

Florida Commission for the



Transportation Disadvantaged

LOCAL COORDINATING BOARD AND PLANNING AGENCY OPERATING GUIDELINES

Issued By:

FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

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I. INTRODUCTION

The purpose of these guidelines is to give clear instructions and uniform guidance in the administration, duties, and operating practices of local Coordinating Boards (LCB) and Planning Agencies.

II. PURPOSE OF THE LOCAL COORDINATING BOARD

The purpose of each LCB is to develop local service needs and to provide information, advice and direction to the Community Transportation Coordinator (CTC) on the coordination of services to be provided to the transportation disadvantaged within their local service area. In general, the LCB is considered an advisory body. (Section 427.0157, Florida Statutes).

III. ADMINISTRATION OF THE LOCAL COORDINATING BOARD

A. Planning Agency Responsibilities

The Metropolitan Planning Organization (MPO) or Designated Official Planning Agency (DOPA), also uniformly referred to as the Planning Agency, shall provide the LCB with sufficient staff support and resources to enable the LCB to fulfill its responsibilities as set forth in Chapter 427, Florida Statutes. These responsibilities include providing sufficient staff to manage and oversee the duties of the LCB. 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 (TDSP); preparing, duplicating, and distributing meeting packets; and other necessary administrative duties and costs, as appropriate.

B. Meetings

The LCB shall meet at least quarterly with a quorum of its membership (and as often as necessary in order to meet its responsibilities). All meetings, including committee meetings, will function under the "Government in the Sunshine Law." All meetings will provide opportunity for public comments on their agenda. LCB Members can participate (and vote) in meetings via conference call, however, a physical quorum must be present to vote on action items.

C. Meeting Notices

1. Full Board Meeting Notices

All LCB meetings, public hearings, committee meetings, etc., shall be advertised, at a minimum, in the Florida Administrative Weekly (FAW) two weeks prior to the meeting. (For information on how to submit meeting notices, visit the Department of State's website at www.flrules.org or contact them at Florida Administrative Code, Weekly and Laws, Florida Department of State, R.A. Gray Building, Mail Station 22, Tallahassee, FL 32399-0250; Tel.: 850-245-6270; Fax: 850-245-6282; or Email: administrativecode@dos.state.fl.us).

Meeting notice shall include date, time, location, general nature/subject of the meeting, and a contact person and number to call for additional information and request accessible formats.

Planning Agency staff shall provide the agenda and meeting package to the Commission, LCB members and all other interested parties one week prior to the meeting. Special consideration to the advanced delivery time of certain technical or detailed documents, such as the TDSP, shall be given for additional review time. The agenda shall include a public participation opportunity.

2. Emergency Meeting Notices and Committee Meeting Notices

Planning Agency staff shall give the Commission, LCB members and all interested parties 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. Emergency/ Committee Meetings shall be advertised in the FAW as well.

D. Minutes

Planning Agency staff is responsible for preparing and maintaining an official set of minutes for each LCB meeting regardless of the presence of a quorum. The minutes shall be prepared in a reasonable time following the meeting and shall include an attendance roster indicating what agency organization or position each member represents and reflect a summary of official actions taken by the LCB. The record of official actions shall include who made and seconded the motion, as well as who voted for and against the motions. If there is no quorum, action items will be tabled until the next LCB meeting. Minutes shall reflect that no official action was taken and a summary of discussion. Meeting minutes shall be provided at the next regularly scheduled LCB meeting for approval. Copies of approved minutes shall be sent to the Commission in the quarterly report. Committee meetings minutes may be in the form of a brief summary of basic points, discussions, decisions, and recommendations to the full board.

IV. LOCAL COORDINATING BOARD MEMBERSHIP

A. OFFICERS

1. CHAIRPERSON

The Planning Agency shall appoint an elected official to serve as the official Chairperson for all LCB meetings. The appointed chairperson shall be an elected official from the county that the LCB serves (41-2.012(1) FAC). For a multi-county LCB, the Chairperson shall be from one of the counties involved. The Chairperson shall be appointed to serve for a two-year term or less (if the individual is no longer in office). The Planning Agency shall replace or reappoint the Chairperson at the end of his/her term.

2. VICE-CHAIRPERSON

The LCB shall hold an annual organizational meeting for the purpose of electing a Vice-Chairperson (41-2.012(2) FAC). The Vice Chairperson shall be elected by a majority vote of a quorum of the members of the LCB members. The Vice Chairperson shall serve a term of one year starting with the first meeting after the election. For a multi-county board, an elected official not serving as the Chairperson shall serve as Vice Chairperson. 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.

