

# Commissioner's Handbook Review

Bicycle Pedestrian Commission

February 17, 2021

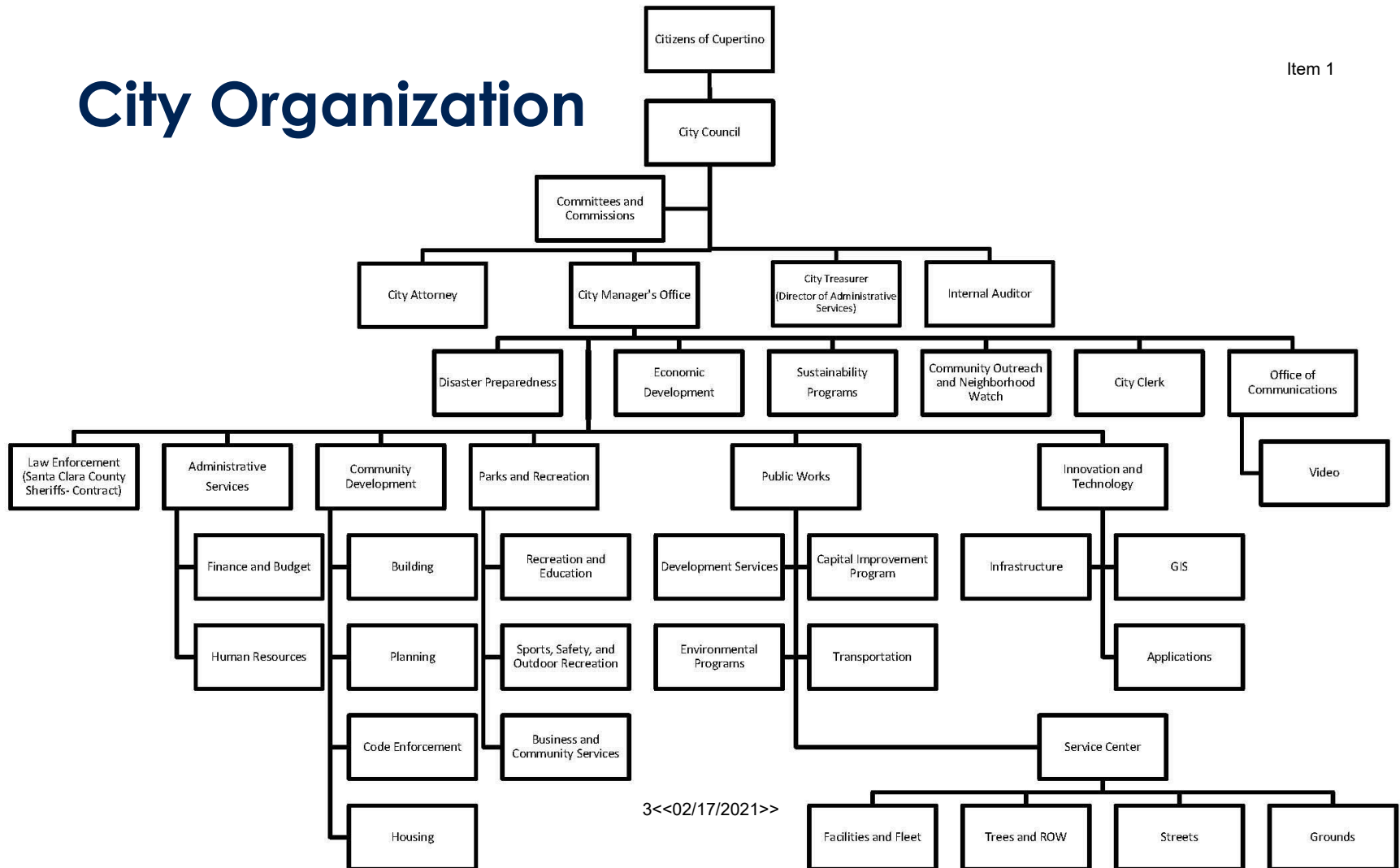


**CUPERTINO**

# Commissioner's Handbook

- Structure of Government
- Commission Purpose
- Attendance
- Public Meetings (Brown Act)
- Conflict of Interest (Political Reform Act)
- Parliamentary Procedure (Rosenberg's Rules)
- Ethics
- City Work Program
- City Email Policy

