

# **ACHD Americans With Disabilities Act Advisory Committee By-Laws**

Adopted 5-15-2007 and amended by Resolution Number 1097 on May 8, 2013.

## Section 504 and Americans with Disabilities Act

Ada County Highway District (ACHD) is committed to ensuring that all its facilities, programs, services, and activities are accessible to people with disabilities. ACHD complies with disability access laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The Americans with Disabilities Act Advisory Committee plays a vital role in providing input to ACHD.

Section 504 of the Rehabilitation Act of 1973 states that programs or activities that receive federal money (such as ACHD) cannot, solely by reason of disability, exclude a qualified disabled person from participation in, deny the benefits of, or subject the person to discrimination. Because of Section 504, ACHD must remove barriers and make reasonable accommodations for qualified individuals with disabilities.

## The Americans with Disabilities Act of 1990 (ADA)

Title II requires that ACHD must make its facilities, programs, services, and activities accessible to members of the public who have disabilities.

## By-Laws

The ACHD Americans with Disabilities Act Advisory Committee

### ARTICLE I: Name

The name of said committee shall be the ACHD Americans with Disabilities Act Advisory Committee (hereinafter referred to as "the committee").

### ARTICLE II: Form of Committee

The committee shall be a special purpose committee made up of volunteers who work for organizations that directly serve people with disabilities and the elderly, other municipal and governmental ADA representatives, one Citizen Advocate and one member of the Commission. The ACHD Board of Commissioners signed Resolution No. 800 officially creating the committee on January 17, 2007.

### ARTICLE III: Purpose

The committee shall serve in an advisory capacity only to ACHD and the committee shall make recommendations to ACHD on issues of concern to

persons with disabilities. The function of the committee shall include, but not be limited to, the following ...

- A. Assist ACHD in developing strategies for the sidewalk transition plan;
- B. Make recommendations regarding access to all ACHD services and facilities for people with disabilities. Any recommendations or proposals advanced by the committee shall be advisory in nature, and shall be given due consideration by the appropriate district department for feasibility and implementation.
- C. Make recommendations to ACHD departments regarding Section 504/ADA accessibility issues.

#### ARTICLE IV: Membership

Regular membership in this committee shall be open to any individual, without regard to ethnicity, religion, sex, national origin, age, disability, economic status or sexual orientation or any other classification protected by federal or state law. Appointments and terms shall be as follows...

A. Committee members shall serve terms of two years. The ACHD Commissioners shall appoint members. The committee members may serve as many terms as approved by the Commission. Anyone interested in serving on the Committee shall notify the ACHD Commissioners in writing.

B. Member Vacancy: A committee member position shall be deemed vacant when:

1. An appointee who has not yet been confirmed withdraws his/her application;
2. A member no longer continues to meet qualifications for appointment during the term of office; or
3. A member voluntarily resigns prior to the expiration of an appointed term; or
4. A member is removed by the ACHD Commission President, with the advice and consent of the ACHD Commission prior to the expiration of an appointed term.

C. Appointments should be representative of a wide variety of disability groups. Appointees shall have an interest, experience and a demonstrated commitment to issues pertaining to disability and access. Members must currently be representing organizations and/or businesses that serve Ada County residents.

The committee shall consist of a minimum of six volunteer members and one ACHD Commissioner.

D. The ACHD ADA Coordinator (non-employment) and an ACHD Staff Attorney will attend but are not voting members of the Committee

E. The committee shall make reasonable accommodations to enable the participation of its members and/or guests who are persons with disabilities.

F. There shall be no fee required for membership. Members may receive reimbursement for reasonable travel expenses associated with committee meetings, including but not limited to expenses for accessible transportation and/or personal assistance. Other actual and necessary expenses may be allowed with the prior approval of the Director. Verification and documentation of all expenses incurred must be submitted before reimbursement will be made.

G. Conflict of Interest: Committee members shall disqualify themselves from participation in any discussion and/or vote on any matter in which a committee member or his/her family has a financial interest (tangible gain) or a personal interest which would affect independence of judgment or action in the performance of the member's duties.

H. Members may not speak to the media or policy making boards on behalf of the committee without express permission of the committee. At no time shall volunteer committee members present or portray themselves to the media and or policy making boards as ACHD employees (excepting the ACHD Commissioner).

I. Member Resignation: A committee member may resign from committee membership by giving written notice to the chair. The notice shall specify an effective date of resignation, and whenever possible, should be submitted at least thirty days prior to the effective date of resignation.

J. Member Removal: The committee and officers may vote to recommend to the Commission that a member be removed for failure to participate in committee activities (participation criteria i.e. absence from meetings, etc. will be determined by the committee) or for behavior that negatively impacts the committee's purpose or reflects poorly on the district's mission to serve the community.

