



# Paratransit Advisory and Planning Committee Bylaws

## Article 1: Definitions

**1.1 2000 Transportation Expenditure Plan.** The plan for expending Transportation sales tax (Measure B) funds, presented to the voters in 2000, and implemented in 2002.

**1.2 2014 Transportation Expenditure Plan.** The Plan for expending transportation sales tax (Measure BB) funds, presented to the voters in 2014, and implemented in 2015.

**1.3 Alameda County Transportation Commission (Alameda CTC).** Alameda CTC 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 Alameda CTC Commission ("Commission") is comprised of the following representatives:

**1.3.1** All five Alameda County Supervisors.

**1.3.2** Two City of Oakland representatives.

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

**1.3.4** A representative from Alameda-Contra Costa Transit District ("AC Transit").

**1.3.5** A representative from San Francisco Bay Area Rapid Transit District ("BART").

**1.4 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 administration of the sales tax.

**1.5 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.

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

**1.7 Bicycle and Pedestrian Advisory Committee (BPAC).** The Alameda CTC Committee that involves interested community members in the Alameda CTC's policy, planning, and implementation efforts related to bicycling and walking.

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

**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).** Discretionary funding available under Measure B on a countywide basis for gaps in the special transportation service network and/or for coordination among systems 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. Comprising 1.43 percent of overall net Measure B revenues, subject to approval by the Commission.

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

**1.12 Independent Watchdog Committee (IWC or “Committee”).** The Alameda CTC Committee of individuals created by the Commission as required by Measure BB, with the assistance of the League of Women Voters and other citizens groups. This Committee was originally created by the ACTIA Board and called the Citizens Watchdog Committee as required by Measure B, and was continued by the Commission subsequent to the passage of Measure BB as the Independent Watchdog Committee. The Committee is the same committee as the Citizens Watchdog Committee required by Measure B. The Committee reports directly to the public and is charged with reviewing all Measure B expenditures and Measure BB expenditures and performance measures of the agency, as appropriate. IWC members are private citizens who are not elected officials at any level of government, nor individuals in a position to benefit personally in any way from the sales tax.

**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 2000 Transportation Expenditure Plan. Collections for 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 Measure BB.** The measure approved by the voters authorizing the sales tax for transportation services collected and administered by the Alameda CTC and governed by the 2014 Transportation Expenditure Plan. Measure BB augments the half-cent Measure B sales tax by a half-cent, beginning April 1, 2015 through March 31, 2022. The full one-cent sales tax authorized by Measure BB will begin April 1, 2022 and will extend through March 31, 2045.

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

**1.17 Measure B Program.** The transportation or transportation-related program specified in the 2000 Transportation Expenditure Plan for funding transportation programs and projects on a percentage-of-revenues or grant allocation basis.

**1.18 Measure B Project.** Transportation and transportation-related construction projects specified in the 2000 Transportation Expenditure Plan for funding in the amounts allocated in the 2000 Transportation Expenditure Plan.

**1.19 Measure BB Program.** Transportation or transportation-related program specified in the 2014 Transportation Expenditure Plan for funding transportation programs and projects on a percentage-of-revenues or grant allocation basis.

**1.20 Measure BB Project.** Transportation and transportation-related capital projects specified in the 2014 Transportation Expenditure Plan for funding in the amounts allocated in the 2014 Transportation Expenditure Plan.

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

**1.22 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 composed of Measure B and Measure BB-funded paratransit providers in Alameda County.

**1.23 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.

**1.24 Programmatic Funding.** Measure B and Measure BB revenues distributed on a monthly basis based on a distribution formula, also referred to as “Direct Local Distribution” funds. Approximately 5.63 percent and 6 percent of net Measure B and Measure BB revenues, respectively, are distributed to AC Transit and BART for ADA-mandated paratransit service. Approximately 3.39 percent and 3 percent of net Measure B and Measure BB revenues, respectively, are distributed within the four planning areas for ADA-mandated and city-based, non-mandated specialized transportation services based on a formula developed by PAPCO and approved by the Commission.

**1.25 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 eligible for ADA-mandated paratransit services if their disabilities prohibit them from using regular fixed route transit.

**1.26 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 shuttles, and subsidized taxi programs.

**1.27 Paratransit Technical Advisory Committee (ParaTAC).** A committee of Measure B and Measure BB service providers of mandated and non-mandated services. The Paratransit 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.

**1.28 Tier 2 Funds.** Additional funds that may be available for capital expenditures over the life of the 2000 TEP 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 recommended for allocation 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.

**1.29 Vehicle Registration Fee (VRF).** A \$10 fee imposed on each annual motor vehicle registration or vehicle registration renewal in Alameda County. Measure F approved by Alameda County voters in 2010, is collected and administered by the Alameda CTC.

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

**2.1 Committee Purpose.** The Committee purpose is to fulfill the functions mandated for the Committee in the 2000 and 2014 Expenditure Plans and to advise the Alameda CTC on matters related to special transportation.

