

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

BOARD OF DIRECTORS REGULAR MEETING AGENDA
JANUARY 08, 2010 (Second Friday of Each Month)
SCMTD SANTA CRUZ CONFERENCE ROOM
110 VERNON STREET
SANTA CRUZ, CALIFORNIA
9:00 a.m. – 11:00 a.m.

THE BOARD AGENDA PACKET CAN BE FOUND ONLINE AT WWW.SCMTD.COM

NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER

SECTION I: OPEN SESSION - 9:00 a.m.

1. a. ROLL CALL
- b. CONSIDERATION OF:
 - 1) NOMINATION OF DIRECTORS TO SERVE AS BOARD OFFICERS,
 - 2) NOMINATIONS FOR APPOINTMENTS TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY,
 - 3) NOMINATIONS FOR APPOINTMENTS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2010Presented by: Leslie R. White, General Manager
2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS
 - a. Paula Skiadas Re: ParaCruz Service Compliment
 - b. Rick Longinotti Re: Sponsorship Request
3. LABOR ORGANIZATION COMMUNICATIONS
4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

CONSENT AGENDA

- 5-1. CONSIDERATION OF EXTENSION OF PURCHASE ORDER/CONTRACT FOR EMPLOYMENT OF TEMPORARY HELP THROUGH ROBERT HALF INTERNATIONAL FOR TEMPORARY EMPLOYMENT STAFFING FOR THE GRANTS ANALYST POSITION THROUGH APRIL, 30, 2010 FOR A TOTAL AMOUNT NOT TO EXCEED \$104,000

REGULAR AGENDA

6. CONSIDERATION OF REQUEST FROM RICK LONGINOTTI (TRANSITION SANTA CRUZ) FOR SPONSORSHIP, INCLUDING ADVERTISING SIGNS, OF THE "HOUSING WITHIN REACH" WORKSHOP
Presented By: Leslie R. White, General Manager
7. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel
8. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

SECTION II: CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9)
 - a. Name of Case: Rita Gentry vs. Santa Cruz Metropolitan Transit District
(Before the Workers' Compensation Appeals Board)

SECTION III: RECONVENE TO OPEN SESSION

9. REPORT OF CLOSED SESSION

ADJOURN

NOTICE TO PUBLIC

Members of the public may address the Board of Directors on a topic not on the agenda but within the jurisdiction of the Board of Directors or on the consent agenda by approaching the Board during consideration of Agenda Item #2 "Oral and Written Communications", under Section I. Presentations will be limited in time in accordance with District Resolution 69-2-1.

When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.

Members of the public may address the Board of Directors on a topic on the agenda by approaching the Board immediately after presentation of the staff report but before the Board of Directors' deliberation on the topic to be addressed. Presentations will be limited in time in accordance with District Resolution 69-2-1.

The Santa Cruz Metropolitan Transit District does not discriminate on the basis of disability. The Conference Room is located in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, please contact Cindi Thomas at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting METRO regarding special requirements to participate in the Board meeting.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: January 8, 2010

TO: Board of Directors

FROM: Leslie R. White, General Manager

SUBJECT: CONSIDERATION OF:

- 1) **NOMINATION OF DIRECTORS TO SERVE AS BOARD OFFICERS,**
- 2) **NOMINATIONS FOR APPOINTMENTS TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY, AND**
- 3) **NOMINATIONS FOR APPOINTMENTS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2010**

I. RECOMMENDED ACTION

That the Board of Directors identify nominees from the Board to be considered for election to the positions Board Chair, Vice Chair, Representative and Alternate to the Highway 1 Construction Authority, and Representatives and Alternates for the Santa Cruz County Regional Transportation Commission for 2010.

II. SUMMARY OF ISSUES

- Article 6 of the METRO Bylaws provides that the Board of Directors shall annually nominate members to be considered for election to the positions of Chair and Vice Chair.
- It is necessary for the Board of Directors to nominate members to be considered for election to represent METRO on the Board of Directors of the Highway 1 Construction Authority (HCA).
- In order to maintain representation on the Santa Cruz County Regional Transportation Commission (SCCRTC) it is necessary that the Board of Directors nominate members to be considered for election to the three positions and three alternate positions that are provided for METRO.
- Currently elections for the positions referenced in this Staff Report are scheduled to be held at the January 22, 2010 Board of Directors meeting.

