

**SALEM AREA MASS TRANSIT DISTRICT
BOARD OF DIRECTORS**

~ WORK SESSION ~

Tuesday, November 12, 2019

5:30 PM - Executive Session Courthouse Square – Senator Hearing Room
5:45 PM - Work Session 555 Court Street NE, Salem, Oregon 97301

AGENDA

CALL TO ORDER 5:30 PM
 a. "SAFETY MOMENT" Thought for the Day
 b. Announcements

EXECUTIVE SESSION 5:30 PM

1. Pursuant to ORS 192.660(2)(h), the Board of Directors will meet to consult with legal counsel concerning the legal rights and duties of the District with regard to litigation.

The Board and designated staff will be permitted to attend the executive session. Members of the news media are permitted to attend pursuant to ORS 192.660(4) unless the member is a party to the litigation to be discussed, or is an employee, agent or contractor of a news media organization that is a party to the litigation pursuant to ORS 192.660(5).

WORK SESSION 5:45 PM

1. Discussion

a. Energy Tax Credit Briefing	1
b. Marion and Polk County Regional Service	11
c. Review of Non-Bargaining Retirement Programs Follow-up	15
d. D&O Insurance Follow-up	17
e. Board Bylaws	33

STIFAC/CAC/STFAC Updates for the December Board Meeting

- Member appointments
- Chair and Vice-Chair Appointments

Mission

Connecting people with places
through safe, friendly, and reliable public transportation services

Values

Safety – Service Excellence – Communication – Innovation – Accountability

**SALEM AREA MASS TRANSIT DISTRICT
BOARD OF DIRECTORS**

~ WORK SESSION ~

- Consider Modification to CAC Bylaws to Include Youth

2 GENERAL MANAGER COMMENTS

a. Draft Agenda for the December 12, 2019 Regular Meeting	55
b. Upcoming Board Agenda Items	57
c. Calendar Review	59

3. ADJOURN

This is an open and public meeting in a place that is ADA accessible. Auxiliary hearing aids and services, and alternate formats are available to individuals with limited English proficiency. Requests can be made directly to the Clerk of the Board by phone at 503-588-2424 or with the assistance of TTY: Oregon Relay Services at 1-800-735-2900 (or 711). Please allow for a 48 hour notice. Cherriots administration office hours are Monday-Friday from 8:00 AM to 5:00 PM.

For an electronic copy of the Board’s agenda packet, go to www.cherriots.org/board.

Esta es una reunión pública y abierta en un lugar al que la ADA puede acceder. Los audífonos y servicios auxiliares y los formatos alternativos están disponibles para personas con dominio limitado del inglés. Las solicitudes se pueden hacer directamente al Secretario de la Junta por teléfono al 503-588-2424 o con la asistencia de TTY: Servicios de retransmisión de Oregon al 1-800-735-2900 (o 711). Permita un aviso de 48 horas. El horario de la oficina de administración de Cherriots es de lunes a viernes de 8:00 a.m. a 5:00 p.m.

Para obtener una copia electrónica del paquete de la agenda de la Junta, vaya a www.cherriots.org/board.

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WORK SESSION MEMO

Agenda Item WS.1.a

To: Board of Directors

From: Allan Pollock, General Manager

Date: November 12, 2019

Subject: Oregon Energy Incentive Program

At the September 26, 2019 board meeting during the 2019 State Legislative Report, it was requested that the Board receive a briefing on the District's history with Oregon's energy incentive programs. To assist in the process you will find three documents attached for your review.

Attachment A is a white paper prepared by the finance division describing the history of the Energy Incentives Program and the current Oregon Clean Fuels Program administered by the Department of Environmental Quality.

Attachment B is a one-pager developed by the District for meeting with state legislators to discuss the energy incentive program.

Attachment C is a handout developed by the District, League of Oregon Cities and the Association of Oregon Counties. This handout was used to educate legislators on the Energy Incentive Tax Credit program.

Staff, along with Dale Penn the District's legislative advocate, will review the District's history with the energy incentive program and discuss potential legislative fixes for the upcoming legislative session.

History

In 2011, Oregon Department of Energy (ODOE) introduced the Energy Incentives Program and released the first Transit Services Project Opportunity announcement in July 2012. SAMTD filed an application for the tax credits based on Cherriots fixed route bus service. The District had qualifying program costs of over \$14.9 million and received **\$3,746,573 in tax credits**.

In February 2013, ODOE issued the second Transit Services Project Opportunity announcement. Again, the District applied based on over \$10.9 million of qualifying program costs from Cherriots fixed route bus service, and received **\$2,181,611 in tax credits**.

ODOE tried unsuccessfully to assist the District in finding a potential partner to purchase the tax credits through their pass-through program. Monetizing the credits was difficult due to state-prescribed pass-through rates of 98.57% and 97.60%, respectively, on the first and second tax credit announcements.

Because ODOE was required to issue final tax certificates to the project owners prior to the program's sunset (i.e., the 2015 tax year), the agency issued two final certificates for the tax credits to SAMTD in December 2016, stating *"...the certificates are being issued in the hope that they provide value if a legislative or legal solution is found in the future."*

Current program

In September 2016, SAMTD registered with the Department of Environmental Quality (DEQ) for the newly-created Oregon Clean Fuels Program (CFP) as a Credit Generator. The CFP had its origin in the 2009 Oregon Legislature HB 2186, authorizing the Oregon Environmental Quality Commission to adopt rules to reduce the average carbon intensity of Oregon's transportation fuels by 10 percent over a 10-year period. The 2015 Oregon Legislature passed SB 324 allowing DEQ to fully implement the program beginning in 2016. The rules for CFP can be found in OAR 340.253.

The credits accumulated in the CFP are not tax credits. They can only be used to comply with a fossil fuel importer's environmental compliance obligations under the CFP. They cannot be used to reduce the purchaser's tax obligation.

Companies that are importers of gasoline, diesel, ethanol, and biodiesel are considered "regulated parties" that must comply with all regulations of the CFP. These businesses must offset their use of higher carbon fuels by (1) blending in lower-carbon biofuels and/or (2) purchasing credits from "credit generators" who use fuels of lower carbon intensity than the target.

Revised 10/31/19

S:\District Share\BOD Agenda Items\WS2019-11-12\3 FINAL\2019-11-12 WS.1.A ATTACH A 2019 10 31 Whitepaper- Energy Credits.Docx 11/7/2019 4:27 PM

For the November 12, 2019 Work Session
Agenda Item WS.1.a ATTACHMENT A

Since September 2016, SAMTD has been filing with DEQ online quarterly and annual progress reports of credits generated. The District has reported a cumulative balance through September 2019 of 140,375,052 scf (standard cubic feet) of CNG. This equates to approximately **1,207 credits** (credits are in metric tons).

Transaction prices have been increasing since 2016. In CY 2017 the average transaction price per credit was \$48.09, as reported on the DEQ website. The average transaction price per credit in CY 2018 was \$84.06. Year-to-date through September 2019, the average has been \$144.46 per credit, with September averaging \$163.89 per credit.

SUMMARY OF SAMTD CREDITS:

ODOE - EIC Program	Amount of tax credits
2012	\$ 3,746,573
2013	\$ 2,181,611
Total	\$ 5,928,184
Converted @ \$163.89/credit	Approximately 36,172 energy credits

OR Clean Fuels Program	Amount of credits	Estimated Revenue
2016	201	
2017	391	
2018	363	
2019 (thru Sept.)	252	
Total CFP credits	1,207	
Sold @ \$163.89/credit		\$ 197,815
EIC Program conversion	36,172	\$ 5,928,184
Total Estimated Revenue		\$ 6,125,999

Request:

The District requests that the credits earned in the EIC Program be converted into OR Clean Fuels Program credits.

Energy Income Tax Credit –Transfer Problem Needs Legislative Fix

Background:

Businesses, local governments, schools and nonprofit entities have conducted and continue to conduct various projects that qualify for energy tax credits from the Oregon Department of Energy (ODOE). Tax exempt entities have no income tax liability and thus cannot use the credits themselves; however, they are permitted to sell the tax credits to entities who do have tax liability. Statute provides that the value of the credit (and thus also the sale price) is to be set at the time of the application to ODOE for preliminary certification based on a formula that incorporates inflation and market real rate of return to set the price.

Problem:

Tax credits earned in 2012 to early 2013 have the highest set prices (sales price rate is set at >90% of the credit amount), making them unsaleable as would-be purchasers buy lower-priced credits. If the credits remain unsaleable and expire, nonprofits and local governments will lose the benefit of their earned tax credit.

Key Statutes at Issue:

- (1) ORS 469B.148 (credit for renewable energy facility project)
- (2) ORS 469B.276 (credit for energy conservation project)
- (3) ORS 469B.323 (credit for transportation project)

These three project programs each have biennial credit caps and comprise what is called the EIP (Energy Incentive Program).

Potential Legislative Solutions to Address Problem:

Option 1: change the date that the sales rate is set for an energy tax credit from the pre-certification to the date of the final certification or date of sale

Option 2: eliminate the need for a tax exempt entity (government or nonprofit entity) that owns an energy tax credit to sell (transfer) a tax credit, and instead have the state directly buy back the tax credit. The effect on the state revenue would be the same—the revenue loss is the value of the credit as established by the state.

Examples of Entities with Outstanding Tax Credits (with value rate >90%):

- Yamhill County (\$1.18 million)
- Columbia County (\$288K)
- Salem Area Mass Transit District (\$5.8 million)
- Powers School #31 (\$46K)
- Corbett School District (\$197K)
- Eugene Water & Electric Board (EWEB) (\$111K)
- Gresham (\$1.06 million)
- (See ODOE spreadsheet for full list)

Need:

- Loss of the proceeds from the tax credits will negatively affect budgets and services of local governments and nonprofits
- Failure to fix the problem could lead to litigation
- The problem is likely to repeat itself again as the economy ebbs and flows
- Some credits will expire soon, further burdening local governments, schools and community nonprofits
- Failure to address the problem will create a distrust of state tax credits generally going into the future

Case Study: Yamhill County

In 2012/2013 Yamhill County qualified for and earned two energy tax credits worth approximately \$970,173 due to their investments in projects focused on reducing energy costs.

- These two energy saving projects included providing public transit services for 2 ½ years to help reduce vehicle miles traveled on busy local highways and reduce pollution and CO2 for cleaner air. The transit system serves the aging, disabled and low income populations in the County. Without these funds the community is at risk of losing life sustaining services for its most vulnerable populations.
- In Yamhill County, the revenue derived from the EIP program is used as match for Federal Funds and allows Yamhill County Transit to upgrade its aging fleet (approximately 60% of YCTA's fleet is beyond useful life standards).
- 90% of Yamhill Transit operations are grant funded and the transfer of these tax credits are used for match/leverage, and to provide long term stability and sustainability for the bus system. Without programs like this, small communities and counties such as Yamhill will need to resort to increasing taxes or eliminating much needed services.
- Yamhill County recently (April 28, 2016) received shocking news: they must find a pass-through partner to purchase the tax credits before June 30, 2016 who can use the credits in their 2015 tax year. The county was informed of this after they paid an additional \$23,478 in fees for final certification. Yamhill County understood they had at least an additional year to find a partner.
- Without a legislative fix (and it must be retroactive), Yamhill County will be unable to maintain and upgrade their aging infrastructure and constituents who rely on vital transit services to get to their place of employment, the grocery store, doctors appointments and other necessary trips will suffer.

Present law (Yamhill County project numbers):

Preliminary Certificate Issued	Current Qualifying/Certified Cost*	Current Tax Credit Amount *	1 or 5 year tax credit	Present Value Rate % Tax Credit Amount	Pass-through or Transfer Payment Amount
03/29/13	\$2,327,750	\$581,938	5	98.57%	\$573,613
06/26/13	\$1,941,175	\$388,235	5	97.60%	\$378,917
TOTALS	\$4,268,925	\$970,173	5	\$17,643 discount to buyer (less than fees ODOE imposes)	\$952,530 credit paid to county (if could be sold)

Credit value to tax credit buyer (amount State General Fund forgoes)

Rates set at pre-certification are so high that they are unsaleable. (Discount is less than 3% and there are fees, etc.)

Fix Option 1: Set tax rate using formula when finished with project rather than at date of project certification

Final Certification Date	Current Qualifying/Certified Cost*	Current Tax Credit Amount *	1 or 5 year tax credit	Present Value Rate % Tax Credit Amount (based on final cert. formula)	Pass-through or Transfer Payment Amount
06/14/16	\$2,327,750	\$581,938	5	84.24%	\$490,225
06/14/16	\$1,941,175	\$388,235	5	84.24%	\$327,049
TOTAL	\$4,268,925	\$970,173	5	\$152,899 <i>discount to buyer</i>	\$817,274 <i>credit paid to county</i>

Credit value to tax credit buyer (amount State General Fund forgoes)

Fix Option 2: Have state set value rate and pay for tax credit when project is final rather than using a third party tax credit buyer (transfer) for local government and nonprofit project participants

Preliminary Certificate Issued	Current Qualifying/Certified Cost*	Current Tax Credit Amount *	1 or 5 year tax credit	Present Value Rate % Tax Credit Amount (based on set rate as)	Pass-through or Transfer Payment Amount
03/29/13	\$2,327,750	\$581,938	5	85%	\$494,647
06/26/13	\$1,941,175	\$388,235	5	85%	\$329,999
TOTALS	\$4,268,925	\$970,173	5	\$145,527 <i>discount – benefit is to state in less tax dollars being forgone</i>	\$824,646 <i>credit paid to county</i>

This rate could be 100% or some discount. In this hypothetical, it is 85% of the tax credit value or a 15% discount. What is significant is that it is the state that gets the benefit of the discount, not a third party buyer. Any discount lowers the benefit to the local government or the nonprofit entity that did the energy project.

