

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**September 24, 2004**

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, September 24, 2004 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Reilly called the meeting to order at 9:05 a.m.

## **SECTION 1: OPEN SESSION**

### **1. ROLL CALL:**

#### **DIRECTORS PRESENT**

Sheryl Ainsworth  
Jan Beautz (arrived after roll call)  
Michelle Hinkle  
Mike Keogh  
Emily Reilly  
Mike Rotkin  
Dale Skillicorn  
Pat Spence  
Mark Stone  
Marcela Tavantzis

#### **DIRECTORS ABSENT**

Dennis Norton  
Ex-Officio Wes Scott

#### **STAFF PRESENT**

Bryant Baehr, Operations Manager  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager  
Margaret Gallagher, District Counsel  
Steve Paulson, ParaCruz Administrator

Elisabeth Ross, Finance Manager  
Judy Souza, Base Superintendent  
Tom Stickel, Fleet Maint. Manager  
Les White, General Manager

#### **EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Scott Bugental, E & D TAC  
A. John Daugherty, Access. Svcs Coord.  
Kelly Dunn, Santa Cruz Transportation  
Jeff Le Blanc, MAC, MASTF  
Gary Klemz, SEUI  
Paul Marcelin-Sampson  
Ian McFadden, SEA  
James Monroe

Bonnie Morr, UTU  
Karena Pushnik, SCCRTC  
Will Regan, VMU  
Michael Steber, Bus Operator  
Mike Tomasee  
Amy Weiss, Spanish Interpreter  
Bob Yount, MASTF

**2. ORAL AND WRITTEN COMMUNICATION**

Written:

- a. Will Regan, VMU RE: Bart Cavallaro

Oral:

Mike Tomasee: Praised METRO's service and METRO Transit Center facility.

Director Spence reported that this was the first Board meeting being broadcast on Charter Cable, making it possible for Watsonville and Capitola residents to view the meeting live.

Written:

Les White distributed two Memos from MAC, which are attached to these minutes, the first recommending the installation of bicycle securement straps on the eleven new Hwy 17 buses; and the second regarding Item #12, removal of appointees.

Director Reilly announced that two letters from Bonnie Morr, UTU General Chair, were distributed to the Board and are attached to these minutes.

Director Tavantzis encouraged attendance at the Grand Opening of Via del Mar on October 4, 2004 at 5:00 p.m. A flyer was distributed at the meeting and is attached to these minutes.

**3. LABOR ORGANIZATION COMMUNICATIONS**

None.

**4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

Director Reilly announced that the Board would break at 10:00 a.m. for a Special meeting of the Board.

**SECTION I:**

**OPEN SESSION:**

**CONSENT AGENDA:**

- |                         |  |
|-------------------------|--|
| <b>ADD TO ITEM #5-1</b> | ACCEPT AND FILE MINUTES OF THE AUGUST 27, 2004 BOARD MEETING<br><b>(Insert Minutes of August 27, 2004)</b> |
| <b>ADD TO ITEM #5-3</b> | ACCEPT AND FILE AUGUST 2004 RIDERSHIP REPORT<br><b>(Insert Page 1 of the Ridership Report)</b>             |
| <b>ADD TO ITEM #5-5</b> | ACCEPT AND FILE REVISED AGENDA FOR THE SEPTEMBER 22, 2004 MAC MEETING<br><b>(Insert REVISED Agenda)</b>    |

