

STAFF REPORT

SUBJECT: Tri-Valley Accessible Advisory Committee (TAAC) Bylaws Update

FROM: Kadri Klm, Paratransit Planner

DATE: November 6, 2023

Action Requested

Approve the update to Section 3.5 (b) of the Tri-Valley Accessible Advisory Committee (TAAC) bylaws.

Background

At the July 12, 2023 Tri-Valley Wheels Accessible Committee meeting TAAC member David Weir brought to committee members' attention the discrepancy between the committee bylaws and current practice in terms of timeline for electing the committee Chair and Vice Chair. According to the committee bylaws the election should take place at the last meeting of the fiscal year (May) while in practice the election has been being held at the first meeting of the fiscal year in July.

Discussion

The rationale for having the election in the beginning of the fiscal year rather than at the last meeting of the previous fiscal year has to do with the fact that the committee membership terms also start at the beginning of the fiscal year and end at the end of the fiscal year. This way only the board-appointed members can be elected as officers. The board typically ratifies the appointments for the upcoming fiscal year at their June meeting while the last TAAC meeting of the fiscal year takes place in May.

The proposed language update is located in Section 3.5 (b) Committee Officers and their Duties of the bylaws.

The current version reads:

“(b) The Chair and Vice Chair shall be elected at the last meeting of each fiscal year and assume office at the first meeting of the new fiscal year.”

Proposed version:

“(b) The Chair and Vice Chair shall be elected at the first meeting of each fiscal year and assume office immediately following the election.”

TAAC reviewed the proposed update to the bylaws at their September 6, 2023 meeting and approved the recommended changes.

Recommendation

The Finance and Administration Committee recommends that the Board of Directors approve the update the TAAC bylaws.

Attachment:

1. Draft Bylaws Revision

**BYLAWS
OF THE
TRI-VALLEY ACCESSIBLE ADVISORY COMMITTEE**

ARTICLE 1

NAME

The name of this committee shall be the “TRI VALLEY ACCESSIBLE ADVISORY COMMITTEE.”

ARTICLE 2

DEFINITIONS

The terms defined in this Article shall have the following meaning:

SECTION 2.1. “LAVTA” refers to the Livermore/Amador Valley Transit Authority, created pursuant to Government Code 6500 et. seq., which provides public transportation services within the cities of Dublin, Livermore and Pleasanton, and portions of unincorporated areas in Eastern Alameda County.

SECTION 2.2. “BOARD OF DIRECTORS” or Board, means the governing Board of LAVTA.

SECTION 2.3. “PARATRANSIT” refers to any form of transportation for persons unable to use fixed route public transit.

SECTION 2.4. “PERSON WITH DISABILITIES” refers to any person whose disability prevents him/her from accessing public transportation pursuant to 49 CFR 37.

SECTION 2.5. “ELDERLY” is defined as any person who is sixty-five (65) years of age or older.

SECTION 2.6. “COMPLEMENTARY PARATRANSIT SERVICE” refers to comparable paratransit service to fixed route transit service as mandated by the Americans with Disabilities Act (49 CFR 37.125).

SECTION 2.7. “LOCAL PARATRANSIT SERVICE” refers to paratransit services that are not mandated by the Americans with Disabilities Act, and that are defined by individual transit operators.

SECTION 2.8. “TRANSPORTATION DEVELOPMENT ACT-ARTICLE 4.5” refers to State funding for paratransit service generated from the ¼ cent sales tax.

SECTION 2.9. “ALAMEDA COUNTY MEASURE B” refers to local funding for paratransit service generated by the one-half percent (0.5%) transportation sales tax in Alameda County. 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.

SECTION 2.10. “ALAMEDA COUNTY 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.

SECTION 2.11. “AMERICANS WITH DISABILITIES ACT” (ADA) refers to the Federal law which provides equal access to buildings, services and public transportation to persons with disabilities (Public Law 101-336). Among its provision, the ADA mandates that public transit operators provide complementary paratransit service to persons whose impairment(s) prevent(s) them from using regular fixed route transit service.

SECTION 2.12. “COMMITTEE” refers to “Tri-Valley Accessible Advisory Committee.”

SECTION 2.13. “MEMBER” is defined as a Member of the Committee, who resides and/or works in the LAVTA member jurisdictions and represents the interests, concerns and suggestions of the elderly and disabled persons. This person may or may not have disabilities, or who may or may not be sixty-five years of age or more.

SECTION 2.14. “FISCAL YEAR” means the period from July 1 to and including the following June 30.

SECTION 2.15. “FIXED ROUTE SERVICE” refers to service that operates along prescribed routes according to fixed schedules.

