

BYLAWS
OF
THE ALAMEDA COUNTY PARATRANSIT ADVISORY AND
PLANNING COMMITTEE

**** Revised June 2008****

Article I. Name

The name of this committee shall be the ACTIA Paratransit Advisory and Planning Committee, herein referred to as "PAPCO."

Article II. Definitions

For purposes of this committee, its activities and membership, the following definitions apply:

- A. Alameda County Transportation Improvement Authority: The governmental agency 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 as described below.

- B. ACTIA Board: The governing board of the Alameda County Transportation Improvement Authority. The Board is composed of 11 elected officials within Alameda County:
 - 1. Five members of the Alameda County Board of Supervisors

 - 2. Three (3) representatives appointed by the Alameda County Mayors' Conference from among the cities of Hayward, Fremont, Newark, Union City, Pleasanton, Livermore and Dublin.

 - 3. Two (2) representatives appointed by the Alameda County Mayors' conference from among the Cities of San Leandro,

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Oakland, Alameda, Albany, Berkeley, Emeryville, and Piedmont.

4. One (1) representative of the Mayor of Oakland.
- C. Measure B: The measure approved by the voters authorizing the half-cent sales tax for transportation services collected by ACTIA 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.
 - D. Expenditure Plan: The plan for expending Transportation sales tax (Measure B) funds, presented to the voters in 2000, and implemented in 2002.
 - E. Programmatic Funding: Measure B funds that are distributed on a monthly basis based on a distribution formula. 10.45% of net Measure B revenues are distributed to mandated and non-mandated specialized transportation services (described below) based on a formula developed by PAPCO and approved by the ACTIA Board.
 - F. 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 delivery of meals.
 - G. Mandated Services: Paratransit services that are 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.
 - H. Non-Mandated Services: Special transportation services, including paratransit, that are not subject to the requirements of

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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.

- I. ADA Eligible Person: Persons with disabilities who have been determined to be eligible for 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.
- J. 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 route transit.
- K. 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.
- L. Planning Area: Geographic groupings of Cities and the County of Alameda for purposes of distributing Measure B sales tax and other funds. -- North County - Alameda, Albany, Berkeley, Emeryville, Oakland; Central County - San Leandro, Hayward, unincorporated areas near Hayward; South County - Fremont, Newark, Union City; East County - Pleasanton, the unincorporated area of Sunol, Dublin, Livermore.
- M. 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

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services for seniors and people with disabilities, subject to approval by the ACTIA Board.

- N. 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 ACTIA Board.
- O. Fiscal year: July 1 through June 30.
- P. 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.
- Q. Paratransit Coordinator: A staff person(s) or contract employee(s) hired by ACTIA who will among other tasks serve as Secretary and staff person(s) to PAPCO.
- R. Citizens Watchdog Committee: A committee of individuals created by the ACTIA Board, as required by Measure B, with the assistance of the League of Woman Voters and other citizens groups. This committee reports directly to the public and is charged with reviewing all expenditures of the agency. Citizens Watchdog Committee members are to be 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.

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Article III. Mission, Purposes, and Responsibilities

- A. PAPCO is established to fulfill the functions mandated for PAPCO in the Expenditure Plan and to advise the ACTIA Board on all special transportation matters.
- B. The role and responsibilities of PAPCO, as defined by the Measure B Expenditure Plan, are as follows:
 - 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. Allocate funds identified for coordination/gaps in service in Tier 1 of the Expenditure Plan, subject to approval of the ACTIA Board.
 - 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 ACTIA Board.
- C. Other responsibilities that have been given to PAPCO by the ACTIA Board include:
 - 1. Review of mandated and non-mandated services for cost effectiveness and adequacy of service levels and to make recommendations to the ACTIA Board regarding the approval of requests for funding. In this capacity, PAPCO may identify alternative approaches that will improve special transportation service in Alameda County.
 - 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.
 - 3. Report annually to the ACTIA Board and all providers on the status of special transportation services. This report will

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include at a minimum service availability, quality, and improvements made as compared to the previous year.

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.
 5. To encourage coordination of special transportation and public transit services as they relate to individuals with disabilities in Alameda County.
 6. To solicit information from consumers and the larger community on special transportation service needs and disseminate findings to consumers, the ACTIA Board, and other concerned individuals and agencies.
 7. To participate in surveys and planning activities undertaken by various public agencies as they relate to individuals with disabilities in Alameda County.
 8. To fulfill all responsibilities as the County Paratransit Coordinating Council (PCC), as assigned by MTC, the County, the State or the Federal government.
- D. Each PAPCO member is required at least once each fiscal year to perform outreach regarding PAPCO activities and Measure B funds. Examples of outreach may include attending a transit fair, accompanying staff to ACTIA outreach presentations, or publishing an article in a local publication.

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Article IV. Members

Pursuant to the action taken by the Alameda County Transportation Improvement Authority on March 28, 2002, the Paratransit Advisory and Planning Committee (PAPCO) is composed of twenty-eight (28) members. All PAPCO members must be residents of Alameda County and special transportation consumers.

