

Date: November 27, 2006Committee Meeting Date: December 13, 2006Board Meeting Date: N/A**BOARD MEMORANDUM**ACTION DISCUSSION INFO

TO: Citizens Advisory Committee
Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Michael T. Burns
General Manager *Michael T. Burns*

FROM: Jim Lawson
Government Affairs Manager *Jim Lawson*

SUBJECT: Citizens Advisory Committee Attendance Subcommittee Report and Recommendation

FOR DISCUSSION ONLY**BACKGROUND:**

The Citizens Advisory Committee (CAC) is a 17-member committee representing the city/county groupings of the VTA Board of Directors, specified community interests, and business and labor groups with an interest in transportation. The CAC advises the Board on issues of interest to committee members and the communities and organizations they represent. It also serves as the ballot-specified Citizens Watchdog Committee for the 2000 Measure A Transit Improvement Program.

Advisory committee bylaws govern the proceedings of the committee and its meetings and must be consistent with the VTA Administrative Code. Amendments to the bylaws must be approved by a majority of the Committee's authorized membership and by the VTA Board.

The CAC bylaws specify member attendance requirements. Section 5.7 provides that a member who is absent from four Committee meetings in any 12-month period is disqualified and requires that a successor be appointed to fill the vacancy.

Regarding the attendance provision, there have been multiple instances in the last three years where a CAC member was in jeopardy of exceeding the three absences allowed in any 12-month

period, due to serious illness, accident, maternity or family care. In one specific case, the member resigned because she needed to miss, on a temporary basis, a few meetings in excess of the number allowed to tend to a serious but temporary family matter. Historically, CAC vacancies have taken between three to nine months to fill.

In addition, coinciding with collection of the 2000 Measure A Sales Tax that began in April 2006, the Committee has been provided extensive training and information on its duties as the 2000 Measure A Citizens Watchdog Committee, the Program's requirements, and the scope and current implementation status of 2000 Measure A projects.

DISCUSSION:

CAC members have expressed concern that the three-absence provision will force experienced, trained and knowledgeable members to resign or be removed from the Committee when serious but temporary personal situations cause them to exceed the allowed number of absences. Such situations could include serious illness, accident, maternity or family care issues.

The Committee's concern was if a member is forced to resign or is replaced due to a temporary situation, the Board of Directors, Committee and citizens of Santa Clara County would lose a trained, experienced member and that it would take, in some cases, up to a year to have a replacement member seated. Then once seated, the new members would require extensive training on the duties of the 2000 Measure A Citizens Watchdog Committee, the 2000 Measure A Program's requirements, and on the scope and current implementation status of Measure A projects.

To investigate the issue and identify possible solutions, CAC voted to establish the ad hoc CAC Attendance Subcommittee, comprised of Laura Stuchinsky, representing the Silicon Valley Leadership Group, Noel Tebo representing the City of San Jose, and Diane Tripousis, also representing the City of San Jose (who has since left the Committee).

The current attendance provision in the CAC bylaws is:

§5.7 Absences

If a member is absent from four Committee meetings in any twelve-month period, the position shall be vacated and a successor shall be appointed to fill the vacancy.

After meeting several times to analyze the issues and implications in depth, the CAC Attendance Subcommittee developed and recommends the draft modified attendance policy shown on Attachment A. The draft modified attendance policy is presented for Committee discussion and input. The Subcommittee also identified the several factors and implications the Committee should take into consideration when evaluating whether to modify the current CAC attendance provision:

- The significant training and institutional knowledge now required by CAC members to effectively perform their duties as the 2000 A Citizens Watchdog Committee.

- The extensive period of time it takes to replace CAC members.
- Historically, replacing members with interested and qualified individuals has presented a challenge.
- The benefit of continuity of Committee members when evaluating the independent auditor's report from one year to another.
- The CAC bylaws do not provide for alternate members nor is it believed that the Board of Directors would support allowing for them.
- Removing a seated member from the Committee due to a temporary but serious personal issue would result in the Committee losing a trained and experienced representative.
- Committee members could not be replaced prior to the member's temporary situation being resolved. In practice, the experienced, knowledgeable member could, in most cases, return to Committee service before a new member could be appointed and trained.

If the Committee chooses to change to the existing attendance provision, it will require modifying the CAC bylaws. Modifications to the CAC bylaws require the approval of a majority of the Committee's authorized membership and by the VTA Board of Directors.

If the Committee chooses to modify the CAC bylaws attendance provision, it would be submitted to the Committee for formal approval at a subsequent meeting. Following CAC approval, it will be submitted to the Board of Directors for final approval.

Prepared by: Stephen Flynn, Sr. Management Analyst

ATTACHMENT A

Proposed CAC Attendance Policy

§5.7 Absences

A member is allowed to be absent from three regular Committee meetings in any twelve-month period. The position shall automatically be vacated upon a fourth absence unless a waiver is granted by the Committee Chairperson.

A member may request a temporary waiver of the absence policy for significant reasons such as maternity, serious medical condition, urgent family care or other critical reason. A written request must be sent to the VTA Board Secretary prior to the fourth absence and indicate the reason for the requested waiver and the expected duration of absence.

It is the Chairperson's responsibility, in consultation with the Committee Staff Liaison, to grant or deny the request. The Chairperson may grant a waiver for a maximum of six additional, but not necessarily consecutive, regular meetings. No member shall be granted more than one absence waiver in a thirty-six (36) month period.

The decision to grant or deny the request will be announced at the next scheduled Committee meeting. The Chairperson's decision may be appealed to the Committee by the requestor or any member of the Committee. If appealed, the decision will be made by Committee vote at the next scheduled meeting; this vote shall be governed by the provisions of §5.4.