



MEETING NOTICE & AGENDA

Please be advised that a meeting of the River to Sea Transportation Planning Organization (R2CTPO) Transportation Disadvantaged Local Coordinating Board (TDLCB) **GRIEVANCE COMMITTEE** will be held on:

Date: Wednesday, April 12, 2023

Time: 9:30 a.m.

Place: Volusia County Mobility Management Center (Votran)
950 Big Tree Road
South Daytona, FL 32119

NOTE:

Microsoft Teams has been established for remote participation.

Grievance Committee

Wednesday April 12, 2023 9:30 am (EST)

Join the Grievance Committee on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 561-484-5911 8366373# United States, West Palm Beach

Phone Conference ID: 836 637 3#

[Find a local number](#) | [Reset PIN](#)

Volusia County Council Member Matt Reinhart, Chairperson

AGENDA

I. CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

II. PUBLIC COMMENT/PARTICIPATION

(Public comments may be limited to three (3) minutes at the discretion of the Chairperson)

III. ACTION ITEMS

A. REVIEW AND APPROVAL OF THE APRIL 13, 2022 MEETING MINUTES *(Contact: Pamela Blankenship) (Enclosure, pages 3-5)*

B. REVIEW AND RECOMMEND APPROVAL OF THE 2023 TDLCB GRIEVANCE PROCEDURES *(Contact: Stephan Harris) (Enclosure, pages 6-12)*

IV. STAFF COMMENTS (page 2)

V. CHAIRPERSON COMMENTS (page 2)

VI. GRIEVANCE COMMITTEE MEMBER COMMENTS (page 2)

VII. ADJOURNMENT (page 2)

Grievance Committee Members:

Volusia County Council Member Matt Reinhart

Carlos Colon, FDOT

Doug Hall

Cassandra Jessie

Patricia A. Lipovsky

Mary Tyson

NOTE: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the River to Sea TPO office, 1 Deuce Court, Suite 100, Daytona Beach, Florida 32114-8145; (386) 226-0422, extension 20416, at least five (5) working days prior to the meeting date.

NOTE: If any person decides to appeal a decision made by this board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

NOTE: The River to Sea TPO does not discriminate in any of its programs or services. To learn more about our commitment to nondiscrimination and diversity, visit our Title VI page at www.R2CTPO.org or contact our Title VI/Nondiscrimination Coordinator, Pamela Blankenship, at 386-226-0422, extension 20416, or pblankenship@r2ctpo.org.

**SUMMARY SHEET
GRIEVANCE COMMITTEE
APRIL 12, 2023**

III. ACTION ITEMS

A. REVIEW AND APPROVAL OF THE APRIL 13, 2022 MEETING MINUTES

BACKGROUND INFORMATION

Minutes are prepared for each meeting and must be approved by the Grievance Committee. The April 13, 2022 Grievance Committee meeting minutes are provided with this agenda packet for your review.

ACTION REQUESTED:

MOTION TO APPROVE THE APRIL 13, 2022 MEETING MINUTES

**Grievance Committee
Meeting Minutes
April 13, 2022**

Volusia County Mobility Management Center
950 Big Tree Road, South Daytona, FL 32119

Grievance Committee Members Physically Present:

Barbara Girtman, Chairperson
Patricia Lipovsky
Mary Tyson

Representing:

Volusia County Council Vice Chair
Citizens Advocate, System User
Disabled Citizens

Grievance Committee Members Absent

Doug Hall

Representing:

Elderly Citizens

Others Physically Present:

Debbie Stewart, Recording Secretary
Stephan Harris
Ralf Heseler
Jake Lunceford

Representing:

TPO Staff
TPO Staff
Votran Staff
Votran Staff

Others Virtually Present:

Pam Blankenship
Sheryl Dick-Stanford

Representing:

TPO Staff
Agency for Persons with Disabilities

I. Call t/o Order / Roll Call / Determination of Quorum/Pledge of Allegiance

The meeting of the Grievance Committee was called to order at 10:30 a.m. by Chairperson Barbara Girtman. Due to the COVID-19 virus, the meeting was held in a hybrid format with three voting members physically present.

The Pledge of Allegiance was given.

II. Public Comment/Participation

There were no public comments.