## ARTICLE V: Meetings

A. Meetings: The committee shall meet every two months unless otherwise determined by a majority of voting members. The time, hour and place of these meetings shall be determined by a consensus of the committee. All meetings of the committee shall be called, noticed, held and conducted in accordance with the State of Idaho Open Meetings Law. In the event of the absence of the chairperson at the meetings, the vice-chairperson shall run the meeting. In the

event of the absence of the vice-chairperson, the secretary shall run the meeting. In the event of the absence of the secretary a committee member who receives the most votes by the committee shall preside over that meeting.

B. Additional Meetings: When deemed expedient, or at the request of the majority of the committee, the committee chairperson may call additional meetings of the committee to be held at such time and place as stated by the committee chairperson. Additional meetings shall be called, noticed, held and conducted in accordance with the State of Idaho Open Meetings Law.

C. Quorum: At any meeting, a quorum shall consist of a majority of the committee/subcommittee(s) members. No action item requiring the committee's vote shall be resolved in the absence of a quorum.

D. Voting:

1. The vote on all questions coming before the committee/subcommittee(s) shall be by voice vote, elevating hands, or other effective method. The chairperson of the committee shall vote in all cases, when present.

2. Upon request by any committee member, a vote will be tallied and recorded in the meeting minutes.

3. Attendance: Members are expected to attend all regular meetings, but two absences per year may be excused.

E. Minutes: Meeting minutes will be sent to the committee members, the ACHD Commissioners, and all affected ACHD departments at least ten (10) business days before the next meeting. All official records of the committee shall be kept at ACHD's Adams Street office. Minutes will be posted on the ACHD web site and, upon request, will be made available for public inspection during regular business hours.

#### ARTICLE VI: Officers

A. Officers shall serve terms of one (1) year unless reappointed by majority vote of the committee.

B. The officers of the committee shall consist of a chairperson who shall be appointed by the ACHD Director and a vice chairperson and secretary, who shall be elected by the committee.

C. Officers - Duties

1. Chairperson

- A. The chair shall preside over all regular committee meetings.
- B. The chair shall formulate the agenda with input from members and staff.
- C. The chair shall oversee the committee work plan.
- D. The chair shall serve as the spokesperson for the committee.
- E. The chair shall perform such other duties as required and approved by the committee.

2. Vice-Chairperson:

- A. The vice-chair shall assist the chair in fulfilling his/her duties and shall serve as chairperson during the absence of the chairperson.
- B. The vice-chair shall chair subcommittees on special subjects as designated by the committee.
- C. The vice-chair shall ensure that all committee activities adhere to the committee bylaws.
- D. The vice-chair shall also perform such other duties as required and approved by the committee.

3. Secretary:

- A. The secretary shall assist the chair and vice-chair in fulfilling their duties and shall serve as chairperson during the absence of both the chairperson and vice-chairperson.
- B. The secretary shall prepare the agenda formulated by the chair and take meeting notes/minutes.
- C. The secretary shall also perform such other duties as required and approved by the committee.

D. Officer Resignation: A committee officer may resign from office by giving written notice to the chair. The notice shall specify an effective date of resignation, and whenever possible, should be submitted at least thirty days prior to the effective date of resignation.

E. Officer Vacancy: In the event the chairperson is unable to fulfill his/her duties or resigns in the middle of a term, the ACHD Director shall appoint a chairperson

to fill the unexpired term. In the event of a vacancy in any other officer position, the committee shall elect a committee member to fill the unexpired term.

#### ARTICLE VII: Recruitment, Appointment and Confirmation of Members

Committee vacancies and resignations will be filled in the following manner:

- A. Current committee members may forward names of potential committee members for consideration.
- B. Committee members will be appointed by the ACHD Commission President with the advice and consent of the ACHD Commissioners.

#### ARTICLE VIII: Subcommittees

Subcommittees - The chairperson shall have the authority to create subcommittees that may be deemed helpful to the work of the committee and the accomplishment of its purpose. Subcommittees shall cover issues relevant to the mission of the committee.

#### ARTICLE IX: Finances

The committee shall neither receive funds nor make disbursement of its own authority.

#### ARTICLE X: Support Services

The ADA Coordinator (non-employment) shall serve as coordinator of the committee. Mailing, telephone and other support services essential to the work of the committee will be provided by the ACHD's Planning & Projects Department.

#### ARTICLE XI: Amendments

These bylaws may be amended by a majority vote at any meeting of the committee provided that notice of the proposed amendment(s) have been sent to all members ten (10) business days in advance of the meeting.