

## **STAFF REPORT**

**SUBJECT:** Options for San Joaquin Regional Transit District Representation on the SJCOG Board of Directors

**RECOMMENDED ACTION:** Motion to Recommend One of the Three Options

### **DISCUSSION:**

The San Joaquin COG Board of Directors requested that in March, some options be presented to address the San Joaquin Regional Transit District's concern over representation of their transit interests in the region. While the Board was convinced that the Joint Powers Authority was in compliance with federal law regarding transit representation, it was interested in giving the Transit District's interests a more detailed discussion.

To that end, SJCOG Executive Director and SJCOG Legal Counsel Rod Attebery met with Transit District Board member and SJCOG Ex-Officio Board member Gary Giovanetti, and SJRTD CEO Donna DeMartino to discuss possible options. Ms. DeMartino invited Stacey Mortenson of the Rail Commission to participate. The meeting was far ranging in its discussions and the following three options were identified by SJCOG staff. These are not meant to be exhaustive but to give the SJCOG Board a range of possibilities. At the meeting, they appeared to be acceptable for further discussion by all parties.

### **January Action to Change Bylaws**

The SJCOG Board of Directors in January 2017, amended the agency's bylaws to address the legal requirements of the FAST ACT and the resulting planning regulations. This recognizes there are numerous entities that provide public transit service already represented on the SJCOG Board of Directors. It recognizes that locally elected officials can represent the complete interests of their communities whether that be public transit, airports, roads and streets, or goods movement. It also recognizes that the Transit District has a representative sit as an ex-officio COG Board member who can comment on any subject matter and express the interests of the Transit District.

### **Transit District Concern**

The Transit District ex-officio board member cannot make motions, second motions or vote on items before the SJCOG Board, but is fully empowered to participate in board level discussions. The Transit District has argued that the concerns of the District which supplies over 90% of the transit trips taken in San Joaquin County each year is not fully represented by locally elected

officials who are (understandably) not fully informed on the operational and capital needs of the District. The Transit District was created by legislation that recognized the larger regional role of public transit in the region and the need for policy makers fully versed in guiding the mission of the agency. The District advocates that this argues for voting membership of the SJCOG Board of Directors.

### **SJCOG Board Member Responses**

Several SJCOG Board members expressed that they welcome the opportunity to discuss the matter more fully. Board members pointed out that the Transit District is represented to some extent by the Stockton Council members and the Supervisors who appoint District board members. It was also pointed out that the Transit District is not a member of the Joint Powers Authority creating the Council of Governments. It was added that the Transit District board members are not elected officials and do not face the same level of accountability. Lastly, the transportation responsibilities of the SJCOG Board of Directors are far ranging, and locally elected officials have some level of responsibility in a wide range of issues, where appointed Transit District board members do not.

## **Options for Transit District Representation**

### **OPTION ONE: NO CHANGE.**

Institutional Steps Needed: None.

Proposal:

The Council of Governments is a Joint Powers Authority created by the seven cities and the County of San Joaquin. As a result, the voting composition reflects that make up. This proposal leaves that in place with no change to either the JPA or the By Laws. It leaves the Transit District with one Ex-Officio seat that can participate fully in the discussion at the SJCOG Board of Directors but cannot vote, move or second a motion or participate in closed session matters.

Considerations:

This proposal would conclude that the San Joaquin Council of Governments can fully address the issues of public transit in San Joaquin County and that no enhancement to that is necessary. It would conclude that the Transit District does not need institutional changes to make its needs and interests known at the regional level in San Joaquin COG's decision making process.

## **OPTION TWO: STOCKTON/SAN JOAQUIN COUNTY TRANSIT REPRESENTATIVES**

### Institutional Steps:

This would require a policy change at the Stockton City Council and the San Joaquin County Board of Supervisors. It would require a by-laws change at the San Joaquin Regional Transit District, and a by-laws change at the San Joaquin Council of Governments.

### Proposal:

This option would have the City of Stockton identify one of their three SJCOG Board member appointees as also an ex-officio member of the San Joaquin Regional Transit District. As an ex-officio member of the Transit District the councilmember (or Mayor) would not be a voting member, but would participate in discussions and become a far more informed and empowered representative of public transit and specifically the San Joaquin Regional Transit District. In fact, the Transit District staff have developed a draft “job description” that would assist in the selection of the councilmember and their function on the Transit District Board of Directors. (This is not a job description that the SJCOG Board of Directors would take action on, but is available at the end of this staff report (SJCOG staff included only the first page).) As a voting member of the COG Board, this councilmember would be far more informed and able to better represent the interest of public transit and the Transit District.

This same process would occur at the Board of Supervisors in their selection of the Transit District ex-officio member.

This proposes no change in the Ex-Officio appointment to the San Joaquin COG Board of Directors from the Transit District.

