOND FUNDS (1B) <sup>(2)</sup>	RESTRICTED - FY11 PTMISEA (1B)		TOTAL
$ \left  \begin{array}{c c c c c c c c c c c c c c c c c c c $									
$ \left( \begin{array}{c c c c c c c c c c c c c c c c c c c $	CAPITAL PROGRAM FUNDING								
$ \left( \begin{array}{c c c c c c c c c c c c c c c c c c c $	PTMISEA (1B)						\$ 10,400,000	\$	10,400,000
$ \left  \begin{array}{c c c c c c c c c c c c c c c c c c c $	State Transit Assistance (STA)							ф	3,577,100
$ \left  \begin{array}{c c c c c c c c c c c c c c c c c c c $	Sakata / Lawsuit Proceeds							ь	1,335,000
$ \begin{array}{ c c c c c c c c c c c c c c c c c c c$	State Security Bond Funds (1B)							ь	930,000
\$ $$$	State-Local Partnership program (SLPP)	3,012,000	3)					ь	3,012,000
))       \$ 3.345,000 $(3)$ (3)       (3)	Federal Grants (FTA)	1,127,402	3)					÷	1,127,402
\$ 1,034,320       \$ 1,034,320       \$ 3,012,000       \$ 1,335,000       \$ 565,100       \$ 300,000       \$ 10,400,000       \$ 5         \$ 5,518,722       \$ 3,012,000       \$ 1,335,000       \$ 1,335,000       \$ 565,100       \$ 300,000       \$ 10,400,000       \$ 5         \$ 5,13,722       \$ 3,012,000       \$ 1,335,000       \$ 1,335,000       \$ 565,100       \$ 300,000       \$ 10,400,000       \$ 5         \$ 4,484,402       [a]       \$ 3,012,000       \$ 1,335,000       \$ 565,100       \$ 930,000       \$ 10,400,000       \$ 5         \$ 5,518,722       \$ 3,012,000       \$ 1,335,000       \$ 565,100       \$ 930,000       \$ 10,400,000       \$ 5	Statewide Transportation Improvement Program (STIP)	345,000	3)					ф	345,000
\$ 5,518,722       \$ 3,012,000       \$ 1,335,000       \$ 565,100       \$ 930,000       \$ 10,400,000       \$         \$ 1,034,320       \$ 3,012,000       \$ 1,335,000       \$ 1,335,000       \$ 1,335,000       \$ 10,400,000       \$	Reserved Retained Earnings							s	1,034,320
\$\$ 1,034,320       \$\$ 1,034,320       \$\$ 1,034,320       \$\$ 1,034,320       \$\$ 1,034,320       \$\$ 1,034,320       \$\$ 1,0400,000       \$\$ 1,0000       \$\$ 1,0000       \$\$ 1,0000       \$\$ 1,0000       \$\$ 1,0000       \$\$ 1,0400,0	TOTAL CAPITAL FUNDING BY FUNDING SOURCE							s	21,760,822
\$ 4,484,402       (3)       \$ 3,012,000       \$ 1,335,000       \$ 565,100       \$ 930,000       \$ 10,400,000       \$         \$ 5,518,722       \$ 3,012,000       \$ 1,335,000       \$ 565,100       \$ 930,000       \$ 10,400,000       \$	Non-Restricted Funds							S	1,034,320
\$ 5,518,722         \$ 3,012,000         \$ 1,335,000         \$ 565,100         \$ 10,400,000         \$	Restricted Funds	4,484,402	¢					φ	20,726,502
		\$ 5,518,722		\$ 1,335,000	\$ 565,100	\$ 930,000	\$ 10,400,000	\$	21,760,822

# FY15 REVISED CAPITAL BUDGET RECONCILIATION BY PROJECT AS OF MARCH 13, 2015

FY15 FINAL CAPITAL BUDGET ADOPTED JUNE 27, 2014:				\$ 20,861,899
CAPITAL PROJECT	SOURCE	A	MOUNT	TOTAL
Add: Increase funding to Pacific Station Conceptual Design Project	FTA RESERVES	\$ \$	105,372 26,343	
<b>Reason</b> : BOD authorized an Add Service Request to produce alternative designs for the existing and an expanded site through 60% design completion to the existing Group 4 contract on <b>June 27, 2014</b>				
Add: Increase funding to Pacific Station Conceptual Design Project	FTA RESERVES	\$ \$	29,689 7,422	
<b>Reason</b> : BOD authorized an Add Service Request to produce alternative designs for the existing and an expanded site through 60% design completion to the existing Group 4 contract on <b>October 24, 2014</b>				
Add: Increase funding for Watsonville Transit Center Conceptual Design Project	RESERVES	\$	30,000	
<b>Reason</b> : BOD authorized additional design work to the existing B+U contract on <b>April 25, 2014</b>				
Add: Create a line item for Capital Eligible Tool Replacements	STA	\$	10,000	
<b>Reason</b> : Emergency request received on <b>October 3, 2014</b> to replace a broken Tire Sensor System Tool, that exceeds the \$1,000 capital asset threshold. CEO requested that a line item be created for capital eligible tool replacements.				
Add: New Project - Paracruz Vans & 12 Support Vehicles Project funded with FTA Section 5339 funds	FTA	\$	454,116	
<b>Reason</b> : FTA Section 5339 grant award. Supplemental agreement with Caltrans executed on <b>October 22, 2014</b>	RESERVES	\$	112,981	
Remove: Replace 2 Custodial Vans	STA	\$	(75,000)	
<b>Reason</b> : The 2 Custodial Vans will be replaced with the FTA Section 5339 Formula grant award referenced above				

9-04C.1

# FY15 REVISED CAPITAL BUDGET RECONCILIATION BY PROJECT AS OF MARCH 13, 2015

CAPITAL PROJECT	SOURCE	Α	MOUNT	TOTAL
Remove: Small Vehicle Lift	STA	\$	(25,000)	
<b><u>Reason</u></b> : The Small Vehicle Lift is no longer needed as per discussion at the Capital Projects Prioritization Meeting on <b>September 9, 2014</b>	t			
Remove: Torque Wrench Calibration Tool	STA	\$	(3,000)	
<b>Reason</b> : The Torque Wrench Calibration Tool is no longer needed as per discussion at the Capital Projects Prioritization Meeting on <b>September 9, 2014</b>				
Add: TVM Audible Improvements	RESERVES	\$	25,000	
<b>Reason</b> : BOD authorized the purchase of Firmware, Braille Placards, and Key Pads for Metro's TVMs in an amount not to exceed \$25K on <b>September 26, 2014</b>				
<b>Transfer funds</b> : from Ticket Vending Machine-SLV project to Bus Stop Repairs / Improvements project	STA	\$	(1,065)	
<b><u>Reason</u></b> : Fund professional engineering services to be provided by Bowman & Williams for the Felton Faire Bus Stop Evaluation to determine the accessibility issues of a TVM at the site	STA	\$	1,065	
Add: HR Software Upgrade	STA	\$	40,000	
<b><u>Reason</u></b> : Per discussion at <b>October 30, 2014</b> Unfunded Capital Budget Meeting - Part III - <i>partially</i> fund the HR Software Upgrade. Total cost = \$75K				
Add: Fire Egress at 138 Golf Club Facility	STA	\$	50,000	
<u><b>Reason</b></u> : Per discussion at <b>October 30, 2014</b> Unfunded Capital Budget Meeting - Part III - fund the Fire Egress at 138 Golf Club Facility				
Add: Facility Tooling	STA	\$	12,000	
<b><u>Reason</u></b> : Per discussion at <b>October 30, 2014</b> Unfunded Capital Budget Meeting - Part III - <i>partially</i> fund the Facility Tooling Project - Estimated Total cost = \$24K				

9-04C.2

# FY15 REVISED CAPITAL BUDGET RECONCILIATION BY PROJECT AS OF MARCH 13, 2015

CAPITAL PROJECT	SOURCE	A	MOUNT	TOTAL
<b>Add</b> : Add remaining balance of STA Carryover funds to Bus Stop Repairs / Improvements Project. STA Carryover funds depleted at this time.	STA	\$	83,000	
<b><u>Reason</u></b> : Per discussion at <b>October 30, 2014</b> Part III Unfunded Capital Budget Meeting - transfer the remaining STA Carryover funds to the Bus Stop Repair / Improvements project				
Add: Trade Show Kit	STA	\$	3,000	
<b>Reason</b> : This trade show kit will be used by the Public Outreach Committee per email received on <b>November 17, 2014</b>				
Remove: Interactive White Board - Paracruz	STA	\$	(3,500)	
<b><u>Reason</u></b> : The Interactive White Board is no longer needed as per email received on <b>December 17, 2014</b>				
Remove: Modular Drawer Cabinets (4) for Facilities Maint Parts	STA	\$	(8,500)	
<b>Reason</b> : The Modular Drawer Cabinets are no longer needed as per email received on <b>February 11, 2015</b>				
	FTA STA RESERVES	\$ \$ \$	589,177 108,000 201,746	
TOTAL CAPITAL BUDGET REVISIONS YTD:				\$ 898,923
FY15 REVISED CAPITAL BUDGET AS OF MARCH 13, 2015:				\$ 21,760,822



