

**SAN MATEO COUNTY TRANSIT DISTRICT
1250 SAN CARLOS AVENUE, SAN CARLOS, CALIFORNIA**

**CITIZENS ADVISORY COMMITTEE
MINUTES OF MEETING – MAY 6, 2009**

COMMITTEE MEMBERS PRESENT: J. Baker (Vice-Chair), A. Chow, K. Feldstein, M. Hall, P. Hitchcock, W. Kingsford-Smith (Chair), P. Loranger, M. Matev, D. Milton, K. Nobles, S. Price, P. Ratto, D. Wilcox

COMMITTEE MEMBERS ABSENT: T. Collette, K. Kott

SAMTRANS STAFF PRESENT: M. Knuckles, N. McKenna, S. Miller, C. Patton, E. Proctor

Director of Bus Transportation Chester Patton introduced new CAC members, Matey Stefanov Matev and Sondra Price. Mr. Patton said Katherine Kott has another commitment and is unable to attend the meeting.

PUBLIC COMMENT:

None.

APPROVAL OF THE MINUTES

The Committee (Baker/Ratto) approved the minutes of April 1, 2009 (Hitchcock abstained).

PRESENTATION - BROWN ACT TRAINING

Hanson Bridgett Legal Counsel Steven Miller made the following key points on the Brown Act:

- The Brown Act governs any legislative body, any committee created by a board of directors and any committee created by a committee.
- The Brown Act requires all meetings be open to the public, properly noticed with a written agenda at least 72 hours prior to a meeting, and allow for interested members of the public an opportunity to comment on the business being conducted.
- What is a meeting? A meeting is a majority of the legislative body at the same time and location to hear, discuss, deliberate or take action on any item that is within the subject matter jurisdiction of the legislative body.
- It is not a meeting when there is contact between a member and a non-member or when members attend a conference which is open to the public.
- A serial meeting is a series of communications with less than a quorum, but ultimately results in communication among the majority, i.e. chain communication or hub and spoke communication. The Brown Act prohibits these types of serial meetings when they are conducted for the purpose of developing a collective concurrence.
- A member can call-in to a meeting as long as the location is on the agenda and the agenda is posted at the location.
- Items not on the agenda should not be discussed, unless there is an emergency issue, two-thirds of the committee feel the need to discuss something that came up after the 72-

hour posting or continuation of a discussion of an item from a meeting, which took place no more than five days ago.

- If an item is not an agenda, but a committee member wants a response, the Brown Act allows for a brief response on a public comment or a request from staff.
- Closed sessions are for lawsuits, personnel issues or real estate matters, but as members there is the duty of strict confidentiality.
- The Brown Act does have penalties for violating, but there is an opportunity to cure.

Ken Feldstein arrived at 6:57 p.m.

David Milton asked if SamTrans has bylaws and does the CAC have to abide by them. Mr. Milton would like bylaws agendized for a future meeting and would like to obtain a copy of the SamTrans bylaws.

Ken Feldstein said the CAC had discussed having bylaws before and it was found it couldn't or wouldn't be done. Mr. Feldstein said if the CAC decides to have bylaws it should look at the Transportation Authority's CAC rules of procedures.

Peter Ratto asked if an article of interest was e-mailed to the committee and no discussion was involved would this be a violation of the Brown Act. Mr. Miller said no because there was no discussion.

Peter Loranger asked if two cars are each carrying four members and a phone conversation occurs among the two cars via speakerphone, is this considered a Brown Act violation. Mr. Miller said this is considered a serial meeting.

Pam Hitchcock asked about member comments on the agenda and receiving a response. Mr. Miller said it is smart agendizing and there is a difference between a member making a brief comment versus a full discussion among the committee.

Chair Kingsford-Smith asked if it is a Brown Act violation if a member is at a social event and eight people are discussing a committee matter. Mr. Miller said this is a violation.

Chair Kingsford-Smith asked about public comment and providing a response. Mr. Miller said a brief response can be given, but not a discussion it would be better to agendized or have staff speak to the member of the public after the meeting.

Chair Kingsford-Smith thanked Mr. Miller for a very informative presentation.

