

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

June 16, 2000

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, June 16, 2000 at the City Hall Council Chambers, 809 Center Street, Santa Cruz, California.

Chairperson Beautz called the meeting to order at 8:35 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Sheryl Ainsworth
Jeff Almquist
Jan Beautz
Bruce Gabriel
Michelle Hinkle
Mike Keogh
Mike Rotkin
Oscar Rios

DIRECTORS ABSENT

Bruce Arthur
Katherine Beiers (arrived at 8:49 a.m.)
Kenneth Burch
Tim Fitzmaurice (arrived 8:36 a.m.)

STAFF PRESENT

Mark Dorfman, Asst. General Manager
Margaret Gallagher, District Counsel
Leslie R. White, General Manager

2. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

In addition to the Closed Session Minutes being reviewed, District Counsel Gallagher requested that the Board approve the addition of a Closed Session item; i.e. SCMTD vs. Farmers' Insurance because she obtained new information after the agenda was posted and there was a need to take action.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR RIOS

A Motion was made to make findings necessary to add the case of SCMTD vs. Farmers' Insurance to the Closed Session agenda based on Ms. Gallagher's statement.

The Motion passed unanimously with Directors Arthur, Beiers and Fitzmaurice absent.

DIRECTOR FITZMAURICE ARRIVED AT 8:36 A.M.

3. ORAL AND WRITTEN COMMUNICATION REGARDING CLOSED SESSION

None

SECTION II: CLOSED SESSION

Chairperson Beutz adjourned to Closed Session at 8:37 a.m. and reconvened to Open Session at 8:40 a.m.

SECTION III: RECONVENE TO OPEN SESSION

DIRECTORS PRESENT

Sheryl Ainsworth
Jeff Almquist
Jan Beutz
Katherine Beiers
Tim Fitzmaurice

Bruce Gabriel
Michelle Hinkle
Mike Keogh
Oscar Rios
Mike Rotkin

DIRECTORS ABSENT

Bruce Arthur
Kenneth Burch

STAFF PRESENT

Bryant Baehr, Operations Manager
Paul Chandley, Human Resource Manager
Kim Chin, Planning & Marketing Manager
Mark Dorfman, Assistant General Manager
Marilyn Fenn, Asst. Finance Manager
Linda Fry, Service Planning Supervisor

Margaret Gallagher, District Counsel
Terry Gale, IT Manager
LeAna Olson, Human Resource Analyst
Elisabeth Ross, Finance Manager
Tom Stickel, Fleet Maint. Manager
Leslie R. White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC

Wally Brondstatter, UTU
Scott Bugental, Lift Line
Bart Cavallaro, Bus Rider
Lynn Everett Leigh, Multi Systems
Leann Humble, Denise Duffy & Associates
Patti Korba, SEA President
Jeff LeBlanc, MASTF Chairperson

Manny Martinez, PSA Chairperson
Cliff Nichols, Cabrillo College
Cam Pierce, Bus Rider
Bob Scott, Engineering Consultant
Celia Scott, Environmental Consultant
Marion Taylor, League of Women Voters
Candace Ward, UCSC
Richard Weiner, Nelson Nygaard

1. REPORT ON CLOSED SESSION - District Counsel

Counsel Gallagher reported that the Closed Session Minutes of May 19, 2000 were approved.

2. ORAL AND WRITTEN COMMUNICATIONS - Heard after 9:00 a.m.

- a. D. A. Clarke, Westside Resident - RE: MetroBase - Written Correspondence dated May 12, 2000.
- b. Robert Blowers, Westside Resident - RE: MetroBase - Written Correspondence dated May 22, 2000.
- c. Joan Carpenter, Westside Resident - RE: MetroBase - Written Correspondence dated May 15, 2000.

- d. Thomas Brandow, RE: MetroBase - Written Correspondence dated May 31, 2000.
- e. Jim MacKensie spoke and requested that the Board formally remove the Westside location from consideration for the MetroBase. Mr. MacKensie also spoke on behalf of Renee Flowers and Rachel Kliger who addressed the Coastal Commission regarding the ditch/stream relocation.

