



## Bylaws Subcommittee Meeting Agenda

Friday, June 8, 2012, 1 to 3 p.m.

### Meeting Outcomes:

- Review Bylaws and discuss any proposed changes
- Make recommendation to PAPCO on any proposed changes

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| 1:00 – 1:05 p.m.<br>Naomi Armenta                         | <b>1. Welcome and Introductions</b>  |   |
| 1:05 – 1:15 p.m.<br>Naomi Armenta                         | <b>2. Subcommittee Charge</b><br><b>A. Review Subcommittee responsibilities and process</b>  | I |
| 1:15 – 2:30p.m.<br>Naomi Armenta<br>and Krystle<br>Pasco  | <b>3. Review Current Bylaws by Article and Discuss Any Proposed Changes</b><br><a href="#">03 PAPCO Bylaws FINAL 070511.pdf</a> – Page 1 | I |
| 2:30 – 2:50 p.m.<br>Naomi Armenta<br>and Krystle<br>Pasco | <b>4. Craft Recommendation to PAPCO</b>  | A |
| 2:50 – 3:00 p.m.<br>Staff                                 | <b>5. Next Steps</b>   |   |
| 3:00 p.m.   | <b>6. Adjournment</b>  |   |

Key: A – Action Item; I – Information/Discussion Item; full packet available at [www.alamedactc.org](http://www.alamedactc.org)

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**Location Information:** Alameda CTC is located in Downtown Oakland at the intersection of 14<sup>th</sup> Street and Broadway. The office is just a few steps away from the City Center/12<sup>th</sup> Street BART station. Bicycle parking is available inside the building, and in electronic lockers at 14<sup>th</sup> and Broadway near Frank Ogawa Plaza (requires purchase of key card from [bikelink.org](http://bikelink.org)). There is garage parking for autos and bicycles in the City Center Garage (enter on 14<sup>th</sup> Street between Broadway and Clay). Visit the Alameda CTC website for more information on how to get to the Alameda CTC: <http://www.alamedactc.com/directions.html>.

**Public Comment:** Members of the public may address the committee regarding any item, including an item not on the agenda. All items on the agenda are subject to action and/or change by the committee. The chair may change the order of items.

**Accommodations/Accessibility:** Meetings are wheelchair accessible. Please do not wear scented products so that individuals with environmental sensitivities may attend. Call (510) 893-3347 (voice) or (510) 834-6754 (TTD) five days in advance to request a sign-language interpreter.



# Paratransit Advisory and Planning Committee Bylaws

## Article 1: Definitions

**1.1 Alameda County Transportation Commission (Alameda CTC).** The “Alameda CTC” or “Commission” is a joint powers authority resulting from the merger of the Alameda County Congestion Management Agency (“ACCMA”) and the Alameda County Transportation Improvement Authority (“ACTIA”). The 22-member Commission is comprised of the following representatives:

**1.1.1** All five Alameda County Supervisors.

**1.1.2** Two City of Oakland representatives.

**1.1.3** One representative from each of the other 13 cities in Alameda County.

**1.1.4** A representative from Alameda-Contra Costa Transit District (“AC Transit”).

**1.1.5** A representative from San Francisco Bay Area Rapid Transit District (“BART”).

**1.2 Alameda County Transportation Improvement Authority (ACTIA).** The governmental agency previously responsible for the implementation of the Measure B half-cent transportation sales tax in Alameda County, as approved by voters in 2000 and implemented in 2002. Alameda CTC has now assumed responsibility for the sales tax.

**1.3 ADA Eligible Person.** A person with disabilities who is eligible for Americans with Disabilities Act (ADA) paratransit services within the legal requirements of the ADA. The general definition of an ADA-eligible individual is a person who is unable, due to disability, to utilize regular fixed-route transit services.

**1.4 Appointing Party.** A person or group designated to appoint committee members.

**1.5 Bicycle and Pedestrian Advisory Committee (BPAC).** The Alameda CTC Committee that reviews all competitive applications submitted to Alameda CTC for the Bicycle and Pedestrian Safety funds, along with the development and updating of the Alameda Countywide Pedestrian and Bicycle Plans. Serving as the countywide BPAC, the Committee also provides input on countywide educational and promotional programs, and other projects of countywide significance.

