



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>4 Sept 2019</i> <i>Robert M. P... ..</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/30/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mag Tatum Dept: District Secretary <i>Mag Tatum</i> Signature/Date: <i>8-30-19</i>	General Counsel <i>MB 9/6/19</i>	Controller/Treasurer <i>Angela White 9/6/19</i> []	District Secretary <i>P. Williams 9-3-19</i> []	BARC <i>PD 9/3/19</i> []
Status: Routed		Date Created: 8/30/2019		

Transit Security Advisory Committee (TSAC) Bylaws

PURPOSE:

To request Board approval of the amendments to the Transit Security Advisory Committee Bylaws.

BACKGROUND:

The BART Board approved the creation of the Transit Security Advisory Committee (TSAC) in October 2012 to implement AB 716 (Dickinson), which created a pilot program allowing BART to issue prohibition orders. In 2017, the BART Police Department was granted permanent legislative authority through AB 730 (Quirk) to issue prohibition orders to persons cited or arrested for certain offenses. The overall purpose of the prohibition order program is to better protect riders and BART employees by reducing passenger misconduct and disruptions in the BART system. As mandated by law, the TSAC was created to monitor the number of citations and exclusions issued by BART and oversee the training of transit personnel. Board-appointed members of the TSAC are professionals in the areas of mental health, homelessness, public safety, disability rights and youth advocacy.

DISCUSSION:

The TSAC has discussed revisions to Bylaws at various meeting since 2012. Most recently, TSAC has recommended revisions of Article III, Members, for appointments of alternates designated by the TSAC Chairperson. The TSAC accepted this revision at its June 25, 2019, meeting. The most current iteration of the Bylaws is attached, including the proposed amendment (Attachment No. 1).

FISCAL IMPACT:

None.

ALTERNATIVES:

To further amend the Bylaws or to not adopt the Bylaws as presented.

RECOMMENDATION:

On the behalf of Transit Security Advisory Committee, it is recommended that the Board adopt the following motion.

MOTION:

The Board of Directors approve the amended Transit Security Advisory Committee Bylaws.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

AB 716 Advisory Committee Bylaws

ARTICLE I - NAME

The name of this committee shall be TRANSIT SECURITY ADVISORY COMMITTEE, "TSAC".

ARTICLE II — OBJECT

This committee shall serve to provide recommendations to the BART Board of Directors and BART staff. The purpose of the committee is to evaluate the procedures for and issuance of prohibition orders and recommends a course of training for personnel charged with issuance and enforcement of prohibition orders.

Specifically, in accordance with Section 99171 of the Public Utilities Code, the TSAC shall:

1. Provide recommendations, in consultation with the County Mental Health Director, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with an emphasis on training designed to assist in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities;
2. Identify, in consultation with the County Mental Health Director, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities maybe referred by transit district personnel prior to or in conjunction with issuance of a prohibition order;
3. Monitor the issuance of prohibition orders to assist BART in ensuring compliance with Section 51 of the Civil Code; and
4. Provide BART's Board of Directors and the California State Legislature with an annual report summarizing the number of prohibition orders issued by BART 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.

ARTICLE III — MEMBERS

Section 1. Maximum Membership

The membership of this Committee shall be composed of no less than five (5) and no greater than seven (7) representatives. Each member shall be appointed by the BART BOARD of

DIRECTORS. Alternates: two alternates shall be appointed by the BART Board with no more than one alternate per category. All alternates are strongly encouraged to attend all meetings. Alternates are not eligible to vote unless filling in for an appointed member that is absent. An alternate is designated by the Chairperson. Staff will notify alternate that attendance will be needed for the next meeting.

Section 2. Membership Representation

Representation will be composed of the following categories:

- A. Mental Health Representative: At least one (1) member with experience working with individuals with psychiatric, developmental, or other disabilities.
- B. Youth Advocates Representative: At least one (1) member with experience as a youth advocate within the region of the BART system.
- C. Law Enforcement: At least one (1) member with experience as a sworn peace officer within the region of the BART system.

At-Large Representatives: There shall be three (3) or four (4) at-large Representatives, preferably users of the BART system.

Section 3. Composition of Committee

Other than Mental Health Representative, the Youth Advocates Representative, and the Law Enforcement Representative, which are mandated by Section 99172 of the Public Utilities Code, no group shall be entitled to representation on the TSAC.