3. LABOR ORGANIZATION COMMUNICATIONS

None

4. METRO USERS GROUP (MUG) COMMUNICATIONS

Director Gabriel, Chair of MUG, reported that at the MUG meeting of June 14th there was lengthy discussion regarding the recertification and audit of the paratransit program. MUG supports the approval of MultiSystem, Inc. to conduct the audit. MUG made a recommendation to accept Barbara Shaller as a new MUG member. This recommendation will be on the Board agenda next month.

5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS

Jeff LeBlanc, MASTF Chair, reported that a Motion was made to support the committee's recommendations for the consultants to perform paratransit recertification and audit. Mr. LeBlanc also commended the efforts of the selection committee in this regard.

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

CONSENT AGENDA:

- | | |
|-------------------------|---|
| ADD TO ITEM #7-3 | ACCEPT AND FILE PASSENGER LIFT REPORT FOR MAY 2000
(Add Usage Report) |
| ADD TO ITEM #7-4 | CONSIDERATION OF TORT CLAIMS: Deny the Claim of: Maria Luisa Lopez
(Add Staff Report) |
| MOVE ITEM #7-13 | ACCEPT AND FILE REPORT REGARDING STATE OF CALIFORNIA CHALLENGE TO THE APPLICABILITY OF TITLE 2 OF THE AMERICANS WITH DISABILITIES ACT (ADA) AND CONSIDER APPROPRIATE RESPONSE FROM SCMTD TO GOVERNOR GRAY DAVIS' DETERMINATION TO APPEAL THE 9TH CIRCUIT COURT OF APPEAL DECISION IN <u>DARE VS. STATE OF CALIFORNIA</u>
(This item moved to Regular Agenda as Item #23) |

REGULAR AGENDA:

- ADD TO ITEM #9** CONSIDERATION OF ACCEPTANCE OF FINAL RESOLUTION OF FEDERAL EMERGENCY MANAGEMENT ACT (FEMA) AND OFFICE OF EMERGENCY SERVICES (OES) CLAIMS AGAINST SCMTD AND AUTHORIZATION TO STORE FEMA AND OES FILES FOR THREE (3) YEARS
(Add Staff Report)
- DELETE ITEM #12** CONSIDERATION OF AUTHORIZATION FOR GENERAL MANAGER TO EXTEND THE BREW BAR LEASE UNTIL AUGUST 31, 2000 WHILE NEW LEASE NEGOTIATIONS CONTINUE
(APPROVED AT JUNE 9, 2000 BOARD MEETING)
- ADD TO ITEM #15** CONSIDERATION OF AWARD OF RFP 99-18 FOR COMPREHENSIVE OPERATIONAL AND FINANCIAL AUDIT (COFA) OF ADA PARATRANSIT PROGRAM
(Add Staff Report)
- ADD TO ITEM #16** CONSIDERATION OF AWARD OF RFP 99-25 FOR GRAPHIC DESIGN AND PRINT COORDINATION SERVICES
(Add Staff Report)
- ADD TO ITEM #18** CONSIDERATION OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT BYLAWS AND DETERMINE WHETHER ANY SECTION OF THE BYLAWS NEEDS TO BE UPDATED OR REVISED
- a. **Consider Amending Bylaws to allow Board of Directors to hear oral communications and public hearings before 9:00 a.m. at first monthly Board Meeting**
 - b. **Consider amending Bylaws to restrict location for Board Meetings to accessible sites for all members of the public**
- (Add Staff Report)
- ADD ITEM #23**
(Moved from Consent Agenda) ACCEPT AND FILE REPORT REGARDING STATE OF CALIFORNIA CHALLENGE TO THE APPLICABILITY OF TITLE 2 OF THE AMERICANS WITH DISABILITIES ACT (ADA) AND **CONSIDER APPROPRIATE RESPONSE FROM SCMTD TO GOVERNOR GRAY DAVIS' DETERMINATION TO APPEAL THE 9TH CIRCUIT COURT OF APPEAL DECISION IN DARE VS. STATE OF CALIFORNIA**
(Add Staff Report)

Chairperson Beautz announced that the following items would be moved up on the agenda:
Items No. 19, 22, and 20.

