

**Caltrain Centralized Equipment Maintenance and Operations Facility (CEMOF)
Monitoring Committee
San Jose City Hall, 200 E. Santa Clara, 18th Floor, San Jose, CA
April 22, 2015
Minutes**

Members Present: Kelly McDonough (Arena), Jos Peijnenburg (Garden Alameda), Raul Peralez (San Jose City Council), Clay Riegel (College Park), Mike Riepe (Shasta/Hanchett Park)

Members Absent: David Olmeda (JPB), Brent Pearse (VTA)

Staff Present: Nahom Debassay, Catherine Groves (Hanson Bridgett), Nancy McKenna, Seamus Murphy

Chair Jos Peijnenburg called the meeting to order at 6:03 p.m.

Election of Vice Chair

Chair Peijnenburg nominated Mike Riepe for vice chair.

Motion/Second: Peijnenburg/Riegel

Ayes: McDonough, Peijnenburg, Peralez, Riegel, Riepe

Absent: Olmeda, Pearse

Appointment of Arena Representative

Chair Peijnenburg recommended appointment of Kelly McDonough as the Arena representative.

Motion/Second: Peijnenburg/Riepe

Ayes: McDonough, Peijnenburg, Peralez, Riegel, Riepe

Absent: Olmeda, Pearse

Introduction of Seamus Murphy, Director, Government and Community Affairs

Mr. Murphy said he is happy to be the staff liaison to the CEMOF committee. He has been at the San Mateo County Transit District (District) since 2008 managing legislative and regulatory affairs for Caltrain, SamTrans, and the San Mateo County Transportation Authority. Mr. Murphy said he took over managing community affairs four years ago. He said Tasha Bartholomew has been promoted to acting Public Information Officer. Mr. Murphy said staff has received requests to use the CEMOF committee as a forum for communicating impacts to the neighborhoods from the Caltrain Modernization Program and electrification.

Mr. Riepe asked if Mr. Murphy is aware of the new processes in place for people to call in issues. Mr. Murphy said yes and he is happy to make any adjustments as needed.

Chair Peijnenburg said the notices Ms. Bartholomew used to send out to the neighborhoods regarding construction seem to have stopped. Mr. Murphy said he will make sure staff sends them to the committee.

Approval of Minutes – January 28, 2015

Motion/Second: Peijnenburg /Riepe

Ayes: McDonough, Peijnenburg, Peralez, Reigel, Riepe

Absent: Olmeda, Pearse

Public Comment

None

Brown Act Presentation

Catherine Groves, Legal Counsel, presented:

- Government ethics laws are a minimum standard of behavior. This includes how actions could look in the public light.
- The Brown Act is California's open meetings law. The public must be informed and in control of the instruments they have created. People do not give public servants the right to decide what is good for them to know or not know. Meetings must be open and accessible to the public. The purpose of the Brown Act is to give the public a seat at the table in all discussions and deliberations and in making any conclusions.
- Who is subject to the Brown Act:
 - Legislative bodies
 - Any standing committee created by a Board of Directors
 - The CEMOF committee
- The Brown Act requires the meetings of local legislative bodies to be open to the public, properly noticed 72 hours before the meeting, and allow public comment. The individual votes of every member present for all actions taken at an open meeting, including motions, must be reported.
- A meeting is a congregation of the majority of members of a legislative body at the same time and location to hear, discuss, deliberate or take action on any item within their jurisdiction.
- A meeting is not contact between members and non-members, or when members attend conferences open to the public so long as there is no caucusing or discussion among members about business within the body's jurisdiction.
- Closed sessions are meetings with their own rules. These deal with litigation, personnel matters, real estate, etc. These are very unlikely to apply to this committee.
- Risky business includes:
 - Serial conversations such as hub-and-spoke or daisy chains
 - E-mail, social media sites, blogs, or other technology
 - Social engagements
 - Other agencies' meetings
- Penalties/enforcement for Brown Act violations:
 - Any acts are invalid
 - Opportunity to cure
 - Civil or criminal action
 - Public opinion
- Frequently asked questions:
 - Teleconferencing is allowed, but at least a quorum of the body must participate from a location within the body's jurisdiction, and the

teleconference location must be accessible to the public and the public must be allowed to make comments from that location.

- If an item is not on the agenda, it cannot be discussed.
- Discussion of an agenda item from a previous agenda is only allowed if the previous meeting was five or fewer days ago.
- Responses to comments about items not on the agenda can be made if they are brief. Subjects requiring discussion must be agendaized for a future meeting.
- If there is less than a quorum, it is recommended to not have the meeting, as no action can be taken, no minutes can be taken, and there is increased risk of Brown Act violations through serial conversations.

Staff Report

None

Chairperson's Report

Chair Peijnenburg said he will start working on the quarterly committee status report to be distributed to the appropriate parties.

Committee Report

None

New Business

None

Old business

None

Announcements

The next meeting will be July 22, 2015 at 6 p.m.

Adjourn: 6:35 p.m.