

SAN JOAQUIN REGIONAL TRANSIT DISTRICT
BOARD OF DIRECTORS - AGENDA

THE BOARD OF DIRECTORS OF THE SAN JOAQUIN REGIONAL TRANSIT DISTRICT WILL HOLD A REGULAR MEETING AT 10:00 A.M. ON FRIDAY, JANUARY 15, 2016 **IN THE BOARDROOM OF SAN JOAQUIN REGIONAL TRANSIT DISTRICT'S DOWNTOWN TRANSIT CENTER, 421 EAST WEBER AVENUE, STOCKTON, CALIFORNIA**

ACCESSIBLE PUBLIC MEETINGS: San Joaquin Regional Transit District (RTD) will make all reasonable accommodations for persons with disabilities to participate in this meeting. Upon request to the General Manager/CEO, RTD will provide agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number, and a brief description of the requested materials and/or preferred alternative format or auxiliary aid or service at least three (3) work days before the meeting. Requests should be sent to RTD, by mail at P.O. Box 201010, Stockton, CA 95201, by fax at (209) 948-8516, or by e-mail to BoardSupport@sanjoaquinRTD.com.
Para información en Español, por favor llame al (209) 943-1111.

1. CALL MEETING TO ORDER
2. MOMENT OF SILENCE/REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. SAFETY ANNOUNCEMENT
5. ROLL CALL
6. ELECTION OF OFFICERS
7. SPECIAL PRESENTATIONS
 - A. EMPLOYEES OF THE MONTH
Special recognition to the Administration, Maintenance, and Transportation Employees of the Month
8. PUBLIC COMMENT

Each person who addresses the Board shall not make slanderous or profane remarks to or about any member of the Board, staff, or general public. Any person who utters loud, threatening, personal or abusive language, who is unduly repetitious or engages in extended discussion of irrelevancies, or who engages in any disorderly conduct which disrupts, disturbs or impedes the orderly conduct of any Board meeting shall, at the discretion of the presiding officer or a majority of the Board, be barred from further audience before the Board during that meeting. All Public Comments shall be limited to no more than FIVE MINUTES.

In addition, applause, loud noises, or any other outbursts or disruptions from the audience are not allowed during or after a public comment. At the discretion of the presiding officer, those who are in violation of this protocol may be removed from the meeting.

9. REPORTS

- A. MV REPORT
 - B. GENERAL MANAGER/CEO REPORT
 - C. STATE/FEDERAL LEGISLATIVE REPORT UPDATE
10. CONSENT CALENDAR
- A. RESOLUTION: MINUTES OF THE NOVEMBER 13, 2015, REGULAR BOARD MEETING
Board approval of the November 13, 2015, Regular Board of Directors Meeting minutes
 - B. RESOLUTION: APPROVE REVISED RTD FAMILY MEDICAL LEAVE ACT (FMLA) / CALIFORNIA FAMILY RIGHTS ACT (CFRA) POLICY
Board approval of a revised RTD FMLA/CFRA Policy Incorporating 2015 changes to California Law
 - C. RESOLUTION: AUTHORIZE THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE FY 2015 LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)
Board approval to authorize the execution of the certifications and assurances for the FY 2015 Low Carbon Transit Operations Program (LCTOP)
 - D. RESOLUTION: AUTHORIZE THE FY 2015 TRANSIT SYSTEM SAFETY, SECURITY, AND DISASTER RESPONSE ACCOUNT (TSSSDRA) PROGRAM
Board approval to authorize the necessary actions to obtain financial assistance through the FY 2015 Transit System Safety, Security, and Disaster Response Account (TSSSDRA) Program
11. ACTION ITEMS
- A. RESOLUTION: ADOPT A SET OF BYLAWS TO GOVERN THE ACTIVITIES OF THE RETIREMENT BOARD OF THE RTD RETIREMENT PLAN
Board approval to adopt a set of bylaws to govern the activities of the Retirement Board of the RTD Retirement Plan
 - B. RESOLUTION: ADOPT A SET OF FOUR RESOLUTIONS ALLOWING RTD TO ENTER CALPERS HEALTH PLANS PURSUANT TO THE RECENT INTEREST ARBITRATION AWARD
Board approval to adopt a set of four resolutions allowing RTD to enter CalPERS Health Plans pursuant to the recent interest arbitration award
 - C. RESOLUTION: APPROVE AMENDMENT TO PASSENGER CODE OF CONDUCT POLICY
Board approval to amend Passenger Code of Conduct Policy
 - D. ORDINANCE: INTRODUCE AN ORDINANCE TO APPROVE AMENDMENT TO PASSENGER CODE OF CONDUCT ORDINANCE
First reading of a proposed ordinance for amending the ordinance adopting Passenger Code of Conduct

12. INFORMATION ITEMS

- A. REGIONAL TRANSPORTATION CENTER (RTC) RECAP
Staff will present a recap on the Regional Transportation Center
- B. EQUAL EMPLOYMENT OPPORTUNITY (EEO) ANNUAL REPORT
Staff will provide a presentation on RTD's Equal Employment Opportunity Annual Report
- C. FINANCIAL REPORTS
December Financial Reports will be provided to the Board.

13. QUESTIONS AND COMMENTS FROM DIRECTORS

14. CLOSED SESSION

A. LABOR NEGOTIATIONS

1. Conference with Labor Negotiator

Agency Negotiator: Donna DeMartino, General Manager/CEO

Employee Organization: Amalgamated Transit Union, Local 276

B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

[Paragraph (1) of subdivision (d) of Government Code, Section 54956.9]:

- (i) San Joaquin Regional Transit District vs. DSS-2731 Myrtle LLC, et al.,
San Joaquin Superior Court Case No. 39-2010-00252684-CU-EI-STK

C. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code, Section 54956.9.1: two (2) cases.

15. ADJOURNMENT

NOTE: IF THE 2016 MEETING SCHEDULE IS APPROVED BY THE BOARD, THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE HELD ON **FRIDAY, FEBRUARY 19, 2016, AT 10:00 A.M.**

DATE POSTED: JANUARY 11, 2016

Subject: Employees of the Month

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**SPECIAL PRESENTATION: RECOGNITION OF ADMINISTRATION,
MAINTENANCE, AND TRANSPORTATION
EMPLOYEES OF THE MONTH – NOVEMBER AND
DECEMBER**

**LEAD STAFF: DONNA DeMARTINO
GENERAL MANAGER/CEO**

FINANCIAL IMPACT: MINIMAL

BACKGROUND:

To qualify as Employee of the Month (EOM), employees must meet the following basic requirements:

1. Has been an employee for at least six months
2. Has not been selected EOM for the previous six months
3. Has a perfect attendance record for the month
4. Does not have any disciplinary action pending or in effect

RTD selects EOMs based on the following criteria:

1. Takes initiative and accepts and carries out additional responsibilities beyond regular job assignments
2. Provides exceptional internal and external customer service by being courteous and helpful
3. Projects a positive image and has a helpful and cooperative attitude
4. Exemplifies trustworthy and ethical behavior
5. Promotes a positive work environment
6. Comes to work on time, on a daily basis

The Administrative EOMs are selected as follows:

1. A member of the management team nominates employees at a monthly meeting.
2. Nominees are selected as EOM when they receive at least a 2/3 majority of the votes cast by members of the management team.

Maintenance and Transportation EOMs are selected by a majority of their respective supervisors.

There may be months where no EOM is selected for Administration, Maintenance, or Transportation.

Every EOM receives:

- EOM watch
- RTD coffee tumbler
- Certificate and acceptance photograph

Subject: Employees of the Month

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RTD recognizes employees of the month by posting their photographs at each RTD facility in frames designed for EOM recognition and through a feature article with photographs in the employee newsletter, "As the Wheels Turn."

The EOM program provides that RTD selects the Employee of the Year (EOY) from the previous 12 EOMs. RTD offers each EOY the opportunity to represent their department/division at one of the conferences of the American Public Transportation Association (APTA).

DISCUSSION:

The Employees of the Month from Administration, Maintenance, and Transportation.

Subject: MV Report

Page 1 of 1

INFORMATION ITEM: MV REPORT

**LEAD STAFF: DONNA DeMARTINO
GENERAL MANAGER/CEO**

REPORT BY: MV TRANSPORTATION, INC.

FINANCIAL IMPACT: TO BE DETERMINED

DISCUSSION:

MV Transportation staff will provide an update.

LEGISLATIVE UPDATES:

The State and Federal Legislative Report from Jordan & Associates is attached (9C).

PROJECT STATUS, REPORTS, OR UPDATES:**November – 2015**Police Activities – Report:

Officer Wight worked three days; Officer Ordaz worked 12 days; Officer Tran worked 13 days; Officer Butcher worked 18 days; other police officers worked two days in November. Their production statistics are listed below:

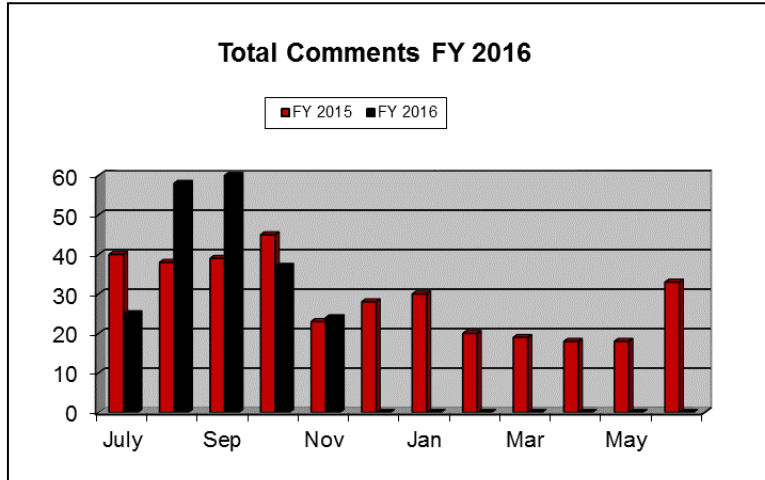
Type of Report Filed	Quantity	Type of Report Filed	Quantity
Felony Arrests	0	Intoxication Arrests	1
Warrants Arrests	1	Moving Citations	1
Other Arrests	0	SMC Citations	4
Parking Citations	2	Traffic Citations	2
Other Citations	5	Vehicles Towed	0
Calls for Service	61	Weapons Seized	0
Field Interviews	75	Abandoned Autos	0
PC 640 Citations	7	Self-Initiated Activity	17
Misdemeanor Arrests	2		

December – 2015Police Activities – Report:

Officer Tran worked 13 days; Officer Ordaz worked 13 days; Officer Officer Butcher worked 18 days; other police officers worked two days in December. Their production statistics are listed below:

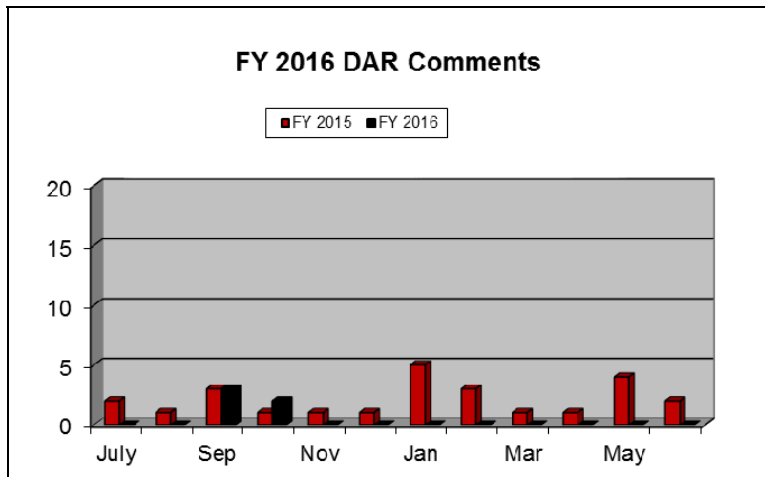
Type of Report Filed	Quantity	Type of Report Filed	Quantity
Felony Arrests	2	Intoxication Arrests	1
Warrants Arrests	6	Moving Citations	7
Other Arrests	0	SMC Citations	1
Parking Citations	0	Traffic Citations	6
Other Citations	5	Vehicles Towed	0
Calls for Service	53	Weapons Seized	2
Field Interviews	58	Abandoned Autos	0
PC 640 Citations	0	Self-Initiated Activity	50
Misdemeanor Arrests	9		

NOVEMBER 2015 – CUSTOMER COMMENT UPDATE



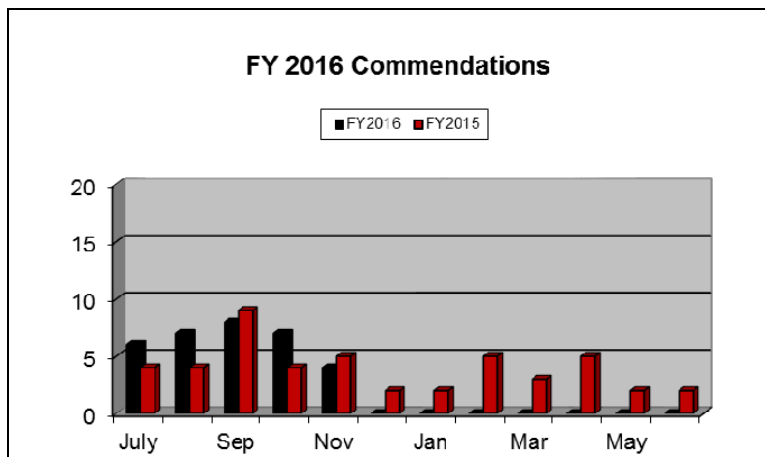
For the month of November 2015, RTD received a total of 24 comments. This is an increase of one from the same period last fiscal year and an decrease of 13 from last month.

Figure 1 reflects the comments filed during FY 2016 as compared to FY 2015.



There were no comments filed by Dial-A-Ride (DAR) passengers for the month of November 2015. This is a decrease of one from the same period last fiscal year and an decrease of two from last month.

The graph reflects the DAR comments filed during FY 2016 as compared to FY 2015.



There were four commendations filed during the month of November 2015. This is a decrease of one from the same period last fiscal year and an decrease of three from last month.

The graph reflects the commendations filed during FY 2016 as compared to FY 2015.

RTD CUSTOMER COMMENTS SUMMARY – NOVEMBER 2015

NATURE OF CONTACT	Total Comments	Total Validated Complaints	COMMENTS
EMPLOYEE COMMENDATION	0		RTD received no commendations for RTD Operators for the month of November.
OPERATOR COMMENDATION	0		
TOTAL COMMENDATIONS	0		
PASSENGER INCIDENT	2	2	RTD staff received one comment alleging a customer engaged in a verbal altercation with another customer regarding smoking. The coach operator intervened and contacted Dispatch for assistance. A supervisor spoke with the complainant and advised the complainant to report these types of incidents to the coach operator instead of attempting to enforce RTD's rules, policies, and procedures themselves. Staff investigated one comment alleging the coach operator of Route 40 at the Hammer Triangle Station (HTS) ran over and destroyed a bag of tools. The video showed that the customer placed their bag of tools on the ground near the front door of the bus and walked towards the fare vending machine. The coach operator was not aware this action and pulled away from the HTS, running over the bag of tools. Staff is working with this customer to resolve this incident.
PASSENGER AMENITIES	2	0	RTD staff received one comment from a customer suggesting that RTD make commuter fares available for purchase on the fare vending machines at the DTC. Staff thanked the customer for providing the comment at the time of receipt and forwarded the comment to RTD's management staff for consideration. Staff received a request for a bus shelter at the existing bus bench for the Route 44 on 8 th Street near B Street. Staff forwarded the request to Facilities and Service Development for consideration.
PASS-UP 2		0	RTD staff invalidated one comment alleging the Route 340 coach operator left a passenger in the vicinity of El Dorado Street and Morada Lane. The video footage showed the operator acted appropriately and followed all of RTD's operating rules, policies, and procedures; there were no potential customers waiting at the bus stop. Staff contacted the customer and explained our findings and also reminded the customer to arrive, if possible, at least five minutes prior to the scheduled departure time. Staff counseled the operator involved to slow down and survey all bus stops to ensure no potential customers are passed. Staff investigated one comment alleging that Route 83 coach operator refused service to a customer. The video showed the operator had a full, "standing room" load of customers prior to arriving at the bus stop in question. The operator pulled over to inform the customer they had a full load, and could not board any more customers. Staff contacted the customer involved and explained that RTD's operating procedures do not allow the bus operator to load any more customers when capacity has been met. Staff will continue monitoring this particular route through random ride checks and supervisor field reviews.
INJURY 1		0	RTD staff received one comment from a customer alleging he fell while chasing the Route 40 bus in an attempt to stop the bus. The complainant stated he was injured. Staff forwarded the comment and video from this incident to Safety and Risk staff for processing. The results from the investigation are pending.
SCHEDULE ADHERENCE	2	1	RTD staff invalidated one comment alleging the Route 55 coach departed early from the Weston Ranch area. The lead supervisor traced the route and found the operator did not depart early as alleged. The complainant did not provide their contact information; staff was not able to speak with the complainant. Staff validated one comment alleging Route 70 coach departed late from the Downtown Transit Center. The

			lead supervisor traced the route and spoke to the operator who stated they would have had to wait at the next bus stop to avoid operating ahead of schedule. The supervisor notified the customer of their findings and counseled the operator about departing on time, as scheduled. Staff will continue monitoring this route through random ride checks and supervisor field reviews.
OPERATOR CONDUCT	2	0	Through video review, RTD staff invalidated two comments alleging rude behavior by operators on the Routes 83 and 80. The videos confirmed the operators acted appropriately towards the customers. Staff was not able to contact any of the complainants because no contact information was provided. Staff will continue monitoring these routes through supervisor field reviews and ride checks.
AMERICAN LOGISTICS (ALC)	0	0	RTD received no comments regarding ALC for the month of November.
TOTAL DOCUMENTED COMMENTS	11	3	

MV CUSTOMER COMMENTS SUMMARY – NOVEMBER 2015

NATURE OF CONTACT	Total Comments	Total Validated Complaints	COMMENTS
EMPLOYEE COMMENDATION	0		Staff received commendations for Contracted Operators Tanya Lacaze, Michael Bui, and Andrew Alkady for great service during the absence of the regular RTD coach operator. Staff received one commendation for Coach Operator Kevin Dawson for avoiding an accident while driving Commuter Route 166. Staff will present awards to the operators at the MV December Safety meeting.
OPERATOR COMMENDATION	4		
TOTAL COMMENDATIONS	4		
PASS-UP 1		1	Through video review, staff validated one comment alleging a Rural Connection coach passed a customer up at a designated stop. Staff contacted the customer and left a voice message. Staff has counseled the operator and will continue monitoring this route through random field reviews and supervisor ride checks.
HAZARDOUS OPERATION	3	1	Staff received one comment alleging Route 164 coach operator cut vehicles off when entering Freeway 237 Eastbound. Staff apologized to the customer. Video footage was not available for this event. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging vehicle 2031 was speeding and not using the turn signal when changing lanes. The customer was called and staff apologized for the inconvenience. Video footage confirmed that the operator was speeding. Staff was unable to verify that the operator was not using turn signals. Staff counseled the operator and will provide proper retraining. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff invalidated one comment alleging that the Route 97 coach is not departing on time and not waiting for passengers to sit down. Staff called the customer to apologize. The operator did not depart on time because she was asked to wait for a transfer from a Metro route. Once the passengers boarded, the operator proceeded on route. Video footage was not available. Staff will continue monitoring this route through random field reviews and supervisor ride checks.

