



Council Meeting: March 3, 2009

SUBJECT: Procedure for Selecting Directors of the Santa Clara Valley Transportation Authority Board

REPORT IN BRIEF

A Memorandum of Understanding (MOU) regarding representation on the Santa Clara Valley Transportation Authority (VTA) Board of Directors empowers a group of six north county cities to select three directors and one alternate to serve on the Board. These cities are to determine a method for selecting directors. Since the establishment of the VTA, representation has been by a rotation-based formula, with the time periods for representation for each city adjusted to account for population variation.

While representation on the Board is on this rotational basis, each of the six cities has ongoing representation on the VTA Policy Advisory Committee. Vice-Mayor Moylan represents the City on the Policy Advisory Committee. The north county PAC representatives have devised a new proposal for selecting VTA representatives for the north county. Vice-Mayor Moylan is requesting that this item be considered by the Council for approval. The intent of the new proposal is to improve the ratio of representation on the VTA Board to the number of residents in each city.

BACKGROUND

The mechanism by which the five VTA Board members from the 14 cities other than San Jose who must take office in January of 2010 is currently not specifically defined but rather left up to representatives of a set of "city groupings" to determine. Sunnyvale is in a north county cities group made up of Palo Alto, Los Altos, Los Altos Hills, Mountain View, Santa Clara, and Sunnyvale. The Sunnyvale City Council determined last year that its preferred governance method would be a directly-elected board replacing the entire current VTA Board structure, and the fallback position would be that the five councilmembers chosen from those 14 cities would be chosen by a vote of the Policy Advisory Committee members representing those cities, weighted by population. This proposal was the recommendation of a VTA Governance Committee which was formed to consider representation issues in the wake of a recent Grand Jury report recommending improvements to VTA representation. Council expressed this view in letters to VTA Board Chair Liz Kniss in April and again in August of 2008, and to Administration and Finance Committee Chair Forrest Williams in October of 2008. The VTA's

Administration & Finance Committee chose to delay any action on governance at that time.

EXISTING POLICY

Land Use and Transportation Element R1.1 Advocate the City's interests to regional agencies that make land use and transportation system decisions that affect Sunnyvale.

DISCUSSION

In its discussions on representation and election of Board members, the VTA Board and the Policy Advisory Committee are in agreement that the current rotation systems are not successful in providing adequate and fair representation to cities, and should be replaced by some other mechanism. Barring any change to the city groupings, the Board has directed that each group of cities should come up with its own new system. This year also marks the end of the ten year rotational cycle for selection of Board members. If there is no change to the MOU agreement between the cities that was part of the establishment of the Santa Clara County Congestion Management Agency (CMA) which subsequently became the VTA, then the current structure dividing the county into groupings will remain intact, and City Grouping 2, the six North County cities of Los Altos, Los Altos Hills, Mountain View, Palo Alto, Santa Clara, and Sunnyvale, will need to select three Board members and one Alternate sometime this year.

The transportation representatives of the north county cities meet on a monthly basis. At the January 30, 2009 meeting, the five cities present agreed that the best option is for the six cities in group 2 to consider an adaptation of the VTA Governance Committee's process. The VTA Governance Committee has recommended a formula featuring weighting of votes to account for the differing populations of cities. The Governance Committee formula as proposed would apply to 14 cities. At this time it does not appear that all cities are prepared to endorse the VTA Governance Committee proposal. Per the CMA MOU agreement, the north county cities can decide upon their own procedure for selecting Board representatives upon mutual agreement. A new, north county cities-only procedural change is what is currently proposed.

The north county proposal currently under consideration will modify the Governance Committee formula by applying only to the six north county cities, and would select three representatives from the six north county cities. This proposal, if endorsed by all six cities of the north county group, will become the formula for the six north county cities to select their three VTA representatives and one alternate. Accordingly, Vice-Mayor Moylan was asked to draft the adapted version of the process, and each city has been asked by the transportation representatives group to approve it. The draft is attached (Attachment 1).

FISCAL IMPACT

There is no direct fiscal impact from approving this process. Improving VTA representation may have an indirect effect on the City's ability to secure transportation funding.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin boards outside City Hall, in the Council Chambers lobby, the City Clerk's office, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and Office of the City Clerk.

ALTERNATIVES

1. Approve the attached Procedure for Selecting Directors of the Valley Transportation Authority Board of Directors.
2. Do not take action at this time and do not participate in the proposed procedure for selecting Directors of the Valley Transportation Authority Board of Directors.
3. Approve the attached Procedure for Selecting Directors of the Valley Transportation Authority Board of Directors with modifications as detailed by Council.