CONSENT AGENDA

Review Consent Agenda Items 7-1 through 7-14

- 7-1. APPROVE REGULAR BOARD MEETING MINUTES OF 5/12/00 AND 5/19/00
- 7-2. ACCEPT AND FILE PRELIMINARY APPROVED CLAIMS
- 7-3. ACCEPT AND FILE PASSENGER LIFT REPORT FOR MAY 2000
- 7-4. CONSIDERATION OF TORT CLAIMS: Notice of Settlement of Shannon McCord Claim and Results of Closed Litigation Session; Deny the Claim of: Maria Luise Lopez
- 7-5. ACCEPT AND FILE MINUTES OF MASTF COMMITTEE MEETING OF 5/18/00
- 7-6. ACCEPT AND FILE MINUTES OF MUG COMMITTEE MEETING OF 5/17/00
- 7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR APRIL 2000 AND APPROVE BUDGET TRANSFERS
- 7-8. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR APRIL 2000
- 7-9. ACCEPT AND FILE STATUS REPORT ON ADA PARATRANSIT PROGRAM FOR APRIL 2000
- 7-10. APPROVAL OF RENEWAL OF LIABILITY AND PHYSICAL DAMAGE INSURANCE COVERAGE FOR FY 2000-01
- 7-11. APPROVAL OF RENEWAL OF PROPERTY INSURANCE COVERAGE FOR FY 2000-01
- 7-12. APPROVAL OF CAPITALIZATION MINIMUM OF \$1,000
- 7-13. MOVED TO REGULAR AGENDA AS ITEM #23
- 7-14. CONSIDERATION OF AUTHORIZATION TO RENEW CONTRACT WITH UNIVERSITY OF CALIFORNIA, SANTA CRUZ

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GABRIEL

A Motion was made to approve the Consent Agenda.

Motion passed unanimously with Directors Arthur and Beiers absent.

REGULAR AGENDA

ITEM NO. 9 WAS TAKEN OUT OF ORDER

- 9. CONSIDERATION OF ACCEPTANCE OF FINAL RESOLUTION OF FEDERAL EMERGENCY MANAGEMENT ACT (FEMA) AND OFFICE OF EMERGENCY SERVICES (OES) CLAIMS AGAINST SCMTD AND AUTHORIZATION TO STORE FEMA AND OES FILES FOR THREE (3) YEARS

Summary:

Margaret Gallagher reported that the FEMA and OES claims against the District have been resolved and is requesting authorization to store these files for three (3) years.

Discussion:

Counsel Gallagher expressed her appreciation to the Directors for their support throughout this process and for the support and assistance of the District employees. Director Rotkin formally acknowledged the efforts of Margaret Gallagher who played a key role in this endeavor. The Board of Directors acknowledged all the District employees and Directors who worked on the FEMA/OES claim.

DIRECTOR BEIERS ARRIVED AT 8:49 A.M.

Les White informed the Board that the District's reputation in Washington, DC, is fine as evidenced by a \$3.1M earmark of funds recently approved by the Senate. Director Rios acknowledged Director Rotkin, who was Chairperson of the Board during the FEMA events. Chairperson Beautz acknowledged Mark Dorfman for his efforts as Acting General Manager during this time.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR ROTKIN

A Motion was made to accept the final resolution of the FEMA and OES claims against the District and to authorize storage of FEMA and OES files for three (3) years.

The Motion passed unanimously with Director Arthur absent.

ITEM NO. 13 WAS TAKEN OUT OF ORDER

13. CONSIDERATION OF AUTHORIZATION TO RENEW AGREEMENT WITH SANTA CRUZ COUNTY FOR ACQUISITION AND RELOCATION ASSISTANCE SERVICE

Summary:

Mark Dorfman reported that this contract with Santa Cruz County was set up last year. This is the first renewal to the agreement. County staff is concerned about relocation, however, Mr. Dorfman stated that there would be no impact to the County.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR RIOS

A Motion was made to authorize the General Manager to renew the agreement with the County of Santa Cruz for Land Acquisition and Relocation Services.