# Year to Date Monthly Financial Report as of December 31, 2014

Santa Cruz METRO Board of Directors March 13, 2015

Angela Aitken, Finance Manager

	FV15 Operating Revenue and Expenses For the Month Ending December 31, 2014	g Revenue	<b>Dperating Revenue and Expens</b> For the Month Ending December 31, 2014	enses
	וסי	50% of Fiscal Year Elapsed	r Elapsed	
	\$ In Thousands	Actual	Budget	Actual vs Budget
	Operating Revenue:	\$4,169	\$4,014	\$155
	<b>Operating Expenses:</b>			
	Labor & Fringe Benefits	\$3,232	\$3,286	(\$54)
	Non-Personnel Expenses	\$742	\$788	(\$46)
	Total Operating Expenses:	\$3,974	\$4,074	(\$100)
11	Operating Budget Under/(Over):			\$255
2				

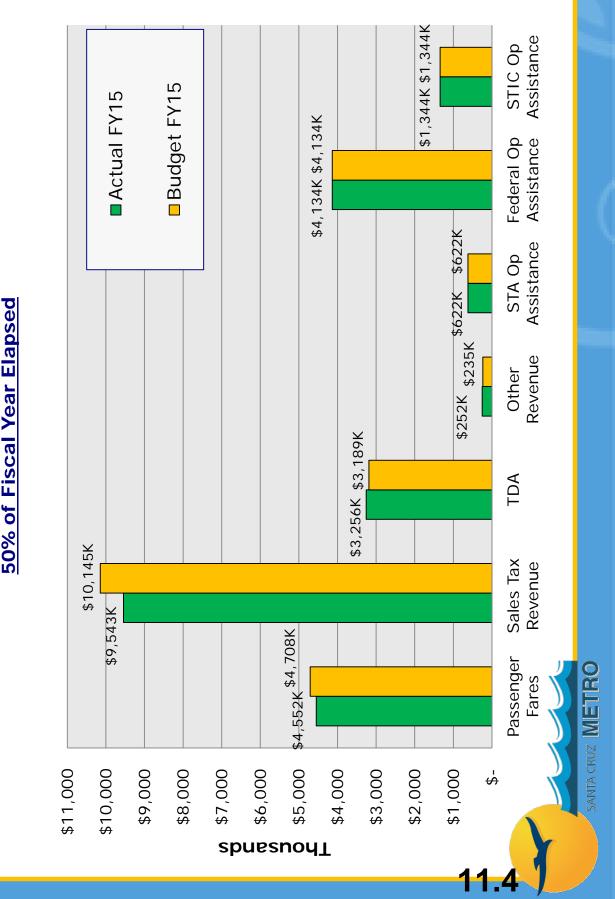
SANTA CRUZ METRO

FY15 Operating Revenue and Expenses	g Revenue	e and Expe	enses
<u>Year to Da</u>	Date as of December 50% of Fiscal Year Elapsed	<u>Year to Date as of December 31, 2014</u> 50% of Fiscal Year Elapsed	14
\$ In Thousands	Actual	Budget	Actual vs Budget
Operating Revenue:	\$23,703	\$24,376	(\$673)
Operating Expenses:			
Labor & Fringe Benefits	\$18,369	\$19,715	(\$1,346)
Non-Personnel Expenses	\$4,345	\$4,517	(\$172)
Total Operating Expenses:	\$22,714	\$24,232	(\$1,518)
Operating Budget Under/(Over):			\$845

SANTA CRUZ METRO

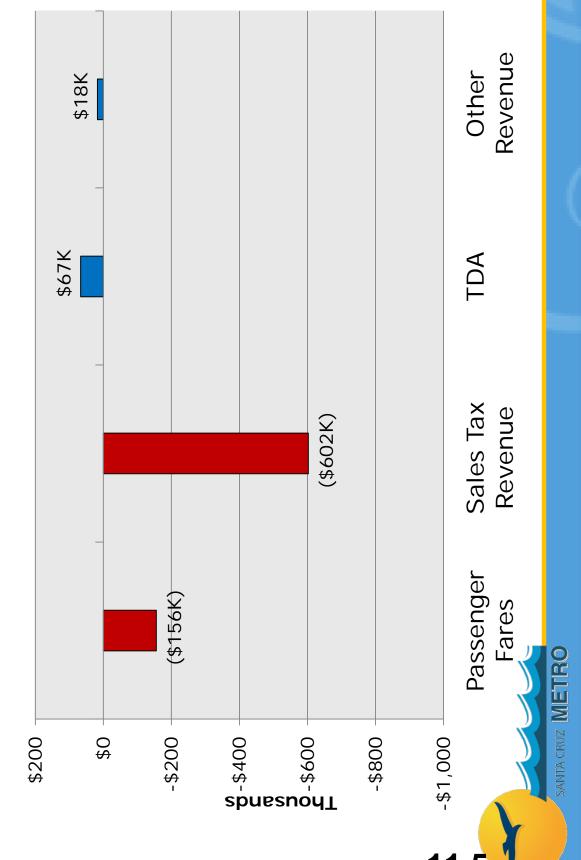
**11.3** 

FY15 Operating Revenue by Major Funding Source Year to Date as of December 31, 2014

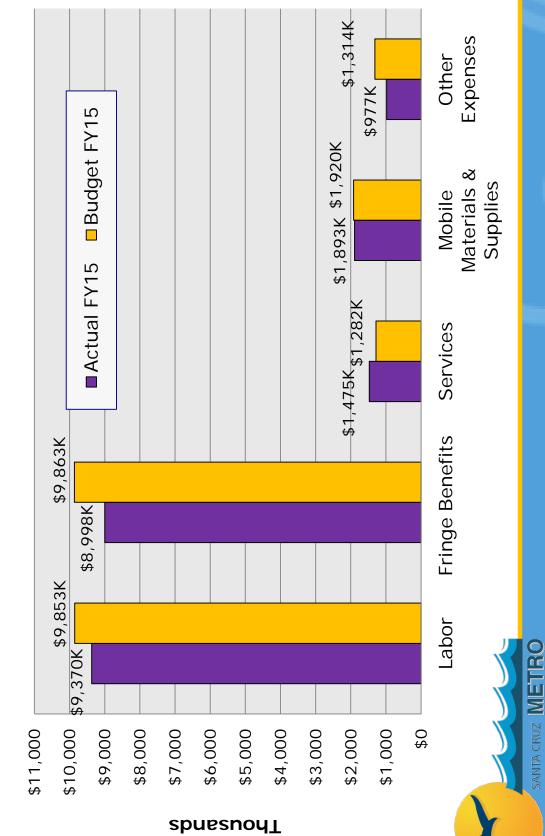


Favorable/(Unfavorable) Revenue Variance to Budget Year to Date as of December 31, 2014



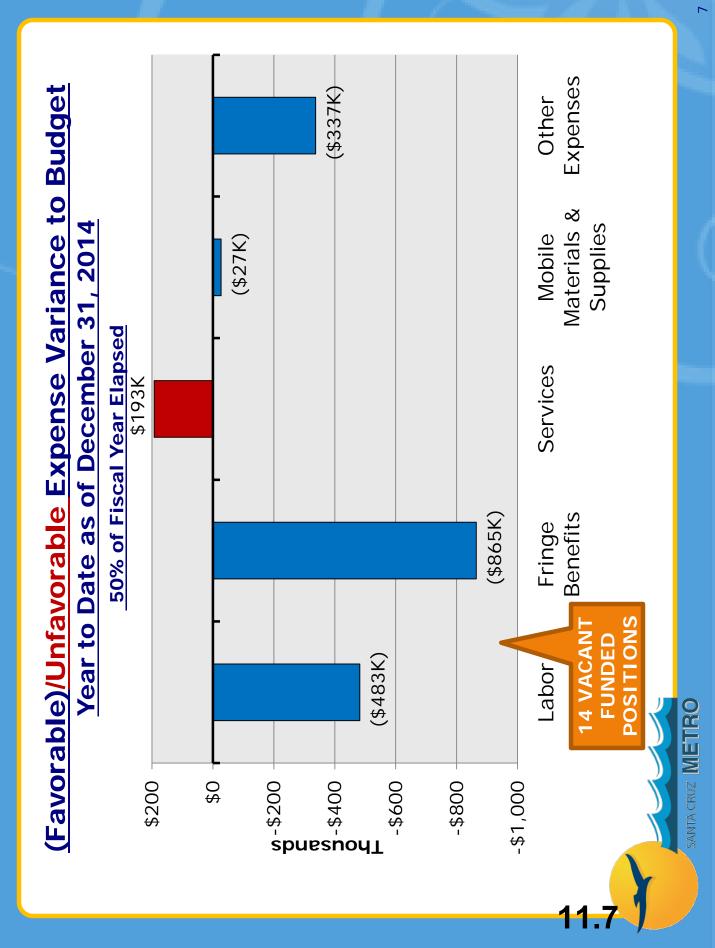


FY15 Operating Expenses by Major Expense Category Year to Date as of December 31, 2014 50% of Fiscal Year Elapsed



