



**ACCESSIBLE TRANSPORTATION COMMITTEE
DISCRETIONARY GRANT SUBCOMMITTEE MEETING**

Wednesday, October 26, 2016

10:00 a.m. – 12:00 noon

**NEXT STOP CENTER
Eugene Station
1099 Olive Street, Eugene**

AGENDA

- I. CALL TO ORDER
- II. INTRODUCTIONS, ANNOUNCEMENTS, AND AGENDA REVIEW
- III. PROGRAM OVERVIEW
 - *The Discretionary Grant Subcommittee will discuss the overall process, charge, and expectations of which it has been tasked from the Accessible Transportation Committee.*
- IV. SCHEDULING
 - *The newly formed subcommittee will determine the time and frequency of future meetings.*
- V. NEXT MEETING
- VI. ADJOURNMENT

The facility used for this meeting is wheelchair accessible. If you require any special physical or language accommodations, including alternative formats of printed materials, please contact LTD's Administration office as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please call 682-5555 (voice) or 7-1-1 (TTY, through Oregon Relay, for persons with hearing impairment.

From: [Jeanne Schapper](#)
To: "[April Wick](#)"; "[Josh Haring, River Cities Taxi](#)"; "[Stefan M. Kwiatkowski](#)"; "[Pete Barron](#)"; "[Propunster@gmail.com](#)"; "[CURRIER Ellen](#)"; [Cosette Rees](#); [Kris Lyon](#); [Jeanne Schapper](#)
Cc: [Scott McFarland](#); [John Ahlen](#)
Subject: ATC Discretionary Grant Subcommittee Meeting, October 26
Date: Friday, October 21, 2016 2:38:20 PM
Attachments: [OctoberAgenda.doc](#)

Attached is the agenda for the first meeting of the Accessible Transportation Committee's Discretionary Grant Subcommittee, which will be held on Wednesday, October 26. We look forward to seeing you there.

Regards,

Jeanne Schapper, CMC

Lane Transit District

Clerk of the Board

P: 541-682-6103 | F: 541-682-6111

Contact us at LTD.org

Messages to and from this e-mail address may be available to the public under Oregon's public records law.

Memo

To: Jeanne Schapper
From: Kristin Denmark
Date: October 20, 2016
Re: **ATC Subcommittee**
Cc: Aurora Jackson, Roland Hoskins, Mark Johnson, Cosette Rees, and John Ahlen

The Accessible Transportation Committee (ATC) is a committee established by the LTD Board of Directors to assist and advise the District in carrying out the purposes of the Special Transportation Fund (STF). The STF program provides LTD with state and federal funds, which are intended to finance transportation services benefitting older adults and individuals with disabilities. The ATC Committee has established a subcommittee that will review applications and make recommendations to the ATC Committee as to which programs will receive funds.

1. The subcommittee is subject to Public Meetings Laws because it makes recommendations to the ATC committee and/or the Board.

The ATC subcommittee is subject to Public Meetings Laws. “A body that has authority to make recommendations to a public body on policy or administration is a governing body.” ORS 192.610 (3), *Attorney General’s Manual*, p. 133. The ATC subcommittee will make recommendations to the ATC Committee (which is clearly a “public body” under Public Meetings Laws). Thus, the ATC subcommittee is also a “public body,” making it subject to Public Meetings Laws.

It is my understanding that the ATC subcommittee will make its recommendations as a group, as opposed to each member making individual recommendations to the Committee. Public Meetings Law only applies where the ATC subcommittee will make its recommendations as a group. It would not apply if the subcommittee members made their recommendations individually. However, the Attorney General cautions not to misuse the process in an attempt to avoid Public Meetings Law requirements.

2. ***Committee members may need to declare a conflict of interest in certain circumstances.***

You indicated that a “number of ATC Committee members work for agencies that may receive funds.” Under Oregon law, an actual/potential conflict of interest is defined as,

“Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would/could be to the private pecuniary benefit or detriment of the person ... or any business with which the person ... is associated.”
ORS 244.020 (1),(13).

“Business” is defined as “any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official is associated only as a member or board director or in a nonremunerative capacity.”

“Business with which the person is associated” is defined as follows under Oregon law:

- (1) Any private business or closely held corporation of which the person ... is a director, officer, owner, or employee, or agent, or any of the above in which the person owns or has owned stock, or another form of equity interest worth \$1,000 or more at any point in the preceding calendar year;
- (2) Any publicly held corporation in which the person owns or has owned \$100,000 or more in stock / equity interest at any point in the preceding calendar year; or
- (3) Any publicly held corporation of which the person or person’s relative is a director or officer.

