

Bicycle and Pedestrian Advisory Committee, Monthly Meeting

Thursday, August 21, 2014; 5:30-7:30 pm

Attendees: Ann Killebrew, Brian Toy, Carol Levine, Chris Hwang, Chris Kidd, Christina Ferracane, Dave Campbell, Jason Patton, Jennifer Stanley, Kenya Wheeler, Midori Tabata, Robert Prinz, Ryan Chan, Rosa Villalobos, Tom Willging, Tony Dang, Stephanie Jim, Diane Dohm, Bruce Williams, Kent Lewandowski, Kyle Corbert

1: Introductions, appointment of note taker:

Attendees introduced themselves. Ryan Chan volunteered to take notes.

2: Approval of meeting minutes

Carol Levine moved to adopt; Midori Tabata seconded; minutes approved.

3: Active Transportation Program Grants (Bruce Williams, City Staff)

Two projects were approved by the state CTC. The first is the International Blvd Lighting and Sidewalk Project, which is part of BRT. The LAMMPS project was also approved. ACTC's proposal for the East Bay Greenway was approved for the design phase. Two other projects were recommended but not funded at the state level: Park Blvd Safe Routes to School, and 27th/Harrison project. The next step will be the regional level on September 10. Oakland submitted Telegraph Ave for consideration at the regional level. The region is also looking at a bikeshare program. Oakland staff are working on bringing in more public health issues and impacts into the discussion of projects.

4: Public Hearing: 17th St and 20th St (Jason Patton, City Staff)

The project will go to the Public Works committee on Sept 16 and to City Council on Sept 23.

Background: These projects will be using Prop 1C funds and resurfacing funds.

The 17th street project will pave a significant section of 17th. The bike project will extend from MLK to Telegraph and is motivated by the repaving project and by safety and collision issues. The bigger aim is to connect 27th/Telegraph all the way to Jack London square.

The 20th street project has been a designated bike route since 2004; it is a connection between Adams Point and downtown and the BART station. 20th is also being repaved.

Comments: There is an informal shuttle stop and informal loading zone on 20th street between Franklin and Broadway. This is a potential conflict with the proposed bike lane.

Add sharrows to the very long left turn lane between Webster and Harrison. Enhance the bike lane where the Union Bank driveway exits. Consider a left turn bike box from 20th onto Webster.

For 17th St at Clay/San Pablo, include skip stripes to delineate the bike lane. Consider narrowing the travel lanes to provide width for a bike lane between MLK and Brush.

Consider the approach of the bike lanes to the intersections. Staff have thought about symbols, but are unsure about the message sent to motorists.

Consider making the bike lane narrower and the buffer wider in order to discourage motorists from driving in them.

Consider flex posts or other devices to discourage double parking when there is a curbside bike lane.

Look again at the green paint criteria. On 17th between San Pablo and Telegraph, looking at loading zone usages and possible enforcement issues.

Kenya Wheeler moved that BPAC support this project. Vice Chair Kidd seconded, and the motion passed.

5: Bicycle & Pedestrian Advisory Committee-to-Commission transition (Jennifer Stanley, Staff)

Bylaws: Staff requested recommendations from the committee on the bylaws they will present to the commission at its first meeting.

Committee members recommended volunteer minute-taking in order to avoid using limited staff resources, but Jennifer indicated that she was willing to take minutes and already devotes resources to handling the minutes.

Committee members generally favored keeping the current chair and vice-chair as officers. A “sunset date” of December was suggested for the interim bylaws.

A concern was raised regarding the need for a majority of the nine commissioners as being potentially difficult to achieve.

A preview of tentative agenda items for the next month will be discussed at each meeting, and the deadline for agenda items will be two weeks before the meeting.

Would draft meeting minutes be sent out to all attendees, not just commission members?

Subcommittees will include no more than 4 commission members and can also include commission non-members.

Ryan Chan moved that the Committee recommend to staff to bring the proposed interim bylaws to the Commission at the first meeting in September. Chris Kidd seconded, and the motion passed.

The issue of public comment was raised as a concern.

