

access

BOARD OF DIRECTORS SPECIAL MEETING

Monday, July 19, 2021

General Session: 12:00 p.m.

Closed Session: Immediately Following

***Webinar - please see note below**

MISSION STATEMENT

Access Services promotes access to all modes of transportation and provides quality and safe ADA paratransit service on behalf of public transit agencies in Los Angeles County.

	<u>DISPOSITION</u>
1. CALL TO ORDER	ACTION
2. BOARD OFFICER ELECTIONS (page 5) [Staff Recommendation: Elect officers to the Board of Directors as per the requirement of the Access Services Bylaws for an approximate one-year term beginning July 19, 2021 and ending June 30, 2022 or the election of their successor, whichever last occurs.]	ACTION [Vote Required: Majority of quorum by voice vote for election of slate]
3. GENERAL PUBLIC COMMENT	INFORMATION
4. CONSENT CALENDAR a) Consideration to Approve City of Artesia Membership (page 10) [Staff Recommendation: Approve the City of Artesia as a new Access member agency.] [Staff Recommendation: Approve the Consent Calendar]	ACTION [Vote Required: majority of quorum by roll call]

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| 5. | PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS | INFORMATION |
| 6. | CLOSED SESSION: | DISCUSSION/
POSSIBLE ACTION |
| | A) PUBLIC EMERGENCY (COVID-19), GC sec. 54957(a) | |
| | B) CALIFORNIA GOV. CODE § 54956.8 - REAL PROPERTY NEGOTIATIONS -
Property: APN: 3126-009-975 and 3126-009-974
Access Negotiator: Andre Colaiace/Hector Rodriguez
Negotiating Party: City of Lancaster
Under Negotiation: Price | |
| | C) CONFERENCE WITH LEGAL COUNSEL: CAL. GOV. CODE §54956.9 | |
| | 1. Existing Litigation: Gov. Code §54956.9 | |
| | i. Adams v. Access Services, et al.
Arbitration Case 01-19-0000-7404 | |
| | 2. Anticipated Litigation: Gov. Code §54956.9 (b) | |
| | i. Significant exposure to litigation pursuant to subdivision (b) of Gov. Code §54956.9 (b) a situation where, based on the advice of counsel considering "existing facts and circumstances," there exists a "significant exposure to litigation" (two cases). | |

7.	ADJOURNMENT	ACTION
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Access Services does not discriminate on the basis of disability. Accordingly, Access Services seeks to ensure that individuals with disabilities will have an equal opportunity to participate in the range of Access Services events and programs by providing appropriate auxiliary aids and services for communications. Primary consideration is given to the request of individuals with disabilities. However, the final decision belongs to Access Services. To help ensure the availability of any auxiliary aids and services you require, please make every effort to notify Access Services of your request at least three (3) business days (72 hours) prior to the meeting in which you wish to utilize those aids or services. You may do so by contacting (213) 270-6000.

Note: Access Services Board meetings are held pursuant to the Ralph M. Brown Act [Cal. Gov. Code §54950] and are open to the public. The public may view and obtain all written information supporting this agenda provided to the Board both initially and supplementally prior to the meeting at the agency's offices located at 3449 Santa Anita

Avenue, El Monte, California and on its website at <http://accessla.org>. Documents, including Power Point handouts distributed to the Board members by staff or Board members at the meeting, will simultaneously be made available to the public. Three opportunities are available for the public to address the Board during a Board meeting: (1) before closed session regarding matters to be discussed in closed session, (2) before a specific agenda item is debated and voted upon regarding that item and (3) general public comment. The exercise of the right to address the Board is subject to restriction as to time and appropriate decorum. All persons wishing to make public comment must fill out a goldenrod Public Comment Form and submit it to the Secretary of the Board. Public comment is generally limited to three (3) minutes per speaker and the total time available for public comment may be limited at the discretion of the Chairperson. Persons whose speech is impaired such that they are unable to address the Board at a normal rate of speed may request an accommodation of a limited amount of additional time from the Chair but only by checking the appropriate box on the Public Comment Form. Granting such an accommodation is at the discretion of the Chair. The Board of Directors will not and cannot respond during the meeting to matters raised under general public comment. Pursuant to provisions of the Brown Act governing these proceedings, no discussion or action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. However, the Board may direct staff to investigate and/or schedule certain matters for consideration at a future Board of Directors Meeting and the staff may respond to all public comments in writing prior to the next Board meeting.

Alternative accessible formats are available upon request.

***NOTE**

NOTICE OF ALTERNATIVE PUBLIC COMMENT PROCEDURES

Pursuant to temporary revised Brown Act requirements, Board members will be participating via webinar. The public may submit written comments on any item on the agenda - 1) through email by addressing it to - board@accessla.org or 2) via US Postal mail by addressing it to - Access Services Board Comments, PO Box 5728, El Monte CA 91734. Please include your name, item number and comments in the correspondence. Comments must be submitted/received no later than 10:00 am on Monday, July 19, 2021 so they can be read into the record as appropriate.

