



Regular Meeting of the Board of Directors

Tuesday, October 24, 2023

10:00 a.m.

Antelope Valley Transit Authority Community Room
42210 6th Street West, Lancaster, California
www.avta.com

AGENDA

For record-keeping purposes, and if staff may need to contact you, we request that a speaker card located at the Community Room entrance be completed and deposited with the AVTA Clerk of the Board. This will then become public information. Please note that you do not have to complete this form or state your name. A three-minute time limit will be imposed on all speakers besides staff members.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please contact the Clerk of the Board at (661) 729-2206 at least 72 hours prior to the scheduled Board of Directors meeting. All accommodation requests will be handled swiftly and resolving all doubts in favor of access.

Translation services for Limited English Proficiency (LEP) persons are also available by contacting the Clerk of the Board at least 72 hours prior to the meeting.

Please turn off, or set to vibrate, cell phones, pagers, and other electronic devices for the duration of this meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Richard Loa, Director Eric Ohlsen, Director Raj Malhi, Director Michelle Flanagan

APPROVAL OF AGENDA

PUBLIC BUSINESS– AGENDIZED AND NON-AGENDIZED ITEMS:

If you would like to address the Board on any agendized or non-agendized items, you may present your comments at this time. For record-keeping purposes and so that staff may contact you if needed, we request that a speaker card located in the

Community Room lobby be completed and provided to the Clerk of the Board. This will then become public information. Please note that you do not have to complete this form or state your name to speak.

State law generally prohibits the Board of Directors from taking action on or discussing non-agenda items; therefore, your matter will be referred to the authority's Executive Director/CEO for follow-up. A three-minute time limit will be imposed on all speakers other than staff members.

SPECIAL REPORTS, PRESENTATIONS, AND REQUESTS FOR DIRECTION (SRP): During this portion of the meeting, staff will present information not normally covered under regular meeting items. This information may include, but is not limited to budget presentations, staff conference presentations, or information from outside sources that relates to the transit industry. **Staff will seek direction as is necessary from the Board with regard to the following item(s).**

- SRP 1 PRESENTATION OF TRANSIT CENTER DEDICATION PLAQUES – MARTIN TOMPKINS
- SRP 2 LEGISLATIVE REPORT FROM SENATOR SCOTT WILK'S OFFICE – JACK DANIELSON
- SRP 3 LEGISLATIVE REPORT FROM ASSEMBLYMAN TOM LACKEY'S OFFICE – PAMELA BALCH
- SRP 4 LEGISLATIVE REPORT FROM ASSEMBLYMAN JUAN CARRILLO'S OFFICE – JUAN BLANCO
- SRP 5 PRESENTATION TO AVTA EMPLOYEE OF THE MONTH FOR SEPTEMBER 2023 – VIANNEY MCLAUGHLIN
- SRP 6 PRESENTATION TO MV TRANSPORTATION EMPLOYEE AND OPERATOR OF THE MONTH FOR SEPTEMBER 2023 – JUAN ANTONIO LOPEZ
- SRP 7 PRESENTATION TO AV TRANSPORTATION SERVICES (AVTS) EMPLOYEE OF THE MONTH FOR SEPTEMBER 2023 – ART MINASYAN
- SRP 8 AVTS MICROTRANSIT AND DIAL-A-RIDE KEY PERFORMANCE INDICATORS (KPI) REPORT FOR SEPTEMBER 2023 – ART MINASYAN
- SRP 9 MAINTENANCE KPI REPORT FOR SEPTEMBER 2023 – JOSEPH SANCHEZ
- SRP 10 OPERATIONS KPI REPORT FOR SEPTEMBER 2023 – JUAN ANTONIO LOPEZ

CONSENT CALENDAR (CC): Consent items may be received and filed and/or approved by the Board in a single motion. If any member of the Executive Board

wishes to discuss a consent item, please request that the item be pulled for further discussion and potential action.

- CC 1 BOARD OF DIRECTORS MEETING MINUTES OF SEPTEMBER 26, 2023 – KAREN DARR

Recommendation: Approve the Board of Directors Regular Meeting Minutes of September 26, 2023.

- CC 2 FINANCIAL REPORT FOR SEPTEMBER 2023 – VIANNEY MCLAUGHLIN

Recommendation: Receive and file the Financial Report for September 2023.

- CC 3 FY 2024 FIRST QUARTER LOS ANGELES COUNTY SHERIFF'S DEPARTMENT (LASD) REPORT (JULY 1 – SEPTEMBER 30, 2023) – DEEANNA CASON

Recommendation: Receive and file the FY 2024 First Quarter LASD Report.

- CC 4 RESOLUTION NO. 2023-009, ADOPTING THE AMENDED CONFLICT OF INTEREST AND DISCLOSURE CODE – KAREN DARR

Recommendation: Adopt Resolution No. 2023-009, adopting the amended Conflict of Interest and Disclosure Code and rescinding in its entirety the current Conflict of Interest and Disclosure Code adopted by Resolution No. 2022-001 on January 25, 2022.

- CC 5 LEGISLATIVE REPORT AND FINANCE UPDATE FOR OCTOBER 2023 – JUDY VACCARO-FRY

Recommendation: Receive and file the Legislative Report and Finance Update for October 2023.

NEW BUSINESS (NB):

- NB 1 TAX OPTIONS – ALLISON BURNS

Recommendation: Consider the presentation and give direction to staff regarding pursuing a tax or assessment to generate revenue.

CLOSED SESSION (CS):

PRESENTATION BY LEGAL COUNSEL OF ITEM(S) TO BE DISCUSSED IN CLOSED SESSION:

- CS 1 Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(2)
Significant exposure to litigation (two potential cases)

- CS 2 Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(4)
Consideration of whether to initiate litigation (one potential case)

RECESS TO CLOSED SESSION

RECONVENE TO PUBLIC SESSION

REPORT BY LEGAL COUNSEL OF ACTION TAKEN IN CLOSED SESSION

REPORTS AND ANNOUNCEMENTS (RA):

- RA 1 REPORT BY THE EXECUTIVE DIRECTOR/CEO

MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:

During this portion of the meeting, Board Members may address non-agenda items by briefly responding to statements made or questions posed by the public, asking a question for clarification, making a brief announcement, or making a brief report on their own activities. **State law generally prohibits the AVTA Board of Directors from taking action on or discussing items not on the agenda.** Matters will be referred to the Executive Director/CEO for follow-up.

ADJOURNMENT:

Adjourn to the Regular Meeting of the Board of Directors on November 28, 2023, at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6th Street West, Lancaster, CA.

The agenda was posted by 6:00 p.m. on October 20, 2023, at the Antelope Valley Transit Authority entrance, 42210 6th Street West, Lancaster, CA 93534.

Copies of the staff reports and attachments or other written documentation relating to each proposed item of business on the agenda presented for discussion by the Board of Directors are on file in the Office of the Executive Director/CEO. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the AVTA to the Board of Directors less than 72 hours prior to that meeting are on file in the Office of the Executive Director/CEO. These documents are available for public inspection during regular business hours at the Customer Service window of the AVTA at 42210 6th Street West, Lancaster or by contacting the Clerk of the Board at (661) 729-2206.

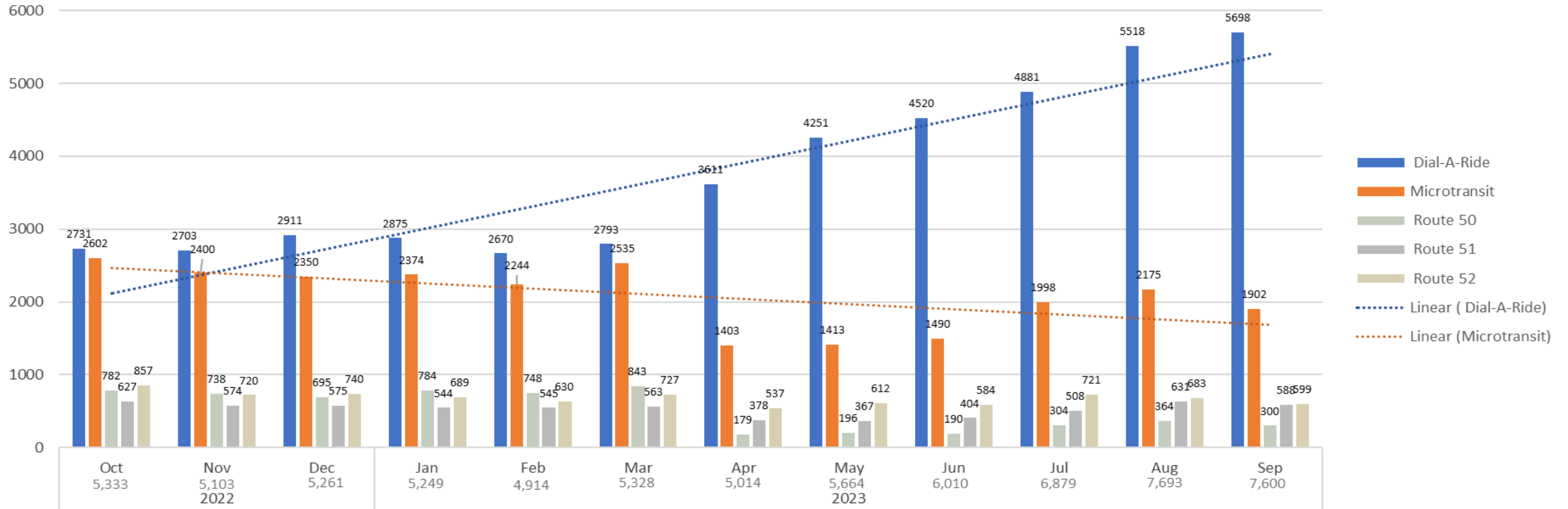
September

FY 2023 MONTHLY OPERATIONS KEY PERFORMANCE INDICATORS

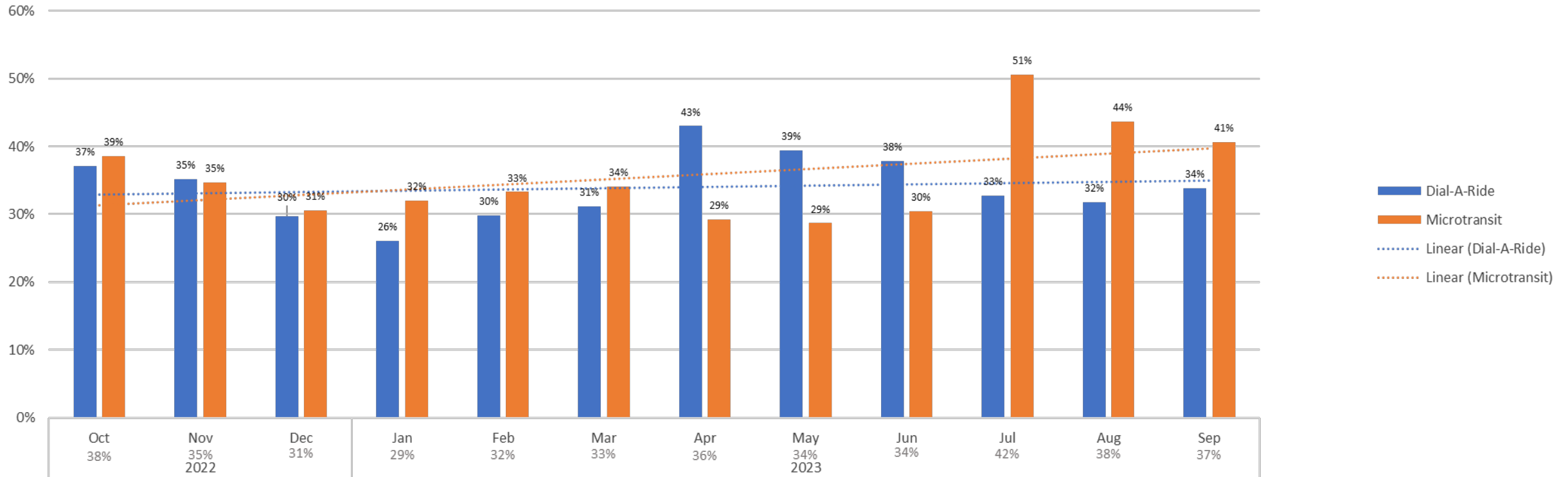
Presentation to the
Board of Directors
October 24, 2023