As you can see, under Oregon law, there are different rules for whether the person is associated with a government entity, a 501(c) organization (only in certain capacities), a private business, or a public corporation.

It is my understanding that STF funds flow from the federal government to the State. The State then disburses the federal funds, along with some state funds as well. If federal funds are involved, then FTA rules regarding conflicts of interest must also be analyzed. The FTA’s rules regarding conflicts of interest are more broad,

“No employee, officer, agent, or board member, or his/her immediate family member, partner, or organization that employs or is about to employ any of the foregoing individuals may participate in the selection, award, or administration of a contract supported with FTA assistance, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of those individuals previously listed has a financial or other interest in the firm selected for the award.” FTA C 4220.1F, Ch. III (1)(a).

I am not exactly clear what this process looks like. Does LTD receive the funding from the State, and then divvy it up in the form of contracts awarded? Is it some other arrangement? I need a few more facts before we can complete the conflict of interest analysis. That said, it appears likely that some of the Committee members may be met with a conflict of interest.

Article VI, Paragraph 2(b) of the Bylaws needs to be amended. I think that section is trying to indicate that because the membership of the ATC Committee is set forth in the Oregon Administrative Rules, then each of those individuals can vote *regardless* of any conflict of interest? That is not accurate. The OARs cited are not the correct cites, and the OARs do not address and/or supersede federal and state conflict of interest laws. This section of the bylaws should be revised and we should provide committee members with more information regarding conflicts of interest (*i.e.* what qualifies as a conflict of interest and what do you do when you are met with one).

3. *ATC Committee recommendations should go to the LTD Board for decision.*

One issue that you noted in your email is that “A.J. may recommend that the ATC’s decision as to allocation be approved by the LTD Board.” I agree with that recommendation and believe it may be required. The Oregon Administrative Rules that govern the STF refer throughout to an “Advisory Committee” as a “Committee appointed by a STF Agency (which is LTD) to advise and assist the Agency in carrying out the purposes of the Special Transportation Fund.” OAR 732-005-0010 (3). Under the section titled “Advisory Committee” it states,

“The purpose of the Advisory Committee is to advise and assist the Agency in carrying out the purposes of the STF...The Advisory Committee will:

- (1) Advise the Agency regarding opportunities to coordinate STF moneys and STF-funded projects with other transportation programs and services to avoid duplication and gaps in services;
- (2) Review the proposed distribution of Formula Program moneys and make recommendations to the Agency;
- (3) Meet a minimum of two times per year, or a sufficient number of times so as to advise the Agency in carrying out the purposes of the STF;
- (4) Participate in developing the STF Plan that will be used to perform the activities in this section.

The Advisory Committee may recommend to the Agency any changes to the proposed distribution of Formula Program moneys or Discretionary Grant applications it considers necessary.”

The Oregon Administrative Rules do not contemplate the ATC Committee substituting decision-making authority for the LTD Board. Instead, the clear purpose of the ATC Committee is to make recommendations to, and act in an advisory role for, the LTD Board. Therefore, the ATC should make final recommendations to the LTD Board for its decision.

4. *The quorum requirements in the Bylaws are incorrect and should be changed.*

In my review of the documents you provided to me, which included the Bylaws, I noticed that the section regarding a quorum (Article VI (4)) is incorrect. The current bylaws state “Vacant positions will not count toward the quorum.” The Attorney General’s Manual does a good job of addressing quorum requirements because they can often be so confusing. It states, “The fact that one or more vacancies exist on a board . . . has no bearing on the quorum requirement. Since the law establishes the number of members required for a quorum, the fact that a position is unfilled does not alter this requirement.” *Attorney General’s Manual, Appendix L, p. 3-4.*

I did not do a detailed review of the bylaws, these are just some of the issues that jumped out at me. **I do recommend that we review the bylaws given the issues that have arisen.**

5. *Requirements for STF funds under Oregon Administrative Rules.*

There are several requirements regarding STF funds set forth in the Oregon Administrative Rules. I am just raising a few of them here. A couple of these jumped out at me and I wanted to highlight these to ensure we are complying. It is quite possible that we are, and that I do not have that information, but I wanted to take this opportunity to at least point out my potential concerns.

- (1) LTD must have a STF Plan to guide the investment of STF moneys over at least a three year period. The purpose of the plan is to set out the long term vision for public transportation in the service area and guide investment of the funds to maximize benefit to targeted populations. The OARs set forth requirements for the plan and it must be reviewed at least biennially. OAR 732-005-0081.
- (2) There are accounting, reporting, and auditing requirements. OAR 732-005-0036, 46, 51.
- (3) There are special requirements and limitations on using STF funds for capital items. OAR 732-005-0041.