The public may also participate via the Zoom webinar link, or by teleconference. Please review the procedures to do so as follows -

How to Provide Public Comment in a Board Meeting via Zoom

Online

1. Click the Zoom link for the meeting you wish to join. Meeting information can be found at: https://accessla.org/news_and_events/agendas.html. Make sure to use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, or Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. You may also use this direct link - <https://us06web.zoom.us/j/81822450012>
2. Enter an email address and your name. Your name will be visible online while you are speaking.
3. When the Board Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
4. Please note that the "Chat" feature is not enabled during the meeting for general public attendees. If you cannot use the "raise hand" feature, then please submit a written comment as outlined above.
5. When called, please limit your remarks to three minutes. An audio signal will sound at the three-minute mark and the Chair will have the discretion to mute you at any point after that. After the comment has been given, the microphone for the speaker's Zoom profile will be muted.

Note: Members of the public will not be shown on video.

By phone

1. Call the Zoom phone number and enter the webinar ID for the meeting you wish to join. Meeting information can be found at: https://accessla.org/news_and_events/agendas.html
2. You can also call in using the following information -
3. Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592
or +1 312 626 6799 or +1 929 205 6099 or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)
Webinar ID: 818 2245 0012
4. When the Board Chair calls for the item on which you wish to speak, press *9 to raise a hand. Speakers will be notified shortly before they are called to speak. Speakers will be called by the last four digits of their phone number. Please note that phone numbers in their entirety will be visible online while speakers are speaking.
5. If you cannot use the "raise hand" feature, the please submit a written comment as outlined above.
6. When called, please state your name and limit your remarks to three minutes. An audio signal will sound at the three-minute mark and the Chair will have the discretion to mute you at any point after that. After the comment has been given, the microphone for the speaker's Zoom profile will be muted.

JULY 12, 2021

TO: BOARD OF DIRECTORS
FROM: VINCENT C. EWING, ACCESS SERVICES GENERAL COUNSEL
RE: BOARD OFFICER ELECTIONS

ISSUE:

It is necessary to elect new officers of the Board for Fiscal Year 2021-2022. Attached you will find Bylaw Article VII - Officers of the Agency which details each officer's responsibilities and duties on the Board. In 1999, the Access Board of Directors set a two-year consecutive term limit for each Board Officer seat. If necessary, this limit may be waived via voice vote by a majority of Board members present.

RECOMMENDATION:

Elect officers to the Board of Directors as per the requirement of the Access Services Bylaws for an approximate one-year term beginning July 19, 2020 and ending June 30, 2022 or the election of their successor, whichever last occurs. The nominees are:

Slate of Officers:

Chairperson:	Martin Gombert
Vice Chair:	Theresa DeVera
Treasurer:	Lee Burner
Secretary:	Doran J. Barnes
Executive Director:	Andre Colaiace

ARTICLE VII. OFFICERS OF THE AGENCY

A. Officers of the Agency.

The officers of the agency shall be a Chairperson, Vice Chairperson, Executive Director, Secretary and Treasurer. The agency may also have, at the Board's discretion, such other officers as may be appointed in accordance with this article of these bylaws. Any number of offices may be held by the same person, except that neither the Secretary nor the Treasurer may serve concurrently as Chairperson.

B. Election of Officers.

The officers of the agency, except those appointed under Article VII, Section C of these bylaws, shall be chosen annually by the Board and shall serve at the pleasure of the Board, subject to the rights, if any, of any officer under any contract of employment.

C. Other Officers.

The Board may appoint and may authorize the Executive Director to appoint any other officers that the corporation may require, including, without limitation, a Chief Operating Officer. Each officer so appointed shall have the title, hold office for the period, have the authority, and perform the duties specified in the bylaws or determined by the Board.

D. Removal of Officers.

Without prejudice to any rights or an officer under any contract of employment, any officer may be removed with or without cause by the Board and also, if the officer was not chosen by the Board, by any officer on whom the Board may confer that power of removal.

E. Resignation of Officers.

Any officer may resign at any time by giving written notice to the agency. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to the rights, if any, of the agency under any contract to which the officer is a party.

F. Vacancies in Office.

A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for regular appointments to that office, provided, however, that vacancies need not be filled on an annual basis.

G. Responsibilities of the Officers.

1. Chairperson of the Board:

The chairperson shall preside at meetings of the Board and at meetings of the members and shall exercise such other powers and duties as the Board of Directors shall assign from time to time. In the absence of an Executive Director or Chief Operating Officer, the chairperson shall become the chief executive officer of the corporation and, subject to such supervisory powers as the Board may give to the chairperson of the Board, if any, and subject to the control of the Board, shall direct, supervise and control the agency's activities, affairs and officers until such time as an Executive Director is elected.

