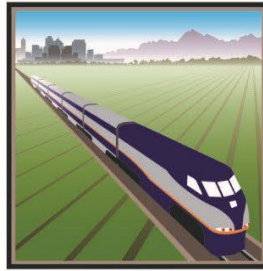


Supervisor **Vito Chiesa**, Stanislaus County
Councilmember **Patrick Hume**, Chair, City of Elk Grove
Supervisor **David Haubert**, Alameda County
Councilmember **David Hudson**, City of San Ramon
Supervisor **Rodrigo Espinoza**, Vice-Chair, Merced County

Supervisor **Doug Verboon**, Kings County
Supervisor **Brett Frazier**, Vice-Chair, Madera County
Supervisor **Sal Quintero**, Fresno County
Supervisor **Amy Shuklian**, Tulare County



San Joaquin
Joint Powers Authority

Alternate **Richard O'Brien**, City of Riverbank
Alternate **Don Nottoli**, Sacramento County
Alternate **Melissa Hernandez**, City of Dublin
Alternate **Diane Burgis**, Contra Costa County
Alternate **Josh Pedrozo**, Merced County
Alternate **Mikey Hothi**, City of Lodi

Alternate **Tom Wheeler**, Madera County
Alternate **Rey León**, City of Huron
Alternate **Eddie Valero**, Tulare County

TELECONFERENCE SPECIAL BOARD MEETING
March 10, 2022 – 9:00 AM

Call-In Information: +1 (571) 317-3122 Conference Access Code: 252-447-589
GoToMeeting Link: <https://meet.goto.com/252447589>

SPECIAL NOTICE
Coronavirus COVID-19

In accordance with Assembly Bill 361 (AB361), San Joaquin Joint Powers Authority Board Members will be attending this meeting via teleconference or videoconference. Members of the public may observe the meeting by dialing +1 (571) 317-3122 with access code: 252-447-589 or log-in using a computer, tablet or smartphone at GoToMeeting.com using link: <https://meet.goto.com/252447589>

Please note that all members of the public will be placed on mute until such times allow for public comments to be made. If a person wishes to make a public comment during the meeting, to do so they must either 1) use GoToMeeting and will have the option to notify SJJPA staff by alerting them via the “Chat” function, or they may 2) contact SJJPA staff via email at publiccommentssjjpa@sjjpa.com, in which staff will read the comment aloud during the public comment period. Public comments will be limited to two (2) minutes per comment, and no more than 240 words.

This Agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact San Joaquin Regional Rail Commission staff, at 209-944-6220, during regular business hours, at least twenty-four hours prior to the time of the meeting.

All proceedings before the Authority are conducted in English. Any writings or documents provided to a majority of the Authority regarding any item on this agenda will be made available for public inspection at the offices of the San Joaquin Regional Rail Commission located at 949 E. Channel Street, Stockton, California, 95202 during normal business hours or by calling (209) 944-6220. The Agenda and meeting materials are also available on the San Joaquin Joint Powers Authority Website: <http://www.sjjpa.com/Home>.

MEMBER AGENCIES

Alameda County - Contra Costa County Transportation Authority - Fresno Council of Governments - Kings County Association of Governments - Madera County Transportation Commission
Merced County Association of Governments - Sacramento Regional Transit - San Joaquin Regional Rail Commission - Stanislaus Council of Governments - Tulare County Association of Governments

1. Call to Order, Pledge of Allegiance, Roll Call

Chair Hume

2. Public Comments

Persons wishing to address the Authority on any item of interest to the public regarding SJJPA and the San Joaquin Rail Service shall state their names and addresses and make their presentation. The Authority cannot take action on matters not on the agenda unless the action is authorized by Section 54954.2 of the Government Code. If a person wishes to make a public comment during the meeting, to do so they must either 1) use GoToMeeting using link: <https://meet.goto.com/252447589> and will have the option to notify SJJPA staff by alerting them via the "Chat" function or they can 2) contact SJJPA staff via email at: publiccommentssjjpa@sjjpa.com, in which staff will read the comment aloud during the public comment period. Public comments will be limited to two (2) minutes per comment and no more than 240 words.

