

THIS PRINT COVERS CALENDAR ITEM NO.: 10.9

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Office of the Board of Directors

BRIEF DESCRIPTION:

Amending Article 4, Section 10 of the SFMTA Board of Directors' Rules of Order to require notice of the Board's intention to consider revisions of rates, charges, fares, fees or fines in the official newspaper of the City and County of San Francisco for five days, with the last day of publication not less than five calendar days prior to the hearing; and amend Article 3, Section 3, to delete the reference to the Board's or its members' ability to exercise their authority over the affairs of the Department of Parking and Traffic .

SUMMARY:

- When the Board of Directors considers changes to fees, rates, charges, fines, and fares, under the Board's current Rules of Order, staff is required to place an ad in the City's Official Newspaper for five days with the last publication day not less than 15 days before the Board considers the proposed change(s).
- With the rise in technology, the public receives information in many different formats. Further, newspapers are not printing as many times a week as previously, and the City's Official Newspaper, the Examiner, only publishes four days per week.
- Because of this change, staff has had to repeatedly ask the Board to waive its Rule regarding published notice.

ENCLOSURES:

1. SFMTAB Resolution
2. SFMTA Board Rules of Order (Revised)

APPROVALS:

	DATE
DIRECTOR 	8/13/2018
SECRETARY 	8/13/2018

ASSIGNED SFMTAB CALENDAR DATE: August 21, 2018

PAGE 2.

PURPOSE

Amending Article 4, Section 10 of the SFMTA Board of Directors' Rules of Order to require notice of the Board's intention to consider revisions of rates, charges, fares, fees or fines in the official newspaper of the City and County of San Francisco for five days, with the last day of publication not less than five calendar days prior to the hearing; and amend Article 3 -, Section 3, to delete the reference to the Board's or its members' ability to exercise their authority over the affairs of the Department of Parking and Traffic.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This item addresses the following Strategic Plan Goals and Objectives:

Goal 4: Create a workplace that delivers outstanding service.

Objective 4.3: Enhance customer service, public outreach, and engagement.

This item does not address any of the Transit First Policy Principles.

DESCRIPTION

When the Board of Directors considers changes to fees, rates, charges, fines, and fares, staff is required to place an ad in the City's Official Newspaper. This ad is required to run for five days, with the last publication day not less than 15 days before the Board considers the proposed changes. This has been a requirement for decades.

Article 4, Section 10 of the SFMTA Board of Director's Rules of Order states:

Meetings for the Revision of Rates, Charges, Fares, Fees and Fines. Before adopting or revising any schedule of rates, charges, fares, fees or fines, the Board shall publish in the official newspaper of the City and County for five days, notice of its intention to do so and shall fix the time for a public hearing or hearings thereon, which shall be not less than fifteen days after the last publication of said notice, and at which any person may present his or her objection to or views on the proposed schedule of rates, fare or charges.

San Francisco Charter Section 16.112 also requires published notice for changes to fees, rates, charges, fines, or fares, but does not require published notice for five days or that the last publication date be not less than 15 days before consideration of proposed changes.

With the rise in technology, newspapers are no longer printing seven days a week. As a result, ads for published notice have had to be started earlier and run for multiple weeks in order to comply with the Board's Rules of Order. The official newspaper of the City and County of San Francisco is the San Francisco Examiner, which only runs a print edition four days a week.

PAGE 3.

Because of this change, staff has missed the required deadline to submit ads and have had to ask the Board to waive its Rule regarding published notice in the official newspaper.

Changes to fares, fees and fines, and other charges typically occur as part of the SFMTA's operating budget, which is approved every two years. There are a few times a year, however, when other fines, fares or other charges are presented to the Board for approval. For example, the Board recently approved reducing fares for discount and low-income monthly passes from \$2.00 to \$1.00; authorized changes to rental fees for vintage street cars; reduced the special collection fee for failure to timely pay or contest citations; established a low-income boot removal fee; and revised low income towing fees.

Changes to fares, fees, fines, and other charges have an impact on a large number of people who access information in different ways; therefore, it is important for the SFMTA continue to use multiple means to alert the public to these changes.

To address the changes in technology and printing schedule, staff is recommending a revision to the SFMTA Board's Rules of Order to delete the phrase "which shall be not less than fifteen days after the last publication of said notice." Staff will still be required to place an ad that runs in San Francisco's official newspaper of record for five calendar days with the last day of publication not less than five calendar days prior to the meeting at which the Board will consider adoption. The current Rules of Order do not stipulate that the five days are calendar days (as opposed to business days) and thus, staff also recommends clarifying that in the Board's Rules of Order.