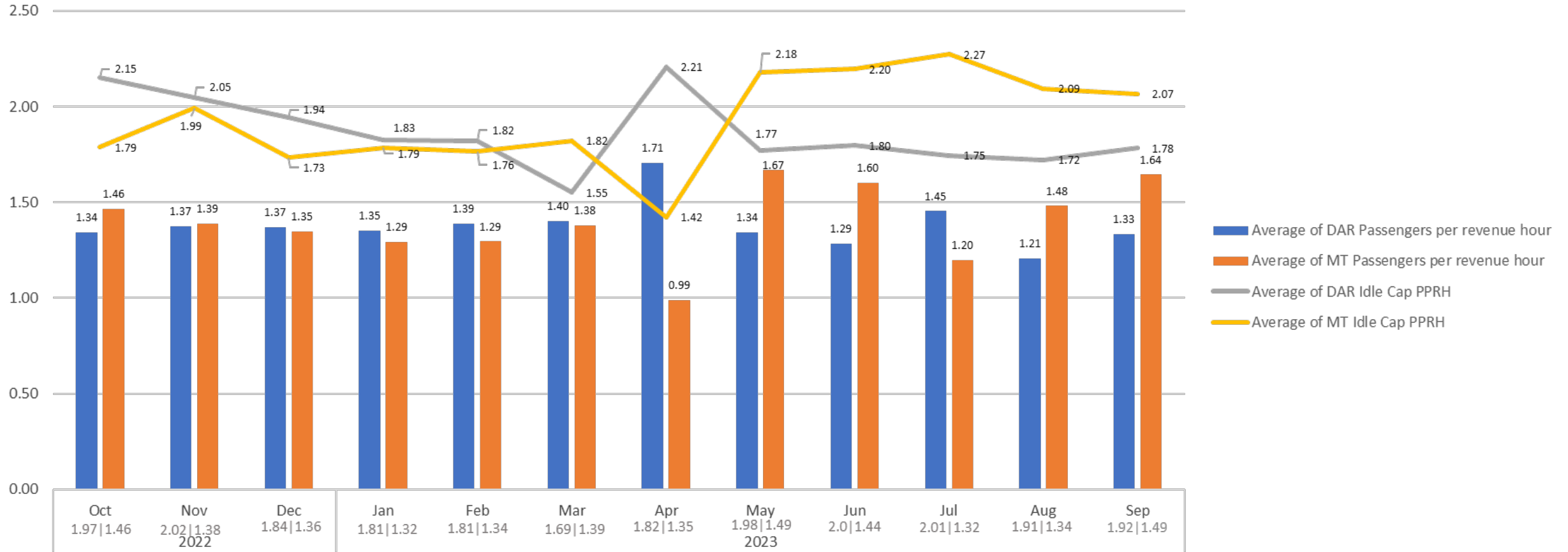
PASSENGER RIDERSHIP DATA



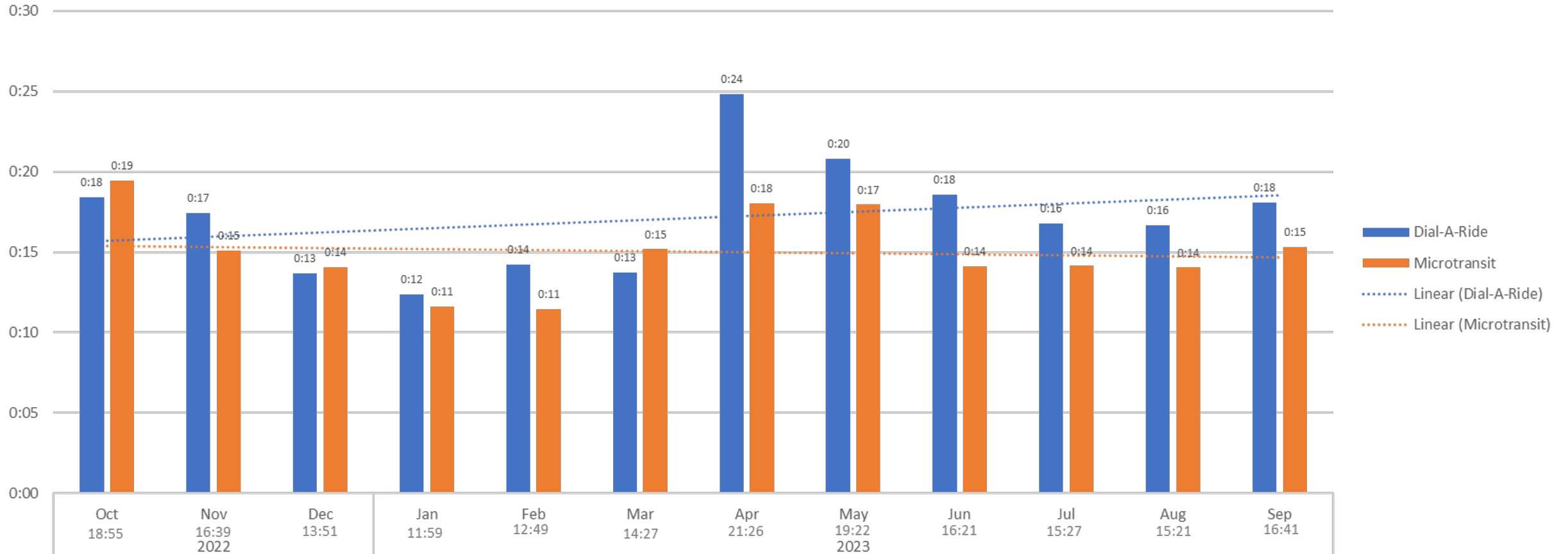
AVERAGE SHARED RIDE PERCENTAGE



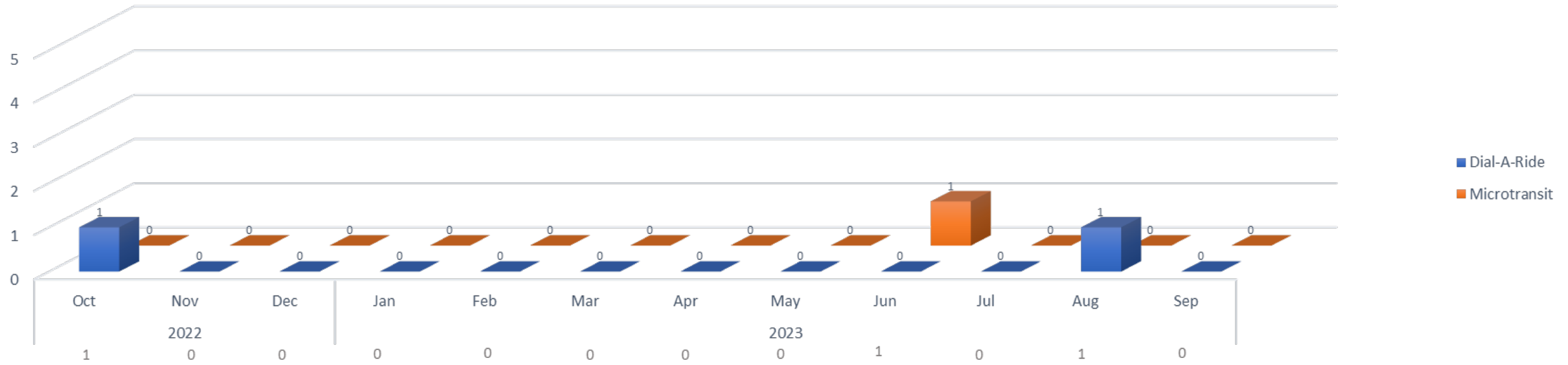
PASSENGERS PER REVENUE HOUR



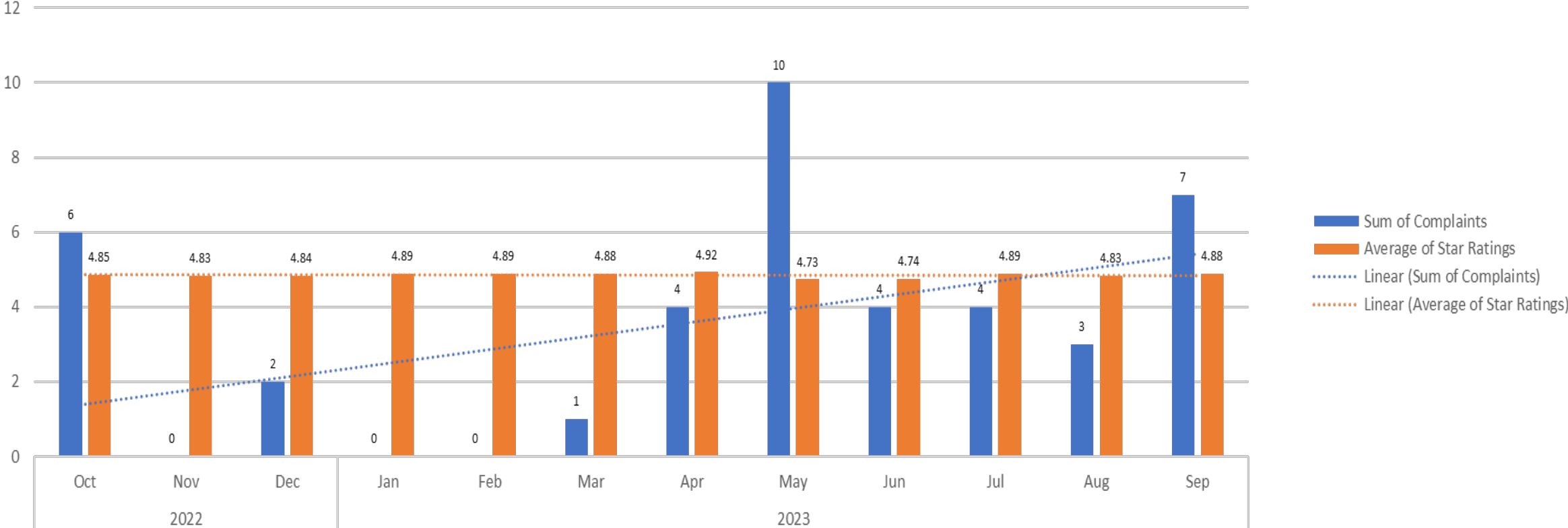
PASSENGER WAIT TIME



ACCIDENTS



PASSENGER FEEDBACK



September

FY 2023 MONTHLY OPERATIONS KEY PERFORMANCE INDICATORS

Thank You!