III. Action Items

A. Review and Recommend Approval of the TDLCB Grievance Procedures

Mr. Harris stated this is the annual review of the Grievance Procedures; the suggested changes are shown in underline/strikethrough format. He reviewed the changes; the dates have been updated and the website address where complaints can be submitted has been added. The time for written notices to be mailed to the grievant will be changed from ten working days to five; the TPO uses a five working day policy for all committee and board meetings, including this board. This will make the Grievance Procedures consistent with the TPO's policy. Another change is that after the Grievance Committee renders a decision, the time for an appeal be changed from within 60 days to the next regularly scheduled TDLCB meeting; the written notice will also be changed from ten working days to five. The quorum for the TDLCB will be changed from a majority of voting members to six voting members to be

consistent with the TDLCB Bylaws. The other changes are dates and changing Chairperson Girtman's title from Volusia County Council Member to Volusia County Council Vice Chair.

Chairperson Girtman referred to the quorum and that it states "presence in person". She asked if there is still an exception to allow the opportunity for members attending virtually to vote.

Ms. Tyson replied it would be voted on at each meeting if necessary.

Mr. Harris stated that is correct.

Chairperson Girtman asked if the language needs to be changed to reflect that.

Mr. Harris replied that change could be made the next time the TDLCB Bylaws are updated.

MOTION: *A motion was made by Ms. Tyson to recommend approval of the TDLCB Grievance Procedures and recommended updating the TDLCB Bylaws to allow voting members to participate virtually with approval of members physically present. The motion was seconded by Ms. Lipovsky and carried unanimously.*

IV. Staff and Member Comments

There were no staff or member comments.

V. Chairperson Comments

There were no further Chairperson comments.

VI. Adjournment

The meeting was adjourned at 10:50 a.m.

RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION

**VOLUSIA COUNTY COUNCIL MEMBER MATT REINHART, CHAIRPERSON
GRIEVANCE COMMITTEE**

CERTIFICATE:

The undersigned, duly qualified and acting Recording Secretary of the River to Sea TPO certifies that the foregoing is a true and correct copy of the minutes of the April 13, 2022 regular meeting of the Grievance Committee approved and duly signed this 12th day of April 2023.

**PAMELA BLANKENSHIP, RECORDING SECRETARY
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION**

**SUMMARY SHEET
GRIEVANCE COMMITTEE
APRIL 12, 2023**

III. ACTION ITEMS

B. REVIEW AND RECOMMEND APPROVAL OF THE 2023 TDLCB GRIEVANCE PROCEDURES

BACKGROUND INFORMATION

Grievance Procedures are developed, annually updated, and implemented in accordance with the Commission's most recent TDLCB and Planning Agency Operating Guidelines. Proposed revisions to the draft Grievance Procedures are provided with this agenda packet for your review and recommendation of approval. Revised text is highlighted and underlined (additions) or stricken (deletions).

ACTION REQUESTED:

MOTION TO RECOMMEND APPROVAL OF THE 2023 TDLCB GRIEVANCE PROCEDURES

**GRIEVANCE PROCEDURES
OF THE
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION (TPO)
TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD**

ARTICLE I: PREAMBLE

SECTION 1: PREAMBLE

The following sets forth the grievance procedures which shall serve to guide the River to Sea TPO Transportation Disadvantaged Local Coordinating Board (TDLCB), serving to assist the Community Transportation Coordinator (CTC). The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, Florida Statutes, Rule 41-2.012 of the Florida Administrative Code (FAC), and subsequent laws setting forth requirements for the establishment of grievance procedures. Grievance Committee procedures are designed to address issues raised by agencies, users, potential users, sub-contractors, and other interested parties which cannot be resolved through the CTC. This procedure does not cover the competitive bid process; including Request for Proposals (RFPs).

ARTICLE II: GRIEVANCE COMMITTEE NAME AND PURPOSE

SECTION 1: NAME

The name of the committee to resolve grievances for the River to Sea TPO Transportation Disadvantaged Local Coordinating Board shall be the Grievance Committee.

SECTION 2: PURPOSE

The primary purpose of the Grievance Committee is to process, investigate and make recommendations with respect to unresolved complaints to the Local Coordinating Board for improvement of service. This procedure is made available to agencies with Purchase of Service Agreements (POS) contracts, users, or potential users of the system in Volusia to hear complaints and provide a mechanism for issues to be brought before the Grievance Committee which shall meet as often as necessary to address unresolved complaints in a timely manner.

