

## **EAST-WEST CONNECTOR PROJECT (EWC)**

### **EWC MITIGATION MONITORING COMMITTEE (MMC) FORMATION**

January 4, 2011

#### **Charter of the MMC:**

- To monitor the implementation of project mitigations in accordance with the EWC Mitigation Monitoring Plan (MMP) as approved by ACTA (now the Alameda County Transportation Commission) on 6/25/2009.
- To communicate the results of the MMC's monitoring efforts to the appropriate local and regional agencies.

#### **Size and Membership of MMC:** 6 members (3 members from each City)

- 3 members from Fremont to be appointed by the City Council.
- 3 members from Union City to be appointed by the City Council.
- Each MMC member shall be a resident of Fremont or Union City.

**Chair and Vice Chair (Secretary):** The members shall elect the Chair and Vice Chair (Secretary) from amongst themselves subject to the following conditions:

- The term of Chair and Vice Chair (Secretary) shall be for one year.
- During each successive year, the past Vice Chair will become the Chair and a new Vice Chair will be elected by a vote of all the members.
- The Chair and Vice Chair shall be residents of two separate cities.
- Successive Chair shall be from a different city.
- The Chair shall officiate over meetings of the MMC.
- The Vice Chair shall be responsible for recording minutes for each meeting.

**Purpose and Responsibilities:** The specific MMC responsibilities are:

- To monitor the implementation of the mitigation measures that were adopted or made conditions of project approval for the EWC project.
- To report the EWC Project's adherence to the MMP to the Alameda CTC Board and the City Councils of both the City of Fremont and the City of Union City.

**Frequency of Meetings:** MMC meetings will be held on a quarterly basis (unless otherwise decided). MMC members will be expected to attend regular quarterly meetings.

**Meetings:** All meetings of the MMC shall be open and public. Public comment shall be allowed at all MMC meetings. Comments by a member of the public in the general public comment period or on any agenda item shall be limited to five minutes per item. In the discretion of the chair, the time limit may be increased or reduced, but not to less than two minutes. Alameda CTC will provide a facilitator at each MMC meeting.

**Agenda:** Only matters set forth on a posted and published agenda may be discussed or acted upon at a meeting. A quorum of four members is necessary for any agenda item to be acted upon. Alameda CTC will prepare the meeting agenda, and post on the Alameda CTC website. The website posting will occur at least 72 hours prior to the meeting.

- Items for a regular agenda may be submitted by any MMC member not later than three weeks prior to the meeting. All Agenda items must be relevant to the Charter of the MMC. Supporting material for an agenda item shall be submitted at the same time. Alameda CTC shall review and approve the final agenda in advance of distribution and posting. Copies of the agenda, with supporting material and the prior meeting minutes, shall be mailed to members not later than the time the agenda is required to be posted on the Alameda CTC website.

**Place of Meetings:** Meetings of the MMC shall be held at any place within Fremont or Union City, and if no such place has been designated, at the offices of Alameda CTC. Meeting locations shall be accessible in compliance with the Americans with Disabilities Act of 1990 (41 U.S.C., Section 12132) or regulations promulgated there under, shall be accessible by public transportation, and shall not be in any facility that prohibits the admittance of any person, or persons, on the base of race, religious creed, color, national origin, ancestry, or sex, or where members of the public may not be present without making a payment or purchase.

**Meeting Minutes:** A book of all meeting minutes and actions of the MMC, with the time and place of holding, and the names of those present at the MMC meetings shall be made available at Alameda CTC offices.

**Roster; Attendance Records:** The MMC shall cause to be kept at the offices of Alameda CTC a roster of Members and a record of Member attendance.

**Input to MMC:** The MMC will be provided an update from the TAC every quarter, or as otherwise scheduled a TAC representative will report out on the status of the implementation of the MMP. At least one member of the TAC will attend the MMC meeting to address questions and to receive comments.

**Administrative Support:** Support will be provided by the Alameda CTC Project Manager with help from the EWC engineering team.

**Reporting:** It is anticipated that the Chair of the MMC (or Vice Chair) will report to the Alameda CTC Board approximately twice a year, depending on project mitigation issues and delivery timing. The MMC can also elect to authorize its Chair to provide reports to the City Councils during public comment periods of the Council Meetings. If and when an EWC Policy Advisory Committee (PAC) is formulated, the Chair of the MMC will report to the PAC at every PAC meeting.

**Public Statements:** No member of the MMC may make public statements on behalf of the MMC without authorization by affirmative vote of the MMC. An exception is when the Chair, or in his or her place the Vice Chair and only when making a regular report of the MMC activities and concerns to the Alameda CTC Board or either of the two City Councils.