



AGENDA

Collier County Local Coordinating Board
for the Transportation Disadvantaged

VIRTUAL

Meeting ID: 894 8505 3752

Password: 870558

Please click [here](#) to be directed to the Zoom website, or you may dial in at 1-646-876-9923.

October 28, 2020

2:45 p.m.

1. **CALL TO ORDER**
 - A. Roll Call with Self Introductions
2. **OPEN TO THE PUBLIC FOR COMMENTS ON ITEMS NOT ON THE AGENDA**
3. **APPROVAL OF AGENDA**
4. **BOARD ACTION**
 - A. Review and Approval of LCB Bylaw
5. **NEXT MEETING DATE**

Dec. 2, 2020 at 1:30 p.m.
6. **ADJOURNMENT**

This meeting of the Collier County Local Coordinating Board (LCB) for the Transportation Disadvantaged is open to the public and citizen input is encouraged. Any person wishing to speak on any scheduled item may do so upon recognition by the Chairperson. Staff requests that all cell phones and other such devices be turned off during meeting.

Any person desiring to have an item placed on the agenda shall make a request in writing, with a description and summary of the item, to the MPO Executive Director or the LCB Chair by calling (239) 252-5814 14 days prior to the date of the next scheduled meeting of the LCB. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should contact MPO Executive Director Anne McLaughlin 72 hours prior to the meeting by calling (239) 252-5814.

Any person who decides to appeal a decision of this board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and Related Statutes. Any person or beneficiary who believes they have been discriminated against because of race, color, religion, sex, age, national origin, disability, or familial status may file a complaint with the Collier MPO by calling Ms. McLaughlin at (239) 252-5884 or by writing to her at 2885 South Horseshoe Dr., Naples, FL 34104.

EXECUTIVE SUMMARY
Board Action
Item 4A

Review and Approval of LCB Bylaws

OBJECTIVE: To review and approve the revisions to the attached bylaws.

CONSIDERATIONS: The LCB is required to review and approve its bylaws annually. Governor DeSantis Executive Order 20-69, which suspended requirements for local government bodies, including LCBs, to hold a quorum in-person or meet in a specific public place in response to the COVID-19 public health emergency will expire on November 1, 2020. The Florida TD Commission has advised that LCB may wish to reduce their quorum through the COVID-19 pandemic. Section 3 of the LCB bylaws were revised by reducing the number of LCB members needed in attendance to create an in-person quorum from seven (7) to four (4). The proposed changes are included in **Attachment 1** in ~~striketrough~~/underline format.

STAFF RECOMMENDATION: For the Board to review and approve the updated LCB bylaws.

Prepared By: Josephine Medina, Collier MPO Senior Planner

ATTACHMENTS:

1. Draft 2020 LCB Bylaws – Strikethrough and underline version
2. Draft 2020 LCB Bylaws – Clean version

BY-LAWS

of the

**COLLIER COUNTY
Transportation Disadvantaged
Local Coordinating Board**

Endorsed by LCB: October 28~~March 4~~, 2020
Adopted by MPO: November 13~~June 12~~, 2020

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**BY-LAWS OF THE
COLLIER COUNTY TRANSPORTATION DISADVANTAGED
LOCAL COORDINATING BOARD**

ARTICLE I: PREAMBLE

Section 1: Preamble

The following sets forth the By-Laws, which shall serve to guide the proper functioning of the coordination of transportation services provided to the transportation disadvantaged through the Collier County Transportation Disadvantaged Program. The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, *Florida Statutes*, Rule 41-2, *Florida Administrative Code (FAC)*, and subsequent laws setting forth requirements for the coordination of transportation services to the transportation disadvantaged.

ARTICLE II: NAME AND PURPOSE

Section 1: Name

The name of the Local Coordinating Board shall be the Collier County Transportation Disadvantaged Local Coordinating Board (LCB).

Section 2: Purpose

The primary purpose of the LCB is to assist the Collier Metropolitan Planning Organization (MPO) in identifying local service needs and providing information, advice and direction to the Community Transportation Coordinator (CTC) on the coordination of services to be provided to the transportation disadvantaged pursuant to Chapter 427.0157, *Florida Statutes*.