After discount, \$824,646 is amount State General Fund forgoes

Energy Incentives Program Present Value Rates

Date ODOE Received the Preliminary Application		5 year**	1 year**
Year	Quarter	Tax Credit Rate	Tax Credit Rate
2012	January-March	94.17%	98.14%
	April-June	90.63%	97.96%
	July-September	98.57%	97.72%
	October-December	97.71%	97.82%
2013	January-March	97.60%	97.81%
	April-June	95.02%	98.05%
	July-September	90.17%	98.40%
	October-December	83.38%	97.97%
2014	January-March	83.89%	98.27%
	April-June	83.89%	98.11%
	July-September	82.42%	97.88%
	October-December	82.24%	97.49%
2015	January-March	83.02%	97.90%
	April-June	83.41%	97.72%
	July-September	81.54%	97.65%
	October-December	83.46%	99.51%
2016	January-March	81.96%	99.12%
	April-June	84.24%	99.06%
	July-September		
	October-December		
Notes			
*Rates change on the first of each quarter subject to public index availability.			
**Calculation shows as a percent of the tax credit.			

Table Source: ODOE webpage

Oregon Department of Energy Transit Services Energy Incentive Program (EIP) Salem Area Mass Transit District (SAMTD)

Transportation projects are defined as transit services and alternative fuel vehicle infrastructure. Transit services projects are eligible for a tax credit based on savings and cost; however, this tax credit may not exceed 25% of certified cost. The tax credit must be claimed over a five-year period.

For the biennium ending June 30, 2013 there is a total of \$20 million tax credits available

- Alternative Fuel Vehicle Infrastructure = \$2 million
- Transit Services = \$18 million
 - \$10 million for the 1st year
 - \$8 million for the 2nd year

A qualifying transit service project:

- Will consist of a transit service that provides regular and continuing transportation to the public, but does not include school bus, charter, or intercity passenger rail transportation
- Must provide substantial energy saving or a reduction of at least 10% in the energy used by the transit service compared to the equivalent energy use of single occupant vehicles travelling the same number of passenger miles
- Operates exclusively in the geographic confines of Oregon

Project 1:

SAMTD project will result in a 76.2% energy savings during the life of the project exceeding the qualifying criteria.

Total project cost: \$14,986,290

Total estimated tax credit: \$3,746,573 (may not exceed 25% of project cost)

Project 2:

SAMTD project will result in a 76.2% energy savings during the life of the project exceeding the qualifying criteria.

Total project cost: \$10,908,057

Total estimated tax credit: \$2,181,611 (may not exceed 25% of project cost)

How will the District use the EIP proceeds: Capital purchases – buses and/or for the construction of the South Salem Transit Center

Talking Points:

- The transportation EIP utilized a DOE formulary to calculate energy savings from projects and operations to create a tax credit for the investing group.
- The SAMTD credits are related to investments they made in services, infrastructure and operations during the biennium ending in 2013. Not for bus passes.
- These services were estimated to result in 76.2% energy savings, way above the threshold of 10% required by the EIP law.
- The added costs associated with those services were around \$14.9 million in 2012 and \$10.9 million in 2013. Credits valued at \$3.7 million and \$2.18 million were awarded.
- SAMTD hopes to use the funds from a tax credit sale to purchase needed replacement buses and for the construction of the South Salem Transit Center.



WORK SESSION MEMO

Agenda Item WS.1.b

To: Board of Directors

From: Stephen Dickey, Director of Strategic Initiatives and Program Management

Thru: Allan Pollock, General Manager

Date: November 12, 2019

Subject: Chemeketa Area Regional Transit Service (CARTS) IGA Overview

In 2006, an Intergovernmental Agreement (IGA) governing the transit service known as Chemeketa Area Regional Transit Services (CARTS) was established between Salem Area Mass Transit District (SAMTD), Marion County, and Polk County. CARTS is now known as Cherrriots Regional service and has gone through a significant number of changes since 2006.

In addition to these changes, there is an increased focus on regional and connecting services as part of the Statewide Transportation Improvement Fund (STIF) program. As a result, district staff has begun the process of reviewing the IGA with the intention of updating the terms of the IGA to better support service delivered today and in the future.

A copy of the 2006 IGA has been provided, as Attachment A, to Board members for reference, and as a starting point to provide input to staff about what changes should be included in the update.

**Intergovernmental Agreement
for
Transit Services**

THIS AGREEMENT is entered into this 24 day of May, 2006 by and between MARION COUNTY, a political subdivision of the State of Oregon, with a mailing address of PO Box 14500, Salem, OR 97309 ("Marion County"), POLK COUNTY, a political subdivision of the State of Oregon, with a mailing address of Polk County Courthouse, 850 Main Street, Dallas, OR 97338 ("Polk County") (collectively, Marion County and Polk County are referred to herein as ("Counties")), and SALEM AREA MASS TRANSIT DISTRICT, a municipal corporation of the State of Oregon, with a mailing address of 555 Court St. SE, Salem, OR 97301 ("District").

WHEREAS, District is a mass transit system organized pursuant to ORS 267.107 and having the powers enumerated in ORS 267.200 to operate a mass transit system within the District's geographic boundaries which are the boundaries of the urban growth boundary established by the City of Salem (the "District's territory"); and

WHEREAS, the District territory is within geographic portions of Marion County, which are described in ORS 201.240, and Polk County, which are described in ORS 201.270; and

WHEREAS, the operation of transit and transportation systems in the areas of the Counties outside of the District's territory is a matter of county concern within the meaning of ORS 203.035(1); and

WHEREAS, if the District's territory did not include any portion of Marion County and Polk County, the Counties would be eligible to receive funds directly from the State of Oregon and from the U. S. Department of Transportation, Federal Transit Administration for providing transportation services to citizens residing in rural areas;

WHEREAS, the Parties desire to provide for a coordinated system of transportation to the extent practicable; and

WHEREAS, the District desires to obtain and exercise jurisdictional authority, on a non-exclusive basis, to deliver certain transportation services to residents of unincorporated areas in Marion County and Polk County; and

WHEREAS, the Counties desire to share with the District their jurisdictional authority for provision of transportation services outside of the District's territory to serve residents of rural Marion County and Polk County.

NOW, THEREFORE, the parties make the following agreements pursuant to ORS 190.010, which incorporate the above recitals.

1. Subject to the limitations and conditions of this Agreement, the Counties each authorize the District to operate a transportation system within their respective territories, and confer on the District such authority and jurisdiction as may be necessary to accomplish the purpose of this Agreement.

2. The transportation system will provide transit service to the general public and to elderly and disabled persons, and will be provided with equipment that is smaller than 40 foot vehicles. The service authorized to be provided is: (a) deviated point to point service on a regular schedule; and (b) curb to curb, paratransit service.
3. Subject to the limitations and conditions of this Agreement, the District shall be and hereby is authorized to establish routes and schedules; fares; quality standards; standards for passenger conduct and behavior; and other reasonable rules and regulations relating to the transit service authorized by this Agreement. The District may provide the transit service authorized by this Agreement directly through District personnel and equipment, or indirectly by awarding grants to service providers or engaging service providers by contract. Neither personnel nor possession or title to equipment or property of the Counties, or either of them, is to be transferred to the District in connection with this Agreement.
4. The funds for the operation of the transit system authorized by this Agreement shall be provided by the District. The District shall be entitled to receive and retain all fees or other revenue derived from the operation of the transit system authorized by this Agreement, and the same shall be accounted for on the same accounts as the District uses for the source of funds used for operation of the transit system authorized by this Agreement.
5. The Counties expressly do not confer any authority to levy or assess taxes on property, income or otherwise. Establishing and collecting fares shall not be deemed a tax for the purposes of this Agreement.
6. The District agrees to follow, in the adoption of those rules, regulations, or standards which must be adopted by ordinance in order to be effective or enforceable, the procedure described in ORS 203.045 in addition to its own ordinance adoption procedure.
7. The District shall maintain a minimum of three subregional advisory committees (Polk County, North Marion County, and South Marion County) to review transit service provision, funding and proposals for new programs or services. The subcommittees will provide recommendations to the District's Special Transportation Advisory Committee and, hence, to the Board of Directors. Advisory committee membership should be broad based and include representatives from cities, relevant state and county departments, users, service organizations and local business.
8. The District shall prepare and submit to the Counties a report each year summarizing and describing the activities of the District that are authorized by this Agreement.
9. Subject to the limitations and conditions of the Oregon Constitution and Oregon law, the District agrees to indemnify, defend and hold harmless Counties, or either of them, from claims, demands, obligations or liabilities arising out of or relating to the provision by District, or by its grantees or contractors, of transit services authorized by this Agreement.

10. This Agreement shall commence effective as of July 1, 2006, and shall continue in effect thereafter on a year to year basis until terminated by the District or by both Counties following the expiration of written notice given to the other parties at least 90 days prior to the expiration of a yearly term. This Agreement may be terminated with respect to one of the Counties following the expiration of written notice given to the other parties at least 90 days prior to the expiration of a yearly term but the Agreement shall continue in effect with respect to the District and the County not giving notice of termination.
11. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be effective when actually delivered or when deposited in the mail, registered or certified, addressed to the parties at the addresses stated in this Agreement or such other addresses as either party may designate by written notice to the other.
12. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be enforceable unless in writing and signed by the party against whom enforcement is sought.

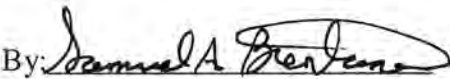
SALEM AREA MASS TRANSIT DISTRICT

MARION COUNTY

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By: 

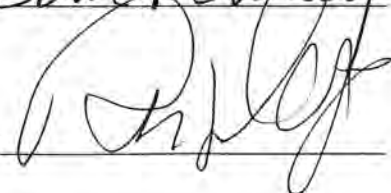
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POLK COUNTY

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WORK SESSION MEMO

Agenda Item WS.1.c

To: Board of Directors

From: Paula Dixon, Director of Administration

Thru: Allan Pollock, General Manager

Date: November 12, 2019

Subject: Follow up to Retirement Briefing

At the work session on October 7th the board was briefed on the retirement plan offered to non-bargaining employees of the District. At the meeting, a question was asked regarding the types of plans offered by our comparators.

Lane Transit District (LTD) offers a defined contribution plan to all employees hired after 2011. Employees who were hired prior to 2011 remain in their defined benefit plan. Under the defined contribution plan, LTD contributes between 4.5% and 9% to a discretionary account based on years of service. They also contribute to a Participants Matching Account, if any, up to 3% of the participant's elective contribution. Vesting in the program begins after the 1st year and reaches 100% vesting after seven years.

Intercity Transit (Olympia, Washington) employees are enrolled in the Washington State PERS program. The Washington PERS program offers both defined benefit and defined contribution plans. New hires are enrolled in PERS 3. Employees hired before its introduction remain in either PERS 1 or PERS 2 unless they opted to change to the PERS 3 program.

PERS 3 has two parts: A defined benefit (pension) and a defined contribution (investment). The employer funds the defined benefit. The employee funds the defined contribution. Because it has defined benefit and defined contribution parts, PERS 3 is called a hybrid plan.

The defined benefit part of PERS 3 is funded by mandatory contributions made by the employer and invested by the Washington State Investment Board. Full retirement age is 65. This part of the plan offers a guaranteed pension that is not dependent on investment performance. The benefit is based on years of service credit and the pay earned.

The defined contribution part of PERS 3 is funded by the mandatory contributions made by employees. When the employee selects PERS 3, they choose how much to contribute from one of the six percentage options. If they defaulted into PERS 3, the contribution rate is 5%.

As you may recall, SAMTD offers a defined benefit pension benefit to vested employees based on a formula. There is also a defined contribution plan. This investment fund grows based on earnings and new contributions. The District plan also includes a “floor offset” option in which the funds in the defined contribution plan can be combined with the funds in the defined benefit plan to provide a higher monthly benefit. The District contributes 10% of the employee’s salary to the defined contribution plan. The defined benefit contribution made by the District is currently 15.5%

Employer	Defined contribution	Paid by	Defined Benefit contribution	Paid by
SAMTD	10%	Employer	15.5% (based on actuarial analysis- subject to change)	Employer
Lane Transit District	4.5% - 9% (based on years of service plus up to 3% match of elective contribution)	Employer	Only for employees hired prior to 2011	Employer
Intercity Transit	(Washington PERS 3 – new employees) 5% - 15% depending upon plan selection	Employee	12.86% (based on actuarial analysis- subject to change)	Employer



WORK SESSION MEMO

Agenda Item WS.1.d

To: Board of Directors

From: Michiel Spence-Majors, Safety and Loss Control Specialist
Paula Dixon, Director of Administration

Thru: Allan Pollock, General Manager

Date: November 12, 2019

Subject: D&O insurance for the Board of Directors.

At the Board retreat on September 21, 2019, a question concerning whether the newly appointed members of the District's Board of Directors needed to have Directors and Officers (D&O) insurance coverage. In response to this question, the Districts insurance broker, Geoffrey Sinclair, Vice President of Public Sector at Brown and Brown North West was consulted.

To answer the question, there is no need for an additional D&O policy for the Board of Directors. The District's insurance programs through Special Districts Association of Oregon (SDAO) covers the Board while they are working within the course and scope of their roles while on approved/designated District business whether they are elected or appointed. Board members of public entities within the State of Oregon are also afforded certain rights and protections under the Oregon Tort Claims Act (ORS 30.260-30.290, Attachment A).

However, these protections and rights come with some caveats, which all members of the Board should be aware of because they could potentially exclude their coverage under the Districts Insurance and create some personal liability exposure. For example, while members of the Board may constantly be on duty politically, they are only legally acting as a Board member at official Board meetings or when granted specific powers/duties during a Board meeting, (i.e. forming committees or stating a member will be representing the District at the SDAO conference in Seaside in February 6-9th of 2020) or other local or regional committees.

In addition, coverage could be excluded when a member of the Board acts outside of their official duties or without clear authority, (i.e. a board member chooses to attend the Willamette University trustees meeting and makes a slanderous statement about the president of the university). Unless the Board has previously given that singular board member the authority to speak for the District in that setting, that member would NOT be protected by the Oregon Tort Claims act through their affiliation with District and would NOT be covered by the District's insurance.