The new language of Article 4, Section 10 of the SFMTA Board of Director's Rules of Order would read as follows:

Meetings for the Revision of Rates, Charges, Fares, Fees and Fines. Before adopting or revising any schedule of rates, charges, fares fees or fines, the Board shall publish in the official newspaper of the City and County notice of its intention to do so for five calendar days, with the last day of publication not less than five calendar days prior to the hearing.

Staff is also recommending an additional clerical revision. Article 3 - Powers and Duties Of Officers, Section 3 (Requests Regarding Parking Citations) includes language that references the Board's or its members' ability to exercise their authority over the affairs of the Department of Parking and Traffic (DPT). This language should be deleted as DPT has long been part of the SFMTA.

Article 7 Rules of Order, Section 4 states, "An amendment to the Rules of Order may, after ten days' notice, be adopted by the affirmative vote of a majority of the members of the board." Notice was provided by posting on the SFMTA's website, and at the Government Documents Section of the San Francisco Public Library on August 1, 2018.

PAGE 4.

STAKEHOLDER ENGAGEMENT

No public engagement was done.

ALTERNATIVES CONSIDERED

Staff considered changing the rule to run the ad for fewer than five days prior to the public hearing. However, because changes to fares, fees, fines, rates, and other changes may impact many people, staff did not want to risk an ad not being seen for people who do access information via the government notices section in the City's official newspaper. Staff considered not asking the Board to amend its Rules of Order and instead, start the ad earlier. Staff felt that an ad that is placed closer to the time at which these changes may be adopted tends to catch the public's attention better.

FUNDING IMPACT

There would be no impact on the SFMTA's operating budget.

ENVIRONMENTAL REVIEW

On July 24, 2018 the SFMTA, under authority delegated by the Planning Department, determined that amending the Board's Rules of Order regarding advertisements is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

No other approvals are required. The City Attorney has reviewed this calendar item.

RECOMMENDATION

Staff recommends that the Board amend Article 4, Section 10 of the SFMTA Board of Directors' Rules of Order to require notice of the Board's intention to consider revisions of rates, charges, fares, fees or fines in the official newspaper of the City and County of San Francisco for five days, with the last day of publication being not less than five calendar days prior to the hearing and amend Article 3, Section 3, to delete reference to the Board's or its members' ability to exercise their authority over the affairs of the Department of Parking and Traffic.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
RESOLUTION No. _____

WHEREAS, When the Board of Directors considers changes to fees, rates, charges, fines, and fares, staff is required to place an ad in the City's Official Newspaper; and,

WHEREAS, Article 4, Section 10 of the Board's Rules of Order requires such ads to run for five days, with the last day not less than 15 days before the Board considers the proposed changes; and,

WHEREAS, The official newspaper of the City and County of San Francisco is the San Francisco Examiner, which only runs a print edition four days a week; and,

WHEREAS, Because of this change, staff have missed this deadline and has had to ask the Board to waive its Rule regarding published notice in the official newspaper; and,

WHEREAS, To address changes in technology and printing schedules, staff is recommending a revision to the SFMTA Board's Rules of Order to continue to require that an ad be placed in the Official Newspaper, but that the ad run for five calendar days, with the last day of publication being not less than five calendar days prior to the hearing; and,

WHEREAS, On July 24, 2018, the SFMTA, under authority delegated by the Planning Department, determined that amending the Board's Rules of Order regarding advertisements is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; now, therefore be it

RESOLVED, That the SFMTA Board of Directors amends Article 4, Section 10 of the SFMTA Board of Directors' Rules of Order to require notice of the Board's intention to consider revisions of rates, charges, fares, fees or fines in the official newspaper of the City and County of San Francisco for five calendar days, with the last day of publication being not less than five calendar days prior to the hearing; and, be it

FURTHER RESOLVED, That the SFMTA Board of Directors also amends Article 3, Section 3, to delete reference to the Board's or its members' ability to exercise their authority over the affairs of the Department of Parking and Traffic.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 21, 2018.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RULES OF ORDER

MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS CITY AND COUNTY OF SAN FRANCISCO

ARTICLE 1 - NAME

Section 1. The name of this Board shall be the "Municipal Transportation Agency Board of Directors."

ARTICLE 2 - OFFICERS AND APPOINTMENTS

Section 1. Officers. The officers of this Board shall be a Chairman and a Vice-Chairman. At the first regular meeting of the Board after the 15th day of January each year, the members of the Board shall elect from among their number a Chairman and a Vice-Chairman of the Board.