2. Vice Chairperson of the Board:

If the chairperson is absent or unable to perform the duties of the chair, the vice chairperson shall perform all of the duties of the chairperson. When so acting, the vice chairperson shall have the powers of and be subject to all the restrictions applied on the chairperson. The vice chairperson shall have such other powers and perform such other duties as the Board may prescribe.

3. Executive Director:

The Executive Director shall be the Chief Executive Officer of the agency and, subject to such limits as the Board may place on the supervisory powers of the Executive Director, if any, and subject to the control of the Board, shall direct, supervise and control the agency's day-to-day activities, affairs and non-board appointed officers.

4. Chief Operating Officer:

In the absence or disability of the Executive Director, the Chief Operating Officer, if any, shall perform all the duties of the Executive Director, and when so acting shall have all the powers of, and be subject to all the restrictions upon the Executive Director. The Chief Operating Officer shall have such other powers and perform such other duties as from time

to time may be prescribed for them respectively by the Board of Directors, the Bylaws or the Executive Director.

5. Secretary:

a. Book of Minutes:

The secretary shall keep, or cause to be kept, at the corporation's principal office or other such place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, of committees of the Board and of members' meetings. The minutes of meetings shall include the time and place that the meeting was held, whether the meeting was annual, regular, or special, and, if special, how authorized, the notice given, the names of those present at Board and committee meetings, and the number of members present or represented at members' meetings. The secretary shall keep or cause to be kept, at the principal office in California, a copy of the articles of incorporation and bylaws, as amended to date.

b. Membership Records:

The secretary shall keep or cause to be kept, at the agency's principal office or at a place determined by resolution of the Board, a record of the agency's members, showing each member's name, address, and class of membership.

c. Notices, Seal and Other Duties:

The secretary shall give, or cause to be given, notice of all meetings of members, of the Board and of committees of the Board required by these bylaws to be given. The secretary shall keep the corporate seal in safe custody and shall have such other powers and perform such other duties as the Board or the bylaws may prescribe.

6. Treasurer:

a. Books of Account:

The treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the agency's properties and transactions. The treasurer shall send or cause to be given to the members and directors such financial statements and reports as are required to be given by law, by these

bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

b. Deposit and Disbursement of Money and Valuables:

The treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board may designate, shall disburse the corporation's funds as the Board may order, shall render to the chairperson of the Board and the Board, when requested, an account of all transactions as treasurer and of the financial condition of the agency, and shall have such other powers and perform such other duties as the Board or the bylaws may prescribe.

c. Disbursement of Funds:

The following signatures shall be required on corporate checks:

- (i) The Board of Directors may from time to time open an account or accounts with banks or other financial institutions and shall designate which officers or other designees shall have the authority to execute checks and other items for an on behalf of the agency.
- (ii) The Treasurer shall disburse or cause to disburse the funds of the agency with such banks or the financial institutions as designated by the Board of Directors. The Treasurer shall periodically review or cause to be reviewed the disbursements of funds to ensure that all disbursements are undertaken in a manner consistent with procedures established by or under the authority of the Board of Directors.

JULY 12, 2021

TO: BOARD OF DIRECTORS
FROM: MATTHEW AVANCENA, MANAGER OF PLANNING AND COORDINATION
RE: CONSIDERATION TO APPROVE CITY OF ARTESIA MEMBERSHIP

ISSUE:

The Board is requested to consider staff's recommendation regarding a city that wishes to become a member of Access Services.

RECOMMENDATION:

Approve the City of Artesia as a new Access member agency.

IMPACT ON BUDGET:

None. This action will not cause an expansion of the Access Paratransit service area.

BACKGROUND:

Access Membership Process:

Access Services has three classes of members, designated as Municipal Operators, Local Operators, and individual members of the Board of Directors. If approved, the City of Artesia would join the Local Operators member class.

The City of Artesia proposed joining Access Services and is eligible for membership under the requirements of the Access Services bylaws. As per Article IV Part C of the Access Services bylaws, "The Board of Directors shall approve any potential new members to the Municipal Operators and Local Operators classes".

Artesia Transit Services:

Artesia is a city in southeast Los Angeles County that is approximately 20 miles south of downtown Los Angeles. The city is surrounded on the west, south, and east side by Cerritos.

The city operates a Dial-A-Ride service and is scheduled to start fixed route service (Artesia Transit) on July 15, 2021.

Since Metro currently operates service in the city, the membership status of Artesia will have no impact on Access' service obligation.

The Artesia City Council approved the resolution proposed by City staff to join Access Services at its regular City Council Meeting held on April 12, 2021.

If the Board approves the staff recommendation, the number of member agencies will increase to 46.