



**MID-COLUMBIA COUNCIL OF GOVERNMENTS
Board of Directors Agenda**

Tuesday, July 28, 2015
1:00 p.m. to 4:00 p.m.

MCCOG Boardroom – 1113 Kelly Ave, The Dalles, OR 97058

I. 1:00 p.m. **Call to Order**

- A. Roll Call and Introductions.
- B. Approval of minutes from June 23, 2015 Board meeting.

II. 1:10 p.m. **Open Agenda**

(This time is set aside for the public and board members to introduce subjects NOT on the agenda). Persons invited by the Chair to speak to the Board shall state their name and address for the record. Their presentation will be limited to three minutes. The Board will take no action on the issue(s) presented until the next Board meeting, in order to give the Board time to research any matters or to decide upon a course of action. The time restriction is necessary in order to complete this meeting as published.

III. 1:15 p.m. **Reports/Communications**

- A. AAA
 - i. Guest Speaker, Rodney Schroeder

IV. 3:15 p.m. **Action Items**

- A. Transportation Department
 - a. Reasonable Modification Policy, Dan Schwanz
 - b. NEMT, John Arens
 - i. Executive Session 192.660(2)(g)

V. 4:00 p.m. **Adjourn**

Pursuant to ORS 192.660, the Board may enter into Executive Session during the meeting to discuss topics allowed. The meeting location is accessible to persons with disabilities. If you have a disability that requires any special materials, services, or assistance, please contact the Executive Assistant (541) 298-4101 at least 48 hours before the meeting.

MID-COLUMBIA COUNCIL OF GOVERNMENTS

Board of Directors Meeting Minutes

Tuesday, June 23, 2015 1:00 p.m. to 3:00 p.m.

Board Room, 1113 Kelly Avenue, The Dalles, Oregon

2015 Board of Directors:

Gilliam County: Denise Ball, Steve Shaffer, *Mike Weimer
Hood River County: *Maui Meyer, Les Perkins, Mark Zanmiller.
Sherman County: Tom McCoy, *Michael Smith
Wasco County: Russ Brown, Scott Hege, *Rod Runyon
Wheeler County: Lynn Morley, *Chris Perry
(*denotes Executive Committee Members)

I. Call to Order

A. Roll Call and Introductions

The meeting was called to order by Michael Smith, Chair.

Present: Denise Ball, Russ Brown, Scott Hege, Kaylene Korpi, Tom McCoy, Lynn Morley, Rod Runyon, Steve Shaffer, Michael Smith, Michael Weimar, and Mark Zanmiller.

Absent: Maui Meyer, Les Perkins, and Patrick C. Perry.

Staff: John Arens, Executive Director; Cecilia Lamas-Guiney, Executive Assistant; Marvin Pohl, AAA Director; Melissa Howtopat, AAA Care Coordinator; Mary Barret, AAA Care Coordinator; and Lynda Dallman, Human Resources Consultant.

Guests: Scott Bond, David Staehnke, and Rodger Nichols, Haystack Broadcasting.

B. Approval of minutes from May 12, 2015 and May 26, 2015 Board Meetings.

Tom McCoy moved, seconded by Steve Shaffer, to approve the minutes as presented. The motion carried unanimously.

AYES: Ball, Brown, Hege, Korpi, McCoy, Morley, Runyon, Shaffer, Smith, Weimar, Zanmiller (11)

NAYS: None (0)

II. Open Agenda

Mark Zanmiller asks for a status update on the Executive Director recruitment. Michael Smith responds that this will be added to the agenda.

III. Reports/Communications

A. Correspondence; Thank You letter from Oregon Food Bank

Marvin Pohl speaks for item; tells Board of how he has been working with the Food Bank, Gorge Grown, and OHSU doing research on food scarcity in the region. The Food Bank had a need for computers to assist with this pilot project. Pohl shared this information with Steve King at the Students Recycling Used Technology (StRUT) program, and StRUT was able to donate five laptops to the Food Bank for the project.

B. AAA Guest Speaker, Scott Bond.

Marvin Pohl introduces topic and guest speaker, Scott Bond.

Scott Bond addresses Board; provides summary of his professional background and experience.

Bond begins his presentation about AAA Structures and the Integration of Medicaid Long Term Services and Supports. *reference MCCOG website for Presentation PowerPoint

C. Executive Director Recruitment

Michael Smith provides Board with update on Executive Director Recruitment; the next Executive Committee meeting will be scheduled soon to discuss how the recruitment search will be done.

IV. Adjourn

There being no further business to come before the MCCOG Board of Directors, the meeting was adjourned at 3:04 p.m.

Respectfully submitted by:

ATTEST:

Cecilia Lamas-Guiney, Executive Assistant

MCCOG Board Chair

Mid-Columbia Council of Governments

Memorandum

To: MCCOG Board of Directors
From: Dan Schwanz, Transportation Director
Date: July 28, 2015
Subject: **Reasonable Modification Policy, Resolution 14-11**

Discussion:

Background – The United States Department of Transportation has issued a new rule which requires public agencies who provide public transportation to provide reasonable modifications of policies and practices to persons with disabilities.