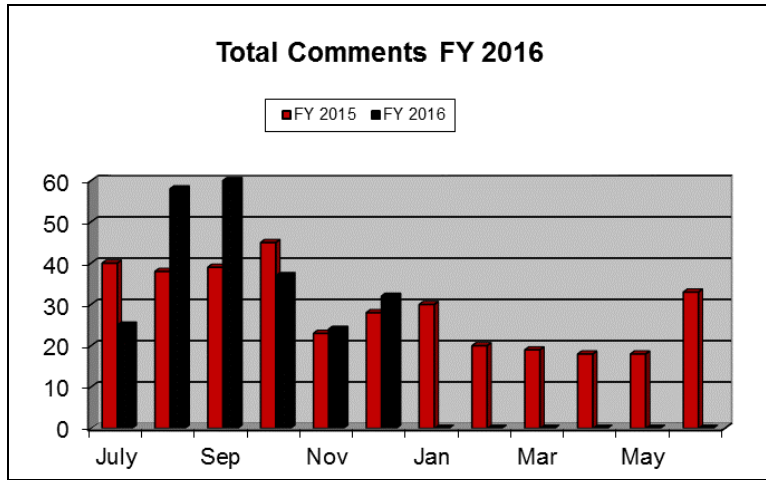
OPERATOR CONDUCT	3	3	<p>Staff validated one comment alleging a coach operator had a physical altercation with a customer. This occurrence has been forwarded to the MV Claims and Human Resources Departments for investigation. Staff validated one comment alleging a Hopper 3 operator was rude to passengers. When the customer was about to board the Hopper, the operator told her to put her food away even though she did not have it out. Staff contacted the customer and apologized for the inconvenience. The operator was in vehicle MV02, which does not have on-board cameras. The operator was counseled about the importance of providing outstanding customer service to our passengers. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging a coach operator passed up a customer at Pacific Avenue and Yokuts Avenue and behaved rudely toward the customer. Staff left a voice message for the customer and spoke to operator about the incident. The operator stated the customer thought he was not stopping at the bus stop, however, his route had to go into Delta College and come back out before making the stop. Staff counseled the operator on providing excellent customer service to our passengers. Staff will continue monitoring this route through random field reviews and supervisor ride checks.</p>
SCHEDULE ADHERENCE	6	6	<p>Through video review, staff validated one comment alleging that Hopper 9 left the Downtown Transit Center 15 minutes late, causing the customer to run late for work. Staff called the customer to apologize for the inconvenience. Staff reviewed the operator's schedule and noticed the operator departed late due to a late arrival from the previous route. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Through video review, staff validated one comment alleging the bus was late and the operator was holding a pen and paper while driving. Staff called the customer to leave a voice message and a call back number. The operator was counseled to keep both hands on the wheel and to read the turns sheets when she is safely pulled over. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging that the Hopper 90 route schedule is inconsistent. The customer failed to provide a phone number. Transit Master Playback showed that the operator ran 17 minutes late due to a wheelchair loading at a previous stop. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging the Hopper 2 coach had an equipment problem. The operator's vehicle had a wheelchair failure. Dispatch issued a service delay and dispatched a maintenance field repair. The customer felt another vehicle should have been sent out so that her daughter would not have to miss school. Staff contacted the customer, though the customer was not available to talk. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging a Route 90 customer waited for three and a half hours for the bus. When staff called, the customer's phone number was no longer in service. The operator's vehicle had mechanical problems; Dispatch issued a service delay and sent a mechanic with an exchange vehicle. The operator moved away from the area where he contacted Dispatch and failed to report the exact location, causing a longer delay. Staff counseled the operator about providing the correct information to Dispatch, and will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging Route 90 departed late from the Tracy bus stop. Video footage was not available, however, route tracing software was used to track the route and to confirm the late departure. Staff apologized to the customer. Staff will counsel the operator and take proper disciplinary actions with the operator. Staff will continue monitoring this route through random field reviews and supervisor ride checks.</p>

Subject: General Manager/CEO Report

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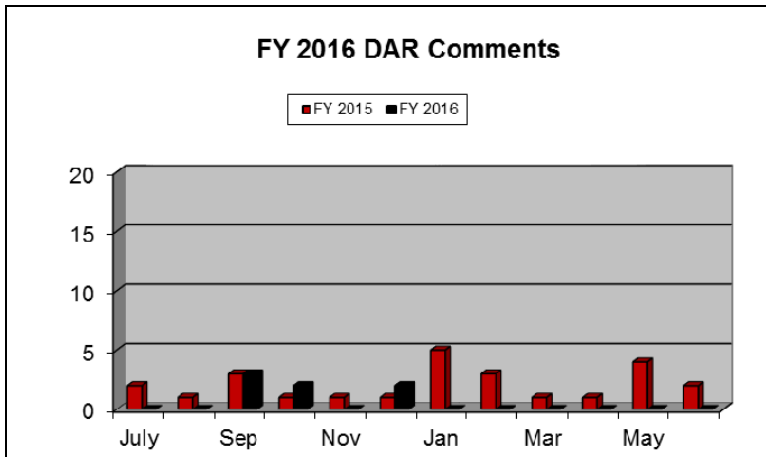
TOTAL DOCUMENTED COMMENTS	13	11	
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DECEMBER 2015 – CUSTOMER COMMENT UPDATE



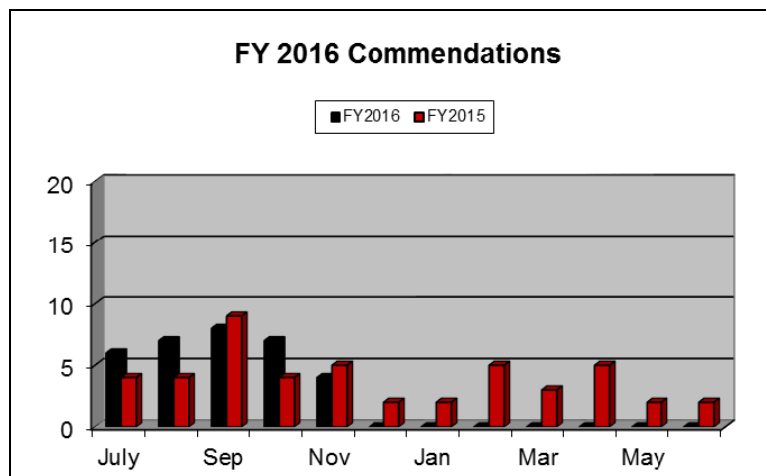
For the month of December 2015, RTD received a total of 32 comments. This is an increase of four from the same period last fiscal year and an increase of eight from last month.

Figure 1 reflects the comments filed during FY 2016 as compared to FY 2015.



There were two comments filed by Dial-A-Ride (DAR) passengers for the month of December 2015. This is an increase of one from the same period last fiscal year and a increase of two from last month.

The graph reflects the DAR comments filed during FY 2016 as compared to FY 2015.



There were no commendations filed during the month of December 2015. This is a decrease of two from the same period last fiscal year and a decrease of four from last month.

The graph reflects the commendations filed during FY 2016 as compared to FY 2015.

RTD CUSTOMER COMMENTS SUMMARY – DECEMBER 2015

NATURE OF CONTACT	Total Comments	Total Validated Complaints	COMMENTS
EMPLOYEE COMMENDATION	0		RTD received no commendations for the month of December.
OPERATOR COMMENDATION	0		
TOTAL COMMENDATIONS	0		
PASSENGER INCIDENT	2	1	RTD staff received one comment alleging a customer left his or her backpack on the bus after departing. RTD staff searched the bus in question, but did not find the backpack as described. Staff notified the customer and will contact the customer if the backpack is found. Staff investigated one comment alleging that Route 76 coach operator improperly secured the mobility device. The video confirmed the operator safely and properly secured the device in four different places. The customer did not leave their contact information; therefore, staff was not able to speak with the customer involved. Staff will monitor this operator through field reviews and supervisor ride checks.
HAZARDOUS OPERATION	1	1	RTD staff received one comment alleging the Route 70 coach operator failed to wait for a customer to sit down before moving their bus. The customer stumbled, but did not fall. A supervisor reviewed the video and counseled the operator to ensure customers are seated or securely standing before departing. Staff apologized to the customer and will continue monitoring the operator through random field reviews and supervisor ride checks.
PASSENGER AMENITIES	1	0	RTD staff received one comment from a customer suggesting that RTD install a bench and shelter in Weston Ranch at the bus stop near Ishi Goto Street and McDougal Boulevard. Staff forwarded the suggestion to the Service Development and Facilities Departments for consideration.
PASS-UP 5		2	RTD staff invalidated three comments alleging pass-ups on Routes 40, 51, and 76. The videos from these routes showed that the operators arrived and departed on time; there were no potential customers waiting at the bus stops in question at the time of arrival and departure. Staff validated one comment alleging the Route 40 coach operator left a customer who was attempting to purchase a fare from the fare vending machine at the Mall Transfer Station (MTS). The bus operator did not see the customer and departed after boarding and alighting a large group of customers. Staff contacted the customer and explained the results from RTD's investigation. Staff will continue monitoring this route through random ride checks and supervisor field reviews. Staff validated one comment alleging the Route 55 coach operator passed a customer in the Weston Ranch area. The video showed the operator immediately contacted Control then safely turned back and boarded the customer. Upon boarding, the bus operator apologized to the customer. Staff counseled the operator about slowing down and surveying all bus stops prior to arrival to ensure no potential customers are left. Staff will monitor this operator through supervisor ride checks and field reviews.
SERVICE IMPROVEMENTS	1	0	RTD staff received one comment suggesting increased transit services to the Eight Mile Road and Davis Road area. Staff forwarded the comment to Service Development for future consideration.

SCHEDULE ADHERENCE	1	0	RTD staff invalidated one comment alleging that Route 375 coach operator departed early from the Downtown Transit Center (DTC). The lead supervisor traced the route and found the operator did not depart early as alleged. The complainant did not provide their contact information and staff was not able to speak with the complainant. Staff will continue monitoring this route through random ride checks and supervisor field reviews.
OPERATOR CONDUCT	1	0	RTD Staff invalidated one comment alleging the Route 40 coach operator behaved rudely towards a customer while boarding at the MTS. The video showed the operator acted courteously and followed all operating rules, policies, and procedures. The complainant did not provide their contact information; therefore, staff was not able to speak with the complainant. Staff will continue monitoring this route through supervisor field reviews and ride checks.
AMERICAN LOGISTICS COMPANY (ALC)	0 0		RTD received no comments for service operated by ALC for the month of December.
TOTAL DOCUMENTED COMMENTS	12	4	

MV CUSTOMER COMMENTS SUMMARY – DECEMBER 2015

NATURE OF CONTACT	Total Comments	Total Validated Complaints	COMMENTS
EMPLOYEE COMMENDATION	0		There were no commendations for the month of December.
OPERATOR COMMENDATION	0		
TOTAL COMMENDATIONS	0		
PASS-UP 4		0	Staff has one pending comment alleging that a Route 797 coach operator went off route, taking the freeway from the County Hospital instead of going through the Weston Ranch area. When the customer questioned the operator about the route change, some boys on board started to curse at the customer. It is alleged that the boys wanted to fight the customer and the operator did not try to prevent the incident. Staff called the customer and left a voice message with a call back number. Staff is waiting to review video feed in order to confirm the details of the incident. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff invalidated one comment alleging a Route 93 coach operator did not pick up at least five passengers at the DTC. The customer did not provide a phone number for follow up. Staff reviewed the paper route manifest which indicated the operator picked up one passenger at the DTC and also used route tracing software to verify the operator was at the DTC. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff invalidated one comment alleging that the Route 90 coach did not come through the DTC at the scheduled time point causing two passengers to be late for work. Staff contacted the customer and left a voice message with a return phone number. Staff used route tracing software which showed that the operator arrived at the DTC and departed on time. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff invalidated one comment alleging that the Route 797 coach did not stop at Louise Avenue and Cambridge Drive and the customer had to find another way home. The customer failed to provide a phone number. Through video review, staff confirmed there was no customer at the bus stop. Staff also used route tracing software to verify the route going

			through that area. Staff counseled the operator. Staff will continue monitoring this route through random field reviews and supervisor ride checks.
OPERATOR CONDUCT	1	1	Staff validated one comment alleging the Route 90 coach was running behind schedule and made a customer late to work. Staff called the customer to apologize for the inconvenience. Staff used route tracing software to verify that the operator was 15 minutes late on the route. Staff will continue monitoring this route through random field reviews and supervisor ride checks.
MISSED TRIP	1	1	Staff validated one comment alleging Dispatch had a customer on hold for 25 minutes and did not know the Metro Hopper 3 bus stops. The customer had to take a taxi home. Staff called the customer to apologize for the inconvenience. The customer also stated that Daniela Romero had already spoken to her about the incident. Staff has retrained the Dispatcher on how to properly look up the client's information and how to route the operators.
HAZARDOUS OPERATION	2	1	Staff validated one comment alleging the Route 90 coach operator was driving unsafely on the freeway. The customer was a current RTD employee. Staff has requested a video pull that is still pending and has recommended that the operator be retrained by the MV Safety Manager. Once the video is reviewed, staff will determine if any additional counseling will be required. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff has one pending comment, alleging that vehicle 6204 at Carolyn Weston & Manthey swerved. The "very erratic driving" caused the customer to brake hard, almost getting hit. Staff called the customer to apologize for the inconvenience and is waiting to review the video pull to impose the appropriate level of counseling for the operator. Staff will also continue monitoring this route through random field reviews and supervisor ride checks.
PASSENGER INCIDENT	1	0	Staff invalidated one comment alleging that a Route 91 customer lost about \$30.00 worth of groceries on the freeway because of the window not being shut properly. Staff called the customer and left a message. Staff interviewed the operator who states she was not aware of the incident until the customer informed her. Video footage did not support the incident. Staff will continue monitoring this route through random field reviews and supervisor ride checks.
DAR SCHEDULE	2	1	Staff has one comment pending alleging that the Reservationist who answered the phone behaved rudely. Staff called the customer to apologize for the inconvenience that was caused. Staff is waiting for a voice recording from RTD to confirm the details of the incident. Staff validated one comment alleging a customer was booked with the incorrect seating type. The customer was scheduled with ALC. When the ALC coach operator showed up, they were unable to transport the customer because their vehicle could not accommodate a scooter. County dispatch then sent a driver to transport the customer to the County Hospital. According to ALC, the return trip was cancelled when the first trip was unable to be provided. The person who booked the reservation is no longer employed with MV.

<p>SCHEDULE ADHERENCE</p>	<p>9</p>	<p>8</p>	<p>Staff validated four comments alleging that the Route 163 coach operator pulled into the Twin Cities shopping center then left passengers on the bus with door either locked or closed. He left passengers on the bus for 30 minutes without any communication as to what was occurring and it was cold. Staff called the customers to apologize for the inconvenience. The operator had medical issues and was transported via ambulance to Lodi Memorial Hospital. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging the Route 122 coach arrived late. Staff called the customer to apologize for the inconvenience. Staff reviewed the interregional log to confirm that the new operator was 20 minutes late to his first pick up. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging that Route 164 Lockheed 2 coach operator arrived late. Staff called the customer to apologize for the inconvenience. Staff reviewed the interregional log and confirmed that the new operator was 30 minutes late to their first pick up due to congestion on the freeway from an accident. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging that the Hopper 90 coach did not leave the Tracy Wal-Mart on time and was running up to 20 minutes late, causing the customer to miss an appointment. Staff called the customer to apologize for the inconvenience. Route tracing software was used to verify that the operator ran up to 21 minutes late. Staff was unable to verify with the operator due to vacation leave. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff validated one comment alleging the Route 97 coach was late. Staff contacted the customer and left a voice message with a return phone number. Route tracing software was used to verify the incident. The new coach operator failed to follow the route schedule; a relay operator was sent out to complete the full route. Staff provided proper follow up training to the operator. Staff will continue monitoring this route through random field reviews and supervisor ride checks. Staff invalidated one comment alleging Route 91 was supposed to wait five minutes for a transfer from the Route 40. Staff contacted the customer and left a voice message with a return phone number. Route tracing software showed that the Route 91 coach arrived at the DTC at 11:33 a.m. and departed at 11:56 am. Route tracing software was also used to track down the arrival of the Route 40 vehicle; it arrived at 11:59 a.m. San Joaquin RTD has a three-minute hold policy. Staff will continue monitoring this route through random field reviews and supervisor ride checks.</p>
<p>TOTAL DOCUMENTED COMMENTS</p>	<p>20</p>	<p>12</p>	

COMMITTEES/MEETINGS:

Beyond Our Gates Community Council Meeting: On November 9, Communications and External Relations Manager Max Vargas attended. Agenda items included: Welcome; Every Day Counts; 2015 San Joaquin Literacy Report Card; Campaign for Grade-Level Reading Community Progress Report; San Joaquin Reads; Spirit of Literacy; Updates and Events.

Greater Stockton Chamber of Commerce "Fitness Rejuvenates Employee Sustainability and Health" (FRESH) Meeting: On November 12, Safety and Risk Specialist Nancy Antonio attended. Agenda items included: Eating Healthy for the Holidays presented by San Joaquin General Hospital; Tip of the Month provided by In-Shape Health Clubs; and, Member to Member incentives.

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San Joaquin County Public Health Services Smoking Tobacco Outreach Prevention Program (STOPP) Coalition: On November 16, Safety and Risk Specialist Nancy Antonio attended. Agenda items included: Introduction to New Public Health Educator; Update on RTD Smoke and Tobacco-Free Policy Adoption; Healthy Stores for a Healthy Community; Youth Activities; and Upcoming Community Events.

City of Stockton Mayor's Task Force for Persons with Disabilities Meeting: On November 18, Accessible Services Analyst Daniela Romero attended. Agenda items included: City Staff Introduction; Sub-Committee Reports; Old Business; New Business; and Community Announcements.

California Transit Association's 2015 Fall Conference: November 18-24, RTD Board Chair Gary Giovanetti, RTD Board Member Les Fong, RTD Board Member Balwinder Singh, Assistant General Manager/CFO Gloria Salazar, Director of Operations Norm Tuitavuki, Executive and Board Support Manager Teresa Evans, and I attended. The conference program included: Forging Transit's Future: Defining the Vision; Is Our Urban Transportation Infrastructure Obsolete?; Best Change Management Practices for Taking Action; Ecoliner Electric Bus Tour; Transformative Data Management Tour; and Concurrent Educational Sessions for the areas of Marketing, Operations, Management & Leadership, Maintenance, and Fiscal, Planning, Policy & Compliance.

CALSTART Zero Emission Bus Coalition Meeting: On December 4, Communications and External Relations Manager Max Vargas participated in this conference call. Agenda items included: Recent advocacy activities; General strategy for 2016; and Timing/approach for Bus Day in Sacramento.

RTD Access Advisory Committee (AAC) Meeting: On December 15, Mobility Analyst Daniela Romero, Service Development Manager Nate Knodt, Transportation Lead Supervisor Denoris Motley, and several RTD customers attended the meeting. Agenda items included: Services Changes, Mobility Update, 2016 AAC meeting schedule, and Community Updates. Please see the attached meeting minutes for more information.

