

BYLAWS FOR THE TRANSIT SECURITY ADVISORY COMMITTEE

Article I GENERAL PROVISIONS

§1.1 Purpose

These Bylaws govern the proceedings of the Transit Security Advisory Committee (TSAC), an advisory committee established by the Board of Directors of the Santa Clara Valley Transportation Authority (VTA).

§1.2 Construction of Bylaws

Unless the provisions or the context of these Bylaws otherwise require, the general provisions, rules of construction, and definitions set forth in Chapter 1 of the VTA Administrative Code will govern the construction of these Bylaws. As used in these Bylaws, “Committee” means the Transit Security Advisory Committee (TSAC). These Bylaws will govern the Committee’s proceedings to the extent they are not inconsistent with VTA’s Administrative Code or law.

§1.3 Definitions

- a. As used in these Bylaws, “chairperson” means the chairperson of the Committee.
- b. As used in these Bylaws, “secretary” means the secretary of the Committee.
- c. As used in these Bylaws, “AB 1735” means California State Assembly Bill (AB) 1735 (Low), signed into law in July 2023, that amended Sections 99171 and 99172 of the Public Utilities Code to add VTA to the list of four other transit agencies with “prohibition order” authority and mandates key provisions and requirements for implementing prohibition order authority.
- d. As used in these Bylaws, “prohibition order authority” means designated authority and actions that aim to ban individuals who have assaulted VTA staff and/or members of the public and/or committed other code of conduct violations from returning to VTA property and potentially repeating the offense without any consequence, as provided in AB 1735.
- e. As used in these Bylaws, SSTPO means VTA’s Safety, Security, and Transit Planning and Operations Committee, a standing committee of the VTA Board of Directors.

Article II
DUTIES AND AUTHORITY

§2.1 Duties

The TSAC is an advisory committee to the Board of Directors. The duties of the are as follows:

DUTIES:

It shall be the duty of the committee to, for items submitted for its consideration by the VTA Administration:

- a. Provide recommendations regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, consistent with Section 99172.
- b. Identify services and programs to which person/s subject to a prohibition order may be referred by transit district enforcement personnel before or in conjunction with issuance of the order.
- c. Monitor the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code.
- d. Provide an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.
- e. Perform other duties assigned to it by the Board or VTA Administration.

§2.2 Limitations on Authority

The Committee will serve in an advisory capacity to the Board of Directors. It will have no independent duties and no authority to take actions that bind VTA or the Board of Directors. The Committee will not have the authority to communicate externally and all communications by the Committee will be to and through the Board of Directors. No expenditures or requisitions for services and supplies will be made by the Committee and no individual member thereof will be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

Article III MEMBERSHIP

§3.1 Membership

The Committee will be composed of seven (7) members that conform to the provisions of AB 1735. All members must be residents of or work within Santa Clara County during their term. No member of the Board of Directors or alternate, Policy Advisory Committee member or alternate, or other elected public official will be appointed to the Committee. Appointees to other VTA advisory committees or policy advisory boards are not eligible to serve. VTA employees are not eligible for membership except those appointed by required bargaining unit representation.

Members will be appointed to represent stakeholder groups from either of two categories: (A) those required by the two statutes; and (B) additional positions determined by the Board to be beneficial to the process, as shown:

(A) Statute Required Seats (five (5) representatives)

1. Law Enforcement Representative
2. Youth Advocate Representative
3. Mental Health Professional Representative
4. Bargaining Unit Representative 1: (ATU Representative)
5. Bargaining Unit Representative 2: (AFSCME Representative)

The Bargaining Unit Representative 1 position is assigned to the Amalgamated Transit Union (ATU) Local 265, and the Bargaining Unit Representative 2 position is assigned to the American Federation of State, County & Municipal Employees (AFSCME).

(B) VTA Board-Determined Seats (two (2) positions)

6. Community-Based Organization (CBO) Representative
7. At-large or undesignated

For positions in category (B), effort and outreach will be conducted to fill at least one of them with either a member of the unhoused transit community or a community-based organization that works with the unhoused.

The TSAC appointment process will be competitive. Completion and submittal of the online application to serve on the TSAC will be required for all prospective members. Applications will be evaluated based on the applicant's qualifications and ability to best meet the needs of the TSAC. The evaluation of applications will be conducted by a panel comprised of (1) the TSAC Staff Liaison, (2) the VTA Chief of System Safety and Security or his/her designee, and (3) the VTA TSAC Chairperson and will include an in-person or virtual interview of the candidate. The panel will then recommend to the Governance & Audit Committee the appointment of the candidate that, in its collective estimation, would best serve the Committee, Board of Directors, and community.