DISCUSSION ON METROPOLITAN TRANSPORTATION COMMISSION (MTC) TRANSPORTATION PLAN 2035 AND DUPLICATIVE SERVICES

Andy Chow said MTC passed a resolution on April 22, 2009 on the Transportation Plan 2035. Mr. Chow said one of the items included in the resolution is MTC will conduct a regional transit sustainability analysis and upon completion of the analysis MTC will adopt new reforms prior to allocation of any new regional revenues for transit operations. The MTC will pursue strategies to secure new transit operating revenues in parallel with sustainability efforts. The MTC believes there is some overlapping service and did identify the Peninsula with Caltrain, BART and SamTrans, as one area where there might be overlapping service.

Mr. Feldstein asked if the MTC identified any overlapping of service in the East Bay with AC Transit and BART. Mr. Feldstein said there seems to be a lot of favoritism at MTC towards AC Transit and the East Bay over SamTrans.

Mr. Baker said it is the duty of SamTrans to keep service for low income passengers and shouldn't be eliminating duplicative service until that duplicative service accepts SamTrans fare.

Mr. Milton said SamTrans has good representation with SamTrans Board Director Adrienne Tissier who is vice chair at MTC.

Ms. Hitchcock asked what the financial connection is between MTC and SamTrans. Mr. Patton said the MTC is the Metropolitan Planning Organization for the region. The MTC's role is to provide regional cohesion and distribute funding.

Mr. Chow asked staff to give an update on how SamTrans is going to work with the MTC on the study, the funding issue if overlapping service is eliminated, how it would affect riders and finances and how would the notion meet with the strategic goal of the agency.

Mr. Patton said SamTrans will be paying attention to this issue. No recommendation would be taken without talking with people, discussing the impacts of the riders and the goals of the agency. The primary goal is to resolve the District's structural financial deficit. Staff will be heavily engaged in service analysis and looking closely at MTC's recommendations.

REPORT OF THE CHAIR

No report.

SAMTRANS STAFF UPDATE

Public Information Specialist Mary Knuckles reported the following:

- Art Takes a Bus Ride winners will be announced at the May 13 SamTrans Board meeting. A bus will be wrapped with the winning art work. The theme for this year's artwork is SamTrans connects you to fun events.
- The summer youth pass campaign starts this month and SamTrans is partnering with Radio Disney to call in with green tips.

Mr. Patton reported:

- Ridership is up 3.5 percent and on-time performance is above 90 percent for March.

CAC MEMBER COMMENTS/REQUESTS

Mr. Chow said the KX arrived 15 minutes late today.

Mr. Baker said the northbound Route 391 stop for the South San Francisco BART station is about two city blocks from the station. He asked what the process is for moving this stop closer to the BART station to expedite transfers.

Mr. Feldstein requested ridership on Route 260 be broken down in segments for Redwood Shores, Ralston Avenue and College of San Mateo. Mr. Feldstein would also like the breakdown for Route 274 on college days at Canada College versus when it is in recess. He would also like to see the breakout on the local stops for Route KX compared to downtown San Francisco.

Mr. Milton requested a copy of the SamTrans bylaws.

Ms. Hitchcock said there is not a regular driver on Route RX now and last Thursday the bus never came and the drivers are not familiar with what is going on. She said nothing has been the same since the previous driver left.

Chair Kingsford-Smith read an article about Caltrain declaring a fiscal emergency and is there any word on SamTrans declaring one. Mr. Patton said he doesn't think there will be a fiscal emergency, but there may be service cuts in 2010.

Mr. Feldstein asked what the legislative staff is doing about trying to get operational money on the federal side. Mr. Patton said staff has been lobbying for capital funds to convert into operating funds for maintenance.

LIAISON REPORTS

a. SamTrans Board – Wayne Kingsford-Smith

Chair Kingsford-Smith reported on the April SamTrans Board meeting:

- Oath of Office was administered to Jerry Deal who replaces Carole Groom.
- The new CAC members were appointed.
- A presentation was given on shuttle service.

b. SamTrans Accessibility Advisory Committee – Tom Collette – absent.

c. Caltrain Accessibility Advisory Committee – Peter Loranger – no meeting.

d. Peninsula Corridor Joint Powers Board – David Wilcox – did not attend the April meeting.

e. Peninsula Corridor Joint Powers Board Citizens Advisory Committee – Andy Chow

- A presentation was given on TransLink.

f. Senior Mobility Action Plan – Ken Feldstein – no report.

NEXT MEETING:

The next meeting will be held June 3, 2009, at 6:30 p.m., 1250 San Carlos Avenue, Bacciocco Auditorium, 2nd Floor, San Carlos, California 94070.

ADJOURNED: 7:45 p.m.