TORT ACTIONS AGAINST PUBLIC BODIES

(Generally)

30.260 Definitions for ORS 30.260 to 30.300. As used in ORS 30.260 to 30.300, unless the context requires otherwise:

- (1) “Department” means the Oregon Department of Administrative Services.
- (2) “Director” means the Director of the Oregon Department of Administrative Services.
- (3) “Governing body” means the group or officer in which the controlling authority of any public body is vested.
- (4) “Public body” means:
 - (a) A public body as defined in ORS 174.109;
 - (b) Any nonprofit corporation that is organized and existing under ORS chapter 65 and that has only political subdivisions or municipal, quasi-municipal or public corporations in this state as members;
 - (c) A child-caring agency, as defined in ORS 418.205, that meets the criteria specified in ORS 278.322 (1)(a) and that receives more than 50 percent of its funding from the state for the purpose of providing residential treatment to children who have been placed in the care and custody of the state or that provides residential treatment to children more than half of whom have been placed in the care and custody of the state; or
 - (d) A private, nonprofit organization that provides public transportation services if more than 50 percent of the organization’s funding for the purpose of providing public transportation services is received from governmental bodies.
- (5) “State” means:
 - (a) State government as defined in ORS 174.111;
 - (b) The State Accident Insurance Fund Corporation; and
 - (c) The Oregon Utility Notification Center.
- (6) “Local public body” means any public body other than the state.
- (7) “Nuclear incident” has the meaning given that term in 42 U.S.C. 2014(q).
- (8) “Tort” means the breach of a legal duty that is imposed by law, other than a duty arising from contract or quasi-contract, the breach of which results in injury to a specific person or persons for which the law provides a civil right of action for damages or for a protective remedy. [1967 c.627 §1; 1975 c.609 §11; 1977 c.823 §1; 1981 c.109 §1; 1987 c.915 §9; subsections (7) and (8) enacted as 1987 c.705 §6; 1989 c.905 §1; 1989 c.1004 §2; 1993 c.500 §3; 1997 c.215 §4; 2005 c.684 §1; 2005 c.798 §2; 2009 c.67 §9; 2016 c.106 §41]

30.261 Limitation on applicability of ORS 30.260 to 30.300 to certain private, nonprofit organizations. A private, nonprofit organization described under ORS 30.260 (4)(d) is subject to ORS 30.260 to 30.300 only for the purposes of providing public transportation services. [2005 c.684 §4; 2009 c.67 §17]

Note: 30.261 was added to and made a part of 30.260 to 30.300 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

30.262 Certain nonprofit facilities and homes public bodies for purposes of ORS 30.260 to 30.300. (1) The following facilities and training homes are public bodies for the purposes of ORS 30.260 to 30.300:

(a) A nonprofit residential training facility as defined in ORS 443.400, nonprofit residential training home as defined in ORS 443.400 or nonprofit facility as defined in ORS 427.005, organized and existing under ORS chapter 65, that receives more than 50 percent of its funding from the state or a political subdivision of the state for the purpose of providing residential or vocational services to individuals with intellectual or other developmental disabilities.

(b) A nonprofit residential training facility as defined in ORS 443.400, nonprofit residential training home as defined in ORS 443.400 or nonprofit facility as defined in ORS 427.005, organized and existing under ORS chapter 65, that receives less than 50 percent of its funding from the state or a political subdivision of the state but that provides residential or vocational services to individuals with intellectual or other developmental disabilities, more than half of whom are eligible for funding for services by the Department of Human Services under criteria established by the department.

(2) The provisions of this section apply only to a nonprofit residential training facility, nonprofit residential training home or nonprofit facility that provides services to individuals with intellectual or other developmental disabilities under a contract with:

(a) The Department of Human Services; or

(b) A community mental health program or community developmental disabilities program established pursuant to ORS 430.620. [1997 c.579 §2; 2001 c.900 §9; 2007 c.70 §8; 2011 c.658 §30; 2011 c.720 §52]

Note: 30.262 was added to and made a part of 30.260 to 30.300 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

30.264 [2001 c.370 §2; 2011 c.637 §60; repealed by 2013 c.301 §1]

30.265 Scope of liability of public body, officers, employees and agents; liability in nuclear incident. (1) Subject to the limitations of ORS 30.260 to 30.300, every public body is subject to civil action for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598.

(2) The sole cause of action for a tort committed by officers, employees or agents of a public body acting within the scope of their employment or duties and eligible for representation and indemnification under ORS 30.285 or 30.287 is an action under ORS 30.260 to 30.300. The remedy provided by ORS 30.260 to 30.300 is exclusive of any other action against any such officer, employee or agent of a public body whose act or omission within the scope of the officer's, employee's or agent's employment or duties gives rise to the action. No other form of civil action is permitted.

(3) If an action under ORS 30.260 to 30.300 alleges damages in an amount equal to or less than the damages allowed under ORS 30.271, 30.272 or 30.273, the sole cause of action for a tort committed by officers, employees or agents of a public body acting within the scope of their employment or duties and eligible for representation and indemnification under ORS 30.285 or 30.287 is an action against the public body. If an action is filed against an officer, employee or agent of a public body, and the plaintiff alleges damages in an amount equal to or less than the damages allowed under ORS 30.271, 30.272 or 30.273, the court upon motion shall substitute the public body as the defendant. Substitution of the public body as the defendant does not exempt the public body from making any report required under ORS 742.400.

(4) If an action under ORS 30.260 to 30.300 alleges damages in an amount greater than the damages allowed under ORS 30.271, 30.272 or 30.273, the action may be brought and maintained against an officer, employee or agent of a public body, whether or not the public body is also named as a defendant. An action brought under this subsection is subject to the limitations on damages imposed under ORS 30.271, 30.272 or 30.273, and the total combined amount recovered in the action may not exceed those limitations for a single accident or occurrence without regard to the number or types of defendants named in the action.

(5) Every public body is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission of an officer, employee or agent of a public body when such officer, employee or agent is immune from liability.

(6) Every public body and its officers, employees and agents acting within the scope of their employment or duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are immune from liability for:

(a) Any claim for injury to or death of any person covered by any workers' compensation law.

(b) Any claim in connection with the assessment and collection of taxes.

(c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.

(d) Any claim that is limited or barred by the provisions of any other statute, including but not limited to any statute of ultimate repose.

(e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection with the prevention of any of the foregoing.

(f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or regulation that is unconstitutional, invalid or inapplicable except to the extent that they would have been liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was done or omitted in bad faith or with malice.

(7) This section applies to any action of any officer, employee or agent of the state relating to a nuclear incident, whether or not the officer, employee or agent is acting within the scope of employment, and provided the nuclear incident is covered by an insurance or indemnity agreement under 42 U.S.C. 2210.

(8) Subsection (6)(c) of this section does not apply to any discretionary act that is found to be the cause or partial cause of a nuclear incident covered by an insurance or indemnity agreement under the provisions of 42 U.S.C. 2210, including but not limited to road design and route selection. [1967 c.627 §§2,3,10; 1969 c.429 §1; 1975 c.609 §12; 1977 c.823 §2; 1981 c.490 §4; 1985 c.731 §31; 1987 c.705 §7; 1991 c.861 §1; 2005 c.22 §19; 2007 c.803 §4; 2011 c.270 §1]

30.266 [1977 c.781 §2; 1981 c.109 §2; 1985 c.731 §20; 1989 c.873 §1; repealed by 1991 c.756 §5]

30.267 Liability for certain medical treatment at Oregon Health and Science University facilities. (1) For the purposes of ORS 30.260 to 30.300, all services constituting patient care, including, but not limited to, inpatient care, outpatient care and all forms of consultation, that are provided on the Oregon Health and Science University campus or in any Oregon Health and Science University clinic are within the scope of their state employment or duties when performed by:

(a) Salaried physicians, naturopathic physicians or dentists employed at any full-time equivalent by the Oregon Health and Science University;

(b) Nonsalaried or courtesy physicians, naturopathic physicians or dentists affiliated with the Oregon Health and Science University;

(c) Medical, dental or nursing students or trainees affiliated with the Oregon Health and Science University;

(d) Volunteer physicians, naturopathic physicians or dentists affiliated with the Oregon Health and Science University; or

(e) Any nurses, students, orderlies, volunteers, aides or employees of the Oregon Health and Science University.

(2) As used in this section:

(a) “Nonsalaried or courtesy physician, naturopathic physician or dentist” means a physician, naturopathic physician or dentist who receives a fee or other compensation for those services constituting patient care which are within the scope of state employment or duties under this section. The term does not include a physician, naturopathic physician or dentist described under subsection (1)(a) of this section.

(b) “Volunteer physician, naturopathic physician or dentist” means a physician, naturopathic physician or dentist who does not receive a salary, fee or other compensation for those services constituting patient care which are within the scope of state employment or duties under this section. [1977 c.851 §2; 2017 c.356 §1]

30.268 Liability for certain medical treatment at facilities other than Oregon Health and Science University. (1) For the purposes of ORS 30.260 to 30.300, all services constituting patient care, including, but not limited to, inpatient care, outpatient care and all forms of consultation that are provided at a location other than the Oregon Health and Science University campus or one of the Oregon Health and Science University clinics are within the scope of state employment or duties when:

(a) Provided by members of the Oregon Health and Science University faculty or staff, Oregon Health and Science University students under prior written express authorization from the president of the Oregon Health and Science University or a representative of the president to provide those services at that location;

(b) The services provided are within the scope of the express authorization; and

(c) The Oregon Health and Science University:

(A) Derives revenue in a similar amount or percentage as it would for care rendered on the Oregon Health and Science University campus or at an Oregon Health and Science University clinic; or

(B) Is performing a salaried, nonfee-generating or volunteer public community or nonfee-generating educational service by providing the services.

(2) For the purposes of ORS 30.260 to 30.300, services constituting patient care that are provided at a location other than the Oregon Health and Science University campus or one of the Oregon Health and Science University clinics are not within the scope of state employment or duties when:

(a) Such services constitute an exclusively private relationship between the patient and a person described in subsection (1)(a) of this section; and

(b) The requirements of subsection (1)(b) and (c) of this section are not met. [1977 c.851 §3; 1995 c.84 §1]

30.269 Limitations on awards under Oregon Tort Claims Act generally. (1) Punitive damages may not be awarded on any claim subject to ORS 30.260 to 30.300.

(2) Claims subject to ORS 30.260 to 30.300 are not subject to the limitation imposed by ORS 31.710.

(3) A court may not apply the limitations imposed on recovery under ORS 30.271, 30.272 and 30.273 until after the entry of a verdict or a stipulation by the parties to the amount of the damages.

(4) The limitations imposed under ORS 30.271 (2) and 30.272 (2) on single claimants include damages claimed for loss of services or loss of support arising out of the same tort.

(5) If two or more claimants recover on a claim that arises out of a single accident or occurrence, and the recovery is subject to a limitation imposed by ORS 30.271 (3), 30.272 (3) or 30.273 (2)(b), any party to the action in which the claim is made may apply to the court to apportion to each claimant the proper share of the amount allowed by ORS 30.271 (3), 30.272 (3) or 30.273 (2)(b). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement made to the claimant bears to the aggregate awards and settlements for all claims arising out of the accident or occurrence.

(6) Liability of any public body and one or more of its officers, employees or agents, or two or more officers, employees or agents of a public body, on claims arising out of a single accident or occurrence, may not exceed in the aggregate the amounts allowed by ORS 30.271, 30.272 and 30.273.

(7) ORS 30.271, 30.272 and 30.273 do not apply to a claim arising in connection with a nuclear incident covered by an insurance or indemnity agreement under 42 U.S.C. 2210.

(8) For the purposes of the limitations imposed by ORS 30.271, 30.272 and 30.273, events giving rise to a proclamation of a state of emergency under ORS 401.165, or a proclamation of a public health emergency under ORS 433.441, do not constitute a single accident or occurrence. [2009 c.67 §2; 2009 c.718 §15]

Note: 30.269 to 30.274 were added to and made a part of 30.260 to 30.300 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

30.270 [1967 c.627 §4; 1969 c.429 §2; 1975 c.609 §13; 1987 c.705 §8; 1987 c.915 §13; repealed by 2009 c.67 §20]

30.271 Limitations on liability of state for personal injury and death. (1) The limitations imposed by this section apply to claims that:

- (a) Are subject to ORS 30.260 to 30.300;
- (b) Are made against the state, or against an officer, employee or agent of the state acting within the person's scope of employment or duties;
- (c) Arise out of a single accident or occurrence; and
- (d) Are not claims for damage to or destruction of property.

(2) The liability of the state, and the liability of the state's officers, employees and agents acting within the scope of their employment or duties, to any single claimant for claims described in subsection (1) of this section may not exceed:

- (a) \$1.5 million, for causes of action arising on or after December 28, 2007, and before July 1, 2010.
- (b) \$1.6 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.
- (c) \$1.7 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.
- (d) \$1.8 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.
- (e) \$1.9 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

(f) \$2 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

(g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.

(3) The liability of the state, and the liability of the state's officers, employees and agents acting within the scope of their employment or duties, to all claimants for claims described in subsection (1) of this section may not exceed:

(a) \$3 million, for causes of action arising on or after December 28, 2007, and before July 1, 2010.

(b) \$3.2 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

(c) \$3.4 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.

(d) \$3.6 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.

(e) \$3.8 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

(f) \$4 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

(g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.

(4) Beginning in 2015, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of the year in which the State Court Administrator makes the determination required by this subsection, the State Court Administrator shall adjust the limitations imposed under subsections (2) and (3) of this section for the following calendar year by multiplying the limitation amounts applicable to the calendar year in which the adjustment is made by the percentage amount determined under this subsection. The adjustment may not exceed three percent for any year. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made, and applies to all causes of action arising on or after July 1 of that year and before July 1 of the subsequent year.

(5) The limitations imposed by this section apply to claims against Oregon Health and Science University.

(6) The limitations imposed by this section apply to claims against the State Fair Council.
[2009 c.67 §3; 2015 c.589 §1]

Note: See note under 30.269.