III. DISCUSSION

The terms of the officers and appointees of the Board of Directors in the positions of Chair, Vice Chair, HCA appointees, and SCCRTC appointees expire in January 2010. The METRO Bylaws provide that the Board of Directors shall identify nominees to be considered for election to the positions herein referenced.

1a.1

Staff recommends that the Board of Directors identify members to be nominees for the positions of Chair, Vice Chair, HCA appointee and alternate, and SCCRTC appointees and alternates. In accordance with the METRO Bylaws, nominations remain open until the positions are filled through election. The election of nominees to the referenced offices is scheduled to be held on January 22, 2010.

IV. FINANCIAL CONSIDERATIONS

Funding support for the positions identified in this Staff Report is contained in the adopted METRO FY 2010 Operating Budget.

V. ATTACHMENTS

Attachment A: 2009 Board Officers and Appointments

1a.2

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

2009 Board Officers and Appointments

Chair

Dene Bustichi

Vice Chair

Ellen Pirie

HCA Representative

Marcela Tavantzis

HCA Alternate

Mike Rotkin

SCCRTC Representatives

Pat Spence

Marcela Tavantzis

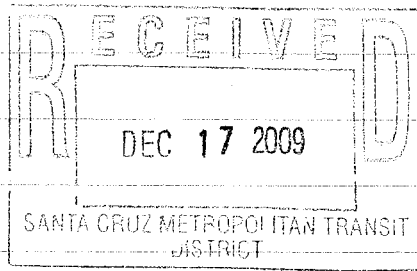
Dene Bustichi

SCCRTC Alternates (in order)

Donald Hagen

Ron Graves

Michelle Hinkle



December 10, 2009

Dear Chairperson Dene Bustichi, Co-chair Ellen Pirie,
and all Santa Cruz Metropolitan Transit District Bd. of Directors

Merry Christmas! I want to thank you folks for the wonderful Para Cruz service we have in Santa Cruz County. Due to life-changing injuries, I found myself in a real pickle a few years back. With Para Cruz, I have regained much-loved independence! For that I am so grateful. (11)

More importantly, the Para Cruz drivers are true heroes to me. They are dependable, kind, professional, compassionate, and most have a great sense of humor. It is very humbling to have your body changed up through injury, yet these amazing drivers are sensitive and helpful through all.

Sometimes, we all being human and therefore not perfect, mix-ups happen with scheduling. Always, always these mix-ups are resolved in a positive manner with kindness and professionalism--no barking or ugly stuff. How beautiful and rare is that in this day and age?!

So, thanks to all in the Para Cruz unit! I appreciate each and everyone of you. Happy Holidays! Bless you all!!
cc- April Womack
Sincerest regards,
Paula Skiodas

2-a.1



December 18, 2009

Board of Directors
Santa Cruz Metropolitan Transit District

Dear Directors,

I would like to invite Metro to co-sponsor the event "Housing Within Reach: Of Our Pocketbooks; of Our Workplaces, Schools and Stores". Co-sponsorship would allow us to publicize the workshop series with announcements on Metro buses.

I believe this event is a natural fit for Metro, since the series seeks to popularize the idea that growth in housing needs to take place at the urban core and along transit corridors. This means housing at a density that is optimal for transit. The more people depending on transit, the stronger the constituency that will advocate for transit, in a virtuous circle that benefits the entire society.

I look forward to collaborating on this project.

Best wishes,

A handwritten signature in cursive script that reads "Rick Longinotti".

Rick Longinotti

2-b.1

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: January 8, 2010
TO: Board of Directors
FROM: Angela Aitken, Finance Manager & Acting Assistant General Manager
SUBJECT: **CONSIDERATION OF EXTENSION OF PURCHASE ORDER/CONTRACT FOR EMPLOYMENT OF TEMPORARY HELP THROUGH ROBERT HALF INTERNATIONAL FOR TEMPORARY EMPLOYMENT STAFFING FOR THE GRANTS ANALYST POSITION THROUGH APRIL, 30, 2010 FOR A TOTAL AMOUNT NOT TO EXCEED \$104,000**

I. RECOMMENDED ACTION

That the Board of Directors authorize the General Manager to extend the purchase order/contract with Robert Half International for temporary employment staffing for the grants analyst position through April 30, 2010 for a total amount not to exceed \$104,000.