Section 2. Director of Transportation. The Board of Directors shall appoint a Director of Transportation who shall serve at the pleasure of the Board. The Director shall be employed pursuant to an individual contract with his or her compensation being comparable to the compensation of the chief executive officers of U.S. transportation agencies, which most closely resembles the Municipal Transportation Agency in size, mission and complexity.

Section 3. Board Secretary. The Board shall appoint a Board Secretary to manage the affairs of the Directors and who shall serve at the pleasure of the Board. The Board Secretary shall affix his or her signature to each contract, lease or permit approved by the Board attesting and certifying to approval by the Board.

ARTICLE 3 - POWERS AND DUTIES OF OFFICERS

Section 1. Chairman. The Chair shall preside at all meetings of the Board, shall preserve order and decorum, shall decide all questions of order subject to appeal to the Board by any member, and shall appoint any and all committees of the Board. The Chair shall have the right to participate in the proceedings of the Board, including the right to make and second any resolution or other motion, and may speak to points of order in preference to the other members.

Section 2. Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall preside. In the absence of both the Chair and the Vice-Chair, the members shall select by motion a member to preside over the meeting.

Section 3. Requests Regarding Parking Citations. Members of the Board shall not attempt to influence or interfere with the procedures for issuing or disposing of particular parking citations by communicating with employees of the Municipal Transportation Agency regarding such citations. The members of the Board and the Secretary shall respond to any written or oral requests to members of the Board regarding particular parking citations by referring to the

prohibition contained in this Section. The Secretary shall not forward such requests to members of the Board.

ARTICLE 4 - MEETINGS

Section 1. Regular Meetings. The Board shall hold a regular meeting in the chambers of the Municipal Transportation Agency Board of Directors in City Hall at 1:00 pm every first and third Tuesday.

Section 2. Special Meetings of the Board. Special meetings of the Board may be called at any time by the Chairman or by a majority of the members of the Board by delivering written notice to each member of the Board and to the local media who have requested such notice in writing.

Such notice must be delivered at least 72 hours before the time of such meeting as specified in the notice.

The call and notice shall specify, the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board.

Each special meeting shall be held at the regular meeting place of the policy body except that the policy body may designate an alternate meeting place provided that such alternate location is specified in the notice of the special meeting; further provided that the notice of the special meeting shall be given at least 15 days prior to said special meeting being held at an alternate location. This provision shall not apply where the alternative meeting location is located within the same building as the regular meeting place.

Section 3. Open and Public Meetings. All meetings of the Board shall be open and public, and all persons shall be permitted to attend any meeting of the Board.

Section 4. Closed Sessions. The Board may, with appropriate notice, meet in closed session to consider and act upon matters authorized by the Ralph M. Brown Act and the San Francisco Sunshine Ordinance. The Secretary shall record any decisions made in the closed session. Any action taken in closed session shall be announced as required by law. After every closed session, the Board must by motion and vote in open session elect either to disclose no information or to disclose part or all of the information discussed in the closed session.

Section 5. Quorum. A quorum for the transaction of official business shall consist of a majority of all the members of the Municipal Transportation Agency Board, or four members thereof. In the absence of a quorum, the Board may adjourn or may reschedule the meeting to a specific date and time.

Section 6. Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call

3. Announcement of Prohibition of Sound Producing Devices
4. Approval of Minutes
5. Communications
6. Board of Director's New and Unfinished Business
7. Director's Report
8. Citizen's Advisory Council Report
9. Public Comment
10. Calendar Matters
11. Adjournment

Section 7. Public Comment. Every calendar for regular and special meetings shall provide an opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board.

Section 8. Cancellation of meetings. If a recommendation is made by the Director of Transportation or Board Secretary that a meeting be canceled or changed, the Chairman, or a resolution adopted by a majority of the Board may cancel the meeting. In the event of a meeting cancellation, the Board Secretary shall inform the Board and shall post a notice of cancellation.

Section 9. Temporary Meeting Place-Emergency. In case of emergency, the Board shall designate some other appropriate place as its temporary meeting place.

Section 10. Meetings for the Revision of Rates, Charges, Fares, Fees and Fines. Before adopting or revising any schedule of rates, charges, fares fees or fines, the Board shall publish in the official newspaper of the City and County notice of its intention to do so for five days, with the last day of publication being not less than five calendar days prior to the hearing.

Section 11. Adjournment of Meetings. The Board may adjourn any regular or special meeting to a time and place specified in the order of adjournment.

