

**Palm Beach County
Transportation Disadvantaged
Local Coordinating Board**

FY 2019 By-Laws

**Approved by the TDLCB
September 25, 2018**

ARTICLE 1: PREAMBLE

Section A: Preamble

The following sets forth the by-laws that shall serve to guide the proper functioning of the coordination of transportation services provided to the transportation disadvantaged in Palm Beach County through the Transportation Disadvantaged Local Coordinating Board. The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, Florida Statutes (FS), Rule 41-2, Florida Administrative Code (FAC), and subsequent laws setting forth requirements for the coordination of transportation services to the transportation disadvantaged.

ARTICLE 2: DEFINITIONS, NAME, LEGAL STATUS, PURPOSE, AND ETHICAL OBLIGATIONS

Section A: Definitions

Commission for the Transportation Disadvantaged (also known as the "Commission"): an independent state agency created to accomplish the coordination of transportation services provided to the transportation disadvantaged population.

Community Transportation Coordinator (also known as the "CTC" or "Coordinator"): a transportation entity recommended by the appropriate planning agency as provided for in Section 427.015(1), Florida Statutes, and approved by the Commission, to ensure that coordinated transportation services are provided to serve the transportation disadvantaged population in a designated service area.

Designated Official Planning Agency (also known as the "DOPA"): the official body or agency designated by the Commission to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization. The Metropolitan Planning Organization shall serve as the planning agency in areas covered by such organizations.

Non-sponsored Trip: a trip which is not subsidized in part or in whole by any local, state, or federal government funding source, other than the Transportation Disadvantaged Trust Fund.

Sponsored Trip: a passenger trip that is subsidized in part or in whole by a local, state, or federal government funding source (not including monies provided by the TD Trust Fund).

Transportation Disadvantaged: those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are disabled or high-risk or at-risk as defined in Section 411.202, Florida Statutes.

Transportation Disadvantaged Service Plan (also known as the "TDSP"): a three-year implementation plan, with annual updates developed by the CTC and the planning agency which contains the goals the CTC plans to achieve and the means by which they plan to achieve them. The plan shall be approved and used by the Coordinating Board to evaluate the coordinator.

Transportation Disadvantaged Trust Fund (also known as the "TDTF"): a fund administered by the Commission for the Transportation Disadvantaged in which all fees collected for the transportation disadvantaged program shall be deposited. The funds deposited will be appropriated by the legislature to the Commission to carry out the Commission's responsibilities. Funds that are deposited may be used to subsidize a portion of a transportation disadvantaged person's transportation costs which are not sponsored by an agency.

Transportation Operator: one or more public, private for profit, or private non-profit entities contracted by the Community Transportation Coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated transportation service plan.

Section B: Name

The name of the Local Coordinating Board shall be the Palm Beach County Local Coordinating Board, hereinafter referred to as the "LCB."

Section C: Legal Status of Board

The LCB is an advisory body. It is established in section 427.0157, FS, to advise the Commission and the CTC about local concerns and issues. Florida Statutes define an advisory body as: a body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

Section D: Purpose

The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Palm Beach County Community Transportation Coordinator, hereinafter referred to as the "CTC", on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System. The LCB is recognized as an advisory body to the Commission for the Transportation Disadvantaged.

Section E: Ethical Obligations

Advisory boards are subject to State ethics laws. Two provisions of the Code of Ethics apply to LCB members: Standards of Conduct and Voting Conflicts.

1. Standards of Conduct LCB members may NOT:

- Solicit or Accept Gifts
- Do Business with One's Agency
- Collect Unauthorized Compensation
- Misuse the Public Position
- Hold Conflicting Employment or a Contractual Relationships
- Disclose or Use of Certain Information

2. Voting Conflicts, No member of a board or commission who is present at any meeting of the board or commission at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting. The member's vote must be recorded or counted as with each member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the Code of Ethics (Section 112.3143, FS).

LCB members are NOT required to file financial disclosure forms with the Florida Ethics Commission.

ARTICLE 3: MEMBERSHIP, APPOINTMENT, TERM OF OFFICE, AND TERMINATION OF MEMBERSHIP

Section A: Voting Members

In accordance with Chapter 427.012 F.S., all members of the LCB shall be appointed by the Designated Official Planning Agency, hereinafter referred to as the "DOPA". The DOPA for the Palm Beach County Transportation Disadvantaged program, as designated by the Commission, shall be the Palm Beach Metropolitan Planning Agency doing business as the Palm Beach Transportation Planning Agency (TPA). The following agencies or groups shall be represented on the LCB as voting members, pursuant to 41-2.012(3) (a-p):

1. A local representative of the Florida Department of Transportation;
2. A local representative of the Florida Department of Children and Families;
3. A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office, or Headstart Program in areas where the School District is responsible;
4. In areas where they exist, a local representative of the Florida Division of Vocational Rehabilitation or the Division of Blind Services, representing the Department of Education;

5. A person recommended by the local Veterans Service Office representing the veterans in the county;
6. A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county;
7. A person over sixty representing the elderly in the county;
8. A person with a disability representing the disabled in the county;
9. Two citizen advocate representatives in the county; one who must be a person who uses the transportation services(s) of the system as their primary means of transportation;
10. A local representative representing children at risk;
11. In areas where they exist, the Chair or designee of the local Mass Transit or Public Transit System's board, except in cases where they are also the Community Transportation Coordinator;
12. A local representative of the Florida Department of Elder Affairs;
13. An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non- profit representative will be appointed, except where said representative is also the Community Transportation Coordinator;
14. A local representative of the Florida Agency for Health Care Administration;
15. A representative of the Regional Workforce Development Board established in Chapter 445, FS; and
16. A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, assisted living facilities, hospitals, local health departments or other home and community based services, etc.

Section B: Alternate Members

Alternates are to be appointed in writing to the DOPA by an agency representative. Each alternate may vote only in the absence of that member on a one-vote-per-member basis. No alternates will be appointed for non-agency representative members of the LCB.

Section C: Technical Advisors

With a majority vote of a quorum of the LCB, technical advisors may be approved for the purpose of providing the LCB with technical advice as necessary.

Section D: Terms of Appointment

Pursuant to Rule 41-2.012(4) FAC, except for the Chair, the non-agency members of the LCB shall be appointed for three-year staggered terms with initial membership being appointed equally for one, two, and three years. The Chair shall serve until elected term of office has expired or otherwise replaced by the DOPA.

Section E: Attendance

LCB members are expected to attend scheduled meetings on a regular basis. LCB membership appointment shall be automatically rescinded for lack of attendance. Lack of attendance is defined as an unexcused absence at three (3) consecutive meetings. Any member who intends to be absent from an LCB meeting shall notify the DOPA of their intended absence at least one business day prior to the meeting; absence at a meeting without prior notification shall be considered an unexcused absence. The LCB shall notify the Commission if any state agency voting member or their alternate fails to attend three consecutive meetings.

Section F: Termination of Membership

Any members of the LCB may resign at any time by notice in writing to the Chair. Unless otherwise specified in such notice, such resignation shall take effect upon receipt thereof by the Chair.

ARTICLE 4: OFFICERS AND DUTIES

Section A: Number

The officers of the LCB shall be a Chair and a Vice Chair.

Section B: Chair

The DOPA appoints an elected official to serve as the official Chair for all LCB meetings. The Chair shall be appointed to serve until the elected term of office has expired or is otherwise replaced by the DOPA. The DOPA shall replace or reappoint the Chair at the end of his/her term.

Section C: Vice Chair

The LCB shall hold an organizational meeting each year for the purpose of electing a Vice Chair. The Vice Chair shall be elected by a majority vote of a quorum of the members of the LCB present and voting at the organizational meeting. The Vice Chair shall serve a term of one year starting with the next meeting. The Vice Chair shall assume the powers and duties of the Chair in his/her absence. The Vice Chair may serve more than one term.

ARTICLE 5: LCB MEETINGS

Section A: Access to Meetings

The Sunshine Law prohibits the LCB from holding meetings at any facility or location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or that operates in such a manner as to unreasonably restrict public access to such a facility.

Section 286.26, FS, directly addresses accessibility to public meetings for the physically disabled.

Section B: Americans with Disabilities Act

The LCB must adhere to the Americans with Disabilities Act (ADA) that prohibits the discrimination of disabled citizens in employment, public services, transportation, public accommodations and telecommunications.

Title II of the ADA prohibits qualified individuals with a disability from being excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity. The LCB must ensure that communications with participants and members of the public with disabilities are as effective as communications with others.

Section C: Government in the Sunshine

LCB's must follow the Government-In-The-Sunshine Law (Chapter 286, FS). The law provides a right of access to governmental proceedings at both the state and local levels. It applies to elected and *appointed* boards and to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

The basic elements of the Sunshine law that the LCB must follow include:

- Meetings of boards must be open to the public;
- Reasonable notice of such meetings must be given; and
- Minutes of the meeting must be taken.

Section D: Regular Meetings

The LCB shall meet as often as necessary in order to meet its responsibilities. However, as required by Chapter 427.0157 FS, the Board shall meet at least quarterly.

Section E: Emergency/Special Meetings

The Chair may convene emergency/special meetings of the LCB as deemed necessary provided that proper notice is given to all members of the LCB, and other interested parties within a reasonable amount of time prior to the special meeting.

Section F: Notice and Recording of Meetings

The DOPA shall give one week notice of the proposed agenda for the LCB meetings to the LCB members, the appropriate Commission Regional Manager, mailing lists/Committee Members list and on the Palm Beach TPA's web site (www.PalmBeachTPA.org/LCB). Specific meeting dates will be advertised in The Palm Beach Post, El Latino Semanal, Palm Tran's web site and the mailing list. The CTC shall have the agenda materials available and delivered to the LCB members no less than one

week in advance of the LCB meetings. The LCB should give special consideration to the advanced delivery time of certain technical or detailed documents, such as the TDSP. The agenda shall include a public participation opportunity. Meeting notices will include at a minimum, the following items:

- Name of LCB
- Address of meeting place
- Type of meeting
- Time of meeting
- Who to contact for special needs

For Emergency Special Meeting Notices and Committee Meeting Notices the DOPA shall give LCB members and others one-week notice, if possible, of the date, time location and proposed agenda for the LCB committee meetings and emergency meetings. Meeting materials shall be provided as early as possible.

If an agenda is not available with the notice of the meeting, then a summary of the subject matter of what will be discussed might be used, particularly if the item is controversial or one of critical public concern. The LCB should postpone taking action on any issue until it has been adequately noticed.

Section G: Quorum

At all meetings of the Board, the presence in person of at least one-third (1/3) of the voting members, or their alternates, shall be necessary and sufficient to constitute a quorum for the transaction of business. A minimum of three (3) voting members must be present to hold a meeting. Positions on the Board, as specified in Article 3, Section A, which are temporarily vacant, shall not be included in the number of persons required to be present in order to constitute a quorum. In the absence of a quorum, the Chair or Vice Chair may, without notice other than by announcement at the meeting, recess the meeting until a quorum shall be present. Any such recessed meeting shall be then conducted as a "workshop". At any such workshop, items on the agenda which were scheduled for Board action shall be deferred until either a quorum of voting members or their alternates arrives at the meeting, or until the next scheduled meeting of the Board. Board members present at a workshop may discuss agenda items for informational purposes only and may receive comments from any members of the general public in attendance, however no formal Board action can be taken on any such topics until such time as the Board meets with a full quorum.

Section H: Voting

At all meetings of the Board at which a quorum is present, all matters, except as otherwise expressly required by law or these by-laws, shall be decided by the vote of a majority of the members of the Board present. All members must vote.

Section I: Parliamentary Procedures

The Board will conduct business using parliamentary procedures according to *Robert's Rules of Order*.

ARTICLE 6: STAFF

Section A: General

The Palm Beach County Board of County Commissioners through the Palm Beach Transportation Planning Agency (TPA), the Designated Official Planning Agency, provides staff for the LCB.

Section B: Responsibilities of the Staff

The MPO shall provide the LCB with sufficient staff support and resources to manage and oversee the responsibilities of the LCB as set forth in Chapter 427, FS, Rule 41-2, FAC, Commission policies, and the *Program Manual for Transportation Disadvantaged Planning Related Services* as revised August, 2017. This includes, but is not limited to, assistance in the scheduling of meetings; training board members; evaluating cost effectiveness; reviewing the local Transportation Disadvantaged Service Plan; preparing, duplicating and distributing meeting packets; and, other necessary administrative duties as required by the Board within the limits of available resources.

ARTICLE 7: BOARD DUTIES

Section A: LCB Duties

The Board shall perform the following duties as specified in the Local Coordinating Board and Planning Agency Operating Guidelines (August, 2017):

1. Review and make recommendations regarding the approval of the Memorandum of Agreement between the newly recommended CTC and the Commission;
2. Annually review, make recommendations and approve the Transportation Disadvantaged Service Plan (TDSP). The LCB shall ensure that the TDSP has been developed by involving all appropriate parties in the process, to include, but not be limited to, the public, planning agency staff, and CTC;
3. Annually, provide the TPA/planning Agency with an evaluation of the CTC's performance in general and relative to Insurance, Safety Requirements and Standards as referenced in Rule 41-2.006, FAC, and the performance results of the most recent TDSP (41-2.012(5)(b) FAC). As part of the CTC's performance, the LCB shall also set an annual percentage goal increase (or establish a percentage) for the number of trips provided within the system to be on public transit where such services are available. The LCB shall utilize the Commission's Quality Assurance Performance Evaluation Tool to evaluate the performance of

the CTC. This evaluation Tool and Summary will be submitted to the Commission upon approval by the LCB. In areas where a planning agency serves as the CTC, the planning agency shall abstain from any official actions that represent a conflict of interest, especially in the evaluation process of the CTC;

4. In cooperation with the CTC, review and provide recommendations to the Commission and the TPA or Designated Official Planning Agency, on all applications for local government, state or federal funds relating to transportation of the transportation disadvantaged in the designated service area to ensure that any expenditures within the designated service area are provided in the most cost effective and efficient manner (427.0157(3), FS). The accomplishment of this requirement shall include the development and implementation of a process by which the Coordinating Board and CTC have an opportunity to become aware of any federal, state or local government funding requests and provide recommendations regarding the expenditure of such funds. Such funds may include expenditures for operating, capital or administrative needs. Such a process should include at least:
 - a. Review of applications to ensure that they are consistent with the TDSP. This review shall consider:
 - i. The need for the requested funds or services;
 - ii. Consistency with local government comprehensive plans;
 - iii. Coordination with local transit agencies, including the CTC;
 - iv. Consistency with the TDSP;
 - v. Whether such funds are adequately budgeted amounts for the services expected; and,
 - vi. Whether such funds will be spent in a manner consistent with the requirements of coordinated transportation laws and requirements.
 - b. Notify the Commission of any unresolved funding requests without delays in the application process.
5. When requested, assist the CTC in establishing eligibility guidelines and trip priorities.
6. Review coordination strategies or service provision to the transportation disadvantaged in the designated service area to seek innovative ways to improve cost effectiveness, efficiency, safety, operating hours and types of service in an effort to increase ridership to a broader population (427.0157(5) FS). Such strategies should include:
 - a. Supporting inter- and intra-county agreements to improve coordination as a way to reduce costs for service delivery, maintenance, insurance, or other identified strategies; and

- b. Seeking the involvement of the private and public sector, volunteers, public transit, school districts, elected officials and others in any plan for improved service delivery.
7. Appoint a Grievance Committee to serve as a mediator to hear and investigate grievances, from agencies, users, transportation operators, potential users of the system, and the CTCs in the designated service area, and make recommendations for the Local Coordinating Board or to the Commission, when local resolution cannot be found, for improvement of service. The LCB shall establish a process and procedure to provide regular opportunities for issues to be brought before such committee and to address them in a timely manner in accordance with the Commission's Local Grievance Guidelines. Rider brochures or other documents provided to users or potential users of the system shall provide information about the complaint and grievance process including the publishing of the Commission's TD Helpline service when local resolution has not occurred. All materials shall be made available in accessible format, upon request by the citizen. Members appointed to the committee shall be voting members of the LCB. (41-2.012(5)(c), FAC).
8. Annually review coordination contracts to advise the CTC whether the continuation of said contract provides the most cost effective and efficient transportation available (41-2.008(3) FAC).
9. Annually hold at a minimum, one Public Meeting/Workshop for the purpose of receiving input regarding unmet needs or any other areas that relate to the local transportation services. The public meeting/workshop will be held at a place and time that is convenient and accessible to the general public. In order that additional funding is not used or needed to accommodate this requirement, it is recommended that the public meeting/workshop be held in conjunction with a regular business meeting of the coordinating Board (immediately following or prior to the LCB meeting).

NOTE: This must be completely separate meeting not simply an opportunity to provide public comment during the quarterly LCB meeting. The public meeting/workshop must be noticed as a separate meeting, have its own agenda and minutes. A public meeting/workshop held jointly with the Commission will satisfy this annual requirement.

10. All coordinating board members should be trained on and comply with the requirements of Section 112.3143, Florida Statutes, concerning voting conflicts of interest (41-2.012(5)(d) FAC).
11. Work cooperatively with regional workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program (427.0157(7), FS); and

12. Evaluate multi county or regional transportation opportunities (427.0157(6), FS).

ARTICLE 8: COMMITTEES

Section A: Grievance Committee

Rule 41-2, FAC, requires the LCB to appoint a Grievance Committee to process and investigate complaints from agencies, users, potential users of the system and the CTC in the designated service area. The Chair shall appoint LCB voting members to this committee.

Section B: Committees

Committees shall be designated by the Chair as necessary to investigate and report on specific subject areas of interest to the LCB. All committees can be assembled and dissolved as deemed necessary, with the exception of the Grievance. The Chair shall serve as an ex-officio member of all committees. Each committee shall elect a Chair from its membership.

ARTICLE 9: COMMUNICATION WITH OTHER AGENCIES AND ENTITIES

Section A: General

The LCB may communicate directly with other agencies and entities as necessary to carry out its duties and responsibilities in accordance with Rule 41-2, FAC.

ARTICLE 10: AMENDMENTS

Section A: General

The by-laws may be amended by a majority vote of members present, if a quorum exists, providing the proposed change(s) is/are mailed to all members at least seven (7) days in advance of the meeting.

ARTICLE 11: CERTIFICATION

The undersigned hereby certifies that he is the Chair of the Local Coordinating Board and that the foregoing is a full, true and correct copy of the by-laws of this LCB as adopted on the 25th day of September, 2018.

Approved: _____



Steven Grant, Chair
Palm Beach County Local Coordinating Board