

BYLAWS FOR THE COMMITTEE FOR TRANSIT ACCESSIBILITY

Article I GENERAL PROVISIONS

§1.1 Purpose

These Bylaws govern the proceedings of the Committee for Transit Accessibility, an advisory committee established by the Board of Directors of the Santa Clara Valley Transportation Authority (VTA).

§1.2 Construction of Bylaws

Unless the provisions or the context of these Bylaws otherwise require, the general provisions, rules of construction and definitions set forth in Chapter 1 of the Santa Clara Valley Transportation Authority Administrative Code shall govern the construction of these Bylaws. As used in these Bylaws, “Committee” means the Committee for Transit Accessibility. These Bylaws shall govern the Committee’s proceedings to the extent they are not inconsistent with the VTA Administrative Code or law.

§1.3 Definitions

- a. As used in these Bylaws, “chairperson” means the chairperson of the Committee.
- b. As used in these Bylaws, “first vice chairperson” means the first vice chairperson of the Committee.
- c. As used in these Bylaws, “secretary” means the secretary of the Committee.
- d. As used in these Bylaws, “second vice chairperson” means the second vice chairperson of the Committee.

Article II DUTIES AND AUTHORITY

§2.1 Duties

It shall be the duty of the Committee to perform the functions of a paratransit coordinating council and to advise the Board of Directors, the Metropolitan Transportation Commission (with Board concurrence), and staff on all matters pertaining to paratransit services in Santa Clara County. The Committee shall advise the Board of Directors and staff concerning accessibility of all VTA transit services, vehicles, equipment, facilities, programs, as well as other matters including service and program policies pertaining to accessibility for persons with

disabilities, and compliance of such elements with the Americans with Disabilities Act (ADA) and other laws which pertain to access to services within VTA's purview for persons with disabilities. The Committee shall perform such additional duties as may be assigned by the Board of Directors.

§2.2 Limitations on Authority

The Committee serves in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee 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

§3.1 Membership

The Committee shall be composed of 21 voting members appointed by the Board of Directors as follows:

Persons with Disabilities: 12 Members - Each member of the Board of Directors shall nominate one individual. Nominees shall be appointed to the Committee by an affirmative vote of the Board of Directors. These nominees should be representative of various kinds of disabilities as much as possible and should be familiar with both fixed route public transit services and paratransit services. The nominees should be balanced between persons who are users of fixed route services and users of paratransit services as much as possible. Members in this category shall be residents of Santa Clara County throughout their terms of membership.

If a member of the Board of Directors fails to nominate a person with a disability as provided in this section, the Chairperson of the Board of Directors may nominate any qualified applicant to fill the position.

Agencies and/or Businesses: 9 Members – The Chairperson of the Board of Directors shall nominate agencies and businesses from a list of applicants. Nominees shall be appointed to the Committee by an affirmative vote of the Board of Directors. Nine agencies and/or businesses shall serve on the Committee and shall each designate an employee who is knowledgeable about and has job duties related to Committee duties or transportation matters pertaining to persons with disabilities. Each agency or business may change its designated representative no more than one time during each calendar year. To be eligible, the agency or business shall serve seniors or persons with disabilities, or both, or make accommodations specific to the access needs of seniors and persons with disabilities, and demonstrate an interest in public transit. In addition, preference shall be given to agencies and businesses which:

1. Serve the majority of the county area or provide services county-wide, or represent specific regional areas.

2. Represent persons not represented by other appointees.

§3.1.1 Membership (Ex-Officio)

The Committee shall also include 2 ex-officio (non-voting) members as follows:

Paratransit Broker: 1 Ex-Officio Member VTA's contract paratransit broker shall designate one ex-officio, non-voting member. If the member is unable to attend a Committee meeting, the member shall designate a substitute to attend the meeting.

VTA Board of Directors: 1 Ex-Officio Member The Chairperson of the Board of Directors shall designate one member of the VTA Board of Directors to serve as an ex-officio, non-voting member.

§3.2 Members' Terms

The term of membership of each Committee member shall be two years, commencing on January 1, in accordance with the schedule for staggered terms adopted by the committee. Members may be re-appointed for successive terms.

§3.3 Vacancies

Vacancies shall be filled for the remainder of the term by the Chairperson of the Board of Directors from nominations made by him or her or by the Board Member who nominated the original appointee or that Board Member's successor, as the case may be.