Questions?



SRP 9

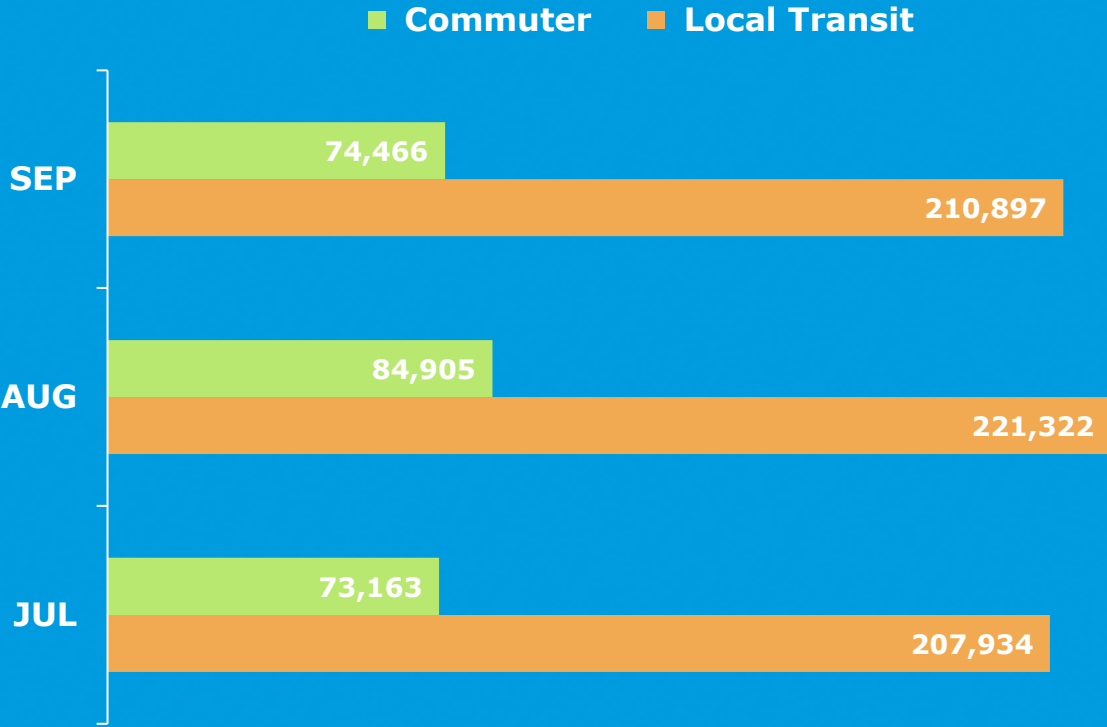
FY 2024 Monthly Fleet Maintenance Key Performance Indicators