ARTICLE III: DEFINITIONS

SECTION 1: DEFINITION OF COMPLAINT

“A complaint is an oral (in person/telephone) or written statement of dissatisfaction which is presented to Votran, Volusia County’s CTC.”

SECTION 2: DEFINITION OF FORMAL GRIEVANCE

“A formal grievance is a written complaint to document any concerns or unresolved service complaints regarding the operation or administration of TD services by the Transportation Operator, Community Transportation Coordinator, the designated official planning agency (DOPA) or the local coordinating board. The Grievant in their formal complaint should demonstrate or establish their concerns as clearly as possible.”

ARTICLE IV: FILING OF COMPLAINTS AND GRIEVANCES

SECTION 1: PROCESS OF FILING A COMPLAINT

Any user, agency (with POS contract) or potential user may register a verbal/written complaint with the CTC in accordance with the policies and procedures of Votran.

If the complainant is not satisfied with the action taken by the CTC, the user may file a formal written complaint within ten (10) working days after the CTC’s decision.

Such written complaint shall include the following:

1. the name and address of the complainant;
2. a statement of the grounds for the complaint made in a clear and concise manner, supplemented by supporting documentation;
 - a. Exact date/time of incident;
 - b. Exact location of incident;
 - c. Any witnesses to incident (including name and address); and
 - d. Vehicle unit number, license number, color and type.
3. an explanation of the relief desired by the complainant; and
4. if the complainant is unable to submit a formal written complaint, Votran shall have the responsibility of obtaining an advocate who will be available to assist those individuals. The ten (10) working days needed by the customer to submit their written complaint will not go into effect until the advocate has met with the customer.

A written complaint shall be addressed to:

Votran Bus System
Customer Service Manager
950 Big Tree Road
South Daytona, Florida 32119

A written complaint may also be submitted via the Votran website:
<http://www.votran.org/contact-us/>.

The CTC shall have ten (10) working days from the date of notification of the complaint to address or investigate the problem. Within that time, the CTC will respond to the complainant by telephone, if possible, and in writing within ten (10) working days of notification to the complainant as to what action was made.

SECTION 2: FILING OF A GRIEVANCE

If the complainant is dissatisfied with the corrective action taken by the CTC, an appeal to the Grievance Committee of the TDLCB may be filed. Such written appeal must be filed within ten (10) working days from the date of notification to the complainant of the final decision from the CTC. The written appeal shall include the following:

1. the name and address of the complainant;
2. a statement of the ground for the grievance made in a clear and concise manner, supplemented by supporting documentation;
3. demonstrate or establish a clear violation of a specific law, regulation, contractual arrangement, or circumstance thought to be unjust;
4. an explanation of the relief desired by the complainant;
5. specified areas of disagreement with the CTC decisions; and
6. if the complainant is unable to submit a formal written appeal to be filed, Votran shall have the responsibility of obtaining an advocate who will be available to assist those individuals. The ten (10) working days needed by the customer to submit a written appeal will not go into effect until the advocate has met with the customer.

An appeal to the Grievance Committee may only be filed after the complainant has sought satisfaction directly from the CTC.

The appeal must be addressed to:

River to Sea Transportation Planning Organization

Attn: Grievance Committee

~~2570 W. International Speedway Boulevard, Suite 100-1 Deuce Court, Suite 100~~
Daytona Beach, Florida ~~32114~~ 32124

Once an appeal has been received, the Grievance Committee shall meet and render its recommendation within thirty (30) working days of the date the appeal was filed. The complainant shall be notified in writing of the mutually agreed upon date, time and place where the appeal shall be heard. This written notice shall be mailed at least five (5) working days in advance of the meeting.

A written copy of the recommendation will be forwarded to the TDLCB and all parties involved within ten (10) working days from the date of the recommendation.

Written recommendations will include the following information:

1. a statement that a meeting was held in which the involved parties and/or their representatives were given an opportunity to present their positions;
2. a statement that clearly defines the issues discussed; and
3. Reasons for the recommendation based on the information provided.

If the complainant is dissatisfied with the recommendation of the Grievance Committee, he/she may continue the appeal process with the TDLCB.