0

9



1100		% Spent YTD	2 15%	Misc 2% MetroBase Grant Project 80%	
Y15 Capital Budget	50% of Fiscal Year Elapsed	Actual Total FY15 YTD Budget	\$3,369,529 \$21,769,822	Non-Revenue Vehicle Replacement 2% 0 1% 1% 1% 1% 1% 1% 1% Actual VTD	
F			<b>Total Capital Projects:</b>	Facilities Repair & Improvements 2% 5% 5% Frojects 5% 8% 8%	SANTA CRUZ METRO

# Questions



Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015

- **TO:** Board of Directors
- FROM: Robyn D. Slater, Human Resources Manager
- SUBJECT: CONSIDERATION OF AWARD OF CONTRACT WITH ATHENS ADMINISTRATORS FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION CLAIMS IN AN AMOUNT NOT TO EXCEED \$275,000
- I. RECOMMENDED ACTION

Authorize the CEO to execute a contract with Athens Administrators for Third Party Administration of Workers' Compensation Claims in an amount not to exceed \$275,000.

#### II. SUMMARY

- The Santa Cruz Metropolitan Transit District (METRO) is self insured for workers' compensation insurance. To ensure compliance with complex state workers' compensation law, a third party administration (TPA) is utilized.
- A formal request for proposals was conducted to solicit proposals from qualified firms. Seven (7) proposals were received.
- METRO staff reviewed and evaluated the proposals, and is recommending an award to Athens Administrators.

#### III. DISCUSSION/BACKGROUND

METRO is self insured. Due to the complexities of California workers' compensation statutes, a TPA has been used to administer the program under the direction of METRO Human Resources staff. Athens Administrators is METRO's current provider for these services; however, this contract will expire on April 18, 2015.

In October 2014, the Board authorized staff to issue a Request for Proposals for Third Party Administration of Workers' Compensation Claims.

On December 9, 2014, METRO legally advertised and distributed a Request for Proposals (RFP No. 15-08) to thirty five (35) firms, posted notice on its website, and sent email notices to all GovDelivery subscribers. On January 14, 2015, proposals were received and opened from seven (7) firms. A list of these firms is provided in Attachment A. A three (3) member evaluation team comprised of METRO staff has reviewed and evaluated the proposals.

The evaluation team used the following criteria as contained in the Request for Proposals:

Evaluation Criteria	Points
Qualifications of Firm	50
Qualifications of Staff	50
Proposer's Program/Approach to Scope of Work	50
Cost/Price Proposal	50
Total Points Possible	200

Based on the above criteria, Athens Administrators received the highest score.

The evaluation team is recommending that the Board of Directors authorize the CEO to execute a two-year contract on behalf of METRO, with three additional one-year options, with Athens Administrators for Third Party Administration of Workers' Compensation Claims in an amount not to exceed \$275,000. Contractor will provide all services meeting METRO's specifications and requirements of the contract. Robyn D. Slater will serve as the Contract Administrator and will ensure contract compliance.

# IV. FINANCIAL CONSIDERATIONS/IMPACT

This is a two-year contract with a not-to-exceed amount of \$275,000. This amount will be for the two years of the contract and paid out of operating expenses from the G/L Account 502081, Workers' Compensation. Departments are billed based on the number of employees they contain.

The not to exceed amount was based on a review and comparison of METRO's claims costs for the previous twenty-four (24) months, the costs of the current proposal, a decrease in the cost of services, aging of claims, and a contingency in the event the number of actual claims filed by METRO exceeds the number of claims estimated.

# V. ALTERNATIVES CONSIDERED

- Do not award the contract to Athens Administrators and reject all proposals. Staff does not recommend this option because METRO is obligated to provide this insurance to employees pursuant to the State of California workers' compensation statutes.
- Hire additional staff to perform these services as METRO does not have sufficient internal staff to administrate workers' compensation claims. Staff

does not recommend this option due to the complexity of California workers' compensation law and the liability METRO would be exposed to by administering the program in-house.

#### VI. ATTACHMENTS

Attachment A:	List of Responding Firms
Attachment B:	Contract with Athens Administrators

#### Note: A full copy of the Contract is available on request.

Prepared By: Suzanne Silva, Assistant Human Resources Manager Robyn D. Slater, Human Resources Manager Alex Strudley, Purchasing Assistant Joan Jeffries, Administrative Assistant Erron Alvey, Purchasing Manager Board of Directors March 13, 2015 Page 4 of 4

#### VII. APPROVALS:

Robyn D. Slater, Human Resources Manager

Approved as to form: Leslyn K. Syren, District Counsel

Approved as to fiscal impact: Angela Aitken, Finance Manager

Alex Clifford, CEO/General Manager



# **Responding Firms for RFP No. 15-08**

# Third Party Administration of Workers' Compensation Claims

# Received January 14, 2015 by 5:00 PM

Athens Administrators	Concord	CA
DeNovo Claims Management Solutions	Vacaville	CA
Innovative Claim Solutions	San Ramon	CA
Intercare Holdings Insurance Services	Rocklin	CA
JT2 Integrated Resources	Oakland	СА
Republic Capital Claims Administrators, Inc.	West Covina	CA
Tristar Insurance Group	Concord	CA

#### PROFESSIONAL SERVICES CONTRACT FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION CLAIMS (15-08)

THIS CONTRACT is made effective on March 30, 2015 between the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT ("Santa Cruz METRO"), a political subdivision of the State of California, and Athens Administrators ("Consultant").

#### 1. <u>RECITALS</u>

1.01 Santa Cruz METRO's Primary Objective

Santa Cruz METRO is a public entity whose primary objective is providing public transportation and which has its principal office at 110 Vernon Street, Santa Cruz, California 95060.

1.02 Santa Cruz METRO's Need for Third Party Administration of Workers' Compensation Claims

Santa Cruz METRO has the need for Third Party Administration of Workers' Compensation Claims. In order to obtain these services, Santa Cruz METRO issued a Request for Proposals, dated December 3, 2014, setting forth specifications for such services. The Request for Proposals is attached hereto and incorporated herein by reference as Exhibit A.

1.03 Consultant's Proposal

Consultant is a firm/individual qualified to provide Third Party Administration of Workers' Compensation Claims and whose principal place of business is 2552 Stanwell Drive, Concord, CA. Pursuant to the Request for Proposals issued by Santa Cruz METRO, Consultant submitted a proposal for Third Party Administration of Workers' Compensation Claims, which is attached hereto and incorporated herein by reference as Exhibit B.

1.04 Selection of Consultant and Intent of Contract

On February 11, 2015, Santa Cruz METRO selected Consultant as the offeror whose proposal was most advantageous to Santa Cruz METRO to provide the Third Party Administration of Workers' Compensation Claims described herein. This Contract is intended to fix the provisions of these services.

Santa Cruz METRO and Consultant agree as follows:

#### 2. INCORPORATED DOCUMENTS AND APPLICABLE LAW

2.01 Documents Incorporated in this Contract

The documents listed below are attached to this Contract and by reference made a part hereof. This is an integrated Contract. This writing constitutes the final expression of the parties' Contract, and it is a complete and exclusive statement of the provisions of that Contract, except for written amendments, if any, made after the date of this Contract in accordance with Section 13.14 of the General Conditions to the Contract.

A. Exhibit A

Santa Cruz METRO's "Request for Proposals" dated December 3, 2014, including Addendums No. 1 dated December 23, 2014 and Addendum No. 2 dated January 5, 2015.

12**B**.1

#### B. Exhibit B (Consultant's Proposal)

Consultant's Proposal to Santa Cruz METRO for Third Party Administration of Workers' Compensation Claims, signed by Consultant and dated January 14, 2015.

2.02 Conflicts

Where in conflict, the provisions of this writing supersede those of the above-referenced documents, Exhibits A and B. Where in conflict, the provisions of Exhibit A supersede Exhibit B.

2.03 Recitals

The Recitals set forth in Article 1 are part of this Contract.