**ARTICLE III: MEMBERSHIP, APPOINTMENT, TERM OF OFFICE,
AND TERMINATION OF MEMBERSHIP**

Section 1: Voting Members

In accordance with Rule 41-2.012, Florida Administration Code, all members of the Board shall be appointed by the designated official planning agency. The designated official planning agency for Collier County is the Collier Metropolitan Planning Organization (MPO). The following agencies or groups shall be represented on the LCB as voting members:

- A. A Collier County elected official, who has been appointed to serve as chairperson;
- B. A local representative of the Florida Department of Transportation;
- C. A local representative of the Florida Department of Children and Family Services;

- D. A representative of the Public Education Community;
- E. A local representative of the Florida Division of Vocational Rehabilitation or the Division of Blind Services, representing the Department of Education;
- F. A person who is recognized by the local Veterans Service Office representing the veterans in the county;
- G. A person who is recognized by the Florida Association for Community Action (President or Designee) as representing the economically disadvantaged in the county;
- H. A person over sixty years of age representing the elderly in the county;
- I. A person with a disability representing persons with disabilities in the county;
- J. Two citizen advocate representatives in the county, one who must be a person who uses the transportation service(s) of the system as their primary means of transportation;
- K. A local representative of children at risk;
- L. A local representative of the Florida Department of Elder Affairs;
- M. A local representative of the local medical community;
- N. A representative of the Southwest Florida Regional Workforce Development Board;
- O. An experienced representative of the local private for profit transportation industry. If such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the CTC, or a transportation provider under contract to the management company for the CTC;
- P. A representative of the Florida Agency for Health Care Administration; and
- Q. A local representative of the Agency for Persons with Disabilities.

Since Collier Area Transit (CAT) is operated by the Collier County Board of County Commissioners, which is also the CTC, it is not represented on the LCB, pursuant to Rule 41-2.012, Florida Administrative Code.

Section 2: Alternate Members

Alternates are to be appointed in writing to the MPO by an agency representative. Non-agency alternates may be appointed by the MPO, if desired. Each alternate may vote only in the absence of that member on a one-vote-per-member basis. Alternates for a LCB member who cannot

attend a meeting must be a representative of the same interest as the primary member.

Section 3: Non-Voting Members

Upon a majority vote of a quorum of the LCB, technical advisors (non-voting members) may be recommended to the Collier MPO for its approval for the purpose of providing the LCB with technical advice as necessary.

Section 4: Terms of Appointment

Except for the Chairperson and state agency representatives, the non-agency members of the LCB shall be appointed for three (3) year terms. The Chairperson shall serve until being replaced by the Collier MPO. No employee of a CTC, or transportation provider under contract to the management company for the CTC, shall serve as a voting member of the LCB. However, an elected official serving as Chairperson of the LCB, or another governmental employee - who is not employed for the purpose of making provisions for transportation and is not directly supervised by the CTC - may serve as a voting member of the LCB.

Section 5: Termination of Membership

Any member of the LCB may resign at any time by notice in writing to the Chairperson. Unless otherwise specified in such notice, such resignation shall take effect upon receipt thereof by the Chairperson. Each member of the LCB is expected to demonstrate his/her interest in the LCB's activities through attendance of the scheduled meetings, except for reasons of an unavoidable nature. In each instance of an unavoidable absence, the absent member should ensure that his/her alternate will attend. The Collier MPO shall review, and consider rescinding, the appointment of any voting member of the LCB who fails to attend three (3) consecutive regularly meetings or four of the previous six regularly scheduled meetings. If the Collier MPO Board determines that the number of absences incurred by a LCB member (excused or unexcused) is unacceptable, it may remove that member by a majority vote of the MPO Board members present.

Each member of the LCB is expected to conduct himself/herself in a professional and ethical manner. If it is found that a LCB member has engaged in practices that do not comply with Section 112.3143, *Florida Statutes*, or has otherwise conducted himself/herself in an unethical or unprofessional manner, the Collier MPO staff shall recommend to the MPO Board that he/she be removed. The Collier MPO Board may remove such a member by a majority vote of the MPO members present.

ARTICLE IV: OFFICERS AND DUTIES

Section 1: Number

The officers of the LCB shall be a Chairperson and a Vice-Chairperson.