- A. Quorum: For purposes of decision making, a quorum shall consist of at least half (50%) plus one (1) 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% plus one member present although items may be discussed and information may be distributed on any item even if a quorum is not present.

Article V. Appointment, Term of Office, Removal

- A. Appointment: Appointments shall be made by the ACTIA Board in the following manner:
 - 1. Each city in Alameda County appoints a member through their own appointment process.
 - 2. Each County Supervisor appoints two members.
 - 3. The boards of directors of AC Transit, BART, LAVTA and Union City Transit each appoint one member.
 - 4. PAPCO members must notify their appointers if they move outside the jurisdiction in which they were appointed.
- B. Term of Office: Appointments shall be for two (2) year terms. There is no maximum number of terms a member may serve. Members shall serve until their successors are appointed by the ACTIA Board.
- C. Resignation: A PAPCO member may resign by a letter of resignation to the PAPCO Chair who shall notify the ACTIA Board of the resignation.

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- D. **Removal from Office:** A PAPCO member who is absent for three meetings in any ACTIA fiscal year period (July 1 – June 30) will be referred by the Chair to the ACTIA Board for consideration of replacement.
- E. A PAPCO member found to have a conflict of interest who does not undertake measures to eliminate the conflict shall have his or her name submitted to the ACTIA Board for removal. A conflict shall be determined to exist if the PAPCO member has any material financial interest in any of the special transportation for seniors and persons with disabilities programs being funded by ACTIA, or in any contractor who might benefit from ACTIA funding.
- F. A vacancy occurring in an unexpired term of an appointed member shall be filled by appointment of the ACTIA member, jurisdiction or transit agency responsible for filling that seat. Such an appointment shall be for the unexpired portion of term remaining only, and shall require reappointment at the end of that period.

Article VI. PAPCO Officers, Election and Terms, Duties, Representatives

- A. **Officers:** PAPCO shall annually elect a chairperson and vice-chairperson. Nominations shall be made at the regular meeting in June of each year, or as soon as possible thereafter. An individual receiving a plurality of votes shall be deemed to have been elected and will assume office at the meeting following the election. Officers shall be eligible for re-election for two subsequent one year terms.
- B. **Duties:** Officers shall be responsible for the business of PAPCO and such duties as delegated by the members of PAPCO.
 - 1. It shall be the duty of the Chair to preside over all meetings of PAPCO; to appoint committees as necessary; and to serve

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as an ex officio member of all committees except the Nominating Committee (when the position of chair is being discussed). In addition, if MTC convenes Paratransit Coordinating Council (PCC) meetings, the PAPCO chair or her designee will attend and report back to PAPCO on these meetings.

2. The Vice-chair shall assume all duties of the Chair in the absence of, or upon the request of the Chair; be designated, at the Chair's discretion, as the Chair's representative and serve as an ex-officio, non-voting member of all committees.
3. 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.

- C. PAPCO 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.
- D. PAPCO Representatives: PAPCO shall annually elect a representative to serve on ACTIA'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 VII. PAPCO Staffing

ACTIA shall appoint a Paratransit Coordinator and other staff as ACTIA determines is necessary to serve as the Secretary to PAPCO and to perform other duties as necessary to support the functions of PAPCO. The Secretary shall have no vote on matters before PAPCO. The Secretary shall keep minutes of all regular and special meetings, submit them to PAPCO for approval, and disseminate the approved minutes to PAPCO members and the appropriate officials and agencies; maintain a record of attendance; record

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all roll call votes; and assist with clerical and administrative tasks pertaining to PAPCO and PAPCO committee meetings. Minutes will be available on ACTIA's website, and accessible formats will be provided upon request.

Article VIII. Meetings

- A. PAPCO shall confirm annually in June, the schedule for the regular meetings for the upcoming fiscal year. Unless otherwise determined by the committee, meetings shall be held at the ACTIA offices. Dates, time and site of the meetings may be changed during the year with a majority affirmative vote of PAPCO.
1. Meetings of the full PAPCO group are expected to be scheduled monthly.
 2. 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.
- B. Special meetings may be called by the Chair on an as-needed basis. Attendance at Special meetings is not counted as part of PAPCO's 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 PAPCO members at least 72 hours prior to such meetings and shall be published on ACTIA's website and at the ACTIA office, all in accordance with the Brown Act. Media notices will be delivered at least 72 hours before the time of the meeting.