#### 3. <u>DEFINITIONS</u>

3.01 General

The terms below (or pronouns in place of them) have the following meaning in the Contract:

- 3.01.01 CONTRACT The Contract consists of this document, the attachments incorporated herein in accordance with Article 2, and any written amendments made in accordance with Section 13.14 of the General Conditions to the Contract.
- 3.01.02 CONSULTANT The Consultant selected by Santa Cruz METRO for this project in accordance with the Request for Proposals issued December 3, 2014.
- 3.01.03 CONSULTANT'S STAFF Employees of Consultant.
- 3.01.04 DAYS Calendar days.
- 3.01.05 OFFEROR Consultant whose proposal was accepted under the terms and conditions of the Request for Proposals issued December 3, 2014.
- 3.01.06 PROVISION Any term, agreement, covenant, condition, clause, qualification, restriction, reservation, or other stipulation in the Contract that defines or otherwise controls, establishes, or limits the performance required or permitted by either party.
- 3.01.07 SCOPE OF WORK (OR "WORK") The entire obligation under the Contract, including, without limitation, all labor, equipment, materials, supplies, transportation, services, and other work products and expenses, express or implied, in the Contract.

#### 4. <u>TIME OF PERFORMANCE</u>

4.01 Term

The term of this Contract will be for a period not to exceed **two** (2) years and shall commence upon the execution of the Contract by Santa Cruz METRO.

At the option of Santa Cruz METRO, this Contract agreement may be renewed for **three (3)** additional one (1) year terms upon mutual written consent. Fixed prices for the first two (2) years will be established as part of the initial contract. Pricing for option years three (3), four (4), and five (5), and any enhanced services will be subject to negotiation.

<sup>2</sup> 12B.2

#### 5. <u>COMPENSATION</u>

#### 5.01 Terms of Payment

Santa Cruz METRO shall compensate Consultant in an amount not to exceed the amounts/rates agreed upon by Santa Cruz METRO. Santa Cruz METRO shall reasonably determine whether work has been successfully performed for purposes of payment. Compensation shall be made within thirty (30) days of Santa Cruz METRO's written approval of Consultant's written invoice for said work. Consultant understands and agrees that if they exceed the \$275,000 maximum amount payable under this Contract, they do so at their own risk. This not-to-exceed amount includes Managed Care Services, billable on an as-needed basis, in addition to the Flat Annual Fee.

#### 5.02 Invoices

Consultant shall submit Flat Annual Fee invoices on an annual basis accompanied by a purchase order number provided by Santa Cruz METRO. Invoices for additional Managed Care Services will be billed on a monthly basis. Contractor's invoices shall include detailed records showing actual time devoted, work accomplished, date work accomplished, personnel used, and amount billed per hour. Expenses shall only be billed if allowed under the Contract. Telephone call expenses shall show the nature of the call and identify location and individual called. Said invoice records shall be kept up-to-date at all times and shall be available for inspection by Santa Cruz METRO (or any grantor of Santa Cruz METRO, including, without limitation, any State or Federal agency providing project funding or reimbursement) at any time for any reason upon demand for not less than four (4) years after the date of expiration or termination of the Contract. Under penalty of law, Consultant represents that all amounts billed to Santa Cruz METRO are (1) actually incurred; (2) reasonable in amount; (3) related to this Contract; and (4) necessary for performance of the project.

#### 6. <u>NOTICES</u>

All notices under this Contract shall be deemed duly given upon delivery, if delivered by hand, or three (3) days after posting, if sent by registered mail, receipt requested, to a party hereto at the address hereinunder set forth or to such other address as a party may designate by notice pursuant hereto.

Santa Cruz METRO

Santa Cruz Metropolitan Transit District 110 Vernon Street Santa Cruz, CA 95060

Attention: CEO

CONSULTANT

Athens Administrators 2552 Stanwell Drive Concord, CA 94520

Attention: Kevin Cichurski, Sales Director kcichurski@athensadmin.com (925) 826-1103

#### 7. <u>AUTHORITY</u>

Each party has full power and authority to enter into and perform this Contract and the person signing this Contract on behalf of each has been properly authorized and empowered to enter into this Contract. Each party further acknowledges that it has read this Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

Santa Cruz METRO – SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Alex Clifford, CEO/General Manager

Contractor – ATHENS ADMINISTRATORS

James Jenkins, President

Approved as to Form:

Leslyn Syren, District Counsel

Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015



- **TO:** Board of Directors
- FROM: Leslyn K. Syren, District Counsel
- SUBJECT: CONSIDERATION OF ADOPTION OF SANTA CRUZ METRO'S AMENDED CONFLICT- OF- INTEREST CODE AND APPROVAL OF THE RESOLUTION CONFIRMING THIS ACTION

### I. RECOMMENDED ACTION

Adopt Santa Cruz METRO's amended Conflict-of-Interest Code for Designated Officials, Employees and Consultants (AR-1025) and Approve the Resolution Adopting the Amended Code.

### II. SUMMARY

- All local agencies and special districts are required by Government Code §87300 to adopt a Conflict-of-Interest Code ("Code").
- METRO's Code was amended to include new Supervisory and Management positions that have been authorized in FY15-16.
- The Code was amended to specify that all Statements of Economic Interest (Form 700) should be submitted to the Executive Assistant.
- Santa Cruz METRO opened a public comment period on January 23, 2015. The comment period was open for written comments on the amended Code through March 8, 2015.
- Santa Cruz METRO Managers and Staff have reviewed the amended Code and are requesting that the Board adopt the amended Code and approve the attached Resolution.

### III. DISCUSSION/BACKGROUND

The Political Reform Act (PRA) controls conflict of interests of public officials through disclosure of financial interests and prohibitions on participation in the making of decisions in which the official knows, or has reason to know he/she has a financial interest. The PRA's standards are found in California Government Code Sections 81000 et seq. The Fair Political Practices Commission (FPPC) has also adopted regulations implementing the PRA, see Title 2 of the California Code of Regulations Section 18109 et seq., and issues formal opinions and advice letters on the application of the PRA to particular situations. The FPPC maintains a website at www.fppc.ca.gov which contains the PRA regulations, opinions and advice letter summaries.

In accordance with the PRA, all government agencies must adopt a Conflict-of-Interest Code. The Code must be amended when circumstances change, such as when new positions are created or existing positions change. The Code must be consistent with the minimum requirements of the PRA. The Code has the force of law and any violation of the Code by a designated employee may be deemed a violation of Government Code §87300 et seq.

This amendment includes several administration changes to the Code. Since last adopted in 2013, several new supervisory and management positions have been added to METRO's staff. As a result, the Code has been amended to include those positions whose duties of the position makes their inclusion in the Code appropriate.

METRO's amended Code *(Exhibit A)* and supporting information regarding the Code was made available for public inspection and comment at METRO's Administrative offices, 110 Vernon Street, Santa Cruz, CA 95060 from January 23, 2015 through March 8, 2015. No public comments were received during the period.

Staff recommends that the Board adopt the amended Code and approve the Resolution Adopting the Amended Conflict of Interest Code (*Attachment A*).

### IV. FINANCIAL CONSIDERATIONS/IMPACT

There is no financial consideration for this action.

### V. ALTERNATIVES CONSIDERED

- Make no changes to the existing Conflict-of-Interest Code.
  - Staff does not recommend this option. This is a legal requirement under the Political Reform Act (PRA) that all public officials disclose their financial interests on an annual basis, using Form 700.

### VI. ATTACHMENTS

 Attachment A:
 Resolution Adopting the Amended Conflict of Interest Code

 Exhibit A:
 METRO's Amended Conflict-of-Interest Code

Prepared By: Rickie-Ann Kegley, Paralegal

Board of Directors March 13, 2015 Page 3 of 3

### VII. APPROVALS:

Leslyn K. Syren, District Counsel

Alex Clifford, CEO/General Manager

7

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### BEFORE THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Resolution No
On the Motion of Director:
Duly Seconded by Director:
The Following Resolution is Adopted:

## ADOPTION OF AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT

**WHEREAS**, the Political Reform Act, Government Code Sections 81000, et seq., requires the Santa Cruz Metropolitan Transit District (District), a local public agency, to adopt a Conflict of Interest Code; and

**WHEREAS,** on April 16, 1999, the District adopted an Ethics Code which included a Conflict of Interest Code; and

**WHEREAS,** this body has determined that it wishes to amend its Conflict of Interest Code for Directors, Employees and Consultants to include new Supervisory and Management positions that have been authorized for FY15 – FY16;

**WHEREAS,** the Conflict of Interest Code has been amended to specify that all Statements of Economic Interest (Form 700) should be submitted to the Executive Assistant;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, that it hereby resolves, determines and orders as follows:

- 1. The Conflict of Interest Code previously adopted is hereby rescinded.
- 2. The Conflict of Interest Code attached and labeled "Exhibit A" is hereby adopted, including appendices labeled:
  - a. "Appendix A", Designated Positions and Assigned Disclosure Category.
- 3. Any future filings required of Directors, employees, or consultants by the Political Reform Act shall be consistent with the Conflict of Interest Code adopted by this resolution.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz Metropolitan Transit District on March 13, 2015, by the following vote:

AYES: DIRECTORS –

NOES: DIRECTORS –

ABSENT: DIRECTORS -

DENE BUSTICHI Chairperson

ATTEST:

ALEX CLIFFORD CEO/General Manager

APPROVED AS TO FORM:

LESLYN K. SYREN District Counsel

# EXHIBIT A, SANTA CRUZ METROPOLITAN TRANSIT DISTRICT RESOLUTION NO.

### CONFLICT OF INTEREST CODE FOR DESIGNATED OFFICIALS, EMPLOYEES, MEMBERS AND CONSULTANTS

(Attached)

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### SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

#### **ADMINISTRATIVE CODE**

#### TITLE IX – CONFLICT OF INTEREST

#### **CHAPTER 1**

### CONFLICT OF INTEREST CODE FOR DESIGNATED OFFICIALS, EMPLOYEES, MEMBERS AND CONSULTANTS

(This chapter replaces AR-1025)

Table of Contents

Article I Policy

- Article II Designated Positions
- Article III Disclosure Categories
- Article IV Disqualification

### Article I Policy

- **§9.1.101** The Political Reform Act Section 81000, <u>et seq.</u>, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission (FPPC) has adopted a regulation, Article 2 of the California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code. The terms of Article 2 of the California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission (FPPC) are hereby incorporated by reference and, all officials, employees, members and consultants designated herein and disclosure categories set forth herein, constitute the Conflict of Interest Code of the Santa Cruz Metropolitan Transit District (Santa Cruz METRO).
- **§9.1.102** Designated Officials, Employees, Members and Consultants shall file Statements of Economic Interests (Form 700) with the Santa Cruz METRO at its Administrative Offices located at 110 Vernon Street, Santa Cruz, California 95060 on forms prescribed by the FPPC and supplied by the Santa Cruz METRO no later than April 1<sup>st</sup> of each year, (Title 2 of the California Code of Regulations, Section 18730). Such forms can be obtained from Santa Cruz METRO's Executive Assistant.
- **§9.1.103** Designated Officials, Employees, Members and Consultants assuming positions after the April 1<sup>st</sup> deadline of this code shall file Statements of Economic Interests (Form



700) within thirty (30) days after assuming the designated positions with Santa Cruz METRO's Executive Assistant.

- **§9.1.104** Santa Cruz METRO will retain the completed Form 700s prepared by all designated officials, employees, members and consultants. Santa Cruz METRO will make the Form 700s available for public inspection and reproduction upon request.
- **§9.1.105** Designated Officials, Employees, Members and Consultants violating any provision of this regulation are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. Additionally, any violation may subject a Santa Cruz METRO employee to disciplinary action up to and including employment termination.
- **§9.1.106** In the event that the Conflict of Interest Code is amended, all newly designated officials, employees, members and consultants added to *Appendix A*, shall provide Santa Cruz METRO with an Economic Statement (Form 700) within thirty (30) days after adoption of the amended Code. Such forms shall be submitted to Santa Cruz METRO's Executive Assistant.

### Article II Designated Positions

- **§9.1.201** The persons holding positions listed in *Appendix A* are designated Officials, Employees, Members or Consultants for purposes of Santa Cruz METRO's Conflict of Interest Code. It has been determined that these persons through their Santa Cruz METRO employment position or their status as a Santa Cruz METRO Official, Member or Consultant make or participate in the making of governmental decisions which may foreseeably have a material effect on economic or financial interests of their own or others.
- **§9.2.202** Santa Cruz METRO Officials, Employees and Members listed in *Appendix A* shall complete their Form 700s pursuant to the Disclosure Category set forth in *Appendix A*.
- **§9.2.203** Designated Consultants listed in *Appendix A* shall disclose pursuant to the broadest disclosure category (Category 1) unless Santa Cruz METRO's CEO/General Manager determines in writing that a particular Consultant, although holding a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The CEO/General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.
- **§9.2.204** All persons who leave designated positions shall file Statements of Economic Interest (Form 700) within thirty (30) days after leaving office with Santa Cruz METRO's Executive Assistant.
- **§9.1.205** An individual holding one of the positions listed in *Appendix A* may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if he/she believes that their position has been categorized incorrectly.

*ADMINISTRATIVE CODE TITLE 9, CHP. 1 – CONFLICT OF INTEREST CODE* 

The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200 and as a result the individual holding such position is required to complete a Statement of Economic Interest (Form 700).

### Article III Disclosure Categories

### **§9.1.301** Disclosure Categories are the following:

### Full Disclosure-Category 1:

All interests in real property located within the jurisdiction, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

### Full Disclosure (excluding interest in real property)-Category 2:

All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments.

### **Interests in Real Property-Category 3**

All interests in real property located in the jurisdiction.

### **General Contracting Categories-Category 4**

- a) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Santa Cruz METRO.
- b) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee's department or area of authority.

### Grant/Service Providers/Agencies that Oversee Programs-Category 5

- a) A designated employee in this category must report all investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the Santa Cruz METRO.
- b) All investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to offer or provide consulting, rehabilitative or educational services concerning the

*ADMINISTRATIVE CODE TITLE 9, CHP. 1 – CONFLICT OF INTEREST CODE* 

prevention, treatment or rehabilitation of persons suffering from (alcohol related problems/drug abuse).

### Article IV Disqualification

- **§9.1.401** No designated individual shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family in violation of 2 Cal. Code of Regs. Section 18730.
- **§9.1.402** No designated employee shall be prevented from making or participating in making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.
- **§9.1.403** If a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

### Appendix A

Position	Assigned Disclosure Category
Santa Cruz METRO Directors	Category 1
Chief Executive Officer (CEO)/General Manager	Category 1
Chief Operating Officer (COO)	Category 1
District Counsel	Category 1
Assistant General Manager	Category 1
Maintenance Manager	Category 1
Finance Manager	Category 1
Assistant Finance Manager	Category 1
Project Manager	Category 1
Purchasing Manager	Category 4a
Purchasing Agent	Category 4a
Purchasing Assistant	Category 4a
Consultants Designated by Contract	Form 805
Human Resources Manager	Category 4b
Assistant Human Resources Manager	Category 4b
Information Technology Manager	Category 1
Assistant Manager of Information Technology Services	Category 4b
Database Administrator/Senior Database Administrator	Category 4b
Paratransit Superintendent	Category 4b
Assistant Paratransit Superintendent	Category 4b

*ADMINISTRATIVE CODE TITLE 9, CHP. 1 – CONFLICT OF INTEREST CODE* 

### Appendix A

Position	Assigned Disclosure Category
Fixed Route Superintendent	Category 4b
Assistant Fixed Route Superintendent	Category 4b
Marketing, Communications & Customer Service Manager	Category 4b
Fleet Maintenance Supervisor	Category 4b
Financial Analyst	Category 4b
Senior Financial Analyst	
Accountant I	Category 4b
Accountant II	Category 4b
Grants/Legislative Analyst	Category 4b
Safety, Security & Risk Manager	Category 4b
Claims Investigator I Claims Investigator II	Category 4b

Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015

- **TO:** Board of Directors
- FROM: Leslyn K. Syren, District Counsel
- SUBJECT: SANTA CRUZ METRO'S UNCONDITIONAL COMMITMENT TO ADHERE TO THE REQUIREMENT TO POST AN AGENDA AT LEAST 72 HOURS IN ADVANCE OF A REGULAR MEETING

### I. RECOMMENDED ACTION

Staff recommends that the Board provide an Unconditional Commitment Letter to cease and desist from the challenged past action.

### II. SUMMARY

- Santa Cruz METRO staff received a Cease and Desist Letter on February 20, 2015, from Anthony Tapiz of Watsonville.
- The letter alleges that Santa Cruz METRO's Board violated the Brown Act and the District's Bylaws when it failed to post an agenda at least 72 hours in advance of a regular meeting.
- The Brown Act requires that an agenda be posted for every regular Board meeting at least 72 hours in advance of the meeting.
- Staff recommends that the Board provide an Unconditional Commitment to cease and desist from, and not repeat the challenged past action.

### III. DISCUSSION/BACKGROUND

The Ralph M. Brown Act (California Government Code Sections 54950 - 54963) was initially enacted in the early 1950's to ensure that local legislative bodies, before discussing and acting upon the people's business, give timely notice of meetings and provide for open meetings (rather than closed). The Brown Act requires that every regular meeting of a legislative body of a local agency, post an agenda prior to the meeting to advise the public of the meeting and the matters to be discussed at least 72 hours before the regular meeting in a location "freely accessible to members of the public." (Gov't Code §54954.2(a)(1)). Only posting an agenda on an agency's website is inadequate since there is no universal access to the internet.