6: Announcements

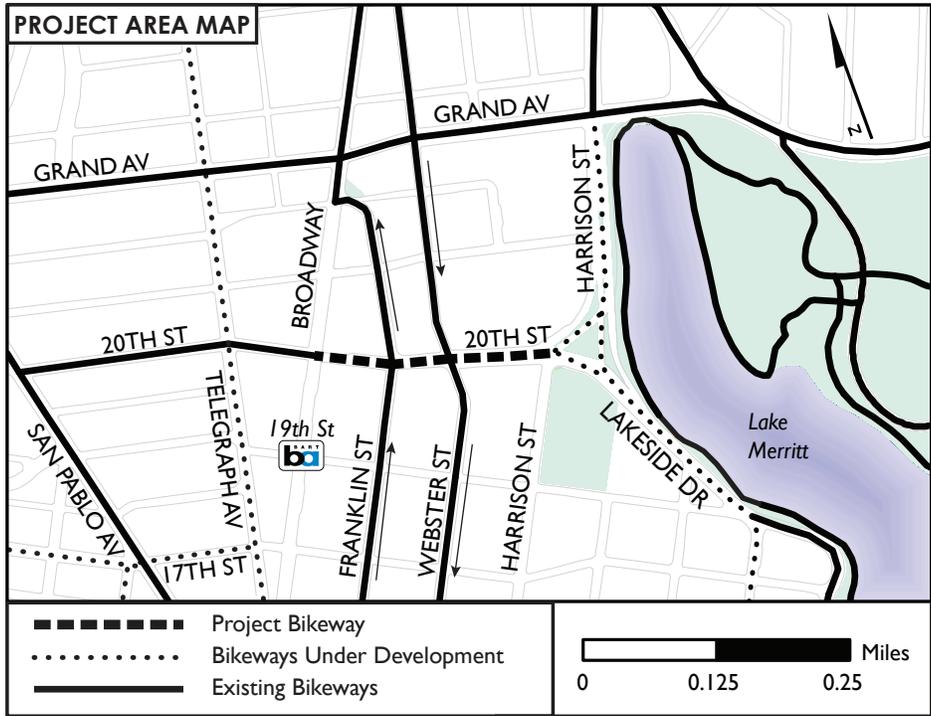
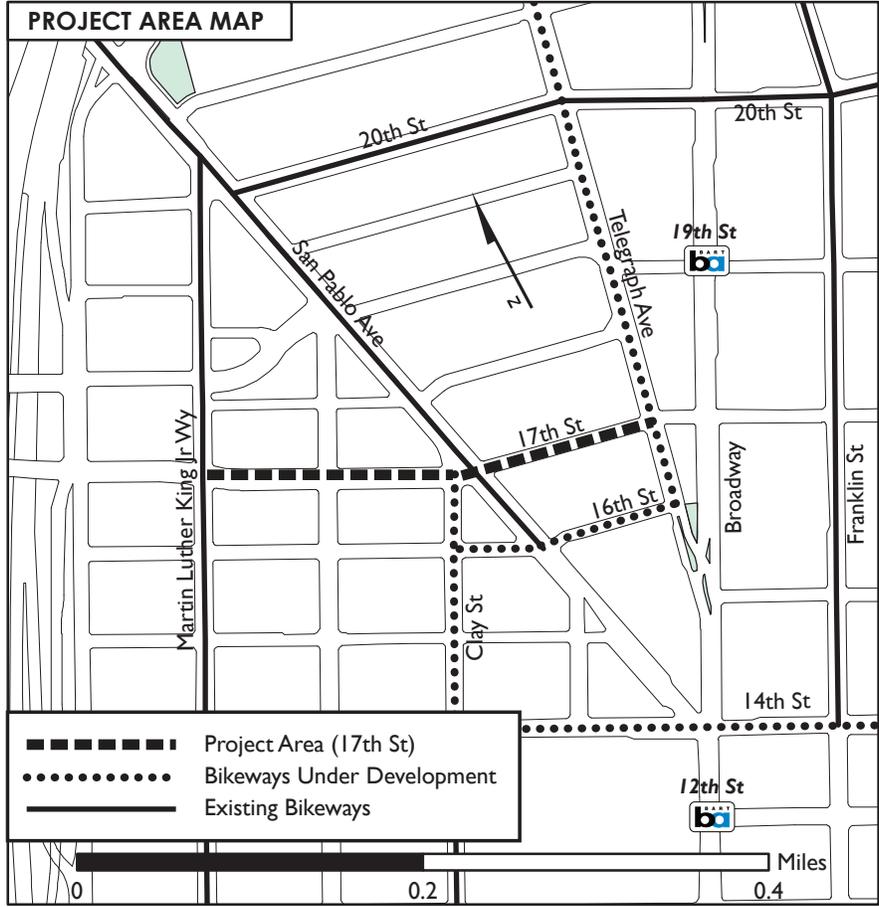
New guidance was adopted, including contra-flow bike lanes. Red Bike and Green event this Saturday. Midori formed an East Oakland group which has met, which will be presented to staff and then to the greater group. Estuary bridge survey is still available. Robert Prinz recognized for article in Chronicle. Robert Prinz noted that the Bike East Bay page has some notes on the Children's Hospital Project. September 14 will be the Oaklavia event. Volunteers are needed.