- ADD TO ITEM #5-6** ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF SEPTEMBER 16, 2004 AND THE MINUTES OF THE AUGUST 19, 2004 MEETING  
**(Insert Agenda/Minutes)**
- ADD TO ITEM #5-8** ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY 2004  
**(Insert Report)**
- DELETE ITEM #5-14** CONSIDERATION OF ADOPTING A **RESOLUTION** ESTABLISHING PETTY CASH FUND FOR PARACRUZ FACILITY  
**(Action taken at the September 10, 2004 Board Meeting)**
- DELETE ITEM #5-15** CONSIDERATION OF APPROVAL OF CALPERS **RESOLUTIONS** TO FIX AND SET THE DISTRICT'S MEDICAL PREMIUM CONTRIBUTION RATES  
**(Action taken at the September 10, 2004 Board Meeting)**
- DELETE ITEM #5-17** CONSIDERATION OF APPROVAL OF PARATRANSIT CLASS SPECIFICATIONS (JOB DESCRIPTIONS) FOR PARATRANSIT OPERATOR, RESERVATIONIST, DISPATCH/ SCHEDULER, RESERVATION/SCHEDULING COORDINATOR, TRAINING AND ROAD RESPONSE COORDNATOR, MECHANIC II, AND SUPERINTENDENT  
**(Action taken at the September 10, 2004 Board Meeting)**
- REGULAR AGENDA:**
- REPLACE ITEM #7** CONSIDERATION OF RECEIPT OF **REPORT** REGARDING THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE (PCTF) AND **FINAL MINUTES** OF AUGUST 18, 2004  
**(Insert Director Spence's Report and Replace Draft Minutes with Final Minutes)**
- DELETE ITEM #8** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT TO PURCHASE A VERTICAL LNG STORAGE TANK FOR AN LCNG FUELING STATION FOR THE METROBASE PROJECT  
**(Action taken at the September 10, 2004 Board Meeting)**
- DELETE ITEM #9** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT TO PURCHASE TWO PRESSURE VESSEL ASSEMBLIES FOR THE LCNG FUELING STATION FOR THE METROBASE PROJECT  
**(Action taken at the September 10, 2004 Board Meeting)**

- DELETE ITEM #10**            CONSIDERATION OF AWARD OF CONTRACT FOR GOODWILL LOSS APPRAISAL SERVICES FOR METROBASE PROPERTIES  
**(Action taken at the September 10, 2004 Board Meeting)**
- ADD TO ITEM #11**            CONSIDERATION OF AWARD OF CONTRACT FOR SUPPLEMENTAL PARATRANSIT SERVICES  
**(Insert Staff Report)**
- ADD TO ITEM #12**            CONSIDERATION OF APPROVAL OF **RESOLUTION** TO MODIFY SANTA CRUZ METRO'S BYLAWS  
**(Insert Attachment C – Supplemental Report)**
- ADD TO ITEM #13**            CONSIDERATION OF APPOINTING ROBERT YOUNT AS THE REPRESENTATIVE OF THE METRO ADVISORY COMMITTEE (MAC), AND APPOINTING STEVE KUDLAK AS A REPRESENTATIVE OF CONSUMERS OF FIXED ROUTE SERVICE AS MEMBERS OF THE PARATRANSIT COORDINATION TASK FORCE (PCTF).  
**(Insert Staff Report)**
- ADD TO ITEM #15**            CONSIDERATION OF PARACRUZ TRANSITION STATUS REPORT  
**(Insert Staff Report)**
- ADD TO ITEM #17**            CONSIDERATION OF APPROVAL OF 40 YEAR LEASE WITH THE CITY OF SANTA CRUZ FOR PROPERTY NEEDED FOR THE METROBASE PROJECT  
**(Insert Staff Report)**
- ADD TO ITEM #18**            CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE AGREEMENT WITH IULIANO 1977 TRUST FOR PROPERTY LOCATED AT 111 DUBOIS STREET FOR METROBASE PROJECT  
**(Insert Staff Report – Attachment A will be distributed at the meeting)**
- ADD TO ITEM #19**            CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN ASSIGNMENT WITH FREDERICK ELECTRONICS (PLANTRONICS) AND A TOOL SHED, INC. FOR PROPERTY LOCATED AT 375 ENCINAL STREET FOR THE METROBASE PROJECT TO ASSIGN THE PROPERTY TO A TOOL SHED, INC.  
**(Insert Staff Report)**
- ADD ITEM #22**                **CONSIDERATION OF ADOPTING REVISIONS TO THE DRUG AND ALCOHOL TESTING POLICY REGULATION**  
**(Insert Staff Report)**

- ADD ITEM #23**                    **CONSIDERATION OF MEMORANDUM OF UNDERSTANDING FOR RELOCATION/GOODWILL FUNDING BETWEEN METRO AND SURF CITY PRODUCE CO. INC., AND ODWALLA**  
(Staff Report will be distributed at the September 24, 2004 Board meeting).