On February 20, 2015, Santa Cruz METRO staff received a Cease and Desist Letter alleging that Santa Cruz METRO's Board of Directors and staff had violated the Ralph M. Brown Act. Attached is a copy of the cease and desist letter that was received (Attachment A). The letter alleges that "Santa Cruz METRO failed to post a Board agenda at least 72 hours in advance of a regular meeting, when the agenda for the 8:30 am meeting of June 13, 2014 was not posted until 4:00 pm on Tuesday, June 10, 2014." The letter claims that the agenda was posted 63.5 hours prior to the meeting.

Pursuant to Gov't Code §54960.2, the complainant has demanded that Santa Cruz METRO cease and desist from posting the Board of Directors' Agenda less than 72 hours before a regular meeting.

If the Board of Directors fails to take any action within the 30-day period or takes an action other than an Unconditional Commitment, a lawsuit may be filed within 60 days (*Gov't Code* §54960.2(a)(4)).

It is staff's recommendation that the Board provide an *Unconditional Commitment Letter* (Attachment B) to cease and desist from the past action, and not repeat the challenged past action in accordance with Government Code §54960.2(b). Pursuant to *Gov't Code* §54960.2(c)(4), this *Unconditional Commitment* shall not be construed or admissible as evidence of a Brown Act violation by Santa Cruz METRO, its Directors or staff. This will avoid unnecessary and costly litigation without admitting any violation under the Ralph M. Brown Act

The Unconditional Commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar (Gov't Code §54960.2(c)(2)).

Once the Board provides an *Unconditional Commitment* in the form set forth in the Brown Act, the Board shall not thereafter take or engage in the challenged action described in the cease and desist letter (*Gov't Code §54960.2*).

### IV. FINANCIAL CONSIDERATIONS/IMPACT

None.

### V. ALTERNATIVES CONSIDERED

- Do nothing is an alternative, however, this is not recommended by staff. If the Board of Directors fails to take any action within the 30-day period or takes an action other than an "Unconditional Commitment," a lawsuit may be filed within 60 days pursuant to *Government Code* §54960.2(a)(4).
- Provide an *Unconditional Commitment Letter* (Attachment B) to cease and desist from the past action, and not repeat the challenged past action in accordance with Government Code §54960.2(b).

Board of Directors March 13, 2015 Page 3 of 4

### VI. ATTACHMENTS

- Attachment A: Brown Act Cease and Desist Letter, dated Feb. 20, 2015
- Attachment B: Santa Cruz METRO's Unconditional Commitment to Cease and Desist from and not repeat the Past Action

Prepared By: Rickie-Ann Kegley, Paralegal

Board of Directors March 13, 2015 Page 4 of 4

### VII. APPROVALS:

Approved as to form: Leslyn K. Syren, District Counsel

Alex Clifford, CEO/General Manager

18

February 20, 2015

Secretary to the Board of Directors Santa Cruz Metropolitan Transit District 110 Vernon Street Santa Cruz, CA 95060

Re: Brown Act Cease and Desist Letter

Dear Sir:

Pursuant to Government Code section 54954.2, subdivision (a)(1), I hereby submit this cease and desist letter to the Santa Cruz Metropolitan Transit District (Santa Cruz METRO) Board of Directors with respect to the Brown Act violation discussed below.

The Santa Cruz METRO board may respond within 30 days of receiving the letter (Gov. Code, §54960.2, subd. (b) or "elect[] to respond to [this] cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action[s] that [are] alleged to [have] violate[d] this chapter." (Gov. Code, §54960.2, subd. (c)(1)) The format for such a commitment is laid out in section 54960.2, subdivision (c)(1). The unconditional commitment must be approved by the Santa Cruz METRO board in open session at a regular or special meeting as a separate item of business. (Gov. Code, §54960.2, subd. (c)(2).) The board need not admit that a violation occurred, and providing an "unconditional commitment shall not be construed or admissible as evidence of a violation." (Gov. Code, § 54960.2, subd. (c) and (4).)

From a physical inspection of the posted agenda on June 11, and information provided by Santa Cruz METRO staff, I have reached the following conclusion.

Santa Cruz METRO failed to post an agenda at least 72 hours in advance of a regular meeting. All Santa Cruz METRO staff, board members, and managers, swear or affirm an oath to uphold the laws of the state of California. One of these laws, Gov. Code § 54954.2 (a) (1) was violated when the agenda for the 8:30 am meeting of June 13, 2014 was not posted until 4:00 pm on Tuesday, June 10, 2014. The laws of California require at least 72 hours' advance notice, but Santa Cruz METRO only provided 63.5 hours' advance notice. Not only is this a violation of state law, but also a violation of the District's own Bylaws.

As the Bylaws themselves specifically mention which officers of Santa Cruz METRO bear official responsibility for the Board agenda, it should not be overlooked that the staff who actually created the Agenda – who were allegedly not even sworn public employees - and the manager responsible for their supervision, Angela Aitken, are also complicit in the breach of responsibility by exhibiting a general ignorance of your governing document.

Someone at Santa Cruz METRO seems to have taken the position that the agenda need not be published according to the law, but I disagree with this. Accordingly, a cease and desist letter is appropriate to ensure that future violations do not occur.

#### Cease and Desist Demand

Pursuant to Government Code section 54960.2, I hereby demand Santa Cruz METRO cease and desist from posting the Board of Directors agenda less than 72 hours before a regular meeting.

The Santa Cruz METRO Board of Directors may respond to this demand as provided in section 54960.2. I have the authority, as an interested person, to file a civil lawsuit to enforce the Brown Act (Gov. Code, 54960, 59460.1, 54960.2). I am hopeful that the board will agree to comply, and will comply with the Brown Act, and that no legal action will be necessary. As to the violation of your Bylaws, I trust your Personnel and Discipline policies and investigative initiative will afford the violators the full due process their rights allow.

Very truly yours,

Authomy Japing

Anthony Tapiz 59 Vista Verde Circle Watsonville, CA 95076

March 13, 2015

Anthony Tapiz 59 Vista Verde Circle Watsonville, CA 95076

## RE: Brown Act - Unconditional Commitment to Cease and Desist from and not repeat the Past Action

Dear Mr. Tapiz:

This letter will serve as notice in accordance to *Government Code §54960.2*, the Santa Cruz Metropolitan Transit District's Board of Directors shall cease and desist the alleged violations of the Brown Act and the District's Bylaws.

The Santa Cruz Metropolitan Transit District (METRO) has received your Cease and Desist letter, dated February 20, 2015, alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

Santa Cruz METRO failed to post an agenda at least 72 hours in advance of a regular meeting. All Santa Cruz METRO staff, board members, and managers, swear or affirm an oath to uphold the laws of the state of California. One of these laws, *Gov't Code §54954.2(a)(1)* was violated when the agenda for the 8:30 am meeting of June 13, 2014 was not posted until 4:00 pm on Tuesday, June 10, 2014. The laws of California require at least 72 hours' advance notice, but Santa Cruz METRO only provided 63.5 hours' advance notice. Not only is this a violation of state law, but also a violation of the District's own Bylaws.

Pursuant to *Gov't Code §54960.2,* you have demanded that the Santa Cruz METRO cease and desist from posting the Board of Directors' agenda less than 72 hours before a regular meeting.

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Santa Cruz METRO Board of Directors hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above. This

unconditional commitment shall not be construed or admissible as evidence of a Brown Act violation (Gov't Code §54960.2(c)(4)).

The Santa Cruz Metropolitan Transit District may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Respectfully submitted,

ALEX CLIFFORD Secretary to the Board of Directors CEO/General Manager Santa Cruz Metropolitan Transit District

cc: Board of Directors Leslyn K. Syren, District Counsel

Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015

**TO:** Board of Directors

**FROM:** Leslyn K. Syren, District Counsel

## SUBJECT: CONSIDERATION OF AMENDED RESOLUTION SETTING A PUBLIC HEARING ON APRIL 10, 2015

### I. RECOMMENDED ACTION

Adopt Amended Resolution setting a Public Hearing on April 10, 2015 to Commence at the Santa Cruz City Council Chambers at 9:00am and continue to the Watsonville City Council Chambers at 6:30pm for final adoption of the proposed actions.

### II. SUMMARY

- On February 27, 2015, the Board of Directors adopted a Resolution to set a public hearing on proposed fare and service changes for April 10, 2015 at the Santa Cruz City Council Chambers at 9:00am.
- During discussion at the February 27, 2015 Board meeting it was suggested that a south county location should be added for a continued hearing site regarding this matter.
- An Amended Resolution was prepared to reflect the above direction and the Board is asked to adopt the Amended Resolution to set the public hearing at both locations.