3. Consent Calendar

- 3.1 Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority ("SJJPA") Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period March 11, 2022 to April 9, 2022

ACTION

- 4. Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority Approving the Amended Bylaws dated March 10, 2022 as attached hereto**
(Autumn Gowan)

ACTION

- 5. Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority Approving the Expenditure Authority for the Executive Director and Staff Directors**
(Autumn Gowan)

ACTION

- 6. Presentation to the Board for the Third Amendment to the San Joaquin Regional Rail Commission Procurement Manual**
(Autumn Gowan)

INFORMATION

7. Board Member Comments

8. Adjournment

The next regular meeting is scheduled for:
March 25, 2022 – 9:00 am

SAN JOAQUIN JOINT POWERS AUTHORITY

Special Meeting of March 10, 2022

STAFF REPORT

Item 3.1

ACTION

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority ("SJJPAA") Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period March 11, 2022 to April 9, 2022

Background:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20, effective October 1, 2021. At that point, agencies would have transitioned back to public meetings held in full compliance with the preexisting Brown Act teleconference rules. Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including San Joaquin Public Health Services, the California Department of Public Health and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

On September 16, 2021, Governor signed Assembly Bill (AB) 361 into law, effective October 1, 2021, to allow agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction. AB 361 will sunset on January 31, 2024.

Under AB 361, a local agency will be allowed to meet remotely without complying with prior Brown Act teleconference requirements when:

- a. The local agency holds a meeting during a state of emergency declared by the Governor, and either
- b. State or local health officials have imposed or recommended measures to promote social distancing, or

- c. The legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

As discussed above, the state of emergency is currently in effect and state and local officials continue to recommend social distancing. Therefore, the SJJPA may continue to conduct meetings via teleconference, as long as it adheres to the following emergency requirements under Government Code Section 54953(e)(2), added by AB 361:

1. The legislative body gives notice and posts agendas as otherwise required by the Brown Act, including directions for how the public can access the meeting.
2. The legislative body does not take formal action on any item whenever there is a disruption in the meeting broadcast.
3. The public is allowed to provide comment in real time.
4. The legislative body allows time during a public comment period for members of the public to register with any internet website required to submit public comment.

On February 18, 2022, the SJJPA held its special meeting via teleconference under AB 361. In accordance with Government Code Section 54953(e)(1), the Authority made the AB 361 finding allowing teleconference meetings for 30 days thereafter. The resolution accompanying this staff report makes those findings to continue to hold teleconference meetings for the next 30 days. As a result, any SJJPA meetings occurring March 11, 2022, through April 9, 2022, use the teleconferencing option under AB 361.

For upcoming teleconference meetings, the SJJPA can continue to follow the AB 361 requirements by declaring every 30 days that it has reconsidered the circumstances of the state of emergency and either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (2) state or local officials continue to impose or recommend measures to promote social distancing. Resolutions making those findings will be presented at future meetings for consideration.

These findings can be made through the consent calendar.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority ("SJJPA") Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period March 11, 2022 to April 9, 2022.

SJJPA RESOLUTION 21/22-

RESOLUTION OF THE GOVERNING BOARD OF THE SAN JOAQUIN JOINT POWERS AUTHORITY (“SJJPA”) DETERMINING TO CONDUCT MEETINGS USING TELECONFERENCING PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED BY AB 361 FOR THE PERIOD MARCH 11, 2022 TO APRIL 9, 2022

WHEREAS, SJJPA is committed to preserving and nurturing public access and participation in its meetings; and

WHEREAS, all meetings of the SJJPA legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the SJJPA legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, one or more of the counties within the SJJPA’s boundaries remain under a Local Health Emergency due to the COVID-19 pandemic, acknowledging that close contact to other persons increases the risk of transmission; and

WHEREAS, currently the dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and

alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 10, 2022, the SJJPA held a special meeting remotely by teleconference/video conference in accordance with Government Code Section 54953(e) and hereby desires to adopt this resolution in order to continue to use remote teleconference/videoconference for the 30 days thereafter.