II. SUMMARY OF ISSUES

- The employee responsible for METRO's Grants/Legislative Analyst position was on leave from June 10, 2009 and has started to transition back to work since November 12, 2009.
- METRO selected and hired a candidate from Robert Half International who has performed the duties of the position since June 29, 2009.
- METRO would like to retain this temporary employee during the transition period through April 30, 2010.
- Staff is recommending that the Board of Directors authorize the General Manager to extend the purchase order/contract with Robert Half International for temporary employment staffing for the grants analyst position through April 30, 2010 for a total amount not to exceed \$104,000.

III. DISCUSSION

The employee responsible for METRO's Grants/Legislative Analyst position has been on leave since June 10, 2009. METRO contacted personnel agencies for qualifications and resumes of candidates to fulfill the duties of this position until METRO's employee was able to return to work. METRO selected a candidate from Robert Half International who has performed the duties of the position since June 29, 2009. METRO's Grants/Legislative Analyst employee

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started to transition back to work on November 12, 2009. During this transition period, METRO would like to retain the temporary employee from Robert Half International through April 30, 2010.

Staff is recommending that the Board of Directors authorize the General Manager to extend the purchase order/contract with Robert Half International for temporary employment staffing for the grants analyst position through April 30, 2010 for a total amount not to exceed \$104,000.

IV. FINANCIAL CONSIDERATIONS

Funds to support this purchase order/contract are included in the Finance Department FY10 budget.

V. ATTACHMENTS

None

Prepared By: Lloyd Longnecker, Purchasing Agent
Date Prepared: December 17, 2009

5-1.2

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: January 8, 2010
TO: Board of Directors
FROM: Leslie R. White, General Manager
SUBJECT: **CONSIDERATION OF REQUEST FROM RICK LONGINOTTI (TRANSITION SANTA CRUZ) FOR SPONSORSHIP, INCLUDING ADVERTISING SIGNS, OF THE "HOUSING WITHIN REACH" WORKSHOP**

I. RECOMMENDED ACTION

That the Board of Directors review the request from Rick Loginotti for sponsorship, including advertising signs, of the "Housing Within Reach" workshop.

II. SUMMARY OF ISSUES

- The Board of Directors has, in the past, elected to be a sponsor for events that have a direct relationship to improving transit service or funding.
- In 2009 METRO was a sponsor for the METRO Bus Lover's Forum with Assembly Member Bill Monning, and recently the Board approved sponsorship of the Complete Count Committee's activities.
- The approval of sponsorship of an activity that promotes METRO service and funding allows promotional signs on the bus fleet under the advertising policy. However, sponsorship and advertising requires and finding that the event is directly related to improving METRO service or funding.
- METRO has received a request (attached) from Rick Longinotti requesting sponsorship of the "Housing Within Reach" workshop and requesting that signs informing the public of the workshop be placed on the bus fleet.

III. DISCUSSION

The Board of Directors has an adopted policy with regard to advertising on the inside and outside of the METRO buses. The advertising policy (attached) requires that the space be available for sale to companies that are advertising the sale of goods and services as a commercial enterprise. The policy also allows METRO to use the space to promote transit services. The policy allows METRO to provide information regarding certain events that promote improved transit funding and where METRO is an event sponsor.

METRO routinely receives requests from agencies and groups requesting free space on or in the buses to promote worthy events that they are sponsoring. However, the adopted advertising

6.1

policy does not allow for these types of signs to be displayed by METRO. The advertising policy is designed to avoid having the buses become a “public forum” with the legal liabilities that such a designation could present.

METRO has received a request for event sponsorship from Rick Longinotti (Transition Santa Cruz) for a workshop entitled “Housing Within Reach”. The request for sponsorship is designed to allow information regarding the workshop event to be displayed on METRO buses. Absent the sponsorship designation, and accompanying finding that the event is directly related to improving METRO service or funding, the information would not be able to be displayed by METRO. It is unclear from the letter that METRO received from Rick Longinotti who would be financially responsible for the production of the informational signs.

IV. FINANCIAL CONSIDERATIONS

The 2009/2010 METRO Operating Budget does not contain funding for the production of informational signs for events.

V. ATTACHMENTS

Attachment A: Letter from Rick Longinotti December 18, 2009.

Attachment B: METRO Advertising Policy



December 18, 2009

Board of Directors
Santa Cruz Metropolitan Transit District

Dear Directors,

I would like to invite Metro to co-sponsor the event "Housing Within Reach: Of Our Pocketbooks; of Our Workplaces, Schools and Stores". Co-sponsorship would allow us to publicize the workshop series with announcements on Metro buses.

I believe this event is a natural fit for Metro, since the series seeks to popularize the idea that growth in housing needs to take place at the urban core and along transit corridors. This means housing at a density that is optimal for transit. The more people depending on transit, the stronger the constituency that will advocate for transit, in a virtuous circle that benefits the entire society.

I look forward to collaborating on this project.

Best wishes,

A handwritten signature in cursive script that reads "Rick Longinotti".

Rick Longinotti

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-1006

Computer Title: Advertising

Effective Date: September 27, 2002

Pages: 5

TITLE: ADVERTISING POLICY AND REGULATIONS

Procedure History

NEW POLICY	SUMMARY OF POLICY	APPROVED
9/27/02	To Create a policy regarding advertising on buses	S. A.
9/26/03	Policy amended to allow METRO bus advertisements	E.R.
3/24/06	Policy amended to remove restriction on advertising from competing forms of transportation	M.R.

I. POLICY

- 1.01 Santa Cruz Metro sells space inside and upon its buses, for the display of commercial advertising. The purpose is to raise revenues, supplementary to those from fares and from tax proceeds, to be used to finance Santa Cruz Metro's operations. The display of advertising is solely for this purpose. It is not intended to provide a general public forum for purposes of communication, but rather to make use of property held in a proprietary capacity in order to generate revenue.
- 1.02 In order to realize the maximum benefit from the sale of advertising space, the program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising does not discourage the use of Santa Cruz Metro's transit system, does not diminish Santa Cruz Metro's reputation in the community it serves or the good will of its patrons, and is consistent with Santa Cruz Metro's principal purpose of providing safe, comfortable, efficient and affordable public transportation. To attain these objectives, Santa Cruz Metro's Board of Directors has established these regulations for the advertising displayed in and upon its buses.

6. b1

- 1.03 In addition to the foregoing, noncommercial speech is excluded from advertising inside and upon the buses for the following reasons:
- a. Santa Cruz Metro wishes to maintain a position of neutrality on political, religious, environmental, or other public matters and issues in order to promote its commercial enterprise;
 - b. If advertisement inside and upon the buses is not restricted, the buses and passengers could be subject to violence;
 - c. Preventing a reduction in income earned from selling advertising space because commercial advertisers may be dissuaded from using the forum commonly used by those wishing to communicate political or religious ideas or beliefs.

II. APPLICABILITY

- 2.01 This procedure is applicable to all District employees and all independent contractors who contract with Santa Cruz Metro, for the placement of advertisement in and upon Santa Cruz Metro's buses.

III. DEFINITIONS

- 3.01 Commercial advertising:
- a. Advertising the sole purpose for which is to sell or rent real estate or personal property for profit, or to sell services for profit.
 - b. Shall not include any advertising that both offers to sell property or services and also conveys information about matters of general interest, political issues, religious, moral, or environmental matters or issues, or other public matters or issues, or expresses or advocates opinions or positions upon any of the foregoing.
 - c. Does not convey whether expressly or implied, intentionally or unintentionally, by inference or innuendo, the religious, social, political, legal or moral view of any person or entity as such views are generally understood in Santa Cruz County community.
 - d. Does not cause the vehicles, if posted individually or in combination with other advertisements, to become a public forum for the dissemination, debate, and/or discussion of public issues.

3.02 Political Advertising:

- a. Any advertising that supports or opposes the election of any candidate or group of candidates for election to any federal, State, or local government office;
- b. Any advertising that supports or opposes any referendum conducted by the federal or State government, or by any local government, such as referenda on constitutional amendments, on bond issues, or on local legislation; or
- c. Any advertising that features any person whose prominence is based wholly or in part upon his or her past or present activity in political affairs, or that represents or implies any such person's approval or endorsement of the subject matter of the advertising.

IV. ADVERTISING STANDARDS

4.01 All advertising displayed in or upon the Santa Cruz Metro's buses shall be strictly commercial in nature and purpose.

4.02 Santa Cruz Metro's transit system, in order to serve the purpose for which it has been established, must of necessity accommodate all persons without distinction of age. It is therefore necessary to exclude advertising unsuitable for exposure to children or persons with immature judgment. The following kinds of advertising therefore will not be displayed in or upon Santa Cruz Metro's buses:

1. Advertising for cigars, cigarettes, pipe tobacco, chewing tobacco, and other tobacco products.
2. Advertising for alcoholic beverages, including beer, wine, and distilled spirits.
3. Advertising for products or services related to human reproduction or sexuality, including but not limited to contraceptive products or services, other products or services related to sexual hygiene, and counseling with regard to pregnancy, abortion, or other sexual matter.
4. Advertising for products, services, or entertainment directed to sexual stimulation.

4.03 No advertising shall be permitted that in any way denigrates Santa Cruz Metro's organization, or its operation, or its officers, agents, or employees. This

prohibition includes advertising copy and illustrations that state or imply or could reasonably be expected to cause an inference, that Santa Cruz Metro's service or operations are anything but safe, efficient, affordable and convenient.

- 4.04 Santa Cruz Metro expects all advertising copy to be truthful. Advertising copy and illustrations should not be exaggerated, distorted, false, misleading or deceptive.
- 4.05 Medical products or treatments are to be treated in a restrained and inoffensive manner.
- 4.06 Testimonials are expected to be authentic, and advertisers using them will be required to indemnify Santa Cruz Metro against any action brought in connection with them. Advertising that promotes contests or giveaways is expected to comply with all applicable laws and regulations.
- 4.07 No advertising in or upon Santa Cruz Metro's buses shall include language, pictures, or other graphic representations that are unsuitable for exposure to persons of young age and immature judgment, or shall be derogatory or defamatory of any person or group because of race, color, national origin, ethnic background, religion, gender or sexual preference.
- 4.08 No advertising shall be displayed in or upon Santa Cruz Metro's buses if the display thereof would violate any federal or State law or regulation, or any law, regulation, or ordinance of any county or municipality in or through which Santa Cruz Metro buses are or may be operated.
- 4.09 No advertising that is obscene, as defined by federal or California law, shall be displayed in or upon Santa Cruz Metro's buses.
- 4.10 Proposed advertisements shall not be accepted if the use, or possession of the property proposed to be advertised, includes a product that is specifically prohibited from use or possession on Santa Cruz Metro's facilities including its buses and vehicles. These products include firearms, tobacco products, alcohol and weapons.
- 4.11 No advertising will be accepted if it advocates imminent lawlessness or violence.
- 4.12 Political advertising will not be accepted.
- 4.13 Advertising will not be accepted if it promotes or encourages unlawful activity.
- 4.14 Advertising will not be accepted if it supports or opposes an issue or cause and/or which advocates or opposes a religion or belief.

- 4.15 Notwithstanding any other provision in this policy, advertising for METRO's transit bus and paratransit services shall be allowed. METRO also retains the right to communicate with its passengers and the public on transit issues, to seek input and participation from its passengers and to provide its passengers with notifications of meetings, hearings and other transit-related issues.

V. USE OF SANTA CRUZ METRO'S NAME

- 5.01 Use of Santa Cruz Metro's name, logo, slogans, or other graphic representations is subject to advance approval by Santa Cruz Metro. Santa Cruz Metro does not endorse or imply endorsement of any product or service.

VI. ADMINISTRATION OF ADVERTISING REGULATION

- 6.01 Advertising space on Santa Cruz Metro's buses is sold through an independent Contractor. The Contractor shall comply with the foregoing policies, and review all advertising with reference to them. They shall refer all such advertising that falls or may fall into any of the categories defined above to Santa Cruz Metro's designated representative responsible for administering the advertising program, who shall determine whether the proposed advertising will be accepted. If the proposed advertising is rejected, the party or parties proposing it may request that this decision be reconsidered. Upon such request, Santa Cruz Metro's representative shall consult with Santa Cruz Metro's District Counsel and with its General Manager or the officer designated by him/her for this purpose. The General Manager or his/her designee, on the basis of such consultation, shall determine whether the proposed advertising will be accepted or rejected.
- 6.02 Santa Cruz Metro will co-operate with the party or parties proposing the advertising, and with the independent contractor through whom it has been proposed, in a reasonable effort to revise it in order to produce advertising that can be accepted and displayed consistently with the foregoing policies.