30.272 Limitations on liability of local public bodies for personal injury and death. (1)

The limitations imposed by this section apply to claims that:

(a) Are subject to ORS 30.260 to 30.300;

(b) Are made against a local public body, or against an officer, employee or agent of a local public body acting within the person's scope of employment or duties;

(c) Arise out of a single accident or occurrence; and

(d) Are not claims for damage to or destruction of property.

(2) The liability of a local public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, to any single claimant for claims described in subsection (1) of this section may not exceed:

(a) \$500,000, for causes of action arising on or after July 1, 2009, and before July 1, 2010.

(b) \$533,300, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

- (c) \$566,700, for causes of action arising on or after July 1, 2011, and before July 1, 2012.
 - (d) \$600,000, for causes of action arising on or after July 1, 2012, and before July 1, 2013.
 - (e) \$633,300, for causes of action arising on or after July 1, 2013, and before July 1, 2014.
 - (f) \$666,700, for causes of action arising on or after July 1, 2014, and before July 1, 2015.
 - (g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.
- (3) The liability of a local public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, to all claimants for claims described in subsection (1) of this section may not exceed:
- (a) \$1 million, for causes of action arising on or after July 1, 2009, and before July 1, 2010.
 - (b) \$1,066,700, for causes of action arising on or after July 1, 2010, and before July 1, 2011.
 - (c) \$1,133,300, for causes of action arising on or after July 1, 2011, and before July 1, 2012.
 - (d) \$1,200,000, for causes of action arising on or after July 1, 2012, and before July 1, 2013.
 - (e) \$1,266,700, for causes of action arising on or after July 1, 2013, and before July 1, 2014.
 - (f) \$1,333,300, for causes of action arising on or after July 1, 2014, and before July 1, 2015.
 - (g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.
- (4) Beginning in 2015, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of the year in which the State Court Administrator makes the determination required by this subsection, the State Court Administrator shall adjust the limitations imposed under subsections (2) and (3) of this section for the following calendar year by multiplying the limitation amounts applicable to the calendar year in which the adjustment is made by the percentage amount determined under this subsection. The adjustment may not exceed three percent for any year. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made, and applies to all causes of action arising on or after July 1 of that year and before July 1 of the subsequent year.
- (5) The limitations imposed by this section do not apply to claims against Oregon Health and Science University. [2009 c.67 §4]

Note: See note under 30.269.

- 30.273 Limitations on liability of public bodies for property damage or destruction.** (1)
The limitations imposed by this section apply to claims that:
- (a) Are subject to ORS 30.260 to 30.300;
 - (b) Are made against a public body, or against a public body's officers, employees and agents acting within the scope of their employment or duties;
 - (c) Arise out of a single accident or occurrence; and
 - (d) Are claims for damage to or destruction of property, including consequential damages.
- (2) The liability of a public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, for claims described in subsection (1) of this section may not exceed:
- (a) \$100,000, or the adjusted limitation provided by subsection (3) of this section, to any single claimant.

(b) \$500,000, or the adjusted limitation provided by subsection (3) of this section, to all claimants.

(3) Beginning in 2010, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of the year in which the State Court Administrator makes the determination required by this subsection, the State Court Administrator shall adjust the limitations imposed under subsection (2) of this section for the following calendar year by multiplying the limitation amounts applicable to the calendar year in which the adjustment is made by the percentage amount determined under this subsection. The adjustment may not exceed three percent for any year. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made, and applies to all causes of action arising on or after July 1 of that year and before July 1 of the subsequent year. [2009 c.67 §5]

Note: See note under 30.269.

30.274 Direct appeal of constitutionality of limitations. (1) At the request of any party to an action under ORS 30.260 to 30.300, the court shall enter a limited judgment that is limited to the issue of the application of the limitations imposed by ORS 30.271, 30.272 or 30.273. A limited judgment may be entered under this section only after:

- (a) The parties have stipulated to the total damages in the action; or
- (b) The finder of fact has decided the total damages in the action.

(2) If a limited judgment is entered under this section, the court may not enter a general judgment until an appellate judgment on any appeal of the limited judgment has been entered.

(3) A limited judgment entered under this section may be appealed only by filing a notice of appeal directly with the Supreme Court within the time and in the manner specified in ORS chapter 19 for civil appeals to the Court of Appeals. Any party filing a notice of appeal under this subsection must note in the notice of appeal that the case is subject to this subsection.

(4) An appeal filed under this section may not raise any issue relating to the case other than the application of a limitation imposed under ORS 30.271, 30.272 or 30.273.

(5) If a limited judgment is not requested under this section, a party may seek judicial review of the imposition of any of the limitations under ORS 30.271, 30.272 or 30.273 in an appeal from the general judgment in the action. [2009 c.67 §6]

Note: See note under 30.269.

30.275 Notice of claim; time of notice; time of action. (1) No action arising from any act or omission of a public body or an officer, employee or agent of a public body within the scope of ORS 30.260 to 30.300 shall be maintained unless notice of claim is given as required by this section.

(2) Notice of claim shall be given within the following applicable period of time, not including the period, not exceeding 90 days, during which the person injured is unable to give the notice because of the injury or because of minority, incompetency or other incapacity:

- (a) For wrongful death, within one year after the alleged loss or injury.

- (b) For all other claims, within 180 days after the alleged loss or injury.
- (3) Notice of claim required by this section is satisfied by:
 - (a) Formal notice of claim as provided in subsections (4) and (5) of this section;
 - (b) Actual notice of claim as provided in subsection (6) of this section;
 - (c) Commencement of an action on the claim by or on behalf of the claimant within the applicable period of time provided in subsection (2) of this section; or
 - (d) Payment of all or any part of the claim by or on behalf of the public body at any time.
- (4) Formal notice of claim is a written communication from a claimant or representative of a claimant containing:
 - (a) A statement that a claim for damages is or will be asserted against the public body or an officer, employee or agent of the public body;
 - (b) A description of the time, place and circumstances giving rise to the claim, so far as known to the claimant; and
 - (c) The name of the claimant and the mailing address to which correspondence concerning the claim may be sent.
- (5) Formal notice of claim shall be given by mail or personal delivery:
 - (a) If the claim is against the state or an officer, employee or agent thereof, to the office of the Director of the Oregon Department of Administrative Services.
 - (b) If the claim is against a local public body or an officer, employee or agent thereof, to the public body at its principal administrative office, to any member of the governing body of the public body, or to an attorney designated by the governing body as its general counsel.
- (6) Actual notice of claim is any communication by which any individual to whom notice may be given as provided in subsection (5) of this section or any person responsible for administering tort claims on behalf of the public body acquires actual knowledge of the time, place and circumstances giving rise to the claim, where the communication is such that a reasonable person would conclude that a particular person intends to assert a claim against the public body or an officer, employee or agent of the public body. A person responsible for administering tort claims on behalf of a public body is a person who, acting within the scope of the person's responsibility, as an officer, employee or agent of a public body or as an employee or agent of an insurance carrier insuring the public body for risks within the scope of ORS 30.260 to 30.300, engages in investigation, negotiation, adjustment or defense of claims within the scope of ORS 30.260 to 30.300, or in furnishing or accepting forms for claimants to provide claim information, or in supervising any of those activities.
- (7) In an action arising from any act or omission of a public body or an officer, employee or agent of a public body within the scope of ORS 30.260 to 30.300, the plaintiff has the burden of proving that notice of claim was given as required by this section.
- (8) The requirement that a notice of claim be given under subsections (1) to (7) of this section does not apply if:
 - (a)(A) The claimant was under the age of 18 years when the acts or omissions giving rise to a claim occurred;
 - (B) The claim is against the Department of Human Services or the Oregon Youth Authority; and
 - (C) The claimant was in the custody of the Department of Human Services pursuant to an order of a juvenile court under ORS 419B.150, 419B.185, 419B.337 or 419B.527, or was in the custody of the Oregon Youth Authority under the provisions of ORS 419C.478, 420.011 or 420A.040, when the acts or omissions giving rise to a claim occurred.
- (b) The claim is against a private, nonprofit organization that provides public transportation services described under ORS 30.260 (4)(d).

(9) Except as provided in ORS 12.120, 12.135 and 659A.875, but notwithstanding any other provision of ORS chapter 12 or other statute providing a limitation on the commencement of an action, an action arising from any act or omission of a public body or an officer, employee or agent of a public body within the scope of ORS 30.260 to 30.300 shall be commenced within two years after the alleged loss or injury. [1967 c.627 §5; 1969 c.429 §3; 1975 c.604 §1a; 1975 c.609 §14; 1977 c.823 §3; 1979 c.284 §64; 1981 c.350 §1; 1993 c.500 §4; 1993 c.515 §1; 2001 c.601 §1; 2001 c.621 §89; 2005 c.684 §2; 2009 c.67 §18]

30.278 Reporting notice of claim of professional negligence to licensing board. (1) When notice is received under ORS 30.275 of a claim of professional negligence against a physician, optometrist, dentist, dental hygienist or naturopath who is acting within the scope of employment by a public body or within the scope of duties as defined by ORS 30.267, the person receiving the notice shall report to the appropriate licensing board, in the same manner as required by ORS 742.400, the information required by ORS 742.400 to be reported by insurers or self-insured associations.

(2) This section does not apply to a notice of adverse health care incident received under section 2, chapter 5, Oregon Laws 2013. [1987 c.774 §64; 2013 c.5 §11]

Note: The amendments to 30.278 by section 12, chapter 5, Oregon Laws 2013, become operative December 31, 2023. See section 22, chapter 5, Oregon Laws 2013. The text that is operative on and after December 31, 2023, is set forth for the user's convenience.

30.278. When notice is received under ORS 30.275 of a claim of professional negligence against a physician, optometrist, dentist, dental hygienist or naturopath who is acting within the scope of employment by a public body or within the scope of duties as defined by ORS 30.267, the person receiving the notice shall report to the appropriate licensing board, in the same manner as required by ORS 742.400, the information required by ORS 742.400 to be reported by insurers or self-insured associations.

Note: 30.278 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 30 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

30.280 [1967 c.627 §6; repealed by 1975 c.609 §25]

30.282 Local public body insurance; self-insurance program; action against program.

(1) The governing body of any local public body may procure insurance against:

(a) Tort liability of the public body and its officers, employees and agents acting within the scope of their employment or duties; or

(b) Property damage.

(2) In addition to, or in lieu of procuring insurance, the governing body may establish a self-insurance program against the tort liability of the public body and its officers, employees and agents or against property damage. If the public body has authority to levy taxes, it may include in its levy an amount sufficient to establish and maintain a self-insurance program on an actuarially sound basis.

(3) Notwithstanding any other provision of law, two or more local public bodies may jointly provide by intergovernmental agreement for anything that subsections (1) and (2) of this section authorize individually.

(4) As an alternative or in addition to establishment of a self-insurance program or purchase of insurance or both, the governing body of any local public body and the Oregon Department of Administrative Services may contract for payment by the public body to the department of assessments determined by the department to be sufficient, on an actuarially sound basis, to cover the potential liability of the public body and its officers, employees or agents acting within the scope of their employment or duties under ORS 30.260 to 30.300, and costs of administration, or to cover any portion of potential liability, and for payment by the department of valid claims against the public body and its officers, employees and agents acting within the scope of their employment or duties. The department may provide the public body evidence of insurance by issuance of a certificate or policy.

(5) Assessments paid to the department under subsection (4) of this section shall be paid into the Insurance Fund created under ORS 278.425, and claims paid and administrative costs incurred under subsection (4) of this section shall be paid out of the Insurance Fund, and moneys in the Insurance Fund are continuously appropriated for those purposes. When notice of any claim is furnished as provided in the agreement, the claim shall be handled and paid, if appropriate, in the same manner as a claim against a state agency, officer, employee or agent, without regard to the amount the local public body has been assessed.

(6) A self-insurance program established by three or more public bodies under subsections (2) and (3) of this section is subject to the following requirements:

(a) The annual contributions to the program must amount in the aggregate to at least \$1 million.

(b) The program must provide documentation that defines program benefits and administration.

(c) Program contributions and reserves must be held in separate accounts and used for the exclusive benefit of the program.

(d) The program must maintain adequate reserves. Reserve adequacy shall be calculated annually with proper actuarial calculations including the following:

- (A) Known claims, paid and outstanding;
- (B) Estimate of incurred but not reported claims;
- (C) Claims handling expenses;
- (D) Unearned contributions; and
- (E) A claims trend factor.

(e) The program must maintain an unallocated reserve account equal to 25 percent of annual contributions, or \$250,000, whichever is greater. As used in this paragraph, "unallocated reserves" means the amount of funds determined by a licensed independent actuary to be greater than what is required to fund outstanding claim liabilities, including an estimate of claims incurred but not reported.

(f) The program must make an annual independently audited financial statement available to the participants of the program.

(g) The program must maintain adequate excess or reinsurance against the risk of economic loss.

(h) The program, a third party administrator or an owner of a third party administrator may not collect commissions or fees from an insurer.

(7) A program operated under subsection (6) of this section that fails to meet any of the listed requirements for a period longer than 30 consecutive days shall be dissolved and any unallocated reserves returned in proportional amounts based on the contributions of the public body to the public bodies that established the program within 90 days of the failure.

(8) A local public body may bring an action against a program operated under subsection (6) of this section if the program fails to comply with the requirements listed in subsection (6) of this section. [1975 c.609 §19; 1977 c.428 §1; 1981 c.109 §4; 1985 c.731 §21; 2005 c.175 §2; 2009 c.67 §19]

30.285 Public body shall indemnify public officers; procedure for requesting counsel; extent of duty of state; obligation for judgment and attorney fees. (1) The governing body of any public body shall defend, save harmless and indemnify any of its officers, employees and agents, whether elective or appointive, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.

(2) The provisions of subsection (1) of this section do not apply in case of malfeasance in office or willful or wanton neglect of duty.

(3) If any civil action, suit or proceeding is brought against any state officer, employee or agent which on its face falls within the provisions of subsection (1) of this section, or which the state officer, employee or agent asserts to be based in fact upon an alleged act or omission in the performance of duty, the state officer, employee or agent may, after consulting with the Oregon Department of Administrative Services file a written request for counsel with the Attorney General. The Attorney General shall thereupon appear and defend the officer, employee or agent unless after investigation the Attorney General finds that the claim or demand does not arise out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of amounted to malfeasance in office or willful or wanton neglect of duty, in which case the Attorney General shall reject defense of the claim.