The Motion passed unanimously with Director Arthur absent.

ITEM NO. 16 WAS TAKEN OUT OF ORDER

16. CONSIDERATION OF RFP 99-25 FOR GRAPHIC DESIGN SERVICES

Summary:

Tom Stickel requested that the RFP for graphic design and coordination services for translation, Web design pages, decals and the *Headways* be awarded to Transit Information Products. A selection committee consisting of members of MASTF as well as customer service representatives and the District Buyer reviewed the six (6) proposals submitted. The proposal submitted by Transit Information Products of Concord, California, will reflect a possible 34% savings for these services. Mr. John Webb of Transit Information Products was available at the meeting to answer any questions.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HINKLE

A Motion was made to authorize the General Manager to execute a contract for graphic design and print coordination services with Transit Information Products.

The Motion passed unanimously with Director Arthur absent.

ITEM NO. 17 WAS TAKEN OUT OF ORDER

17. CONSIDERATION OF AUTHORIZATION FOR STAFF TO APPLY FOR MOYER GRANT FUNDS

Summary:

Mark Dorfman stated that this is a routine application for Carl Moyer funds to allow Staff to obtain funding for CNG engine costs for replacement vehicles. These funds are in addition to any Federal and local funds received. Staff originally applied for funds to cover the CNG engine cost of 5 replacement buses, however, the Air District awarded less funds than requested for each replacement.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR ROTKIN

A Motion was made to authorize staff to submit applications to the Air District for Carl Moyer funds for the CNG engine costs of 3 replacement buses.

The Motion passed unanimously with Director Arthur absent.

AT THIS TIME THE BOARD RETURNED TO ORAL AND WRITTEN COMMUNICATIONS

**8. PUBLIC HEARING ON PROPOSED SCMTD DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY-FUNDED PROCUREMENTS
THERE WILL BE A PUBLIC HEARING HELD AT 9:00 A.M.**

The Public Hearing began at 9:02 a.m.

Summary:

Mark Dorfman reported that there was a complete rework of the federally funded DBE program due to a lawsuit that occurred whereby it was ruled that DBEs were illegal. Mr. Dorfman listed the changes to the program, which will be re-examined when the legislature expires in 2004. The Legislature is very much interested in one consolidated program for all departments and agencies. Staff will utilize the State of California certification process. The state program will be in place within twelve months.

Discussion:

There was no public input on this issue.

ITEM NO. 19 WAS TAKEN OUT OF ORDER

19. CONSIDERATION OF DIRECTING STAFF TO PREPARE A PRELIMINARY SITE FEASIBILITY AND ENVIRONMENTAL ASSESSMENT OF HARVEY WEST SITES FOR METROBASE

Summary:

Les White submitted a supplemental staff report entitled *MetroBase Site Evaluation* containing information requested at last week's Board meeting. An Environmental Impact Report (EIR) is necessary and reasonable alternatives to the preferred site need to be identified. Two configurations of properties were identified in the Harvey West area. Staff is recommending that the Board give direction for Staff to work with consultants to prepare a preliminary site feasibility study and environmental assessment of these Harvey West sites. This study would address certain criteria which would indicate any initial fatal flaws. The criteria will be changed to denote "acquireability" if a structure is present on a site vs. "absence of structure" which would eliminate a site with a structure, even if that structure is moveable or condemnable. It is Mr. White's understanding that a Notice of Preparation of Scoping Meeting needs to be done prior to any sites being eliminated, including the Lipton site.

Mr. White informed the Board that there would be a presentation regarding the CEQA process the District would go through. Staff will then come back to the Board with an assessment of reasonable alternatives; a site will then be designated as "preferred". The alternate sites will be taken to a Scoping Meeting which Mr. White anticipates will occur in August. Lastly, a decision on the "preferred" site and back-up alternate sites will be made for the EIR process. This is anticipated to take place in September.