OTHER:

Dia de Los Muertos Street Fiesta: On November 1, Communications and External Relations Manager Max Vargas, Executive and Board Support Administrative Assistant Merab Talamantes, and Coach Operator Stacey Williams attended. The event was organized by the Mexican Heritage Center & Gallery and was held in Downtown Stockton. RTD's Gold Anniversary Bus was featured at the event. Attendees learned about RTD's routes and services, as well as the Books on Buses Program.

City of Stockton Health Fair: On November 4, Marketing Manager Terry Williams, Communications and External Relations Manager Max Vargas, Communications Senior Specialist Tara Gallegos, and Senior Administrative Assistant Deanna Jimenez attended to increase awareness of available RTD services to City of Stockton employees, promote commute alternatives, and answer inquiries regarding RTD's services.

Illness and Injury Prevention Program Training: On November 10, Transportation Supervisor-Trainer Maria Laney, Transportation Supervisor Omar Thomas, Maintenance Supervisor John Coose, and Safety and Risk Specialist attended. This workshop presented by RTD's insurance broker Wells Fargo Insurance Services discussed: The history and future of the CalOSHA regulation; how to comply with the regulation; how to use the program as a template for a positive safety management system; and how using various components of the program can assist in lowering Workers' Compensation premiums and increase overall morale and safety culture.

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Veterans Day: On November 11, in honor of Veterans Day, RTD offered free rides for Veterans and Active Service Members. Communications and External Relations Manager Max Vargas attended the American Legion Karl Ross Post's Veterans Day Ceremony where the Veterans Bus was featured as an event backdrop.

Early Literacy Discussion with University of the Pacific President Eibeck: On November 13, Communications and External Relations Manager Max Vargas attended. President Eibeck's discussion emphasized support for literacy-promoting efforts and highlighted some ongoing programs in San Joaquin County, including the Books On Buses Program.

Spirit of Literacy Awards Gala: On November 19, Communications and External Relations Manager Max Vargas, Communications Senior Specialist Tara Gallegos, and Communications Specialist Maximilian Cao attended. Organized by San Joaquin A+, the event recognized individuals and organizations for their outstanding work to promote literacy in San Joaquin County. RTD was honored with the Public/Government Organization Spirit of Literacy Award for its Books on Buses Program.

RTD Wellness Activities:

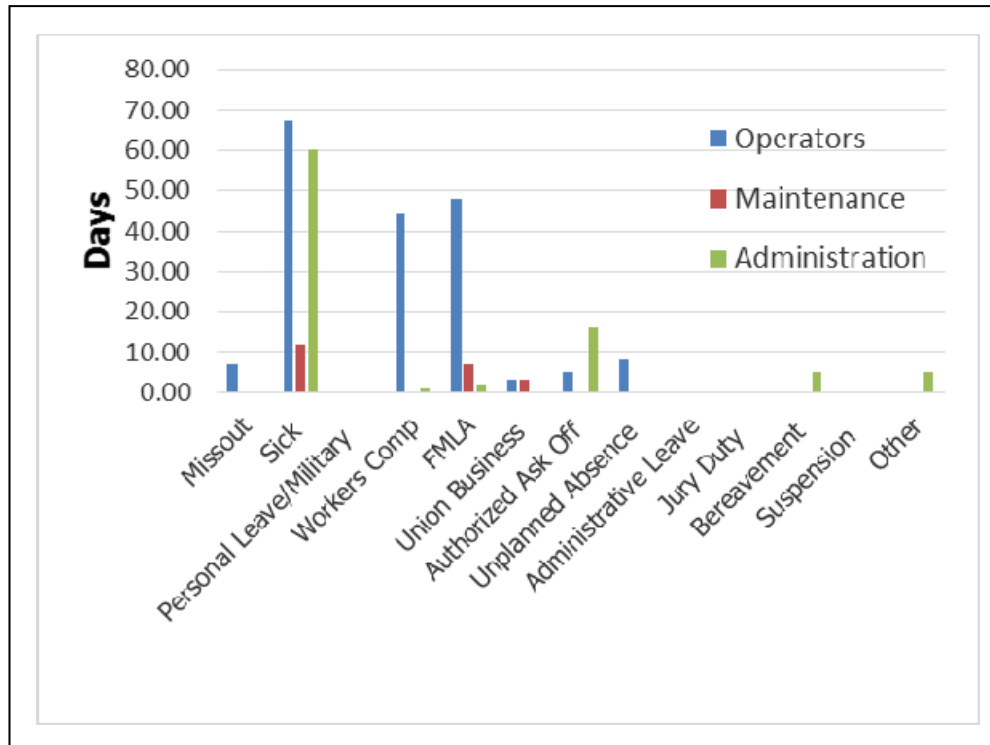
- On November 17, the RTD Wellness Committee participated in the American Diabetes Association's National Healthy Lunch Day. This event is held to promote good nutrition as part of a healthy lifestyle and help everyone make better food choices. Healthy recipes were shared and a game activity was held with prizes for the team who answered the most questions correctly.
- On November 19, as part of the American Cancer Society's Great American Smoke-Out, the RTD Wellness Committee hosted Evergreen Hypnotherapy who presented a workshop discussing how clinical hypnotherapy can assist in smoking cessation efforts.
- On November 23, the RTD Wellness Committee began an 8-week e-mail campaign titled "Maintain Don't Gain." This campaign, offered by Kaiser Permanente, provides weekly challenges, tips, and resources to help stay on track during the holiday season and not gain weight.
- On November 26, 19 RTD employees participated in the 11th Annual Run and Walk Against Hunger 5K/10K benefitting the Greater Stockton Emergency Food Bank.

Stuff the Bus Food Drive: From November 20 through November 22, RTD, along with transit agencies in Lodi, Manteca, and Escalon, held the 17th Annual Stuff the Bus food drive. The transit agencies held simultaneous food drives using vehicles, staff, and volunteers to collect food for the Stockton Emergency Food Bank, Salvation Army of Lodi, Second Harvest Food Bank, and Escalon CARE. Together, over 41,000 pounds of food and 676 turkeys were collected – more than any past Stuff the Bus event. Cumulus Broadcasting, the Stockton Record, Food 4 Less, and Big Boy Market sponsored the events, and the Boy Scouts – Greater Yosemite Council participated by collecting food via the "Scouting for Food" program. RTD staff from across all departments participated and even Chairman Giovanetti's wife, Joyce Giovanetti, lent a hand during the food drive.

Senator Cathleen Galgiani's Holiday Open House: On December 16, Communications and External Relations Manager Max Vargas attended. Attendees included Senator Galgiani, her staff, Assemblymember Susan Talamantes Eggman's staff, local officials, and other downtown organizations and businesses.

City of Stockton Holiday Open House: On December 17, Communications and External Relations Manager Max Vargas attended. Attendees included city staff, other officials, and downtown organizations and businesses.

Absenteeism Breakdown for FY 2015 (through December 2015)



**Absenteeism Breakdown for FY 2015 (through December 2015)
By Number of Scheduled Work Days**

Absenteeism Summary for FY 2015 (November 2015)

By Employee Count

Type of Absence	Operators	Maintenance	Administration
Missout	7.00		
Sick	67.50	12.00	60.00
Personal Leave/Military			
Workers Comp	44.00		1.00
FMLA	48.00	7.00	2.00
Union Business	3.25	3.00	
Authorized Ask Off	5.25		16.00
Unplanned Absence	8.00		
Administrative Leave			
Jury Duty			
Bereavement			5.00
Suspension			
Other			5.00
Total Days Absenteeism	183.00	22.00	89.00
Total Scheduled Work Days	1552.00	527.00	1562.00
Absence Rate by Type	11.79%	4.17%	5.70%

ACCESS ADVISORY COMMITTEE (AAC)
MINUTES OF MEETING
TUESDAY, DECEMBER 15, 2015
2:30 PM

Mobility Analyst Daniela Romero called to order the regular meeting of the San Joaquin Regional Transit District's (RTD) Access Advisory Committee (AAC) at 2:31 p.m.

RTD and MV Transportation (MV) Staff Present

Daniela Romero – RTD Mobility Analyst
Nate Knodt – RTD Service Development Manager
Denoris Motley – RTD Transportation Lead Supervisor
Susanna Sanchez – MV General Manager

Members of the Public Who Indicated They Were Present

Denise Maurer
Henryne Dillard
James Young
Larry Stewart
Denise Nagai
Arlene Ponce
DeAnna Nava – Transportation Supervisor, United Cerebral Palsy
Richard DeMonte – Program Manager, United Cerebral Palsy

Approval of Minutes

The October 20, 2015 meeting minutes were approved.

New Business

- RTD Service Development Manager Nate Knodt discussed the service change to county weekend route 797 that will be extended to serve the Weston Ranch area. He also informed the committee that Route 554 will be ending December 31, 2015 due to funding; however, he will be working with Delta College to identify funding for a future route to continue in its place.
- Mr. Knodt will be analyzing the Hopper routes in the upcoming year for possible services changes in June.
- RTD Mobility Analyst Daniela Romero discussed the reservation line issues. She also announced the 2016 AAC meeting schedule.
- Henryne Dillard informed the committee of the "Stop the Violence" Symposium & Gospel Concert at the Best Western Hotel located on March lane in February 13, 2016.

Other Business

- James Young commented on having difficulties crossing the Pershing Avenue intersection.

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- Arlene Ponce commented on having difficulties with her reservations.
- Denise Maurer commented that she would like route 63 to run on the weekends.

Meeting Adjourned

RTD Mobility Analyst Daniela Romero adjourned the meeting at 3:05 p.m.

INFORMATION ITEM: STATE/FEDERAL LEGISLATIVE REPORT UPDATE

LEAD STAFF: DONNA DeMARTINO
GENERAL MANAGER/CEO

REPORT BY: JORDAN & ASSOCIATES

STATE LEGISLATIVE UPDATE

Draft Guidelines Released for Next Round of Transit and Intercity Rail Capital Program

The California State Transportation Agency (CalSTA) released draft guidelines for the next round of the Transit and Intercity Rail Capital Program on December 18. The Transit and Intercity Rail Capital Program was authorized in 2014 by Senate Bill (SB) 862 and modified this year by SB 9. The program uses Cap-and-Trade auction proceeds to help the state reduce greenhouse gas emissions by making investments to fight climate change by expanding public transit.

The December 18 release of the draft guidelines began a 30-day public review period, as required by law. Comments must be submitted by January 22 to tircpcomments@dot.ca.gov. Workshops will occur in southern California on January 19th and in northern California on January 20th. The exact locations of these workshops will be announced in early January.

CalSTA funded the first round of the Transit and Intercity Rail Program in the summer of 2015, awarding \$224 million to 14 projects throughout the state. RTD secured \$6.8 million for the Martin Luther King Corridor Project and the Crosstown Miner Project.

The Transit and Intercity Rail Program will receive 10 percent of the Cap-and-Trade auction proceeds deposited in the Greenhouse Gas Reduction Fund, which began with the August 2015 auction. CalSTA is adopting a multi-year program of projects covering 2016-17 and 2017-18. Estimates for the funding available will be based on forecasts developed for the Governor's proposed 2016-17 budget released on January 10, 2016.

CalSTA will publish the final program guidelines on February 4, 2016, and a call for projects will occur on February 5, 2016. Project applications are due to Caltrans on April 5, 2016, and approved projects will be published by CalSTA on August 1, 2016. Priority is given to projects that fund construction or implementation. The program also has a goal to maximize benefit to disadvantaged communities and to provide at least 25 percent of available funding to projects that provide a direct, meaningful, and assured benefit to disadvantaged communities. The goal is consistent with the objectives of SB 535, which established the Greenhouse Gas Reduction Fund, and to provide at least 10 percent of available funding for projects located within a disadvantaged community.

To view the draft guidelines, visit: http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/Cap&Trade/tircp_2016_draftguidelines_121815.pdf

What this means for RTD: *The Transit and Intercity Rail Program is an opportunity for RTD to fund capital transit projects. RTD should apply for funding through this program.*

Proposed Advanced Clean Transit Regulation

The Air Resources Board (ARB) is developing strategies to transition the heavy-duty mobile source sector to zero and near-zero technologies to meet air quality, climate, and public health goals. The Advanced Clean Transit (ACT) program that is currently under development focuses on achieving this transition in all modes of public transit.

California faces mandates to reduce air pollutant and greenhouse gas emissions in order to meet federal air quality standards and state climate change goals. California's climate emission reduction target requires an 80 percent reduction in greenhouse gas emissions (below 1990 levels) by 2050 and a 40 percent reduction from 1990 levels by 2030.

The commercialization of zero-emission bus (ZEB) technology is critical to ARB's proposed regulation to reduce emissions from transit fleet vehicles. The proposed regulations are based on a ZEB purchase mandate beginning in 2018 that would transition all transit fleets to ZEB technology by 2040. It would require transit agencies to purchase the cleanest available technology at the time of replacement.

The California Transit Association (CTA) has advocated that the regulation is infeasible without significant new funding due to the cost of ZEB technology relative to conventional technologies. The Executive Committee of the CTA approved an alternative framework for achieving the environmental goals of the ACT regulation on November 17. The framework proposes a technology-neutral, performance-based emission and petroleum reduction target. The CTA alternative is intended to provide transit agencies with the flexibility to implement the technology best suited to meet their specific operational needs.

CTA staff held meetings with board members of ARB in December to discuss the negative financial and service impacts of the proposed ACT regulation, and to formally present CTA's alternative regulatory framework. ARB was receptive to the alternative proposed by CTA. The ARB formed a transit advisory group that will focus on ways to implement zero and near-zero emission technologies to meet California air quality, climate, and public health protection goals. ARB invited several transit agency leaders, including General Manager/CEO Donna DeMartino, to be a part of this advisory group. The group met on December 16 for the first time, and another meeting will occur in early February 2016.

What this means for RTD: *The proposed clean transit regulation by ARB would impose a narrow solution to reducing emissions from transit vehicles and result in significant financial hardship for RTD to implement. RTD should advocate through CTA to develop a more flexible approach to meeting state climate change goals.*

ARB Holds Hearing on Cap-and-Trade Auction Proceeds Second Investment Plan

Subject: State/Federal Legislative Report

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ARB held a hearing on December 17 on the revised draft Cap-and-Trade Auction Proceeds Second Investment Plan: Fiscal Years 2016-17 through 2018-19. The draft plan identifies priority state investments for the Greenhouse Gas Reduction Fund to help achieve the state's greenhouse gas reduction goals. Comments on the draft plan were due December 14. Once ARB approves the plan, the Department of Finance will later submit the plan to the Legislature.

The draft document was released on October 27. The California Air Resources Board is holding workshops to develop the next round of funding from the state's Cap-and-Trade program. Representatives from the Department of Finance and the ARB will summarize current investments and introduce the draft recommendations presented in the Cap-and-Trade Investment Plan for Fiscal Years 2016-17 through 2018-19.

The plan outlines recommendations on how to reach the following greenhouse gas reduction goals: reduce greenhouse gas emissions to 1990 levels by 2020; reduce greenhouse gas emissions 40 percent lower than 1990 levels by 2030; and reduce greenhouse gas emissions 80 percent lower than 1990 levels by 2050.

On November 3, a workshop was held in Sacramento at the California Environmental Protection Agency Headquarters; on November 4, it was held in Fresno at the San Joaquin Valley Air Pollution Control District; on November 5 the workshop was held in Los Angeles at the California Department of Transportation Building. Written comments were due on November 13 and a public hearing was held in Sacramento on December 17-18 on the Revised Draft Investment Plan. The final investment plan is due to the legislature in January 2016.

The Department of Finance and the ARB are required to submit a three-year investment plan to the legislature identifying priority investments that will help California achieve its greenhouse gas reduction goals, benefit disadvantaged communities, and yield valuable benefits. The investment plan identifies near-term and long-term greenhouse gas emission reduction goals and targets, gaps in current state funding for meeting greenhouse gas reduction goals, and priority investments that will reduce greenhouse gases. The First Investment Plan for Fiscal Years 2013-14 through 2015-16 was submitted to the legislature in May 2013.

The framework for spending the Cap-and-Trade auction proceeds was established in 2012 when the Governor signed AB 1532, SB 535, and SB 1018. These measures established the Greenhouse Gas Reduction Fund where the state's proceeds are deposited.

To view the draft plan, visit:

<https://caltransit.org/cta/assets/File/draft-second-investment-plan.pdf>

What this means for RTD: *The Cap-and-Trade Auction Proceeds Draft Second Investment Plan will form the basis for the expenditure of funds for reducing greenhouse gases. RTD should continue to monitor the development of this plan and be aware of programs that will provide another funding source for transit projects.*

Low Carbon Transit Operations Program (LCTOP) Guidelines FY 2015-16

Subject: State/Federal Legislative Report

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The California Department of Transportation (Caltrans) and ARB released the revised guidelines for the FY 2015-16 Low-Carbon Transit Operations Program (LCTOP) on December 1. This program is a recipient of five percent of all cap and trade revenues generated in the fiscal year and funds are awarded to transit and regional agencies using the State Transit Assistance formula.

In FY 2015-16, the LCTOP is estimated to receive \$100 million, of which \$75 million is allocated to local agencies using the prescribed formula. The remaining \$25 million is carried forward to FY 2016-17 to account for any fluctuations in Cap-and-Trade auction revenues. The FY 2015-16 funding estimate of \$100 million represents an increase of \$75 million above what was appropriated in FY 2014-15. Caltrans submitted 95 eligible projects for funding to the State Controllers' Office and funds were distributed to agencies prior to June 30, 2015, with 68 projects targeted to benefit disadvantaged communities.

The program now requires transit agencies to quantify greenhouse gas emissions reductions, following specific criteria and using a quantification tool developed by ARB to help transit agencies complete the process.

Transit agencies must submit proposals to Caltrans by February 1, 2016. Caltrans and ARB will review and approve the list of projects by May 1, 2016 and the funds will be released to recipients by June 1, 2016.

The LCTOP is part of the Transit, Affordable Housing, and Sustainable Communities Program established by the legislature in 2014 by SB 862. The program was created to provide operating and capital assistance for transit agencies to decrease greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities. Eligible projects include new or expanded bus, ferry or rail services, and expansion of intermodal transit facilities, equipment acquisition, fueling, maintenance and other costs to operate those services or facilities. At least 50 percent of the total funding shall be expended on projects that will benefit disadvantaged communities.

The formula is based on prior use of State Transit Assistance funds and is divided in two equal parts. One half is available for regional entities and is based on the ratio of the area's population under its jurisdiction to the total population of the state. The other half is based on the total revenue of each jurisdiction during the prior fiscal year to the total revenue of all the operators of the state.

The guidelines issued in December describe the process that transit agencies must follow to qualify and receive their share of the Greenhouse Gas Reduction Fund.

To view the December 2015 guidelines, visit:

http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/Cap&Trade/lctop.guidelines.fy15-16_112415.pdf

To view the eligibility list for the current year, visit:

<http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/Cap&Trade/2015-2016.lctop.eligibility.list.pdf>

What this means for RTD: *The State Controller's Office allocated \$696,935 to the San Joaquin region under the LCTOP this past year. The allocation for 2015-2016 will be \$857,912, which is shown in the link below. RTD should work with the San Joaquin Council of Governments to ensure that they receive funding through this program for eligible projects. This is a new revenue source that will support RTD's efforts to provide transit service to the community.*

Greenhouse Gas Quantification Methodology for the Caltrans LCTOP

The ARB released quantification methodology to estimate greenhouse gas emission reductions from projects receiving funding from the Greenhouse Gas Reduction Fund in December. The methodology includes a calculator tool for agencies to use in estimating the greenhouse gas emission reductions from each proposed project. The methodology uses calculations to estimate the reduction in vehicle miles traveled (VMT) and associated reduction in greenhouse gas emissions based on specific transportation characteristics of the proposed project under the LCTOP.