From: [Janice Friend](#)
To: [John Ahlen](#)
Cc: [Jeanne Schapper](#)
Subject: Re: Captioning services requested
Date: Thursday, October 20, 2016 5:30:49 PM

This is to confirm my captioning services for next Wednesday, 10.26.16, from 10 a.m. to about noon.

Thank you.
Janice Friend

Janice Friend, RPR, CRR, CRC, CSR
Friend Reporting & Captioning
P: 541.683.7600 / M: 541.517.2447



On Thu, Oct 20, 2016 at 2:49 PM, John Ahlen <John.Ahlen@ltd.org> wrote:

Hello,

I've just left you a voicemail message but wanted to follow up with this e-mail. We're hoping to hold our initial meeting of our discretionary grant subcommittee on Wednesday, Oct. 26 from 10am – 12pm. Would you be available to provide captioning services? In addition, we'll be planning some additional subcommittee meetings going throughout March, and would request captioning services for those meetings as well.

Thanks so much,

John Ahlen

Accessible Services Specialist

Lane Transit District

[541.682.7432](tel:541.682.7432)

From: [John Ahlen](#)
To: [Jeanne Schapper](#)
Subject: RE: Discretionary Grant Subcommittee
Date: Thursday, October 20, 2016 2:31:34 PM

Hello,

I just spoke with Bill on the phone, and he is able to attend and would like captioning. Let me know if scheduling is a problem?

Thanks,

John

From: Jeanne Schapper
Sent: Thursday, October 20, 2016 2:13 PM
To: John Ahlen <John.Ahlen@ltd.org>
Subject: RE: Discretionary Grant Subcommittee

John: For this group, will we need closed captioning? It may be difficult to obtain at this late notice.
-Jeanne

From: John Ahlen
Sent: Thursday, October 20, 2016 10:57 AM
To: Jeanne Schapper <Jeanne.Schapper@ltd.org>
Subject: RE: Discretionary Grant Subcommittee

Hi Jeanne,

Actually, it occurs to me that I should pass on the e-mail communications and list to you! I can give Bill and Stefan a call, but here's our subcommittee e-mail list:

'April Wick' <AWick@fullaccess.org>; 'Josh Haring, River Cities Taxi' <haring_josh@yahoo.com>;
'Stefan M. Kwiatkowski' <stefank8409@gmail.com>; 'Pete Barron' <bonpete@gmail.com>;
'Propunster@gmail.com'; CURRIER Ellen <ECURRIER@Lcog.org>; Cosette Rees
<Cosette.Rees@ltd.org>; Kris Lyon <Kris.Lyon@ltd.org>; Jeanne Schapper Jeanne.Schapper@ltd.org

I just wanted to make sure they know that the meeting will be Wednesday, October 26th from 10am – 12pm at the Next Stop center, and to bring their calendars.

Thanks!

John

From: John Ahlen
Sent: Thursday, October 20, 2016 10:40 AM
To: Jeanne Schapper <Jeanne.Schapper@ltd.org>
Subject: RE: Discretionary Grant Subcommittee

Hi Jeanne,

Sure thing. I'd like to schedule us for 10-12 on Wednesday, I'll send out a notification later today. Also thanks for reaching out to Kristin to make sure we had those clarifications on the subcommittee, it looks like we'll need to implement some changes for the upcoming cycle. I think it will be a positive step moving forward.

Thanks,

John

From: Jeanne Schapper
Sent: Wednesday, October 19, 2016 9:50 AM
To: John Ahlen <John.Ahlen@ltd.org>
Subject: RE: Discretionary Grant Subcommittee

I hope it's the first option. I have a meeting Wednesday afternoon and I really don't want a meeting late in the day on a Friday! 😊
-Jeanne

From: John Ahlen
Sent: Tuesday, October 18, 2016 4:20 PM
To: 'April Wick' <AWick@fullaccess.org>; 'Josh Haring, River Cities Taxi' <haring_josh@yahoo.com>; 'Stefan M. Kwiatkowski' <stefank8409@gmail.com>; 'Pete Barron' <bonpete@gmail.com>; 'Propunster@gmail.com' <Propunster@gmail.com>; CURRIER Ellen <ECURRIER@Lcog.org>; Cosette Rees <Cosette.Rees@ltd.org>; Kris Lyon <Kris.Lyon@ltd.org>; Jeanne Schapper <Jeanne.Schapper@ltd.org>
Subject: Discretionary Grant Subcommittee

Hello,

We are hoping to hold an initial meeting of our discretionary grant subcommittee next week. The agenda will be a broad overview of what we can expect over the next few months, anticipating that the subcommittee will conclude its work in March. Subcommittee members need not have anything prepared for this first meeting, but should please plan to bring their calendars for scheduling future meetings. For our first meeting, please let me know if you would be unable to meet during any of these times:

Wednesday, Oct. 26th 10am – 12pm

Wednesday, Oct. 26th 3pm – 5pm

Friday, October 28th 3 pm– 5pm

I'll do my best to select a time that works for the most people based on the feedback I receive.