ARTICLE V: APPEAL TO THE TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD

Should the aggrieved be interested in filing an appeal with the TDLCB it must be filed within ten (10) working days from the date of receipt of the final recommendation of the Grievance Committee. The appeal should attempt to demonstrate or establish a clear violation of a specific law, regulation, contractual arrangement or circumstance thought to be unjust. An appeal to the TDLCB can only be filed after the aggrieved has sought satisfaction directly from the Grievance Committee. An appeal to the TDLCB must be addressed to:

River to Sea Transportation Planning Organization

Attn: TDLCB

~~2570 W. International Speedway Boulevard, Suite 100-1 Deuce Court, Suite 100~~
Daytona Beach, Florida ~~32114~~ 32124

Once an appeal has been received, the TDLCB shall meet and render its recommendation at the next regularly scheduled TDLCB meeting after the date the appeal was filed. The aggrieved shall be notified in writing of the mutually agreed upon date, time and place where the appeal shall be heard. This written notice shall be mailed at least five (5) working days in advance of the hearing.

A written copy of the TDLCB's recommendation shall be forwarded to all parties involved within ten (10) working days from the date of the recommendation. A written recommendation shall include the following information:

1. a statement that a hearing was held in which the involved parties, their representatives and/or witnesses were given an opportunity to present their positions;
2. a statement that clearly defines the issues discussed; and
3. reasons for the recommendation Votran based on the information provided.

If the complainant is dissatisfied with the recommendation of the TDLCB, he/she may continue the process with the TD Ombudsman Program by calling the following number(s): 1-800-983-2435. For hearing and speech impaired customers call, 711 (Florida Only) Florida Relay System or (850) 410-5708 for TTY or via written correspondence to:

Florida Commission for the Transportation Disadvantaged
Attn: Ombudsman Program
605 Suwannee Street, MS-49
Tallahassee, FL 32399-0450
Email: CTDombudsman@dot.state.fl.us

If the Commission is unable to resolve the grievance, the customer will be referred to the Office of Administrative Appeals or other legal venues as appropriate to the specific nature of the grievance.

All of the steps above must be attempted in the order listed before a complaint or grievance will move to the next step.

ARTICLE VII: SCHEDULED MEETINGS

SECTION 1: GENERAL

The Grievance Committee shall be comprised of a minimum of three (3) TDLCB board members. The CTC shall not serve on the Grievance Committee. Each member shall serve at the discretion of the TDLCB. When a meeting of the Grievance Committee is necessary,

staff to the TDLCB shall schedule the meeting of the Grievance Committee to hear appealed grievances.

ARTICLE VIII: AMENDMENTS

SECTION 1: GENERAL

The Transportation Disadvantaged Local Coordinating Board Grievance Procedures may be amended by a two-thirds (2/3) vote of members present, if a quorum exists, providing the proposed change(s) is/are mailed to all members at least five (5) working days in advance of the meeting.

SECTION 2: QUORUM

At all meetings of the Transportation Disadvantaged Local Coordinating Board, the presence in person of six (6) voting members shall be necessary and sufficient to constitute a quorum for the transaction of business. As used herein, the term "CMT" means Communications Media Technology, which includes telephone, Zoom, GoToMeeting, Microsoft Teams, or similar type of platform. Members of the TDLCB, or any TDLCB committee, may attend a meeting, on which the Member serves, remotely using CMT, if there is a quorum of the TDLCB, or TDLCB committee, physically present at the meeting site; provided, that the Member(s) is subject to an "extraordinary circumstance" that justifies the remote attendance. Authority: Florida Attorney General Opinion (AGO) 2003-41.

ARTICLE IX: CERTIFICATION

The undersigned hereby certifies that she is the Chairperson of the River to Sea TPO Transportation Disadvantaged Local Coordinating Board and that the foregoing is a full, true and correct copy of the Grievance Procedures of this Local Coordinating Board as adopted by the River to Sea TPO Transportation Disadvantaged Local Coordinating Board the ~~13th~~ 12th day of ~~April 2022~~ April 2023.

Volusia County Council ~~Vice Chair Barbara Girtman~~ Member Matt Reinhart, Chairperson
Transportation Disadvantaged Local Coordinating Board (TDLCB)

ATTEST:

~~Debbie Stewart~~ Pamela Blankenship, Recording Secretary
River to Sea Transportation Planning Organization

Transportation Disadvantaged Local Coordinating Board Grievance Procedures
~~April 13, 2022~~ April 12, 2023