



## AGENDA: SMART DISTRICT EXECUTIVE COMMITTEE MEETING

**April 14, 2010**

Immediately Following Operations Committee

Santa Rosa Project Office

490 Mendocino Ave., Ste. 103

Santa Rosa, California

***Note New Meeting Location***

- I. Call to Order
- II. Minutes of the March 3, 2010, Executive Committee Meeting –  
**DISCUSSION/ACTION\*\***
- III. Agenda Review
- IV. Committee Members Comments
- V. Public Comment on Items Not on the Agenda (Comments Limited to 3 Minutes)
- VI. **Closed Session** - The Board of Directors will consider the following in closed session:
  - a. Conference with Labor Negotiators (Govt. Code Section 54957.6)  
Unrepresented employee: General Manager
- VII. Report on Closed Session
- VIII. Adjournment – **ACTION**

DISABLED ACCOMMODATION: if you have a disability that requires the agenda materials to be in an alternate format or that requires an interpreter or other person to assist you while attending this meeting, please contact SMART at least 72 hours prior to the meeting to ensure arrangements for accommodation.

DOCUMENTS: Documents distributed by SMART for its monthly Board meeting or committee meetings, and which are not otherwise privileged, may be inspected at SMART's office located at 750 Lindero Street, Suite 200, San Rafael, CA 94901 during regular business hours.

---

\* Information will be provided at the meeting, \*\* Information attached.



## **MINUTES OF SMART EXECUTIVE COMMITTEE MEETING**

**April 7, 2010**

SMART Project Office Meeting Room  
490 Mendocino Ave. Suite 103  
Santa Rosa, California

### **I. Call to Order**

Chairwoman Fudge brought the meeting to order at 11:50 a.m. Directors Al Boro and Charles McGlashan were present.

### **II. Approval of March 3, 2010 Minutes**

Approved as submitted.

### **III. Agenda Review**

No changes.

### **IV. Committee Members Comments**

There were no comments from Committee members.

### **V. Public Comment**

There were no comments from the public.

### **VI. Potential Green Document Policy**

Community Outreach Manager Chris Coursey said staff is looking for direction from the Committee to reduce the amount of paper generated for SMART public meetings. It is an environmental issue, but also a fiscal one. SMART mails 64 packets for every Board and Committee meeting, at SMART expense. We also make packets available to the public at every meeting, often generating thousands of pages. The Brown Act requires materials to be available, but it does not require free mailings. Because the material is easily available on the web site, staff would like to reduce the amount of paper by discontinuing free mailings and providing a binder of materials at each meeting, unless specific requests are made for copies. With the Committee's direction, staff will bring back a list of options.

Steve Birdleough said he receives meeting materials by mail, but could do without most of the backup material, particularly for consent items. Willard Richards said he receives meeting materials by mail, but could do without the mailing because of the availability of materials on the web site.

The direction of the Executive Committee is for staff to develop a Green Document Policy for the Committee's review.

## **VII. Appointment to Citizens Oversight Committee**

General Manager Lillian Hames said the Committee's direction at its March meeting was to conduct further public outreach to fill the vacancy on the Citizens Oversight Committee. A notice on the SMART web site and an ad in the Independent Journal generated five new applications to go with three already received by SMART. Staff suggested the Committee invite the applicants to its May meeting in San Rafael and have each make a brief presentation.

The Committee agreed this is a good idea, with Director Boro suggesting a standard question to ask each of the applicants.

The applicants will be invited to the May meeting.

## **VIII. Presentation on "Committee of the Whole" practices**

Sonoma Deputy County Counsel Jackie Bird distributed a report and summarized her findings, including the practices of other agency's Boards. She said the issue involves two key decisions: Whether to alter the composition of the Executive Committee to allow a Committee of the Whole, and whether to change the personnel evaluation process for officers appointed by the Board.

Ms. Bird listed a number of options available to the Board and asked if the Committee had a specific recommendation. There was some discussion of the historic and current role of the Executive Committee, about Brown Act implications and about the value of having a small Executive Committee comprised of senior members of the Board with lengthy experience on the project. Committee members said they preferred keeping the Committee composition and practice as it exists.

Chairwoman Fudge noted that the full Board's review of personnel evaluations sometimes takes place in closed sessions that are short on time, and some Board members may feel they are not able to fully air their views in such sessions. Director McGlashan said it might be preferable to schedule closed sessions on performance evaluations an hour to an hour and a half before regular Board meetings, to ensure enough time to fully review the issues. Chairwoman Fudge and Director Boro said they supported that change.

In summary, the Committee said it will recommend that the full Board retain the existing practice of a fixed Executive Committee (without Committee of the Whole participation), retain the evaluation of Board-appointed officers in closed session of the Committee, and take the draft evaluation and recommendation to the full Board in closed session to be scheduled before regular Board meetings.

## **IX. Recommendation to Board to Approve Resolution 2010-07 Authorizing RM2 Allocation Request and First Amendment to Cooperative Agreement with Marin County relating to the CalPark Tunnel**

Chief Financial Officer Erin McGrath presented a staff report. Staff asks that the Committee recommend that the full Board approve, a) the Resolution 2010-07 authorizing the RM2 request and b) the First Amendment to the cooperative agreement with Marin County regarding the CalPark Tunnel.

Director McGlashan asked SMART really wants to approve change orders at the \$25,000 level. Capital Projects Director John Lackey said, because SMART is the owner of the project, it is important for SMART to be directly involved in construction management, including making decisions regarding change orders. General Manager Lillian Hames added this additional control is beneficial in the long run because the SMART rail engineers may be able to assess the changes

from a different perspective and possibly avoid modifications that increase the operating costs of SMART in the future.

The Committee recommends the Board approve both the resolution and the amendment to the cooperative agreement.

**X. Review of SMART Board Agenda for Monthly Meeting**

Ms. Hames reviewed several items for the agenda, including the release of the vehicle RFP, a recommendation on the Committee of the Whole issue and a presentation on station design from ZGF. Committee members suggested beginning the Board meeting with a closed session at noon.

**XI. Closed Session**

The Committee convened a closed session on the General Manager's performance evaluation and goals for 2010.

**XII. Report on Closed Session**

No action was taken and there was nothing further to report.

**XIII. Adjournment**

The meeting was adjourned at 2 p.m.