



RESOLUTION No. 21-08

A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
AMENDING THE BYLAWS OF PARATRANSIT COORDINATING COUNCIL

WHEREAS, the NVTA Board created the Paratransit Coordinating Council (PCC) to advise the Board on transportation related issues as they impact senior citizens, the disabled, and persons of limited means; and

WHEREAS, NVTA periodically updates its committee bylaws to be consistent with current agency directives and state and federal law; and

WHEREAS, the PCC bylaws require changes to be adopted by the NVTA Board; and

WHEREAS, NVTA wishes to amend Paratransit Coordinating Council (PCC) bylaws to update outdated information and soften the language around committee membership allowing for more members at-large if specific seats cannot be filled;

NOW THEREFORE BE IT RESOLVED that the Napa Valley Transportation Authority hereby amends the bylaws for the Paratransit Coordinating Council to read in full as set forth in Exhibit "A" attached hereto and incorporated by reference herein and the attached provisions of Exhibit "A" shall become effective immediately.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on March 17, 2021, by the following vote:

Handwritten signature of Alfredo Pedroza

Alfredo Pedroza, NVTA Chair

Ayes:

- Garcia (2), Joseph (2), Canning (1), Kraus (1), Alessio (5), Sedgley (5), Pedroza (2), Ramos (2), Dohring (1), Ellsworth (1), Knight (1), Dunbar (1)

Nays:

None

Absent:

None

ATTEST:

Laura Sanderlin (e-sign)

Laura M. Sanderlin, NVTA Board Secretary

APPROVED:

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DeeAnne Gillick

DeeAnne Gillick, NVTA General Counsel

Paratransit Coordinating Council BYLAWS

Article I - NAME

The name of this committee shall be the Paratransit Coordinating Council (PCC). Establishment of the committee is authorized under section 4.4.4 of the Joint Powers Agreement of the Napa Valley Transportation Authority.

Article II - DUTIES AND AUTHORITY

Pursuant to Metropolitan Transportation Commission's policies related to Paratransit Coordinating Councils, attached as Attachment A, the PCC shall advise the Napa Valley Transportation Authority (NVTA) Board of Directors and the Metropolitan Transportation Commission (MTC) regarding setting priorities for transportation services, review and make recommendations regarding the submission of claims for certain funds and allocations consistent with its priorities, and address coordination of paratransit services within Napa County.

PCC shall have no independent duties and no authority to take actions that bind NVTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

Article III - MEMBERSHIP

All PCC members shall be appointed by the Napa Valley Transportation Authority, and serve at the pleasure of the Napa Valley Transportation Authority. There shall be a minimum of Four (4) voting members, with a maximum of Nine (9) voting members of the PCC, representing the following categories:

- (1) Consumer/user 60 years of age or older
- (1) Consumer/user persons with disabilities
- (1) Social services provider for seniors
- (2) Social services providers for persons with disabilities
- (1) Social services provider for persons of limited means.
- (2) Members of the public residing within an urbanized area
- (1) Member of the public residing within a nonurbanized area

Representatives of no more than two separated contracted transportation service providers may be included as ex-officio, advisory, non-voting members. Members may represent more than one of the above categories.

Initial appointments to the PCC shall be one-third for one year, one-third for two years, and one-third for three years. Subsequent appointments shall be for three years. Members shall draw lots to determine the term of initial appointment.

Article IV – MEMBERSHIP WITHDRAWAL

Membership may be withdrawn for any of the following reasons at the direction of the NVTA Executive Director:

1. Three (3) consecutive unexcused absences or five (5) absences in an eighteen month period
2. Misrepresentation at time of appointment with respect to personal use of NVTA's service
3. If a member does not reside in Napa County or ceases to represent the constituency to which the member was assigned

Article V – OFFICERS AND DUTIES

The PCC shall elect from its membership a chairperson and a vice chairperson. Nominations for officers shall be made at the September meeting with elections held at the November meeting, annually. New officers shall take office at the January meeting and hold office for one year.

The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The vice chairperson shall perform the duties of the chairperson when the chairperson is absent. In the event of a vacancy in the chairperson's position, the vice chairperson shall succeed as chairperson for the balance of the chairperson's term, and the Committee shall elect a successor to fill the vacancy in the vice chairperson's position as provided below. If both officers are absent from a meeting, the remaining members shall select one member to preside at the meeting.

The Chair may appoint ad hoc committees on an as-needed, non-scheduled basis to accomplish a specific task and report back to the full PCC. Ad hoc committees must have less than a quorum of PCC members and are exempt from the requirements of the Brown Act. The PCC may not direct the ad hoc committee on how to fulfill its function or when it should meet.

NVTA staff shall furnish clerical services to prepare and distribute PCC agendas, notices, minutes, correspondence and other documents and shall assign an employee to attend each meeting. NVTA shall maintain a record of all proceedings of the PCC as required by law and shall perform other duties as provided in these Bylaws.

Article VI - MEETINGS

The PCC shall meet at least bimonthly. A meeting calendar shall be adopted the first meeting in January each year.

A special meeting may be called by the chairperson. The meeting may be called, noticed, and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The Executive Director and General Counsel shall be given notice of all meetings.

Each member shall have one (1) vote and a quorum shall consist of a majority of filled positions present. A majority vote of the quorum shall be necessary to present an issue to the Executive Director and to the NVTA Board of Directors.

All actions of the committee shall require the approval of a majority of the quorum present.

Article VII – ADOPTION AND AMENDMENT OF BYLAWS

These Bylaws shall be adopted and amended by the PCC by the affirmative vote of a majority of its total membership and with the approval of the NVTA Board of Directors.

Article VIII - Parliamentary Procedure

The rules contained in the “Standard Code of Parliamentary Procedure”, by A. Sturgis, shall govern the Council in all cases to which they are applicable and not inconsistent with the bylaws of the Council.

Public Notice of all meetings shall be given pursuant to the Brown Act in compliance with the 72-hour posting deadline for regular meetings and the 24-hour deadline for special meetings.

Article IX – Prohibited Activities

No individual member shall represent the PCC to the general public or at a NVTA Board meeting without majority vote of a quorum at a PCC meeting prior to the representation.

No PCC member will represent NVTA to the general public without consent of the Executive Director (or designee) prior to the representation.

Article X –DISTURBANCE AND MEETING

Any person, including committee members, who commits disorderly or disruptive behavior which substantially delays, interrupts, impedes, disrupts or disturbs the proceedings of the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The chairperson may order any person, including committee members, removed from the Committee meeting who causes a disturbance or interferences with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

MTC Policies Related to Paratransit Coordinating Councils

The following provisions shall be applicable for TDA Article 4.5 claimants (PUC Sections 99275 et seq.) and Article 8 transit claimants (PUC Sections 99400(c) and (d)) effective immediately:

Role and Responsibilities of Paratransit Coordinating Councils:

A. Membership: Membership on the PCCs shall include representatives of paratransit providers, relevant public agencies including public transit operators, and paratransit users, including, but not limited to, the elderly, handicapped, minority and low-income, as well as representatives of urbanized and nonurbanized areas of the county. The executive committees of the PCCs, where they exist, shall reflect the diverse membership of the PCCs.

MTC staff will review the charter and organizational structure of each county's PCC to determine that appropriate groups are represented on the PCC and its executive committee.

B. Setting Priorities for Transportation Services: Priorities for transportation services (funded under Article 4.5 or Article 8) shall be developed by the PCCs for their respective counties and their communities. The PCCs shall consider the local and regional AB 120 Action Plans and the transit service recommendations of the Minority Transit Needs Assessment Project (MTNAP) as they develop priorities for transportation needs in their counties. MTC's policy is to encourage the use of Article 4.5 and Article 8 transit funds for coordinated services to meet the general transportation needs of persons eligible for service.

C. Submission of Claims to Paratransit Coordinating Councils: All claimants for Article 4.5 and Article 8 transit funds shall participate in their county Paratransit Coordinating Council. Copies of all claims for TDA Article 4.5 or Article 8 transit funds and the quarterly and annual reports that claimants are required to submit to MTC shall also be submitted by the claimants to the appropriate PCC for their review and recommendations to MTC. Copies of all applications for UMTA Section 16(b)(2) and Section 18 funds and any other requests for funds for paratransit services shall also be forwarded to the appropriate PCC(s) for their review and recommendations to MTC.

D. Review of Claims by Paratransit Coordinating Councils: Each PCC shall review all applications for TDA Article 4.5 and Article 8-transit funds according to its priorities for service. Each PCC shall present to MTC its recommendations for the allocation of Article 4.5 and Article 8 transit monies. These recommendations are advisory and not binding on MTC. MTC staff shall include the PCC recommendations with the staff evaluations presented to MTC's Grant Review and Allocations Committee.

Each PCC shall also review and make recommendations regarding priorities for UMTA Section 16(b)(2) applications and requests for UMTA Section 18 funds and any other requests for funds for paratransit services.

E. Coordination of Paratransit Services: Each Paratransit Coordinating Council shall address coordination of paratransit services within the county. Such coordination shall, to the maximum extent possible, involve the coordination of TDA-funded services with non-TDA-funded paratransit services. Coordination efforts shall include, but not be limited to, those activities described in the Social Service Transportation Improvement Act, Government Code Sections 15950 *et seq.* Each PCC shall develop definitions and policies regarding comparable fares and comparable services.

F. Coordination with Transit Services: Paratransit services shall complement and interface with transit services whenever possible. This coordination of paratransit services with fixed-route, public transit is especially important in areas where paratransit can provide transfers to regional trunkline transit service. Each Paratransit Coordinating Council shall address coordination between paratransit services and fixed-route services as part of their planning effort.

The following provisions shall be applicable for TDA Article 4.5 claimants (PUC Sections 99275 et seq.) and Article 8 transit claimants (PUC Sections 99400(c) and (d)), effective with claims for FY 1983-84.

I. Definitions:

A. "Special Transportation Services" are intended to serve those population groups who cannot use existing conventional fixed-route, public transit services and facilities for any of the following reasons:

- The traveler, because of age or disability (as determined by the local PCC priority process) cannot use existing public transit.
- Local public transit service is not otherwise available in the area or for the trip required.
- The majority of route miles are within the nonurbanized area of a nonurbanized county, as determined by the 1980 federal census.

Standards and definitions for determining whether a program qualifies as a "special transportation service" shall be adopted by each county's PCC, subject to review by MTC's Grant Review and Allocations Committee at the time claims are considered for approval.

B. "Operating Cost" means all costs in the operating expense object classes exclusive of the costs in the depreciation and amortization expense object class of the Uniform System of Accounts and Records adopted by the State Controller pursuant to PUC Section 99243 and exclusive of all direct costs for providing charter services and exclusive of all vehicle lease costs and exclusive of the costs of the following, for which, notwithstanding 21 Cal. Admin. Code Section 6634(e), MTC may allocate Article 4.5 and Article 8-transit funding:

- a) a performance audit;
- b) special planning studies or demonstration projects, including those funded with State Transit Assistance (STA) funds); and
- c) Paratransit Coordinating Council staffing for purposes such as planning and administration: however, other planning and administration costs funded under PUC Section 99275 and 99400(d) shall not be excluded.

For the purpose of determining a transit service claimant's compliance with its local match requirement, "operating cost" shall also exclude liability and casualty insurance premiums and payments in settlement of claims arising out of the transit service claimant's liability. This exclusion shall remain effective only until June 30, 1991 and shall not apply for purposes of determining a claimant's maximum eligibility for TDA/STA funds.

In the case of a transit service claimant that is allocated funds for payment to an entity which is under contract with it to provide transportation services, "operating cost" also includes the amount of the fare revenues that are received by the entity providing the services and not transferred to the claimant.

The above definition shall apply in lieu of PUC Section 99247(a) and 99268.17 and 21 Cal. Admin. Code 6611.1.

C. "Local Match" means the revenue object classes 401, 402, and 403 as specified in Section 630.12 of Title 49 of the Code of Federal Regulations, as now or as may hereafter be amended, and private contributions, funds available under the Older Americans Act of 1965 (as amended) or through agreement with a Regional Center for persons with developmental disabilities (referenced in Welfare and Institutions Code Sections 4620 et seq.), and local support revenues in revenue account object classes 406, 408, 409 (excluding funds allocated under the Transportation Development Act or the State Transit Assistance Program), 410, 413.991, 430 and 440 of the Uniform System of Accounts and Records adopted by the Controller pursuant to PUC Section 99243, as now or as hereafter may be amended.

Contributed services reported under revenue object class 430 shall be considered local match only to the extent that the value of these services is reported as a contra account for expense. Contributed services of a paid employee of the transit service claimant or another entity shall be valued at a rate not to exceed the hourly wage of that employee for the number of hours that can be verified by the annual independent audit. Contributed services of a volunteer shall be valued at a rate not to exceed the federal minimum wage for the number of hours that can be verified by the annual independent fiscal audit.

The above definition shall apply in lieu of PUC Section 99205.7.

D. Service Extensions: The required ratio of local match to operating cost prescribed by this resolution shall not apply to an extension of transportation services until two years after the end of the fiscal year in which the extension of services was put into operation. As used in this section, "extension of transportation services" shall include additions of geographical areas or route miles, or improvements in service frequency or hours of service greater than 25 percent of the route total, or the addition of new days of service, and for transit service claimants also includes the addition of a new type of service, such as van, taxi, or bus. Within 90 days after the end of each year of implementation, the claimant shall submit to MTC a report on the extension of public transportation services, including, but not limited to, the area served, the revenues generated, and the cost to provide the extended services.

In addition, for a claimant that is designated a consolidated transportation service agency (CTSA), coordination activities undertaken to implement an action plan to meet the legislative intent expressed in Section 15951 of the Government Code shall be considered an extension of public transportation services. Such coordination activities are limited to activities initiated after designation as a CTSA which include ongoing coordination with non-TDA-funded social service transportation services as well as TDA claimants. Any questions concerning whether an activity falls within the above limits shall be resolved by MTC.

The above definition shall apply in lieu of PUC Section 99268.8.

E. "Community" is defined as a population group sharing common interests within a geographic area.

II. General Rules:

A. For Special Transportation Service Claimants: The maximum contribution of TDA and STA funds to a special transportation service (as defined above) claimant shall be 90% of total operating costs (as defined above). For any fiscal year, at least 10% of the operating cost of a special transportation service shall be provided with local match revenues (as defined above).

B. Other Claimants: All claimants for TDA Article 4.5 or Article 8 transit funds that are determined by MTC to not qualify as special transportation services shall be considered as providers of general transportation. The maximum contribution of TDA and STA funds for such general transportation shall be 80% of total operating costs (as defined above). For any fiscal year, at least 20% of the operating cost of a general transportation service shall be provided with local match revenues (as defined above).

However, for a transit service claimant providing general transportation in a county with a population of 500,000 or less and serving an urbanized area, MTC may set the maximum contribution of TDA and STA funds for the service at no more than 85% and the local match requirement at not less than 15% if a finding is made pursuant to PUC Section 99268.12.

C. Noncompliance with Local Match Requirements: Noncompliance with the above stated local match provisions during Fiscal Year 1983-84 1986-87 or future fiscal years shall result in a reduction in the claimant's eligibility to receive TDA and STA by the amount of the difference between the required local match and the actual local match, as prescribed by PUC Section 99268.9 and 21 Cal. Admin. Code Section 6633.9.

D. Fare Coordination: Comparable fares shall be charged for comparable services throughout each county.

E. Separability: If a claimant is responsible for more than one type or area of service, the claimant may request that these rules may be applied separately or collectively to the services provided by the claimant. However, quarterly and annual reports shall be submitted for each service.

F. Maximum Allocation of TDA Article 4.5 Funds: It is MTC policy that, pursuant to PUC Code Section 99233.7, 5 percent of the funds available shall be allocated, in those counties with eligible claimant(s), for community transit purposes. Unused funds made available for Article 4.5 purposes in one year shall be reserved in the Local Transportation Fund for use in subsequent years for Article 4.5 purpose