

**SAN JOAQUIN REGIONAL RAIL COMMISSION
AN ORDINANCE 2019-01**

**AN ORDINANCE CREATING A STATION/FACILITIES DEVELOPMENT
COMMITTEE OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AND
DELEGATING DECISIONMAKING AUTHORITY TO THE COMMITTEE**

WHEREAS, The San Joaquin Regional Rail Commission (SJRRC) has received \$400 Million in State funding for expansion of the ACE service to Ceres and ultimately to Merced; and

WHEREAS, SJRRC and the San Joaquin Joint Powers Authority (SJJPA) jointly received \$500 Million in State funding for expansion of the ACE service between Lathrop and Natomas and expansion of the San Joaquins intercity rail service between Fresno and Natomas; and

WHEREAS, SJRRC has been designated the lead agency for planning and implementing the new stations/facilities required as part of the state funded expansion effort; and

WHEREAS, the initial deadline of 2023 associated with the State funding for project completion requires numerous timely actions for the stations/facilities in the new service communities over the next several years; and

WHEREAS, a small group of elected decision makers from the affected communities provides the best opportunity to ensure decisions are timely and incorporate the input of the affected communities; and

WHEREAS, SJRRC has the authority to establish a Committee and delegate specified decision-making powers,

THEREFORE, THE SAN JOAQUIN REGIONAL RAIL COMMISSION ORDAINS AS FOLLOWS:

ARTICLE 1. GENERAL

Section 100 Establishment. The San Joaquin Regional Rail Commission (“SJRRC”) hereby creates the Station/Facilities Development Committee (“Committee”) which shall have the decision and advisory powers contained here and as assigned by the SJRRC Commissioners from time to time. The Committee shall be comprised of four (4) members that shall serve without compensation.

Section 101 Definitions. For the purposes of this Article, the following words and phrases shall have these meanings:

- 101.1 “Commissioners” shall mean those persons appointed to the SJRRC in accordance with the JPA.
- 101.2 “Committee” shall mean the SJRRC Station/Facilities Development Committee established by this Article.
- 101.3 “Facility” or “Facilities” shall mean the facilities located north of Stockton in the Sacramento Service Corridor and the Stanislaus Service Corridor between Lathrop and Ceres California.
- 101.3 “JPA” shall mean the July 22, 2003 First Amended Joint Powers Agreement San Joaquin Regional Rail Commission.
- 101.4 “Regular Voting Commissioner” shall have the same meaning as “Regular Voting Member” set forth in Section 1.19 of the JPA.
- 101.5 “SacRT” shall mean the Sacramento Regional Transit District.
- 101.6 “SJRRC” means the San Joaquin County Regional Rail Commission, a Joint Powers Authority consisting of the County of San Joaquin, and the Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy, which owns and operates the ACE Rail passenger service.
- 101.7 “Special Voting Commissioner” shall have the same meaning as “Special Voting Member” set forth in Section 1.22 of the JPA.
- 101.8 “StanCOG” shall mean the Stanislaus Council of Governments.
- 101.9 “Station” or “Stations” shall mean the stations located north of Stockton in the Sacramento Service Corridor and the Stanislaus Service Corridor between Lathrop and Ceres California.

Section 102 Committee Appointment and Qualifications. The Committee’s four members shall be appointed by a majority vote of the SJRRC Regular Voting Commissioner. Committee members shall all be elected officials and comprised of the following:

- 102.1 A Regular Voting Commissioner whose elected jurisdiction includes at least one (1) Station north of Stockton, California.
- 102.2 A Regular Voting Commissioner whose elected jurisdiction includes at least one (1) Station between Lathrop and Merced California.
- 102.3 An elected official from the SacRT who shall be recommended for appointment to the SJRRC by the SacRT.
- 102.4 An elected official from StanCOG who shall be recommended for appointment to the SJRRC by the StanCOG.