NOW, THEREFORE, THE SAN JOAQUIN JOINT POWERS AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Finding of Imminent Risk to Health or Safety of Attendees. The SJJPA Board does hereby find that the current dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to SJJPA's employees and other representatives, and attendees of SJJPA's public meetings; and

Section 3. Teleconference Meetings. The Members of the SJJPA Board of Directors do hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and Local officials that the SJJPA may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

Section 4. Direction to Staff. The Executive Director and SJJPA staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect March 11, 2022 and cover the period through April 9, 2022.

PASSED AND ADOPTED, by the SJJPA this 10th day of March 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

SAN JOAQUIN JOINT POWERS
AUTHORITY

STACEY MORTENSEN, Secretary

PATRICK HUME, Chair

SAN JOAQUIN JOINT POWERS AUTHORITY
Special Meeting of March 10, 2022

STAFF REPORT

Item 4

ACTION

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority Approving the Amended Bylaws dated March 10, 2022 as attached hereto

Background:

The San Joaquin Joint Powers Authority (SJJPA) Bylaws, which provides the framework wherein the SJJPA may function, were enacted in 1995.

The Bylaws are outdated, and it was appropriate to review and update the Bylaws to bring them current. The proposed amendment provides clarification and simplification of the following:

- Section 2 “Election of Officers” to specify which annual meeting elections will take place.
- Section 4 “Purchasing Agent” and other minor updates that will align the Bylaws with current statutes and current practices.
- Section 7 “Conduct of Meetings” allowing board members to attend and participate in meetings via teleconference at the sole discretion of the Chair.

The proposed amended bylaws were distributed to the board on February 25, 2022 for review and comment, in accordance with Section 9.2 of the SJJPA Bylaws, which require that the proposed amended bylaws must be distributed to the Board ten (10) days prior to the scheduled meeting.

As of the date of this staff report, no comments or questions have been received.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority Approving the Amended Bylaws dated March 10, 2022 as attached hereto.

RESOLUTION SJJPA-21/22-

**RESOLUTION OF THE GOVERNING BOARD OF THE SAN JOAQUIN JOINT POWERS
AUTHORITY APPROVING THE AMENDED BYLAWS DATED MARCH 10, 2022 AS
ATTACHED HERETO**

WHEREAS, the San Joaquin Joint Powers Authority (SJJPA) desires to amend the SJJPA By-Laws to align them with current statutes and current practices; and

WHEREAS, pursuant to Section 9.2 of the SJJPA Bylaws, if the proposed amendment is adopted by a two-thirds affirmative vote of the Voting Board Members the amendment shall become effective immediately; and

WHEREAS, the Amended By-Laws dated March 10, 2022 will be attached as part of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the San Joaquin Joint Powers Authority hereby Approves the Amended Bylaws dated March 10, 2022 as attached hereto.

PASSED AND ADOPTED, by the SJJPA this 10th day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN JOINT POWERS
AUTHORITY

STACEY MORTENSEN, Secretary

PATRICK HUME, Chair

**AMENDED BY-LAWS OF THE
SAN JOAQUIN JOINT POWERS AUTHORITY**
(Revised March 10, 2022)

ARTICLE 1 - Definitions and Membership

SECTION 1.1: The words and terms defined in Section 1 of the San Joaquin Joint Powers Authority's Joint Exercise of Powers Agreement (JEPA) shall have the same meaning herein.

SECTION 1.2: Board Members and their Alternates shall be appointed and hold office as provided in the JEPA.

SECTION 1.3: "Voting Board Members" include Board Members and Alternates representing a Member Agency in their respective Board Member's absence.