Discussion:

Celia Scott, Environmental Consultant to the District, informed the Board that during the Notice of Preparation (NOP), there needs to be a preferred site already designated, however, during the scoping process alternative sites can be evaluated. Prior to the EIR process alternate sites need to be determined. Those sites considered not feasible can be determined at that time.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR RIOS

A Motion was made to direct staff to prepare a preliminary site feasibility study and environmental assessment for the two potential Harvey West sites.

Les White clarified that the focus in July will not be to delete sites as much as it will be to focus toward whether or not to continue with the Westside as the preferred site or to change the preferred site and send this out for a Scoping Meeting and Notice of Preparation.

The Motion passed unanimously with Director Arthur absent.

ITEM NO. 22 WAS TAKEN OUT OF ORDER

22. REVIEW OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES REGARDING METROBASE

Discussion:

Leann Humble of Denise Duffy & Associates discussed the CEQA Process with the Board. She stated that the next step is to look at the environmental constraints of the two sites in Harvey West. Once a site is adopted, a Scoping Meeting will take place, then a Notice of Preparation and ultimately, an EIR. Ms. Humble reported that from a CEQA standpoint, only feasible sites need to be looked at, i.e. alternatives that meet the basic objectives of the project. Director Rotkin asked if a savings of \$2M annually would be enough to determine if a site is feasible, and Ms. Humble responded that this would need to be one of the criteria. Ms. Humble further stated that during the EIR, Staff should describe why an alternative is not feasible. Celia Scott emphasized that the CEQA guidelines are explicit about alternatives and that it is important that the Board is clear on the basic project objectives. Ms. Scott further emphasized that the guidelines are clear on what criteria is appropriate for making determinations of unfeasibility.

ITEM NO. 20 WAS TAKEN OUT OF ORDER

20. CONSIDERATION OF SETTING DATE AND TIME FOR COMMUNITY MEETING REGARDING HARVEY WEST SITES FOR METROBASE

Summary:

Les White requested that the Board direct Staff to set a date and time for a community meeting in the Harvey West area to receive public input regarding the Harvey West sites for MetroBase.

Discussion:

It was decided that the meeting will be held Wednesday, July 12th, at 7:00 p.m. The location will be at either SCO or the Harvey West Clubhouse. This meeting is open to the public, not just to the residents in the Harvey West area.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR KEOGH

A Motion was made to set the community meeting for July 12, 2000 and instruct staff to determine the location along with notifying every property affected of this meeting.

Director Hinkle expressed concern that the buses do not run late enough in the Harvey West area which would make it difficult to get to and from the meeting. Mr. White responded that a special shuttle could be arranged and this information would be included in the meeting notification.

ACTION: AMENDMENT TO MOTION:

The Motion was amended to include instructions to Staff to provide a shuttle from the Metro Center to the Harvey West area and back to the Metro Center after the community meeting ends.

Director Keogh asked that it be made very clear that the community meeting on July 12 will be to discuss only the Harvey West sites.

The Motion passed unanimously with Director Arthur absent.

10. CONSIDERATION OF ADOPTION OF FY 2000-01 FINAL BUDGET

Summary:

Elisabeth Ross reported that Staff is requesting that the Board adopt a resolution approving the final budget for 2000-2001. This budget provides for the same level of service and includes an increase in the paratransit expenses based on estimated rides for next year. Ms. Ross also requested approval of Board member travel, which has been revised to accommodate four (4) Board members attending the APTA conferences, and for approval of the employee incentive program and staffing levels. Les White discussed the allocation of excess TDA funds which is anticipated to be received in September.

Discussion:

Bart Cavallaro asked the Board to give serious consideration to the mechanical performance of the Highway 17 Express buses. Mr. Cavallaro also addressed the paratransit program and expressed his concerns regarding Food & Nutrition's administrative and dispatch fees. Mr. Cavallaro shared his thoughts on either bringing the paratransit service in-house or utilizing a private contractor who would offer more rides at a lesser cost. Lastly, Mr. Cavallaro stated that it is imperative that the Transit District hold three (3) seats on the Transportation Commission Board in order to obtain the maximum funding allocated by the Commission for public transit.