**CONSENT AGENDA**

- 5-1. **APPROVE REGULAR BOARD MEETING MINUTES OF AUGUST 13 AND AUGUST 27, 2004 AND THE SPECIAL MEETING MINUTES OF AUGUST 13, 2004**
- 5-2. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS**
- 5-3. **ACCEPT AND FILE AUGUST 2004 RIDERSHIP REPORT**
- 5-4. **CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM ENTIRELY OF JOSE SAAVEDRA, CLAIM # 04-0016**
- 5-5. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR SEPTEMBER 22, 2004 AND MINUTES OF JULY 21, 004**
- 5-6. **ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF SEPTEMBER 16, 2004 AND THE MINUTES OF THE AUGUST 19, 2004 MEETING**
- 5-7. **ACCEPT AND FILE PARACRUZ STATUS REPORT FOR JUNE 2004**
- 5-8. **PULLED FROM CONSENT**
- 5-9. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE**
- 5-10. **ACCEPT AND FILE METROBASE STATUS REPORT**
- 5-11. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE JULY MEETING**
- 5-12. **CONSIDERATION OF CONTRACT RENEWAL WITH DEVCO OIL FOR DISTRICT FUEL REQUIREMENTS**
- 5-13. **CONSIDERATION OF CONTRACT RENEWAL WITH CLAREMONT BEHAVIORAL SERVICES FOR EMPLOYEE ASSISTANCE PROGRAM**
- 5-14. **DELETED**
- 5-15. **DELETED**
- 5-16. **CONSIDERATION OF MODIFICATION TO CURRENT CLASS SPECIFICATION (JOB DESCRIPTION) OF THE PARTS CLERK TO REPLACE THE CLASS B DRIVER'S LICENSE REQUIREMENT WITH A CLASS C DRIVER'S LICENSE REQUIREMENT**
- 5-17. **DELETED**
- 5-18. **NOTIFICATION OF ACTIONS TAKEN IN CLOSED SESSION REGARDING THE SETTLEMENT WITH GUILLERMO CHAVEZ**
- 5-19. **MOVED TO REGULAR AGENDA AS ITEM #21**
- 5-20. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO THE RNL DESIGN CONTRACT FOR ARCHITECTURAL/ENGINEERING SERVICES FOR THE METROBASE PROJECT**

**ACTION:    MOTION:    DIRECTOR ROTKIN            SECOND:    DIRECTOR KEOGH**

Approve the Consent Agenda with the exception of Item #5-8, which Chair Reilly pulled for discussion.

Motion passed unanimously with Directors Beautz and Norton being absent.

**5-8. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY 2004**

Les White reported that Highway 17 has performed much better than expected since the merger and that Caltrans is receptive to contributing to provide more service in order to make the connections with Caltrain.

**REGULAR AGENDA**

District Counsel recommended moving Item #23 to closed session due to ongoing negotiations and the threat of litigation.

**ACTION: MOTION: DIRECTOR KOEGH SECOND: DIRECTOR REILLY**

**Move Item #23 to Closed Session.**

**Motion passed unanimously with Directors Beautz and Norton being absent.**

**6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

The following employees were acknowledged with longevity certificates for their years of service:

**FIFTEEN YEARS**

A. John Daugherty, Accessible Services Coordinator

**TWENTY-FIVE YEARS**

Michael T. Steber, Bus Operator

**THIRTY YEARS**

Roy G. Brogdon, Supervisor of Revenue Collection

**DIRECTOR BEAUTZ ARRIVED AT THIS TIME**

**7. CONSIDERATION OF RECEIPT OF REPORT REGARDING THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE (PCTF) AND FINAL MINUTES OF AUGUST 18, 2004**

**Summary:**

Director Spence stated that there would be two more meetings and a wrap up in December followed by presentations to the SCCRTC and the Board.