ARB released a draft FY 2015-16 quantification methodology for public comment in November 2015.

To view the quantification methodology document, visit:

<http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/Cap&Trade/finalctopqm.pdf>

What this means for RTD: *This methodology document is critical information for RTD to follow in order to receive funds under the LCTOP.*

FEDERAL LEGISLATIVE UPDATE

Congress Passes Five-Year Surface Transportation Bill

The House and Senate cleared a five-year transportation bill for the President's signature the first week in December. Negotiators reached an agreement on a \$305 billion, five-year reauthorization of federal highway, transit, highway safety, motor carrier safety, hazardous materials, and passenger rail programs. The conference report was approved by large margins on the House and Senate floors on December 3, allowing the measure to be sent to the President hours before the current authorization was set to expire. This is the first long-term transportation bill to pass Congress since 2005.

The five-year bill -- dubbed the Fixing America's Surface Transportation (FAST) Act -- uses new, one-time offsets totaling \$75 billion that is needed to bridge the gap between federal gasoline tax receipts into the Highway Trust Fund and the cost of the measure through FY 2020. The "pay-fors" include cutting the dividend the Federal Reserve pays to certain member banks, tapping the Federal Reserve surplus account, and selling a portion of the Strategic Petroleum Reserve. As a result of the one-time nature of the offsets, Congress did not resolve how to fund the Highway Trust Fund in the long-term. About an estimated \$100 billion in additional funds will be necessary to fund the next five-year bill simply at current levels. Of the \$305 billion total cost, \$24.5 billion would come from the General Fund.

Members of the House-Senate conference committee appointed to reconcile differences between the two versions of the bill had been at work behind the scenes for about a month, but the major obstacle had been how to pay for the bill. In the end, lawmakers agreed to shorten the bill from six years to a five-year authorization in order to increase annual funding for programs. The following provides a highlight of the transit provisions in the bill:

- Receives \$6.8 billion in guaranteed transit funding from the Highway Trust Fund Account under the FAST Act.
- Restores the discretionary component of the Bus and Bus Facilities Program that was eliminated in Moving Ahead for Progress in the 21st Century (MAP-21) Act. Of the \$1.5 billion over five years for the discretionary program, \$55 million annually must be spent on low and no-emissions bus equipment and facilities.
- Retains a formula component of the Bus and Bus Facilities program that was created in MAP-21 at a total of \$2.2 billion over five years. However, even combined with the new discretionary program, the Bus and Bus Facilities program does not reach its pre-MAP-21 level of \$984 million annually, even in the final year of the bill (\$800 M).
- Increases the Section 5307 set-aside for the Small Transit Intensive Cities (STIC) Program from 1.5 percent to 2 percent, starting in FY 2019.
- Includes \$2.3 billion General Fund authorization for the New Starts Fixed Guideway program, which is a 21 percent increase over current levels, but the program remains flat over the five years of the bill. General Fund authorization means the funding is subject to the annual appropriations process and is not guaranteed.
- Changes the federal share for New Starts from 80 to 60 percent for Full-Funding Grant Agreements (FFGA), but other federal funds, including Surface Transportation (STP) and Congestion Management Air Quality (CMAQ) funds can still be used to supplement the FFGA to reach an 80 percent federal share.
- Increases the Buy America content requirement for rolling stock from 60 percent to 65 percent in 2018 and 70 percent in 2019.
- Includes changes to FTA procurement rules designed to encourage joint procurements for rolling stock and other kinds of cooperating purchasing agreements.
- Includes \$199 million in FY 2017 to assist railroads in implementing Positive Train Control safety systems.
- Includes clarification that the selection of metropolitan planning organization officials will be determined by law or by organizational enabling statute, thereby weakening the provisions of MAP-21 that sought to strengthen transit's ability to secure a voting seat at the regional level.

- Includes a requirement that minimum safety standards be developed to ensure the safe operation of public transportation systems, which also includes issuing a rule regarding protection of transit operators from customer assaults.

Besides reauthorizing highway and transit programs, the bill also reauthorizes Amtrak programs. It includes reforms to Amtrak's grant process and business lines and asset plans, as well as language on route and service planning decisions, right-of-way leveraging, and station development. A total of \$8 billion in funding is authorized for Amtrak grants from FY 2016-2020. The bill also includes major provisions on rail safety affecting freight, intercity and commuter railroads, highway-rail grade crossing safety, the use of locomotive horns at highway-rail grade crossings, and a study of positive train control effectiveness at grade crossings.

A total of \$2.2 billion is authorized over five years for rail funding in the FAST Act through three programs authorized through the General Fund, which are listed below:

- The Consolidated Rail Infrastructure and Safety Improvements Program is authorized at \$1.1 billion for grants to assist in financing the costs of improving passenger and freight rail transportation systems. Funding can be used for deploying railroad safety technology, including positive train control systems.
- The Federal-State Partnership for State of Good Repair authorizes \$997 million for grants for Capital projects to replace or rehabilitate qualified railroad assets to reduce the State of Good Repair backlog.
- The Restoration and Enhancement Grants Program is authorized at \$20 million each year for operating assistance to initiate, restore, or enhance intercity passenger rail service.

To view the House Transportation & Infrastructure Committee's summary and the complete text of the FAST Act, visit: <http://1.usa.gov/1TGO8xi>

What this means for RTD: *The FAST Act provides a steady stream of federal transit funding for RTD over a five-year period. The bill also reinstates the discretionary component of the Bus Discretionary Program and increases the Bus and Bus Facilities Formula Program, which is beneficial for RTD. It is critical for RTD to continue to advocate for increased funding levels for the Bus and Bus Facilities Program in preparing for the next reauthorization bill.*

Congress Passes FY 2016 Omnibus Appropriations and Tax Package

House and Senate leaders finalized a massive \$1.1 trillion FY 2016 budget along with an extension of a group of popular tax breaks on December 18. The discretionary appropriations for the Department of Transportation is \$18.7 billion, which is \$847 billion above FY 2015 levels. The overall increase in funding was possible due to a budget agreement reached by former Speaker of the House John Boehner before his departure. The budget deal raised discretionary spending caps by \$80 billion over two years and suspended the debt limit to March 2017. The massive spending package included \$11.8 billion for the Federal Transit Administration, which is an increase of \$870 million. All transit formula programs and discretionary bus grants are appropriated at levels authorized in the FAST Act. The New Starts Program is funded at

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\$2.177 billion for new subway, light rail, and fixed guideway Bus Rapid Transit systems, which is \$57 million more than last year. The final omnibus bill limits new starts to a maximum federal share of 60 percent in FY 2016 (the House had proposed 50 percent). In addition, \$353 million is dedicated for Small Starts projects.

The spending package includes language that continues to allow grantees to use geographic preferences (local hire). The bill includes new limitations, however, on when such preferences may be used.

The TIGER (Transportation Investment Generating Economic Recovery) Grant Program receives \$500 million, which is the same as last year. The conditions and set-asides remain largely the same as in previous years, although the minimum grant size for non-rural projects drops from \$10 million to \$5 million.

The tax package was a surprising victory for Republicans, who were able to secure the permanent extension of a handful of business-related tax credits. The most significant transit-related tax provision permanently extends the allowance of tax-free, employer-provided transit and vanpool benefits. The provision increases the transit commuter tax benefit from the current \$130 per month to \$250 per month in 2015, and indexes it for inflation, so it will rise to \$255 per month in 2016, restoring parity to transit commuter tax benefits. The agreement also extends the alternative fuels tax credit, the alternative fuels property credit, and the tax credit for short line railroad track maintenance for two years through FY 2016 (retroactive to 2015).

To view a summary of the tax bill, visit:

<http://waysandmeans.house.gov/wp-content/uploads/2015/12/SECTION-BY-SECTION-SUMMARY-OF-THE-PROPOSED-PATH-ACT.pdf>

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
SAN JOAQUIN REGIONAL TRANSIT DISTRICT
FRIDAY, NOVEMBER 13, 2015

The Board of Directors of the San Joaquin Regional Transit District (RTD) held a Regular Meeting at 10:00 a.m. on Friday, November 13, 2015, **IN THE BOARDROOM OF RTD'S DOWNTOWN TRANSIT CENTER, 421 E. WEBER AVENUE, STOCKTON, CALIFORNIA**

1. CALL MEETING TO ORDER Chair Giovanetti called the meeting to order at 10:01 a.m.
2. MOMENT OF SILENCE/REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. SAFETY ANNOUNCEMENT
5. ROLL CALL Present: Gary S. Giovanetti
Les J. Fong
Joni Bauer

Absent: Michael P. Restuccia
Balwinder T. Singh

Staff Present

Donna DeMartino, General Manager/CEO
Al Hoslett, Legal Counsel
Gloria Salazar, Assistant General Manager/CFO
Wendell Krell, Director of Facilities
Norman Tuitavuki, Director of Operations
Michael Thompson, Director of IT
Sharon Miller, Director of Procurement
Brad Menil, Superintendent – Operations
George Lorente, Grants Manager
Nate Knodt, Service Development Manager
Teresa Evans, Executive, and Board Support Manager
Max Vargas, Communications, and External Relations Manager
Ravi Sharma, Finance Senior Specialist
Carrie McGrath, Executive & Board Support Specialist
Merab Talamantes, Executive & Board Support Office Assistant II

Members of the Public Who Indicated They Were Present

Jesse Lopez
Deborah Gurley

6. SPECIAL PRESENTATIONS

A. EMPLOYEES OF THE MONTH

Special recognition was given to Coach Operator Yash Pal Singh, Transportation Employee of the Month for September; Coach Operator Sonya Williams, Transportation Employee of the Month for October; and to Tara Gallegos, Administration Employee of the Month for October.

7. PUBLIC COMMENT

Becky Thornton commented that her community needs more bus service on weekends and holidays. She also commented about her difficulty canceling Dial-A-Ride service.

8. PUBLIC HEARING

A. UNMET TRANSIT NEEDS

This public hearing is scheduled to provide an opportunity to gather input regarding the need for public transit service, and invite public comments on Unmet Transit Needs as required under the State Transportation Development Act (TDA).

Chair Giovanetti opened the Public Hearing on Unmet Transit Needs.

Service Development Manager Nate Knodt presented a report on the Public Hearing process. Chair Giovanetti then invited the public to comment on the unmet transit needs.

No comment cards were received. Chair Giovanetti commented that if money was not an issue we would have more busses on the street. We are doing the best we can to become efficient with the reduction in our overall budget from where we were several years ago. Hearing no public comments Chair Giovanetti closed the Public Hearing

Service Development Manager Nate Knodt stated that the public could continue submitting comments on unmet transit needs through November 23, 2015.

9. REPORTS

A. MV REPORT

General Manager for MV Division 184 Susanna Sanchez reported on MV's safety topics for the month of October, which included pre-trips and hands-on training with fire extinguishers for Operators. Maintenance personnel held their safety meeting on the topic of HazCom. Sanchez announced the Employee Appreciation Luncheon they are hosting on October 21, 2015, for all employees celebrating Thanksgiving, and a Holiday Brunch they are planning for December. Sanchez reported on two donation drives beginning this month for Saint Mary's Dining Room and the Delta Community Society.

B. GENERAL MANAGER/CEO REPORT

The General Manager/CEO:

- Reported that the process of moving into the RTC has begun and a move-in event for employees will commence on November 30. A presentation on both grand opening events and the move-in event will be given at the January 2016 meeting.
- Reported that RTD hosted the American Bus Benchmarking Group (ABBG) here in San Joaquin County last month. Nineteen (19) transit agencies from across the country met with us here. ABBG members formed an alliance to share performance metrics in an effort to improve each agency individually and collectively.
- Reported that the employees held their annual golf tournament, started by the late Laurie Brown, our former Director of Operations. The event raised \$8,000 for the Community Center for the Blind and the Disabled American Veterans, two worthy causes.
- Reported on the Pink Bus unveiling, a breast cancer awareness event. This event was a collaborative effort between sponsors Kaiser Permanente, Premier Access, and RTD. The event featured local public officials and a breast cancer survivor sharing her story. The event culminated in the unveiling of RTD's wrapped Pink Bus. Strategic Affairs Specialist, Lamar Gibbs, delivered a presentation summarizing the event followed by a video of the Pink Bus Unveiling.

C. STATE/FEDERAL LEGISLATIVE REPORT

The General Manager/CEO:

- Reported that Governor Jerry Brown convened a special session called the Executive Session on Transportation Infrastructure and Development. They are holding hearings on how they can further use cap-and-trade funds for Public Transit and Public Transportation. The Governor plans to invest \$400 million into public transit.
- Reported that at the Federal level the Senate previously submitted a six-year transportation funding bill, and now the House has now completed a transportation bill, as well. The House and Senate will now convene in conference to see if they can agree on a robust six-year transportation bill. The bills currently reflect the same levels of funding; however, there are amendments proposed that could potentially bring back the bus category money in MAP-21.

10. CONSENT CALENDAR

- A. RESOLUTION: MINUTES OF THE SEPTEMBER 18, 2015, REGULAR BOARD MEETING
Resolution No. 5598: Board approval of the September 18, 2015, Regular Board of Directors Meeting minutes

ACTION: MOTION: DIRECTOR FONG SECOND: DIRECTOR BAUER
Roll Call:
AYES: Bauer, Fong, Giovanetti,
NAYES: None
ABSTAIN: None
ABSENT: Restuccia, Singh

11. ACTION ITEMS

- A. RESOLUTION: APPROVE THE 2016 BOARD OF DIRECTORS MEETING SCHEDULE
Resolution No. 5599: Board approval of the 2016 Board of Directors Meeting Schedule.

ACTION: MOTION: DIRECTOR FONG SECOND: DIRECTOR BAUER
Roll Call:
AYES: Bauer, Fong, Giovanetti
NAYES: None
ABSTAIN: None
ABSENT: Restuccia, Singh

Chair Giovanetti noted that according to the schedule the meeting in October is being held on the second Friday instead of the third Friday. General Manager/CEO Donna DeMartino replied that the meeting date was changed to avoid a conflict with a conference and confirmed the October 14, 2016, meeting date.

- B. RESOLUTION: AUTHORIZE THE GENERAL MANAGER/CEO OR DESIGNEE TO EXECUTE FY 2016 TRANSPORTATION PLANNING GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION
Resolution No. 5600: Board approval to authorize the General Manager/CEO or designee to execute the FY 2016 Transportation Planning Grant Agreement with the California Department of Transportation.

ACTION: MOTION: DIRECTOR FONG SECOND: DIRECTOR BAUER
Roll Call:
AYES: Bauer, Fong, Giovanetti
NAYES: None
ABSTAIN: None
ABSENT: Restuccia, Singh

Chair Giovanetti asked where the idea for the Passenger Ferry Service system came from. General Manager/CEO Donna DeMartino replied that it was her idea stating there is grant money available for a planning study and federal money is available to operate a Ferry Service.

General Manager/CEO DeMartino will share the results of the planning study once completed. Chair Giovanetti asked how we arrived at the dollar amounts. Grants Manager, George Lorente replied that the dollar amount is an average based on similar past planning studies. Chair Giovanetti asked what is required from the consultant to get the project. Lorente stated that RTD would put together an RFP to evaluate the technical capabilities, background, and other criteria to ensure the consultant has the expertise necessary to complete this specialized project. Giovanetti asked what happens if we are unable to find a consultant that is willing to do it for the amount we set aside. Lorente stated that we would first evaluate the bids financial feasibility then determine if we need to seek additional funds to make it whole. Lorente added that we take these planning studies and use them as a basis to apply for federal and/or state funds to move forward with the construction of the project. Should we be successful in these grants, we have money set aside. We would plan for these funds during our budget process to make the match and usually, it comes from STA. Giovanetti asked if the number of grants RTD can apply for is limited. Lorente stated that we are not limited, but added it is unlikely that one agency would be awarded two or more grants. Director Fong asked how we would implement these projects and still maintain our level of service for our traditional buses. Lorente replied that the study takes into account what we currently have and what our funding sources are. It would be up to RTD staff to consider what our current needs are. Lorente confirmed that planning grants are state funded. Director Fong commented that he would like to see local consultants apply so the money could stay local. DeMartino added that we would probably apply for federal grants for additional parts of the project.

- C. RESOLUTION: APPROVE RTD SMOKE AND TOBACCO-FREE POLICY
Resolution No. 5601: Board approval to approve RTD Smoke and Tobacco-Free Policy.

ACTION: MOTION: DIRECTOR BAUER SECOND: DIRECTOR FONG
 Roll Call:
 AYES: Bauer, Fong, Giovanetti
 NAYES: None
 ABSTAIN: None
 ABSENT: Restuccia, Singh

12. INFORMATION ON ITEMS

- A. REGIONAL TRANSPORTATION CENTER (RTC) UPDATE
Arcadis Inc. Senior Construction Manager Brad Chadwick provided a final update on the construction of the Regional Transportation Center (RTC).
- B. 2016 STRATEGIC MARKETING PLAN
Marketing Manager Terry Williams provided the presentation to the Board.

Director Fong asked if we have been in contact with cable television, billboard companies, or radio stations with regard to trading mediums. For example, a radio spot where we trade for advertising on our buses. Williams stated that he is working on a trade agreement with Delta College.

C. QUARTERLY REPORT – AWARDED CONTRACTS
Director of Procurement Sharon Miller reported on awarded contracts for the period of October through November 2015.

D. FINANCIAL REPORTS
Finance Senior Specialist Ravi Sharma provided October Financial Reports to the Board.

13. QUESTIONS AND COMMENTS FROM DIRECTORS

Director Bauer thanked everyone that participated in the Laurrie Brown Golf Tournament and wished everyone a happy holiday.

14. CLOSED SESSION

Chair Giovanetti announced that there would be a short Closed Session

15. ADJOURNMENT

Chair Giovanetti adjourned the meeting at 10:40 a.m.

RESOLUTION NO. _____
DATED: JANUARY 15, 2016

RESOLUTION TO APPROVE THE BOARD MINUTES OF THE
REGULAR MEETING OF NOVEMBER 13, 2015

RESOLVED AND ORDERED by the Board of Directors of the San Joaquin Regional Transit District that the minutes of the Regular Meeting of November 13, 2015, be approved.

Subject: Revised RTD FMLA/CFRA Policy

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STAFF RECOMMENDATION: APPROVE A REVISED RTD FAMILY MEDICAL LEAVE ACT (FMLA) / CALIFORNIA FAMILY RIGHTS ACT (CFRA) POLICY INCORPORATING 2015 CHANGES TO CALIFORNIA LAW

**LEAD STAFF: KENT BRADBURY
LEGAL COUNSEL-EMPLOYEE AND LABOR
RELATIONS**

FINANCIAL IMPACT: TO BE DETERMINED

BACKGROUND:

In July 2015, changes to the California Family Rights Act and new requirements regarding the use of Sick Leave became effective. The policy is being updated to reflect those changes.