Scott Bugental reported that Food & Nutrition's cost per paratransit ride is commensurate with other paratransit service in this area. Mr. Bugental stated that there are two issues that benefit Lift Line as well as the District: 1) Set rate for paratransit contracted service which will not be increased without a separate service agreement, and; 2) Lift Line will meet with Santa Cruz Transportation to agree to a new rate structure that, hopefully, will incorporate some cost savings and efficiencies into the system. The taxi ordinance and audit will help to look at these

issues. Les White will keep the Board informed of these issues on a monthly basis based on information received from Mr. Bugental. Director Beautz would like to see feedback from paratransit clients on the service they receive.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ALMQUIST

A Motion was made to approve the budget for FY 00-01.

Director Fitzmaurice asked for specific dates for the APTA conferences.

The Motion passed unanimously with Director Arthur absent.

11. CONSIDERATION AND RECEIPT OF STATUS REPORT ON CABRILLO COLLEGE CONTRACT

Summary:

Mark Dorfman reported that the District has an agreement with both UCSC and Cabrillo College and that the billing portions of both contracts are similar. The differences are: fees to UCSC students for bus service are mandatory while Cabrillo, who has Board of Governor (BOG) students, cannot mandate fees under the Board of Governor program; and, UCSC is billed for rides by students and faculty to and from the university, Monday through Friday. Regular Cabrillo students pay \$30 per semester and Board of Governor students pay \$20 per semester for a bus pass which enables them to ride the entire system. Mr. Dorfman stated that while UCSC encourages students to use alternate transportation, Cabrillo College has no information on their website regarding bus passes. Ridership at Cabrillo continues to decline in terms of the number of bus passes sold. Mr. Dorfman reported that if the District had no contract with Cabrillo, ridership could decline by 50% before any revenue was lost.

Discussion:

Director Almquist expressed concern that high school students are not receiving special rates. He would like to see a better rate established that would apply to both Cabrillo students and high school students. Cliff Nichols, Student Affairs Representative of Cabrillo College, stated that Cabrillo is mandated by the Education Code as to the amount that students can be charged for bus passes. One of the stated goals of the Transportation Management Study being conducted by Cabrillo is to encourage students to utilize alternate transportation. Mr. Nichols confirmed that Cabrillo staff would be happy to work with District staff and Board members to encourage bus ridership. In order to implement a mandatory parking pass/bus pass program, the students would have to vote on this. Director Rotkin expressed interest in being involved with the Committee dealing with the Transportation Management Study. It was suggested that bus passes for Cabrillo students be valid only for trips to and from the Cabrillo campus. Director Beautz asked that this issue be discussed again prior to the expiration of Cabrillo's contract with the District. Les White is waiting to hear from Manual Osorio, Vice President of Student Services, regarding when the Committee meetings will begin.

12. DELETED

ITEM NO. 21 WAS TAKEN OUT OF ORDER

21. CONSIDERATION OF EASTERN BUS ACCESS TO THE UNIVERSITY OF CALIFORNIA, SANTA CRUZ

Summary:

Chairperson Beautz announced that Doug Deitch, who requested that this matter be considered by the Board of Directors, had asked for a continuance because he was unavailable for today's meeting and he had additional materials he wished to present to the Board of Directors.

Discussion:

Director Beiers pointed out that the legal agreement with UCSC states that neither the City of Santa Cruz nor UCSC would pursue eastern access until the year 2015. Director Keogh supports the request for continuance but stated that the Board meeting is not the proper venue to discuss land use issues. The proper venue would be the Santa Cruz City Council. Peter Scott, resident of the Westside, distributed a Fact and Opinion Sheet which will be included in July Agenda packet of information.

14. CONSIDERATION OF AWARD OF RFP 99-17 FOR ADA PARATRANSIT RECERTIFICATION

Summary:

Tom Stickel reported that the RFP for ADA Paratransit Recertification was developed with members of MASTF, MUG, E&D TAC, and staff. Proposals were submitted by three firms. The Committee selected the firm of Nelson/Nygaard and Richard Weiner of that firm was present to answer any questions.