Note taker: Ryan Chan

Attachments:

Bikeway project area maps: 17th St and 20th St

Excerpt from City of Oakland Handbook for Board and Commission Members



PUBLIC MEETINGS

Practically all of Oakland's boards and commissions are required to conduct their meetings in public. Most of the work and all of the decisions you will be making will take place at these public meetings. It is therefore important that you understand how "open meeting" laws work, and how to prepare for meetings so you may participate effectively.

There are two laws that help ensure that public meetings are properly announced and conducted. The Ralph M. Brown Act is a state law that applies to all public bodies in the State of California. The Oakland Sunshine Ordinance is a local law that supplements the Brown Act and provides even greater public access to the workings of Oakland government. Both laws address the important topics of: 1) What constitutes a public meeting; 2) What kinds of public meetings there are; 3) How meetings are announced (or "noticed") to the public; and, 4) How meetings are conducted.

What Constitutes a Public Meeting

Under the Oakland Sunshine Ordinance, a "meeting" for which public notice must first be given, is defined as "any congregation of a majority of the members of a local 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 local body."

A majority of the members of a local body are not permitted to 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 local body.

A "meal gathering" conducted before, during or after a public meeting is considered a part of the public meeting and must be properly noticed and made open to the public.

Under the above definition, a "meeting" can occur if a staff or member of a public body calls, faxes or e-mails other members to develop a consensus regarding an item of business, even if the members never communicate to each other directly.

It is very important that you restrict your communications with fellow commission members or City staff to avoid reaching a consensus outside of a noticed public meeting!

The Sunshine Ordinance does **not** include in its definition of a "meeting" individual conversations between members of a public body and a constituent; attending community meetings or conferences; or attending purely social, recreational, or ceremonial occasions (just so long as you do not discuss business items within the jurisdiction of your board or commission).

It is not uncommon for members of a public body to meet socially or as friends. Care must be taken whenever a majority of members gather to avoid discussing any specific item or topic that may be within the jurisdiction of the public board, commission, or committee.

The attendance of a majority of the members of a public body at one of its standing committee meetings could become an improper meeting if those members who are not on the committee speak, deliberate or vote at the committee meeting.

Kinds of Public Meetings

There are two types of public meetings you should be familiar with: **Regular Meetings** and **Special Meetings**. Each has its own unique notice requirements, which are discussed below:

Regular Meetings

All boards and commissions must take formal action (by a motion and vote) to establish a regular time and place for holding regular meetings. (For example: "7:00 p.m. on the first Monday of every month at City Hall") The Sunshine Ordinance states that "whenever possible" such regular meetings shall be conducted on weekday evenings.

Special Meetings

A special meeting may be called by the presiding officer or by a majority of the public body at a date, time, or place that deviates from the regular meeting schedule.

Besides the meeting date, location and time, the biggest difference between a regular meeting and a special meeting is the kind of business that can be conducted at each meeting. To know what can and cannot be considered at a regular meeting and a special meeting, you need to know something about meeting "agendas," the next topic below.

Providing Notice for a Public Meeting (Agendas)

Under the Sunshine Ordinance and Brown Act, a meeting agenda must be posted and distributed within certain time limits before a public meeting occurs. The amount of time depends on whether it is a regular meeting or a special meeting:

Notice for a Regular Meeting

The agenda for all regular meetings must be posted by City staff at least 72 hours before the meeting in a location that is freely accessible to the public 24 hours a day. The Sunshine Ordinance also requires that copies of the agenda and all agenda materials be filed with the City Clerk's office 72 hours before a regular meeting.

Notice for a Special Meeting

Under the Sunshine Ordinance, agendas for a special meeting must be delivered by City staff to each member of the public body, news media, and any person who has previously requested notice in writing at least 48 hours (excluding weekends and holidays) before the time of such meeting.

If the special meeting is held in a location other than the regular meeting place, then the agenda must be posted and filed with the City Clerk at least ten (10) days prior to the meeting date.

Special meetings are subject to more extensive noticing requirements than regular meetings because of the short amount of time involved in providing public notice and the fact that the meeting may entail a change in the meeting time or location.

Agenda Requirements

Meeting agendas serve as the official “guide” for every public meeting. They must specify the date, time, and location of the meeting and give a brief general description of each item of business to be transacted or discussed. Usually, City staff works with the Chairperson and members of a public body to determine what items will be placed on future meeting agendas.