**1.6 Brown Act.** California's open meeting law, the Ralph M. Brown Act, California Government Code, Sections 54950 *et seq.*

**1.7 Citizens Advisory Committee (CAC).** The Alameda CTC Committee that serves as a liaison group between the Alameda CTC and the members' respective communities. Appointed by the ACTIA Board or the Commission, the CAC keeps the Commission informed of the progress of Measure B programs and projects, and discusses and brings local community transportation concerns to the Commission, as well as provides feedback to members' respective communities.

**1.8 Citizens Watchdog Committee (CWC).** The Alameda CTC Committee of individuals created by the ACTIA Board, as required by Measure B, with the assistance of the League of Women Voters and other citizens groups, and continued by the Commission. The Committee reports directly to the public and is charged with reviewing all expenditures of the agency. Citizens Watchdog Committee members are private citizens who are not elected officials at any level of government, nor individuals in a position to benefit in any way from the sales tax.

**1.9 Consumer.** Any individual who uses any public transportation services available in Alameda County for seniors and people with disabilities. Consumers may or may not be eligible for services mandated under the Americans with Disabilities Act.

**1.10 Coordination/Gaps in Service Funds (Tier 1).** Funds available under Measure B on a Countywide basis for gaps in the special transportation service network and/or for coordination among systems. These funds would be allocated by PAPCO to reduce differences in service that might occur based on the geographic residence of any individual needing special transportation services for seniors and people with disabilities, subject to approval by the Commission.

**1.11 Expenditure Plan.** The plan for expending Transportation sales tax (Measure B) funds, presented to the voters in 2000, and implemented in 2002.

**1.12 Fiscal Year.** July 1 through June 30.

**1.13 Mandated Services.** Paratransit services mandated by the Americans with Disabilities Act (ADA), also known as “ADA Paratransit.” These services are provided by regular route transit operators, including AC Transit and BART, acting together as the East Bay Paratransit Consortium, as well as Union City Transit and LAVTA.

**1.14 Measure B.** The measure approved by the voters authorizing the half-cent sales tax for transportation services now collected and administered by the Alameda CTC and governed by the Expenditure Plan. The sales tax authorized by Measure B will be in effect for 20 years, beginning on April 1, 2002 and extending through March 31, 2022.

**1.15 Organizational Meeting.** The annual regular meeting of the PAPCO in preparation for the next fiscal year’s activities.

**1.16 Measure B Program.** Transportation or transportation-related program specified in the Expenditure Plan for funding on a percentage-of-revenues basis or grant allocation.

**1.17 Measure B Project.** Transportation and transportation-related construction projects specified in the Expenditure Plan for funding in the amounts allocated in the Expenditure Plan.

**1.18 Non-mandated Services.** Special transportation services, including paratransit, that are not subject to the requirements of the Americans with Disabilities Act. In Alameda County, the non-mandated services that receive Measure B funds are provided by the cities and the County of Alameda. Examples of non-mandated services include, but are not limited to, shuttle service, taxi programs and special group trips.

**1.19 Paratransit Advisory and Planning Committee (PAPCO or “Committee”).** The Alameda CTC Committee that meets to address funding, planning, and coordination issues regarding paratransit services in Alameda County. Members must be an Alameda County resident and an eligible user of any transportation service available to seniors

and people with disabilities in Alameda County. PAPCO is supported by a Technical Advisory Committee comprised of Measure B-funded paratransit providers in Alameda County.

**1.20 Planning Area.** Geographic groupings of cities and of Alameda County for planning and funding purposes. North County: Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont; Central County: Hayward, San Leandro, unincorporated county (near Hayward); South County: Fremont, Newark, Union City; East County: Dublin, Livermore, Pleasanton, the unincorporated area of Sunol.

**1.21 Programmatic Funding.** Measure B funds distributed on a monthly basis based on a distribution formula. Approximately 10.45 percent of net Measure B revenues are distributed to mandated and non-mandated specialized transportation services based on a formula developed by PAPCO and approved by the Commission.

**1.22 Residents with Disabilities.** Alameda County residents who have physical or mental impairments that substantially limit one or more of the major life functions—caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, working—of an individual. Residents with disabilities are ADA eligible if their disabilities prohibit them from using regular fixed route transit.

