

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2019
FROM: General Counsel
SUBJECT: Allegation of Brown Act violation and Senate Bill 50

As you are aware, the District received a written allegation of a Brown Act violation relating to a vote taken regarding Senate Bill 50 (Wiener) at the March 14th Special Meeting.

The complaint itself, sent on behalf of New Livable California, Inc. and Community Venture Partners, Inc. ("Complainants") alleges that the District violated the Brown Act by calling the above referenced Special Meeting to consider the legislation.

The District takes allegations of violation of the Brown Act ("Act") seriously, as the Act serves the important purpose of ensuring that the public has meaningful access to deliberations of the Board. Generally, the Act bars a lawsuit if the Board cures the complained of act by providing notice of a new meeting in public session within 30 days of notice of a complaint. The Act expressly provides that taking such action shall not constitute an admission of wrongdoing. Although we believe that Complainants' challenge would ultimately be rejected, we also believe that District resources would be better spent on other important District business, instead of engaging in litigation. As such, I suggest that the Board consider the following motions, which rescind the March 14th action and then reconsider support of SB 50.

A staff analysis of SB 50 is attached and staff will be present at the meeting to answer any questions Directors may have about the proposed legislation. Staff recommends a Support position.

Proposed Motions:

- 1) That the action taken under item 3 of the Board's Special Meeting agenda of March 14, 2019 is hereby vacated.
- 2) That the Board takes a position of Support on Senate Bill 50 (Wiener) and directs the General Counsel to notify the Complainants of these Board actions and this Board's unconditional commitment to compliance with the Act.



Matt Burrows