

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
 - Suggestion: Rosenberg’s Rules of Order: Simple Rules of Parliamentary Procedure for the 21st Century
 - 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



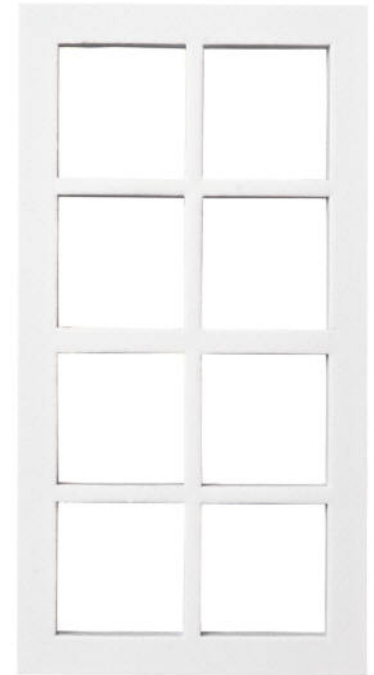
6. Proposed Bylaws

- 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?

