555 Court St NE, Suite 5230, Salem, OR 97301 | 503-588-2424 PH 503-566-3933 FAX | Cherriots.org

Salem Area Mass Transit District Board of Directors ~ WORK SESSION ~

Thursday, January 26, 2023 Immediately following the Executive Session, Approximately 5:20 P.M.

For community members who want to stay informed, this meeting is open to the public in the Senator Hearing Room at Courthouse Square - 555 Court Street NE, Salem, Oregon 97301 or

> ZOOMGOV * Meeting ID: 161 750 1876 | Passcode: 581378

Go to: https://cherriots-org.zoomgov.com/j/1617501876?pwd=MW1obXdqdkhVa3FMZlczYzlzdExuZz09

- ONE TAP MOBILE: ++16692545252,,1617501876#,,,,*581378# US
- ➤ LANDLINE PHONE: +1 669 254 5252 US

AGENDA

D. ADJOURN

- **Virtual Meetings**: The Board of Directors meeting is a public meeting; typically in a place that is ADA- accessible. Board meetings will also be available via *ZoomGov*. The meeting I.D. and passcode are on the top of the agenda.
- **Closed Captioning (CC):** *ZoomGov's* live streaming platform includes Closed Captioning (CC). It is a good tool for aiding viewer participation in the meeting. However, CC does not always translate accurately.
- Alternate Formats This is a public meeting in a place that is ADA accessible. With 48 hours of notice, auxiliary hearing aids and services, and alternate formats for individuals with limited English proficiency are available. Requests can be made 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.
- **Electronic Copies** of the Board's meeting agenda packet are distributed by email 6-7 days prior to the meeting. The agenda packet is also included on the Cherriots website under Public Meetings and Notices at: https://www.cherriots.org/meetings/.
- **Email Distribution List:** To add your email address to the Board's meeting distribution list, please send your email address to the Clerk of the Board at publictestimony@cherriots.org.
 - Reuniones virtuales: La reunión de la Junta Directiva es una reunión pública; típicamente en un lugar que sea accesible según la ADA. Sin embargo, esta reunión de la Junta se llevará a cabo virtualmente a través de ZoomGov siguiendo las directivas del Gobernador Brown para mantener a las personas seguras y saludables durante la pandemia de Covid-19.
 - Subtítulos ocultos (CC): la plataforma de transmisión en vivo de ZoomGov incluye subtítulos ocultos (CC). Es una buena herramienta para ayudar a los espectadores a participar en la reunión. Sin embargo, CC no siempre se traduce con precisión.
 - Formatos alternativos Esta es una reunión pública en un lugar accesible a la ADA. Con 48 horas de anticipación, se encuentran disponibles audífonos y servicios auxiliares, y formatos alternativos para personas con dominio limitado del inglés. Las solicitudes se pueden hacer al Secretario de la Junta por teléfono al 503-588-2424 o con la ayuda de TTY: Oregon Relay Services al 1-800-735-2900 (o 711). El horario de oficina de la administración de Cherriots es de lunes a viernes de 8:00 a. M. A 5:00 p. M.
 - Se distribuyen copias electrónicas del paquete de la agenda de la reunión de la Junta por correo electrónico 6-7 días antes de la reunión. El paquete de la agenda también se incluye en el sitio web de Cherriots en Reuniones públicas y avisos en: https://www.cherriots.org/meetings/.
 - Lista de distribución de correo electrónico: para agregar su dirección de correo electrónico a la lista de distribución de reuniones de la Junta, envíe su dirección de correo electrónico al Secretario de la Junta a publictestimony@cherriots.org.

Salem Area Mass Transit District Per Diem Stipends

Question: Is a new board member required to complete a Per Diem Stipend Qualification Form?

SCHWABE WILLIAMSON & WYATT

Per Diem Stipend Qualification

Statutory Authority – Per Diem Stipends for "Qualified Members"

- •HB 2992 (ORS Chapter 627)— amended ORS 292.495 (applies to state boards and commissions, including Salem Area Mass Transit District)
- •ORS 292.495: State boards must pay per diem compensation to "qualified members"

Qualified Member:

- Member of the board
- ■NOT full-time public service members
- ☐ Report <\$50,000 or <\$100,000 (jointly) on tax returns

Per Diem Stipend Qualification

Statutory Authority – Per Diem Stipends for "Qualified Members" - Exceptions

- ORS 292.495(4)(a): State boards are not required to provide stipends for "qualified members"
 IF:
- 1. The member is not authorized by law to receive compensation for performance of official duties;
- 2. Funds are not available to the board; or
- 3. The member declines to accept the compensation

Per Diem Stipend Qualification

Statutory Authority – Per Diem Stipends for Non-Qualified Members

- •A non-qualified member is a member who:
- 1. Is not in full-time public service;
- 2. Has an adjusted gross income of > \$50,000 or > \$100,000 if filing a joint tax report

Per Diem Stipend Qualification

Statutory Authority – SAMTD Members – Payment for Official Duties

- •Members' legal authorization to receive payment
- ORS 267.130
- •Under this statute, officers and employees of SAMTD are authorized to receive a salary for performance of official duties

Per Diem Stipend Qualification

Attestation Form – Statutory Authority

- •ORS 292.495 does not explicitly mention attestation forms
- •Purpose of Self-Attestation Form: verify income and qualification status

Per Diem Stipend Qualification

Attestation Form – SAMTD's Requirement to Pay

- •Qualified members are entitled to per diem compensation
- •Self-Attestation Form is mentioned in a Q&A on Governor Kate Brown's website
- •Self-Attestation Form could help with compliance

Per Diem Stipend Qualification

Conclusions

- •HB 2992 applies to SAMTD
- •SAMTD must offer per diem stipends to qualified members of the board
- •Reminder:

Qualified Member:

- Member of the board
- ■NOT full-time public service members
- ☐ Report <\$50,000 or <\$100,000 (jointly) on tax returns

Per Diem Stipend Qualification Conclusions

- •SAMTD is responsible for determining which members of its board are qualified members
- •Self-Attestation Form as a mechanism for verifying qualification status

Salem Area Mass Transit District Per Diem Stipends

Questions?

SCHWABE WILLIAMSON & WYATT

Board and Commission Member Compensation

HB 2992 (Chapter 627, 2021 Oregon Law)

The Governor makes appointments to over 250 boards and commissions connected to various policy and subject matter areas, including to policy-making boards that head major state agencies and departments. Oregon law allows state board and commission members to receive statutory per diem compensation and reimbursement of certain expenses for each day or portion thereof which they spend time performing board or commission duties.

House Bill 2992, which was passed during the 2021 Legislative Session, is intended to reduce systemic barriers to participation in state boards and commissions by increasing the daily compensation rate ("per diem compensation") from \$30 to an amount equal to the per diem compensation paid to members of the Legislative Assembly for each day or portion thereof which members spend time performing board or commission duties. This rate will be available to members of state boards and commissions for time spent in performance of official duties, unless otherwise limited or prohibited.

Agencies are <u>required</u> to pay per diem compensation and expenses for "qualified members," defined as members who are (1) not in full-time public service, and (2) have an adjusted gross income for the previous tax year of less than \$50,000, or less than \$100,000 reported on a joint income tax return. The only exception to the requirement is if the qualified member declines compensation.

For members who exceed the adjusted gross income threshold, agencies <u>may</u> continue their usual practice of making independent decisions about whether to pay per diem compensation to members, through rules or otherwise. For these members, per diem compensation or expense reimbursement can be prohibited and may be contingent on available funding.

Members employed full-time in public service are not eligible to receive per diem compensation, but may receive expense reimbursement.

Frequently Asked Questions

- When will HB 2992 take into effect?
 The bill took effect on September 25, 2021, the 91st day following adjournment sine die.
- How will income be verified? A self-verification form will be made part of the board/commission member welcome package.
- How do we capture information on income qualification for existing board/commission members, i.e., those not in an appointment or reappointment process?
 A self-attestation form will be provided in Workday. All current board/commission members will need to complete the self-attestation form.

Does a board member's eligibility to be a "qualified member" need to be determined once, or every year they are serving?

Members will need to complete the attestation form included with their board/commission welcome package upon original appointment and reappointment to a board or commission.

What are the minimum qualifications to be a "qualified member" who must be paid the statutory per diem compensation?

A member who is not in full-time public service and who had an adjusted gross income in the previous tax year: (A) Of less than \$50,000, as reported on an income tax return other than a joint income tax return; or (B) Of less than \$100,000, as reported on a joint income tax return.

- Does HB 2992 eliminate the \$30 per diem compensation for board members who do not qualify for the new per diem outlined in Section 5 of HB 2992?
 - No, the bill changes the "default" amount of per diem compensation paid to board members from \$30 to an amount equal to the per diem compensation paid to members of the Legislative Assembly.
- Can an agency pay less than the maximum per diem compensation if the agency wants to use their budget for other things?
 - Under this bill, the board may not pay less than the statutory per diem compensation amount for qualified members (those who are below certain income thresholds, as described above). For members who are not qualified members, boards retain their preexisting authority to make independent determinations about whether or not to pay the statutory compensation, consistent with applicable statutes and rules.
- For Semi Independent Agencies (SIBA) HB 2992 changed portions of ORS Chapter 292. However, per ORS 182.460, most SIBAs are not subject to the provisions of ORS Chapter 292. Are SIBAs subject to the new per diem compensation requirements outline in HB 2992?

The Department of Justice (DOJ) has interpreted ORS 292.495 to apply to semi-independent boards and commissions' qualified members even though those boards and commission are not otherwise subject to ORS 292.495.

- What constitutes "actual performance of duties"?
 - Attending a meeting of the board or commission or performance of tasks necessary to fulfill the responsibilities of the board member to their appointed board or commission.
- ❖ If there are meetings of varying lengths, should the same per diem compensation be paid regardless of meeting length?
 - ORS Chapter 292 provides that the flat statutory per diem compensation amount is to be paid for each day or portion thereof during which the member is actually engaged in the performance of official duties.
- ❖ Is this compensation in addition to or in conjunction with travel reimbursement? Compensation is in addition to travel reimbursement.

Will there be notification if the "default" per diem compensation rate changes, or should each agency check every year? If the latter, which website has this information? Currently the legislature does not post the "default" per diem compensation rate amount. The <u>Federal General Services Administration (GSA)</u> per diem and meals & incidentals standard rates (at the time of this document \$96 + \$59) is used.

If you have additional questions, please contact Executive Appointments at Executive.Appointments@oregon.gov. Boards and commissions are also encouraged to reach out to their DOJ contact counsel with questions specific to their own statutes or rules.

CHAPTER 627

AN ACT

HB 2992

Relating to payments to members of certain public entities; amending ORS 292.495; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 292.495 is amended to read: 292.495. (1) Subject to the availability of funds therefor in the budget of the state board or commission, and except as otherwise provided by law, any member of a state board or commission, other than a member who is employed in full-time public service, who is authorized by law to receive compensation for time spent in performance of official duties, shall receive a payment [of \$30], in the amount specified in subsection (5) of this section, for each day or portion thereof during which the member is actually engaged in the performance of official duties.

- (2) Except as otherwise provided by law, all members of state boards and commissions, including those employed in full-time public service, may receive actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.
- (3) As used in [subsection] subsections (2) and (4) of this section, "other expenses" includes expenses incurred by a member of a state board or commission in employing a substitute to perform duties, including personal, normally performed by the member which the member is unable to perform because of the performance of official duties and which by the nature of such duties cannot be delayed without risk to health or safety. No member shall be reimbursed for expenses incurred in employing a substitute in excess of \$25 per day.

(4)(a) As used in this subsection, "qualified member" means a member who is not in full-time public service and who had an adjusted gross income in the previous tax year:

(A) Of less than \$50,000, as reported on an

(A) Of less than \$50,000, as reported on an income tax return other than a joint income tax

return; or

(B) Of less than \$100,000, as reported on a

joint income tax return.

(b) Except as provided in subsection (6) of this section, and notwithstanding any other provision of law, a state board or commission shall provide to a qualified member of the state board or commission, at a minimum:

(A) Compensation, in the amount specified in subsection (5) of this section, for each day or portion thereof during which the member is actually engaged in the performance of official

duties; and

- (B) Reimbursement of actual and necessary travel or other expenses actually incurred in the performance of a member's official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.
- (5) The compensation to be provided under subsections (1) and (4)(b)(A) of this section is equal to the per diem paid to members of the Legislative Assembly under ORS 171.072.
- (6) A member of a state board or commission may decline to accept compensation or reimbursement of expenses related to the member's service on the state board or commission.

<u>SECTION 2.</u> This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Approved by the Governor July 27, 2021 Filed in the office of Secretary of State August 2, 2021 Effective date September 25, 2021

Per Diem Stipend Qualification Form For Tax Filing Year
Member Name (First and Last):
(Print)
Address, City, State, ZIP:
(Print)
Compensation: A board or commission member who is not employed full-time in public service may receive a stipend under ORS 292.495 (1) for each day or portion of a day during which the member is actually engaged in the performance of official duties. The amount may exceed, but not be less than, the amount of payment that would otherwise be provided under ORS 292.495 (5).
If you are currently serving on a state board or commission other than this one and receiving compensation, under the Constitution of Oregon, Article II Suffrage and Elections, Section 10, you are not allowed to receive compensation from more than one board or commission.
Are you currently serving on a state board or commission(s) other than this one:yes*no
*If yes, please list name(s):
*If yes and you are accepting the per diem stipend from another state board or commission, list name of that entity:
Please indicate your compensation status and selection:
Qualified member: A member who is not in full-time public service and has an adjusted gross income in the previous tax year: (A) of less than \$50,000, as reported on an income tax return other than a joint income tax return; (B) of less than \$100,000, as reported on a joint income tax return, or (C) have other existing statutory authority for compensation by the board or commission.
Non-Qualified member: A member who is not in full-time public service and has an adjusted gross income in the previous tax year: (A) of more than \$50,000, as reported on an income tax return other than a join income tax return; or (B) of more than \$100,000, as reported on a joint income tax return.
■ Decline Compensation: I decline the compensation offered regardless of my status as a qualified or non-qualified member as allowed under ORS 292.495 (6).
I understand this compensation is taxable income and will be reported to me annually on a W-2 or 1099 statement.
By signing this form, I hereby affirm that all information provided by me on this form is true to the best of my knowledge.
Signature:Date:

Please see side 2 for references to the Constitution of Oregon and Oregon Revised Statutes.

Oregon Constitution:

As stated in the 2019 edition of the Constitution of Oregon, Article II Suffrage and Elections, Section 10 Lucrative offices; holding other offices forbidden

Section 10. Lucrative offices; holding other offices forbidden. No person holding a lucrative office, or appointment under the United States, or under this State, shall be eligible to a seat in the Legislative Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution [sic] expressly permitted; Provided, that Officers in the Militia, to which there is attached no annual salary, and the Office of Post Master, where the compensation does not exceed One Hundred Dollars per annum, shall not be deemed lucrative.

Oregon Revised Statues:

- 292.495 Compensation and expenses of members of state boards and commissions. (Changes made by HB2992 (2021) underscored.)
- (1) Subject to the availability of funds therefor in the budget of the state board or commission, and except as otherwise provided by law, any member of a state board or commission, other than a member who is employed in full-time public service, who is authorized by law to receive compensation for time spent in performance of official duties, shall receive a payment, in the amount specified in subsection (5) of this section, for each day or portion thereof during which the member is actually engaged in the performance of official duties.
- (2) Except as otherwise provided by law, all members of state boards and commissions, including those employed in full-time public service, may receive actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.
- (3) As used in subsections (2) and (4) of this section, "other expenses" includes expenses incurred by a member of a state board or commission in employing a substitute to perform duties, including personal, normally performed by the member which the member is unable to perform because of the performance of official duties and which by the nature of such duties cannot be delayed without risk to health or safety. No member shall be reimbursed for expenses incurred in employing a substitute in excess of \$25 per day.
- (4)(a) As used in this subsection, "qualified member" means a member who is not in full-time public service and who had an adjusted gross income in the previous tax year:
 - (A) Of less than \$50,000, as reported on an income tax return other than a joint income tax return; or
 - (B) Of less than \$100,000, as reported on a joint income tax return.
- (b) Except as provided in subsection (6) or this section, and notwithstanding any other provision of law, a state board or commission shall provide to a qualified member of the state board or commission, at a minimum:
- (A) Compensation, in the amount specified in subsection (5) of this section, for each day or portion thereof during which the member is engaged in the performance of official duties; and
- (B) Reimbursement of actual and necessary travel or other expenses actually incurred on the performance of a member's official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.
- (5) The compensation to be provided under subsections (1) and (4)(b)(A) of this section is equal to the per diem paid to members of the Legislative Assembly under ORS 171.072.
- (6) A member of a state board or commission may decline to accept compensation or reimbursement of expenses related to the member's service on the state board or commission.



Upcoming Work Session and Board Meeting Agenda Items

January 26, 2023

To Be Scheduled

- BSIP Group #6 (AP)
- Award of DW Construction Contract (TD)

GFOA Presentation (DL)

February 23, 2023

Packets due to GM office: February 9

Work Session

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Board Meeting

- Award of Contract for BSIP Group #5 (AP)
- Award of Contract for Security Services (DT)
- Award of Contract for Transit Signal Priority Project (AP)
- Q2 Reports: Strategic, Performance, Finance (AP, DT, DL)

March 23, 2023

Packets due to GM office: March 9

Work Session

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Board Meeting

- Youth Zero Fare Program Update (DT)
- Award of Contract for Project Management Services (AP)
- Service Change Briefing for May 2023 (DT)

April 27, 2023

Packets due to GM office: April 13

Work Session

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Board Meeting

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May 25, 2023

Packets due to GM office: May 11

Work Session

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Board Meeting

- CC: Adopt FY 2024 Board Meeting Schedule (AP)
- Q3 Reports: Strategic, Performance, Finance (AP, DT, DL)

June 22, 2023

Packets due to GM office: June 8

Work Session

Board Meeting

- CC: Approval of FY 2024 United Way Donation (AP)
- Budget Hearing (DL)
- Adoption of Resolution No. 2023-XX to Adopt FY 2024 Budget (DL)

July 27, 2023

Packets due to GM office: July 13

Work Session

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Board Meeting

- Election of Officers and Oath of Office (odd # years) (AP)
- Acceptance of the Preliminary FY 2023 Financial Report (DL)
- Service Change Briefing for September 2023 (DT)

August 24, 2023

Packets due to GM office: August 10

Work Session

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Board Meeting

- Board's Committee Assignments (odd # years) (AP)
- FY2023 Annual Report: Transportation Options/Commuter Options (PF)
- Q4 Reports: Strategic, Performance, Finance (AP, DT, DL)

September 28, 2023

Packets due to GM office: September 14

Work Session

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Board Meeting

- FY 2023 Security Report (DT)
- Potential Action on GM Performance Evaluation & Compensation (CC)

Executive Session

• General Manager Performance Evaluation (CC)

October 26, 2023

Packets due to GM office: October 12

Work Session

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Board Meeting

- CC: Approval of FY 2025 Budget Calendar (DL)
- FY 2023 Performance Report (DT)



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TO: SAMTD BOARD OF DIRECTORS

FROM: ALLAN POLLOCK, GENERAL MANAGER **SUBJECT:** CALENDAR OF SCHEDULED MEETINGS

- <u>CHERRIOTS.ORG/MEETINGS/</u> for more information about a particular meeting. All meetings below are scheduled in the Senator Hearing Room at Courthouse Square unless noted otherwise.
- **PUBLIC COMMENTS**: use <u>publictestimony@cherriots.org</u> for your comments on any Board or advisory committee business; or to be added to the email distribution list for meeting announcements.
- <u>CHERRIOTS.ORG/GETTINGINVOLVED</u> for more information about the advisory committees to the Board, or to contact your Board representative. Thank you for your interest in Cherriots.

FEBRUARY 2023

9-12			SDAO Conference – Sunriver Resort
21	Tue	5:30 PM	Citizens Advisory Committee Meeting
15	Wed	6:00 PM	MWVCOG -Annual Meeting and Awards Presentation
			 Registration is free and is required
20	Mon	Holiday	President's Day Cherriots Administrative Offices Closed
			Sunday-level bus service
23	Thu	5:30 PM	SAMTD Board Work Session
		6:30 PM	SAMTD Board of Directors Meeting
			(Comcast Cable Channel 21 and Zoom)

MARCH 2023

1			ORDINANCE 2023-01 Fare Structure goes into effect
8	Wed	12:00-1:30p	Marion County State of the County
			Keizer Community Center
12-14			APTA Legislative Conference – Washington D.C.
12	Sun		SPRING FORWARD Time Change - Set Clocks Ahead One Hour
23	Thu	5:30 PM	SAMTD Board Work Session
		6:30 PM	SAMTD Board of Directors Meeting
			(Comcast Cable Channel 21 and ZOOM)

APRIL 2023

15	Fri	8am-5pm	Due Date: Board to file SEI Report through OGEC
18	Tue	5:30 PM	Citizens Advisory Committee Meeting
27	Thu	5:30 PM	SAMTD Board Work Session
		6:30 PM	SAMTD Board of Directors Meeting
			(Comcast Cable Channel 21 and ZOOM)

MAY 2023

2	Tue	6:00 PM	SAMTD Budget Committee Meeting 1
3	Wed	6:00 PM	SAMTD Budget Committee Meeting 2 if necessary
4	Thu	6:00 PM	SAMTD Budget Committee Meeting 3 if necessary
16	Tue		County/Special District Election Day
25	Thu	5:30 PM	SAMTD Board Work Session
		6:30 PM	SAMTD Board of Directors Meeting
			(Comcast Cable Channel 21 and Zoom)
29	Mon	HOLIDAY	Memorial Day Cherriots Administrative Offices Closed
			Customer Service Open Sunday Level Bus Service

JUNE 2023

19	Mon	District	Juneteenth Cherriots Administrative Offices Closed
		Holiday	Sunday Level Bus Service
20	Tue	5:30 PM	Citizens Advisory Committee Meeting
22	Thu	6:30 PM	SAMTD Board of Directors Meeting
			Budget Hearing (send comments to board@cherriots.org)
			 (Comcast Cable Channel 21 and Zoom)
25			2023 Oregon Legislative Session <i>ENDS</i>

JULY 2023

4	Tue	HOLIDAY	Independence Day Cherriots Administrative Offices Closed
			Sunday Level Bus Service
27	Thu	5:30PM	SAMTD Board Work Session
		6:30 PM	SAMTD Board of Directors Meeting
			(Comcast Cable Channel 21 and ZoomGov)

AUGUST 2023

			KeizerFEST Sponsor Appreciation Luncheon
			KeizerFEST Parade
15	Tue	5:30 PM	Citizens Advisory Committee
24	Thu	5:30 PM	SAMTD Board Work Session
24	Thu	6:30 PM	SAMTD Board of Directors Meeting
			(Comcast Cable Channel 21 and Zoom)

SEPTEMBER 2023

4	Mon	HOLIDAY	Labor Day Cherriots Administrative Offices Closed
			Sunday Level Bus Service
28	Thu	5:30 PM	Work Session
		6:30 PM	SAMTD Board of Directors Meeting
			(Comcast Cable Channel 21 and Zoom)
			SAMTD Board Executive Session
			 G.M. Performance Evaluation ORS 192.660(2)(i)