ARTICLE 2 - Election of Officers

SECTION 2.1: Nomination and election of a Chairperson and at least one Vice-Chairperson shall be held at the first meeting of the Board and thereafter at the biennial first meeting in January. The Chairperson and Vice-Chairperson(s) shall each be a Board Member. The terms of the office of the Chairperson and Vice-Chairperson(s) shall be for two years to extend from the election of officers at the close of the regular meeting at which said officers are elected, or until a successor is duly elected. Any vacancy during the term shall be filled by nomination and election for the remainder of the term. No member may serve more than two consecutive terms as Chairperson or Vice-Chairperson of the Board. Any Chairperson or Vice-Chairperson who does not complete a first or second two-year term shall nonetheless be deemed to have served a full two-year term for all purposes.

SECTION 2.2: Nominations may be made from the floor by any Voting Board Member.

SECTION 2.3: An election for the office of Chairperson and Vice-Chairperson(s) shall be held immediately after nominations have been declared closed by the Chairperson. Voting Board Members shall vote on the Chairperson and Vice Chairperson(s).

SECTION 2.4: Officers shall take office immediately after the election, or as soon thereafter as practicable, and shall serve until disqualified or until their successors are duly elected.

ARTICLE 3 - Duties of Officers

SECTION 3.1: The Chairperson shall preside at all meetings, decide questions of parliamentary procedure, call special meetings and perform other functions and duties as may be prescribed by appropriate authority or which is customary for the office of Chairperson. The Chairperson may regulate the order of presentations to the SJJPA and may also regulate the time allowed to each person making presentations.

SECTION 3.2: The Vice-Chairperson(s) shall perform the functions and duties of the Chairperson in their absence. In the absence of the Chairperson and Vice-Chairperson, the Board Members present shall select a presiding officer pro tempore by motion entered into the minutes, from among the members present. If the office of the Vice-Chairperson becomes vacant, the SJJPA Board shall elect a successor to such office from its membership at the next regular meeting.

SECTION 3.3: The Executive Director shall be an employee of the Managing Agency and shall serve at the pleasure of the Board of the SJJPA. The Executive Director shall perform or supervise the administrative and secretarial work of the SJJPA. Specifically the Executive Director shall perform the duties set forth in Section 8 of the JEPA.

SECTION 3.4: The Secretary of the SJJPA shall be the Secretary of the Managing Agency. The Secretary of the SJJPA shall keep minutes of all meetings and shall, as soon as possible after each meeting, forward a copy of the minutes to each member of the SJJPA (Board Members and Alternates).

ARTICLE 4 - Purchasing Agent

SECTION 4.1: The Executive Director is designated as Purchasing Agent for the SJJPA. The Executive Director may delegate all or a portion of the purchasing duties to any qualified staff member in accordance with the Procurement Policies and Procedures (Procurement Policies) adopted by the Managing Agency. The Purchasing Agent shall have the purchasing authority in accordance with the Procurement Policies.

ARTICLE 5 - Expenditure Authority

SECTION 5.1: The Executive Director shall have authority to approve expenditures consistent with the approved SJJPA Budget that are routine and re-occurring in nature and are necessary in order to conduct the ordinary day to day activities of SJJPA including the San Joaquin Service (monthly lease payments, benefits, utilities, communications, and similar items), and to make purchases and execute contracts in accordance with Article 4 of these Bylaws. The expenditure authority amount of the Executive Director's shall be as set forth in the Procurement Policies and/or by resolution adopted by the Board.

ARTICLE 6 - Meetings

SECTION 6.1: Regular meetings of the Board of the SJJPA shall be held at a time and place within the boundaries of any Member Agency. A regular meeting time and place shall be specified by the Board. It is anticipated that the Board will move the places of its meetings among its various Member Agencies. Prior to the end of any regular meeting, the place for the next regular meeting shall be announced and shall then be shown on the Agenda for the next regular meeting. If at any time a regular meeting falls on a holiday, the regular meeting shall be held the next day at the regularly scheduled time and place or at such time and place designated by the Board's Chairperson. Any regular meeting may be adjourned to a designated hour and place and when so adjourned, shall be considered as a regular meeting.