Presentation to the Board of Directors

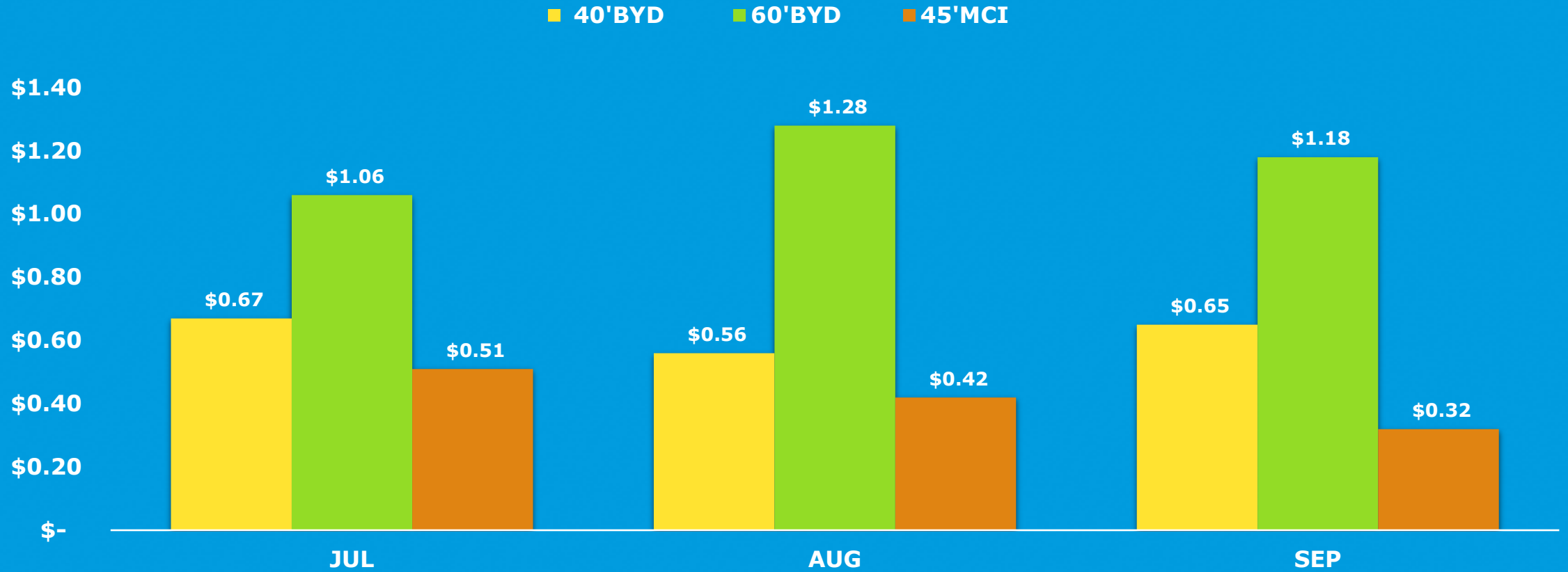
October 24, 2023



ELECTRIC MILESTONES

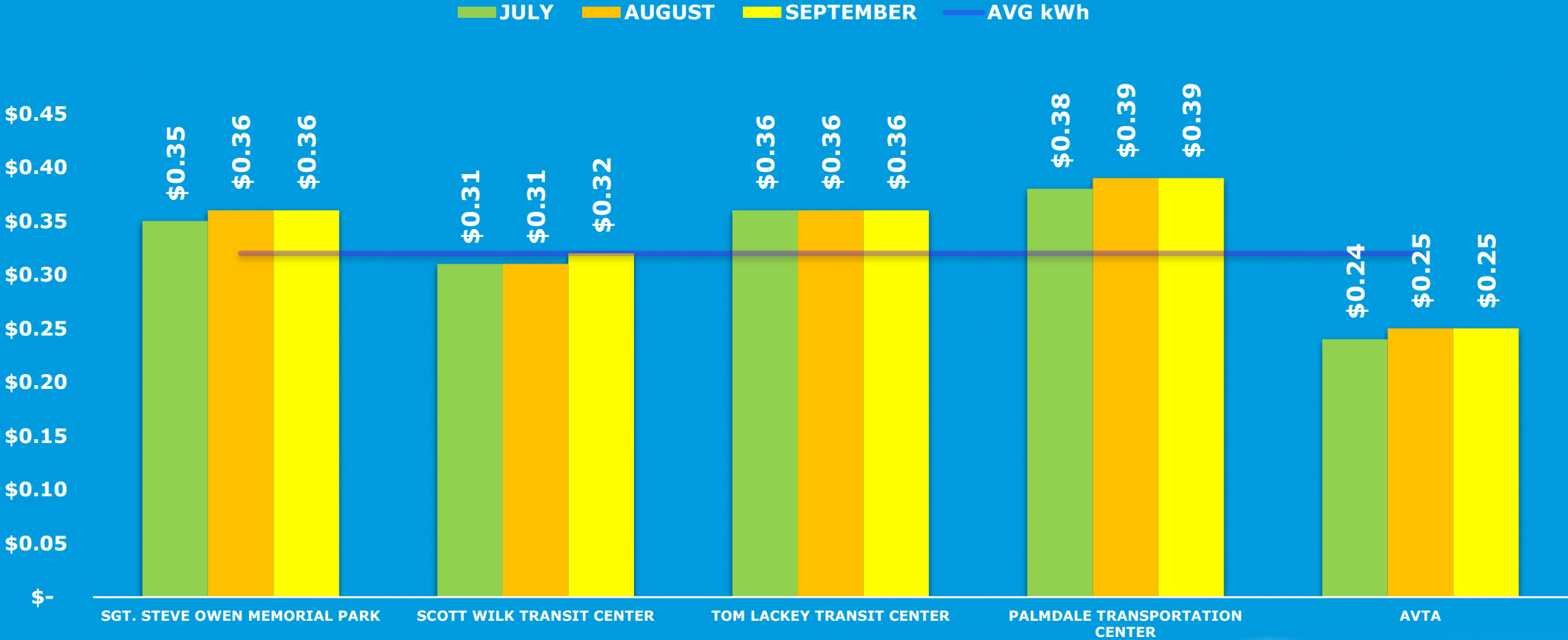


MAINTENANCE COST PER MILE BY FLEET

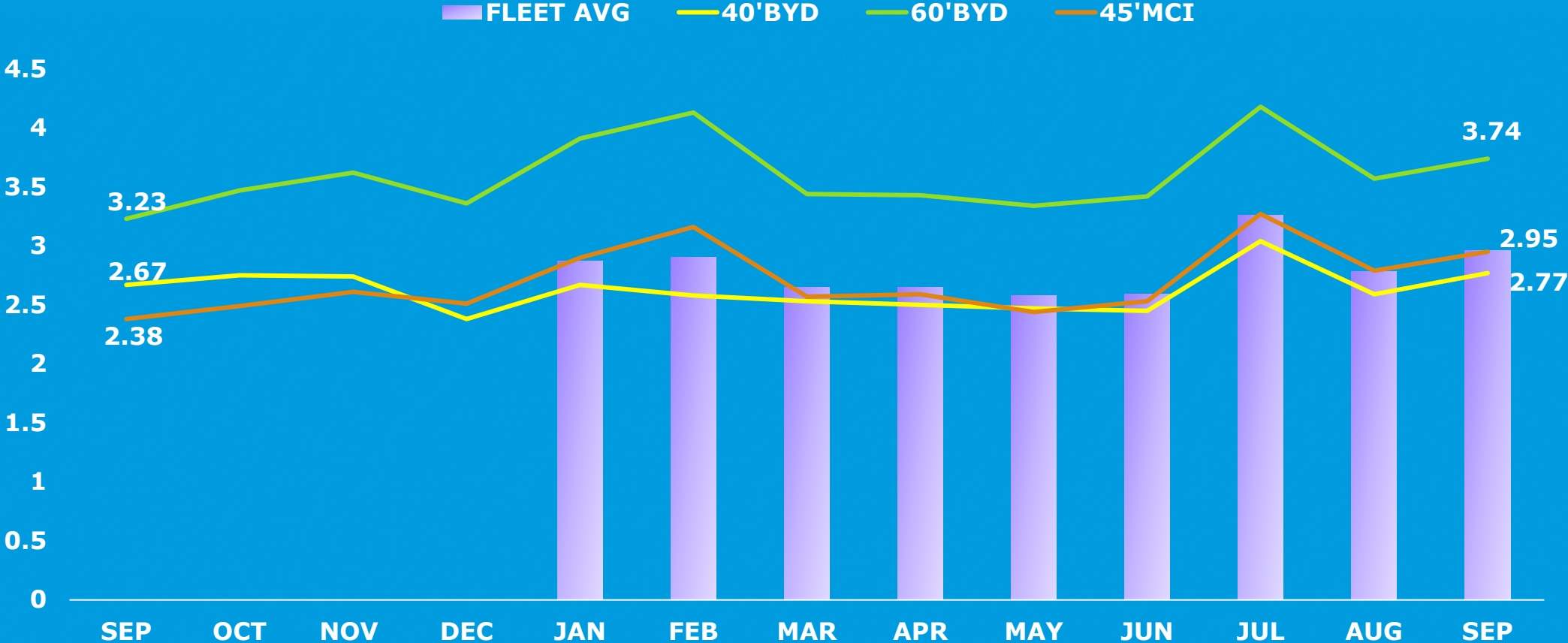


ENERGY DEPOTS

COST PER KWH



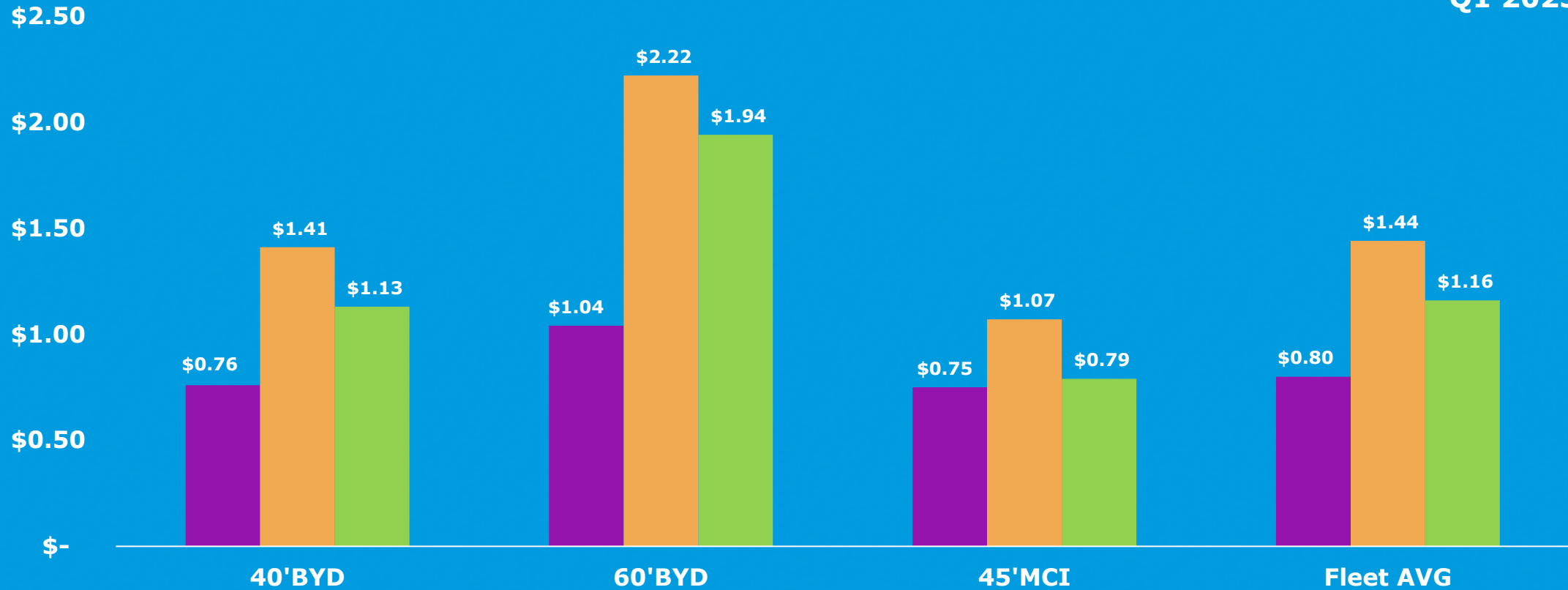
AVERAGE kWh CONSUMPTION PER MILE



FLEET COSTS PER MILE

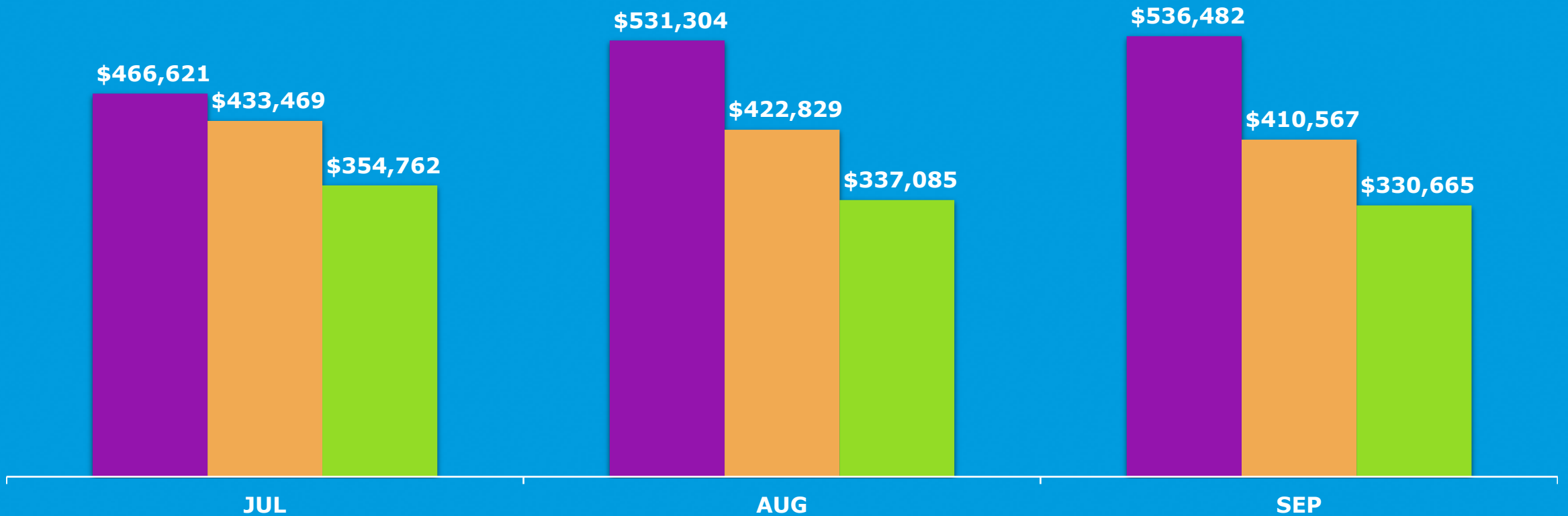
■ ENERGY ■ MAINTENANCE AND ENERGY ■ SAVINGS APPLIED

LCFS EARNINGS
Q1 2023: \$.28



COMBINED FLEET OPERATING COSTS ENERGY AND MAINTENANCE

■ Diesel ■ Combined Costs ■ Savings Applied



Thank you!

Questions?