DISCUSSION:

In addition to several minor changes clarifying the policy's language, the policy is updated to include the following substantive changes:

- Time off while on a prior leave may count toward the requirement that an applicant for leave be employed for 12 months prior to taking a covered leave.
- An employee may use accrued sick leave or paid vacation time during a Family Medical Leave Act (FMLA) /California Family Rights Act (CFRA) leave, but is no longer required to do so.
- An employee on leave for his or her own illness may be required to use accrued paid sick leave or vacation time for the portion of their leave that is unpaid.



FAMILY AND MEDICAL LEAVE POLICY

San Joaquin Regional Transit District (RTD), in compliance with the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and The National Defense Authorization Act (NDAA) offers leaves to employees for personal illness, to attend to the illness of a family member, the birth or adoption of a child, for a military caregiver, and qualifying exigency leave.

A. ELIGIBILITY UNDER FMLA/CFRA

In order for employees to be eligible for extended leaves under this policy, they must:

- Be employed with RTD for at least twelve (12) months. *Time-off while on leave may count towards the 12 month requirement.*

(For Example: If you have been employed for 10 months and you expect to be on leave for three months, RTD will apply three months towards the required 12 months.)

- Have worked a minimum of 1,250 hours in the past twelve (12) months

B. LEAVE ENTITLEMENT

Eligible employees are entitled to up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- For the birth and care of the newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition

C. DEFINITIONS

- Spouse: husband, wife, or registered domestic partner as defined or recognized under state law.
- Child: any child for whom the employee is acting as a parent (a legal or biological relationship is not required). A child is under 18, or age 18 and older if an adult dependent child.
- Parent: a biological, foster, or adoptive parent; a stepparent; a legal guardian or other person who stood "in loco parentis" to the employee when the employee was a child. A biological or legal relationship is not necessary. Parent does not include a parent-in-law.



Spouses who are both employed by RTD are entitled to a maximum of 12 weeks TOTAL for birth, adoption, or placement of a child for foster care. Spouses who are both employed by RTD are entitled up to 12 weeks leave EACH for the serious illness of self, or to take care of a sick child or spouse or sick parent. Parents-in-law are not included in the definition of parent.

Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- FMLA/CFRA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to perform the essential functions of their job.

The employee may use accrued sick leave and/or paid vacation time off during FMLA leave.

D. SERIOUS HEALTH CONDITION is defined as:

- An illness, injury, impairment, or physical or mental condition that involves inpatient care or “continuing treatment” including, but not limited to, treatment for substance abuse; for a condition that either prevents the employee from performing the essential functions of the employee’s job; or prevents the qualified family member from participating in school or other daily activities.

CONTINUING TREATMENT is defined as:

- A period of incapacity of more than three (3) consecutive calendar days combined with at least two or more visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to a chronic condition; or
- The first visit to the health care provider, which is part of the continuing treatment, occurs within seven (7) days of the commencement of the period of incapacity.
- To qualify as a chronic condition, the condition must require the employee to make at least two annual visits to a health care provider; or
- Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
- A chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or



- A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
- Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy, or radiation treatments for cancer).

E. HEALTH CARE PROVIDER is defined as:

- A doctor of medicine or osteopathy; podiatrist; dentist; clinical psychologist; optometrist; chiropractors; nurse practitioners; nurse midwife; and Christian Science practitioners listed with The First Church of Christ Scientist, Boston, MA., any health care provider recognized by RTD or RTD's group health plan benefits manager.

F. LEAVE REQUIREMENTS

Length of leave

- RTD employees requesting pregnancy disability leave shall have such leave granted in accordance with the California Code of Regulations, Title 2, Division 4, Section 7291.2 et seq. in addition to twelve (12) weeks FMLA.
- The 12-month period shall be based on the "rolling" 12-month period and is measured backwards from an employee's FMLA leave start date.

G. REDUCED OR INTERMITTENT LEAVE

- Family Leave cannot be taken intermittently or on a reduced leave basis due to the birth or placement of a child for adoption or foster care. Such leave must be taken within one (1) year from the birth or adoption of the child, or foster care.
- An employee may take medical leave intermittently or on a reduced leave basis (not less than ½ day) when medically necessary. Full-Time RTD employees have 480 available hours. Part-time RTD employees have the number of hours worked per week times 12 weeks. RTD can ask the employee to adjust the schedule to accommodate the needs of the RTD or may temporarily transfer an employee to an available alternate position.

H. Notification Requirements



- Family leave request forms are available in the Human Resource Department for employees to request leave under FMLA/CFRA provisions.
- RTD may, at its discretion and with the appropriate documentation, designate and count specified day(s) of absence as leave days under FMLA/CFRA regulations. If RTD does designate such days, RTD shall notify the employee in writing of this intent on the "Designated Notice Form."
- If the leave is "foreseeable" the employee shall notify RTD at least thirty (30) days prior to the first day of leave. If notice is not given and there is no reasonable excuse for the delay, RTD can deny the leave until at least fifteen (15) days after notice is received.
- RTD shall respond to the employee's request for leave within five (5) days from the date of the employee's submittal of the request.
- If the need for the leave is unforeseen, the employee shall notify RTD according to RTD's usual and customary call-in procedures for reporting an absence, absent unusual circumstances. Such notice shall be provided in person, by telephone, e-mail, or other electronic means. In those instances where emergencies occur while the employee is at work, the employee must notify management prior to leaving the work site.

I. CERTIFICATION OF MEDICAL CONDITIONS

- Except in cases where the condition requires inpatient care, RTD shall require written certification from a health care provider for the requested medical leave. If necessary RTD will provide the certification form to be filled out. RTD employees must be seen by their physician in order to qualify for FMLA/CFRA leave(s) under this provision.
- This medical certification for employees shall include: the date the health condition commenced; the probable duration of the condition; a statement that the employee is unable to perform the essential functions of his/her position.
- The medical certification for other circumstances shall include: the date the health condition commenced; the probable duration of the condition; an estimate amount of time which the health care provider believes the employee needs to care for the family member; and a statement that the serious health condition warrants the employee to provide care for a family member.
- For all intermittent leaves, the employee is required to report the dates of the planned care; the expected duration; and a statement that the leave is medically necessary for the employee or for the care of a family member.



- RTD may require a second opinion of medical certification by a health provider not employed by RTD on a regular basis at RTD's expense if reason to doubt the validity of the original certification exists. If the medical opinions concur, RTD must grant the leave.
- If the second opinion is in conflict with employee's documented request, RTD may require a third opinion at RTD's expense for those cases involving an employee's own health. The third opinion will be sought by an approved specialist physician.
- The third opinion selection process shall be chosen from a mutually agreed upon list of five (5) physicians. The third opinion is final and binding.
- If questions arise from the FMLA certification form, RTD may contact the employee's health care provider; however, only a health care provider, human resource professional, a leave administrator, or a management official may contact the employee's health care provider.
- If RTD deems a medical certification to be incomplete or insufficient, RTD must specify in writing what information is lacking, and give the employee seven (7) calendar days to cure the deficiency. If the employee does not provide the required information, then RTD may deny the employee's request for FMLA leave.
- If an employee's leave extends beyond a single rolling 12-month year, then RTD may require that the employee submit a new medical certification in each successive rolling 12-months.
- If the employee's serious health condition is expected to last for more than thirty (30) days, whether continuous or intermittent, then the RTD may not request a recertification until the specified time period of the condition has passed.
- However, RTD may request recertification every six (6) months in all cases, even if the medical certification indicates that the condition is expected to last beyond six (6) months.

J. EMPLOYEE STATUS

- Employees will retain their employee status during the period of a family and medical leave. Moreover, their absence shall not be considered a break in service for purposes of determining their longevity or seniority.



K. BENEFITS DURING LEAVE

- An employee who is granted a family and medical leave of absence for his or her own medical illness must use accrued sick leave, vacation (Department Head approval required), and any other paid time off benefits during the period of the leave that is unpaid. Any portion of a leave that occurs after the eligible sick leave and other paid time off benefits have been exhausted shall be without pay. For purposes of this policy's 12-week limitation, any paid and unpaid portions of the leave of absence shall be added together whether or not they are taken consecutively.
- Health insurance benefits ordinarily provided by RTD, and for which the employee is otherwise eligible, will be continued during the period of the leave, subject to the 80% attendance policy.

L. FITNESS FOR DUTY

- For FMLA absences due to an employee's serious health condition, a fitness-for-duty certification may be required prior to returning to work. If RTD has a reasonable job safety concern, RTD may also require a fitness-for-duty certification prior to an employee's return from intermittent FMLA leave.

M. REEMPLOYMENT PRIVILEGES

- Except where the law authorizes a different result, an employee who complies with the provisions of this policy will be guaranteed reemployment upon expiration of an approved leave, provided that the total period of the leave does not exceed 12 weeks. The employee will be reemployed in the same or an equivalent position as that which he or she occupied when the leave commenced if fit for duty. (If an employee fails to return for work immediately after the period of the approved leave expires, the employee will be considered to have voluntarily separated from RTD's employ.)

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to RTD's operations, RTD may refuse to reinstate certain highly-paid "key" employees after using FMLA/CFRA leave during which health coverage was maintained. In order to do so RTD must:

- Notify the employee of his/her status as a "Key" employee in response to the employee's notice of intent to take FMLA/CFRA leave;



- Notify the employee as soon as RTD decides it will deny job restoration, and explain the reasons for the decision;
- Offer the employee a reasonable opportunity to return to work from FMLA/CFRA leave after giving this notice; and
- Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee requests restoration.

N. The National Defense Authorization Act (NDAA)

The NDAA military caregiver leave requires employers to provide up to 26 weeks of unpaid leave in a 12-month period to the spouse, son, daughter, or parent of a service member injured in the line of duty while on active duty.

The NDAA exigency leave requires employers to provide up to 12 weeks unpaid leave to the spouse, son, daughter, or parent of a military member who is on active duty, or has been notified of an impending call to active duty in a 12-month period based on "any qualifying exigency."

Exigent circumstances include:

1. Short-notice deployment
2. Military events and related activities
3. Child care and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities

For more information on "qualifying exigencies" please contact the Human Resources Department.

RESOLUTION NO. ____
DATED: JANUARY 15, 2016

RESOLUTION TO APPROVE THE REVISED FMLA/ CFRA POLICY OF SAN JOAQUIN
REGIONAL TRANSIT DISTRICT

WHEREAS, in July 2015, changes to the California Family Rights Act and new requirements regarding the use of Sick Leave became effective; and

WHEREAS, in order to ensure compliance with legal and regulatory requirements and to reflect existing regulations as well as current RTD practices, RTD needs to update the FMLA/ CFRA Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE RTD BOARD OF DIRECTORS that RTD's Revised FMLA/ CFRA Policy as mentioned above is hereby approved.

Subject: FY 2015 Low Carbon Transit
Operations Program (LCTOP)

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RECOMMENDATION: **AUTHORIZE THE EXECUTION OF THE
CERTIFICATIONS AND ASSURANCES FOR THE
FY 2015 LOW CARBON TRANSIT OPERATIONS
PROGRAM (LCTOP)**

LEAD STAFF: **GEORGE LORENTE
GRANTS MANAGER**

FINANCIAL IMPACT: **\$806,209**

BACKGROUND:

The Low Carbon Transit Operations Program (LCTOP) is one of several programs funded as part of FY 15/16 State of California budget (by Senate Bill 852 and Senate Bill 862) which has a goal of reducing greenhouse gas emissions and achievement of other benefits. These programs are funded by auction proceeds from the California Air Resource Board's (CARB) Cap-and Trade Program, with proceeds deposited into the Greenhouse Gas Reduction Fund (GGRF).

Senate Bill 862 continuously appropriates five percent of the annual auction proceeds in the Greenhouse Gas Reduction Fund (GGRF) for LCTOP beginning in FY 15/16. The total budget for the prior year's LCTOP was \$25 million and the total for FY 15/16 is \$100 million.

The LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities. The California Department of Transportation (Caltrans) administers such funds in the Low Carbon Transit Operations Program (LCTOP).

DISCUSSION:

In order to finalize the application process, RTD will submit all applicable and required documentation to receive operating funding for two separate projects. RTD will request all funds available for operating expenses for the Metro Hopper Expansion project and for operating expenses for the BRT Expansion project.

RTD will submit all applicable and required documentation for both projects for a grand total of \$806,209.

Caltrans requires RTD to complete and submit a Governing Body Resolution for the purposes of identifying agent(s) authorized to act on behalf of RTD to execute actions necessary to obtain GGRF funds from Caltrans and ensure continued compliance with Caltrans assurances, and state and federal laws. RTD will proceed to formally request funds for the purposes stated on this report contingent upon the approval of the LCTOP allocation by the San Joaquin Council of Governments (SJCOG) on January 28, 2016.

Staff requests board approval to authorize the General Manager/CEO or designee to execute for and behalf of RTD, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by Caltrans.

RESOLUTION NO. _____
DATED: JANUARY 15, 2016

RESOLUTION AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND
ASSURANCES FOR THE FY 2015 LOW CARBON TRANSIT OPERATIONS PROGRAM
(LCTOP)

WHEREAS, the San Joaquin Regional Transit District is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2015) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, RTD will proceed to formally request funds for the purposes stated on this report contingent upon the approval of the LCTOP allocation by the San Joaquin Council of Governments (SJCOG) on January 28, 2016; and

WHEREAS, the San Joaquin Regional Transit District wishes to delegate authorization to execute these documents and any amendments thereto to the General Manager/CEO or designee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Joaquin Regional Transit District:

1. That the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all LCTOP funded transit projects.
2. That the General Manager/CEO or designee be authorized to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

Subject: FY 2015 Transit System Safety, Security, and
Disaster Response Account (TSSSDRA) Program

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RECOMMENDATION: **AUTHORIZE THE NECESSARY ACTIONS TO OBTAIN FINANCIAL ASSISTANCE THROUGH THE FY 2015 TRANSIT SYSTEM SAFETY, SECURITY, AND DISASTER RESPONSE ACCOUNT (TSSSDRA) PROGRAM**

LEAD STAFF: **GEORGE LORENTE
GRANTS MANAGER**

FINANCIAL IMPACT: **\$724,216**

BACKGROUND:

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of general obligation bonds for specified purposes, including, but not limited to, funding made available for capital projects that provide increased protection against security and safety threats, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems. With the adoption of Proposition 1B in 2008, funding was set aside for the Transit System Safety, Security, and Disaster Response Account (TSSSDRA) Program. In order to be eligible for these funds, San Joaquin Regional Transit District (RTD) must solicit project approval through the California Governor's Office of Emergency Services (Cal OES). RTD submitted a request for TSSSDRA project approval and has received notice of project eligibility from Cal OES.

Cal OES has approved funding under the California Transit Security Grant Program (CTSGP), California Transit Assistance Fund (CTAF) for Grant # 6761-0002, FIPS # 077-91080. Cal EMA determined that RTD's projects meet the program guidelines and are eligible for Proposition 1B funding for the total amount of \$724,216.

The California Governor's Office of Emergency Services (Cal OES) administers such funds deposited in the Transit System Safety, Security, and Disaster Response Account (TSSSDRA) under the California Transit Security Grant Program (CTSGP).

DISCUSSION:

In order to finalize the application process, RTD will submit all applicable and required documentation for the Bus Operation Safety Modernization project for the amount of \$624,216, and the Pedestrian Safety Enhancement project for the amount of \$100,000.

RTD will submit all applicable and required documentation for both projects for a grand total of \$724,216.

Cal OES requires RTD to complete and submit a Governing Body Resolution for the purposes of identifying agent(s) authorized to act on behalf of RTD to execute actions necessary to obtain CTSGP funds from Cal OES and ensure continued compliance with Cal OES CTSGP assurances, and state and federal laws.

Subject: FY 2015 Transit System Safety, Security, and
Disaster Response Account (TSSSDRA) Program

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Staff requests board approval to authorize the General Manager/CEO or designee to execute for and behalf of RTD, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by Cal OES.

RESOLUTION NO. ____
DATED: JANUARY 15, 2016

RESOLUTION AUTHORIZING THE NECESSARY ACTIONS TO OBTAIN FINANCIAL ASSISTANCE
THROUGH THE FY2015 TRANSIT SYSTEM SAFETY, SECURITY, AND DISASTER RESPONSE
ACCOUNT PROGRAM

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of general obligation bonds for specified purposes, including, but not limited to, funding made available for capital projects that provide increased protection against security and safety threats, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems; and

WHEREAS, the California Governor's Office of Emergency Services (Cal OES) administers such funds deposited in the Transit System Safety, Security, and Disaster Response Account under the California Transit Security Grant Program (CTSGP); and

WHEREAS, the San Joaquin Regional Transit District (RTD) is eligible to receive CTSGP funds; and

WHEREAS, RTD will apply for FY15 CTSGP funds in the amount of \$624,216 for Bus Operations Safety Modernization and \$100,000 for Pedestrian Safety Enhancement; and

WHEREAS, RTD recognizes that it is responsible for compliance with all Cal OES CTSGP grant assurances, and state and federal laws, including, but not limited to, laws governing the use of bond funds; and

WHEREAS, Cal OES requires RTD to complete and submit a Governing Body Resolution for the purposes of identifying agent(s) authorized to act on behalf of RTD to execute actions necessary to obtain CTSGP funds from Cal OES and ensure continued compliance with Cal OES CTSGP assurances, and state and federal laws.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Joaquin Regional Transit District (RTD) as follows:

1. The General Manager/CEO, DONNA DEMARTINO, AND/OR HER DESIGNEE, is hereby authorized to execute for and on behalf of San Joaquin Regional Transit District, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the California Emergency Management Agency under the CTSGP.

Subject: RTD Retirement Plan Bylaws

Page 1 of 1

**STAFF RECOMMENDATION: ADOPT A SET OF BYLAWS TO GOVERN THE
ACTIVITIES OF THE RETIREMENT BOARD OF THE
RTD RETIREMENT PLAN**

**LEAD STAFF: KENT BRADBURY
LEGAL COUNSEL- EMPLOYEE AND LABOR
RELATIONS**

FINANCIAL IMPACT: MINIMAL

BACKGROUND:

Pursuant to the California Public Utilities Code Section 50150, the RTD Board shall create a retirement board of no more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members.

DISCUSSION:

The proposed bylaws have been adapted from existing bylaws in place at other transit agencies. The suggestion to pursue adoption of these bylaws came from a RTD Retirement Board member. The bylaws address topics such as governance of the Retirement Board and Retirement Plan, conduct of Retirement Board meetings, and choosing officers from among Retirement Board members.



SAN JOAQUIN REGIONAL TRANSIT DISTRICT RETIREMENT BOARD BYLAWS

Effective January 15, 2016

[Abstract](#)

As adopted and approved by the San Joaquin Regional Transit District Retirement Board, pursuant to California Public Utilities Code Section 50150.

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ADOPTED BY THE:
San Joaquin Regional Transit District Board on January 15, 2016

BY-LAWS FOR THE RETIREMENT BOARD

ARTICLE 1

RETIREMENT BOARD COMPOSITION AND PURVIEW

GOVERNANCE

§ 1.05 Definitions

For the purposes of these bylaws, the "Board" or the "RTD Board" shall refer to the Board of Directors of the San Joaquin Regional Transit District. The Retirement Board shall refer to the Board of Directors of the San Joaquin RTD Retirement Plan.

§ 1.10 Retirement Plan; Application of By-Laws

These By-laws govern the composition and actions of the Retirement Board in maintaining the retirement plan established for employees of the San Joaquin Regional Transit District (hereinafter "RTD".)