102.5 In the event there is not a Regular Voting Commissioner qualified for appointment to sections 102.1 and/or 102.2 who accepts the appointment, the Regular Voting Commissioners may appoint any Regular Voting Commissioner to that membership position.

Section 103 Committee Officers. The Committee shall have two officers: Chairperson and Vice-Chairperson.

103.1 At the time of their appointment to the Committee, the Regular Voting Commissioners shall appoint one of the two Regular Voting Commissioners appointed pursuant to Sections 102.1 and 102.2 as Committee Chairperson and the other as Committee Vice-Chairperson.

103.2 The duties of the Chairperson shall be to preside at all meetings of the Committee and have the authority to call for short recesses during meetings unless a majority of the Committee Members by vote oppose a recess.

103.3 The duties of the Vice-Chairperson shall be to serve in the absence of the Chairperson.

Section 104 Term of office and filling vacancy.

104.1 The term of office for each Committee member shall be for four years, and until his or her successor is appointed.

104.2 Should a vacancy occur on the Committee for any reason, including expiration of terms, the vacancy shall be filled by appointment in accordance with Section 102 of this Article. Except in the case of a vacancy occurring due to expiration of a term, appointments to fill vacancies shall only be for the balance of the unexpired term of the vacant portion.

104.3 Any Committee member may be removed at any time by a majority vote of the Regular Voting Commissioners.

Section 105 Meetings.

105.1 All meetings shall comply with the procedural requirements set forth in the Ralph M. Brown Act ("Brown Act") set forth in California Government Code Sections 54950 and following, as they are now or may be amended.

105.2 The Committee shall, at that first meeting, establish a regular meeting schedule including dates, time and location for itself.

105.3 A quorum for conducting all Committee matters of business shall be three (3) Committee members.

105.4 The affirmative vote of three (3) members of the Committee shall be required for the approval of any matter.

Section 106 Powers and Duties. The Committee shall have the following powers and duties:

106.1 Decision making authority over all matters involving Station/Facility improvements, including, but not limited to, designs, materials, permitting, construction, change orders (within budget), etc.

106.2 Decisions of the Committee shall not exceed project amounts established in approved SJRRC budgets or any other amount established by the Regular Voting Commissioners.

Section 107 Appeal of Committee Decisions

107.1 The SJRRC Executive Director or her/his designee shall notify the SJRRC Regular Voting Commissioners and Committee members of any decisions made by the Committee within twenty-four (24) hours of the Committee's decision. Said notification ("Notice") shall be in writing and delivered electronically by e-mail.

107.2 Any member of the Committee or Regular Voting Commissioner can request an appeal of any decision by the Committee by requesting an appeal to the SJRRC's next Commission meeting as long as the request is made in writing and e-mailed to the Executive Director or her/his designee no later than one hundred and twenty (120) hours of the date and time of the Notice. Failure of any member of the Committee or Regular Voting Commissioner to timely request an appeal shall result in the Committees decision becoming final.

107.3 A timely request for appeal shall be placed on the agenda of the next SJRRC Commission meeting in compliance with the procedures in the Brown Act. At said meeting, the Regular Voting Commissioners shall determine whether to veto the Committee's decision being appealed. A Committee's decision may only be vetoed by a majority vote of the Regular Voting Commissioners.

Section 108 Term of the Committee. This Ordinance shall expire and the Committee cease to exist upon the receipt of a notice of completion of the last Station and Facility improvement.

Following passage and prior to the expiration of 15 days following passage, in accordance with Government Code Section 25124(b)(1) the Executive Director shall prepare a Summary of this Ordinance to be published in full once in three newspapers, one published in Santa Clara County, one published in Alameda County, and one published in San Joaquin County and this Ordinance will take effect 30 days after the date of the last of the three publications.

PASSED AND ADOPTED by the SAN JOAQUIN REGIONAL RAIL COMMISSION on this 4th day of October, 2019 by the following vote of the Commission:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

CHAIR

SECRETARY (Clerk)