**1.23 Special Transportation.** Transportation services for seniors and people with disabilities, aimed at improving the mobility of seniors and people with disabilities by supplementing conventional fixed-route transit service. Examples of special transportation services may include, but are not limited to, paratransit, local senior shuttles, transportation to meal sites, and meal delivery.

**1.24 Technical Advisory Committee (TAC).** A committee of Measure B service providers, including both the providers of mandated services and the providers of non-mandated services. The Technical Advisory Committee will meet in joint session with PAPCO at least three times per year, and may meet independently at other times to discuss issues of relevance to service providers.

**1.25 Tier 2 Funds.** Additional funds that may be available for capital expenditures over the life of the sales tax measure. These funds are not guaranteed; however, should they become available, up to \$7.5 million dollars would be allocated to coordination of service gaps and special transportation for seniors and persons with disabilities. These funds would be allocated by PAPCO to reduce differences in service that might occur

based on the geographic residence of any individual needing specialized transportation services for seniors and people with disabilities, subject to approval by the Commission.

## **Article 2: Purpose and Responsibilities**

**2.1 Committee Purpose.** The Committee purpose is to fulfill the functions mandated for the Committee in the Expenditure Plan and to advise the Alameda CTC on all special transportation matters.

**2.2 Committee Roles and Responsibilities from Expenditure Plan.** As defined by the Measure B Expenditure Plan, the roles and responsibilities of the Committee are to:

**2.2.1** Determine the formula to be used to distribute funds for non-mandated services to the cities in Alameda County and the County of Alameda.

**2.2.2** Allocate funds identified for coordination/gaps in service in Tier 1 of the Expenditure Plan, subject to approval of the Alameda CTC.

**2.2.3** Allocate funds identified for capital expenditures for coordination/gaps in service in Tier 2 of the Expenditure Plan, assuming funds are available for allocation, subject to approval of the Alameda CTC.

**2.3 Additional Responsibilities.** Additional PAPCO member responsibilities are to:

**2.3.1** Review mandated and non-mandated services for cost effectiveness and adequacy of service levels and to make recommendations to the Alameda CTC regarding the approval of requests for funding. In this capacity, the Committee may identify alternative approaches that will improve special transportation service in Alameda County.

**2.3.2** Review performance data submitted by mandated and non-mandated special transportation service providers, with the objective of creating a more productive and effective service network, through better communication and collaboration of service providers.

**2.3.3** Report annually to the Alameda CTC and all providers on the status of special transportation services. This report will include at a minimum service availability, quality, and improvements made as compared to the previous year.

**2.3.4** Provide a forum for consumers to discuss common interests and goals in making recommendations affecting all special transportation services funded in whole or in part by Measure B funds in Alameda County.

**2.3.5** Encourage coordination of special transportation and public transit services as they relate to seniors and individuals with disabilities in Alameda County.

**2.3.6** Solicit information from consumers and the larger community on special transportation service needs and disseminate findings to consumers, the Alameda CTC, and other concerned individuals and agencies.

**2.3.7** Participate in surveys and planning activities undertaken by various public agencies as they relate to seniors and individuals with disabilities in Alameda County.

**2.3.8** Fulfill all responsibilities as the County Paratransit Coordinating Council (PCC), as assigned by the Metropolitan Transportation Commission, the County, the state or the federal government.

**2.3.9** Perform outreach regarding PAPCO activities and Measure B funds at least once each fiscal year. Examples of outreach may include attending a transit fair or Transportation Forum, accompanying staff to Alameda CTC outreach presentations, or publishing an article in a local publication.

### **Article 3: Members**

**3.1 Number of Members.** The PAPCO will consist of 23 members.

**3.2 Appointment.** The Commission will make appointments in the following manner:

**3.2.1** One member per County Supervisor (five total).

**3.2.2** One member per City (14 total).



**3.2.3** One member per Transit Agency—AC Transit, BART, LAVTA, and Union City.

**3.3 Membership Qualification.** Each member must be an Alameda County resident and a special transportation consumer.

**3.4 Membership Term.** Appointments shall be for two-year terms. There is no maximum number of terms a member may serve. Members shall serve until the Commission appoints their successors.