Section 12. Minutes of Proceedings. The Secretary of the Board shall audio record each regular and special meeting. The Secretary must record the vote on all resolutions, minutes and on all other questions and a draft of the minutes must be available for inspection and copying no later than ten working days after the meeting. The officially adopted minutes must be available for inspection and copying no later than ten working days after the meeting at which the minutes are adopted.

Section 13. Attendance at Meetings. Except in the event of a notified absence, all members of the Board shall be in attendance at the hour appointed for each regular, special or recessed meeting of the Board. A member's absence shall constitute a "notified absence" when the member, in advance of the meeting, informs the Board Secretary that the member will be absent. An absence due to unforeseen circumstances such as illness or emergency shall also qualify as a notified absence where the member reports such absence to the Board Secretary as soon as reasonably possible. The Board Secretary shall maintain a record of members' attendance including notified and non-notified absences. The Board Secretary shall report all instances of

non-notified absences as well as any instance of three consecutive absences of a member at regular meetings in a fiscal year to the member's appointing authority. At the end of each fiscal year, the Board Secretary shall submit a written report to the MTA Board of Directors and then to the appointing authority detailing each Board member's attendance at all meetings of the Board for that fiscal year.

ARTICLE 5 - VOTING

Section 1. *Vote Required.* Except as otherwise herein provided, an affirmative vote of at least four members of the board shall be required for the passage of any resolution, or for the passage of any other motion.

Section 2. *Excused from Voting.* Each member present at a meeting of this board when a question is put shall vote for or against it, unless the member is excused from voting by a motion adopted by a majority of the members present.

Section 3. *Voting.* A roll call shall not be interrupted, but a member may, prior to the calling of the roll, explain his or her vote, or file in writing an explanation thereof after the result of the roll call has been announced and recorded.

ARTICLE 6 - PARLIAMENTARY PROCEDURE

Section 1. *Rules of Debate.* When a member desires to address the board, the member shall seek recognition, by addressing the presiding officer, and when recognized, shall proceed to speak, confining comments, to the question before the board. No discussion shall take place until a resolution or a calendared item has been introduced.

Section 2. *Privilege of Floor and Public Participation.* The privilege of the floor shall be granted to any member of the public or officers of the city and county of San Francisco, or their duly authorized representatives for the purpose of commenting on any question before the board.

Each person wishing to speak on an item at a regular or special meeting shall be permitted to be heard once per item for up to three minutes. The presiding officer shall be the judge of the pertinence of such comments, and have the power to limit this privilege if in the presiding officer's opinion the comments are not pertinent to the question before the board or the comments are merely reiterative of points made by previous speakers.

Section 3. *Agenda Changes or Continuances.* Any agenda change or continuance shall be announced at the beginning of the Board meeting, or as soon thereafter as the change or continuance becomes known to the presiding officer.

ARTICLE 7 - RULES OF ORDER

Section 1. Adoption of Rules of Order. The adoption of the Rules of Order shall be by motion and shall require an affirmative recorded vote of a majority of the members of the board. When adopted, such Rules of Order shall remain in effect, unless suspended or amended as provided herein.

Section 2. Parking Authority Rules of Order. The rules of the Board also shall serve as the Rules of Order of the Parking Authority Commission, provided that such rules are consistent with the provisions of Chapter 17 of the San Francisco Administrative Code.

Section 3. Suspension of the Rules of Order. Except for this rule and such other of these Rules of Order as are restatements of provisions of the charter, ordinances or resolutions of the Board of Supervisors, or other provisions of law, any of these rules of order may be suspended by the affirmative vote of the majority of the members of the board, provided that such suspension is entered upon the minutes of the Board.

A motion to suspend the rules is debatable.

Section 4. Amendments to Rules of Order. An amendment to the Rules of Order may, after ten days' notice, be adopted by the affirmative vote of a majority of the members of the board.

ARTICLE 8 – LEGISLATIVE PROCESS

Section 1. Effective Date. Resolutions that adopt provisions of the City's Transportation Code relating to parking, traffic, and taxi service shall go into effect at the beginning of the 31st day after approval if no referendum petition is filed. The foregoing rule shall not affect actions of the board to approve contracts, budgets, departmental policies and other matters that do not amend the San Francisco Transportation Code.

ADOPTED: March 7, 2000
AMENDED: July 2, 2002
AMENDED: April 19, 2005
AMENDED: November 21, 2006
AMENDED: January 6, 2009
AMENDED: April 20, 2010
AMENDED: October 19, 2010