49 CFR part 27 has been amended:

- Requires reasonable modification
- Requires the establishment of a complaint procedure and the designation of an individual responsible to for coordination of reasonable accommodation complaints

49 CFR Part 37 has been amended:

- Amends the definition of nondiscrimination to:
 - Clarify the limited circumstances under which service may be refused to an individual with disabilities
 - Require both public and private entities to make reasonable accommodation
- Requires covered entities to:
 - Designate a specific employee to respond to reasonable accommodation requests
 - Adopt complaint procedures
- Specifies the steps a public or private entity must do to implement reasonable accommodation policies

Staff Recommendation:

Approve Resolution 14-11 to adopt the Reasonable Modification Policy.

Attached: Resolution 14-11
Reasonable Modification Policy

MID-COLUMBIA COUNCIL OF GOVERNMENTS
REASONABLE MODIFICATION POLICY ADOPTION
RESOLUTION NUMBER 14-11

WHEREAS, The Mid-Columbia Council of Governments (MCCOG) is an intergovernmental agency formed under the authority of Oregon Revised Statutes, Chapter 190, consisting of the five counties of Wasco, Hood River, Sherman, Gilliam, and Wheeler; and

WHEREAS, MCCOG adopts a Reasonable Modification Policy to ensure that the organization is in compliance with the Federal Department of Transportation requirements;

NOW, THEREFORE, BE IT HERBY RESOLVED that this policy shall be in effect for the period of time that MCCOG is required by Federal Law to have a Reasonable Modification Policy.

PASSED AND APPROVED this 28th day of July 2015.

Attest:

Michael Smith, Board Chair

Cecilia Lamas-Guiney, Executive Assistant

Mid-Columbia Council of Governments

Reasonable Modification Policy

1. Purpose

The purpose of the reasonable modification policy is to ensure that the Mid-Columbia Council of Governments (MCCOG) offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the American with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

2. Policy

MCCOG is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. MCCOG recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies and procedures. MCCOG will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. MCCOG does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. MCCOG will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of MCCOG, or be subject to discrimination by MCCOG.

3. Reasonable Modifications

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. MCCOG will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of others including passengers.
- The individual with a disability is able to fully use the MCCOG's service without the accommodation being made.

For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term "reasonable modifications" as set forth in the Americans with Disabilities Act title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

4. Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

5. Requests for Reasonable Modifications

MCCOG shall make information about how to contact MCCOG to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines.

MCCOG shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at MCCOG will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, MCCOG requests that individuals make such requests for modifications in advance if it is possible to do so before MCCOG is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with MCCOG’s management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

6. Interactive Process

When a request for accommodation is made, MCCOG and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the MCCOG must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

7. Time Frame for Processing Requests and Providing Reasonable Modification

MCCOG will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. MCCOG recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

8. Granting a Reasonable Modification Request

As soon as MCCOG determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, MCCOG shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

9. Denying a Reasonable Modification Request

As soon as MCCOG determines that a request for reasonable accommodation will be denied, MCCOG will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. the specific reasons for the denial;
- b. any alternative accommodation that may create the same access to transit services as requested by the individual; and
- c. the opportunity to file a complaint relative to the MCCOG' decision on the request.

10. Complaint Process

MCCOG has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the MCCOG website and will be provided to any individual where the MCCOG has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a MCCOG' Reasonable Modification Complaint Form. MCCOG investigates complaints received no more than 30 days after receipt. MCCOG will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, MCCOG may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to the MCCOG.

If MCCOG is not contacted by the complainant or does not receive the additional information within 30 business days, the MCCOG may administratively close the complaint. A complaint may be administratively closed also if the complainant no longer wishes to pursue their case.

After MCCOG investigates the complaint, a decision will be rendered in writing to the complainant. MCCOG will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by MCCOG to address the complaint.
- b. *Letter of Closure* – This letter will explain why MCCOG has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of MCCOG, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of MCCOG.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

11. Designated Employee

MCCOG shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Name, Title
Mid-Columbia Council of Governments
1113 Kelly Avenue
The Dalles, OR 97058
(Telephone)
(E-mail)

12. Record Retention

MCCOG will maintain all records related to reasonable modification requests and denials for at least three (3) years.

13. Adoption

Adopted by: Mid-Columbia Council of Governments Date: _____

Mid-Columbia Council of Governments

Memorandum

To: MCCOG Board of Directors
From: John R. Arens, Executive Director
Date: July 28, 2015
Subject: **Non-Emergent Medical Transportation**

Discussion:

MCCOG and PacificSource have had prior discussions on potential contracts. In the past two months, negotiations have been initiated with PacificSource and MCCOG, Transportation Brokerage to provide Non-Emergent Medical Transportation (NEMT) in Hood River and Wasco Counties.

PacificSource will be required by the State of Oregon to initiate services on October 1, 2015 for Hood River and Wasco Counties. MCCOG has been providing services for the State of Oregon in this area for over 10 years. With the transfer of services from the Oregon Health Authority, State of Oregon to the Columbia Gorge Coordinated Care Organization – PacificSource, there will be an opportunity for PacificSource to create a new design for NEMT in this service area. Their desire is to create a service that provides clients more access and opportunities for transportation.

The negotiations are ongoing, some of the specifics can be discussed in Executive Session and there is a short timeline.

Staff Recommendation:

- 1) Continue with the negotiations and call a special MCCOG Board meeting to consider the contract.
- 2) Authorize the Executive Director to continue with the negotiations and sign the contract if appropriate terms can be reached by the parties.