# City Organization



3&lt;&lt;02/17/2021&gt;&gt;

# Council-Manager Structure of Government

- City Council sets policy and vision
- City Manager implements policy and directs day-to-day citywide administrative operations and staff
- City staff has two primary roles:
  1. Develop policy alternatives/make professional recommendations
  2. Implement Council direction

# Commission Purpose, CMC Ch. 2

A. The powers and functions of the Bicycle Pedestrian Commission shall be to review, monitor and suggest recommendations for City transportation matters including, but not limited to, bicycle and pedestrian traffic, parking, education and recreation within Cupertino.

B. To fulfill their mission, the Commission may involve itself in the following activities:

1. To monitor and update the bicycle transportation plan and pedestrian transportation guidelines;
2. To suggest recommendations, review and monitor the City's general plan transportation element;
3. To receive public input pertaining to bicycle and pedestrian transportation and infrastructure issues;
4. To make recommendations regarding the implementation of roadway and transportation improvements as it pertains to bicycle and pedestrian needs;
5. To make recommendations regarding the allocation of funds for capital expenditures relating to bicycle and pedestrian transportation;
6. Any other activity that may be deemed appropriate and necessary.

# Attendance

- 25% of regular meetings missed or three consecutive meetings missed in a calendar year results in removal
- May request a waiver of this provision to Council

# The Brown Act

**“All meetings** of the legislative body of a local agency **shall be open and public**, and all persons shall be permitted to attend any meeting . . . except as otherwise provided in this chapter.” Gov’t. Code Sec. 54953(a)

3 key requirements:

- (1) conduct business and make decisions only in open public meetings;
- (2) publish and follow meeting agendas; and
- (3) provide an opportunity for public participation before making decisions

# Brown Act – Meetings

- “ . . . any congregation of a majority of the members of a 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.”
- Regular meetings
- Special meetings called by Chair or majority of commission



# Brown Act – Action Taken

- a collective **decision** made by a majority
- a collective **commitment or promise** by a majority to make a positive or a negative decision; or
- an **actual vote by a majority** when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance. Gov't. Code Sec. 54952.6

# Brown Act – Serial Meetings

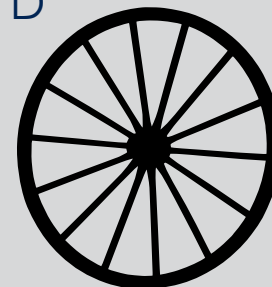
- A majority of the members of a legislative body shall not, outside a meeting . . . , use a **series of communications** of any kind, directly or through intermediaries, **to discuss, deliberate, or take action** on any item of business that is within the subject matter jurisdiction of the legislative body. Gov't. Code Sec. 54952.2(b)(1)

# Brown Act – Serial Meetings

- Daisy Chain: A to B, B to C, C to D



- Wagon Wheel: A to B, A to C, A to D



- Includes Email, Texting, Notes
- Do not “Reply All” in emails
- Limit risk by sending communications to commission liaison and not stating position outside of meetings

# Brown Act – Exceptions

- Individual Contacts and Staff Briefings – less than quorum
- Staff may have separate conversations or communications with members, outside of a meeting, in order to answer questions or provide information
- Staff may not communicate the comments or position of any other member of the legislative body.  
Gov't. Code Sec. 54952.2(b)(2)

# Brown Act – Exceptions

- Purely Social and Ceremonial Gatherings & Seminars
- Open, Publicized Community Meetings
- Meetings of Another Agency
- **Members should not discuss City business**

# Brown Act - Agendas

- Post 72 hours before regular meeting and 24 hours before special meeting
- Scope of discussion and action is limited to agendized matters
- Brief general description of items to be discussed – to inform interested members of public of the subject matter
- May schedule future items, hear staff/commissioner announcements, have very brief clarifying questions/responses to public

