To: XCAP Members
From: Nadia Naik
Re: Proposed language for Voting on Issues, Consensus and Final Report

The below is a DRAFT FOR DISCUSSION. The goal is simply to provide a starting point of discussion for the group.

Background:
Studies of Best Practices by the Transportation Research Board[1] about the efficacy of Citizen Advisory Committees made the following observations:

- "Expectations about things that seem mundane on the surface, such as the participation of committee alternates, decision-making quorum requirements, attendance expectations, and staff roles (e.g., preparation of meeting summaries, distribution of meeting materials), are important to clarify early in the process."

- "For committees that operate by consensus, defining what consensus means can be helpful in moving toward decisions. Public involvement practitioners often define consensus as the point at which all members can agree that the decision is best for the community as a whole. Reaching consensus is easier when all committee members are operating with the same expectation about what this means. In addition, the successful groups often agree ahead of time what to do if consensus cannot be reached—for example, will the group continue discussions, ask for additional technical work, or note majority and minority positions and move on?"

- "Confusion and frustration can emerge among committee members when their role in the decision structure is not clearly defined. If authority is not clearly defined, committee members might expect to be decision makers—a role that is often reserved for executive staff or elected officials."

- " The committee's role or authority can change over time as projects or programs progress or as agency or MPO needs change. This change in itself is not negative, but it is critical to communicate these changes to the committee as they occur."

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[1] TRB: Effective Use of Citizen Advisory Committees for Transit Planning Operations - https://www.nap.edu/login.php?action=guest&record_id=14388

- "These expectations can be communicated through chartering or protocol-setting documents, adopted committee bylaws, or formal chartering sessions. The importance of setting protocols cannot be overstated. Establishing clear expectations, roles, reporting relationships, and committee structure is paramount to committee success. If the committee's role changes over time, those changes can be communicated by revisiting the chartering documents, bylaws, or agreements."

The City Council has tasked us with developing a "consensus recommendation."

PLEASE READ: The following link provides a useful description of things that should be considered when working towards consensus. https://www.heart.org/idc/groups/heart-public/@wcm/@mwa/documents/downloadable/ucm_454080.pdf

What's the difference between Findings vs. Recommendations:

If we can't agree to specific recommendations for grade separations, the goal is to help identify things we think are worth drawing special attention to – for example, some Findings might be:

For Charleston / Meadow -
recommendation on whether both crossings need to stay open
recommendations on bike accessibility design (slopes etc)
recommendations on TDM to minimize road traffic (eg VMWare/VA hospital)

For Churchill/ Embarcardero,
Where should bike crossing(s) be? Should they be designed to hold groups of bikes for signal changes, or for constant, uninterrupted bike travel?
Should access to T&C be reconfigured as part of road mitigations?
Should embarcadero be fixed before Churchill closed?
Should Churchill/Embarcadero be considered with Downtown Coordinated Area Plan?

The idea is to design a process that allows for getting the most information possible about what the group has learned throughout this process and capture that in a Final Report.

DRAFT AMMENDMENT:

Here's some DRAFT to be considered as an amendment to our Guiding Principles and Procedures. This is all up for discussion!

Amend XCAP Annotated Procedural Rules as follows:

Under Section II: Motions, Debate and Voting - add

4. Voting

The XCAP's directive from City Council is to make "consensus-based" recommendations. Consensus means the willingness to support or accept the decision. Consensus does not necessarily mean agreement or active support by each member. Those not objecting are not necessarily indicating that they favor, but merely that they can "live with it." Consensus isn't about us all thinking the same thing. Differences of opinion are natural and to be expected.

Disagreements can help a group's decision, because with a wide range of information and opinions, there is a greater chance the group will find good solutions. Easily reached consensus may cover up the fact that some people don't feel safe or confident enough to express their disagreements.

It is acknowledged that the group may not get to consensus, but would like to make as many decisions as possible. In working towards consensus, one or two people may simply stop the group from moving forward. The group should see those who are withholding consensus as doing so out of their highest understanding and beliefs.

Individual(s) who are preventing the group from making the decision should also examine themselves closely to assure that they are not withholding consensus out of self-interest, bias, vengeance, or any other such feeling. A refusal to enter consensus should be based on a very strong belief that the decision is wrong--and that the dissenter(s) would be doing the group a great disservice by allowing the decision to go forward.

a. Tentative agreements may be made at meetings subject to further consideration at the next meeting. This will be done on a timely basis.

b. The commitment to work for consensus means that members will:
·   Participate in the give and take of the process in a way that seeks to understand the interests of all;
·   Generate proposals thought to be workable for all; and,
·   Work together to reach consensus.

c. If the group is in general agreement on a motion, but one or more members dissent, those advocates of dissenting opinions are expected to propose alternatives to achieve consensus. The Chair may, at her/his discretion, organize a series of ad-hoc sub-committee meetings with dissenting members to create a new proposal that addresses the issues of the original proposal. The new proposal will be agendized for the next meeting, where it will be discussed and voted on.

d. If a new proposal is not generated by the sub-committee, the original proposal will be revisited at the next meeting for a 2/3rds super majority vote of members present with dissenting votes noted in the record.

(Some options:

Note – the key here is of the members present. This makes attendance really important.

Simple majority (51%) of 14 is 7.14 so 7 of 14
Simple majority plus one would be 8 of 14
2/3rds majority (66.6%) of all present = 9.324 – so 9 of 14 people
3/4ths majority (75%) of all present = 10.5 so we could either do 10 or 11 of 14 people

The Math gets more complicated as we have less attendees – in general, if we are down to voting, we are likely on the wrong path and should probably reassess where we are and attempt to reconcile differences.)

See below for rules regarding dissenting votes for the Final Recommendations Report.

e. In the event a consensus recommendation on timely issues, other than the Final Recommendation to Council, can't be reached, the XCAP Chair or Vice Chair or their designee, will report the various viewpoints to the council.

If consensus cannot be reached, the Final Report (defined below) to the city council will require at a minimum a XX of all members present at the time of the vote.

(Again, Same options as above – but as it is for the Final Report – do we want a higher threshold? :

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*5. **Final Recommendations Report:***
The XCAP is tasked with making recommendations to the City Council regarding grade separation alternatives for Churchill, East Meadow and Charleston. The final recommendations shall take the form of a written report, which will be drafted by Staff and/or Consultants at the direction of the XCAP members based on the deliberations of the group.
The Final Report will include consensus recommendations of the group. In the event there are items where the group could not reach a consensus recommendation, the report will instead include Findings that attempt to provide the City Council an

understanding on issues the group agreed upon, but where opinions varied in terms of being able to support a Final Report. The report will include an appendix of all written reports (Appendix Reports) from domain experts received by XCAP throughout this process. The Appendix Reports will memorialize key technical data presented to the XCAP to inform their recommendations. The Chair and Vice-Chair will work with Staff to finalize the report and the entire XCAP will vote on approval of the final report.

In the event a unanimous consensus recommendation for the Final Report cannot be achieved, the procedures outlined in Sections 4 a-c will be applied a maximum of twice. If, consensus can't be achieved, the report will indicate the dissenting viewpoints as either Findings or Dissenting Recommendations. The Chair and Vice Chair would work with the dissenters to ensure their viewpoint is appropriately represented.