

MTA Board Training

City Attorney's Office

November 1, 2011

I. Powers and Duties of the MTA Board and its Members

MTA Charter Powers

MTA's unique powers include exclusive authority

to :

- Acquire, construct, use, and control property
- Contract, purchase, and lease
- Accept and spend grant funds
- Set rates and fares
- Regulate parking, stopping, and the flow and direction of traffic

Role of the MTA Board

- Provide policy direction to the Agency
- Appoint/remove Director of Transportation and Secretary
- Approve settlements recommended by the City Attorney
- Approve rates, fees , fares and charges
- Approve MTA Budget
- Approve contracts and collective bargaining agreements
- Inquire into any matter within the MTA's jurisdiction

Policy Direction

- The Board sets policy for the Agency, consistent with City legislation, and gives direction to staff through the Director of Transportation
- Board can require the Director to obtain Board approval of specific actions

Approving Budget

- MTA must submit balanced 2-year budget to Mayor and Board of Supervisors by May 1 in even numbered years
- In odd numbered years, such as this one, MTA must submit a budget amendment only if it seeks increased appropriations, fare increases, or route abandonments

Approving Budget (cont'd)

- Budget is approved by operation of law unless rejected by 7/11 vote of Board of Supervisors
- Requested increase in general fund spending over guaranteed base amount requires normal budget approval from Mayor and Board
- With Board of Supervisors approval, MTA may incur debt secured by Agency revenues without voter approval

Chain of Command

- The MTA Board and individual members may seek information from the Director about MTA operations
- With approval from the Director, individual Board members may seek information from subordinate staff
- Dictation, suggestion, or interference by a Board member in the administrative affairs of the MTA, other than through the Director, is official misconduct

Chain of Command (cont'd)

- Chain of command limitation does not affect full Board's powers of hearing and inquiry
- Board can call any MTA officer or employee before the Board to answer questions regarding MTA operations

Individual vs. Board Action

- Board members must set policy and make decisions as a body
- Individual members cannot exercise the powers of the MTA Board
- Board may act only at a noticed meeting attended by a quorum of members and by means of a vote

II. Open Government Requirements

Three Basic Rules

- Policy bodies operate in public meetings
- Public notice of meetings required
- Public comment accepted at meetings

What is a Meeting?

- A meeting occurs when a majority of the members of a policy body come together at the same time or place
- Retreats, workshops, site tours and meal gatherings before or after a noticed meeting are all meetings and must be formally noticed as such

Seriatim Meetings Can Occur Via:

- **Technology**
 - Phone
 - Fax
 - E-mail
 - Text messaging
- **Human intermediaries**
 - Staff calls Board Member A,
Member B, Member C and Member D

**THE MTA BOARD
CANNOT DISCUSS OR ACT
ON ITEMS NOT ON THE
AGENDA**

- **Limited exception to this rule for emergency situations; and**
- **This rule does not prohibit:**
 - Board member making a request to place an item on a future agenda
 - Board member following up on general public comment by:
 - Asking a question for clarification
 - Providing speaker with a reference to staff or other resources
 - Asking staff to report back at a subsequent meeting

Public Comment

Speaker has right to:

- Anonymity
- Criticize policy body, its members, its staff
- Equal time
- Translation for non-English speakers

Limits on public comment:

- Up to three minutes on an item
- No right to speak off-topic or disrupt
- No right to a response from Board or staff members
- No right to discriminate against or harass City employees

Closed sessions for :

- Personnel matters
- Pending litigation
- Labor negotiations
- Real estate negotiations

Closed session discussion confidential

Violation of state law for individual Board member to disclose confidential closed session information

The End

Thank You