FY 2024 Monthly Operations Key Performance Indicators

Presentation to the Board of Directors

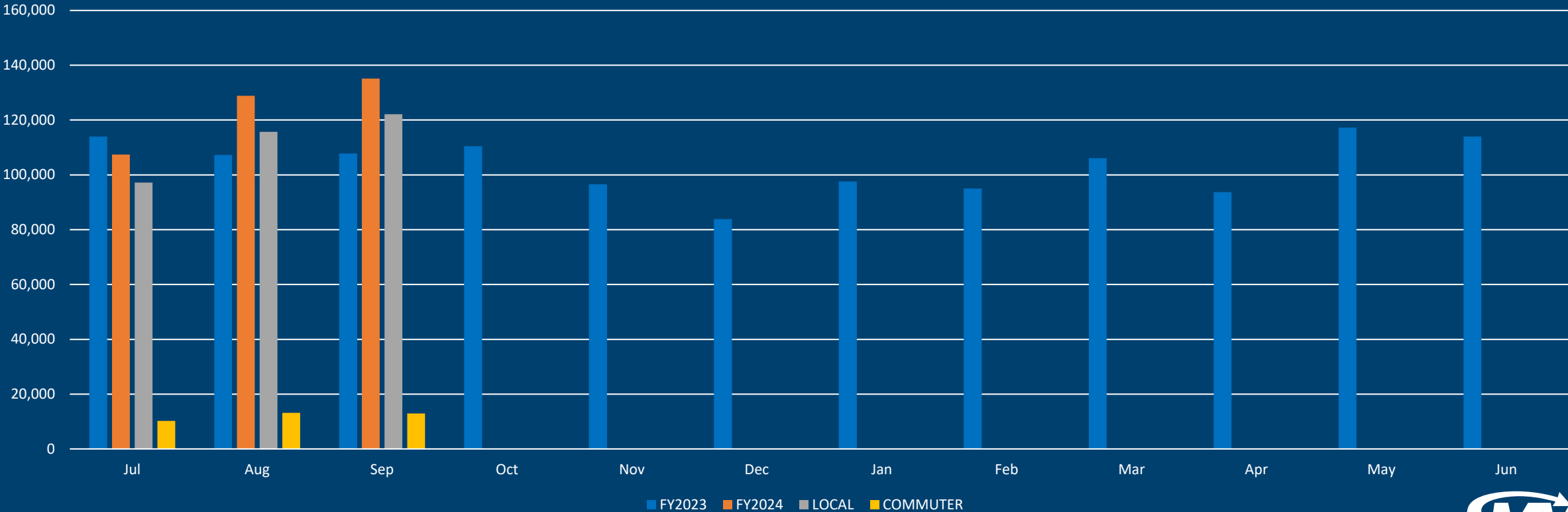
September 2023

Juan Antonio Lopez

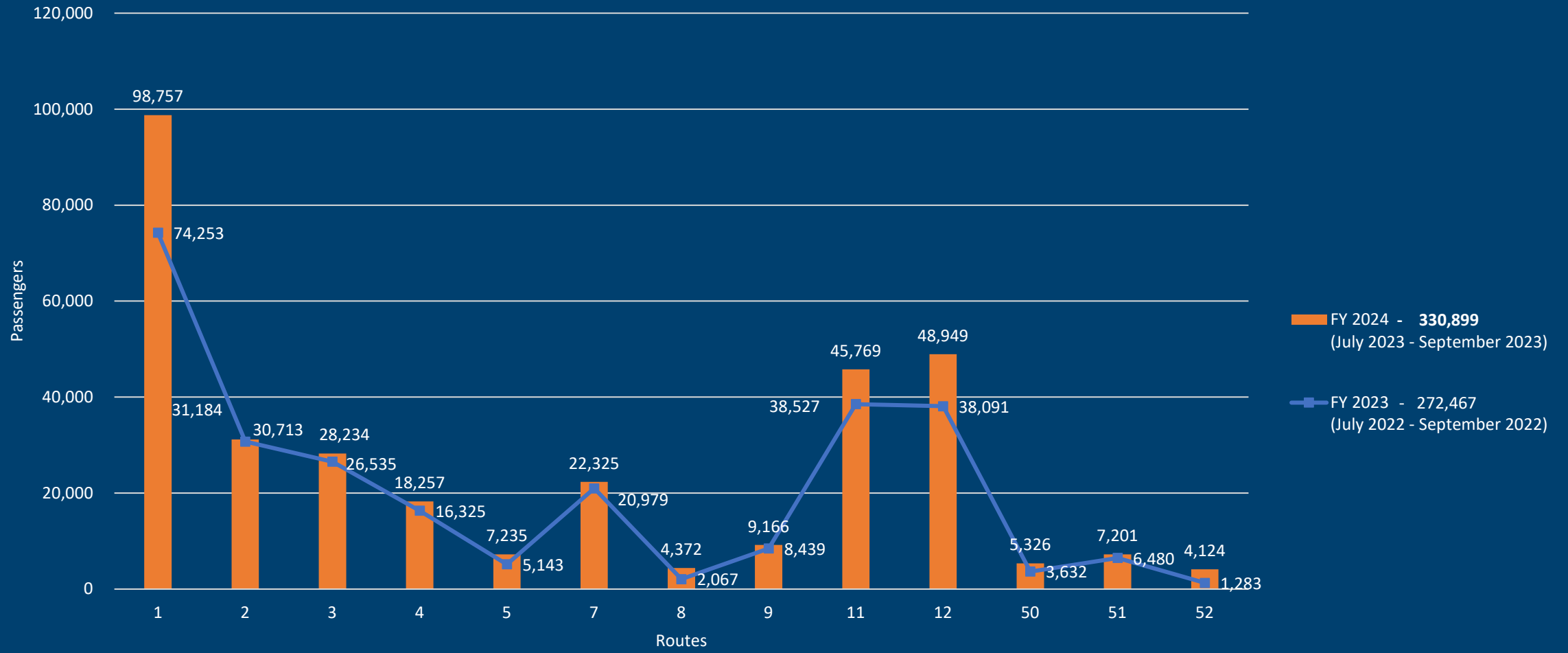
MONTHLY BOARDING ACTIVITY

	September 2023 FY 2024	August 2023 FY 2024
System	135,095	128,888
Local	122,143	115,692
Commuter	12,952	13,196