SECTION 6.2: The Board of the SJJPA may establish standing and ad hoc advisory committees as it deems appropriate to advise the SJJPA Board Members on matters relating to specific areas of Rail Passenger Service and future Rail Passenger Service. The purpose, composition and function of any committee shall be specified by the Board of the SJJPA. Any standing or ad hoc committees of the SJJPA shall meet on the call of their respective chairperson.

SECTION 6.3: The Steering Committee of the California Department of Transportation (Caltrans) Rail Task Force (known as the "San Joaquin Valley Rail Committee") shall remain in existence and shall become the Steering Committee of the SJJPA for the purpose of advising the SJJPA once administrative responsibility of the San Joaquin intercity rail service has been transferred to the SJJPA. Members of the SJJPA Board may not also concurrently serve as a member of the Steering Committee of the Caltrans Rail Task Force as provided in Section 19.1 of the JEPA.

ARTICLE 7 - Conduct of Meetings

SECTION 7.1: All meetings of the Board of the SJJPA, including without limitation, regular adjourned, regular, and special meetings, shall be called, noticed, held and conducted, and all agendas associated therewith shall be posted, in accordance with the provisions of section 54950 and following of the California Government Code cited as the "Brown Act". Except as otherwise provided by the Brown Act, Robert's Rules of Order shall govern all proceedings.

SECTION 7.2: It shall be the policy of the SJJPA Board to entertain the opinions of any person, firm, or corporation relative to any pending matter. The Chairperson shall, however, have the prerogative to limit the time of any presentations.

SECTION 7.3: The Chairperson may, with the approval of a majority of the representatives present, adjourn any meeting to a time and location of their choice.

SECTION 7.4: The Chairperson's decision on any procedural question shall be final, provided that any Voting Member can appeal a decision on a procedural question to the full Board.

SECTION 7.5: All votes shall be cast by the person or persons authorized to do so. No proxy, absentee, or fractional votes may be cast.

SECTION 7.6: The Chair of the Board of Directors shall have sole discretion whether to allow any member of the Board of Directors to attend and participate via teleconference in any meeting of the Board of Directors. Any teleconference attendance and participation approved by the Chair of the Board of Directors shall comply with the requirements in Government Code Section 54953(b).

ARTICLE 8 - Closed sessions

SECTION 8.1: Closed sessions will be held in conformance with the Brown Act.

ARTICLE 9 - Operations

SECTION 9.1: A majority of the voting Member Agencies (Board Members or their Alternates acting in place of an absent Board Member) shall constitute a quorum for the transaction of business and all official acts of the SJJPA and must be present to conduct and approve the business of the SJJPA. However, if there is not a quorum, a lesser number or the Secretary of the SJJPA may adjourn the meeting from time to time until there is a quorum. No action may be taken by the Board except upon the affirmative vote of at least a majority of its Member Agencies. All actions shall be by voice vote unless a roll call vote is requested by the Chairperson or any Voting Board Member or otherwise required.

SECTION 9.2: These By-laws may be amended by the following procedure: Written notice of any proposed amendment shall be submitted to all Board Members at least ten (10) days prior to any regular or special meeting of the SJJPA. Written notice need not be required if the proposed amendment is submitted to the Board of the SJJPA at a regular meeting of the SJJPA Board prior to a subsequent meeting at which the amendment is considered. If the proposed amendment is adopted by a two-thirds affirmative vote of the Voting Board Members, the amendment shall be adopted and become effective immediately. In the event of any conflict between these Bylaws and the Joint Exercise of Powers Agreement, the latter shall prevail.

