

# MTAB Search Committee for the Board Secretary

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CAO Presentation

June 4, 2020



# Overview of Presentation

1. Role of Search Committee
2. Public Meeting Laws
3. Public Records
4. Open and Closed Session items



# Role of Search Committee

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- **Charged with:**
  - **Determining recruitment and selection process**
  - **Approving the job description for the Board Secretary**
  - **Interviewing and recommending candidates to MTAB**



# Public Meeting Laws

3 Basic Rules Apply to this Committee:

1. Policy bodies operate in public meetings
2. Meetings must be formally noticed to public
3. Committee must take public comment at meetings



# Public Meetings (cont.)

## Avoid Unlawful Meetings

- Sometimes called “seriatim meetings”
- Where a majority of the Committee communicates, but is not physically together at same time or place
- Occur when Committee members have separate communications about the matters within the jurisdiction of the Committee



# Public Meetings (cont.)

- Seriatim Meetings can occur through various channels:
  - In person meetings
  - Phone, email, video conference, and text messages
  - Communications made through human intermediaries (e.g., staff members)
- Committee member communicates MTA business to more than one other Committee member using any of these channels
- Tips: 1. Do not “reply all” to emails; 2. Do not discuss search with other Committee members outside of meetings.



# Public Records

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- Records of the Committee are public records
- *San Jose* case: When a city employee or official uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act



# Public Records (cont.)

- Existing exemptions from disclosure apply to communications made using personal electronic devices (attorney-client privilege, personnel documents, privacy, etc.)
  - Communications include: emails you send or receive, text messages you send or receive
  - Personal devices or accounts include: private email, telephone accounts, personal computers, and cell phones
- Only communications that relate to the conduct of the public's business are public records





# Open v. Closed Session Items

## **Open Session:**

- Overall selection process
- Minimum and desired qualifications for the position
- Compensation

## **Closed Session:**

- Review resumes and materials for candidates
- Prepare interview questions
- Interview candidates and deliberate and make recommendation



# Other reminders

- Selection is a personnel process
- Confidentiality of candidate names
- Closed session discussions are confidential



THE END