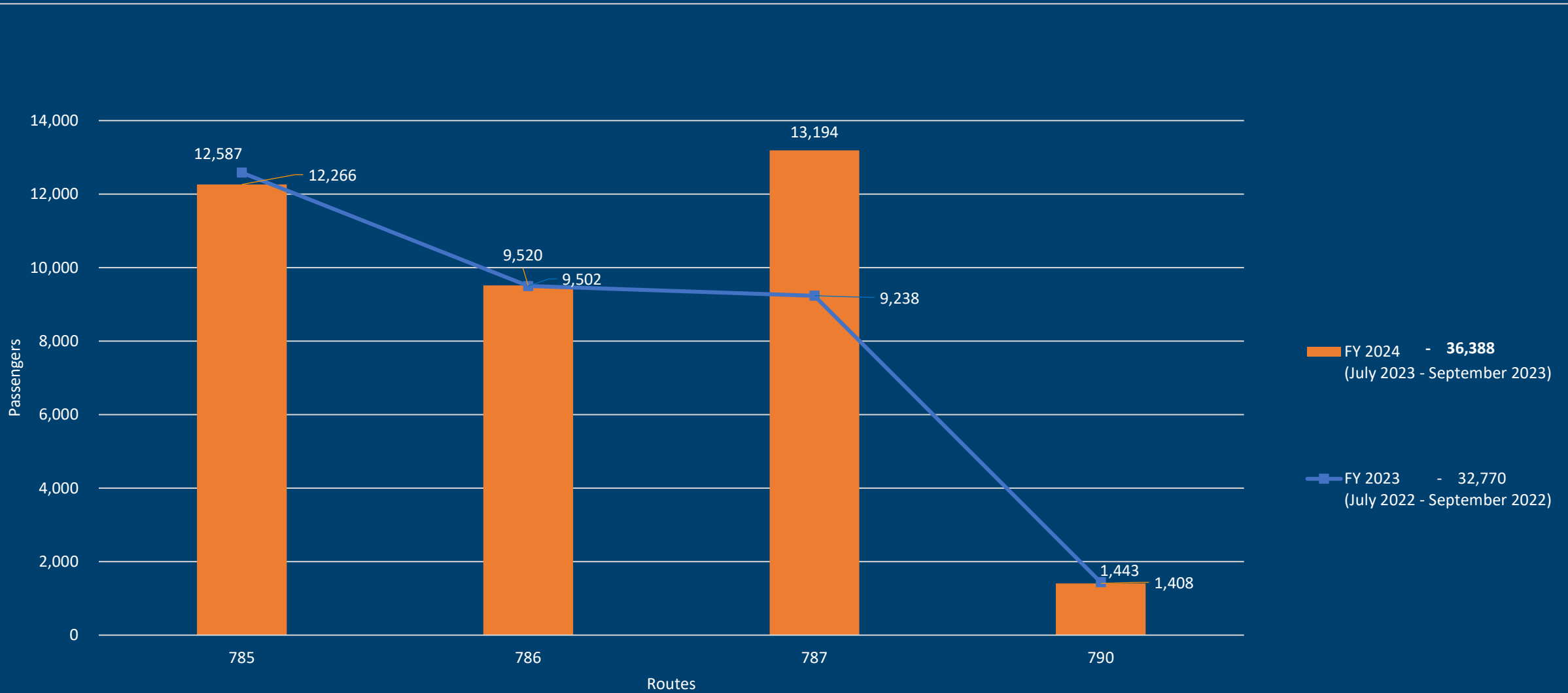
MONTHLY BOARDING ACTIVITY



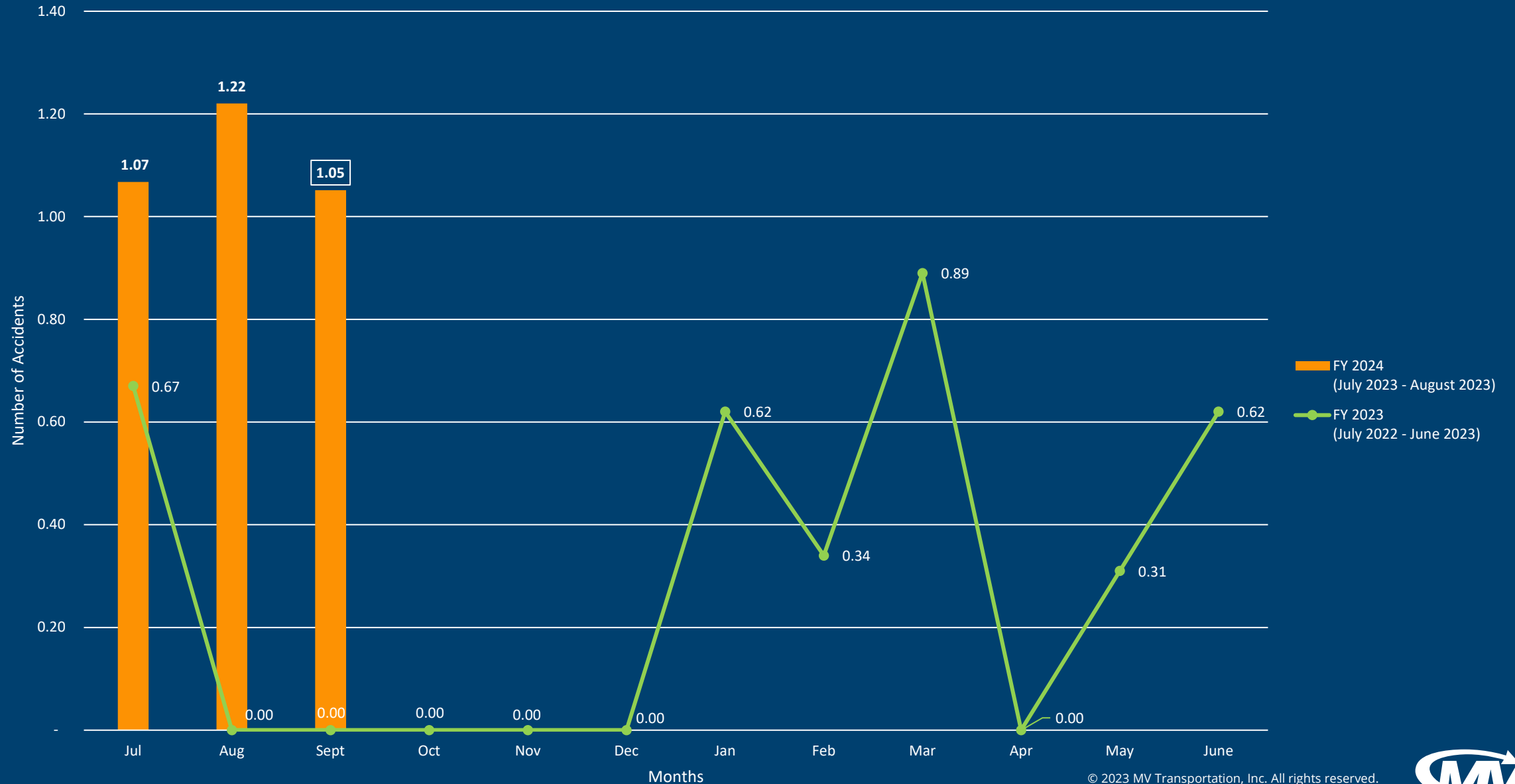
ANNUAL RIDERSHIP – LOCAL ROUTES



ANNUAL RIDERSHIP - COMMUTER ROUTES



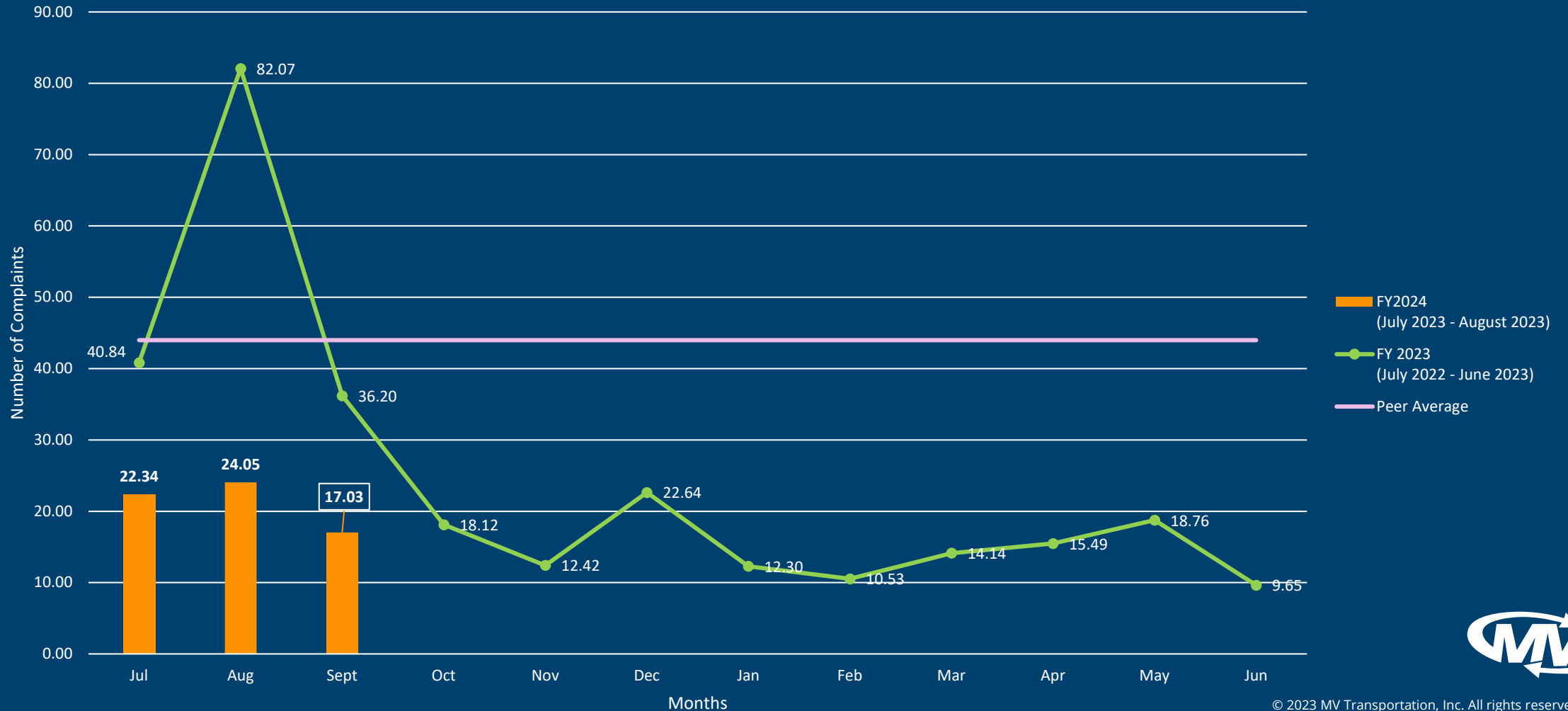
PREVENTABLE ACCIDENTS /100,000 MILES SEPTEMBER – SYSTEM-WIDE AVERAGE: 1.05



COMPLAINTS / 100,000 BOARDINGS

SEPTEMBER –SYSTEM WIDE AVERAGE: 17.03

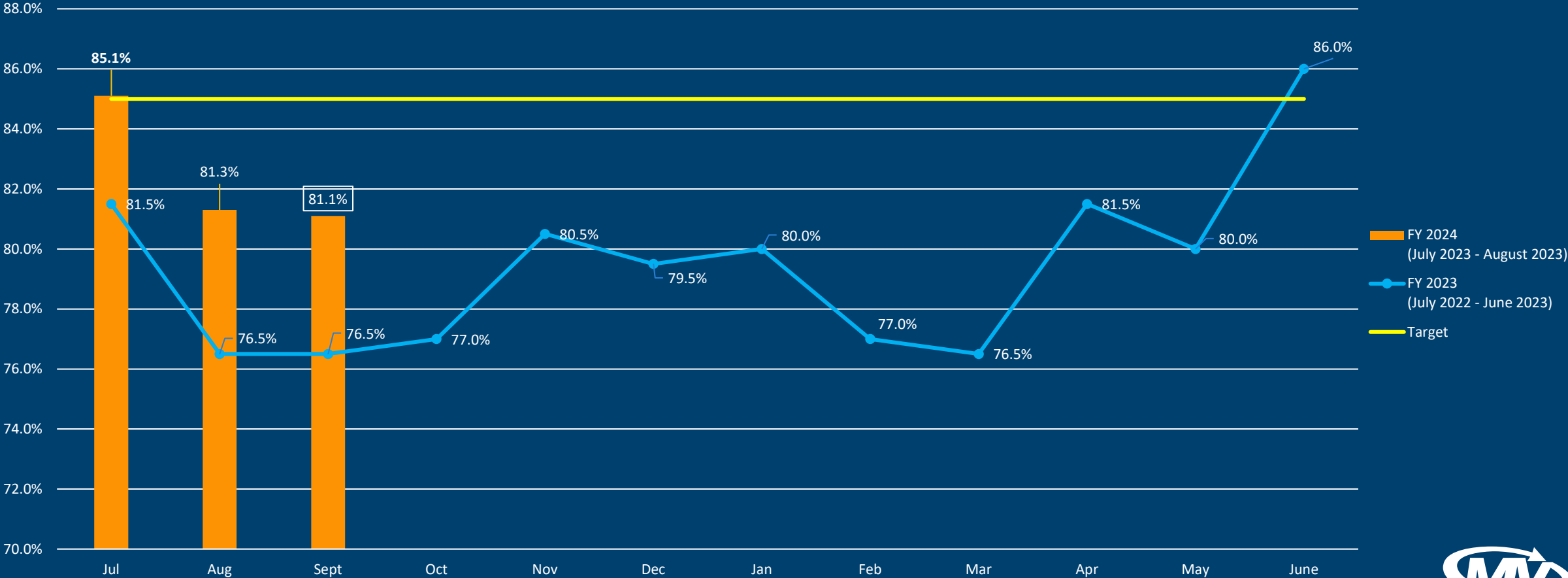
PEER AVERAGE: 44.00



ON-TIME PERFORMANCE

SEPTEMBER – SYSTEM WIDE AVERAGE: 81.1%

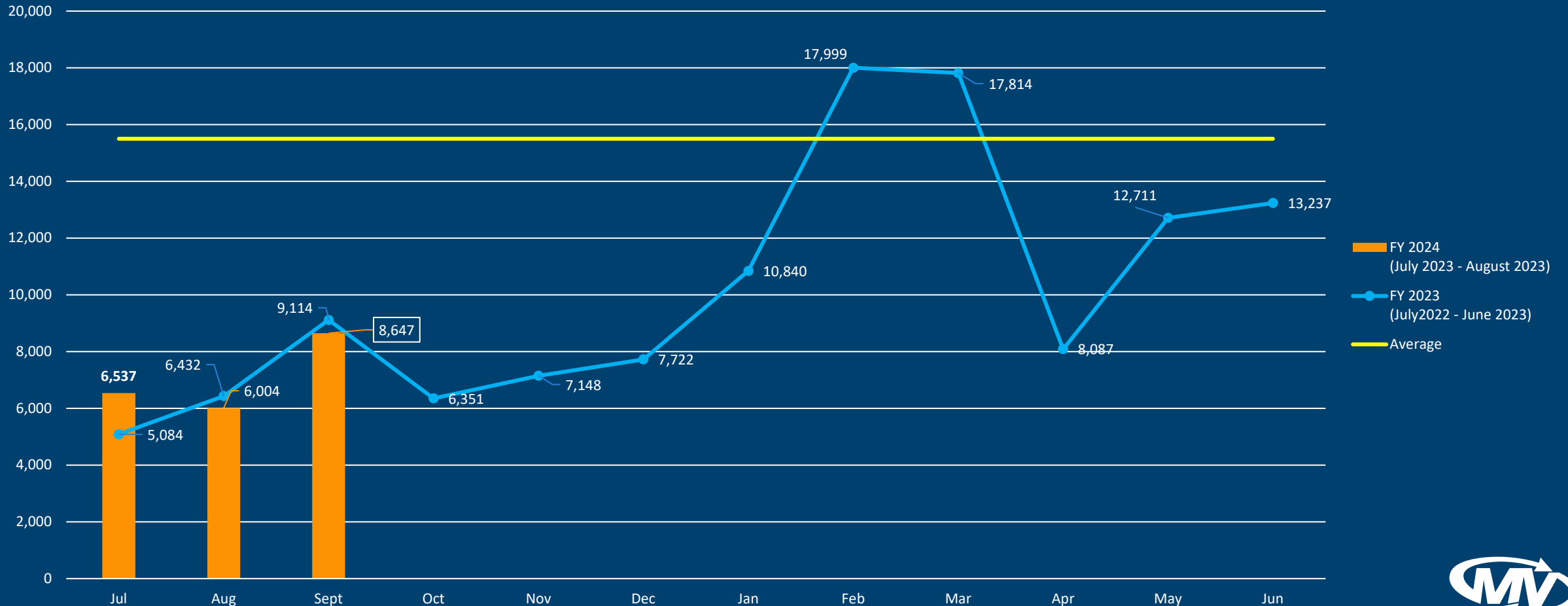
TARGET: 85%



AVERAGE MILES BETWEEN ROADCALLS

SEPTEMBER – SYSTEM WIDE AVERAGE: 8,647

TARGET: 15,500



KEY PERFORMANCE INDICATORS

	September 2023 FY 2024	August 2023 FY 2024	September 2022 FY 2023
Boarding Activity	135,095	128,888	107,423
Complaints / 100,000 Boardings	17.03	24.05	30.62
Preventable Accidents / 100,000 Miles	1.05	1.22	-
On Time Performance	81.1%	81.3%	76.5%
Average Miles Between Roadcalls	8,647	6,004	9,114





WE ARE MVMNT

**THANK
YOU**

Questions?



Regular Meeting of the Board of Directors

Tuesday, September 26, 2023

10:00 a.m.

Antelope Valley Transit Authority Community Room

42210 6th Street West, Lancaster, California

www.avta.com

UNOFFICIAL MINUTES

CALL TO ORDER

Chairman Crist called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Director Ohlsen led the Pledge of Allegiance.

ROLL CALL:

Present

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Eric Ohlsen, Director Raj Malhi, Director Michelle Flanagan, Alternate Director Kathryn Mac Laren

APPROVAL OF AGENDA

On a motion by Vice Chair Knippel and seconded by Director Malhi, the Board of Directors approved the agenda as comprised.