**3.5 Attendance.** Members are expected to actively support committee activities and regularly attend meetings. Accordingly, more than two absences in any fiscal-year period may be cause for removal from the Committee. However, a member removed from the Committee may be reappointed by a Commissioner.

**3.6 Termination.** A member's term shall terminate on the occurrence of any of the following:

**3.6.1** The member voluntarily resigns by written notice to the chair or Alameda CTC staff.

**3.6.2** The member fails to continue to meet the qualifications for membership, including attendance requirements.

**3.6.3** The member passes away or otherwise becomes incapable of continuing to serve.

**3.6.4** The member appointment is terminated by the Commission.

**3.7 Vacancies.** An appointing party shall have the right to appoint (subject to approval by the Commission) a person to fill the vacant member position. Alameda CTC shall be responsible for notifying an appointing party of such vacancy and for urging expeditious appointment of a new member, as appropriate.

## **Article 4: Officers**

**4.1 Officers.** The PAPCO shall annually elect a chair and vice chair. Each officer must be a duly appointed member of the PAPCO.

**4.1.1 Duties.** The chair shall preside at all meetings and will represent the PAPCO before the Commission to report on PAPCO activities. The chair shall serve as an ex-officio member of all committees except a nominating subcommittee (when the PAPCO discusses the chair position). In addition, if MTC convenes Paratransit Coordinating Council (PCC) meetings, the PAPCO chair or his/her designee will attend and report back to PAPCO on these meetings. The vice chair shall assume all duties of the chair in the absence of, or on the request of the chair. In the absence of the chair and vice chair at a meeting, the members shall, by consensus, appoint one member to preside over that meeting.

**4.2 Office Elections.** Officers shall be elected by the members annually at the Organizational Meeting or as necessary to fill a vacancy. An individual receiving a majority of votes by a quorum shall be deemed to have been elected and will assume office at the meeting following the election. In the event of multiple nominations, the vote shall be by ballot. Officers shall be eligible for re-election indefinitely.

**4.3 Elected Representatives.** PAPCO shall annually elect a representative to serve on AC Transit and BART's East Bay Paratransit Service Review Advisory Committee (SRAC). This representative will attend SRAC meetings, report on PAPCO activities to the SRAC, and report to the full membership of PAPCO on SRAC activities. PAPCO shall annually elect a representative to serve on Alameda CTC's Citizen's Watchdog Committee (CWC). This representative will attend CWC meetings, report on PAPCO activities to the CWC, and report to the full membership of PAPCO on CWC activities.

## **Article 5: Meetings**

**5.1 Open and Public Meetings.** All PAPCO meetings shall be open and public and governed by the Brown Act. Public comment shall be allowed at all PAPCO 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.

**5.2 Regular Meetings.** The PAPCO will hold up to 10 meetings per year. Annually, at the Organizational Meeting, PAPCO shall establish the schedule of regular meetings for the ensuing year. Meeting dates and times may be changed during the year by action of PAPCO. On a quarterly basis, PAPCO is expected to meet jointly with the Technical Advisory Committee (TAC) of paratransit providers. TAC members will not

have voting privileges at these joint meetings, but will engage in all discussions and will present their point of view prior to any decision-making at those meetings.

**5.3 Quorum.** For purposes of decision making, a quorum shall consist of at least half (50 percent) plus one of the total number of members appointed at the time a decision is made. No actions will be taken at meetings with less than 50 percent plus one member present. Items may be discussed and information may be distributed on any item even if a quorum is not present.

**5.4 Special Meetings.** Special meetings may be called by the chair or by a majority of the members on an as-needed basis. Attendance at special meetings is not counted as part of members' attendance requirement. Agenda item(s) for special meeting(s) shall be stated when the meeting is called, but shall not be of a general business nature. Specialized meetings shall be concerned with studies, emergencies, or items of a time-urgent nature. Agenda item(s) of a regular meeting may be tabled for further discussion and action at a special meeting, the time and location to be announced in the tabling motion. Notice of such meetings shall be given to all members at least 72 hours prior to such meetings and shall be published on the Alameda CTC's website and at the Alameda CTC office, all in accordance with the Brown Act.