Section 4. Resignations

Any member may resign by filing a written or verbal resignation with staff, chair or the BART Board of Directors.

Section 5. Term of Membership

The term of each member shall be two (2) years. Terms shall begin on January 1, 2013 and end on December 31, 2014 unless Section 99172 is amended to apply to BART beyond the January 1, 2015 sunset date. Members may be considered for re-appointment if the Section 99172 of the Public Utilities Code is so amended.

Section 6. Removal of Members

BART's Board of Directors may remove any member of the TSAC with or without cause.

Section 7. Appointment of Vacancies

In the event of a vacancy, the BART Board of Directors shall appoint a replacement member to fill the term of the vacancy.

ARTICLE IV — OFFICERS

Section 1, Officers and Duties

The officers of the TSAC shall be a Chair and a Vice Chair, These officers shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the TSAC. The officers may serve as liaisons to the BART Board of Directors.

- A. Chair. The TSAC shall elect from its membership a Chair who shall preside at all meetings of the TSAC. The Chair or his designee shall act as the preliminary spokesperson for the TSAC and will perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the TSAC.
- B. Vice Chair, The Committee shall elect from its membership a Vice Chair who, in the absence or inability of the Chair to serve, shall have all of the powers of the Chair and shall perform all of those duties. The Vice Chair will perform such other duties from time to time as may be requested by the Chair.

Section 2. Nomination Procedure

At the first regular Committee meeting, a Chair and a Vice Chair shall be selected. It shall be the duty of this Committee to nominate candidates who are members of the TSAC for the officers of Chair and Vice Chair.

Section 3. Election of Officers

The Chair and Vice Chair shall be elected by majority vote to serve for one (1) year. Those elected may serve beyond one (1) year if successors have not been elected. The election shall occur at the first meeting of the calendar year.

The Chair and Vice Chair can be removed from office upon a vote of two-thirds of the TSAC.

ARTICLE V - MEETINGS

Section 1. Committee Meetings

Regular meetings will be held as frequently as necessary to achieve the objectives set forth in

Transit Security Advisory Committee Board Bylaws. Originally adopted: 10/11/12. Amended: 6/25/19; **Proposed 9/12/19 Board of Directors meeting.**

Section II above, but in no event shall the committee hold less than 4 regular meetings in a calendar year. Notice of the times and locations of the meetings will be set by the BART staff liaison at least 72 hours prior to the meeting.

Section 2. Special Meetings

Special meetings may be called at any time by the Chair or by a majority of the TSAC members. BART staff will provide written notice required for all special meetings, with such notice may be discussed by the Committee at a special meeting.

Section 3. Meetings Open to the Public

All regular and special meetings of the TSAC shall be conducted in accordance with the requirements of the Ralph M. Brown Act (Government Code 54950 et seq.). Meeting agendas shall be posted by BART staff in a public place and distributed to all members at least 72 hours before the meeting for regular meetings and 24 hours before the meeting for special meetings.

Section 4. Quorum

A majority of the members then appointed to the TSAC shall constitute a quorum for the purposes of conducting business.

Section 5. Voting

Each member of the TSAC has a single vote.

Section 6. Actions

All actions of the TSAC shall be by motion passed by a majority of the members present and voting.

Section 7. Adjournment

The TSAC may adjourn any meeting to a time and place specified in the motion of adjournment, but not beyond the next regular meeting, if any.

ARTICLE VIII -LIAISON WITH BART

There shall be an ongoing liaison between BART staff and the TSAC. The BART General Manager shall designate a BART staff person to serve as liaison. The staff liaison shall prepare meeting notices, agendas, and minutes as required. BART staff shall provide information, technical assistance, and facilitation assistance during all TSAC meetings. The BART staff liaison shall serve as the custodian of records.

ARTICLE IX - PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of order Newly Revised shall govern the TSAC in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the TSAC may adopt.

ARTICLE X - AMENDMENT OF BYLAWS

These bylaws may be amended or repealed at any time by majority vote of the BART Board of Directors after consultation with or by recommendation of the TSAC committee.

ARTICLE XI — TERM OF COUNCIL

The TSAC shall remain in existence until discharged by action of the BART Board of Directors or the sunset of Section 99172 of the Public Utilities Code.