However, if a membership position designated for persons with disabilities becomes vacant and remains vacant for three consecutive months, the Chairperson of the Board of Directors may appoint any qualified applicant to fill the position for the remainder of the unexpired term.

§3.4 Representative to Citizens Advisory Committee

The Committee shall also appoint one individual from its membership to serve as a voting member on VTA's Citizens Advisory Committee (CAC), to provide the connection for communication and collaboration between the two committees. Appointment of this position is subject to the following provisions:

- a. The representative must be a voting CTA member and must be in good standing.
- b. The representative must meet all established CAC membership requirements during their term on the CAC.
- c. The term of appointment shall be two years, commencing on January 1 of even-numbered years. The CAC representative may be reappointed for successive terms.
- d. The representative shall serve on the CAC until resignation from the position or the CTA, or removal by the Committee or the Board.

- e. Appointment by the Committee requires approval by a majority of the membership as provided under Section 5.4.
- f. Appointment requires Board of Directors ratification.
- g. Vacancies shall be filled for the remainder of the term by the Committee following the established appointment process and meeting all established criteria for this positional.

Article IV OFFICERS

§4.1 Chairperson and Vice Chairperson

The Committee shall elect from its membership a chairperson, a first vice chairperson and a second vice chairperson at its last meeting of the calendar year, to serve for one-year terms beginning with the first meeting of each calendar year. The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The first vice chairperson shall perform the duties of the chairperson when the chairperson is absent. The second vice chairperson shall perform the duties of the chairperson when the chairperson and first vice chairperson are absent. In the event of a vacancy in the chairperson's position, the first vice chairperson shall succeed as chairperson for the balance of the chairperson's term, the second vice chair shall succeed to the first vice chair and the Committee shall elect a successor to fill the vacancy in the second vice chairperson's position as provided below. In the event of a vacancy in the first vice chairperson's position, the second vice chair shall succeed to the first vice chair, and the Committee shall elect a successor from its membership to fill the second vice chairperson's position for the remainder of the second vice chairperson's term. In the event of a vacancy in the second vice chairperson's position, the Committee shall elect a successor from its membership to fill the second vice chairperson's position for the remainder of the second vice chairperson's term.

The Committee shall appoint a nominating committee to nominate Committee members for the positions of chairperson, first vice chairperson and second vice chairperson. Members willing to serve in these positions may submit their names to the nominating committee for nomination. Members may also submit names of other members for nomination. The nominating committee shall verify that members whose names have been submitted are willing serve in those positions. The nominating committee shall submit to the Committee the names of those members whom it has nominated and recommends for election. Notwithstanding these procedures, any member may nominate a member from the floor.

§4.2 Secretary

The Secretary of the Board of Directors shall furnish clerical services to prepare and distribute the Committee's agendas, notices, minutes, correspondence and other documents and shall assign an employee to attend each meeting of the Committee to serve in the capacity as the Committee's secretary. The secretary shall maintain a record of all proceedings of the Committee as required by law and shall perform other duties as provided in these Bylaws.

Article V MEETINGS

§5.1 Regular Meetings

Regular meetings of the Committee shall be held on the second Wednesday of each month commencing at 1:00 p.m. Meetings shall be held at the Transportation Authority Administrative Offices, 3331 North First Street, San Jose, California. Whenever a regular meeting falls on a holiday observed by VTA, the meeting shall be held on another day or canceled at the direction of the Committee. A rescheduled regular meeting shall be designated a regular meeting.

§5.2 Special Meetings

A special meeting may be called by the chairperson with the approval of the General Manager. The meeting shall be called and noticed as provided in Section 5.3 below. (For a general description of the noticing procedures, see the Rules of Procedure of the Board of Directors.)

§5.3 Calling and Noticing of Meetings

All meetings shall 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 General Manager and General Counsel shall be given notice of all meetings. The Committee shall meet at least once every three months, unless the Committee's activities are suspended.

§5.4 Quorum; Vote; Committee of the Whole

The presence of 11 members shall constitute a quorum for the transaction of business. All official acts of the Committee shall require the affirmative vote of 9 members or a majority of the members present whichever is greater. At any regularly called meeting not held because of a lack of a quorum, the members present may constitute themselves a "committee of the whole" for the purpose of discussing matters on the agenda of interest to the committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.

§5.5 Thirty Minute Rule

If a quorum has not been established within thirty minutes of the noticed starting time for the meeting, the secretary and clerical support staff shall be excused from further attendance at the meeting.