(4) Any officer, employee or agent of the state against whom a claim within the scope of this section is made shall cooperate fully with the Attorney General and the department in the defense of such claim. If the Attorney General after consulting with the department determines that such officer, employee or agent has not so cooperated or has otherwise acted to prejudice defense of the claim, the Attorney General may at any time reject the defense of the claim.

(5) If the Attorney General rejects defense of a claim under subsection (3) of this section or this subsection, no public funds shall be paid in settlement of said claim or in payment of any judgment against such officer, employee or agent. Such action by the Attorney General shall not prejudice the right of the officer, employee or agent to assert and establish an appropriate proceedings that the claim or demand in fact arose out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of did not amount to malfeasance in office or willful or wanton neglect of duty, in which case the officer, employee or agent shall be indemnified against liability and reasonable costs of defending the claim, cost of such indemnification to be a charge against the Insurance Fund established by ORS 278.425.

(6) Nothing in subsection (3), (4) or (5) of this section shall be deemed to increase the limits of liability of any public officer, agent or employee under ORS 30.260 to 30.300, or obviate the necessity of compliance with ORS 30.275 by any claimant, nor to affect the liability of the state itself or of any other public officer, agent or employee on any claim arising out of the same accident or occurrence.

(7) As used in this section, "state officer, employee or agent" includes district attorneys and deputy district attorneys, special prosecutors and law clerks of the office of district attorney who act in a prosecutorial capacity, but does not include any other employee of the office of district attorney or any employee of the justice or circuit courts whose salary is paid wholly or in part by the county. [1967 c.627 §7; 1975 c.609 §16; 1981 c.109 §5; 1981 c.913 §2; 1985 c.731 §22; 1987 c.763 §1; 2009 c.67 §11]

30.287 Counsel for public officer; when public funds not to be paid in settlement; effect on liability limit; defense by insurer. (1) If any civil action, suit or proceeding is brought against any officer, employee or agent of a local public body which on its face falls within the provisions of ORS 30.285 (1), or which the officer, employee or agent asserts to be based in fact upon an alleged act or omission in the performance of duty, the officer, employee or agent may file a written request for counsel with the governing body of the public body. The governing body shall thereupon engage counsel to appear and defend the officer, employee or agent unless after investigation it is determined that the claim or demand does not arise out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of amounted to malfeasance in office or willful or wanton neglect of duty, in which case the governing body shall reject defense of the claim.

(2) Any officer, employee or agent of a local public body against whom a claim within the scope of this section is made shall cooperate fully with the governing body and counsel in the defense of such claim. If the counsel determines and certifies to the governing body that such officer, employee or agent has not so cooperated or has otherwise acted in prejudice of the defense of the claim, the governing body may at any time reject the defense of the claim.

(3) If the governing body rejects defense of a claim under subsection (1) of this section, no public funds shall be paid in settlement of the claim or in payment of any judgment against such officer, employee or agent. Such action by the governing body shall not prejudice the right of the officer, employee or agent to assert and establish in an appropriate proceedings that the claim or demand in fact arose out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of did not amount to malfeasance in office or willful or wanton neglect of duty, in which case the officer, employee or agent shall be indemnified by the public body against liability and reasonable costs of defending the claim.

(4) Nothing in subsection (1), (2) or (3) of this section shall be deemed to increase the limits of liability of any public officer, agent or employee under ORS 30.260 to 30.300, or relieve any claimant of the necessity of compliance with ORS 30.275, nor to affect the liability of the local public body itself or of any other public officer, agent or employee on any claim arising out of the same accident or occurrence.

(5) The provisions of this section may be superseded to the extent that the claim against the public officer, employee or agent may be defended by any insurer, or may be subject under ORS 30.282 to agreement with the Oregon Department of Administrative Services, in which case the provisions of the policy of insurance or other agreement are applicable. [1975 c.609 §20; 1985 c.565 §3; 1989 c.1004 §1; 2009 c.67 §12]

30.290 Settlement of claims by local public body. The governing body of any local public body may, subject to the provisions of any contract of liability insurance existing, compromise, adjust and settle tort claims against the public body or its officers, employees or agents acting within the scope of their employment for damages under ORS 30.260 to 30.300 and may, subject to procedural requirements imposed by law or other charter, appropriate money for the payment of amounts agreed upon. [1967 c.627 §8; 1975 c.609 §17; 1989 c.655 §1]



To: Board of Directors

From: Stephen Dickey, Director of Strategic Initiatives and Program Management

Thru: Allan Pollock, General Manager

Date: November 12, 2019

Subject: Board Appointed Committee By-laws

Currently Cherriots has three advisory committees that are appointed by the Board of Directors. These include the Special Transportation Fund Advisory Committee (STFAC), the Statewide Transportation Improvement Fund Advisory Committee (STIFAC), and the Citizens Advisory Committee (CAC). The STFAC and STIFAC serve to advise the Board on recommendations for funding of various projects supported by these two state transportation funding programs. The CAC serves to advise the Board on matters related to transit service provided to the community.

Each of these advisory committees has a set of adopted by-laws that govern a range of organizational and functional aspects of the advisory committee. These aspects include membership terms, filling vacancies, length of service on the committee, appointment of a chair and vice-chair for the committee and many other aspects.

Even though these three advisory committees are all appointed by the Board, the by-laws are not consistent in some of the structure, and functional aspects of the committee. This matter has led to a lack of clarity when faced with filling vacancies, reappointing members, and many other functions of the committee. A few examples of these discrepancies include:

Terms of Appointments:

- **CAC, STF, and STIF** members are appointed for 2-year terms
- **CAC and STF** terms begin in January vs. **STIF** begins in July
- **CAC and STIF** members are eligible for re-appointment up to 2 consecutive terms vs. up to 3 consecutive terms for **STF** members

Chair and Vice-Chair Election and Responsibilities (this section is called “Officers” in the CAC bylaws):

- **CAC, STF, and STIF** Chair and Vice-Chair are appointed on an annual basis and serve a term of 12 months, but no more than 2 consecutive terms.
 - **CAC:** Appointed by the Board on an annual basis in December
 - **STF:** Appointed by Voting Members of the committee in the first meeting held in each calendar year.
 - **STIF:** Appointed by the Board on an annual basis in July.

Participation:

- **CAC:** A member who fails to notify the District’s staff rep and/or the chair for **2** consecutive meetings, or is absent **3** or more meetings over a 1-year period, may have his her membership declared vacant.
- **STF:** A member who fails to notify the committee for **2** consecutive meetings, or misses more than **4** meetings over a 1-year period, will be reported to the Board.
- **STIF:** A member who fails to notify the committee for **2** consecutive meetings, or misses more than **2** meetings over a 1-year period, will be reported to the Board.

In an effort to bring consistency and clarity to the District’s advisory committees, staff is evaluating the current by-laws and will be drafting recommended changes that will help coordinate, as much as possible, all elements of these three advisory committees’ by-laws. The Board of Directors will then adopt the newly drafted advisory committee by-laws.

**BYLAWS GOVERNING PROCEDURES AND CONDUCT OF THE
CITIZENS ADVISORY COMMITTEE
OF SALEM AREA MASS TRANSIT DISTRICT**

Article 1 - Mission

The mission of the Citizens Advisory Committee (“CAC”), established by the Salem Area Mass Transit District (“District”) Board of Directors (“Board”), is to act as an advisory committee to the Board on transportation-related issues of the District.

Article 2 - Purpose and Responsibilities

The CAC shall meet to discuss and make recommendations to the Board on the District’s transportation policies, programs and services, and perform other duties as assigned by the Board. The CAC shall encourage and promote transportation services that meet the needs of the Salem/Keizer community.

The purpose of the CAC will be to advise the Board and District staff on transit-related issues, make suggestions for transit service improvements, and to explore opportunities for enhanced funding for public transportation. The CAC will advise the Board, General Manager and District staff on the following items:

- A. Adhering to the requirements of the American with Disabilities Act (ADA).
- B. Issues related to the quality of the public’s ridership experience and other engagement with the District.
- C. Issues related to advocacy, including:
 - 1) Cultivating an understanding of public transportation policy issues and opportunities among members of the CAC.
 - 2) Identifying opportunities for adequate funding for the District from governmental, quasi-governmental, non-profit and for-profit entities.
 - 3) Mobilizing public transportation customers, supporters, and other public transportation stakeholders.

Article 3 - Membership and Terms of Appointment

Composition of the CAC: The CAC is composed of nine (9) community representatives – seven (7) selected by individual members of the Board and two (2) from a slate of candidates who apply and are chosen according to the process set out below;

- A. A CAC member must –

- 1) Reside within the District's service area, which may include locations within the Urban Growth Boundary and cities and towns within Marion and Polk counties,
 - 2) Have a familiarity with Cherriots services.
 - 3) Be at least 18 years of age and use Cherriots services periodically; however, transit dependency is not a requirement for CAC membership.
 - 4) Be able to communicate knowledgeably about Cherriots in particular, and public transit in general.
 - 5) Have the ability to advocate on behalf of public transit and promote Cherriots services.
- B. CAC membership must reflect the larger community and have diverse representation with regard to age, gender, race, disability, transit dependence, availability to participate in CAC activities, and geography.
- C. Travel Reimbursement: Each CAC member will receive a 30-day (monthly for Regional) transit pass to cover transportation expenses. Passes will be mailed to CAC members. Other arrangements for pass distribution may be made on an individual basis.
- D. Members shall be appointed to the CAC by the Board for a term of two years, but shall serve at the pleasure of the Board. Members may only serve two consecutive two-year terms on the CAC. CAC terms will begin in the month of January and end in the month of December.
- E. The Board may appoint CAC members to fill unexpired terms. CAC members appointed to serve the balance of an unexpired term shall have the opportunity to serve two consecutive two-year terms after the conclusion of the original appointment. In the transition period, inaugural committee members will be allowed to serve the remainder of a term in an Excess At Large Capacity.
- F. A CAC member who has served two consecutive terms may be nominated and recommended for future terms 12 months after their previous term has expired.

Article 4 - Officers

The Chair and Vice-Chair of the CAC shall be appointed on an annual basis by the Board. The Chair and Vice Chair shall serve for a term of 12 months, but for no more than two consecutive terms. The CAC may recommend to the Board CAC members to serve as Chair or Vice Chair. Appointments are to be made every December (or in the meeting month closest to the end of the calendar year) to become effective upon the expiration of the Chair's and Vice-Chair's terms.

- A. The duties of the Chair are to preside at the meetings, and perform other duties assigned by the Board. The Chair, on behalf of the CAC, shall present reports to the Board that are necessary to execute any and all of the responsibilities of the CAC. The Chair may, at the Board's direction, appoint subcommittee members to address special topics as needed.
- B. The duties of the Vice-Chair are to perform the duties of the Chair, in the absence of the Chair. The Vice-Chair shall perform other duties as assigned by the Board.

Article 5 - Committee Vacancies

When a vacancy occurs, the Board, by majority vote of its members at any meeting, may appoint a new member to the CAC to serve the remainder of the unexpired term. The Board may select an appropriate appointee from candidates expressing an interest in such an appointment, or from candidates responding to a call for applications through a public advertisement.

Article 6 - Conduct of Meetings

- A. All meetings shall be conducted according to Oregon's Public Meetings Law and are open to the public.
- B. A quorum of the CAC shall consist of a majority of all the members, and a quorum must be present for any business to be conducted. A majority vote of those members present is needed to approve any recommendation. No member may vote unless present.
- C. The meetings shall be conducted according to Robert's Rules of Order. A record of each meeting will be kept with written minutes.
- D. Regular meetings shall be scheduled with at least one week's notice and will be held at the District's Administration Office; or such other place as designated by the District, and so noticed in conformance with applicable laws.
- E. All members are expected to attend scheduled meetings. If a member is unable to attend a scheduled meeting, that member shall contact the District's staff representative and/or the CAC Chair at least one business day in advance, to give notice, except in cases of an emergency. A member who fails to notify the District's staff representative and/or the CAC Chair of their intended absence for two consecutive meetings, or is absent three or more meetings over a one-year period, may have his/her membership declared vacant.
- F. Members of the Board will be invited to attend CAC meetings on a rotating basis. The invitations shall be rotated so that all Board members are invited to attend at

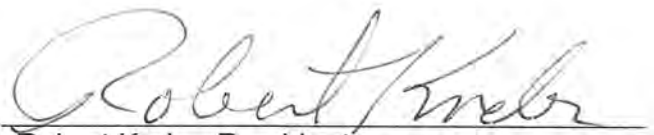
least once during the year. This open-invitation policy does not preclude or reduce the desirability of the Board appointing a liaison to the CAC.

- G. Regular CAC meetings shall be held quarterly. The meeting schedule shall be set and voted upon at the first meeting of the calendar year. With possible exceptions, the regular meetings will be used for presentations from District staff, contractors and other parties of interest to the CAC.

Article 7 - Amendments

The CAC, through its Chair, may recommend to the Board, amendments to the Bylaws that govern the CAC by a two-thirds vote of all its members. Only the Board shall have the authority to amend these Bylaws, and the Board may do so on its own initiative.

Adopted by Board Resolution No. 2017-03 on December 14, 2017.