Thanks to everyone,

John Ahlen

Accessible Services Specialist

Lane Transit District

541.682.7432

From: [Martin Dorer](#)
To: [Jeanne Schapper](#)
Subject: Re: Legal Notice for Sunday
Date: Thursday, October 20, 2016 2:25:49 PM

Good afternoon Jeanne,

I have received your email. We have some room left so I will schedule your notice for October 23, as requested.

If you have any questions, please do not hesitate to ask.

Thank you,

Martin Dorer
Advertising Assistant

RG Media Company
3500 Chad Drive, Eugene, OR 97408
Email: martin.dorer@registerguard.com
Office: [541-338-2301](tel:541-338-2301) • Fax: [541-687-6677](tel:541-687-6677)

Advertising and Digital Marketing Information: rgmediacompany.com/solutions

From: "Jeanne Schapper" <Jeanne.Schapper@ltd.org>
To: "Legals@registerguard.com" <Legals@registerguard.com>, "Martin Dorer" <martin.dorer@registerguard.com>
Sent: Thursday, October 20, 2016 2:19:47 PM
Subject: FW: Legal Notice for Sunday

Martin: I had the wrong date for Sunday. Please run the attached revised legal notice.
Thanks again!
-Jeanne

From: Jeanne Schapper
Sent: Thursday, October 20, 2016 2:16 PM
To: Legals@registerguard.com; 'Martin Dorer' <martin.dorer@registerguard.com>
Subject: Legal Notice for Sunday
Importance: High

Martin: It may be past the deadline for submitting a short legal notice for the Sunday edition. If so, please run the attached under "Notices." Thanks very much!

Jeanne Schapper, CMC
Lane Transit District
Clerk of the Board
P: 541-682-6103 | F: 541-682-6111

Contact us at LTD.org

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From: [CAMPBELL Laura M](#)
To: [Jeanne Schapper](#)
Cc: [John Ahlen](#)
Subject: RE: Minute taker for Wednesday meeting
Date: Friday, October 21, 2016 3:10:45 PM
Attachments: [image001.gif](#)
[image002.gif](#)
[image003.gif](#)

Jeanne,

I have scheduled Hannah Parks to be the Minutes Recorder for this meeting.

Please send me an agenda and/or meeting materials for the meeting.

Thanks!

Laura Campbell

**Administrative Coordinator/ Lane Council of Governments/ 859
Willamette Street, Ste 500/ Eugene, OR 97401
O: 541.682.4283 | F: 541.682.4099 | www.lcog.org | lcampbell@lcog.org**



From: Jeanne Schapper [mailto:Jeanne.Schapper@ltd.org]
Sent: Friday, October 21, 2016 2:53 PM
To: CAMPBELL Laura M
Cc: AHLEN John
Subject: RE: Minute taker for Wednesday meeting

It will be at the Next Stop Center and is expected to last no more than 2 hours. Thanks!
-Jeanne

From: CAMPBELL Laura M [mailto:LCAMPBELL@Lcog.org]
Sent: Friday, October 21, 2016 2:35 PM
To: Jeanne Schapper <Jeanne.Schapper@ltd.org>
Subject: RE: Minute taker for Wednesday meeting

Yes. Where will the meeting be held? How long will the meeting last?

Laura Campbell

Administrative Coordinator/ Lane Council of Governments/ 859

Willamette Street, Ste 500/ Eugene, OR 97401

O: 541.682.4283 | F: 541.682.4099 | www.lcog.org | lcampbell@lcog.org



From: Jeanne Schapper [<mailto:Jeanne.Schapper@ltd.org>]

Sent: Friday, October 21, 2016 2:28 PM

To: CAMPBELL Laura M

Cc: 'emilymathis9@gmail.com'

Subject: FW: Minute taker for Wednesday meeting

Laura: I am LTD's clerk of the Board. Since Susan Hekimoglu has retired, I will be overseeing the meetings of the Accessible Transportation Committee and its subcommittees. A meeting of the ATC's Discretionary Grant Subcommittee will be held on Wednesday, October 26, at 10 a.m. I believe that Emily Mathis took the minutes of our last ATC meeting. Can you assist with arranging for a minute taker for Wednesday's meeting? Thanks.

Jeanne Schapper, CMC

Lane Transit District

Clerk of the Board

P: 541-682-6103 | F: 541-682-6111

Contact us at LTD.org

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