The plan is referred to herein as the "Retirement Plan."

These By-laws apply to the Retirement Plan as they may be amended from time to time, except when the terms of the Act and/or the terms of the Plan are inconsistent with the terms of these By-laws, in which case the terms of the Act and/or the Plan will govern its operations.

§1.11 Governance of the Retirement Plan

The Retirement Plan is governed by one board hereinafter individually referred to as "Board" or "Retirement Board."

Pursuant to the California Public Utilities Code Section 50150, the RTD Board shall create a retirement board of no more than five members, at least two members of which shall be the elected representatives of the employees, to administer the

retirement system, and shall define its powers and duties and the tenure of the members.

§1.12 Retirement Board Member Term of Office

Each Retirement Board Member is appointed to a four-year term of office. Members' terms of office are to be staggered so that the term of one member appointed by the RTD Board of Directors and the term of one member appointed elected by the employees expire every other year.

For Retirement Board Members seated as of adoption of this section of the By-laws, the Retirement Board will determine which seat will expire at the end of the following calendar year, and which will expire at the end of the calendar year ending two years later.

In the event of a vacancy because of death, resignation, illness, or other reason, the Chair of the Retirement Board must, within thirty (30) days after such vacancy, transmit a written notification to the RTD Board of Directors requesting a replacement member be appointed to fill the remainder of the vacating member's term.

§1.14 Retirement Board Fiduciary Duty and Authority

The duties and responsibilities of each Retirement Board Member must be executed in accordance and in full compliance with the requirements of Sections 50150-50153 of the California Public Utilities Code.

The Retirement Board shall administer and carry out the terms and provisions of the Retirement Plan. The Retirement Board has no authority to amend or change the terms of the Retirement Plan.

ARTICLE 2

RETIREMENT BOARD RULES

MEETINGS

§2.10 Regular Quarterly Retirement Board Meeting Schedule

The Retirement Board shall hold regular meetings at least quarterly. No later than December 31st of each year, the Board must adopt a resolution setting forth their regular meeting schedule for the following calendar year. The resolution establishing the Board's regular meeting schedule shall state the date and time for each meeting, and the place for each such meeting if it differs from the place set out in the By-laws. Unless otherwise specified in the meeting notice, the Board will conduct its meetings at RTD's Downtown Transit Center Boardroom located at 421 East Weber, Stockton CA 95202-3024.

§2.11 Special Meetings

A special meeting may be called at any time by the Chair, or by a majority of the members of the Board, by delivering personally, via electronic mail ("e-mail"), or by U.S. mail, written notice to each member of the Board, and by posting a notice on the San Joaquin Regional Transit District's internet web site. Such notice must be delivered and received at least 72 hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No business other than as specified in the notice shall be considered at such meeting.

§2.12 Quorum

Three Board members constitute a quorum of the Board for purposes of convening a meeting and for the transaction of business.

§2.13 Open Meetings; Application of the Ralph M. Brown Act

All meetings and associated notices must comply with the provisions of the Ralph M. Brown Act. (Government Code Sections 54950, et seq.) Accordingly, all Board meetings are open to the public except when the subject matter may be properly addressed in, and properly noticed for, a closed session.

§2.14 Agenda Preparation, Delivery and Posting

In addition to those requirements set forth in the Brown Act, each meeting agenda, together with all supporting documents, must be mailed or delivered to the Board members and Legal Counsel to the Board at least five days before the meeting. The purpose of this requirement is to give Board members advance notice of all business coming before them. In the case of special meetings which may be called less than seven (7) days in advance of the meeting date, the requesting individual shall receive such notice as soon as may be practical under the circumstances, but at least 24 hours prior to the special meeting.

If a Board Member wishes to add an action item onto the Agenda, the requesting Board Member must provide sufficient information to advise the Retirement Board of the subject matter and the desired action being requested before it will be placed on the Agenda. Said information must be submitted at least seven working days prior to the Board meeting date.

§2.15 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed with the agenda prior to the Board meeting or during a meeting shall be made available for public inspection at the meeting if prepared by RTD or a member of the Board or after the meeting if prepared by some other person.

§2.16 Continuing Body

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

§2.17 Adjournment of Meeting

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. Notice of adjournment of a duly called special meeting at which less than a quorum is present shall be given in the same manner as notice of the original meeting. If all members are absent from any regular or adjourned regular meeting, the Secretary of the Board may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided herein for special meetings. In the case of all adjournments, a copy of the order or notice of adjournment shall be conspicuously

posted on the door to the San Joaquin Regional Transit District Downtown Transit Center, located at 421 East Weber, within 24 hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the time at which the adjourned meeting is to be held, it shall be held at the time specified for regular meetings.

ARTICLE 3

OFFICERS

§3.10 Officers

The Retirement Board shall elect a Chair and a Vice Chair in accordance with the Retirement Plan. The Secretary of the Retirement Board is the General Manager/CEO of San Joaquin Regional Transit District.

The election of officers will be conducted at the last meeting of the calendar year for the following calendar year. New officers will assume their position on January 1.

§3.11 Chair Responsibilities

1. The Chair presides over and preserves order at all regular meetings, special meetings, and hearings of the Board. The Chair states every question coming before the Board, and decides all questions of order without debate, subject, however, to an appeal by a member of the Board. The Chair may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all members, and has all other rights or privileges of all others members.
2. In all cases, the Chair can direct the Secretary to include discussion or action items on the agenda for future Board meetings. The Chair, or Chair Pro Tem presiding at the meeting, signs all Board resolutions and all minutes of Board meetings or hearings which have been adopted or approved.

§3.12 Vice Chair

The Vice Chair serves as the Chair Pro Tem in the Chair's absence. When serving as the Chair Pro Tem, the Vice Chair has all of the rights, duties and responsibilities of the Chair as set forth in Section 3.11 above.

§3.13 Secretary

The General Manager of San Joaquin RTD, or his or her designee, shall serve as the Secretary to the Retirement Board. The Secretary serves as the Chair Pro Tem in the absence of the Chair and Vice Chair.

In addition, the Secretary has the following powers and duties, any or all of which may be delegated by the Secretary to the Assistant Secretary:

1. Create meeting notices and agendas;
2. Post agendas;
3. Call the roll at the beginning of each Board meeting and for each roll call vote;
4. Announce the result of each vote;
5. Attend and keep minutes of all meetings and hearings of the Board;
6. Furnish each Board member a copy of the minutes of each meeting with the agenda for the following meeting;
7. Attest all resolutions of the Board and the minutes of all meetings or hearings which have been approved by the Board;
8. Keep and have custody of all books, records and papers of the Board, and certify true copies thereof whenever necessary; and,
9. Perform such other duties as may be required either by the Retirement Plan or by statute, ordinance, resolution or order.

§3.14 Vacancy

If an officer vacates his or her seat on the Board because of death, resignation, illness, or other reason, officer elections must be held at the first Board meeting after the vacancy has been filled.

§3.15 Additional Delegable Duties

Each Board, at its discretion and by resolution, may authorize its Chair and/or the General Manager/CEO of RTD or other RTD staff to exercise additional administrative authority, such as to execute contracts or other legally-binding documents, manage Board-awarded contracts, make purchases up to Board-authorized limits, and approve service retirements.

The Board may also authorize the General Manager/CEO of RTD or other delegates to carry out other support functions for the Retirement Plan.

ARTICLE 4

ORDER OF BOARD BUSINESS

§4.10 Agenda

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

1. Call to Order
2. Roll Call
3. Consent Items
4. Unfinished Business
5. New Business
6. Public Comment
7. Questions and Comments from the Retirement Board and/or staff
8. Closed Session
9. Adjourn

Notwithstanding the above, closed sessions (and associated announcements) may be included on the agenda at any point after Roll Call and before Adjournment, at the discretion of the Chair.

The order of business during any meeting may be changed upon order of the Chair with consent of the Board, or upon motion of the Board.

§4.11 Contents of Agenda

The agenda must specify the time and location of the meeting and must contain a brief general description of each item of business to be transacted or discussed at the meeting. The descriptions must adequately summarize the general matter or subject matter of each agenda item so as to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting.

The Board shall not act upon or discuss an item that is not listed on the agenda except as provided under Section 4.10 or as otherwise permitted by the Brown Act.

§4.12 Consent Items

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

All items listed under the Consent Items, excepting those individual items which are removed for separate discussion and/or vote at the request of any Board member, may be acted upon by a single motion and vote.

Board minutes are included as part of the Consent Items to be approved without reading unless a member requests such reading, in which case the minutes require action by a separate motion and vote.

§4.13 Disability and Early Retirements

The Retirement Board shall hear presentations from RTD staff and act on proposed Early Retirements and Disability Retirements (as defined by the RTD Retirement Plan) only. Regular retirements meeting all qualifications under the RTD Retirement Plan will not be submitted for the Retirement Board for action, but will be reported to the Retirement Board at the next regular meeting.

§4.14 Quarterly Investment Performance Reviews

The Board must review the performance of Retirement Plans' fund managers and investment manager at each Quarterly Retirement Board Meeting as part of Unfinished or New Business, as appropriate.

The Boards' financial and investment consultant must be present at each Quarterly Retirement Board Meeting and must report on the investment performance of the plan assets on a quarterly basis. The Board will review the report on the investment performance of plan assets at each regular meeting based upon criteria set forth in the San Joaquin Regional Transit District Retirement Plan's investment policy and guidelines.

§4.15 Items Not on the Agenda

A matter requiring Board action must be listed on the posted agenda before the Board may discuss and/or act upon it unless an exception as specified under the Brown Act applies.

The Board may take action on items of business not appearing on the posted agenda under any of the following conditions in accordance with Brown Act:

1. Upon a determination by an affirmative vote of the Board that an emergency situation exists;
2. Upon a determination by an affirmative vote of the Board, in accordance with the Brown Act, that there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting, and the need to take action arose subsequent to the agenda being posted;
3. If the item was properly posted for action at a prior meeting of the Board occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
4. By directing the Chair or Secretary to place an item of business for discussion and/or action on a subsequent agenda.

§4.16 Minutes

The Secretary shall prepare minutes in the form of an action summary; however, during the consideration on any particular matter, a Board member may make a request that the minutes contain a more thorough description of the discussion or deliberations of any question coming before the Board.

ARTICLE 5

MEMBERS ADDRESSING THE BOARD

§5.10 Recognition by the Chair

A Board member may speak on any item on the agenda upon being recognized by the Chair. Comments on items not on the agenda will be heard at the time noticed on the agenda for "Questions and Comments from the Retirement Board."

§5.11 Speaking Interruption

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

§5.12 Limitation of Presentations, Discussion

The Chair may limit discussion at any particular meeting by a Board member to such time as the Chair may find to be reasonable under the circumstances, provided that any decision of the Chair to limit discussion may be overruled by the Board.

§5.13 Impertinence

Any Board member making personal, impertinent or inappropriate remarks may be barred by the Chair from further appearance before the Board at that meeting, unless permission to continue is granted by an affirmative vote of the Board.

§5.14 Debate Closing

The member moving the adoption of a resolution or motion shall have the privilege of closing the debate.

§5.15 Disqualification of Members

Any member who is legally disqualified from participating in Board action on any particular matter must, as soon as such matter is reached on the agenda, disclose his or her disqualification and the reason therefore and must recuse himself or herself during the discussion, debate and vote on such matter. If such disqualification is not known to the Board Member at the time such matter is reached on the agenda, he or she must make such disclosure as soon as he or she knows his or her disqualification, or recuse himself or herself during consideration of the matter.

ARTICLE 6

PERSONS ADDRESSING THE BOARD

§6.10 Recognition of the Chair

Persons attending the meeting may address the Board only when recognized by the Chair. The Chair will ask the speaker to introduce himself or herself. Individuals who do not identify themselves may not be included in the minutes for the meeting at which they speak.

§6.11 Limitation of Presentations, Discussion

The Chair may specify a time limitation on any presentation made before the Board, which shall not be less than three (3) minutes.

§6.12 Inappropriate or Disruptive Behavior

Any person engaging in personal, impertinent or inappropriate remarks or behavior while addressing the Board may be barred by the Chair from further appearance before the Board at that meeting, unless permission to continue is granted by an affirmative vote of the Board. Any person willfully disrupting the meeting may be excluded from the meeting by the Chair.

In extreme situations where persistent disruptions from multiple members of the public prevent an orderly meeting, the Chair, subject to Board appeal, or the Board itself, may order that all members of the public except the media be removed from the public meeting, or meeting may be adjourned or continued.

ARTICLE 7

OFFICIAL ACTIONS

§7.10 Timing of An Action

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

§7.11 Form of Action

Motions are considered an act of the Board and carry the same weight as a resolution. Resolutions are typically used for actions that will be referred to for historical purposes, such as adoption of a policy, award of a contract or grant of an individual's disability or early retirement.

§7.12 Votes, Signature and Attestation

Votes upon an action item, whether by motion or resolution, are cast as "ayes," "noes" or abstain pursuant to roll call and so recorded. Each resolution must be in written or printed form. Procedural motions do not require a roll call vote.

Every resolution shall be attested by the Secretary.

§7.13 Codification

Resolutions are codified as follows: [Year]-[Month]-[Resolution Number]. For example, the fifth resolution a board adopts at its March 2015 meeting is codified: 15-03-0005.

§7.14 Vote Threshold; Majority Minimum

All official acts of the Board shall require the affirmative vote of a majority of the members of the Board unless applicable law requires a greater number of affirmative votes.

§7.15 Motion Reconsideration

A motion to reconsider any action taken by the Board may be made only on the day such action was taken, either during the same session or at an adjourned session thereof. Such motion must be made by a member on the prevailing side and seconded by any member. The motion, which may be made at any time during said meeting, has precedence over all other motions. The motion to reconsider is debatable unless the action to be reconsidered is not debatable.

§7.16 Deadlock Vote

If a motion or resolution is brought before the Board for a vote and results in a deadlock vote, the Board will set a meeting (regular or special) and invite the Umpire Member to make a decision on the matter, pursuant to Section 15 of the Retirement Plan document.

ARTICLE 8

COMMITTEES

§8.10 Appointment

The Chair may create and appoint ad hoc committees consisting of two Retirement Board members.

§8.11 Ad Hoc Advisory Committee Meetings

Ad Hoc Committees are limited term, limited scope advisory committees comprised exclusively of less than a quorum of the Board. For example, an advisory committee comprised of two members for the purpose of producing a report in six months on trends in public agency benefit policies would be considered an ad hoc committee because it is composed of less than a quorum of the Board and it is charged with accomplishing a specific task in a limited period of time.

Ad hoc committee meetings are specifically exempt from open meeting requirements under these Bylaws and under the Brown Act. However, when creating and appointing an Ad Hoc Committee, the Chair retains authority to direct that meetings of that committee shall be noticed and open to the public.

ARTICLE 9

RULES

§9.10 Amendment

Any provision hereof may be altered, amended or annulled at any time by an affirmative vote of the San Joaquin RTD Board of Directors, provided at least a week's notice of such change is given to each Board member.

§9.11 Suspension

Any section of these By-laws may be temporarily suspended by an affirmative vote of the San Joaquin RTD Board of Directors.

§9.12 Robert's Rules

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

§9.13 Copies – By-laws

The Secretary shall furnish each Board member copies of these By-laws and provide a supply for public purposes.

RESOLUTION NO. _____
DATED: JANUARY 15, 2016

RESOLUTION TO ADOPT A SET OF BYLAWS TO GOVERN THE ACTIVITIES OF THE
RETIREMENT BOARD OF THE RTD RETIREMENT PLAN

WHEREAS, San Joaquin Regional Transit District (RTD) was established, pursuant to the San Joaquin Regional Transit District Act, as set forth in the California Public Utilities Code, commencing with Section 50000; and

WHEREAS, Section 50150 of the RTD Act authorizes this Board to establish rules defining the powers and duties of the Retirement Board, and the tenure of its members; and

WHEREAS, it has become evident that Bylaws defining the powers, duties, and tenure of the Retirement Board members are necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of RTD that the Bylaws of the RTD Retirement Board be, and the same hereby are, approved.

Subject: Implementation of CalPERS Health Plans

Page 1 of 1

STAFF RECOMMENDATION: **ADOPT A SET OF FOUR RESOLUTIONS ALLOWING
RTD TO ENTER CALPERS HEALTH PLANS PURSUANT
TO THE RECENT INTEREST ARBITRATION AWARD**

LEAD STAFF: **KENT BRADBURY
LEGAL COUNSEL- EMPLOYEE AND LABOR
RELATIONS**

FINANCIAL IMPACT: **TO BE DECIDED**

BACKGROUND:

In December, 2015, Arbitrator Phillip Tamoush issued his final Award requiring RTD to provide health benefits to ATU represented employees through the health plans offered by CalPERS to California public employers. The resolutions are necessary to enter the health plans and

DISCUSSION:

The verbiage of these resolutions is provided by CalPERS pursuant to specific California legislation addressing the enrollment of public agency employees into health plans offered by CalPERS. Adoption of these resolutions is required to be able to enroll employees in the CalPERS Health Plans. There are four resolutions, one each for the active administrative employees, and active employees represented by ATU Local 276, and one each for the retired administrative employees, and retired employees represented by ATU Local 276.

RESOLUTION NO. _____
DATED: JANUARY 15, 2016

ELECTING TO BE SUBJECT TO SECTION 22819.1
FOR FAMILY MEMBERS OF A DECEASED ANNUITANT WITHOUT A WARRANT
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

WHEREAS, a contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and,

WHEREAS, San Joaquin Regional Transit District is a contracting agency eligible to be subject to the Act under Government Code Section 22920; and,

WHEREAS, Government Code Section 22819.1 permits a contracting agency subject to the Act to provide benefits to family members of a deceased annuitant who does not receive an allowance in place of the annuitant, upon proper application.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the San Joaquin Regional Transit District, as follows:

1. San Joaquin Regional Transit District desires to obtain for members of the Non-Represented Group the benefit of Section 22819.1 and accepts the liabilities and obligations of a contracting agency under the Section.
2. San Joaquin Regional Transit District elects to be subject to the provisions of Section 22819.1 of the Government Code.
3. That the participation of the employees and annuitants of San Joaquin Regional Transit District shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that San Joaquin Regional Transit District would not qualify as an agency or instrumentality of the state or political subdivision of a State, under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
4. That the executive body appoint and direct, and it does hereby appoint and direct, the General Manager/CEO, to file with the Board a verified copy of this resolution, and to perform on behalf of San Joaquin Regional Transit District all functions required of it under the Act.

RESOLUTION NO. ____
DATED: JANUARY 15, 2016

ELECTING TO BE SUBJECT TO SECTION 22819.1
FOR FAMILY MEMBERS OF A DECEASED ANNUITANT WITHOUT A WARRANT
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

WHEREAS, a contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and,

WHEREAS, San Joaquin Regional Transit District is a contracting agency eligible to be subject to the Act under Government Code Section 22920; and,

WHEREAS, Government Code Section 22819.1 permits a contracting agency subject to the Act to provide benefits to family members of a deceased annuitant who does not receive an allowance in place of the annuitant, upon proper application.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Joaquin Regional Transit District, as follows:

1. San Joaquin Regional Transit District desires to obtain for members of the Represented Group the benefit of Section 22819.1 and accepts the liabilities and obligations of a contracting agency under the Section.
2. San Joaquin Regional Transit District elects to be subject to the provisions of Section 22819.1 of the Government Code.
3. That the participation of the employees and annuitants of San Joaquin Regional Transit District shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that San Joaquin Regional Transit District would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
4. That the executive body appoint and direct, and it does hereby appoint and direct, General Manager/CEO to file with the Board a verified copy of this resolution, and to perform on behalf of San Joaquin Regional Transit District all functions required of it under the Act.