The Governance & Audit Committee will review and approve all appointments to the Committee.

Members are required to comply with the VTA Administrative Code, Article VII, Code of Ethics during their term on the Committee.

TSAC members are required to successfully complete within a reasonable period any training mandated by VTA as a condition for active membership on the TSAC. Training curriculums and guidance will be provided in addition to any support required to assist TSAC members in achieving compliance.

§3.2 Members' Terms

Committee members will be appointed for a two (2) year term that commences upon Governance & Audit Committee approval of the appointment. Members may serve a maximum of two (2) consecutive terms (four (4) consecutive years). Members that have served two (2) consecutive terms are ineligible to serve for two (2) years (one (1) term).

§3.3 Vacancies

Vacancies will be filled by the competitive process established in Section §3.1.

Article IV OFFICERS

§4.1 Chairperson and Vice Chairperson

The Committee will elect from its membership a chairperson and a vice chairperson at its last meeting of the calendar year, to serve for a one-year term effective January 1 of the next calendar year. In the event of a vacancy in the chairperson's position, the vice chairperson will succeed as chairperson for the balance of the chairperson's term and the Committee will elect a successor to fill the vacancy in the vice chairperson's position as provided below. In the event of a vacancy in the vice chairperson's position, the Committee will elect a successor from its membership to fill the vice chairperson's position for the remainder of the vice chairperson's term.

The chairperson will preside at all meetings of the Committee and represent the Committee before the SSTPO and the Board of Directors as needed. The chairperson, in consultation with the Committee staff liaison, may identify items of interest for future committee agendas that are relevant to the Committee's duties and responsibilities.

The vice chairperson will perform the duties of the chairperson when the chairperson is absent.

The Committee will appoint a nomination committee to nominate Committee members for the positions of chairperson and vice chairperson. Members willing to serve in either of these positions may submit their names to the nomination committee for nomination. Members may also submit names of other members for nomination. The nomination committee will verify that members whose names have been submitted are willing to serve in those positions. The nomination committee will submit to the Committee the names of those members whom it has nominated and recommends for election. Notwithstanding these procedures, any member may nominate a member from the floor.

4.2 Secretary

The Secretary of the Board of Directors will furnish clerical services to prepare and distribute the Committee's agendas, notices, minutes, correspondence, and other documents and will assign an employee to attend each meeting of the Committee to serve in the capacity as the Committee's secretary. The secretary will maintain a record of all proceedings of the Committee as required by law and will perform other duties as provided in these Bylaws.

Article V MEETINGS

§5.1 Regular Meetings

Meetings of the Committee will generally commence at a time to be determined at the VTA Administrative Offices, 3331 North First Street, San Jose, California. Whenever a regular meeting falls on a holiday observed by VTA, the meeting will be held on another day or canceled at the direction of the Committee chairperson. A rescheduled regular meeting will be designated a regular meeting.

§5.2 Special Meetings

A special meeting may be called by the chairperson with the approval of the General Manager. The meeting will be called and noticed as provided in Section 5.3 below. (For a general description of the noticing procedures, see the Rules of Procedure of the Board of Directors.)

§5.3 Calling and Noticing of Meetings

All meetings will be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel will be given notice of all meetings. The Committee will meet at least once every three months, unless the Committee's activities are suspended.

§5.4 Quorum; Vote; Committee of the Whole

The presence of four (4) members will constitute a quorum for the transaction of business. All acts of the Committee will require the presence of a quorum and the affirmative vote of a majority of the total membership (four (4)). At any regularly called meeting not held because of a lack of a quorum, the members present may constitute themselves a "committee of the whole" for the purpose of discussing matters on the agenda of interest to the committee members present. The committee of the whole will automatically cease to exist if a quorum is present at the meeting.

§5.5 [Reserved]

§5.6 Thirty Minute Rule

If a quorum has not been established within thirty minutes of the noticed starting time for the meeting, the secretary and clerical support staff may be excused from further attendance at the meeting.

§5.7 Absences

A member is allowed to be absent from three (3) regular Committee meetings in any twelve-month period. The position will automatically be vacated upon a fourth absence unless a waiver is granted by the Committee Chairperson.