ARTICLE 3

GENERAL PROVISIONS

SECTION 3.1. RESPONSIBILITIES

The Committee shall have the following responsibilities:

- (a) Provide a forum to discuss matters relating to LAVTA’s fixed route and paratransit system accessibility as they pertain to the elderly and persons with disabilities;
- (b) Advise the Board of Directors on matters relating to LAVTA's fixed route and paratransit system accessibility as they pertain to the elderly and persons with disabilities; and
- (c) To represent the interests of elderly and persons with disabilities who depend upon accessible public transit service(s).

SECTION 3.2. COMMITTEE

- (a) Composition. The Committee shall be composed of eleven (11) members. Each city in the LAVTA jurisdiction shall have two members, and the County of Alameda one member, who is a resident in the LAVTA service area. Three members shall be representatives of social service agencies, which are located in and/or represent people who use or could use transit services in Livermore, Pleasanton and Dublin. One member shall be LAVTA’s representative to the Paratransit Advisory and Planning Committee (PAPCO) of the Alameda County Transportation Commission (ACTC).
- (b) Alternate. Each City, the County, and social service agency, may have one (1) alternate member.
- (c) Qualifications of Members and Alternates. The members and alternates must be able to demonstrate:

- (i) That they reside in the City they represent and in the case of the County, they reside in the LAVTA service area. Social services agencies must be located in and/or serve the residents of LAVTA service area.
 - (ii) Meet regularly during business hours.
 - (iii) Analyze complex issues, reports, etc., and make objective conclusions relating to the issues and reports.
- (d) Appointment Process
- (i) LAVTA shall advertise for any vacancy or vacancies on the Committee on LAVTA's website, post notices to the existing riders, and contact relevant social service agencies regarding serving on the committee. LAVTA's Board of Directors selects and approves committee members.
 - (ii) Every interested person shall complete a LAVTA application form.
 - (iii) The process of making appointments of alternate members shall be the same as for regular members.
- (e) Vacancies on the Committee. When there is a vacancy on the Committee, the alternate member shall fill in as an interim member, and, if desired, shall become a full voting permanent member.

SECTION 3.3 TERM OF APPOINTMENT OF COMMITTEE MEMBERS

The term of appointment of each committee member and alternate shall generally be for a period of two (2) fiscal years, unless a one (1) year term is necessary to ensure continuity of membership and avoid all appointments expiring at the same time. The term of appointment of the LAVTA's PAPCO representative shall match the PAPCO's membership term. Each member shall serve for a maximum of four (4) consecutive terms (i.e. eight (8) consecutive fiscal years). A member may continue to serve for

additional consecutive terms beyond the maximum of four (4) consecutive terms (i.e. eight (8) consecutive fiscal years) if no other qualified applicants apply for the open position and the member is willing to serve. The member will be appointed as an Alternate unless there is an opening for a full voting member in their jurisdiction on the committee. The term shall be for one year. When a vacancy occurs, the vacancy will be filled using the procedure described above.

SECTION 3.4. REMOVAL AND RESIGNATION OF MEMBERS

- (a) Appointed members and alternates may be removed automatically from the Committee by the Board of Directors if:
 - (i) The member or alternate is absent for three (3) consecutive regular and/or special meetings;
 - (ii) A member may resign from the Committee by a letter of resignation to the Board of Directors.

SECTION 3.5. COMMITTEE OFFICERS AND THEIR DUTIES

- (a) The Committee shall elect a Chair and Vice Chair from among its members. The Committee Chair and Vice Chair shall not represent the same city.
- (b) The Chair and Vice Chair shall be elected at the ~~last first~~ meeting of each fiscal year and assume office ~~at the first meeting of the new fiscal year~~ immediately following the election.
- (c) The Chair shall preside at all meetings of the Committee, call special meetings, and act as spokesperson of the Committee with the authorization of the Committee pursuant to Section 4.1 of these Bylaws.
- (d) The Vice Chair shall assume all duties of the Chair in the absence of, or upon request of, the Chair.

- (e) The Chair or his/her designee shall make an oral report at the meeting of the Board of Directors following the Committee's meeting. The designee shall be the Vice Chair of the Committee or a Committee member.
- (f) In the absence of the Chair and Vice Chair, the Committee shall appoint a Chair Pro-Tem to fill the duties of the Chair.

SECTION 3.6. COMMITTEE SECRETARY

A LAVTA staff person shall serve as Secretary and shall have no vote on matters before the Committee. The Secretary shall keep minutes of all regular and special meetings, and submit them to the Committee for approval, maintain a record of attendance, record all roll call votes, and assist with clerical and administrative tasks pertaining to the Committee.

SECTION 3.7. COMMITTEE MEETINGS

- (a) Regular Meeting Site, Schedule and Time. The Committee shall meet quarterly as needed. The Committee shall establish the meeting schedule, meeting time, meeting sites for the regular meetings at the first regular meeting of the fiscal year.
- (b) Regular Meetings. All regular meetings shall have a published agenda. Only items on the agenda shall be addressed at the meeting. Items for a regular meeting agenda may be submitted by any member of the Committee at least two (2) weeks prior to the meeting. The Committee Secretary may submit items for the agenda. Any supportive material for an agenda item shall be submitted at the same time. The Chair and the Committee Secretary shall agree on the final agenda.
- (c) Agendas. The agenda shall contain at least the following: call to order; approval of minutes; old business; new business; public comment and adjournment. Copies of the agenda, with supporting material and past meeting minutes, shall be mailed or delivered to the Committee members.
- (d) Notice. Notice of regular and special meetings shall comply with the Ralph M. Brown Act, Government Code Section 54950, et seq.

- Notices shall be mailed or delivered to the appropriate locations in the LAVTA jurisdiction. Notices may be mailed to the public upon request. All requests for additional information for regular and special meetings shall comply with LAVTA's Access to Public Records Information Policy. All notices of regular and special meetings shall be posted 72 hours prior to the meeting.
- (e) Special Meetings. Special Meetings may be called by the Committee Chair. Special meetings may include regular business in nature and/or time-urgent items. Special meetings shall comply with the same requirements of regular meetings.
 - (f) Accessibility. All meetings shall be conducted in the LAVTA jurisdiction and shall be in a location accessible by public transportation and accessible to persons with disabilities.
 - (g) Quorum. A quorum must be present to take action on agenda items. A quorum consists of a combination of six (6) TAAC representatives and/or alternates. In the absence of a regular representative, the alternate for that representative will be a voting member for the meeting. On the occasion where two (2) representatives from a member city are absent, the alternate for that city will have two (2) votes and will count as two representatives towards quorum. If two (2) or more representatives from member Social Service Agencies are absent, the alternate for Social Services will count as two (2) representatives towards quorum and will be allowed to exercise two (2) votes. On the occasion where one (1) representative from a member city is absent and the alternate is absent, the present city representative will have two (2) votes for the meeting and count as two (2) representatives towards quorum. On the occasion where one (1) Social Services representative is present and two (2) members and alternate representative are absent then the present Social Services representative will have two (2) votes and will count as two (2) representatives towards quorum. In the occasion where two (2) Social Services representatives are absent and one (1) social service representative and one (1) social services alternate is present, each will get one (1) vote and count as one (1) each towards quorum. If the PAPCO representative is absent, there is not an alternate for that representative.

- (h) Affirmative Vote. An affirmative vote by the majority of the filled positions of the Committee is required for an action to be approved, and a quorum must be present in the room in order for a vote to be taken. If a quorum is not present, the Chair would adjourn the meeting.
- (i) Compensation. Committee members shall not receive compensation for attending regular and special meetings. Please refer to section 4.2.
- (j) Parliamentary Procedure. Meetings shall be conducted in accordance with Robert's Rules of Order, Revised, The Classic Edition, General Henry M. Robert, III.
- (k) Minutes of TAAC Meetings. Minutes of the TAAC meetings shall be included in the Board of Directors Agenda Package.
- (l) A member unable to attend a Committee meeting shall notify the member's alternate to attend the meeting.

ARTICLE 4

MISCELLANEOUS

SECTION 4.1. PUBLIC STATEMENTS.

The Chair of the Committee shall be the spokesperson. In the absence of the Chair, the Vice Chair shall act as the spokesperson. In the absence of the Committee's Chair and Vice Chair, a spokesperson shall be appointed by the Committee Chair. Furthermore, no member of the Committee shall speak as a spokesperson for LAVTA without authorization by majority vote of the Board of Directors of LAVTA.

SECTION 4.2. EXPENSES. The Committee is strictly on a volunteer basis; therefore, members shall not be reimbursed for any expenses relative to the Committee's activities and functions. However, LAVTA will provide paratransit service to/from regular and special meetings for Committee members upon request. LAVTA will also provide transit passes at no charge for rides on fixed route services. Members of the public must provide their own transportation.

SECTION 4.3. AMENDMENTS. Proposed amendments to these Bylaws shall be submitted to the LAVTA Board of Directors by the Executive Director with an explanation of the proposed changes. Amendments shall be incorporated into these Bylaws upon a majority vote of the LAVTA Board of Directors