RESOLUTION NO. _____
DATED: JANUARY 15, 2016

ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

WHEREAS, a contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and,

WHEREAS, San Joaquin Regional Transit District is a contracting agency eligible to be subject to the Act under Government Code Section 22920; and,

WHEREAS, Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and,

WHEREAS, Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and,

WHEREAS, Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by 5 per cent of the current monthly employer contribution for employees, until such time as the amounts are equal; and,

WHEREAS, San Joaquin Regional Transit District desires to obtain for its employees and annuitants who are members of the Non-Represented Group the benefit of the Act and to accept the liabilities and obligations of an employer under the Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the San Joaquin Regional Transit District, as follows:

1. San Joaquin Regional Transit District elects to be subject to the provisions of the Act.
2. That the employer contribution for each employee shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a maximum of the PEMHCA Minimum per month.
3. That the employer contribution for each annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health

benefits plan or plans up to a maximum of \$1.00 per month.

4. That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund.

5. San Joaquin Regional Transit District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.
6. That the participation of the employees and annuitants of San Joaquin Regional Transit District shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that San Joaquin Regional Transit District would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
7. That the executive body appoint and direct, and it does hereby appoint and direct, General Manager/CEO to file with the Board a verified copy of this resolution, and to perform on behalf of San Joaquin Regional Transit District all functions required of it under the Act.
8. That coverage under the Act be effective on March 1, 2016.

RESOLUTION NO. _____
DATED: JANUARY 15, 2016

ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

WHEREAS, a contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and,

WHEREAS, San Joaquin Regional Transit District is a contracting agency eligible to be subject to the Act under Government Code Section 22920; and,

WHEREAS, Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and,

WHEREAS, Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and,

WHEREAS, Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by 5 per cent of the current monthly employer contribution for employees, until such time as the amounts are equal; and,

WHEREAS, San Joaquin Regional Transit District desires to obtain for its employees and annuitants who are members of the Represented Group the benefit of the Act and to accept the liabilities and obligations of an employer under the Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the San Joaquin Regional Transit District, as follows:

1. San Joaquin Regional Transit District elects to be subject to the provisions of the Act.
2. That the employer contribution for each employee shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a maximum of the PEMHCA Minimum per month.

3. That the employer contribution for each annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a maximum of \$1.00 per month.
4. That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal.

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund.

5. San Joaquin Regional Transit District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.
6. That the participation of the employees and annuitants of San Joaquin Regional Transit District shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that San Joaquin Regional Transit District would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
7. That the executive body appoint and direct, and it does hereby appoint and direct, General Manager/CEO to file with the Board a verified copy of this resolution, and to perform on behalf of San Joaquin Regional Transit District all functions required of it under the Act.
8. That coverage under the Act be effective on March 1, 2016.

Subject: Amendment to Passenger Code of Conduct Policy

Page 1 of 1

STAFF RECOMMENDATION: APPROVE AMENDMENT TO PASSENGER CODE OF CONDUCT POLICY

LEAD STAFF: MAX VARGAS, COMMUNICATIONS AND EXTERNAL RELATIONS MANAGER

FINANCIAL IMPACT: NEGLIGIBLE

BACKGROUND:

On February 14, 2014, the RTD Board adopted the Passenger Code of Conduct Policy (POLICY) setting forth its intent to establish an administrative process for fare evasion and passenger misconduct offenses instead of criminal penalties, and establishing enforcement procedures thereto pursuant to authority granted to RTD by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580 et seq.

DISCUSSION:

During the 2015 California Legislative Session, SB 413 (Wieckowski), Chapter 765, Statutes of 2015, was passed and signed into law. This legislation makes changes to California Penal Code Section 640 and California Public Utilities Code Section 99580 relating to the applicability of the POLICY to minors. This legislation is effective January 1, 2016.

Until the passage of SB 413, all previous statutory authority for transit operators to impose and enforce administrative penalties for transit violations had specifically excluded applicability to minors. It was believed that forcing minors to go to court would serve as a deterrent to engaging in prohibited conduct. However, with an overburdened court system, the legislature has removed this exclusion, thus allowing minors to resolve transit citations administratively.

The proposed amendment to the Passenger Code of Conduct eliminates the provisions that this Policy does not apply to minors. A copy of the proposed amended POLICY, showing the three provisions being deleted in Section 1, third paragraph, Section 2, and Section 3, is attached for the Board's consideration.

The fiscal implications of the proposed amendment are negligible and absorbable under the current operation of the existing POLICY.

RESOLUTION NO. _____
DATED: JANUARY 15, 2016

RESOLUTION TO APPROVE AMENDMENT TO THE SAN JOAQUIN REGIONAL TRANSIT DISTRICT
PASSENGER CODE OF CONDUCT POLICY

WHEREAS, the San Joaquin Regional Transit District (RTD) Board approved and adopted the Passenger Code of Conduct POLICY on February 14, 2014, setting forth its intent to establish an administrative process for fare evasion and other passenger misconduct pursuant to the authority granted to RTD by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580 et seq.;

WHEREAS, recent legislation has been enacted by the California Legislature affecting the applicability of the POLICY to minors; and

WHEREAS, RTD desires to amend the POLICY to conform to the provisions of the recently enacted legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE RTD BOARD OF DIRECTORS that the RTD Passenger Code of Conduct Policy be amended to reflect its applicability to minors.



PASSENGER CODE OF CONDUCT POLICY

SAN JOAQUIN REGIONAL TRANSIT DISTRICT (RTD) PASSENGER CODE OF CONDUCT POLICY

(Adopted February 14, 2014)

SEC. 1. BACKGROUND

The San Joaquin Regional Transit District (RTD) is a transit district providing bus service throughout San Joaquin County. Fare evasion and other passenger misconduct occurring within the RTD system of operation have contributed to a loss of fare revenue and a potential perception of an unsafe environment. California state law provides for criminal penalties for fare evasion or passenger misconduct offenses. RTD views passenger safety and a respectful environment as essential to providing a beneficial service to its ridership. To better foster such an environment, RTD believes that the specter of criminal penalty should be removed and replaced with a fair and just administrative process.

In furtherance of this, RTD is setting forth a Passenger Code of Conduct Policy (Policy) to impose administrative penalties and fees for fare evasion violations and other passenger misconduct in lieu of criminal penalties.

This Policy is adopted pursuant to the authority granted to RTD by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580 et seq. It shall only apply to acts committed on or in a facility or vehicle of RTD. ~~This Policy shall not apply to minors.~~

SEC 2. NOTICE OF VIOLATION

Any person ~~over the age of eighteen~~ who engages in any prohibited conduct listed in the schedule of prohibited conduct provided for in Section 2.1 shall be subject to the issuance of a notice of violation and imposition of an administrative penalty.

SEC 2.1. Schedule of Prohibited Conduct. RTD shall adopt a schedule of prohibited conduct. This schedule shall include any and all relevant statutory provisions provided for in the California Penal Code and/or the California Public Utilities Code regarding passenger conduct and safety on or in a transit facility or vehicle. The schedule shall be subject to the approval of RTD's General Manager/CEO, or her designated representative, and shall be reviewed, revised, or amended from time to time. The schedule shall be inclusive of, but not limited to, the following prohibited conduct:

- a. Evasion of the payment of a fare of the RTD system. Fare evasion includes entering an enclosed area of an RTD facility beyond posted signs

- prohibiting entrance without obtaining valid fare, in addition to entering an RTD vehicle without valid fare;
- b. Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare of the RTD system;
 - c. Unauthorized use of a discount ticket or failure to present, upon request by RTD or within 72 hours thereafter, acceptable proof of identification or eligibility to use a discount ticket;
 - d. Playing sound equipment on or in an RTD facility or vehicle;
 - e. Smoking, eating, or drinking in or on an RTD facility or vehicle in other than those areas where those activities are permitted by RTD;
 - f. Expectorating upon an RTD facility or vehicle;
 - g. Willfully disturbing others on or in an RTD facility or vehicle by engaging in boisterous or unruly behavior;
 - h. Disturbing another person on or in an RTD facility or vehicle by loud or unreasonable noise, including cellular phones;
 - i. Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in an RTD facility or vehicle;
 - j. Throwing any object from a vehicle or extending any portion of the body through any window or door of a vehicle in a manner that may cause harm or injury;
 - k. Urinating or defecating in an RTD facility or vehicle, except in a lavatory. This prohibition shall not apply to a person who cannot comply as a result of a disability, age, or medical condition;
 - l. Willfully tampering with, removing, displacing, injuring, defacing, marking with graffiti or inscribed marks, or destroying any part of any RTD facility or vehicle;
 - m. Willfully blocking the free movement of another person in an RTD facility or vehicle. This prohibition shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes;
 - n. Skateboarding, roller skating, bicycle riding, or roller blading in an RTD facility, including a parking structure, or in an RTD vehicle. This prohibition shall not apply to an activity that is necessary for utilization of an RTD facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard an RTD vehicle, if that activity is conducted with RTD permission in a manner that does not interfere with the safety of the bicyclist or other patrons of RTD; or
 - o. Sale or peddling of any goods, merchandise, property, or services of any kind whatsoever on or at an RTD facility or vehicle without the express written consent of RTD or its duly authorized representatives.

SEC 3. ENFORCEMENT PROCEDURES

Any person who engages in any of the prohibited conduct listed in the schedule of prohibited conduct provided for in Section 2.1 of this Policy is subject to a notice of violation and imposition of an administrative penalty. Enforcement of any provisions of this Policy involving the payment of any administrative fees, penalties or other amounts shall be according to the procedures set forth in the California Public Utilities Code Section 99580 et seq. ~~The procedures set forth in this Policy shall not apply to minors.~~

SEC 3.1. Initial Review. Within 21 days from the issuance to a person of a notice of violation of any conduct prohibited under this Policy, the person may request an initial review of the notice of violation issued by RTD. The request may be made, in accordance with procedures established by RTD, by telephone, in writing, or in person. There shall be no charge for this review. If, following the initial review, RTD is satisfied that the violation did not occur or that extenuating circumstances make dismissal of the notice of violation appropriate in the interests of justice, RTD shall cancel the notice of violation. RTD shall notify, in writing, the person requesting the review of the results of the initial review. If the notice of violation is not dismissed, RTD shall include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure for waiving prepayment of penalty based upon inability to pay.

SEC 3.2. Request for Administrative Hearing. If the person is not satisfied with the results of the initial review, the person may request an administrative hearing no later than 21 days following the mailing of the results of the initial review. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit the amount due under the notice of violation. The person shall be allowed to request an administrative hearing without payment of the amount due upon satisfactory proof of inability to pay. The administrative hearing shall be held within 90 days following the receipt of the request for administrative hearing. The person requesting the hearing may request one continuance, not to exceed 21 days.

SEC 3.3. Administrative Hearing. The administrative hearing process shall include all of the following:

- a. The person requesting a hearing shall have the choice of a hearing by mail or in-person. An in-person hearing shall be conducted within the jurisdiction of RTD at a location designated by RTD. The hearing shall provide an independent, objective, fair, and impartial review of the contested violation(s).

- b. The hearing shall be conducted before a hearing officer designated to conduct the hearing by and in accordance with procedures established by RTD's General Manager/CEO, or her designated representative. In addition to any other requirements of employment, a hearing officer shall demonstrate those qualifications, training, and objectivity prescribed by RTD's General Manager/CEO, or a designated representative. The hearing officer's continued employment, performance evaluation, compensation, and benefits shall not be directly or indirectly linked to the amount of fare evasion or passenger conduct violation penalties imposed by the hearing officer.
- c. The person who issued the notice of violation shall not be required to participate in an administrative hearing. RTD shall not be required to produce any evidence other than the notice of violation. The notice of violation, in proper form, shall be prima facie evidence of the violation.
- d. Following a determination by the hearing officer that a person committed the violation, the hearing officer may allow payment of the violation penalty in installments or deferred payment if the person provides satisfactory evidence of an inability to pay the penalty in full. The decision of the hearing officer shall include reasons in support of the decision rendered.
- e. The hearing officer's decision following the administrative hearing may be personally delivered to the person by RTD, the hearing officer, or sent by first class mail.

SEC 3.4. Appeal. Within 30 days after mailing or personal delivery of the decision of the administrative hearing, the person may seek review by filing an appeal to be heard by the superior court. This appeal shall be heard de novo, except that the contents of the administrative hearing file shall be received in evidence. A copy of the notice of violation shall be admitted into evidence as prima facie evidence of the facts. The appeal shall be conducted as otherwise provided by law.

SEC 3.5. Schedule of Penalties. RTD shall adopt a penalty schedule of administrative penalties, and any additional procedures in furtherance of the enforcement of this Policy. In setting a penalty schedule, RTD shall not establish penalty amounts that exceed the maximum fine amount set forth in California Penal Code Section 640. The schedule and any procedures deemed necessary shall be subject to the approval of the General Manager/CEO, or a designated representative, and shall be reviewed, revised, or amended from time to time.

Subject: Amendment to Passenger Code of Conduct Ordinance

Page 1 of 3

STAFF RECOMMENDATION: APPROVE AMENDMENT TO PASSENGER CODE OF CONDUCT ORDINANCE

LEAD STAFF: MAX VARGAS, COMMUNICATIONS AND EXTERNAL RELATIONS MANAGER

FINANCIAL IMPACT: NEGLIGIBLE

BACKGROUND:

On November 7, 2014, the RTD Board enacted the Passenger Code of Conduct (Ordinance No. 001) imposing administrative penalties and fees for certain types of fare evasion and passenger misconduct offenses instead of criminal penalties, and establishing enforcement procedures thereto pursuant to authority granted to RTD by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580 et seq. (Ordinance). Recent legislation has been enacted by the California Legislature affecting the application and scope of the Ordinance. This amendment is presented to achieve conformity to the applicable provisions of the recently enacted legislation.

A copy of the proposed amendment to the Ordinance is attached for the Board's consideration.

DISCUSSION:

During the 2015 California Legislative Session, SB 413 (Wieckowski), Chapter 765, Statutes of 2015, was passed and signed into law. This legislation makes changes to California Penal Code Section 640 and California Public Utilities Code Section 99580 relating to the applicability of the Ordinance to minors, clarifying that the failure to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise is an act for which an administrative penalty may be imposed, and adding the failure to yield seating reserved for an elderly or disabled person as an act for which an administrative penalty may be imposed. This legislation is effective January 1, 2016.

APPLICABILITY TO MINORS. Until the passage of SB 413, all previous statutory authority for transit operators to impose and enforce administrative penalties for transit violations had specifically excluded applicability to minors. It was believed that forcing minors to go to court would serve as a deterrent to engaging in prohibited conduct. However, with an overburdened court system, the legislature has removed this exclusion, thus allowing minors to resolve transit citations administratively.

FAILURE TO COMPLY WITH LOUD OR UNREASONABLE NOISE WARNING. The California Penal Code and the California Public Utilities Code provide different standards for noise violations on transit property. SB 413 clarifies these inconsistencies.

FAILURE TO YIELD SEAT. In accordance with the Americans with Disabilities Act (ADA), signs are posted specifying that individuals must give up designated seating for elderly and disabled persons upon request. However, transit districts were not authorized to cite passengers who refuse to comply. SB 413 enables transit districts to enforce ADA requirements.

The proposed amendment to the Ordinance seeks conformity to SB 413. The proposed amendment to Sections 100, 100.3 and inclusion of Section 100.9 is as follows:

SEC. 100. Any person ~~over the age of eighteen~~ who engages in any of the conduct set forth shall be subject to the issuance of a notice of violation and imposition of an administrative penalty. A notice of violation may be issued by a peace officer, fare inspector, security officer, or any RTD representative designated by RTD's General Manager/CEO, or her designated representative, to enforce this ordinance. This ordinance applies with equal force to any person ~~over the age of eighteen~~ who aids or abets in any of the prohibited conduct set forth. The conduct prohibited on or in an RTD facility or vehicle is as follows:

...

SEC. 100.3. Disturbing Others

- (a) Playing unreasonably loud sound equipment on or in an RTD facility or vehicle.
- (b) Willfully disturbing others on or in an RTD facility or vehicle by engaging in boisterous or unruly behavior.
- (c) Disturbing another person on or in an RTD facility or vehicle by loud or unreasonable noise, including cellular phones.
- (d) Willfully blocking the free movement of another person in an RTD facility or vehicle. This prohibition shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.
- (e) Failing to comply with the warning of a peace officer, fare inspector, security officer, or other designated representative of RTD when engaged in the enforcement of this ordinance related to disturbing another person by loud or unreasonable noise.

...

SEC. 100.9. Reserved Seating

- (a) Failing to yield seating reserved for an elderly or disabled person.

Fiscal: The fiscal implications of the proposed amendment are negligible and absorbable under the current operation of the existing Ordinance.

Subject: Amendment to Passenger Code of Conduct Ordinance

Page 3 of 3

PROPOSED ACTION REQUESTED:

In accordance with the San Joaquin Regional Transit District Act, no ordinance shall be passed by the Board on the day of its introduction, nor within three days thereafter, not at any time other than a regular or adjourned regular meeting [see Section 50088 of the Public Utilities Code (PUC)].

Attached is a draft of an amendment to Ordinance No. 001 for the Board's consideration in amending the Passenger Code of Conduct. If this Ordinance meets with the approval of the Board of Directors, the Board is asked to move and second its adoption, at which time the vote to adopt the Ordinance will be scheduled for adoption by the Board of Directors in accordance with PUC Section 50088.

AMENDMENT NO. 01

ORDINANCE NO. 001

Passenger Code of Conduct

[Administrative Penalties and Fees for Fare Evasion or Passenger Misconduct Offenses.]

Amendment to Sections 100, 100.3 and inclusion of Section 100.9 to ordinance imposing administrative penalties and fees for certain types of fare evasion and passenger misconduct offenses instead of criminal penalties, and establishing enforcement procedures thereto pursuant to the authority granted San Joaquin Regional Transit District (RTD) by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580 et seq.

BE IT ENACTED by the board of directors of San Joaquin Regional Transit District:

Section 1. The Passenger Code of Conduct is hereby amended to read as follows:

ARTICLE 1: GENERAL PROVISIONS

SEC. 1. Title. This ordinance is entitled the Passenger Code of Conduct.

SEC. 2. Purpose. The purpose of this ordinance is to better foster a respectful environment and passenger safety for the riders of RTD. Fare evasion and other passenger misconduct occurring within the RTD system have contributed to a loss of fare revenue and a potential perception of an unsafe environment. California state law provides for criminal penalties for fare evasion or passenger misconduct offenses. RTD views passenger safety and a respectful environment as essential to providing a beneficial service to its ridership. To better foster such an environment, RTD believes that the specter of criminal penalty should be removed and replaced with a fair and just administrative process.

SEC. 3. Definitions. As used in this ordinance, the following terms have the following meanings:

- (a) "Fare" means the monetary charges established by RTD for the use of its facilities and vehicles.
- (b) "Graffiti" means any unauthorized inscription, word, figure mark, or design that is written, marked, etched, scratched, drawn, painted, or affixed on RTD facilities or vehicles.