§5.6 Absences

If a member is absent from six Committee meetings in any twelve-month period, the position shall automatically be vacated and a successor shall be appointed to fill the remainder of that member's term. Absences in any twelve-month period shall apply to all voting members.

§5.7 Matters Not Listed On the Agenda Requiring Committee Action

Except as provided below, a matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda under any of the following conditions:

- a. Upon a determination by an affirmative vote of the Committee that an emergency exists, as defined in Section 54956.5 of the Government Code.
- b. Upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action and the need to take action came to the attention of VTA subsequent to the agenda being posted.
- c. The item was properly posted for a prior meeting of the Committee not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
- d. By directing staff to place an item of business for discussion and/or action on a subsequent agenda. (This is an appropriate action for issues raised under Public Presentations.)

§5.8 Time Limits for Speakers

Each member of the public appearing at a Committee meeting shall be limited to two minutes in his or her presentation, unless the chairperson, at his or her discretion, permits further remarks to be made. Any person addressing the Committee may submit written statements, petitions or other documents to complement his or her presentation.

Each member of the Committee shall be limited to five minutes for his or her presentation on each agenda item, unless the chairperson, at his or her discretion, permits further remarks to be made. The Committee, by a majority vote of its membership as provided in Section 5.4, may grant additional time for a member to speak.

§5.9 Impertinence; Disturbance of Meeting

Any person making personal, impertinent or indecorous remarks while addressing 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 removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

§5.10 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a Committee meeting shall be made available for public inspection at the meeting if prepared by VTA or a member of the Committee or after the meeting if prepared by some other person.

Writings prepared by a Committee member or staff and distributed to the Committee in connection with the transaction of Committee business shall be prepared and presented to the Committee in an accessible format that is usable by persons with disabilities, or made available in an accessible format to those who request it after the meeting. Members who distribute general informational materials at committee meetings, which are not for discussion by the Committee, are encouraged to comply with the foregoing provisions.

Article VI AGENDAS AND MEETING NOTICES

§6.1 Agenda Format

The agenda shall specify the starting time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the subject matter of each agenda item. The agenda may include recommendations for Committee action as appropriate. The order of business shall be established by the secretary with the approval of the chairperson.

§6.2 Public Presentations

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading "Public Presentations." The Committee shall not act upon an item that is not listed on the agenda except as provided under Section 5.8. Each notice for a special meeting shall provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

§6.3 Agenda Preparation

The secretary shall prepare the agenda for each meeting in consultation with VTA staff and the chairperson. Material intended for placement on the agenda shall be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. The secretary may withhold placement on the agenda of any matter which is not timely received, lacks sufficient information or is in need of staff review and report prior to Committee consideration. Any member of the Committee may request that such withheld matter be placed on the agenda by contacting the secretary in advance of the meeting.

§6.4 Agenda Posting and Delivery

The written agenda for each regular meeting and each meeting continued for more than five calendar days shall be posted by the secretary at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by the secretary at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents shall be delivered to each Committee member, the General Manager and General Counsel at least five days before each regular meeting and at least 24 hours before each special meeting.

§6.5 Meeting Notices

The secretary shall mail notice of every regular meeting, and every special meeting which is called at least one week prior to the date set for the meeting, to each person which has filed with the District a written request for notice as provided in Section 54954.1 of the Government Code. The notice shall be mailed at least one week prior to the date set for the meeting. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given, as the secretary deems practical.

Article VII MISCELLANEOUS

§7.1 Adoption and Amendment of Bylaws

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

§7.2 Robert's Rules

All rules of order not herein provided for shall be determined in accordance with *Robert's Rules of Order*, latest edition.

Adopted: February 14, 1996
Approved by Board of Directors: May 2, 1996

Amended: August 1998
Approved by the Board of Directors: September 3, 1998

Amended: December 2001
Approved by the Board of Directors: February 7, 2002

Amended: May 2005
Approved by the Board of Directors: August 4, 2005

Amended by Board of Directors: June 3, 2010 ⁽¹⁾

- (1) In 2010, the Board of Directors, based on recommendations from the Advisory Committee Enhancement Process, approved converting two existing VTA Citizens Advisory Committee (CAC) positions to two voting members appointed by the Committee for Transit Accessibility (CTA) and the Bicycle & Pedestrian Advisory Committee (BPAC). These representatives will be from the respective committee's current membership and must meet established CAC membership requirements, including Board of Directors approval.