There was discussion about the conversation that took place at the September PCTF meeting when METRO's ADA Eligibility Coordinator's qualifications were questioned. Scott Bugental clarified that he was concerned with the mandates and any requirement of medical experience for that position and wants further discussion on the subject.

Ian McFadden stated that the District had followed the paid consultant's recommendations regarding recruiting and training and urged the Board to keep the PCTF on track, which was for the coordination of Paratransit services.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR AINSWORTH**

**Accept the report of the Paratransit Coordination Task Force and minutes of the August 18, 2004 meeting.**

**Motion passed unanimously with Director Norton being absent.**

8. **DELETED**

9. **DELETED**

10. **DELETED**

11. **CONSIDERATION OF AWARD OF CONTRACT FOR SUPPLEMENTAL PARATRANSIT SERVICES**

**Summary:**

Steve Paulson explained that the supplemental contractors would perform the early morning and late night trips that are outside of the normal 8-hour shifts performed by the District. UTU would perform 70% of all rides with 30% going to the supplemental contractors.

The supplemental contractors will be monitored daily and are required to uphold the Policies and Procedures and Customer Guide standards as outlined in the RFP.

Director Spence indicated that she was concerned about the quality of the cab service. She indicated that she had experienced dirty, poorly maintained cabs in the past. She indicated that she will be monitoring the cab performance and submitting information as to how they are doing.

Les White requested that any problems be reported directly to METRO and that the District would go back out to bid again, if necessary. Mr. White also expressed disappointment that a bid was not received from Courtesy Cab.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to execute a contract for Supplemental Paratransit Services with Santa Cruz Transportation and Trans Metro Express.**

**Motion passed unanimously with Director Norton being absent.**

12. **CONSIDERATION OF APPROVAL OF RESOLUTION TO MODIFY SANTA CRUZ METRO'S BYLAWS INCLUDING:**

- A. **CLARIFYING THAT APPOINTEES TO THE METROS ADVISORY COMMITTEE (MAC) SERVE AT THE PLEASURE OF THE BOARD OF DIRECTORS; AND**
- B. **ADDING RULES OF PROCEDURE FOR BOARD MEETINGS, SELECTING REPRESENTATIVES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION, SETTING TIME LIMITS FOR TESTIMONY ON AGENDA ITEMS AND OTHER CHANGES**
- C. **SUPPLEMENTAL REPORT**

**Discussion:**

Margaret Gallagher reported that, as requested at the last Board meeting, a copy of the City of Watsonville’s staff report and Resolution regarding it’s own Code of Ethics is attachment A to Item 12C. Ms. Gallagher recommended that if the Board chose to adopt a Code of Ethics based on that model, it be brought back to a later meeting, in order to adopt the modified Bylaws as set forth in Attachment B today.

Ms. Gallagher then pointed out each of the following proposed modifications to the Bylaws:

- § 4.01 regarding public notification of emergency meetings;
- § 7.04 added Rules of Procedure, which would nullify the old Rules of Order; (Ms. Gallagher confirmed that 2/3 of the Board would be 8).
- § 11.01 regarding time allowed for public testimony;
- § 14.01 regarding creation of committees; MAC would become “(iii)” included in the main section and MASTF would become “(b)” as an independent group.
- § 14.02 regarding SCCRTC appointments, the addition of part “a”

There was a discussion regarding MAC appointees and the timing of SCCRTC appointments.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Approve Resolution to modify the Santa Cruz METRO’s Bylaws as recommended by Staff, allowing Staff to correct numbering without having to bring it back again for Board approval.**