SAN JOAQUIN JOINT POWERS AUTHORITY

Special Meeting of March 10, 2022

STAFF REPORT

Item 5

ACTION

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority Approving the Expenditure Authority for the Executive Director and Staff Directors

Expenditure Authority Background:

The San Joaquin Joint Powers Authority (the Authority) adopted the expenditure authority for the Executive Director and Staff Directors in 2013 within the original Bylaws which matched the Rail Commission's thresholds at the time. With the expenditure authority stricken from the amended Bylaws, the expenditure authority amount of the Executive Director's shall be as set forth in the Procurement Policies and/or by resolution adopted by the Board.

The current expenditure authorities for the Executive Director are \$75,000 or \$200,000 for emergencies and for the Staff Directors it is \$20,000 or \$50,000 for emergencies. These thresholds were adopted in 2003 by the Rail Commission when costs for goods and services were much lower. The current threshold also is significantly lower than State and Federal guidance for procurement processes, which causes administrative costs to increase, to adjust the processes to comply with the expenditure authority.

Staff is recommending increasing the Executive Director expenditure authority from \$75,000 to \$250,000 based on the following:

- The Federal Transit Administration (FTA) thresholds for micro purchases and simplified acquisitions were both increased starting in the 2018 fiscal year.
 - Micro purchases were increased from \$3,500 to \$10,000.
 - Simplified acquisitions were increased from \$100,000 to \$250,000.
 - These thresholds are also followed by the State of California and other regional transit agencies.
- The new thresholds will allow projects to progress based on the project schedule without undue delays and the Board would continue to receive annual reports of purchases and contracts executed under the proposed threshold of \$250,000.
- The threshold of \$250,000 would represent 0.011% of the FY21/22 Capital Budget.
- The threshold of \$250,000 would represent 0.004% of the FY21/22 Operating Budget.
- Procurements of readily comparable items such as equipment and other expenditures which are specific in scope or readily comparable outside of the full solicitation requirements will be emphasized.
- Funding within the operating budget is stable and is allocation based.

- The Authority will be more able to be responsive to changing conditions within the market that are sensitive to timing or supply chain availability.
- Overall, this will facilitate timely project delivery and reduce administrative burden by addressing immaterial changes with project budgets or contracts.
- The new threshold is consistent with the Rail Commission.

Staff is also recommending increases to the Executive Director emergency situation threshold from \$200,000 to \$500,000, the Staff Director threshold from \$20,000 to \$100,000, and the Staff Director emergency situation threshold from \$50,000 to \$150,000.

Finally, the Board is able to set a limit that Staff would have to report back to the Board any purchases or contracts within a certain range under the expenditure authority so that there is still oversight. This amount is currently \$50,000 and staff brings the report annually to the Board. Staff recommends increasing the threshold from \$50,000 to \$100,000.

This action will update the expenditure authority for the Executive Director and Staff Directors. The Rail Commission adopted these new thresholds at their March 4, 2022 meeting.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority Approving the Expenditure Authority for the Executive Director and Staff Directors.

RESOLUTION SJJPA-21/22-

RESOLUTION OF THE GOVERNING BOARD OF THE SAN JOAQUIN JOINT POWERS AUTHORITY APPROVING THE EXPENDITURE AUTHORITY FOR THE EXECUTIVE DIRECTOR AND STAFF DIRECTORS

WHEREAS, in order to effectively manage the operations and react to emergency situations for the San Joaquin Joint Powers Authority (Authority); and