Section 2: Chairperson

The Collier MPO Board shall appoint an elected official from Collier County or one of its municipalities to serve as the official Chairperson for all LCB meetings. The Chairperson shall preside at all meetings, and in the event of his/her absence, or at his/her direction; the Vice-Chairperson shall assume the powers and duties of the Chairperson. The Chairperson shall serve until their elected term of office has expired or replaced by the Collier MPO.

Section 3: Vice-Chairperson

The LCB shall hold a meeting each year for the purpose of electing a Vice-Chairperson. The Vice-Chairperson shall be elected by a majority vote of a quorum of the LCB members. The Vice-Chairperson shall serve a term of one year starting with the next meeting. In the event of the Chairperson's absence, the Vice-Chairperson shall assume the duties of the Chairperson and conduct the meeting. The Vice-Chairperson may serve more than one term.

ARTICLE V: LCB MEETINGS

Section 1: Regular Meetings

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

Section 2: Notice of Meetings

Notices and tentative agendas shall be sent to all LCB members, other interested parties, and the news media within a reasonable amount of time prior to the LCB meeting. Such notice shall state the date, time and the place of the meeting.

Section 3: Quorum

A quorum shall ~~consist~~ exist to conduct LCB business when there is an in-person attendance of four (4) ~~seven (7)~~ of the voting LCB members, or their designated alternates, ~~at all meetings of the Board in order to conduct business.~~

Section 4: Voting

At all meetings of the LCB 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 LCB present.

Section 5: By-Laws and Parliamentary Procedures

The LCB shall develop and adopt a set of by-laws. The by-laws shall state that the LCB will conduct business using parliamentary procedures according to Robert's Rules of Order, except when in conflict with these By-Laws. The by-laws shall be reviewed, updated (if necessary) and adopted annually.

Section 6: Public Meetings

All meetings of the LCB and its committees are open to the public, and all activities of the LCB are subject to the “Sunshine Laws” also known as the Florida Government in the Sunshine regulations, Chapter 286, *Florida Statutes*.

ARTICLE VI: STAFF

Section 1: General

The MPO shall provide the LCB with sufficient staff support and resources to enable the LCB to fulfill its responsibilities as set forth in Chapter 427.0157, *Florida Statutes*. These responsibilities include providing sufficient staff to manage and oversee the operations of the LCB and assist in the scheduling of meetings, preparing meeting agenda packets, and other necessary administrative duties as required by the LCB within the limits of the resources available.

ARTICLE VII: LCB DUTIES

Section 1: LCB Duties

The LCB shall perform the following duties as specified in Rule 41-2, *F.A.C.*

1. Maintain official meeting minutes, including an attendance roster, reflecting official actions and provide a copy of same to the Commission for the Transportation Disadvantaged (TD Commission), and the Chairperson of the Collier MPO.
2. Review and approve the Memorandum of Agreement between the Florida TD Commission and the Collier County CTC and the Transportation Disadvantaged Service Plan (TDSP). The LCB shall ensure that the TDSP has been developed by involving all appropriate parties in the process.
3. On a continuing basis, monitor services provided under the approved service plan. When requested, assist the CTC in establishing eligibility guidelines and trip priorities.
4. Annually, provide the Collier MPO with an evaluation of the CTC's performance in general and relative to Insurance, Safety Requirements and TD Commission standards as referenced in Rule 41-2.006 F.A.C., and the performance results of the most recent TDSP (41-2.012(5)(b) F.A.C.). 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. 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.

5. In cooperation with the Coordinator CTC, review and provide recommendations to the TD Commission on all applications for local, state, or federal funds relating to transportation of the transportation disadvantaged in the county to ensure that any expenditures within the county are provided in the most cost effective and efficient manner. The LCB shall develop and implement a process by which the LCB 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.
6. Review coordination strategies for service provision to the transportation disadvantaged in the designated service area to seek innovative ways to improve cost effectiveness, efficiency, safety, working hours and types of service in an effort to increase ridership to a broader population. Such strategies should also encourage multi-county and regional transportation service agreements between area CTCs and consolidation of adjacent counties when it is appropriate and cost effective to do so and seek the involvement of the private and public sector, volunteers, public transit, school districts, elected officials and any others in any plan for improved service delivery.
7. Appoint a Grievance committee to serve as a mediator to process, investigate, resolve complaints from agencies, users, potential users of the system and the CTC in the designated service area, and make recommendations to the LCB for improvement of service. The LCB shall establish procedures 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. Members appointed to the committee shall be voting members of the LCB.
8. In coordinating with the CTC, jointly develop applications for funds that may become available.
9. Review and recommend approval of the Transportation Development Service Plan for consistency with approved minimum guidelines and the goals and objectives of the Board. The Transportation Development Service Plan shall include a vehicle inventory of those vehicles purchased with transportation-disadvantaged funds.
10. Evaluate multi-county or regional transportation opportunities (Fla. Stat. § 427.0157(6), as amended).
11. Annually hold a public hearing for the purpose of receiving input on unmet transportation needs or any other areas that relate to the local transportation services.
12. Work cooperatively with regional workforce boards established in chapter 445 to