**Motion passed unanimously with Director Norton being absent.\***

**\*NOTE: See Chair Reilly’s statement made after Item #22**

**ADJOURN**

**Chair Reilly adjourned to the Special Board Meeting at 10:12 a.m. and reconvened to the Regular Board meeting at 10:18 a.m.**

- 13. **CONSIDERATION OF APPOINTING ROBERT YOUNT AS THE REPRESENTATIVE OF THE METRO ADVISORY COMMITTEE (MAC), AND APPOINTING STEVE**



**KUDLAK AS A REPRESENTATIVE OF CONSUMERS OF FIXED ROUTE SERVICE  
AS MEMBERS OF THE PARATRANSIT COORDINATION TASK FORCE (PCTF)**

Les White reported that at the September 22, 2004, MAC meeting, Stuart Rosenstein had volunteered to replace Norm Hagen, Jr. as MAC's permanent PCTF appointee, rather than Robert Yount; and that Steve Kudlak would become Kanoa Dynek's replacement as a consumer of Fixed Route Transit Services.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Appoint Stuart Rosenstein to serve as a representative of the METRO Advisory Committee (MAC), and appoint Steve Kudlak to serve as a Representative of Consumers of Fixed Route Transit o the Paratransit Coordination Task Force (PCTF).**

**Motion passed unanimously with Director Norton being absent.**

**14. CONSIDERATION OF APPOINTMENT OF DIRECTORS TO THE SANTA CRUZ CIVIC IMPROVEMENT CORPORATION (SCCIC)**

**Summary:**

Elisabeth Ross reported that 5 appointments to the SCCIC needed to be made today and that the next meeting would be held at 10:00 a.m. during the Regular Board meeting on October 22, 2004.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ**

**Appoint current incumbents (Directors Beautz, Hinkle, and Spence), and Directors Keogh and Reilly to the SCCIC for a two-year term.**

**Directors Keogh and Reilly accepted the nominations.**

**Motion passed unanimously with Director Norton being absent.**

**15. CONSIDERATION OF PARACRUZ TRANSITION STATUS REPORT**

Bryant Baehr gave a Power Point presentation outlining what has already been completed and the schedule for what is left to be completed.

**Direction:** Staff to contact Mobile Home Parks and churches as part of public outreach efforts.

Directors Rotkin and Keogh, and Jeff Le Blanc, wished to publicly thank Staff, Sam Storey and Community Bridges for all their hard work and the friendly, cooperative transition.

Scott Bugental echoed those sentiments and expressed concern regarding Spanish outreach material and a guaranteed ride home policy.

Mr. Baehr responded by saying that all outreach materials would be available in English and Spanish, plus CDs and tapes, and that although there is no formal policy, it is not the District's practice to strand people. This would be handled on a case-by-case basis and a formal policy would be brought back to the Board for direction if it becomes a problem.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR AINSWORTH**

**Accept ParaCruz Transition Status Report.**

**Motion passed unanimously with Director Norton being absent.**

**16. MOVED TO CONSENT AS ITEM #5-20**

**17. CONSIDERATION OF APPROVAL OF 40 YEAR LEASE WITH THE CITY OF SANTA CRUZ FOR PROPERTY NEEDED FOR THE METROBASE PROJECT**

**Summary:**

Frank Cheng reported that a portion of the bus parking at 1200 River Street is owned by the City of Santa Cruz. The current Encroachment Permit allowing METRO to use the City property is subject to termination with 30 days notice. In order to use federal funds for construction on property not owned by METRO, there must be a provision for continuous control of the property by METRO for a minimum of 20 years. The City has offered to lease the property to METRO for 40 years for \$1 per year.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Authorize the General Manager to execute a 40-year lease with the City of Santa Cruz for property needed for the MetroBase project.**

**Motion passed unanimously with Directors Norton and Tavantzis being absent.**

**18. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE AGREEMENT WITH IULIANO 1977 TRUST FOR PROPERTY LOCATED AT 111 DUBOIS STREET FOR METROBASE PROJECT**