**2.2 Committee Roles and Responsibilities from 2000 and 2014 Transportation Expenditure Plans.** As defined by the 2000 and 2014 Transportation Expenditure Plans, the roles and responsibilities of the Committee are to:

**2.2.1** Develop the formula use to distribute Measure B and Measure BB programmatic funds to the cities in Alameda County and the County of Alameda for mandated and non-mandated special transportation services, subject to approval by the Commission.

**2.2.2** Recommend allocation of funds identified for coordination/gaps in service in Tier 1 of the 2000 Transportation Expenditure Plan, subject to approval by the Commission.

**2.2.3** Recommend allocation of funds identified for capital expenditures for coordination/gaps in service in Tier 2 of the 2000 Transportation Expenditure Plan, assuming funds are available for allocation, subject to approval by the Commission.

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

**2.3.1** Review performance data of mandated and non-mandated services, including cost-effectiveness and adequacy of service levels, with the objective of creating a more cost-efficient, productive and effective service network through better communication and collaboration of service providers. In this capacity, the Committee may identify and recommend to the Alameda CTC alternative approaches that will improve special transportation service in Alameda County.

**2.3.2** Report annually on the status of special transportation services, including service availability, quality, and improvements made as compared to the previous year.

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

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

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

**2.3.6** 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.

**2.3.7** Perform outreach regarding Alameda CTC activities related to transportation for seniors and people with disabilities at least once each fiscal year. Examples of outreach may include attending a transit or senior fair, 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 successor.

**3.5 Attendance.** Members are expected to actively support committee activities and regularly attend meetings. Accordingly, more than three consecutive absences in any fiscal-year period may be cause for removal from the Committee.



**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 residency and attendance requirements.

**3.6.3** The member becomes incapable of continuing to serve.

**3.6.4** The appointing party or the Commission removes the member from the Committee.

**3.7 Vacancies.** An appointing party shall have the right to appoint a person to fill the vacant member position, subject to the ability of the person to meet the requirements to serve on the committee and approval of the Commission. 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 PAPCO meetings except when the PAPCO discusses the chair position and/or nomination. The chair will represent the PAPCO before the Commission to report on PAPCO activities. The chair shall serve as an ex-officio member of all subcommittees. 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. 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.

**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. Officers shall be eligible for re-election indefinitely.

**4.3 Elected Representatives.** PAPCO shall biennially elect a representative to serve on AC Transit and BART's East Bay Paratransit Access Committee (EBPAC). This representative will attend EBPAC meetings, report on PAPCO activities to the EBPAC, and report to the full membership of PAPCO on EBPAC activities. This representative must be a consumer of East Bay Paratransit's services. PAPCO shall biennially elect a representative to serve on Alameda CTC's Independent Watchdog Committee (IWC). This representative will attend IWC meetings, report on PAPCO activities to the IWC, and report to the full membership of PAPCO on IWC 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 up to 3 minutes per speaker at the discretion of the chair. The number of PAPCO meetings, including regular meetings, sub-committee meetings, and special meetings, will be limited to the number of meetings approved in Alameda CTC's annual overall work program and budget, as approved by the Commission.

**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 Paratransit Technical Advisory Committee (ParaTAC) of paratransit providers. ParaTAC members will not have voting privileges at these joint meetings,

but may engage in all discussions and may 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; however, no action can be taken, until the Committee achieves a quorum.

**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 for consideration by any member to the chair and Alameda CTC staff. The Commission and/or Alameda CTC 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 upon request. 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.

**5.8 Meeting Conduct.** PAPCO members shall conduct themselves during meetings in a manner that provides a welcoming and safe environment for all attendees characterized by an atmosphere of mutual trust and respect. Members shall work with each other and staff to respectfully, fairly, and courteously deal with any conflict between attendees.

## **Article 6: Subcommittees**

**6.1 Establishment.** The PAPCO may establish subcommittees subject to the approved Alameda CTC overall work program and budget as approved by the Commission to conduct an investigation or draft a report or other document or recommendation within the authority of PAPCO.

**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, in compliance with the Brown Act and time limits, up to three minutes per speaker, set at the discretion of the chair.

**7.4 Meeting Notices.** On March 28, 2013, the Alameda CTC Commission approved the implementation of paperless meeting packet distribution. Hard copies are available by request only. Agendas and all accompanying staff reports are available electronically on the Alameda CTC website at [www.AlamedaCTC.org/all-meetings](http://www.AlamedaCTC.org/all-meetings). Any other notice required or permitted to be given under these bylaws will follow the same policy. PAPCO members receive an exception to the paperless policy and will continue to receive notices via U.S. Postal Service in addition to electronic versions. Members can request to opt-out of paper notices.

## 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 Bylaws.** Bylaws governing the meetings and activities of PAPCO are approved by the Alameda CTC.

**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 Transportation Expenditure Plan, the 2014 Transportation Expenditure Plan, California state law, or any action lawfully taken by ACTIA or the Alameda CTC, the conflicting provision in the Transportation Expenditure Plans, state law, or the lawful action of ACTIA or the Alameda CTC shall prevail.

**8.6 Staffing.** Alameda CTC will provide 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.