Robert Krebs, President

ATTEST:



Colleen Busch, Board Secretary

Actions taken by the Board of Directors

<u>Resolution</u>	<u>Date</u>	<u>Action</u>	<u>Change</u>
90-01	Jan 25, 1990	Adopt	• Attachment A Elderly/Handicapped Transportation Advisory Committee
91-02	Mar 28, 1991	Amend	• Attachment A Elderly/Handicapped Transportation Advisory Committee
97-02	Feb 27, 1997	Amend	• Renamed Elderly and Disabled Consumer Advisory Committee
97-28	Dec 18, 1997	Amend	• Renamed Senior and Disabled Consumer Advisory Committee;
99-02	Mar 25, 1999	Rescind	• Dissolve Elderly/Handicapped Transit Advisory Committee; Form Consumer Advisory Committee; Replace with CAC Bylaws
11-13	Dec 08, 2011	Rescind	• Dissolve Consumer Advisory Committee; Form Citizens Advisory Committee Bylaws; Replace Bylaws
13-12	Dec 12, 2013	Amend	• Amend the Citizens Advisory Committee Bylaws
2017-13	Dec 14, 2017	Amend	• Amend the Citizens Advisory Committee Bylaws



RESOLUTION #2018-10

AMENDMENT TO RULES GOVERNING PROCEEDINGS AND CONDUCT OF THE BOARD OF DIRECTORS OF THE SALEM AREA MASS TRANSIT DISTRICT

ATTACHMENT B - BYLAWS GOVERNING PROCEEDINGS AND CONDUCT OF THE SPECIAL TRANSPORTATION FUND ADVISORY COMMITTEE

WHEREAS, the Salem Area Mass Transit District, hereafter referred to as "District", did on January 25, 1990, adopt Resolution #90-1, setting forth rules governing proceedings and conduct of the Board of Directors of the District, hereafter referred to as "Bylaws"; and

WHEREAS, Resolution #90-1 includes Attachment B, titled "Bylaws Governing Proceedings and Conduct of the Special Transportation Fund Advisory Committee"; which was last revised by Resolution #2016-03 on April 28, 2016; and

WHEREAS, the STFAC Bylaws have been revised to correct the method for filling vacancies and to specify a minimum number of members in *Article II - Membership, Appointments and Terms* under *Section 1. Membership* in the first paragraph; and under *Section 2. Appointments and Terms of Service* in the first paragraph; and

WHEREAS, the Special Transportation Fund Advisory Committee accepted these revisions at their November 13, 2018 meeting with their recommendation to the Board of Directors to replace this same Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SALEM AREA MASS TRANSIT DISTRICT;

THAT, Resolution #2018-10 is hereby adopted to rescind and replace Resolution #2016-03 with revisions to Attachment B to the Bylaws, titled "Bylaws of the Special Transportation Fund (STF) Advisory Committee of Salem Area Mass Transit District."

ADOPTED and **EFFECTIVE** on this 13th day of December, 2018.

President
SAMTD Board of Directors

ATTEST:

Secretary
SAMTD Board of Directors



**BYLAWS OF THE
SPECIAL TRANSPORTATION FUND ADVISORY COMMITTEE
OF SALEM AREA MASS TRANSIT DISTRICT**

ARTICLE I – STF PROGRAM, PURPOSE, ROLES AND RESPONSIBILITIES

Section 1. Purpose and Mission of STF Program

The State of Oregon has established a Special Transportation Fund (STF) for the purpose of financing and improving transportation programs and services for seniors and individuals with disabilities as provided under ORS 391.800-391.830. The Oregon Department of Transportation (ODOT) Rail and Public Transit Division administers the STF program. Pursuant to State law, Salem Area Mass Transit District (SAMTD) is the designated recipient of STF formula funds and discretionary grants for Marion and Polk Counties. The SAMTD Board of Directors is obligated under State law to establish an advisory committee to advise and assist the Board of Directors in carrying out the purpose of the STF program within the two counties.

Section 2. STF Advisory Committee Purpose

An STF Advisory Committee is established by the SAMTD Board of Directors to advise and assist the SAMTD Board of Directors in carrying out the purpose of the STF program and to perform the functions set forth in Section 3 of these bylaws.

Section 3. STF Advisory Committee Roles and Responsibilities

The STF Advisory Committee will:

- (a) Participate in annual reviews of STF funded projects;
- (b) Provide input to SAMTD staff on the development and review of the STF process, timeline and application forms; and to ensure process is in conformance with State STF directives;
- (c) Review Discretionary Grant proposals, interview applicants and make informed recommendations to the SAMTD Board of Directors;
- (d) Review the proposed distribution of Formula Program moneys and make informed recommendations to the SAMTD Board of Directors;
- (e) Advise the SAMTD Board of Directors regarding the opportunities to coordinate STF moneys and STF-funded projects with other transportation programs and services, to avoid duplication of service, and address gaps in service;
- (f) Participate in developing the STF Plan and complete a review of the STF Plan every three years;
- (g) Advise the SAMTD Board of Directors and the SAMTD General Manager, or his or her designee, on:
 - 1. the transportation needs of Marion and Polk County residents who are seniors and/or have a disability,
 - 2. evaluating the need for and use of available resources,
 - 3. the productive and efficient use of Special Transportation Funds, federal Section 5310 funds, and other funds which may be used to provide transportation for seniors and individuals with disabilities as defined by the adopted STF Plan;

(h) Comply with the public involvement policies of SAMTD.

Members of the STF Advisory Committee must comply with the Oregon Ethics Laws, ORS Ch. 244, and refrain from using his or her position to obtain financial gain or avoid financial detriment to the member, relative, or business in which the member or relative has an interest; refrain from accepting gifts in excess of \$50 in any calendar year from anyone who may have an interest in the actions or recommendations of the STF Advisory Committee; and publicly announce any actual or potential conflict of interest, refrain from participating in any discussion or debate on the matter, disclose the same in writing to SAMTD Board of Directors and, unless there is a quorum of the members who do not have an actual or potential conflict of interest, the STF Advisory Committee shall request direction from the SAMTD Board of Directors prior to taking action.

ARTICLE II – MEMBERSHIP, APPOINTMENTS AND TERMS

Section 1. Membership

The STF Advisory Committee shall have the number of members determined, from time to time, by the SAMTD Board of Directors. Per OAR 732-005-0031(10), the minimum size of the committee shall be five members. To be qualified to serve as a member of the STF Advisory Committee, the person must reside in Marion or Polk County, Oregon, be knowledgeable about the transportation needs of seniors and individuals with disabilities, and be a person who meets one of the following qualifications:

- (a) Is a person who is a senior or an individual with a disability *and* is a user of public transportation services in Marion or Polk Counties;
- (b) Is a person who is senior or an individual with a disability *and* who lives in an area of Marion or Polk Counties where there are no public transportation services;
- (c) Is a representative of seniors residing in Marion or Polk Counties;
- (d) Is a representative of individuals with disabilities residing in Marion or Polk Counties; or
- (e) Is a representative of a provider of services to seniors or individuals with disabilities residing in Marion or Polk Counties.

In making appointments, the Board may give consideration to seeking a majority of members who are individuals who are seniors or have a disability. Furthermore, the Board may appoint members to provide a balance of geographical representation from the rural areas of Marion and Polk Counties and from the urbanized area of Salem/Keizer.

Transportation providers may serve as non-voting members.

Section 2. Appointments and Terms of Service

The SAMTD Board of Directors will appoint members to the STF Advisory Committee. Committee members shall serve for a term of two years, commencing on January 1. A new member appointed to fill a vacant position shall serve the remainder of that vacant term before beginning their first full two-year term. If not filling a vacant term, the member shall serve from the time of appointment, and the following shall determine the start of the first full two-year term of service. The term of members appointed during the first six months of the year shall commence as of the preceding January 1 and the term of members appointed during the last six months of the year shall commence as of the next succeeding January 1.

Members are eligible for re-appointment for up to three consecutive terms. Terms should be staggered so that not more than one-half of the voting members have a term that expires in the same year.

Members who are currently serving a three-year term shall complete that term before being eligible for appointment to a new two-year term.

Section 3. Chair and Vice Chair – Election and Responsibilities

The officers of the STF Advisory Committee shall be a Chair and a Vice-Chair. Voting members of the Committee shall elect a Chair and Vice-Chair in the first meeting held in each calendar year. In the event of a vacancy in the Chair or Vice-Chair, the vacant position will be filled by nomination and election at the first meeting following notice of the vacancy.

The duties of the Chair are to call and convene meetings, preside over the meetings, act as the primary liaison between the Board of Directors and STF Advisory Committee, and perform other duties assigned by the Board of Directors. The Chair, on behalf of the Committee, shall present reports to the Board of Directors that are necessary to execute any and all of the responsibilities of the STF Advisory Committee.

The duties of the Vice-Chair are to perform the duties of the Chair, in his or her absence.

Section 4. Participation

All members are expected to attend the scheduled meetings. If a member is unable to attend a scheduled meeting, the member must contact District staff, the Committee Chair or the Vice Chair at least 24 hours or one business day in advance, except in cases of an emergency. The Chair may excuse the absence of a member for good cause. A member who fails to notify the Committee for two consecutive meetings, or misses more than four meetings over a one-year period, will be reported to the SAMTD Board, and the Board may declare that person's position vacant.

Section 5. Removal and Vacancies

Members of the STF Advisory Committee shall serve at the pleasure of the Board of Directors, and may be removed with or without cause at any time, at the sole discretion of the Board.

The Committee may recommend removal of one of its members to the Board by a vote of the majority of all its voting members. Such recommendation to the Board shall include the reasons for the recommendation.

When a vacancy occurs, the Board may elect to fill the vacant position and the person so appointed will hold their position for the balance of the unexpired term of his or her predecessor, which term of service shall not be considered in connection with limitations on term of service under Article II, Section 2. The Board may select an appointee from among people expressing an interest in such appointment, or from a call for applications for the position.

Section 6. Staff Role and Responsibility

The SAMTD General Manager will designate staff to prepare meeting notices, agendas, and minutes for the Committee. Staff will assist the Committee in orientation, and the preparation

and presentation of background information concerning agenda items. Staff will advise and furnish technical assistance as appropriate to carry out the Committee's work.

ARTICLE III – MEETINGS

Section 1. Frequency; Open Meetings

The STF Advisory Committee shall meet at least two times each year.

All STF Advisory Committee meetings will be open to the public. Notices of meetings will be given in accordance with Oregon Public Meeting laws.

The STF Advisory Committee will meet as often as necessary to carry out the responsibilities of the STF Advisory Committee. District staff and the Chair will confer as to the meeting schedules. Meetings shall be held at the offices of SAMTD or other place designated by the District in consultation with the Chair, and so advertised in conformance with applicable laws.

Section 2. Agendas

Staff will consult with the Chair in developing meeting agendas. Staff will be responsible for distributing the final agenda including preparing and/or compiling the associated agenda materials for each meeting.

The agenda and other information associated with any agenda action item will be distributed in advance of the meeting. These may be paper or electronic copies.

Section 3. Quorum and Voting

A quorum of the STF Advisory Committee shall consist of a majority of all the voting members. A quorum must be present for any business to be conducted..

Each member of the Committee has one vote. All actions of the STF Advisory Committee will be by a motion passed by a majority of the members present and voting at a meeting where a quorum is present.

The chair will cast a vote only in cases of a tie.

Actions taken at the STF Advisory Committee shall be conducted under *Roberts Rules of Order, Newly Revised*.

Section 4. Minutes

Minutes of STF Advisory Committee meetings will be prepared and distributed by staff. Minutes will note major points discussed and any conclusions reached and/or actions taken.

Section 5. Recommendations to the SAMTD Board of Directors

The Chair and his/her designee may present recommendations of the STF Advisory Committee to the SAMTD General Manager and/or Board of Directors in person or in writing.

ARTICLE IV – SUBCOMMITTEES

The Chair may recommend formation of a subcommittee(s), and establish such subcommittee(s) with the STF Advisory Committee's concurrence. Subcommittees may be formed to carry out specific tasks and/or deal with specific issues, bringing their recommendations to the STF Advisory Committee as a whole. The Chair will select or appoint subcommittee members and designate a chair. The Chair of the subcommittee may appoint persons to serve on subcommittees who are not members of the STF Advisory Committee as a whole, provided they have knowledge and experience that will help the subcommittee in completing its assignment.

ARTICLE V – AMENDMENTS

The SAMTD Board of Directors shall have the authority to amend these bylaws at any meeting of the Board of Directors. The STF Advisory Committee will have opportunity to propose amendments to these bylaws and to review amendments prior to action by the SAMTD Board of Directors. These bylaws amend and restate all prior STF Advisory Committee bylaws.

Adopted by Board Resolution #2016-03 on April 28, 2016

**BYLAWS OF THE
STATEWIDE TRANSPORTATION IMPROVEMENT FUND ADVISORY COMMITTEE
OF
SALEM AREA MASS TRANSIT DISTRICT**

DEFINITIONS:

Definition of High Percentage of Low-Income Households

For purposes of evaluating projects seeking Statewide Transportation Improvement Funds (STIF), Salem Area Mass Transit District (SAMTD), in its role as the Qualified Entity, shall define High Percentage of Low-Income Households as geographic areas within Marion and Polk counties, which are determined to have a high percentage of low-income households (households with income less than 200% of the federal poverty level).

Pursuant to OAR 732-040-0030(4)(a), it shall be the responsibility of the Advisory Committee to gather data and to seek public input, and to make a determination as to the areas of Marion and Polk counties in which there exist high percentages of low-income households, and to publish said determination in its Committee minutes and printed public materials.

In applying for STIF funding, transit improvements benefiting low-income households may be demonstrated in the following manner:

- Fare programs that have a positive benefit for low-income households;
- New route miles that provide service improvements to low-income households, and areas benefitting individuals from low-income households;
- New service hours that provide service improvements to low-income households, and areas benefitting individuals from low-income households;
- Purchases of new capital equipment or construction of new facilities that have a demonstrated improvement to low-income households, and areas benefitting individuals from low-income households;
- Or, any combination of the aforementioned improvements that result in an overall improvement of services to low-income households, and areas benefitting individuals from low-income households.

Improvements benefiting low-income households are not limited to services provided directly to areas with high percentages of low-income households. Improvements are also defined as services that connect individuals from low-income households with employment, services, shopping, social centers, places of worship, etc. In evaluating the value of proposed improvements, this aspect is an important consideration.

“Project” means a plan or project proposed by a Public Transportation Service Provider that is eligible for funding by the District with STIF monies.

Terms not otherwise defined in these bylaws shall have the meaning set forth in ORS 184.751-184.766 or, if not defined therein, in the applicable implementing regulations (OAR Chapter 734 Division 40).