B. VOTING MEMBERS

1. An elected official from the service area, serving as the chairperson;
2. A local representative of the Florida Department of Transportation;
3. A local representative of the Florida Department Children and Family Services;
4. A 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;
5. 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;
6. A person who is recognized by the Veterans Service Office representing the veterans in the county;
7. A person who is recognized by the Florida Association for Community Action (President) representing the economically disadvantaged in the county;
8. A person over sixty representing the elderly in the county;
9. A person with a disability representing the disabled in the county;
10. 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;
11. A local representative for children at risk;
12. In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit System's Board, except in cases where they are also the CTC.
13. A local representative of the Florida Department of Elder Affairs;
14. 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 CTC. In cases where no private for-profit or private non-profit representatives are available in the service area, this position will not exist on the LCB;
15. A local representative of the Florida Agency for Health Care Administration;
16. A representative of the Regional Workforce Development Board established in Chapter 445, Florida Statutes; and
17. 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 department or other home and community based services, etc.

It is the intent of the Commission for the membership of every LCB to not only consist of individuals who represent the appropriate governmental agencies or groups of people as defined above, but also for the membership to represent, to the maximum degree possible a cross section of their local community.

No employee of a CTC shall serve as voting member of the LCB. However, an elected official serving as Chairperson of the Coordinating Board, or other governmental employees that are not employed for the purpose of making provisions for transportation and are not directly supervised by the CTC shall not be precluded from serving as voting members of the LCB.

C. TECHNICAL ADVISORS – NON-VOTING MEMBERS

Upon 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.

D. MULTI-COUNTY COORDINATING BOARDS - 41-2.012(1) FAC

The Planning Agency may appoint multi-county LCBs to meet the service needs of the transportation disadvantaged in two or more counties based on these guidelines, and when agreed upon in writing by all county commissions in each county to be covered in the service area. The multi-county LCB will be made up of the same membership of the aforementioned single-county LCB with the following exception: An elected official from each county of the multi-county service area will be appointed to the LCB, one of which will serve as Chair of the LCB and one as the Vice Chair.

E. ALTERNATES

1. Alternates are to be appointed in writing to the Planning Agency by an agency representative. Non-agency alternates may be appointed by the Planning Agency, if desired.
2. Each alternate may vote only in the absence of that member on a one-vote-per-member basis.
3. Alternates for a LCB member who cannot attend a meeting must be a representative of the same interest as the primary member.

V. TERMS OF APPOINTMENT

Except for the Chairperson and state agency representatives, the members of the LCB shall be appointed for three year staggered terms with initial memberships being appointed equally for one, two and three years to avoid a significant turnover during a particular period (41-2.012(4) FAC). The Chairperson position must be appointed or reappointed by

the Planning Agency every two years. Individuals can be re-appointed for more than one term.

VI. ATTENDANCE

The Planning Agency shall review, and consider rescinding, the appointment of any member of the LCB who fails to attend three consecutive meetings. The LCB shall notify the Commission if any state agency voting member or their alternate fails to attend three consecutive meetings.

VII. 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, unless stated otherwise in the by-laws. The by-laws shall be reviewed, updated (if necessary), and adopted annually. It is recommended that the by-laws are reviewed and approved during the first quarter (July-September). Approved by-laws shall be submitted to the Commission.

VIII. LOCAL COORDINATING BOARD DUTIES

The LCB shall:

- A. Review and make recommendations regarding the approval of the Memorandum of Agreement between the newly recommended CTC and the Commission.
- B. 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.
- C. Annually, provide the MPO/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. The LCB shall utilize the Commission's Quality Assurance Performance Evaluation Tool to evaluate the performance of the CTC. This evaluation 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.
- D. In cooperation with the CTC, review and provide recommendations to the Commission and the MPO 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:

1. The review of applications to ensure that they are consistent with the TDSP. This review shall consider:
 - a) The need for the requested funds or services;
 - b) Consistency with local government comprehensive plans;
 - c) Coordination with local transit agencies, including the CTC;
 - d) Consistency with the TDSP;
 - e) Whether such funds are adequately budgeted amounts for the services expected; and,
 - f) Whether such funds will be spent in a manner consistent with the requirements of coordinated transportation laws and regulations.
2. Notify the Commission of any unresolved funding requests without delays in the application process.

E. When requested, assist the CTC in establishing eligibility guidelines and trip priorities.

F. 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, working hours and types of service in an effort to increase ridership to a broader population (427.0157(5) FS). Such strategies should include:

1. 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
2. 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.

G. 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).

The LCB's Grievance Committee shall be responsible for responding to Grievances and Appeals through the Medicaid Grievance System. A Medicaid Expedited Appeal Committee must also be established to address expedited appeals. The Expedited Appeal Committee should be at a minimum of three members, should not include more than one LCB Member, and no person who was involved in the original decision on the action taken. All expedited appeals must be resolved within 72 hours of receiving the appeal request.

- H. 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).
- I. Annually hold at a minimum, one public hearing for the purpose of receiving input on unmet needs or any other areas that relate to the local transportation services. The public hearing 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 hearing be held in conjunction with a regular business meeting of the Coordinating Board (immediately following or prior to the LCB meeting). A public hearing held jointly with the Commission will satisfy this annual requirement.
- J. 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).
- K. 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 (427.0157(7) FS).
- L. Evaluate multi county or regional transportation opportunities (427.0157(6), FS).