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PUBLIC COMMENT, ITEM 10, SFCTA MEETING OF 4-11-13

Mary Miles <page364@earthlink.net>

Mon, Apr 10, 2023 at 3:46 PM

To: clerk@sfcta.org, tilly.chang@sfcta.org

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FROM:

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TO:

Tilly Chang, Director; Clerk, SFCTA; and

Members of the SFCTA Board

San Francisco County Transportation Authority (SFCTA)

[1455 Market Street, 22nd Floor](#)[San Francisco, CA 94103](#)**RE: PUBLIC COMMENT ITEM 10 OF SFCTA AGENDA OF UNNOTICED SFCTA MEETING OF 4/11/23**

This Comment OPPOSES **Item 10** of the SFCTA'S unnoticed meeting agenda of 4/11/23. This Comment also OBJECTS to SFCTA'S failure to provide public notice of its meeting and agenda of April 11, 2023. This commenter has requested notice of SFCTA meetings numerous times, but received *no notice* of the April 11, 2023 SFCTA meeting.

Please distribute this Comment to every member of the SFCTA Board and place copies in all applicable files.

1. SFCTA's Failure To Provide Notice Violates The Brown Act Requiring Continuance Of This Meeting

SFCTA's failure to provide notice violates the Brown Act and requires this body to continue the entire meeting to allow time and the information needed for informed public comment.

SFCTA must continue the April 11, 2023 meeting to a future date that is at least 72 hours after SFCTA provides legally adequate notice of that meeting, agenda, and packet.

Failing to comply with the Brown Act and refusing my many requests for notice of SFCTA meetings deprives the public of adequate time to comment on items on the April 11, 2023 agenda, violating not only

the Brown Act but also other public meeting laws and CEQA.

The following Comment is incomplete due to SFCTA's illegal failure to provide adequate notice and the agenda and packet of the April 11, 2023 meeting.

2. The Proposed Changes To SFCTA's "Sunshine Policies" Do Not Comply With the California Public Records Act And The Brown Act

Item 10 of SFCTA's unnoticed Agenda proposes to "Approve the Revised Administrative Code and the Debt; Equal Benefits; Investment; Rules of Order and Sunshine Policies – ACTION." That incoherent proposal is not only incomprehensible, but is accompanied by more than 150 pages of staff mixed subjects merged into Item 10. Since SFCTA failed to give adequate legal notice of its meeting, that large memo is no more than a scrapbook assemblage of someone's incoherent notes, someone who is anonymous.

Several sections of SFCTA's "Sunshine Policies" appear to conflict with either or both of the Brown Act and/or the California Public Records Act, which was recodified effective January 1, 2023. SFCTA is subject to both of those laws.

For example section B(4) "Agenda Requirements; Regular Meetings" apparently *removes* the minimum 72-hour notice requirement of the Brown Act, along with requirement to post SFCTA's Agenda, packet and supporting materials in a place that is open and physically accessible to the public at least 72 hours before any SFCTA meeting.

Reference is made to "Rules of Order," but proposed changes to those "rules" also conflict with the notice requirement. For example, the proposed changes to SFCTA Rule 3.24 "Posting of the Agenda" claims that "The Clerk shall post and distribute the agenda in an accessible manner to all persons *known to be interested in items to be considered at an upcoming meeting...72 hours before any regularly scheduled Board meeting.*" (Attachment 1 page 4 of 7[emphasis added].) That proposal clearly **does not comply** with the Brown Act, which requires Notice to be to **ALL OF THE PUBLIC**, not just to persons "known to be interested in items" on the agenda.

Therefore, both the revisions to SFCTA's "Sunshine Policies" *and* proposed revisions to SFCTA's "Rules of Order" violate the Brown Act and the California Public Records Act.

This Comment does not include all proposed revisions, because SFCTA has violated the Brown Act by *refusing to provide adequate Notice of this Meeting.*

CONCLUSION

SFCTA must **continue the April 11, 2023 meeting** because it did not comply with Brown Act legal notice requirements and did not notify this Commenter of the April 11, 2023 Meeting after numerous requests for meeting notices. The Meeting and Agenda must be rescheduled at least 72 hours *after* legally adequate notice is given.

The meeting agenda must be separated under coherent items, not in a mish-mash like Item 10 on today's agenda.

Further, the proposed amendments to SFCTA's "Sunshine Policies" and to its "Rules of Conduct" **do not comply with the Brown Act and the California Public Records Act.**

This Board must therefore **REJECT Item 10** on the April 11, 2023 Agenda.

Mary Miles