# Brown Act – Public Participation

- Public right to speak on (1) any item within the subject matter jurisdiction of the commission and (2) the specific items of business before or during the commission's consideration
- Comments may be anonymous
- May impose reasonable time limits on public comment
- Cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the body itself
- Public right to review communications distributed to a majority of the commission

# Political Reform Act, Gov Code 81000 et seq.

- FPPC Statement of Economic Interests (Form 700) filing requirement
- Disclosure of personal financial interests
- Serves as a reminder in potential conflict situations
- Filed when assuming office and annually thereafter



# Rosenberg's Rules of Order

- Simple rules for parliamentary procedure
- How to establish order at meetings
- How motions are made
- How the chair runs the meeting

# Rosenberg's Rules of Order

Agenda format handled by the Chair:

- 1) Announces the agenda item
- 2) Invites the staff report
- 3) Asks members for clarifying questions
- 4) Invites public comments
- 5) Invites a motion
- 6) Invites a second to the motion
- 7) Ensures motion is understood
- 8) Invites discussion/deliberation
- 9) Takes a vote
- 10) Announces the vote result

# City Work Program

- Established by the City Council
- Guides the work of the City
- Commissions provide suggestions related to their purpose Nov/Dec

# Ethics

- Cupertino Ethics Policy
- Elected/appointed officials and staff receive regular training on ethics as required by state law (AB 1234)
- Options to satisfy the requirement:
  - Online self-study
  - Training led by City Attorney's Office
  - Annual conference or seminar

# City Email Policy

- Commissioners assigned City email address
- Use your City email to conduct City business
- Follow “netiquette” guidance set forth in Technology Use Policy
- Do not use your personal email account for City business

# Questions?

Contact the City Clerk's Office:

Email: [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org)

Telephone: 408-777-3223

# VTA BPAC Report

For Feb 10, 2021 meeting

Erik Lindskog

# VTA Staff Report

- Caltrans district 4 Ped and Bike commissions had a joint meeting Feb 9:
  - Oakland slow streets
  - Ped plan and Bay Area Bike Highway Study updates
  - Caltrans Complete Streets program



# County Staff Report

- E-bike study program:
  - Study:
    - Mode shift
    - CO2 emissions
  - Will outfit 4 low income residents in Gilroy.
  - Will evaluate benefits.
- Vacant seats on the county roads commission.

# Project Initiation Document and Work Plan

- List of projects that may be studied over the next few years, 3 year work plan, updated every year.
- Possibly Cupertino related in this fiscal year:
  - SR 85 Noise Reduction Program (Phase 2) - Various Locations
- The projects that are tentatively planned to be studied in the upcoming fiscal year, FY 2021, are as follows:
  - US 101/10th Street Southbound Off-ramp, Gilroy
  - SR 87/Capitol Expressway Interchange, San Jose
  - I-280/Bird Avenue Interchange, San Jose
  - SR 237/Lawrence Expressway Interchange, Sunnyvale
  - US 101/Ellis Street Interchange, Sunnyvale
  - SR 87 Technology-based Corridor Improvements, (various locations to-be-determined)
- Fiscal year 22/23 – Possibly Cupertino Related:
  - SR 85 Noise Reduction Program (Phase 2) - Various Locations
- Cities can submit projects.
- Await review and approval from Caltrans.

# Fast Transit – Bus Stop Balancing

- Bus Stop Balancing aligns with VTA's business line to provide fast, frequent, and reliable transit.
- Some bus stops are proposed to be removed, see next slide.

# Our Bus Stops Are Getting Spaced Out

Less stops, more go!