Discussion:

It was discussed that any paratransit users who are deemed ineligible to utilize the paratransit program should be informed of their alternatives and given more information about how to use the regular bus service.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR RIOS

A Motion was made to authorize the General Manager to execute a contract with the firm of Nelson/Nygaard to develop an ADA Paratransit Recertification Program.

The Motion passed unanimously with Director Arthur absent.

15. CONSIDERATION OF AWARD OF RFP 99-18 FOR COMPREHENSIVE OPERATIONAL AUDIT OF ADA PARATRANSIT SERVICE

Summary:

Tom Stickel reported that four (4) firms submitted proposals to conduct the audit of paratransit services. A nine-member selection committee recommended that MultiSystems, Inc. be awarded the contract. Ms. Lynn Everett Leigh from MultiSystems was present to answer any questions from the Board.

DIRECTOR RIOS LEFT THE MEETING AT 11:11 A.M.

ACTION: MOTION: DIRECTOR GABRIEL SECOND: DIRECTOR ROTKIN

A Motion was made to authorize the General Manager to execute a contract for the Comprehensive Operational and Financial Audit (COFA) of the ADA Paratransit Program with MultiSystems Inc.

The Motion passed unanimously with Directors Arthur and Rios absent.

18. CONSIDERATION OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT BYLAWS AND DETERMINE WHETHER ANY SECTION OF THE BYLAWS NEEDS TO BE UPDATED OR REVISED

- a. **Consider Amending Bylaws to allow Board of Directors to hear oral communications and public hearings before 9:00 a.m. at first monthly Board Meeting**
- b. **Consider amending Bylaws to restrict location for Board Meetings to accessible sites for all members of the public**

Summary:

Margaret Gallagher submitted a supplemental report regarding two issues: language to allow the Board to hear oral and written communications, union communication, and public hearings before 9:00 a.m. at the first regular Board Meeting of the month; and, language to restrict the Board from meeting at locations where certain groups might not be allowed entry.

Discussion:

The MUG Committee recommends changing their Bylaws to include marketing as an issue that the Committee can discuss.

DIRECTOR RIOS RETURNED TO THE MEETING AT 11:15 A.M.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GABRIEL

A Motion was made to include the proposed language into the District Bylaws and to add language for the MUG Committee to include Marketing as an issue that the Committee can discuss.

Director Fitzmaurice stated that the language does not reflect what Ex Officio Director Burch had requested regarding social and economic classes, however, Director Rotkin stated that he is opposed to adding this language, based on social and economic classes.

The Motion passed unanimously with Director Arthur absent.

23. ACCEPT AND FILE REPORT REGARDING STATE OF CALIFORNIA CHALLENGE TO THE APPLICABILITY OF TITLE 2 OF THE AMERICANS WITH DISABILITIES ACT (ADA) AND CONSIDER APPROPRIATE RESPONSE FROM SCMTD TO GOVERNOR GRAY DAVIS' DETERMINATION TO APPEAL THE 9TH CIRCUIT COURT OF APPEAL DECISION IN DARE VS. STATE OF CALIFORNIA

Summary:

Margaret Gallagher reported that Jeff LeBlanc submitted a draft letter of what he proposed for the Board to communicate to Governor Davis regarding the determination to appeal the 9th Circuit Court of Appeal Decision in Dare vs. State of California. A copy of this draft letter is hereby made a part of the Minutes. Ms. Gallagher stated that the U.S. Supreme Court is reviewing whether the states and their subdivisions are exempt from the requirements of Title I and Title II of the ADA. A decision should be rendered by June 2001.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR RIOS

A Motion was made to authorize the General Manager to send the letter submitted by Jeff LeBlanc, with the grammar corrections made by Director Fitzmaurice, to Governor Davis.

The Motion passed unanimously with Director Arthur absent.

ADJOURN

There being no further business, Chairperson Beautz adjourned the meeting at 11:34 a.m.

Respectfully submitted,

DALE CARR
Administrative Services Coordinator