### III. DISCUSSION/BACKGROUND

The Board of Directors has been engaged in an ongoing series of workshops aimed at addressing METRO's structural deficit. Following these efforts a series of public workshops had been held throughout METRO's service area and members of the public have been encouraged to provide input on solutions to resolve the ever increasing budget deficit. This background is more fully explained in the Board report presented in the February 27, 2015 Board packet and discussed at the meeting on the same date.

At its February 27, 2015 meeting, the Board adopted a resolution that set the public hearing on fare and service changes related to the Highway 17 Express and Paracruz for April 10, 2015 at 9:00am in the Santa Cruz City Council Chambers. However, discussions during that meeting lead to the consensus that an opportunity should be provided to make it easier for south county residents to provide input during the hearing.

As a result, the Board determined that an Amendment to the Resolution should be made to continue the 9:00am hearing in Santa Cruz and hold a second session in Watsonville later in the evening of April 10, 2015.

The Amended Resolution (Attachment A) memorializes the Board's direction and directs that staff shall now announce, post and advertise the locations for the morning hearing and the evening hearing in a way that reflects the intention of the Board.

### IV. FINANCIAL CONSIDERATIONS/IMPACT

The required funding to publicize a hearing is approximately \$900; this expense has been included in the FY15 current year's Administration Operating budget within the Classified/Legal Ads (503221) account.

### V. ALTERNATIVES CONSIDERED

• Do not amend the Resolution setting the public hearing. Staff does not recommend this since the prior resolution does not accurately reflect the intent of the Board.

### VI. ATTACHMENTS

Attachment A: Amended Resolution to Set a Public Hearing

Board of Directors March 13, 2015 Page 3 of 3

### VII. APPROVALS:

Approved as to form: Leslyn K. Syren, District Counsel

Approved as to fiscal impact: Angela Aitken, Finance Manager

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# BEFORE THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Resolution No. \_\_\_\_\_ On the Motion of Director:\_\_\_\_\_ Duly Seconded by Director:\_\_\_\_\_ The Following Resolution is Adopted: \_\_\_\_\_

### AMENDED RESOLUTION TO SET A PUBLIC HEARING ON APRIL 10, 2015

### TO ADOPT PROPOSED FARE AND SERVICE CHANGES TO THE HIGHWAY 17

### EXPRESS SERVICE AND TO PARACRUZ SERVICES

**WHEREAS**, the Santa Cruz Metropolitan Transit District's CEO/General Manager began conducting Structural Deficit Workshops on August 8, 2014 and monthly thereafter;

**WHEREAS**, the Santa Cruz METRO Board of Directors directed METRO staff to obtain public input and consider public recommendations for solutions to the Structural Deficit;

**WHEREAS**, the Santa Cruz METRO Board of Directors directed METRO staff to hold public meetings throughout its service area in the month of February 2015;

**WHEREAS,** Santa Cruz METRO staff obtained comments and suggestions from the public;

WHEREAS, Santa Cruz METRO staff has proposed fare and service restructuring of the Highway 17 Express service and the Para Cruz complimentary paratransit services.

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, that:

A Public Hearing shall commence on April 10, 2015, at 9:00am in the Santa Cruz City Council Chambers at 809 Center Street, Santa Cruz, CA and to continue the hearing at 6:30pm in the Watsonville City Council Chambers at 275 Main Street, Watsonville, CA for purposes of discussing the adoption of proposed fare and service restructuring. The proposed changes will include:

- 1. Adoption of proposed Highway 17 Express Fare Restructuring;
- 2. Adoption of proposed changes to the ParaCruz service area and hours of operation;
- 3. Adoption of proposed ParaCruz Fare Restructuring.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz Metropolitan Transit District on March 13, 2015 by the following vote:

AYES: DIRECTORS -

NOES: DIRECTORS -

ABSENT: DIRECTORS -

DENE BUSTICHI Board Chair

ATTEST:

ALEX CLIFFORD CEO/General Manager

APPROVED AS TO FORM:

LESLYN K. SYREN District Counsel

Santa Cruz Metropolitan Transit District

**DATE:** March 13, 2015



- **TO:** Board of Directors
- **FROM:** Director John Leopold
- SUBJECT: CONSIDERATION OF APPOINTMENT OF BECKY TAYLOR TO THE METRO ADVISORY COMMITTEE (MAC) FOR A TERM OF OFFICE ENDING MARCH 12, 2017

### I. RECOMMENDED ACTION

That the Board approve the appointment of Becky Taylor to the METRO Advisory Committee (MAC) as the appointment of Director John Leopold for a term of office ending March 12, 2017.

### II. SUMMARY

- There is currently a vacancy on the METRO Advisory Committee (MAC) for an appointment by Director John Leopold.
- Director Leopold is nominating Becky Taylor for appointment to the MAC.
- Pursuant to Section 3.2 of the MAC Bylaws the appointment of Becky Taylor would be eligible for a term that would commence immediately and end March 12, 2017.

### III. DISCUSSION/BACKGROUND

On December 19, 2003, after a significant amount of discussion and multiple meetings, the Board approved the creation of a new METRO Advisory Committee (MAC) that replaced the METRO Users Group (MUG), and the Board approved the structure of the new committee. Application Forms were used to solicit interested persons to participate on the MAC.

The Board of Directors appoints individuals who want to serve as committee members of the MAC. Each Board member provides a name of an individual who they want to nominate, and the Board of Directors then confirms the individual. A committee such as the MAC is most effective when it is comprised of a full complement of committee members.

One of the current committee member vacancies is the appointment by Director John Leopold.

Director Leopold has indicated that he would like the Board of Directors to consider the nomination of Becky Taylor to serve as a committee member of the MAC. The application of Becky Taylor is attached to this report.

If approved by the Board of Directors, the term for Becky Taylor would commence immediately and conclude on March 12, 2017.

### IV. FINANCIAL CONSIDERATIONS/IMPACT

The following outlines the elements of the above recommendation:

### • AMOUNT OF RECOMMENDATION:

- Three (3) bus passes per member, per meeting attended
- Maximum of 33 passes per year which equates to \$330 per year per member

### • SOURCE OF FUNDING:

- FY15-FY16 Final Operating Budget Operating Revenue
- EXPENSE ACCOUNTS TO CHARGE:
  - None. These passes are given in exchange for the MAC member's time and attendance at the monthly MAC meetings.
- FISCAL IMPACT:
  - There is no significant tangible cost to appoint Becky Taylor as a MAC member.

### V. ALTERNATIVES CONSIDERED

• Leave committee member opening vacant, but quorum to hold monthly meetings would be difficult to reach on a consistent basis.

### VI. COORDINATION

• This staff report has been coordinated with the Administration department, the CEO/General Manager and Director Leopold.

### VII. ATTACHMENTS

Attachment A:	MAC Application of Becky Taylor
Attachment B:	MAC Bylaws – adopted December 16, 2011

Prepared By: Dawn Martin, Administrative Assistant

Board of Directors Board Meeting of March 13, 2015 Page 3 of 3

### VIII. APPROVALS:

Approved as to fiscal impact: Angela Aitken, Finance Manager

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Alex Clifford, CEO/General Manager

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#### **MAC Application for Becky Taylor**

#### beckytaylortutor@gmail.com wrote:

I am interested in serving on the MAC. I have done and continue to do most of my bus riding in Mid-County area of Santa Cruz.

Thank You,

Becky Taylor

Contact Name: Becky Taylor

Street Address: 833 Front Street

Street Address: #238

City: Santa Cruz

State: California

Zip Code: 95060

Day Phone: 421-9284

Do you ride Santa Cruz METRO fixed route or Paracruz Service: Santa Cruz METRO fixed route

How often do you use Santa Cruz METRO/Paracruz Service: Weekly

What are your particular transit interests?: preserving/restoring bus service

What do you think are the biggest challenges for Santa Cruz METRO?: increasing ridership

What do you believe that you will contribute to MAC & Santa Cruz METRO if appointed?: The perspective of someone who has been transit dependent for over 25 years.

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# MAC BY-LAWS

Amended/Adopted 12/16/11

Drafted for 9/26/03 Revised for 10/24/03 Revised for 12/19/03 Amended/Adopted 12/19/03 Amended/Adopted 7/23/04 Amended/Adopted 6/23/06 Amended/Adopted 4/27/07 Amended/Adopted 5/25/07 Amended/Adopted 12/16/11

#### BYLAWS FOR THE METRO ADVISORY COMMITTEE

Article I GENERAL PROVISIONS

#### §1.1 Purpose

These Bylaws govern the proceedings of the METRO Advisory Committee (MAC), an advisory committee established by the Board of Directors of the Santa Cruz Metropolitan Transit District (METRO).