**5.5 Agenda.** All meetings shall have a published agenda. Action may be taken only on items indicated on the agenda as action items. Items for a regular meeting agenda may be submitted by any member to the chair and committee staff. The Commission and/or Committee staff may also submit items for the agenda. Every agenda shall include provision for members of the public to address the Committee. The chair and the vice chair shall review the agenda in advance of distribution. Copies of the agenda, with supporting material and the past meeting minutes, shall be mailed to members and any other interested parties who request it. The agenda shall be posted on the Alameda CTC website and office and provided at the meeting, all in accordance with the Brown Act.

**5.6 Roberts Rules of Order.** The rules contained in the latest edition of "Roberts Rules of Order Newly Revised" shall govern the proceedings of the PAPCO and any subcommittees thereof to the extent that the person presiding over the proceeding determines that such formality is required to maintain order and make process, and to the extent that these actions are consistent with these bylaws.

**5.7 Place of Meetings.** PAPCO meetings shall be held at the Alameda CTC offices, unless otherwise designated by the Committee. Meeting locations shall be within Alameda County, 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.

## **Article 6: Subcommittees**

**6.1 Establishment.** The PAPCO may establish subcommittees when and as necessary or advisable to make nominations for office of PAPCO, to develop and propose policy on a particular issue, to conduct an investigation, to draft a report or other document, or for any other purpose within the authority of PAPCO. The standing subcommittees are Bylaws, Fiduciary and Finance, Program Plan Review, and Section 5310.

**6.2 Membership.** PAPCO members will be appointed to subcommittees by PAPCO, on a voluntary basis, or by the chair. No subcommittee shall have fewer than three members, nor will a subcommittee have greater than the number of members needed to constitute a quorum of PAPCO.

## **Article 7: Records and Notices**

**7.1 Minutes.** Minutes of all meetings, including actions and the time and place of holding each meeting, shall be kept on file at the Alameda CTC office.

**7.2 Attendance Roster.** A member roster and a record of member attendance shall be kept on file at the Alameda CTC office.

**7.3 Brown Act.** All PAPCO meetings will comply with the requirements of the Brown Act. Notice of meetings and agendas will be given to all members and any member of the public requesting such notice in writing and shall be posted at the Alameda CTC office at least 72 hours prior to each meeting. Members of the public may address PAPCO on any matter not on the agenda and on each matter listed on the agenda, pursuant to procedures set by the chair and/or committee.

**7.4 Meeting Notices.** Meeting notices shall be in writing and shall be issued via U.S. Postal Service, personal delivery, and/or email. Any other notice required or permitted to be given under these bylaws may be given by any of these means.

## **Article 8: General Matters**

**8.1 Per Diems.** Committee members shall be entitled to a per diem stipend for meetings attended in amounts and in accordance with policies established by the Alameda CTC.

**8.2 Conflicts of Interest.** A conflict of interest exists when any Committee member has, or represents, a financial interest in the matter before the Committee. Such direct interest must be significant or personal. In the event of a conflict of interest, the Committee member shall declare the conflict, recuse him or herself from the discussion, and shall not vote on that item. Failure to comply with these provisions shall be grounds for removal from the Committee.

**8.3 Amendments to Bylaws.** These bylaws will be reviewed annually, and may be amended, repealed or altered, in whole or in part, by a vote taken at a duly-constituted Committee meeting at which a quorum is present.

**8.4 Public Statements.** No member of the Committee may make public statements on behalf of the Committee without authorization by affirmative vote of the Committee, except the chair, or in his or her place the vice chair, when making a regular report of the Committee activities and concerns to the Alameda CTC.

**8.5 Conflict with Governing Documents.** In the event these bylaws conflict with the 2000 Alameda County Transportation Expenditure Plan, California state law, or any action lawfully taken by ACTIA or the Alameda CTC, the conflicting provision in the Expenditure Plan, state law, or the lawful action of ACTIA or the Alameda CTC shall prevail.

**8.6 Staffing.** Alameda CTC will provide all staffing to the Committee including preparation and distribution of meeting agendas, packets, and minutes; preparation of reports to the Alameda CTC Committees and Commission; tracking of attendance; and per diem administration.

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