WHEREAS, the Authority adopts an annual Business Plan which incorporates the San Joaquin Joint Powers Authority, and directs the Authority's work activities, purchases, and contracts; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The spending thresholds previously established by the Board are now repealed.
2. The Executive Director shall have authority to approve expenditures consistent with the approved SJRRC Budget that are routine and reoccurring in nature and are necessary in order to conduct the ordinary day-to-day activities of the Rail Commission, and to make purchases and execute contracts in accordance with Article 4 of the Bylaws, for all purchases \$250,000 or less.
3. In the event of an emergency situation which is defined as a situation where action must be taken or commenced in less than 24 hours in order to avoid or mitigate damage or threats to property, people or the public health, safety and welfare, the Executive Director shall have authority to make purchases and execute contracts with a value of \$500,000.
4. The Staff Directors shall have authority to make purchases and execute contracts in accordance with Article 4 of the Bylaws, for all purchases and contracts with a value of \$100,000 or less.
5. In the event of an emergency situation which is defined above in Section 3, the Staff Directors shall have the authority to make purchases and execute contracts with a value of \$150,000 or less.
6. Any contract or purchase over \$100,000 executed shall be reported to the Board annually.

PASSED AND ADOPTED, by the SJJPA this 10th day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN JOINT POWERS
AUTHORITY

STACEY MORTENSEN, Secretary

PATRICK HUME, Chair

SAN JOAQUIN JOINT POWERS AUTHORITY

Special Meeting of March 10, 2022

STAFF REPORT

Item 6

INFORMATION

Presentation to the Board for the Third Amendment to the San Joaquin Regional Rail Commission Procurement Manual

Background:

In 2012, the San Joaquin Regional Rail Commission (Rail Commission) board approved a resolution to adopt the Rail Commission's Procurement Manual. In 2013, the Rail Commission Board approved the First Amendment to the Procurement Manual. In 2015 the Authority adopted the Rail Commission's Procurement Manual. In 2018, the Rail Commission Board approved the Second Amendment to the Procurement manual. As the managing agency, the Rail Commission amended the Procurement Manual of which the Authority follows for all procurements.

Over the past three (3) years there have been updates to Agency procedures as well as clarifications to current guidelines and procedures or new guidelines and procedures, resulting in the need to update the Procurement Manual. With the expansion of the ACE service and the San Joaquins service, staff determined that a major review and update to the Procurement Manual was necessary.

The update of the Procurement Manual contains major and minor revisions. These revisions will clarify the procurement processes, specify delegation authority for procedures, and bring the manual up to date based on the several funding source guidelines utilized by both the Rail Commission and the Authority.

The update of the Rail Commission Procurement Manual being proposed contains major and minor revisions. These revisions will clarify the procurement processes and bring the manual into alignment with requirements set in place by funding sources and established procurement processes from various regulatory bodies and grantors.

When determining which of the following methods of procurement to follow, federal, state, and local procurement laws must be reviewed first to determine which laws/regulations apply. The Rail Commission shall follow the applicable regulation that is the strictest, i.e. if local procurement requirements are stricter than the state and federal requirements, the local requirements will be followed.

The proposed revisions are summarized as follows:

Major Revisions:

- Thresholds for procurement processes will be updated to encompass updated guidance from funding sources and regulatory agencies.
- Updating language to clarify Cost Principles and Types of Procurement Methods.
- Adding sections and language to provide guidance on the difference between construction and non-construction solicitations.

- Clarify remedies for deficiencies in bids and/or proposals received.
- Adding language regarding internal scoring procedures and competitive range determination based on lessons learned.
- Adding language on how to dispose of unopened proposals.
- Adding language on how to process procurements for Direct Advertising through various channels.
- Updating Section 9.6 “Protest Procedures – FTA Funded Contracts” per updated FTA guidance.
- Updating Section 11.4 “Change Orders and Contract Amendments” to reflect the process for procurements within the Executive Director’s threshold.

Minor Revisions:

- New definitions added for terms not previously defined.
- Department name changed from “Contracts and Compliance” to “Procurement and Contracts” throughout.
- Updating language to continue to have the flexibility to follow most recent versions of funding source guidelines and requirements, or changes to the laws mentioned throughout.

Both Legal Counsels (Neumiller & Beardslee and Burke, Williams, and Sorensen) reviewed, provided updated language, and approved the revisions.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

This is an informational item. There is no action requested.