#### §1.2 Construction of Bylaws

As used in these Bylaws, "Committee" means the METRO Advisory Committee. These Bylaws shall govern the Committee's proceedings to the extent they are not inconsistent with METRO Regulations or California or United States Statutes. These Bylaws become effective upon approval by the METRO Board of Directors

#### **§1.3** Definitions

a. As used in these Bylaws, "chair" means the Chair of the Committee.

b. As used in these Bylaws, "vice chair" means the Vice Chair of the Committee.

c. As used in these Bylaws "staff" means staff members that are assigned to support the Committee by the METRO Secretary/General Manager.

#### Article II DUTIES AND AUTHORITY

#### §2.1 Duties

It shall be the duty of the Committee to provide advice to the Board of Directors on matters of METRO policy and operations referred to the Committee by the Board or Secretary/General Manager and to perform such additional duties as assigned by the Board. The Committee may also address issues which members or the public raise with respect to the quantity and quality of services provided by METRO.

#### **§2.2** Limitations on Authority

The sole jurisdiction and authority of the Committee is to serve in an advisory capacity to the Board of Directors. It shall not have any authority to take actions that bind METRO or the Board of Directors with the exception that the Committee may design informational signs to be placed on the inside of buses and that the Committee may design and distribute an informational brochure to increase the public's knowledge of the operation and existence of the Committee. Communications by the Committee shall be to and through the Board of Directors. No individual member of the Committee shall be entitled to compensation from METRO, with the exception that Members of the Committee shall receive three (3) system-wide day passes for each monthly meeting that they attend, and any reimbursement for travel or other expenses shall receive specific prior authorization by the Board of Directors.

#### Article III MEMBERSHIP

#### §3.1 Membership

The Committee shall be composed of 11 members appointed by the Board of Directors as follows:

Each member of the METRO Board of Directors shall nominate 1 individual to serve as members of the METRO Advisory Committee. Appointments to the METRO Advisory Committee shall be made by the METRO Board of Directors.

All members shall be residents of the County of Santa Cruz. When making its appointments, the Board shall strive to balance the membership to reflect the ethnic, gender, and geographic diversity of the County. At least 4 of the individuals appointed to

16B.3

the Committee shall be persons with disabilities as evidenced by possession of a METRO Discount Photo Identification Card. No member of the Board of Directors or other elected public official shall be appointed to the Committee. No employee of METRO or any agency that provides funding to, or contracts with, METRO shall be appointed to the Committee. However, individuals that have been selected to participate on the ADA Appeals Panel, to participate in the Bus Operator Sensitivity Training, or who are employed by the University of California, Santa Cruz in departments other than the Transportation and Parking Services (TAPS), or in the offices that directly supervise TAPS, shall be exempt from the financial/contracting prohibition for Committee members outlined in this section.

#### §3.2 Members' Terms

The term of membership of each Committee member shall be two years, commencing with the date of appointment by the METRO Board. Members may be reappointed for additional terms as approved by the METRO Board of Directors.

#### §3.3 Absences

If a member accumulates total absences from Committee Meetings of four, without excuse, and two, with excuse, in any twelve-month period, the position shall automatically be declared vacant. In the event of a known absence to an upcoming MAC Meeting it is expected of the MAC Member(s) that they will contact the Santa Cruz Metropolitan Transit District Front Office Administration Staff by telephone as soon as the occurring absence is known and no later than 12:00PM (noon) on the day of the meeting and that failure to make said contact will constitute an unexcused absence unless circumstances restrict such contact. The member of the Board of Directors that nominated such Committee member shall be notified of the vacancy so that they can nominate a successor to be appointed to fill the remainder of that Committee member's term.

#### §3.4 Vacancies

The member of the Board of Directors who nominated the original member shall nominate a replacement candidate to fill a position on the Committee that is declared vacant. The appointment of the replacement member shall be made by the Board of Directors.

#### Article IV OFFICERS

#### §4.1 Chair and Vice Chair

The Committee shall elect from its membership a Chair and a Vice Chair at its first meeting of the calendar year, to serve for a one-year term. The chair shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The Vice Chair shall perform the duties of the Chair when the Chair is absent. In the event of a vacancy in the chair's position, the vice chair shall succeed as chair for the balance of the Chair's term and the Committee shall elect a successor to fill the vacancy in the Vice Chair's position as provided below. In the event of a vacancy in the Vice Chair's position, the vice chair's term its membership to fill the Vice Chair's position for the remainder of the vice chair's term.

#### §4.2 Staff Support

The Secretary/General Manager of METRO shall make arrangements to furnish clerical services to prepare and distribute the Committee's agendas, notices, minutes, correspondence and other materials. The METRO staff assigned to support the committee shall maintain a record of all proceedings of the Committee as required by law and shall perform other support duties to the committee as assigned by the Secretary/General Manager. The minutes of each meeting, when approved by the Committee, shall be transmitted to the METRO Board of Directors.

#### Article V MEETINGS

#### **§5.1 Regular Meetings**

Regular meetings of the Committee shall be held not less than once each calendar quarter, on the third Wednesday of the month that is selected for the meeting. Whenever a regular meeting falls on a holiday observed by METRO, the meeting shall be held on another day or canceled at the direction of the Committee. A rescheduled regular meeting shall be designated a regular meeting.

#### §5.2 Special Meetings

The Chair may call a special meeting. The meeting shall be called and noticed as provided in Section 5.3 below.



#### **§5.3** Calling and Noticing of Meetings

All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The Secretary/General Manager and METRO Counsel shall be given notice of all meetings.

#### §5.4 Quorum; Vote

The presence of 6 members shall constitute a quorum for the transaction of business. However, when there are vacancies on the Committee the quorum shall be reduced to a majority of the number of Members appointed to the Committee, with the provision that a quorum shall never be less than four (4) Members. All official acts of the Committee shall require the affirmative vote of the majority of members present, providing that a quorum is maintained at all times.

#### **§5.5** Thirty Minute Rule

If a quorum has not been established within thirty minutes of the noticed starting time for the meeting the meeting shall be cancelled.

#### **§5.6** Matters Not Listed On the Agenda Requiring Committee Action

Except as provided below, a matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda under any of the following conditions:

a. Upon a determination by an affirmative vote of the Committee that an emergency exists, as defined in Section 54956.5 of the Government Code.

b. Upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action and the need to take action came to the attention of the Committee subsequent to the agenda being posted.

#### **§5.7** Time Limits for Speakers

Each member of the public appearing at a Committee meeting shall be limited to three minutes in his or her presentation, unless the Chair, at his or her discretion, permits



further remarks to be made. Any person addressing the Committee may submit written statements, petitions or other documents to complement his or her presentation. Public presentations that have been scheduled prior to the meeting with the Committee Chair shall not be subject to the time limits contained in this section.

#### §5.8 Impertinence; Disturbance of Meeting

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The Chair may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the Chair may direct the meeting room cleared when deemed necessary to maintain order.

#### **§5.9** Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a Committee meeting shall be made available for public inspection at the meeting if prepared by the METRO staff or a member of the Committee, or after the meeting if prepared by some other person.

#### Article VI AGENDAS AND MEETING NOTICES

#### §6.1 Agenda Format

The agenda shall specify the starting time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the subject matter of each agenda item. The agenda may include recommendations for Committee action as appropriate.

#### §6.2 Public Communications

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading "Oral/Written Communications". The Committee shall not act upon an item that is not listed on the agenda except as provided under Section 5.8. Each notice for a

special meeting shall provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

#### §6.3 Agenda Preparation

The METRO Staff assigned to the Committee shall prepare the agenda for each meeting in consultation with the Chair. Material intended for placement on the agenda shall be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. The METRO Staff, in consultation with the chair, may withhold placement on the agenda of any matter that is not timely received, lacks sufficient information or is in need of staff review and report prior to Committee consideration.

#### **§6.4 Agenda Posting and Delivery**

The written agenda for each regular meeting and each meeting continued for more than five calendar days shall be posted by the METRO Staff at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by the METRO Staff at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents shall be transmitted to each Committee member, the Secretary/General Manager and the METRO Counsel at least five days before each regular meeting and at least 24 hours before each special meeting.

#### §6.5 Meeting Notices

The METRO Staff shall transmit notices of every regular meeting at least one week prior to the date set for the meeting to each person who has filed a written request with METRO for such notice as provided in Section 54954.1 of the Government Code. The notice shall be mailed at least one week prior to the date set for the meeting. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given as soon as is practical.

#### Article VII MISCELLANEOUS

#### §7.1 Adoption and Amendment of Bylaws

These Bylaws shall be effective upon approval by the METRO Board of Directors.

#### §7.2 Committee Process

The intent of the Committee shall be to provide consensus based advice and recommendations to the METRO Board of Directors.

Approved by Board of Directors: December 16, 2011

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