- (c) "Loitering" means unnecessary lingering in RTD facilities or vehicles or other locations when it interferes with an RTD facility or vehicle or use thereof.
- (d) "Passenger", "patron", "customer" and "rider" mean any person, in or on, using or attempting to access, an RTD facility or vehicle.
- (e) "Person" includes an individual, firm, partnership, corporation, association, or company.
- (f) "RTD" means the San Joaquin County Regional Transit District and their contractors.
- (g) "RTD facility" means all property and equipment, including rights of way and related signals, fuel, communication systems, ventilation systems, power plants, cameras, signs, loudspeakers, fare collectors or registers, sound walls, stations, vacant parcels, bike paths, terminals, platforms, plazas, waiting areas, art work, storage yards, depots, repair and maintenance shops, yards, offices, parking areas, and other real estate or personal property owned, leased or licensed by RTD, used for any RTD activity, or authorized to be located on RTD property.
- (h) "RTD representative" means an RTD security officer, operator, fare inspector, or other authorized RTD employee or contractor.
- (i) "RTD system" means all RTD facilities and vehicles, collectively.
- (j) "RTD vehicle" means an RTD bus, car, or other vehicle owned, operated, or used by RTD or its contractors transporting RTD representatives or passengers.
- (k) "Sound equipment" means a radio, receiver, communication device, phonograph, television, musical instrument, tape recorder, cassette player, CD player, MP3 player, DVD player, game, speaker system, audio system, sound amplifier, or other device that plays music or emits noise. Sound equipment does not include assistive hearing devices for persons who have impaired hearing.

ARTICLE 2: PROHIBITED CONDUCT

SEC. 100. Any person ~~over the age of eighteen~~ who engages in any of the conduct set forth shall be subject to the issuance of a notice of violation and imposition of an administrative penalty. A notice of violation may be issued by a peace officer, fare inspector, security officer, or any RTD representative designated by RTD's General Manager/CEO, or her designated representative, to enforce this ordinance. This ordinance applies with equal force to any person ~~over the age of eighteen~~ who aids or abets in any of the prohibited conduct set forth. The conduct prohibited on or in an RTD facility or vehicle is as follows:

SEC. 100.1. Fare and Ticket Violations

- (a) Evasion of the payment of a fare of the RTD system. Fare evasion includes entering an enclosed area of an RTD facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering an RTD vehicle without valid fare.
- (b) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare of the RTD system.
- (c) Unauthorized use of a discount ticket or failure to present, upon request by RTD or within 72 hours thereafter, acceptable proof of identification or eligibility to use a discount ticket.

SEC. 100.2. Disorderly Conduct

- (a) Expectorating upon an RTD facility or vehicle.
- (b) Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in an RTD facility or vehicle.
- (c) Throwing any object from a vehicle or extending any portion of the body through any window or door of a vehicle in a manner that may cause harm or injury.
- (d) Urinating or defecating in an RTD facility or vehicle, except in a lavatory. This prohibition shall not apply to a person who cannot comply as a result of a disability, age, or medical condition.
- (e) Willfully tampering with, removing, displacing, injuring, defacing, marking with graffiti or inscribed marks, or destroying any part of any RTD facility or vehicle.
- (f) Loitering on or in an RTD facility or vehicle.

SEC. 100.3. Disturbing Others

- (a) Playing *unreasonably loud* sound equipment on or in an RTD facility or vehicle.
- (b) Willfully disturbing others on or in an RTD facility or vehicle by engaging in boisterous or unruly behavior.
- (c) Disturbing another person on or in an RTD facility or vehicle by loud or unreasonable noise, including cellular phones.
- (d) Willfully blocking the free movement of another person in an RTD facility or vehicle. This prohibition shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.
- (e) Failing to comply with the warning of a peace officer, fare inspector, security officer, or other designated representative of RTD when engaged in the enforcement of this ordinance related to disturbing another person by loud or unreasonable noise.

SEC. 100.4. False Identification

- (a) Knowingly providing false identification to a peace officer, fare inspector, security officer, or other designated representative of RTD when engaged in the enforcement of this ordinance.

SEC. 100.5. Skateboards and Bicycles

- (a) Skateboarding, roller skating, bicycle riding, or roller blading in an RTD facility, including a parking structure, or in an RTD vehicle. This prohibition shall not apply to an activity that is necessary for utilization of an RTD facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard an RTD vehicle, if that activity is conducted with RTD permission in a manner that does not interfere with the safety of the bicyclist or other patrons of RTD.

SEC. 100.6. Public Decorum

- (a) Failing to wear a shirt, pants or skirt, and shoes in a manner respectful of others or in a manner unreasonably interfering with the use, operation, or enjoyment of others of an RTD facility or vehicle.

SEC. 100.7. Smoking and Eating

- (a) Smoking, eating, or drinking in or on an RTD facility or vehicle in those areas where those activities are prohibited by RTD.

SEC. 100.8. Solicitation

- (a) Sale or peddling of any goods, merchandise, property, or services of any kind whatsoever on an RTD facility or vehicle without the express written consent of RTD or its duly authorized representatives.

SEC. 100.9. Reserved Seating

- (a) Failing to yield seating reserved for an elderly or disabled person.*

ARTICLE 3: ENFORCEMENT

SEC. 200. Initial Review. Within 21 days from the issuance to a person of a notice of violation of any conduct prohibited under this ordinance, the person may request an initial review of the notice of violation issued by RTD. The request may be made, in accordance with procedures established by RTD, by telephone, in writing, or in person. There shall be no charge for this review. If, following the initial review, RTD is satisfied

that the violation did not occur or that extenuating circumstances make dismissal of the notice of violation appropriate in the interests of justice, RTD shall cancel the notice of violation. RTD shall notify, in writing, the person requesting the review of the results of the initial review. If the notice of violation is not dismissed, RTD shall include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure for waiving prepayment of penalty based upon inability to pay.

SEC. 201. Request for Administrative Hearing. If the person is not satisfied with the results of the initial review, the person may request an administrative hearing no later than 21 days following the mailing of the results of the initial review. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit the amount due under the notice of violation. The person shall be allowed to request an administrative hearing without payment of the amount due upon satisfactory proof of inability to pay. The administrative hearing shall be held within 90 days following the receipt of the request for administrative hearing. The person requesting the hearing may request one continuance, not to exceed 21 days.

SEC. 202. Administrative Hearing. The administrative hearing process shall include all of the following:

- (a) The person requesting a hearing shall have the choice of a hearing by mail or in-person. An in-person hearing shall be conducted within the jurisdiction of RTD at a location designated by RTD. The hearing shall provide an independent, objective, fair, and impartial review of the contested violation(s).
- (b) The hearing shall be conducted before a hearing officer designated to conduct the hearing by and in accordance with procedures established by RTD's General Manager/CEO, or her designated representative. In addition to any other requirements of employment, a hearing officer shall demonstrate those qualifications, training, and objectivity prescribed by RTD's General Manager/CEO, or her designated representative. The hearing officer's continued employment, performance evaluation, compensation and benefits shall not be directly or indirectly linked to the amount of fare evasion or passenger conduct violation penalties imposed by the hearing officer.
- (c) The peace officer, fare inspector, security officer, or RTD representative who issued the notice of violation shall not be required to participate in an administrative hearing. RTD shall not be required to produce any evidence other than the notice of violation. The notice of violation, in proper form, shall be prima facie evidence of the violation.

- (d) Following a determination by the hearing officer that a person committed the violation, the hearing officer may allow payment of the violation penalty in installments or deferred payment if the person provides satisfactory evidence of an inability to pay the penalty in full. The decision of the hearing officer shall include reasons in support of the decision rendered.
- (e) The hearing officer's decision following the administrative hearing may be personally delivered to the person or sent by first class mail.

SEC. 203. Appeal. Within 30 days after mailing or personal delivery of the decision of the administrative hearing, the person may seek review by filing an appeal to be heard by the superior court. This appeal shall be heard de novo, except that the contents of the administrative hearing file shall be received in evidence. A copy of the notice of violation shall be admitted into evidence as prima facie evidence of the facts. The appeal shall be conducted as otherwise provided by law.

SEC. 204. Penalties. Upon determination that a person committed a violation under which a notice of violation was issued, an administrative penalty shall be imposed that person. RTD shall adopt a penalty schedule of administrative penalties, and any additional procedures in furtherance of the implementation and enforcement of this ordinance. In setting a penalty schedule, RTD shall not establish penalty amounts that exceed the maximum fine amount set forth in California Penal Code Section 640. The schedule and any procedures deemed necessary shall be subject to the approval of the RTD General Manager/CEO, and shall be reviewed, revised, or amended from time to time.

PASSED AND ENACTED on this _____ day of _____, 2015, by the following vote of the RTD Board of Directors:

AYES:

NOES:

ABSENT:

Subject:

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**STAFF RECOMMENDATION: REGIONAL TRANSPORTATION CENTER (RTC)
RECAP**

**LEAD STAFF: MAX VARGAS, COMMUNICATIONS AND EXTERNAL
RELATIONS MANAGER**

FINANCIAL IMPACT: NONE

BACKGROUND:

A presentation will be provided to the Board.

Subject: Equal Employment Opportunity (EEO)
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**INFORMATION ITEM: EQUAL EMPLOYMENT OPPORTUNITY (EEO)
ANNUAL REPORT – DECEMBER 2014**

**LEAD STAFF: KENT BRADBURY
LEGAL COUNSEL- EMPLOYEE AND LABOR
RELATIONS**

FINANCIAL IMPACT: NONE

BACKGROUND:

The Equal Employment Opportunity Commission (EEOC) requires all state and local governments (including special districts) to electronically file an annual EEO-1 report. San Joaquin Regional Transit District (RTD) conducts a thorough analysis and evaluation of hiring and promotion data annually to ensure compliance with internal goals to create and maintain a diverse workforce. The information presented herein pertains to one pay period during the third quarter of calendar year 2015, in accordance with EEOC reporting requirements.

DISCUSSION:

Each year, Human Resources collects and verifies data in order to complete reports and analysis for RTD's Equal Employment Opportunity (EEO) report, which includes a breakdown of agency workforce by race and gender for the following eight job categories:

Officials & Managers	Craft	Workers (Skilled)	Professional	s
Operatives (Operators)		Laborers (Unskilled)	Service	Workers
Office/Clerical (Administrative)		Technicians		

In prior years, RTD successfully provided employment opportunities to minorities and females. The challenge RTD and other transit agencies face is recruiting minorities and females into traditionally hard to fill classifications, such as Officials & Managers, Craft workers, and Laborers and Helpers. As positions become available in the identified job categories, RTD will set annual goals to increase efforts to address underrepresentation in those job categories as part of the process of the EEO Program.

The tables below represent the EEO-1 report submitted for San Joaquin RTD for 2015 and the 2010 County Population data respectively. A comparison of the RTD work force to the San Joaquin population is shown, which identifies how various minority groups and females are represented and compared among job classifications.

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**RTD Employer Information Report 2015
Gender and Race/Ethnicity by Job Classification**

Job Classification	Total	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Hispanic or Latino	Two or More Races
Executive/Sr. Officials	7	4	3	5	0	1	1	0	0	0
First/Mid Officials & Managers	22	14	8	9	5	0	4	0	4	0
Professionals	32	14	18	11	3	4	7	0	7	0
Technicians	1	1	0	1	0	0	0	0	0	0
Administrative Support	18	2	16	6	2	1	3	0	5	1
Craft Workers	23	23	0	8	0	1	3	1	9	1
Operatives	78	25	53	15	38	2	6	1	14	2
Laborers and Helpers	11	10	1	0	2	0	2	0	7	0
Service Workers	15	9	6	5	4	0	2	0	4	0
2015 TOTAL	207	102	105	60	54	9	28	2	50	4

Comparison of RTD Workforce FY 2015 and 2010 San Joaquin County Civilian Labor Force

Job Classification	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Hispanic or Latino	Two or More Races
RTD Workforce	49.2%	50.7%	28.9%	26%	2.8%	13.5%	0.9%	24.1%	0.9%
S.J. Civilian Labor Force	54.3%	45.7%	40.4%	6.4%	0.5%	14.0%	0.5%	35.6%	2.5%
<i>RTD Workforce vs. S. J. Population</i>	<i>-5.1%</i>	<i>+5%</i>	<i>-11.5%</i>	<i>+19.6%</i>	<i>+2.3%</i>	<i>+3.0%</i>	<i>+4%</i>	<i>-11.5%</i>	<i>-1.6%</i>

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Currently, RTD is expanding recruitment efforts by advertising with prominent internet employment sites and has been using an on-line applicant tracking system. When positions became available in areas of the organization, RTD remained conscious of opportunities to meet diversity goals, as outlined in the chart below, which represents new hires for FY 2016.

**RTD New Hires FY 2016
Gender and Race/Ethnicity by Job Classification**

Job Classification	Total	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Hispanic or Latino	Two or More Races
Accountant I	1	0	1	0	0	0	1	0	0	0
Office Assistant	1	0	1	0	0	0	0	0	1	0
Senior Accountant	2	1	1	0	0	1	0	0	1	0
Transit Ambassador	2	2	0	0	1	0	1	0	0	0
Executive and Board Support Manager	1	0	1	0	1	0	0	0	0	0
Coach Operator – Part Time	5	1	4	0	3	0	0	0	2	0
Communications and External Relations Manager	1	1	0	0	0	0	0	0	1	0
IT Analyst	1	1	0	0	0	0	0	0	1	0
Mechanic A	2	2	0	2	0	0	0	0	0	0
Facilities Technician C	1	1	0	0	0	0	0	0	1	0
Grants Analyst	1	1	0	0	0	1	0	0	0	0
Customer Relations Manager	1	0	1	0	0	0	0	0	0	1
Custodian	1	0	1	1	0	0	0	0	0	0
<i>TOTAL HIRES</i>	20	<i>10</i>	<i>10</i>	<i>3</i>	<i>5</i>	<i>2</i>	<i>2</i>	<i>0</i>	<i>7</i>	<i>1</i>

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RTD'S EEO HIRING:

Since 2013, RTD has worked to hire women into traditionally underrepresented categories such as Officials & Managers, Craft Workers, and Laborers and Helpers, and RTD has had some success. In the past three years, ten women have been hired into these classifications. In the area of Officials and Managers, five women have been hired into these positions, including into the roles of Customer Relations Manager, Executive and Board Support Manager, and Director of Strategic Initiatives. In the area of Craft Workers, two women were hired, and in Laborers and Helpers, three women were hired.

Additionally, RTD has sought to increase African Americans and Hispanic/Latino employees in underrepresented classifications within the Officials & Managers and Professional categories. RTD has also had success in meeting this goal as well. Since 2013, eleven African American and Hispanic/Latino employees have been hired into positions within the Officials/ Managers and Professional categories.

RTD will continue to advertise in news media, including those serving predominantly minority areas, for all available employment opportunities. Additionally, RTD will continue to use referral agencies with current listings of minorities, females, and persons with disabilities seeking employment. The Administrative and Human Resources offices of RTD are located within easy access to all interested parties.

Overall, RTD worked hard to include minorities and females into the workforce. RTD has not been as successful with the hiring of persons with disabilities. RTD has had some success in recruiting women in RTD's non-traditional positions such as utility and maintenance classifications. As positions are vacated and approved for replacement, recruitment will target the above mentioned classifications.

In an effort to meet and exceed FY 2015 diversity goals, RTD will expand recruiting sources to more transit publications and attend local job fairs. Expansion of recruiting sources will also strengthen RTD's relationship as a community partner in Stockton.

San Joaquin RTD

FINANCIAL REPORT

**December 31, 2015
FISCAL YEAR 2016**

San Joaquin RTD

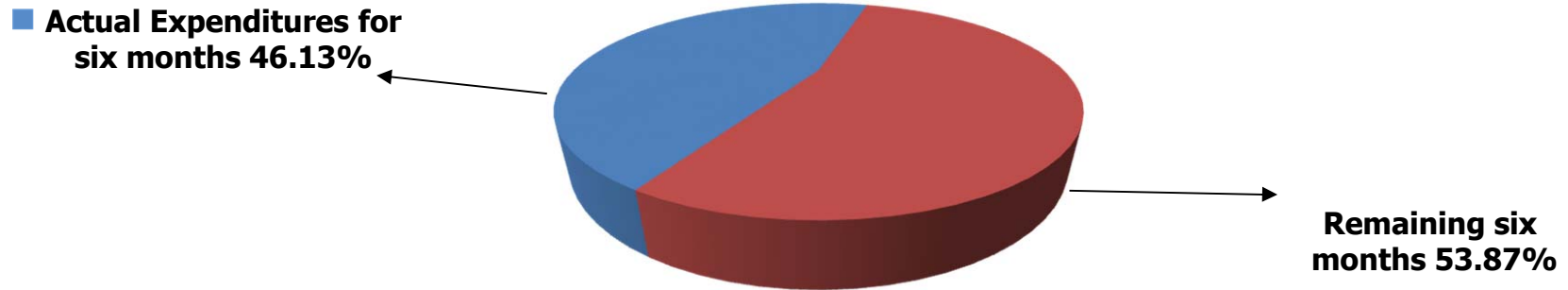
December 31, 2015

Revenue and Expense Summary	1
Graph (Total YTD Expenses vs. Annual Budget)	2
Graph (YTD Expenses Composition)	2

**San Joaquin RTD
Revenue & Expense Summary
Year to Date Comparison to Annual Budget
For the Period Ending December 31, 2015
(50% of Fiscal Year)**

	Annual Budget	Year to Date Amount	Annual Budget Balance	% of YTD Amount vs. Annual Budget
REVENUES				
PASSENGER FARES & SPECIAL FARES	4,507,734	2,290,389	2,217,345	50.81%
NON-TRANSPORTATION REVENUES	149,680	68,826	80,854	45.98%
FEDERAL GRANTS (5307)	4,088,601	2,044,299	2,044,302	50.00%
OTHER FEDERAL GRANTS	1,053,640	526,820	526,820	50.00%
PROPERTY TAXES	834,894	406,768	428,126	48.72%
TDA - STA	3,000,000	1,500,000	1,500,000	50.00%
TDA - LTF	13,525,159	6,762,580	6,762,579	50.00%
OTHER LOCAL GRANTS OPERATING	1,735,876	-	1,735,876	0.00%
LCTOP (State funding) low carbon	221,773	110,887	110,886	50.00%
MEASURE K	5,050,023	2,272,904	2,777,119	45.01%
TOTAL REVENUES	34,167,380	15,983,473	18,183,907	46.78%
EXPENSES				
WAGES AND FRINGE BENEFITS	18,285,228	8,102,180	10,183,049	44.31%
SERVICES	2,826,927	1,338,815	1,488,112	47.36%
MATERIALS & SUPPLIES	2,973,513	1,301,760	1,671,753	43.78%
UTILITIES	550,550	286,963	263,587	52.12%
INSURANCE	933,496	299,150	634,346	32.05%
TAXES	211,082	97,117	113,965	46.01%
PURCHASED TRANSPORTATION	6,997,153	3,662,806	3,334,348	52.35%
MISCELLANEOUS EXPENSES	1,389,430	635,751	753,678	45.76%
TOTAL EXPENSES	34,167,380	15,724,542	18,442,838	46.02%
Net Revenue (Deficit)		(0)	258,930	

Total YTD Expenses as of December 31, 2015 (50% of Fiscal Year)



FY2016 Expenses as of December 31, 2015 (\$15,724,542)