Vote: Motion carried (6-0-0-0)

Yeas: Chairman Crist, Vice Chair Knippel, Directors Ohlsen, Malhi, Flanagan, Alternate Director Mac Laren

Nays: None

Abstain: None

Absent: None

PUBLIC BUSINESS– AGENDIZED AND NON-AGENDIZED ITEMS:

Charlotte Baxter thanked Esteban, Carlos, and Amalia for assisting her with Dial-A-Ride and the operators for their promptness. She stated the MV operators informed her that they are unhappy with MV Transportation.

Fran Sereseres expressed appreciation for the Dial-A-Ride service and operators. Chairman Crist requested Ms. Sereseres to voice her concerns and support to Metrolink to add additional trains to the Antelope Valley Metrolink line.

Jack Danielson, Field Representative for Senator Scott Wilk, reported on Senate Bill (SB) 446 Nonprofit and cooperative corporations: ratification or validation of noncompliant corporate actions, SB 698 California Council on Science and Technology Policy Fellows: status of services, SB 247 Alcoholic beverages: licensing exemptions: barbering and cosmetology services, and SB 14 Serious felonies: human trafficking.

SPECIAL REPORTS, PRESENTATIONS, AND REQUESTS FOR DIRECTION (SRP):

SRP 2 LEGISLATIVE REPORT FROM ASSEMBLYMAN JUAN CARRILLO

Assemblyman Juan Carrillo thanked the Board for their leadership in connecting the Antelope Valley and Victor Valley Lines and hosting the Selection Committee Regional Transportation Solutions meeting.

He reported on the Brightline West and California High-Speed Rail Projects, Assembly Bill (AB) 126 Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension, AB 448 Juveniles: relative placement: family finding, AB 744 California Transportation Commission: data, modeling, and analytic software tools procurement, AB 843 Electronic benefits transfer system, AB 965 Local government: broadband permit applications, and AB 1536 Cash Assistance Program for Aged, Blind, and Disabled Immigrants.

Chairman Crist requested the Assemblyman to work with the city of Palmdale to install reserve hydrogen stations at all new gas stations.

SRP 1 LEGISLATIVE REPORT FROM ASSEMBLYMAN TOM LACKEY'S OFFICE

Pamela Balch, District Director for Assemblyman Lackey, encouraged constituents to contact Governor Newsom's office requesting that he not sign SB 253 Climate Corporate Data Accountability Act, SB 770 Health care: unified health care financing, SB 253 Climate Corporate Data Accountability Act, SB 627 Displaced workers: notice: opportunity to transfer, SB 81 Parole hearings, and SB 799 Unemployment insurance: trade disputes:

eligibility for benefits. She reported that the Governor vetoed AB-316 Vehicles: autonomous vehicles, co-authored by Assemblyman Lackey.

Director Loa replaced Alternate Director Mac Laren at 10:27 a.m.

SRP 3 PRESENTATION TO AVTA EMPLOYEE OF THE MONTH FOR AUGUST 2023

Facilities Superintendent Aric Colvin presented the Employee of the Month award for August 2023 to Facilities Maintenance Worker James Anderson.

SRP 4 PRESENTATION TO MV TRANSPORTATION COACH OPERATOR DAMIEN KING FOR GOING ABOVE AND BEYOND

Executive Director/CEO Martin Tompkins showed the video of the altercation. He presented an Above and Beyond award to Coach Operator Damien King for thinking clearly and acting quickly to keep his passengers safe during the gunfire altercation on 10th St. West and Avenue I.

MV General Manager Mike Sherrill presented Mr. King with a plaque, gift certificate, and gift card. Director Malhi offered him a gift certificate to Malhi's Indian Cuisine Restaurant.

Mr. Tompkins also detailed the staff's involvement in locating video footage connected to the shooting of Los Angeles County Sheriff's Deputy Ryan Clinkunbroomer. He thanked Esteban Rodriguez and Aitor Urionabarrebechea for assisting him with this effort.

SRP 5 PRESENTATION TO MV TRANSPORTATION EMPLOYEE AND OPERATOR OF THE MONTH FOR AUGUST 2023

Mr. Sherrill presented the Operator of the Month award to Luis Reyes Rios.

SRP 6 PRESENTATION TO AV TRANSPORTATION SERVICES (AVTS) EMPLOYEE OF THE MONTH FOR AUGUST 2023

AV Transportation Services President Art Minasyan presented the Employee of the Month award to Sanobia Scott.

SRP 7 AVTS MICROTRANSIT AND DIAL-A-RIDE KEY PERFORMANCE INDICATORS (KPI) REPORT FOR AUGUST 2023

Mr. Minasyan presented the report.

SRP 8 LEGISLATIVE REPORT AND FINANCE UPDATE FOR SEPTEMBER 2023

Chief Financial Officer Judy Vaccaro-Fry provided an update on the state's infrastructure, legislative session, new guidelines for the Transit and Intercity Rail Capital Program and new Zero-Emission Transit Capital Program, increased tax revenues, Federal Transit Administration grant programs, transit funding, federal budget, and Los Angeles Police Department's deployment of BolaWrap devices to officers patrolling L.A. Metro buses and trains. The Board discussed the increased tax revenues.

SRP 9 MAINTENANCE KPI REPORT FOR AUGUST 2023

Maintenance Compliance Analyst Joseph Sanchez presented the report. The Board discussed the 60-foot buses. Mr. Tompkins noted that he met with the city of Lancaster staff regarding the rising costs at Sgt. Steve Owen Memorial Park.

SRP 10 OPERATIONS KPI REPORT FOR AUGUST 2023

Mr. Sherrill presented the report. Terrence Thompson, MV Transportation's Regional Vice President of Customer Service, introduced MV Transportation's new General Manager, Juan Antonio Lopez.

CONSENT CALENDAR (CC):

CC 1 BOARD OF DIRECTORS MEETING MINUTES OF AUGUST 22, 2023

Approve the Board of Directors Regular Meeting Minutes of August 22, 2023.

CC 2 FINANCIAL REPORT FOR AUGUST 2023

Receive and file the Financial Report for August 2023.

CC 3 RESOLUTION NO. 2023-010, AUTHORIZING THE EXECUTIVE DIRECTOR/CEO AND/OR CHIEF FINANCIAL OFFICER TO EXECUTE AGREEMENTS NECESSARY FOR THE BUS REPLACEMENT PROJECT WITH FUNDS FROM THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM FOR FISCAL YEAR 2023/2024 (FY 2024)

Adopt Resolution No. 2023-010, authorizing the Executive Director/CEO and/or Chief Financial Officer to execute agreements necessary for the Bus Replacement project with funds from the California State of Good Repair Program for FY 2024.

CC 4 RESOLUTION NO. 2023-011, AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE BUS REPLACEMENT PROJECT WITH FUNDS FROM THE CALIFORNIA

STATE TRANSIT ASSISTANCE PROGRAM FOR FISCAL YEAR 2023/2024 (FY 2024)

Adopt Resolution No. 2023-011, authorizing the execution of the certifications and assurances for the Bus Replacement Project with funds from the California State Transit Assistance Program for FY 2024.

CC 5 DESTRUCTION OF RECORDS

In accordance with AVTA’s Record Retention Policy, authorize the destruction of the on-site records (paper, electronic, audio, photographic, etc.) detailed on the Records Destruction list.

CC 6 AUTHORIZE THE EXECUTION OF CONTRACT #2024-11 FOR COMMUTER BUS RE-POWER – CECIL FOUST

Authorize the Executive Director/CEO to execute Contract #2024-11 to repower one MCI D4500 commuter coach with Complete Coach Works not to exceed \$400,000.

On a motion by Director Loa and seconded by Vice Chair Knippel, the Board of Directors approved the Consent Calendar.

Vote: Motion carried (6-0-0-0)
Yeas: Chairman Crist, Vice Chair Knippel, Directors Loa, Ohlsen, Malhi, Flanagan
Nays: None
Abstain: None
Absent: None

RA 1 REPORT BY THE EXECUTIVE DIRECTOR/CEO

Mr. Tomkins thanked Chairman Crist for his support following the shooting of Deputy Clinkunbroomer.

MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:

Chairman Crist requested a moment of silence in memory of Los Angeles County Sheriff’s Deputy Ryan Clinkunbroomer.

ADJOURNMENT:

Chairman Crist adjourned the meeting at 11:15 a.m. to the Regular Meeting of the Board of Directors on October 24, 2023, at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6th Street West, Lancaster, CA.

PASSED, APPROVED, and ADOPTED this 24th day of October 2023.

Marvin Crist, Chairman of the Board

ATTEST:

Karen S. Darr, Clerk of the Board

Audio recordings of the Board of Directors Meetings are maintained in accordance with state law and AVTA's Records Retention Policy. Please contact Karen Darr, Clerk of the Board, at (661) 729-2206 to arrange to review a recording.



DATE: October 24, 2023

TO: BOARD OF DIRECTORS

SUBJECT: Financial Report for September 2023

RECOMMENDATION

Receive and file the Financial Report for September 2023.

FISCAL IMPACT

	September 2023
PAYROLL	\$346,187.64
CASH DISBURSEMENTS	\$3,494,210.10

BACKGROUND

To comply with the provisions required by Sections 37202, 37208, and 6505.5 of the Government Code, the Chief Financial Officer, in conjunction with the Senior Finance Manager, provides a monthly payroll total and cash disbursements. The Executive Director/CEO appointed as the Authority's Treasurer certifies the availability of funds.

I, Martin Tompkins, Executive Director/CEO of AVTA, declare that the above information is accurate.

Prepared by:

Submitted by:

Vianney McLaughlin
Senior Finance Manager

Martin J. Tompkins
Executive Director/CEO



DATE: October 24, 2023

TO: BOARD OF DIRECTORS

SUBJECT: FY 2023/2024 (FY 2024) First Quarter Los Angeles County Sheriff's Department Report (July 1 through September 30, 2023)

RECOMMENDATION:

Receive and file the FY 2024 First Quarter Los Angeles County Sheriff's Department Report for the period covering July 1 through September 30, 2023.

FISCAL IMPACT:

No fiscal impact at this time.

DISCUSSION:

Deputy Maselli and his K-9 partner "Doc Holliday" worked a total of 626 hours during the 1st quarter of FY 2024.

At the beginning of each shift, Deputy Maselli contacted bus operators to ascertain any concerns or problems to report, as well as anything reported from the previous day. On average, Deputy Maselli contacted an estimated 25-30 buses/bus operators daily.

Deputy Maselli monitored various locations that had reported problems. These locations included: Sgt. Steven Owen Memorial Park (OMP), the Lancaster Senior Center, 10th Street East & Palmdale Boulevard, the Palmdale Transportation Center (PTC), and the Lancaster Metrolink Station.