**Summary:**

Frank Cheng reported that METRO closed escrow on July 20, 2004 for 1122 River Street, which was owned by Jeanne Gibson and is leased by A Tool Shed. When METRO vacates 111 Dubois, A Tool Shed will move in and continue the lease with Iuliano.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to execute a lease and assignment agreement with Iuliano 1977 Trust for property located at 111 Dubois Street for the MetroBase project.**

**Motion passed unanimously with Directors Norton and Tavantzis being absent.**

19. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN ASSIGNMENT WITH FREDERICK ELECTRONICS (PLANTRONICS) AND A TOOL SHED, INC. FOR PROPERTY LOCATED AT 375 ENCINAL STREET FOR METROBASE PROJECT TO ASSIGN THE PROPERTY TO A TOOL SHED**

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to execute an assignment with Frederick Electronics (Plantronics) and A Tool Shed, Inc. for property located at 375 Encinal Street for Metrobase Project to assign the property to A Tool Shed, Inc.**

**Motion passed unanimously with Director Norton being absent.**

20. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE AMENDMENT WITH THE SCOTTS VALLEY TRANSIT CENTER TENANT TO EXTEND THE TERM, INCLUDE JANITORIAL DUTIES AND PROVIDE FOR THE REPAYMENT OF A PG&E BILL**

**Summary:**

Margaret Gallagher reported the tenant will keep the Transit Center open during the hours of 6:00 a.m. – 6:00 p.m. if the District waives the \$75 monthly payment towards the utility bill. They are also willing to pay the \$75 payment for any month they chose not to be open the full hours.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR KEOGH**

**Authorizing the General Manager to execute a lease amendment with the Scotts Valley Transit Center Tenant to extend the term, include janitorial duties and provide for the repayment of a PG&E bill.**

**Motion passed unanimously with Director Norton being absent**

21. **CONSIDERATION OF A RESOLUTION OF APPRECIATION AND REMEMBRANCE FOR THE SERVICES OF BART CAVALLARO AS A MEMBER OF THE BOARD OF DIRECTORS FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**  
**(Moved to Regular Agenda at the October 10, 2004 meeting. Retained original numbering as Item # 5-19).**

**Direction:** Staff to obtain a copy of the taping of today's meeting for the Cavallaro family.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ**

**Adopt a Resolution of Appreciation and Remembrance for the services of Bart Cavallaro as a member of the Board of Directors for the Santa Cruz Metropolitan Transit District.**

**Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Director Norton being absent.**

**22. CONSIDERATION OF ADOPTING REVISIONS TO THE DRUG AND ALCOHOL TESTING POLICY REGULATION**

**Summary:**

Ms. Gallagher reported that revisions include implementation of new federal law requirements and other modifications.

**Direction:** Staff to add Paratransit Safety Sensitive positions to Attachment 4, “List of Safety Sensitive Job Classifications by Title” to be brought back next month.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Adopt the revised Drug and Alcohol Policy Regulation.**

**Motion passed unanimously with Director Norton being absent.**

**AT THIS TIME CHAIR REILLY MADE THE FOLLOWING CLARIFYING STATEMENT REGARDING THE RESOLUTION ADOPTED IN ITEM 12C:**

**“Motion passed by unanimous affirmative voice vote in lieu of a roll call vote” (with Director Norton being absent).**

**23. MOVED TO CLOSED SESSION**

**24. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel**

Margaret Gallagher reported that the Board would discuss the existing Worker’s Compensation case of Frank Sloan and the significant potential exposure to litigation regarding Item #23.

**25. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

None.

**SECTION II: CLOSED SESSION**

Chair Reilly adjourned to Closed Session at 11:15 a.m. and reconvened to Open Session at 11:57 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**26. REPORT OF CLOSED SESSION**

Margaret Gallagher had nothing to report at this time.

**ADJOURN**

There being no further business, Chair Reilly adjourned the meeting at 11:58 a.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator