San Mateo County Transit District
Measure W Citizens’ Oversight Committee

Orientation Meeting
March 15, 2021

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Agenda Items 5-7

• Rules & Procedure
• Proposed By-laws
• Brown Act Review

➤ Input today will allow adoption of By-laws at next meeting, and distribution of Committee Handbook

• But first: Select Chair for this meeting only
Selection of Chair for March 15, 2021 Meeting
Context

• Measure W defines role and duties:
  – Review administration of Measure W to ensure tax proceeds are invested consistently with Congestion Relief Plan
  – Receive audit of Measure W tax proceeds and expenditures
  – Hold public hearing and issue report annually to provide residents information regarding how Measure W proceeds are spent
• Measure W defines Independent Citizens’ Oversight Committee membership (15 categorized members) and terms (staggered 3-year terms)
• District makes appointments and assigns terms under Board of Directors policy (Resolution 2020-2)
5. Rules & Procedure

• Need rules to govern operation of Committee during meetings
• Options:
  – Robert’s Rules of Order
    • More traditional, many lengthy versions over years, starting with *Pocket Manual of Rules of Order for Deliberative Assemblies* in 1876
    • Published in full and “In Brief” book form
    • More modern, streamlined, 7 pages in full
    • Published in full on League of California Cities website
6. Proposed Bylaws

- Article I: Role
  - Recognizes Measure W definition of role and responsibility
- Art. II: Membership & Terms
  - Recognizes Measure W and Board of Directors Resolution 2020-2
- Art. III: Officers
  - Traditional approach: Chair and Vice Chair
  - What term of office?
  - Clerk or Secretary?
    - Suggestion: District staff to serve as Clerk
6. Proposed Bylaws

• Art. IV: Meetings
  – Generally once a year (after this meeting) to receive audit, hold public hearing, approve report
  – Recognize Brown Act, plus suggestions to:
    • Recognize state and local rules for tele-conferencing and video participation
    • Provide for additional notice (e.g., post agenda 1 week before meeting instead of 72 hours)
  – Open issues:
    • Number of Committee members for quorum and action? (e.g., 8 for quorum and 8 for action)
    • How long for public comments? (e.g., 3 minutes unless altered by Chair)

• Article V: Parliamentary Authority
  – Robert’s or Rosenberg’s Rules as discussed under Agenda Item 5

• Article VI: Amendment of By-laws
  – Open issue: Special voting requirement (e.g., 2/3 Majority vote)
7. The Brown Act (in brief)

- Meetings in open and accessible public location
- Notice (often the Agenda) 72 hours prior to meeting for regular meetings; 24 hours for special meetings
- Publication of Agenda
  - Describe each possible discussion/action with enough information for the public to know “Should I attend this meeting if I care about issue X?”
  - Opportunities for public comment on each item and items not on agenda
  - Specific citations for limited Closed Sessions (likely not applicable to Measure W COC)
- Availability of supporting documents
What’s a “Meeting”? 

- Majority of the members of a legislative body
- Hear, discuss, deliberate, or take action
- Any item within the subject matter jurisdiction of the legislative body
- Same time and location
Serial Communications: Quorum Prohibited outside of noticed meetings

§ 54952.2 (b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

Daisy chain
- A told B, B told C…

Hub and spoke
- H told A, B, and C…
What’s *Not* a “Meeting”?

- Contact between Member and a Non-Member (as long as not serial communication)
- Conference open to public
  - But no caucusing or discussion among members about business within the body’s subject matter jurisdiction
- Noticed public meeting of another committee or board
- Social media posts
  - But Member may not post a “direct response” to another Member’s post on an issue within jurisdiction of their local legislative body
  - Brown Act amendment signed Sept. 2020
Teleconference Requirements

- Teleconferencing can be used for all purposes during any meeting subject to certain rules
- Rules are significantly relaxed during Covid
  - Has led to more accessibility for public
  - Will likely lead to legislative change this year
- At this time, assume teleconference and video participation is permitted for all attendees
- Legal Counsel or District staff will alert you if new or renewed requirements / limitations in advance of next meeting
Questions?