RECOMMENDATION

Staff recommends Alternative No. 1: Approve the Procedure for Selecting Directors of the Valley Transportation Authority Board of Directors. This proposal will more equitably represent the citizens of north county cities on the VTA Board of Directors.

Reviewed by:

Marvin A. Rose, Director of Public Works

Prepared by: Jack Witthaus, Transportation and Traffic Manager

Approved by:

Gary M. Luebbbers

City Manager

Attachment:

A. Proposed Procedure for Selecting Directors of the Valley Transportation Authority Board of Directors

Proposed Procedure for Appointment of VTA Board Members from the Six “North County” Cities (City Group 2)

Election Time Frame: In December of every odd year, the Policy Advisory Committee (PAC) members who represent the cities of Los Altos, Los Altos Hills, Mountain View, Palo Alto, Santa Clara, and Sunnyvale shall convene to hold an election to appoint three members and one alternate to the VTA Board, who will start serving a two-year term starting January 1st of the following year. Should the PAC position for any of these cities be vacant at the time of the election, that city council may appoint a councilmember to participate in the election. Should the PAC member for any city be unavailable at the time of the election, but the PAC Alternate be available, the Alternate may vote on behalf of his or her city.

Nomination Process: The six city representatives shall choose a presiding officer for the election at least a month in advance. The presiding officer will prepare ballots for the election, and either supervise the vote count or conduct it personally. Each city whose council includes at least one qualified nominee may nominate one of its qualified councilmembers for the VTA Board. Such a city has the option of declining to nominate any of its councilmembers. A city with no qualified councilmembers may not make a nomination.

Qualification of Nominees: The nominee from each city must be an incumbent city councilmember whose term limit, if any, extends at least to the end of the two-year VTA Board term under consideration.

In order to satisfy the enabling legislation's requirement that "the appointing powers shall appoint individuals who have expertise, experience, or knowledge relative to transportation issues," each nominee must meet at least one of the following criteria:

- At least one year's service on the Transit District Board (the VTA Board or the County Board of Supervisors prior to 1994).
- At least one year's service on a policy advisory committee that reports directly to the Transit District Board (the Policy Advisory Committee, the Citizens' Advisory Committee, or the former County Transportation Commission).
- Any other transportation policy credential that has been approved in advance by the majority of the other Group 2 cities as meeting the intent of the experience requirement.

A maximum of one nominee per city shall be allowed. Only one councilmember from any given city may serve on the VTA Board at any time. A VTA Board member may not serve simultaneously on the PAC in any capacity, but an Alternate member may simultaneously serve on the PAC.

Quorum: Representatives from at least four of the North County cities must be present in order for the election to proceed.

Presentations: All nominees will be given equal opportunities to present arguments for their election during the meeting, and before the election is held. The length of time per candidate shall be at the discretion of the presiding officer, with a minimum of two minutes.

Election Process: Election to the Board shall be accomplished by ranked-choice voting, using written ballots that display all nominee names, the city represented by the voting member, and that member's selections in order of preference.

Each voter present shall vote by ranking his or her top three choices in order. A voting member must fill out all three choices in order for the ballot to be counted. A ballot that does not include three choices ranked in order will be returned to the member for an opportunity to be filled out correctly.

Tabulating Ballots: The ballots will be counted using the following rank/weighting formula:

Each first-choice candidate will be awarded three points multiplied by the population of the voting member's city in thousands (rounded to the nearest thousand). Each second-choice candidate will be awarded two points multiplied by population, and each third-choice candidate will be awarded a number of points equal to the city population in thousands.

The three candidates with the largest number of points shall be appointed to the Director positions, and the fourth-place candidate shall be appointed as the Alternate.

Vacancies: Should one of the three Directors resign from the Board or cease to be a city councilmember, that seat shall be declared vacant. The vacancy will be filled immediately and automatically by the Alternate. The newly-open Alternate position shall be filled by a vote of the PAC members from the six cities using the ranked-choice voting procedure described above. Nominees for that position must meet the qualifications described above and may not come from the same city as any incumbent Director.

Amendments: This document may be amended by a resolution approved by all six cities in the Group. A meeting of the North County Board and PAC members shall be convened after this procedure has been in place for ten years in order to evaluate the fairness of the selection process and the quality of the Board members chosen.