8.2

## ROUTE 56

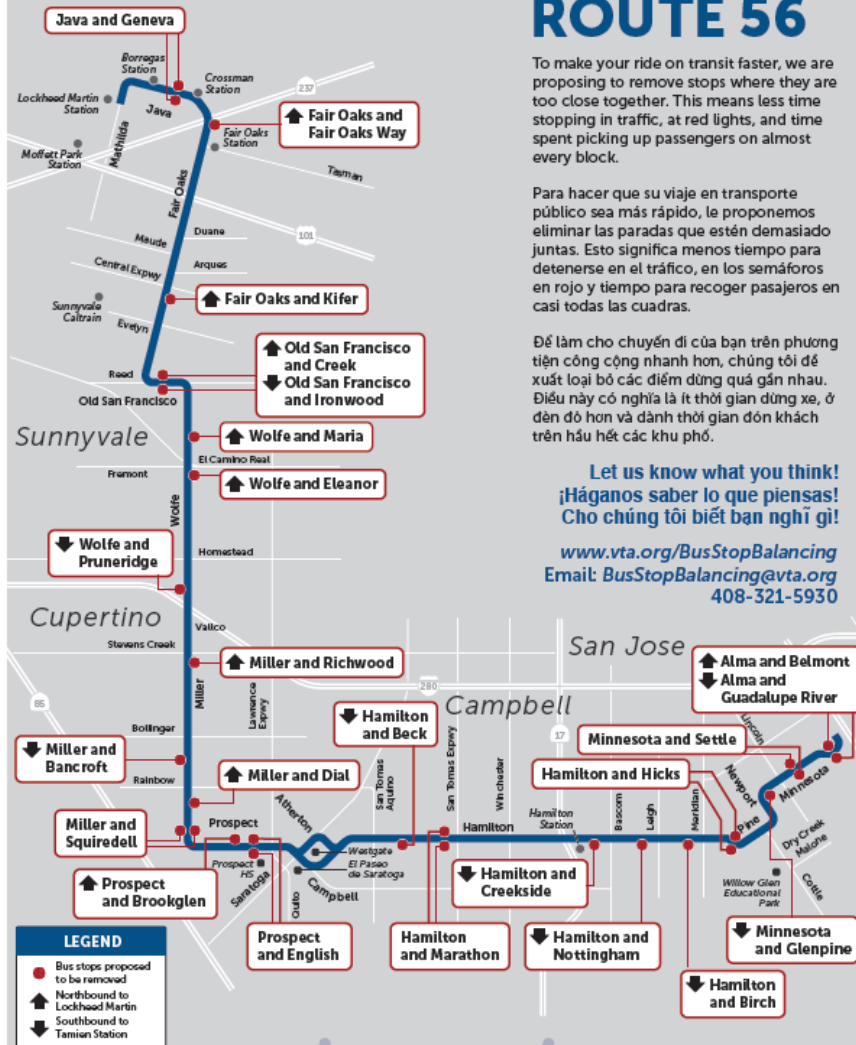
To make your ride on transit faster, we are proposing to remove stops where they are too close together. This means less time stopping in traffic, at red lights, and time spent picking up passengers on almost every block.

Para hacer que su viaje en transporte público sea más rápido, le proponemos eliminar las paradas que estén demasiado juntas. Esto significa menos tiempo para detenerse en el tráfico, en los semáforos en rojo y tiempo para recoger pasajeros en casi todas las cuadras.

Để làm cho chuyến đi của bạn trên phương tiện công cộng nhanh hơn, chúng tôi đề xuất loại bỏ các điểm dừng quá gần nhau. Điều này có nghĩa là ít thời gian dừng xe, ở đèn đỏ hơn và dành thời gian đón khách trên hầu hết các khu phố.

Let us know what you think!  
¡Háganos saber lo que piensas!  
Cho chúng tôi biết bạn nghĩ gì!

[www.vta.org/BusStopBalancing](http://www.vta.org/BusStopBalancing)  
Email: [BusStopBalancing@vta.org](mailto:BusStopBalancing@vta.org)  
408-321-5930



Effective  
February 8

2010-2011



### LEGEND

- Bus stops proposed to be removed
- ▲ Northbound to Lockhead Martin
- ▼ Southbound to Tamien Station

# Announcements

- BTWD (Bike-To-Wherever-Day), May 21 or all of May