A member may request a temporary waiver of the absence limitation for significant reasons such as maternity, serious medical condition, or urgent family care. A written request must be sent to the Committee Chairperson and the VTA Board Secretary prior to the fourth absence and indicate the reason for the requested waiver and the expected duration of absence.

The Chairperson will, in consultation with the Committee Staff Liaison, grant or deny the request. The Chairperson may grant a waiver for a maximum of six additional, but not necessarily consecutive, regular meetings. No member will be granted more than one absence waiver in a 36-month period.

The decision to grant or deny the request will be announced at the next scheduled Committee meeting. The requestor or any member of the Committee may appeal the Chairperson's decision to the Committee. If appealed, the decision will be made by Committee vote at the next scheduled meeting. This vote will be governed by the provisions of §5.4.

§5.8 Matters Not Listed On the Agenda Requiring Committee Action

Except as provided below, a matter requiring Committee action will be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda only upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action AND the need to take action came to the attention of the Committee subsequent to the agenda being posted.

§5.9 Time Limits for Speakers

Each member of the public appearing at a Committee meeting will be limited to two minutes in his or her presentation, unless the chairperson, at his or her discretion, limits or permits further remarks to be made. Any person addressing the Committee may submit written statements, petitions or other documents to complement his or her presentation.

§5.10 Impertinence; Disturbance of Meeting

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The chairperson may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

§5.11 Access to Public Records Distributed at Meeting

Writings that are public records and which are distributed during a Committee meeting will be made available for public inspection at the meeting if prepared by VTA or a member of the Committee, or after the meeting if prepared by some other person.

Article VI AGENDAS AND MEETING NOTICES

§6.1 Agenda Format and Content

The agenda will specify the starting time and location of the meeting and will contain a brief general description of each item of business to be transacted or discussed at the meeting. The description will be reasonably calculated to adequately inform the public of the subject matter of each agenda item.

Items may be referred for inclusion on an agenda by: (1) the Board of Directors; (2) the General Manager; (3) the Committee Chairperson; and (4) the Committee, with a quorum present and upon the affirmative vote of a majority of the members present. The order of business will be established by the secretary with the approval of the chairperson.

§6.2 Public Presentations

Each agenda for a regular meeting will provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading "Public Presentations." The Committee will not act upon an item that is not listed on the agenda except as provided under Section 5.8. Each notice for a special meeting will provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

§6.3 Agenda Preparation

The secretary will prepare the agenda for each meeting in consultation with VTA staff and the committee chairperson. Material intended for placement on the agenda will be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. The secretary may withhold placement on the agenda of any matter which is not timely received, lacks sufficient information or needs staff review and report prior to Committee consideration.

§6.4 Agenda Posting and Delivery

The written agenda for each regular meeting and each meeting continued for more than five calendar days will be posted by the secretary at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting will be posted by the secretary at least 24 hours before the special meeting is scheduled to begin. The agenda will be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents will be delivered to each Committee member, the General Manager and General Counsel at least three (3) days before each regular meeting and at least 24 hours before each special meeting.

§6.5 Meeting Notices

The secretary will provide notice of every regular meeting, and every special meeting which is called, at least three (3) days prior to the date set for the meeting, to each person which has filed with VTA a written request for notice as provided in Section 54954.1 of the Government Code. The notification will be sent at least three (3) days prior to the date set for the meeting. Notice of special meetings called less than seven days prior to the date set for the meeting will be given as the secretary deems practical.

Article VII MISCELLANEOUS

§7.1 Adoption and Amendment of Bylaws

These Bylaws may be amended by the Committee by the affirmative vote of a majority of its total membership and with the approval of the Governance & Audit Committee. The Governance & Audit Committee may also impose changes to the Committee's bylaws it deems to be in the best interest of VTA and the public it serves.

For efficiency, the VTA General Manager, in consultation with the General Counsel, is authorized to make minor, non-substantive corrections and adjustments to bylaws to correct errors or to reflect ongoing practice adopted by the Committee, such as a change to the meeting date or time.

§7.2 Rosenberg's Rules

All rules of order not herein provided for will be determined in accordance with *Rosenberg's Rules of Order*, latest edition.

APPENDIX A

Transit Security Advisory Committee (TSAC) Bylaws Amendment History

Part 1 Chronological Listing of TSAC Bylaws Actions

	<u>Date</u>	<u>Action</u>
1.	6/6/2024	Initial adoption by the Governance & Audit Committee
2.		
3.		

Part 2 Specific Amendments

Section