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- C. All meetings shall have a published agenda. Only business items on the agenda shall be addressed at the meeting. Items for a regular meeting agenda may be submitted by any member of the PAPCO at least two (2) weeks prior to the meeting. The ACTIA Board and/or the Paratransit Coordinator may also submit items for the agenda. Any supportive material for an agenda item shall be submitted at the same time. The PAPCO Chair and the Paratransit Coordinator shall review the final agenda in advance of distribution. Copies of the agenda, with supporting material and the past meeting minutes, shall be mailed to PAPCO members and any other interested parties who request it. The agenda shall be posted on the ACTIA website and office and provided at the meeting, all in accordance with the Brown Act. Action may be taken only on items indicated on the agenda as action items.
- D. Closed sessions, closed to the public, may be held to discuss litigation in which PAPCO or PAPCO members are named, or if the ACTIA Board requests comments on litigation or pending litigation against the Authority; provided that all provisions of the Brown Act are obeyed.
- E. All meetings shall be in a location accessible by public transportation and paratransit and in rooms accessible to individuals with disabilities.
- F. An affirmative vote by a majority of the members present is required for an action to be approved, presuming that a quorum is present in the room in order for a vote to be taken. If a quorum is not present, the only motion the Chair may entertain is a motion to adjourn.
- G. Minutes of all meetings shall be kept on file at the ACTIA office.
- H. The rules contained in the latest edition of “Roberts Rules of Order Newly Revised” shall govern the proceedings of PAPCO to the extent that they are not inconsistent with these bylaws.

Article IX. Committees

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- A. PAPCO shall have ability to establish both standing and ad hoc committees.
 - 1. Ad hoc committees shall be established by a vote of the PAPCO membership as deemed necessary to provide guidance on a particular item or issue. The ad hoc committee will exist only as long as necessary to complete their work task.
 - 2. Standing committees: Standing committees may be appointed on a voluntary basis or by the chair as necessary to carry out the on-going work of the Committee. Membership to standing committees will be for a period of not more than one fiscal year. Committee members may be reappointed, provided that they are members in good standing with PAPCO. The standing committees are 5310, Program Plan Review, Finance, Funding Formula, and Bylaws.
- B. Each standing committee shall have at least three (3) members. Committee members shall be appointed from volunteers among the members of PAPCO or by the PAPCO Chair. Appointed committee members may elect their own chair who is responsible for reporting back to the PAPCO membership.
- C. All committee meetings shall be public with an announced time and place of meeting, and agenda, all in accordance with the Brown Act. Meetings shall be in a location accessible by public transportation and shall be in a room which is accessible to individuals with disabilities.
- D. A written record of the committee actions shall be made by the PAPCO Secretary and a report provided to the full PAPCO.

Article X. Public Statements

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No PAPCO member may speak for PAPCO without authorization by affirmative vote from PAPCO; however, the chair may make reports to ACTIA and its committees.

Article XI. Conflict Of Interest

- A. A conflict of interest exists when any PAPCO member has, or represents, a financial interest in the matter before PAPCO. Such direct interest must be significant and personal.
- B. In the event of a conflict of interest, the PAPCO member shall declare the conflict and shall not vote on the conflicted item. In the event of a doubt as to the conflict, the member shall declare existing conditions relative to the possible conflict and request a ruling from PAPCO. Conflicts of Interest shall be determined pursuant to ACTIA's Conflict of Interest Code.
- C. Failure to comply with these provisions shall be grounds for removal from PAPCO.

Article XII. Expenses

- A. PAPCO members shall receive a per diem of \$25.00 or actual cost for trips to PAPCO meetings, to ad hoc committees that result in funding recommendations on Paratransit programs or grants to the ACTIA Board, and to standing committee meetings: 5310, Program Plan Review, Finance, Funding Formula and Bylaws. PAPCO members are also eligible to receive per diem for attendance at one (1) Outreach activity per fiscal year, in accordance with Article III. Paragraph D. If the cost of the trip exceeds \$25.00, documentation must be provided to the Paratransit Coordinator.
- B. Payment of the per diem shall be made after the attendance sheets are turned into the Paratransit Coordinator for accounting processing.

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- C. PAPCO members are eligible to receive up to two per diems per month for attendance at PAPCO, ACTIA Administration/ Legislation/ Finance Committee (ALF) and ACTIA Board meetings, and additional per diems for standing committees or eligible ad hoc committee meetings (i.e. Gap Grant review subcommittees) that result in funding recommendations to the Board.

- D. The PAPCO chair is eligible to receive up to four per diems per month for PAPCO related purposes for attendance at PAPCO, TAC, ACTIA ALF and Board meetings. The chair may also receive per diems for attending standing and eligible ad hoc committee meetings. When the vice-chair is requested to serve in place of the chair per Article VI, B, 2 these per diems apply.

Article XIII. Amendments

These bylaws may be amended, repealed or altered, in whole or in part, by a 2/3 vote at any duly organized meeting of PAPCO, provided that a copy of any amendment proposed for consideration shall be mailed to the last recorded address of each member at least ten (10) days prior to the date of the meeting.

These bylaws will be reviewed at minimum on an annual basis in June.

Article XIV. Conflict

In the event of any conflict between these Bylaws and the Expenditure Plan, Measure B, state law or any action lawfully taken by the ACTIA Board, the Expenditure Plan, Measure B, state law or the lawful action of the ACTIA Board shall prevail.

Summary of Revisions

June 2008

June 2007

June 2006

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October 2005

June 2004

June 2003

January 2003