### Considerations:

This proposal concludes that the Council/Board representative on the Transit District Board of Directors would be involved and become informed. It is important for each jurisdiction to select an ex-officio member to the District who has an interest and the time to devote to the endeavor. Locally elected officials are the busiest people and having time to commit is an important consideration. This might take two to three months to implement.

This likely gives the Transit District two stronger transit voices on the SJCOG Board of Directors. It can be argued that this is likely to give the Transit District’s interests two votes on the SJCOG Board, but policy makers exercise their best judgement in voting on the SJCOG Board considering all the factors in front of them, and this is not expected to change.

## **OPTION THREE: TRANSIT DISTRICT REPRESENTATIVE MOVES FROM EX-OFFICIO STATUS TO FULL BOARDMEMBER VOTING STATUS**

### Institutional Steps Needed:

This might require policy change on the part of the Transit District Board of Directors. It would require a vote of the SJCOG Board to recommend a Joint Powers Agreement amendment. It would then require an affirmative vote of a majority of the member agencies (city councils and/or Board of Supervisors) of the JPA representing 55% of the population.

### Proposal:

The Transit District would appoint a member of its Board of Directors as a full voting member of the San Joaquin Council of Governments Board of Directors. Their role would be indistinguishable from existing voting members of the Board. (SJCOG staff would recommend that this role be limited to transportation functions (such as the Metropolitan Planning Organization, the Local Transportation Authority and the Regional Transportation Planning Agency, and not include San Joaquin COG Inc., our function as the Airport Land Use Commission or our function in determining the Fair Share Housing Needs of member agencies.) There would no longer be an ex-officio member of the SJCOG Board of Directors representing the Transit District.

### Considerations:

This would require something of an education to city council members and members of the Board of Supervisors who do not sit on SJCOG. It would likely take a process of four months to complete, though could be a little faster or longer depending upon the scheduling of the item before councils or the Board of Supervisors. It would expand the SJCOG Board to 13 members and would probably require policy changes and by-law changes regarding the rotation of the chair and vice-chair positions and the composition of the Executive Committee and possible the Project Delivery Committee.

## **Conclusion:**

SJCOG staff believes that Option 2 is a viable compromise position that both enhances the Transit District's voice on the SJCOG Board while recognizing the role of elected officials in regional decision making. In fact, the proposal has some similarity to the role locally elected officials play on the SJCOG Board of Directors when also representing the interests of the Regional Rail Commission.

This idea though needs to be vetted more thoroughly with the City of Stockton, and the County of San Joaquin as well as the San Joaquin Regional Transit District. There may be institutional considerations that we are not aware of at this time. Before pursuing this though we need to get direction from the SJCOG Board of Directors.

# **Transit District's Proposed Job Description for Ex-Officio Board members.**

## **Job Description for Designated Public Transportation Representative for the San Joaquin Council of Government's Board of Directors**

The Final Rule for Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning (Federal Highway Administration 23 CFR Parts 450 /771, and Federal Transit Administration 49 CFR Part 613) establishes that every Metropolitan Planning Organization (MPO) that serves an area designated as a Transportation Management Area (TMA) must include an official (or officials) who is formally designated to represent the collective interests of the operators of public transportation in the MPA and will have equal decision making rights and authorities as other officials on its policy board.

The following expectations for the Designated Public Transit Representative(s) are in support of the final rule that requires representation with voting rights for operators of public transportation on the board San Joaquin Council of Government's Board of Directors. The expectations are designed with the recognition that the Designated Transportation Representative(s) will need to have working knowledge of the public transportation operations and public transportation needs within the San Joaquin County in order to effectively represent the collective interests of the operators of public transportation. The following expectations for the Designated Public Transit Representative(s) will ensure an effective level of engagement with public transportation issues within San Joaquin County:

- Attend a minimum of nine San Joaquin Regional Transit District Board Meetings per year. The meetings of the board are the third Friday of each month, at 10:00am, at the Downtown Transit Center Board Room, 421 East Weber Avenue, Stockton, CA. Board minutes can be downloaded at <http://www.sanjoaquinrtd.com>
- Attend one of the following public transportation conferences per year (listed in order of priority):
  1. American Public Transportation Association Legislative Conference, Washington D.C. (March)
  2. California Transit Association Spring Legislative Conference (May)
  3. 2017 Transit Board Members & Board Support Seminar (Summer)
- Attend the following annual special meeting/workshops for the San Joaquin Regional Transit District:
  - Strategic Planning Workshop (Feb/March)
  - Special Budget Planning Meeting (June)
- Read and be familiar with the *Transit Board Member Handbook* published by the American Public Transportation Association and can be found at: <http://www.apta.com/resources/reportsandpublications/Documents/2014-Transit-Board-Member-Handbook.pdf>