provide assistance in the development of innovative transportation services for participants in the welfare transition program (Fla. Stat. § 427.0157(7), as amended).

ARTICLE VIII: SUBCOMMITTEES

Section 1: Subcommittees

Upon a majority vote of a quorum of the LCB, subcommittees shall be designated by the Chair as necessary to investigate and report on specific subject areas of interest to the LCB and to deal with administrative and legislative procedures.

ARTICLE IX: COMMUNICATION WITH OTHER AGENCIES AND ENTITIES

Section 1: General

The Collier MPO authorizes the LCB to communicate directly with other agencies and entities as necessary to carry out its duties and responsibilities in accordance with Rule 41-2 *F.A.C.*

ARTICLE X: CERTIFICATION

The undersigned hereby certifies that he/she is the Chairperson of the Collier County Transportation Disadvantaged Local Coordinating Board and that the foregoing is a full, true and correct copy of the By-laws of this LCB as endorsed on ~~October 28~~March 4, 2020 by the Collier County Transportation Disadvantaged Local Coordinating Board and subsequently adopted by the Collier Metropolitan Planning Organization on ~~June 12~~November 13, 2020.

Donna Fiala, LCB Chairperson

METROPOLITAN PLANNING ORGANIZATION

By: _____
Elaine Middelstaedt, MPO Chairperson

Attested By: _____
Anne McLaughlin, MPO Executive Director

Approved as to form and legality:
COLLIER COUNTY ATTORNEY

By: _____
Scott R. Teach, Deputy County Attorney

BY-LAWS

of the

**COLLIER COUNTY
Transportation Disadvantaged
Local Coordinating Board**

Endorsed by LCB: October 28, 2020
Adopted by MPO: November 13, 2020

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- G. A person who is recognized by the Florida Association for Community Action (President or Designee) as representing the economically disadvantaged in the county;
- H. A person over sixty years of age representing the elderly in the county;
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12. Work cooperatively with regional workforce boards established in chapter 445 to provide assistance in the development of innovative transportation services for

participants in the welfare transition program (Fla. Stat. § 427.0157(7), as amended).

ARTICLE VIII: SUBCOMMITTEES

Section 1: Subcommittees

Upon a majority vote of a quorum of the LCB, subcommittees shall be designated by the Chair as necessary to investigate and report on specific subject areas of interest to the LCB and to deal with administrative and legislative procedures.

ARTICLE IX: COMMUNICATION WITH OTHER AGENCIES AND ENTITIES

Section 1: General

The Collier MPO authorizes the LCB to communicate directly with other agencies and entities as necessary to carry out its duties and responsibilities in accordance with Rule 41-2 *F.A.C.*

ARTICLE X: CERTIFICATION

The undersigned hereby certifies that he/she is the Chairperson of the Collier County Transportation Disadvantaged Local Coordinating Board and that the foregoing is a full, true and correct copy of the By-laws of this LCB as endorsed on October 28, 2020 by the Collier County Transportation Disadvantaged Local Coordinating Board and subsequently adopted by the Collier Metropolitan Planning Organization on November 13, 2020.

Donna Fiala, LCB Chairperson

METROPOLITAN PLANNING ORGANIZATION

By: _____
Elaine Middelstaedt, MPO Chairperson

Attested By: _____
Anne McLaughlin, MPO Executive Director

Approved as to form and legality:

COLLIER COUNTY ATTORNEY

By: _____
Scott R. Teach, Deputy County Attorney