ARTICLE I – STATEWIDE TRANSPORTATION IMPROVEMENT FUND PROGRAM, PURPOSE, ROLES AND RESPONSIBILITIES

Section 1. Purpose and Mission of the STIF Program

The State of Oregon has established a Statewide Transportation Improvement Fund (STIF) for the purpose of financing and enhancing public transportation programs as provided under ORS 184.751-184.766. The Oregon Department of Transportation (ODOT) Rail and Public Transit Division administers the STIF program. Pursuant to State law, Salem Area Mass Transit District (SAMTD or District) is the designated Qualified Entity eligible to receive STIF Funds for Marion and Polk Counties. The SAMTD Board of Directors hereby establishes an advisory committee to advise and assist the Board of Directors with regard to the District’s STIF program within the two counties.

Section 2. Committee Name and Purpose

The name of the committee is the “STIF Advisory Committee” (STIFAC). The purpose of the STIFAC is to advise and assist the SAMTD Board of Directors in prioritizing the Projects to be funded as part of the District’s STIF Plan.

Section 3. STIFAC Procedures and Duties; Review Criteria

In a manner consistent with ORS 184.751-184.766 and implementing regulations, the STIFAC shall review every Project, and advise and assist the Board of Directors in prioritizing Projects. After a Project proposal is transmitted by the Board of Directors to the Chair, the Chair will promptly distribute the Project proposal to members of the STIFAC. At the next regular meeting of the STIFAC following the distribution of the Project by at least 30 days, the STIFAC will set a schedule for its review, deliberation and recommendation of the Project. The schedule may be modified by the STIFAC upon a majority vote at any subsequent meeting.

The STIFAC may also advise the Board of Directors regarding opportunities to coordinate Projects with other local or regional transportation programs and services to improve service delivery and reduce gaps in service.

In addition, the STIFAC may propose changes to the policies or practices of the Board of Directors when the STIFAC considers that such changes are necessary to ensure that: (a) a public transportation service provider that has received funding under ORS 184.758 has applied the moneys received in accordance with and for the purposes described in the provider's plan or project proposal; and (b) a plan or project proposal submitted by a public transportation service provider does not fragment the provision of public transportation services.

The STIFAC will consider the following criteria when reviewing Projects:

- A. Whether the Project increases the frequency of bus service to areas with a High Percentage of Low Income Individuals;
- B. Whether the Project expands bus routes and bus services to serve areas with a High Percentage of Low Income Individuals;
- C. Whether the Project reduces fares for public transportation for Low Income Individuals;
- D. Whether the Project will procure buses that are powered by natural gas or electricity for use in areas with a population of 200,000 or more;
- E. Whether the Project will improve the frequency and reliability of service connections between communities inside and outside of the Qualified Entity's service area;
- F. Whether the Project increases the coordination between Public Transportation Service Providers to reduce fragmentation of service and fill service gaps;
- G. Whether the project provides student transit services for students in grades 9 through 12.
- H. Whether the Project will maintain a productive service funded by the STIF Formula funds during a previous funding cycle; and
- I. Other factors to be determined by the District such as geographic equity

Section 4. Open Meetings and Records

Meetings and records of the STIFAC are subject to Oregon's open meetings law and public records law, respectively. Notice of meetings must be given as required by law and meetings must be open to the public. To the extent practicable, the STIFAC will

follow those procedures for providing public notice and fostering public engagement which are followed by the SAMTD Board of Directors.

Section 5. Ethics

Members of the STIF Advisory Committee must comply with the Oregon Ethics Laws, ORS Ch. 244, and must refrain from using his or her position to obtain financial gain or avoid financial detriment to the member, relative, or business in which the member or relative has an interest. Members and their relatives and members of their household must refrain from accepting gifts in excess of \$50 in any calendar year from anyone who may have an interest in the actions or recommendations of the STIF Advisory Committee. In the case of any actual or potential conflict of interest, the Member must publicly announce the actual or potential conflict of interest, refrain from participating in any discussion or debate on the matter, disclose the same in writing to SAMTD Board of Directors and, unless there is a quorum of the members who do not have an actual or potential conflict of interest, the STIF Advisory Committee shall request direction from the SAMTD Board of Directors prior to taking action on the matter.

ARTICLE II – APPOINTMENT, MEMBERSHIP, QUALIFICATION, AND TERMS

Section 1. Appointment and Membership

Members of the STIFAC are appointed by the SAMTD Board of Directors, and serve at the pleasure of the SAMTD Board of Directors. The STIFAC is composed of no less than seven (7) members and no more than eleven (11) members. Each member must meet any one or more of the qualifications identified in Article II, Section 2 at the time of their appointment and for the duration of their term.

The STIFAC must include at least one person who is or represents low-income individuals; people with disabilities, or individuals age 65 or older; and a Public Transportation Service Provider or non-profit public transportation service provider.

The Board will appoint STIFAC members from both within and outside District boundaries to the extent practicable. The Board will attempt to appoint members to the STIFAC who represent diverse interests, perspectives, geography, and the population demographics of the area.

Section 2. Qualification

To be qualified to be appointed and continue to serve as a member of the STIFAC, the person must be knowledgeable about the public transportation needs of residents or employees located within or traveling to and or from the District. In addition, to be qualified to be appointed and continue to serve, the person must be a member of or represent any one or more of the following:

- (A) local governments, including land use planners;
- (B) Public Transportation Service Providers;
- (C) non-profit entities which provide public transportation services;
- (D) neighboring public transportation service providers;
- (E) employers;
- (F) public health, social and human service providers;
- (G) transit users;
- (H) transit users who depend on transit for accomplishing daily activities;
- (I) individuals age 65 or older;
- (J) people with disabilities;
- (K) low-income individuals;
- (L) social equity advocates;
- (M) environmental advocates;
- (N) bicycle and pedestrian advocates;
- (O) people with limited English proficiency;
- (P) educational institutions; or,
- (Q) major destinations for users of public transit.

Section 3. Terms of Service

Except in the case of the initial formation of the STIFAC, described below, committee members shall serve for a term of two years, commencing on July 1. Members are eligible for re-appointment for up to two consecutive terms. Terms will be staggered so that no less than one-third and not more than one-half of the voting members have a term that expires in the same year.

At the time of the initial formation of the STIFAC, the Board will determine by lot which of the members will be appointed to a one year term and which members will be appointed to two year terms, so that the terms of office of the initial members of the STIFAC will be staggered.

A STIFAC member who has served two consecutive terms of two year each ceases to be eligible to continue to serve, but may thereafter be appointed for future terms following the expiration of at least 12 months .

Section 4. Chair and Vice-Chair Election and Responsibilities

The officers of the STIF Advisory Committee shall be a Chair and a Vice-Chair. The Chair and Vice-Chair shall be appointed by the Board and shall serve for a term of 12 months, but for no more than two consecutive terms. The STIFAC may recommend to the Board committee members to serve as Chair or Vice Chair. Appointments are to be made in July of each year.

The duties of the Chair are to call and convene meetings, preside over the meetings, act as the primary liaison between the Board of Directors and STIF Advisory Committee, and perform other duties assigned by the Board of Directors consistent with the purpose of the Committee. The Chair, on behalf of the Committee, shall present reports to the Board of Directors that are necessary to execute any and all of the responsibilities of the STIF Advisory Committee.

The duties of the Vice-Chair are to perform the duties of the Chair, in his or her absence.

Section 5. Participation

All members are expected to attend the scheduled meetings. If a member is unable to attend a scheduled meeting, the member must contact District staff or the Chair at least 24 hours or one business day in advance, except in cases of an emergency. The Chair may excuse the absence of a member for good cause. A member who fails to notify the Committee for two consecutive meetings, or misses more than two meetings over a one-year period, will be reported to the SAMTD Board, and the Board may declare that person's position vacant.

Section 6. Removal and Vacancies

Members of the STIF Advisory Committee shall serve at the pleasure of the SAMTD Board of Directors, and may be removed with or without cause at any time, at the sole discretion of the Board of Directors.

The Committee may recommend removal of one of its members to the SAMTD Board of Directors by a vote of the majority of all its voting members. Such recommendation to the Board shall include the reasons for the recommendation.

When a vacancy occurs, the SAMTD Board of Directors may elect to fill the vacant position and the person so appointed will hold their position for the balance of the unexpired

term of his or her predecessor, which term of service shall not be considered in connection with limitations on term of service under Article II, Section 3. The Board of Directors may select an appointee from among people expressing an interest in such appointment, or from a call for applications for the position.

Section 7. Staff Role and Responsibility

The SAMTD General Manager will designate staff to prepare meeting notices, agendas, and minutes for the Committee. Staff will assist the Committee in orientation, and the preparation and presentation of background information concerning agenda items. Staff will advise and furnish technical assistance as appropriate to carry out the Committee's work.

ARTICLE III – MEETINGS

Section 1. Frequency

The STIF Advisory Committee will meet as often as necessary to carry out the responsibilities of the STIF Advisory Committee; however, the STIF Advisory Committee shall meet at least two times each year. District staff and the Chair will confer as to the meeting schedules. Meetings shall be held at the offices of SAMTD or other place designated by the District in consultation with the Chair, and so advertised in conformance with applicable laws.

Section 2. Agendas

Staff will consult with the Chair in developing meeting agendas. Staff will be responsible for distributing the final agenda including preparing or compiling the associated agenda materials for each meeting.

The agenda and other information associated with any agenda action item will be distributed in advance of the meeting. These may be paper or electronic copies.

Section 3. Quorum and Voting

A quorum of the STIF Advisory Committee shall consist of a majority of all the voting members. A quorum must be present for any business to be conducted.

Each member of the Committee has one vote. All actions of the STIF Advisory Committee will be by a motion passed by a majority of the members present and voting at a meeting where a quorum is present.

The chair will be entitled to vote.

Actions taken at the STIF Advisory Committee shall be conducted under *Roberts Rules of Order, Newly Revised*, including special provisions applicable to small boards.

Section 4. Minutes

Minutes of STIF Advisory Committee meetings will be prepared and distributed by staff. Minutes will note major points discussed and any conclusions reached or actions taken.

Section 5. Recommendations to the SAMTD Board of Directors

The Chair and his or her designee may present recommendations of the STIF Advisory Committee to the SAMTD General Manager or SAMTD Board of Directors in person or in writing.

ARTICLE IV – AMENDMENTS

The SAMTD Board of Directors shall have the authority to amend these bylaws at any meeting of the Board of Directors. The STIF Advisory Committee may propose amendments of these bylaws to the Board of Directors.

Adopted by Board Resolution #2018-08 on September 27, 2018.

**WORK SESSION MEMO**

Agenda Item WS.1.e

To: Board of Directors

From: Stephen Dickey, Director of Strategic Initiatives and Program Management

Thru: Allan Pollock, General Manager

Date: November 12, 2019

Subject: Board Committee Appointments

On an annual basis members of Cherriots various advisory committees are either reappointed, or new members are appointed to serve their first term on their assigned advisory committee. New members and renewal terms for the Special Transportation Fund Advisory Committee (STFAC) members are appointed at the preceding December meeting of the Board of Directors.

Members of the STFAC serve two-year terms on the committee per the committee by-laws. Four members of the committee have terms which expire on 12/31/19. One member in good standing according to the By-laws, Beth Jackson, resigned from her position at the November STFAC meeting for personal reasons. Two other members in good standing are recommended by staff for re-appointment (Emily Broussard, and Sherena Meager-Osteen). The fourth member, Victor Reppeto, is not being recommended for re-appointment. The reason is for lack of attendance without proper notification.

In addition to the reappointments of Emily Broussard, and Sherena Meager-Osteen, an application has been received for a new member to be appointed to the STFAC. The application is from Jeremy Gordon, Mayor of Falls City. Mayor Gordon submitted his application which was presented to the STFAC on November 5, 2019 for their consideration of recommending Mayor Gordon for appointment to the STFAC. Mayor Gordon's application and the STFAC's recommendation will be presented to the Board at the December 12, 2019 meeting of the Board of Directors.

SUPPLEMENT TO THE AGENDA PACKET

One additional advisory committee member appointment will be presented to the Board of Directors for consideration at the December 12, 2019 meeting. This appointment is to fill a vacancy on the Statewide Transportation Improvement Fund Advisory Committee (STIFAC).

Earlier in 2019 Cherriots was notified that Tim Rogers from Chemeketa Community College is retiring from his position and is stepping down from the STIFAC. J.D. Wolfe has replaced Mr. Rogers at Chemeketa Community College and is interested in serving on the STIFAC in place of Mr. Rogers. This change will require approval from the Board of Directors as well.