If an item is not on the agenda for a **regular** meeting, there may be no action or discussion about it at the meeting unless two-thirds of the members present at the meeting (or if less than two-thirds of the members are present, then **all** of the members) vote that there is a need to take immediate action which came to the attention of the local body after the agenda was posted; and the action

1. is required to avoid a substantial adverse impact if the meeting were continued;
2. relates to federal or state legislation; or,
3. relates to a purely ceremonial or commendatory action.

If an item is not on the agenda for a **special** meeting, there may be no action or discussion on the item, period.

Conduct of a Public Meeting

The Brown Act and Sunshine Ordinance do not expressly provide how a public meeting must be conducted. There are many issues that can arise before or during a public meeting that you are likely to encounter. The following is a brief summary of those issues:

Agenda Packages

An agenda or “meeting” package is usually assembled by City staff and sent to all board and commission members before the meeting. It typically contains the agenda, reports, and any other material which provides background information or recommendations concerning the subject matter of any item on the agenda. The agenda package may also include any other material that is forwarded to the local body before the posting of the meeting agenda.

Perhaps the most important thing to know about agenda packages is to **read them before the meeting**. Board and commission members are encouraged to contact City staff prior to the meeting if you have questions or need clarification about any item.

Presence of a Quorum

Unless otherwise provided in the city ordinance or resolution creating the public body, a majority of the members typically constitutes the quorum. A quorum is necessary before a local body can take any formal action; a majority of a quorum is required to take action on behalf of the local body.

Any member who recuses himself or herself due to a conflict of interest on an item should not be counted in establishing a quorum. For example, on a seven member commission or task force in which two members are absent and two other members recuse themselves on a vote because of a conflict, the item cannot be acted upon due to lack of a quorum.

No Barriers to Attendance

No local body shall conduct a meeting, conference, or other function in any facility that is inaccessible to persons with physical disabilities or where members of the public must pay or purchase something to gain entrance.

Meetings Must Be Tape Recorded

All local bodies in Oakland must tape record their regular and special meetings. All tape or video recordings are public records that must be available for inspection during regular business hours. Any person may tape record, photograph, or videotape any meeting as long as such recording does not disrupt the proceedings.

Right to Public Comment at a Meeting

Every regular or special meeting *at which action is proposed to be taken* shall provide an opportunity for members of the public to directly address the public body *before* action is taken.

Every regular and special meeting agenda must also provide an opportunity for members of the public to directly comment on an item of interest to the public that is within the body's subject matter jurisdiction. This is usually accomplished by providing an "Open Forum" as a standing item on every regular and special meeting agenda.

During open forum, member of a public body may ask a question for clarification, make a brief report or announcement, refer a matter to City staff, or direct City staff to place on a future agenda any item or matter brought up during a meeting that is not listed on the agenda.

While the local body may adopt reasonable rules regulating the order and decorum of public testimony, the local body may not prohibit criticism of its policies, procedures, programs, or services, or of its acts or omissions. This generally applies to criticisms offered by a member of the local body as well. Any time constraints that are imposed on public testimony must be adopted at the outset and uniformly applied.

Cancellation or Continuation of an Agenda Item

An item on the agenda may be cancelled or continued by a vote of the local body at the meeting, or by issuing formal notice of the cancellation or continuance if known far enough in advance of the meeting. Any continued item must specify the time and place of the meeting at which the item will be heard, and should be placed on the next meeting agenda.

If there is any indication prior to the meeting that an item may be cancelled or continued (e.g., withdrawal of the item by the party seeking a hearing, illness of staff, absence of an essential party), good meeting practice suggests that as much prior notice as possible be given to members of the public. This should at least include an announcement and action at the beginning of the meeting to withdraw or continue those items that will not be heard.

Conditions on the Right to Attend or to Speak at a Public Meeting

A public body may request that members of the public wishing to speak provide their names on a speaker's card to facilitate staff responses or for inclusion in the minutes of the meeting. However, the public cannot be required to give names or sign a register as a condition to attend a public meeting.

Taking and Keeping Minutes

All local bodies must take and keep minutes of its meetings. Meeting minutes are essential for creating an "official" public record of the actions taken at a public meeting. Minutes should contain at least the following information:

- The time the meeting was called to order
- The names of the members attending the meeting
- A one sentence summary of the action taken on each item and the roll call vote (Note the names of each member who voted "Aye", "No," or "Abstained" if the vote is not unanimous.)
- The names of those people who spoke on each item
- The time the meeting was adjourned

A draft of the minutes of each meeting should be available for public inspection and copying no later than ten (10) business days after the meeting.

The officially adopted minutes should be available for public inspection and copying no later than five (5) business days after the public meeting at which the minutes were adopted.

If your board or commission does not typically take or keep minutes, you should bring it to the attention of the Chairperson or City staff member.