

**San Benito County
LOCAL TRANSPORTATION AUTHORITY
REGULAR MEETING**

April 21, 2011 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair De La Cruz, Director Boch, Director Botelho, Director Gomez, and Vice Chair Emerson

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Transportation Planning Manager, Mary Gilbert; Administrative Services Specialist, Kathy Postigo; Transportation Planner, Betty LiOwen

OTHERS PRESENT:

Scott Dwyer, Majic Consulting; Pauline Valdivia, Jovenes de Antaño

CALL TO ORDER:

Chair De La Cruz called the meeting to order at 4:10 p.m.

A. CERTIFICATE OF POSTING

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously acknowledged the Certificate of Posting.

B. PUBLIC COMMENT: None

CONSENT AGENDA:

- 1. Approve** LTA Transaction Report (Financial Claims) dated March 2011 – Postigo
- 2. Approve** Local Transportation Authority Draft Meeting Minutes Dated April 21, 2011 – Gomez
- 3. Receive** Jovenes de Antaño Specialized Transportation Services Monthly Service Report for the Month of February 2011 – LiOwen
- 4. Receive** County Express Monthly Service Report for the Month of February 2011 – LiOwen
- 5. Declare** Vehicle (VIN: 53004) as Surplus and Dedicate Vehicle for Salvage – LiOwen
- 6. Approve** Amendment No. 1 with Jovenes de Antaño to Modify Hourly Rate and Service Hours – LiOwen
- 7. Approve** and Direct Staff to Release Request for Qualifications #2011-01 for Implementation of Google Transit – LiOwen
- 8. Approve** Memorandum of Understanding between Monterey-Salinas Transit District, Santa Cruz Metropolitan Transit District, San Benito County Local Transportation Authority, Community Bridges and the Association of Monterey Bay Area Governments for the Provision of Vanpool Services within the Monterey Bay Region – LiOwen

Ms. Rheinheimer asked to continue Item 8 to the May meeting.

Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Director's unanimously approved Items 1-7 from the Consent agenda.

REGULAR AGENDA:

9. Receive Presentation on Triennial Performance Audit for Fiscal Years 06/07 through 08/09 – Postigo

Ms. Rheinheimer introduced Scott Dwyer from Majic Consulting, who provided a presentation on the Triennial Performance Audit for fiscal years 06/07 through 08/09.

There were no comments from the Board and no public comment.

10. Consider Service Reinstatement Request for Client of Specialized Transportation Services – LiOwen

Ms. LiOwen stated that a client, Ms. Bilich is requesting the Local Transportation Authority Board of Directors consider reinstating her service for Specialized Transportation Services. The Specialized Transportation Services contractor, Jovenes de Antaño, denied services to Ms. Bilich due to behavioral issues.

Maggie Bilich provided her account of the two incidents involved.

Chair De La Cruz noted for the record that Vice-Chair Emerson would continue chairing the meeting as he would excuse himself from the meeting at 4:30 p.m.

PUBLIC COMMENT:

Larry Cain

Mr. Cain spoke in support of Ms. Bilich. Mr. Cain stated that Ms. Bilich should be given consideration due to the fact that she suffered traumatic brain damage in the past and may not be able to communicate as fast as the rest of us. Mr. Cain stated that although Ms. Bilich has been through a lot, she continues to support her community and we should do the same for her.

Pauline Valdivia

Ms. Valdivia wanted to clarify in response to the first incident by saying that the driver was doing his job by tying the chair down in the same fashion he always had in the past. The training came after when the second incident occurred and that is when they had the driver who was going to transport Ms. Bilich go to the training.

Ms. Valdivia also noted that they were not aware of any medical limitations because Jovenes de Antaño does not screen for that.

Director Emerson inquired if the denial of services from Jovenes de Antaño was indefinite or if there was a certain time frame she would be denied service.

Ms. Valdivia stated that Ms. Bilich was given a written notice as a warning on the first incident and was explained what would occur if the behavior continued. Ms. Valdivia stated that Ms. Bilich was terminated from the service after the second incident occurred. This was to ensure the client's safety, the driver and agency's safety, as well as the safety of other clients.

Director Gomez asked if this was the standard policy for Jovenes de Antaño.

Ms. Valdivia stated that it is standard policy and everyone is treated equally. They really try to work with

the clients.

Director Boch asked if Ms. Valdivia would consider giving Ms. Bilich another opportunity.

Ms. Valdivia stated that she did provide Ms. Bilich her final notice, however, the Board would ultimately decide.

Director Botelho stated that he understood Ms. Valdivia's safety concerns yet, he asked if she would reconsider if Ms. Bilich wrote a letter of apology.

Ms. Valdivia responded by saying that this behavior has been continuous even after Ms. Bilich was given the warning in writing. Ms. Valdivia reiterated that her behavior is a big concern as she could have been seriously injured if her chair had tipped over. Ms. Valdivia stated that this is also a liability issue for the agency.

Director Gomez stated that as a private business owner he would not tolerate this type of behavior towards any of his employees. He added that he respects the decisions and policies that are implemented by Jovenes de Antaño staff. He also realizes that this is a tough decision because Jovenes de Antaño is the only specialized transportation service in the County.

After brief discussion, the Board did not make a decision. There was consensus from the Board to have Ms. Bilich and Jovenes de Antaño work things out. They did not feel comfortable making a decision to Direct Ms. Valdivia to reinstate service, however they also did not believe it was correct to deny service indefinitely.

Ms. Valdivia asked for direction from the Board if this happens again.

Director Botelho stated that he hopes this does not occur again, but "if" it did, Ms. Valdivia would have the Board's full support.

Ms. Rheinheimer noted that COG staff is developing a service refusal policy to facilitate the process should there be a future incident.

11. Receive Report on Useful Life Standards for Local Transportation Authority's Vehicle Fleet – LiOwen

Ms. LiOwen provided a report on the useful life standards of the Local Transportation Authority Transit fleet. Staff recommended continuing the existing practice and proceeding on a case-by-case when evaluating vehicles eligible for surplus.

There was no discussion from the Board.

Upon a motion duly made by Director Gomez, and seconded by Director Botelho, the Director's unanimously voted to adjourn the LTA meeting.

ADJOURN TO LTA MEETING MAY 19, 2011.