Full rosters of the current STIFAC, STFAC, and CAC are on the following pages:

**Statewide Transportation Improvement Fund Advisory Committee
Membership Roster**

CRITERIA	Member	TERM
Public Transit Service Provider	Jim Row, Assistant City Administrator Woodburn Transit	
Low-Income, Non-English speaking community, Transit User	Sandra Hernández-Lomelí Program Director, Latinos Unidos Siempre Mano A Mano Family Center	
Individuals age 65 + People with Disabilities and Outside of District – Marion County	Ron Harding, Chair, STF Advisory Committee City Administrator, City of Aumsville	
Educational Institutions/ Employer	VACANT (Tim Rogers, Associate VP/CIO, Chemeketa Community College)	RESIGNED 06/30/19 Retiring from CCC; Nominated J.D. Wolfe for his seat who is his replacement at CCC
Transit User	Chris Havel	
Bicycle and Pedestrian Advocates	Becky Gilliam, Pacific NW Regional Policy Manager Safe Routes to School	Vice Chair
Public Health, Social and Human Service Providers	VACANT (Jim Seymour, Executive Director Catholic Community Service	Chair Retired from CCS
Public Health, Social and Human Service Providers	Glen D. Morrison, Senior Epic Analyst Salem Health	
Outside of District – Polk County	Kathy Martin-Willis, City Councilor City of Independence	

SUPPLEMENT TO THE AGENDA PACKET

SPECIAL TRANSPORTATION FUND ADVISORY COMMITTEE TERMS OF APPOINTMENT

Pos	Term Dates	Name	Group	Location	Term
1	1/1/18-12/31/19	Emily Broussard	Disabled	Urban	2 nd 2-year term
2	1/1/18-12/31/19	Beth Jackson	Sr/Disabled	Urban & rural	Appointed to vacancy thru 2019; 1 st 2-year term begins 1/1/20
3	1/1/18-12/31/19	Sherena Meager-Osteen	Disabled	Marion Co.	1st 2-year term
4	1/1/18-12/31/19	Victor Reppeto	Disabled	Marion Co.	1st 2-year term
5	1/1/19 – 12/31/20	Jean Sherbeck	Sr/Disabled	Polk Co.	2 nd 2-year term
6	1/1/19 – 12/31/20	John Hammill	Sr/Disabled	Urban	2 nd 2-year term
7	1/1/19 – 12/31/20	Ron Harding	Rep of Sr/Disabled	Marion Co.	2 nd 2-year term
8	1/1/19 – 12/31/20	Marja Byers	Disabled	Urban	3 rd 2-year term
9	1/1/19 – 12/31/20	Bryant Baird	Senior	Urban	1 st 2-year term

**Citizens Advisory Committee
Terms of Appointment**

SUBDISTRICT	MEMBER / ADDRESS	POSITION	APPOINTED/ TERM END
1	Rick Hartwig Salem, OR 97302	Educator	3/22/18 - 12/31/19
2	Davis Dyer Keizer, OR 97303	Computer Technician	3/22/18 - 12/31/19
3	Laurie Dougherty Salem, OR 97301	Non-Profit Administration	3/22/18 - 12/31/19
4	John Hammill Salem, OR 97305	IT Technical Support	3/22/18 - 12/31/19
5	Mary Sarabia Salem, OR 97301	Bingo Caller	3/22/18 - 12/31/19
6	VACANT (Tealah Meyer) Salem, OR 97301		RESIGNED as of 06-18-19 Moved out of M/P County area
7	Roberto Coto Salem, OR 97305	Administrative Specialist	3/22/18 - 12/31/19
8	Mark Knecht Salem OR 97309	Chef/Baker	3/22/18 - 12/31/19
9	Patrick Schwab Salem, OR 97305	Contractor / Orientation and Mobility Specialist	3/22/18 - 12/31/19

Salem Area Mass Transit District
BOARD OF DIRECTORS MEETING
Thursday, December 12, 2019 at 6:30 PM
Courthouse Square – Senator Hearing Room
555 Court Street NE, Salem, Oregon 97301

DRAFT AGENDA

- A. CALL TO ORDER** (President Robert Krebs)
1. Note of Attendance for a Quorum
 2. Pledge of Allegiance (Director Robert Krebs)
 3. “Safety Moment” Thought for the Day
- B. ANNOUNCEMENTS & CHANGES TO AGENDA**
- C. PRESENTATION**
GFOA CAFR Award Presentation
- D. PUBLIC COMMENT**
Time is designated at each Board meeting for members of the public to testify on any items of Board business, being limited to three minutes.
- E. CONSENT CALENDAR**
Items on the Consent Calendar are considered routine business and are adopted as a group by a single motion unless a Board member requests to withdraw an item. Action on items pulled for discussion will be deferred until after adoption of the Consent Calendar.
1. **Approval of Minutes**
 - a. Minutes of the November 12, 2019 Board Work Session
 - b. Minutes of the November 12, 2019 Executive Session
 2. **Routine Business**
 - a. Committee Appointments to the Special Transportation Fund Advisory Committee and the Citizens Advisory Committee
 - b. Appoint Chair and Vice-Chair to the Citizens Advisory Committee
 - c. Approval of Contract for Armored Car Service
 - d. Resolution No. 2019-09 Rescind Authorization to Acquire by Purchase or by the Exercise of the Power of Eminent Domain Certain Real Property Necessary to Construction of the South Salem Transit Center Project
 - e. Approval of Uniform Contract - Option 3

F. ITEMS DEFERRED FROM THE CONSENT CALENDAR

G. ACTION ITEMS

1. Budget Committee Appointments

H. INFORMATIONAL REPORTS

1. January 2020 Service Change Briefing
2. First Quarter Performance Report
3. First Quarter Trip Choice Report
4. First Quarter Financial Report
5. GM FY2020 Work Plan

I. GENERAL MANAGER'S REPORT

J. BOARD OF DIRECTORS REPORTS

Board members report on their Board assignments - committee and meeting participation - as representatives of the District.

K. ADJOURN BOARD MEETING

Next Regular Board Meeting and Work Session Date: Thursday, January 23, 2020

This is an open and public meeting in a place that is ADA accessible. With 48 hours of notice, auxiliary hearing aids and services, and alternate formats are available to individuals with limited English proficiency. Requests can be made directly to the Clerk of the Board by phone at 503-588-2424 or with the assistance of TTY: Oregon Relay Services at 1-800-735-2900 (or 711). Cherriots administration office hours are Monday-Friday from 8:00 AM to 5:00 PM.

For an electronic copy of the Board's agenda packet, go to www.cherriots.org/board.

Esta es una reunión pública y abierta en un lugar al que se puede acceder por ADA. Con 48 horas de anticipación, los audífonos y servicios auxiliares y los formatos alternativos están disponibles para personas con dominio limitado del inglés. Las solicitudes se pueden hacer directamente al Secretario de la Junta por teléfono al 503-588-2424 o con la asistencia de TTY: Servicios de retransmisión de Oregon al 1-800-735-2900 (o 711). El horario de la oficina de administración de Cherriots es de lunes a viernes de 8:00 AM a 5:00 PM.

Para obtener una copia electrónica del paquete de la agenda de la Junta, vaya a www.cherriots.org/board.

Upcoming Board Meeting and Work Session Agenda Items
November 1, 2019

Work Session	Board Meeting
November 12, 2019 Tuesday Packets due to GM office: November 1 <ul style="list-style-type: none"> • STIFAC/CAC/ STFAC Updates for Dec meeting <ul style="list-style-type: none"> ○ Member Appointments ○ Chairs & Vice-Chairs Appointments ○ Consider Modification to CAC Bylaws to Include Youth • Pension Follow-up • D&O Insurance Follow up • Marion & Polk County Regional Service • Energy Tax Credit Briefing • Rescind Eminent Domain • Board Bylaws 	November - No Board meeting
December - No work session	December 12, 2019 Packets due to GM office: November 27 (Wed) <ul style="list-style-type: none"> • CONSENT CALENDAR: <ul style="list-style-type: none"> ○ Committee Appointments-STFAC/CAC ○ Appoint Chair & Vice-Chair CAC • GM FY2020 Work Plan • January Service Change Briefing • Q1 Finance, Trip Choice, Perf Report • Approval of Contract For Armored Car Service • Budget Committee Appointments • Presentation: GFOA CAFR Award • Resolution 2019-09 Rescind Eminent Domain
January 23, 2020 Packets due to GM office: January 16 <ul style="list-style-type: none"> • Present Draft 2020 Legislative Agenda 	January 23, 2020 Packets due to GM office: January 16 <ul style="list-style-type: none"> • Adoption of 2020 Legislative Agenda
February 27, 2020 Packets due to GM office: February 13 <ul style="list-style-type: none"> • 	February 27, 2020 Packets due to GM office: February 13 <ul style="list-style-type: none"> • Q2 Finance, Trip Choice, Performance Report
March 26, 2020 Packets due to GM office: March 12 <ul style="list-style-type: none"> • 	March 26, 2020 Packets due to GM office: March 12 <ul style="list-style-type: none"> •
April 23, 2020 Packets due to GM office: Apr 9	April 23, 2020 Packets due to GM office: April 9

<p>May 28, 2020 Packets due to GM office: May 14</p> <ul style="list-style-type: none"> • FY2021 Board Meeting Schedule 	<p>May 28, 2020 Packets due to GM office: May 14</p> <ul style="list-style-type: none"> • Consent: Adopt FY2021 Board Meeting Schedule • Q3 Trip Choice, Performance, Finance
<p>June 25, 2020 Packets due to GM office: June 11</p> <ul style="list-style-type: none"> • 	<p>June 25, 2020 Packets due to GM office: June 11</p> <ul style="list-style-type: none"> • Budget Hearing • Res#2020-XX Adopt FY21 Approved Budget • Consent: Approve FY2021 United Way Donation
<p>July x, 2020 Packets due to GM office: Jul x</p> <ul style="list-style-type: none"> • Budget Committee Vacancies • Review officer duties, requirements & process 	<p>July xx, 2020 Packets due to GM office: July xx</p> <ul style="list-style-type: none"> • Accept Prelim Annual EOY FY2019 Financial Report • Election of Officers and Oath of Office
<p>August x, 2020 Packets due to GM office: Aug x</p> <ul style="list-style-type: none"> • SDIS Board Best Practices Assessment • Board Committee Assignments 	<p>August x, 2020 Packets due to GM office: August x</p> <ul style="list-style-type: none"> • Board Committee Assignments • Trip Choice Report – 4th Quarter/Year End • Performance Report – 4th Quarter • September Service Change Briefing • SDIS Board BPA (C)
<p>September x, 2020 Packets due to GM office: Sep x</p> <ul style="list-style-type: none"> • Proposed FY2021 Budget Calendar • 	<p>September x, 2020 Packets due to GM office: September x</p> <ul style="list-style-type: none"> • 2020 Security Report • 2020 State Legislation Briefing • FY 2020 Performance Report • Budget Committee Appointments
<p>October x, 2020 Packets due to GM office: September x</p> <ul style="list-style-type: none"> • 	<p>October x, 2020 Packets due to GM office: October x</p> <ul style="list-style-type: none"> • Approval of FY2021 Budget Calendar (C)
<p>To Be Scheduled</p> <ul style="list-style-type: none"> • Uniform Contract • Staggered Terms for Committees • Board Retreat 	<p>To Be Scheduled</p>

UPDATED: November 7, 2019

TO: SAMTD BOARD OF DIRECTORS
FROM: ALLAN POLLOCK, GENERAL MANAGER
SUBJECT: CALENDAR OF SCHEDULED MEETINGS

**Meetings are held in the Senator Hearing Room at
 Courthouse Square, 555 Court St NE, unless otherwise noted**

• NOVEMBER 2019

11	Mon	CLOSED	HOLIDAY: Veterans Day Observance Cherriots Administration Offices/Customer Service Closed; NO Bus Service
12	Tue	5:30 PM 5:45 PM	Executive Session: Potential Litigation SAMTD Board Work Session
19	Tue	5:30 PM	Citizens Advisory Committee
28	Thu	CLOSED	HOLIDAY: Thanksgiving Day Cherriots Administration Offices-Customer Service Closed; NO Bus Service

• DECEMBER 2019

10	Tue	11:30a-1:30p	Cherriots Employee Holiday Luncheon
12	Thu	6:30 PM	SAMTD Board of Directors Meeting
14	Sat	7:00 PM	Keizer Holiday Lights Parade (5:45 PM Meet at Del Webb)
24	Tue	12:00 PM	Cherriots Administration Offices CLOSED
25	Wed	CLOSED	HOLIDAY: Christmas Day Cherriots Administration Offices-Customer Service <i>CLOSED</i> ; NO Bus Service

• JANUARY 2020

1	Wed	CLOSED	HOLIDAY: New Year's Day Cherriots Administration Offices-Customer Service CLOSED ; NO Bus Service
7	Tue	3:00-4:30p	Special Transportation Fund Advisory Committee (STFAC)
20	Mon		HOLIDAY: Martin Luther King Day Customer Service will be OPEN ; There will be regular bus service
23	Thu	5:30 PM 6:30 PM	SAMTD Board Work Session SAMTD Board of Directors Meeting

• FEBRUARY 2020

4	Tue	3:00-4:30p	Special Transportation Fund Advisory Committee
17	Mon	CLOSED	HOLIDAY: President's Day Cherriots Administration Offices-Customer Service CLOSED ; NO Bus Service
27	Thu	5:30 PM 6:30 pm	SAMTD Board Work Session SAMTD Board of Directors Meeting

• **MARCH 2020**

3	Tue	9:00-11:15a	Special Transportation Fund Advisory Committee
15-17		APTA Legislative Conference in Washington D.C.
17	Tue	5:30-7:30p	Citizens Advisory Committee
26	Thu	5:30 PM	SAMTD Board Work Session
		6:30 PM	SAMTD Board of Directors Meeting

• **APRIL 2020**

7	Tue	3:00-4:30p	Special Transportation Fund Advisory Committee
15		REMINDER to file SEI Report
23	Thu	5:30 pm	SAMTD Board Work Session
23	Thu	6:30 PM	SAMTD Board of Directors Meeting

• **MAY 2020**

	Thu	6:00 PM	SAMTD Budget Committee Meeting 1
5	Tue	3:00-4:30p	Special Transportation Fund Advisory Committee
	Thu	6:00 PM	SAMTD Budget Committee Meeting 2
	Thu	6:00 PM	SAMTD Budget Committee Meeting 3
17-21		APTA International Bus Roadeo, Louisville, KY
19-22		APTA Mobility Conference (APTA-enhanced Bus & Paratransit Conference)
28	Thu	5:30 PM	SAMTD Board Work Session
			• Marion County Commissioners Board Room, 555 Court St NE
28	Thu	6:30 PM	SAMTD Board of Directors Meeting
25	Mon		HOLIDAY: MEMORIAL DAY Cherriot's Administration Offices Closed; Buses will run at Sunday Service Level

• **JUNE 2020**

16	Tue	5:30 PM	Citizens Advisory Committee
25	Thu	5:30 PM	SAMTD Board Work Session
		6:30 PM	SAMTD Board of Directors Meeting and Budget Hearing

• **JULY 2020**

3	Fri		In Observance of Independence Day
			• Cherriot's Administration Offices Closed
4	Sat		HOLIDAY Independence Day Buses will run at Sunday service level
			SAMTD Board Work Session
			SAMTD Board of Directors Meeting

• **AUGUST 2020**

			SAMTD Board Work Session
			SAMTD Board of Directors Meeting

• **SEPTEMBER 2020**