Deputy Maselli and Doc conducted high visibility K-9 terrorism and explosives deterrence sweeps at the Antelope Valley Transit Authority (AVTA) office, AVTA transfer centers, on AVTA buses, and at random bus stop locations throughout the Antelope Valley.

The following Incident Report(s) is from July 1 through September 30, 2023.

Incident Report(s), Transit Safety, Service Delay(s)/Interruption(s)	JUL 23	AUG 23	SEPT. 23
Assault With a Deadly Weapon	2	0	0
Attempt Suicide	0	1	1
AVTA Bus Stops and Bus Bays (High Visibility W/K-9)	75	75	75
Containment	0	0	1
Disabled Vehicle	1	0	0
Disturbance-Business (AVTA Bus)	5	1	0
Found Narcotic	0	0	1
Gun Shot Victim	0	0	1
Indecent Exposure (OMP)	0	1	0
K-9 Search	2	1	1
Person with a Gun	2	4	2
Person with a Knife	0	0	2
Shooting at Inhabited Dwelling	0	0	1
Spousal Abuse	0	1	0
Traffic Collision (AVTA Bus - Involved)	0	0	0
Traffic Collision (AVTA Bus - Not Involved)	6	12	3
Warnings (Drinking in Public, No Smoking, Failure to Obey Posted Sign, Loitering)	1	1	1

Prepared by:

Submitted by:

DeeAnna Cason
Executive Assistant

Martin J. Tompkins
Executive Director/CEO



DATE: **October 24, 2023**

TO: **BOARD OF DIRECTORS**

SUBJECT: **Resolution No. 2023-009, Adopting the Amended Conflict of Interest and Disclosure Code**

RECOMMENDATION

Adopt Resolution No. 2023-009 (Attachment A), adopting the amended Conflict of Interest and Disclosure Code and rescinding in its entirety the current Conflict of Interest and Disclosure Code adopted by Resolution No. 2022-001 on January 25, 2022 (Attachment B).

FISCAL IMPACT

Adopting Resolution No. 2023-009 has no fiscal impact on the Authority.

BACKGROUND

The Political Reform Act, California Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. To ensure conflict of interest codes remain current and accurate, each government agency must review its code biennially to determine if any changes are needed. During the review process, staff found it necessary to amend its current code to add two positions (Senior Finance Manager and Operations and Contract Compliance Manager) as indicated in the Board of Supervisors staff report (Attachment C). The Board of Supervisors approved the amended code at their September 12, 2023 meeting.

Prepared by:

Submitted by:

Karen Darr
Clerk of the Board

Martin J. Tompkins
Executive Director/CEO

Attachments: A – Resolution No. 2023-009 – Amended Code
 B – Resolution No. 2022-001 – Current Code
 C – Board of Supervisors Staff Report

RESOLUTION NO. 2023-009

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY ADOPTING THE AMENDED CONFLICT OF INTEREST AND DISCLOSURE CODE

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, pursuant to said Act, the Authority desires to incorporate by reference the attached amended Conflict of Interest and Disclosure Code, previously adopted by the Los Angeles County Board of Supervisors. This Code includes Exhibit A, setting forth the disclosure categories, and Exhibit B, setting forth the designated positions within the Authority and their disclosure obligations.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Directors of the Antelope Valley Transit Authority hereby adopts the amended Conflict of Interest and Disclosure Code of the Antelope Valley Transit Authority in the form attached to this Resolution.

Section 2. Resolution No. 2022-001 is rescinded in its entirety.

PASSED, APPROVED and ADOPTED this 24th day of October 2023, by the following vote:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Marvin Crist, Chairman

ATTEST:

APPROVED AS TO FORM:

Karen Darr, Clerk of the Board

Allison E. Burns, General Counsel

Conflict of Interest Code
of the
ANTELOPE VALLEY TRANSIT AUTHORITY

Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, is hereby incorporated into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head, or his or her designee. The agency shall make and retain a copy of all statements filed by its Governing Board Members, Alternate Board Members and Executive Director/Chief Executive Officer and forward the originals of such statements to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "A"

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

CATEGORY 3

Persons in this category shall disclose all income (including gifts, loans and travel payments) and business positions.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans and travel payments) received from business entities that manufacture, provide or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned to this disclosure category.

ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "B"

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Governing Board Members	1, 2, 3
Alternate Board Members	1, 2, 3
Executive Director/Chief Executive Officer	1, 2, 3
General Counsel	1, 2, 3
Chief Operating Officer	1, 2, 3
Chief Financial Officer	1, 2, 3
Director of Operations & Maintenance	1, 2, 3
Controller	1, 2, 3
Director of Finance and Administration	1, 2, 3
Senior Director of Operations and Planning	1, 2, 3
Senior Finance Manager	1, 2, 3
Finance Manager	1, 2, 3
Operations and Contract Compliance Manager	4
Marketing Manager	4
Director of Marketing	4
Project Coordinator	4
Grants Administrator	4
Director of Fleet & Facilities	4
Fleet Maintenance Manager	4
Facilities Superintendent	4

**ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "B" Cont'd**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Planning Manager	4
Procurement and Contracts Officer	4
Information Technology Supervisor	4
Community Outreach Specialist	4
Safety & Facilities Manager	4
Maintenance Compliance Manager	4
Fleet Technical Training Manager	4
Consultants/New Positions*	

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Executive Director/Chief Executive Officer or his or her designee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director/Chief Executive Officer or his or her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

Individuals who perform under contract the identical duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

EFFECTIVE DATE: 9/13/2023

RESOLUTION NO. 2022-001

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY ADOPTING AN AMENDED CONFLICT OF INTEREST AND DISCLOSURE CODE

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, pursuant to said Act, the Authority desires to incorporate by reference the attached amended Conflict of Interest and Disclosure Code, previously adopted by the Los Angeles County Board of Supervisors. This Code includes Exhibit A, setting forth the disclosure categories, and Exhibit B, setting forth the designated positions within the Authority and their disclosure obligations.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Directors of the Antelope Valley Transit Authority hereby adopts the amended Conflict of Interest and Disclosure Code of the Antelope Valley Transit Authority in the form attached to this Resolution.

Section 2. Resolution No. 2020-001 is rescinded in its entirety.

PASSED, APPROVED and ADOPTED this 25th day of January 2022, by the following vote:

AYES:	<u>Crist, Knippel, Hofbauer, Loa, Malhi, Flanagan</u>
NAYS:	<u>None</u>
ABSTAIN:	<u>None</u>
ABSENT:	<u>None</u>




 Marvin Crist, Chairman

ATTEST:

APPROVED AS TO FORM:



 Karen Darr, Clerk of the Board



 Allison E. Burns, General Counsel

**ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "A"**

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

CATEGORY 3

Persons in this category shall disclose all income (including gifts, loans and travel payments) and business positions.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans and travel payments) received from business entities that manufacture, provide or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned to this disclosure category.

**ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "B"**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Governing Board Members	1, 2, 3
Alternate Board Members	1, 2, 3
Executive Director/Chief Executive Officer	1, 2, 3
General Counsel	1, 2, 3
Chief Operating Officer	1, 2, 3
Chief Financial Officer	1, 2, 3
Director of Operations & Maintenance	1, 2, 3
Controller	1, 2, 3
Director of Finance and Administration	1, 2, 3
Senior Director of Operations and Planning	1, 2, 3
Finance Manager	1, 2, 3
Marketing Manager	4
Director of Marketing	4
Project Coordinator	4
Grants Administrator	4
Director of Fleet & Facilities	4
Fleet Maintenance Manager	4
Facilities Superintendent	4
Planning Manager	4
Procurement and Contracts Officer	4

**ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "B" Cont'd**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Information Technology Supervisor	4
Community Outreach Specialist	4
Safety & Facilities Manager	4
Maintenance Compliance Manager	4
Fleet Technical Training Manager	4
Consultants/New Positions*	

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Executive Director/Chief Executive Officer or his or her designee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director/Chief Executive Officer or his or her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

Individuals who perform under contract the identical duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position

EFFECTIVE DATE: 12/1/2021



COUNTY OF LOS ANGELES
EXECUTIVE OFFICE
BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
(213) 974-1411 • www.bos.lacounty.gov

MEMBERS OF THE BOARD

HILDA L. SOLIS

HOLLY J. MITCHELL

LINDSEY P. HORVATH

JANICE HAHN

KATHRYN BARGER

September 12, 2023

ADOPTEDBOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

40 September 12, 2023

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

CELIA ZAVALA
EXECUTIVE OFFICER

**CONFLICT OF INTEREST CODES
(ALL DISTRICTS) (3-VOTES)**

SUBJECT

Approval of Conflict of Interest Codes.

IT IS RECOMMENDED THAT THE BOARD:

Approve the Conflict of Interest Codes for Department of Economic Opportunity, Los Angeles County Affordable Housing Solutions Agency, Alternate Public Defender, Antelope Valley Transit Authority, Carson Reclamation Joint Powers Authority, Castaic Union School District, Charter Oak Unified School District, Citizens Redistricting Commission, First 5-LA, Glendale Community College District, Glendora Unified School District, Keppel Union School District, LA Promise Fund, Lawndale Elementary School District, Lennox School District, Los Angeles Community College District, Mt. San Antonio Community College District, San Gabriel Valley Council of Governments, Sulphur Springs Union School District, Westside Union School District, and recognize the dissolution of Endeavor College Preparatory and the abolishment of its code to be effective the day following your Board's approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Pursuant to Government Code Section 87300, every local government agency must adopt and promulgate a Conflict of Interest Code. Agencies are required to amend their Conflict of Interest Codes when necessitated by changed circumstances pursuant to Government Code Section 87306.

In accordance with the Political Reform Act of 1974, the Board of Supervisors is the code reviewing body for Los Angeles County. The Board of Supervisors must approve an agency's code before it can take effect.

The proposed Conflict of Interest Codes have been thoroughly reviewed and approved by the code review staff in accordance with the procedures established by your Board.

Implementation of Strategic Plan Goals

Approval of the attached codes broadly supports the County's strategic plan of pursuing Operational Effectiveness, Fiscal Responsibility and Accountability.

FISCAL IMPACT/FINANCING

Local governmental agencies must have a Conflict of Interest Code in which individuals in designated positions are required to disclose financial interests at a level appropriate to their decision-making authority.

Adoption of a Conflict of Interest Code deters potential conflicts of interest, thereby averting misuse of public funds.

The recommended action has no effect on budget revenues or expenditures.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to Government Code Section 87300, the code review staff recommends that your Board approve the Conflict of Interest Codes for the agencies listed below.

NEW CONFLICT OF INTEREST CODES:

(Department of Economic Opportunity)

- Adopts by reference Regulation 18730 (2 California Code of Regulations, Sections 18730) as its Conflict of Interest Code. The department will use the County's Model Disclosure Categories in addition to two categories unique to the department's governmental decision-making responsibilities.
- Designates the following positions as code filers: Director, Chief Deputy, Administrative Deputy I, Executive Assistant, Assistant Director, Information Technology Manager II, Program Manager, WDACS, Principal Analyst, CEO, Human Services Administrator III, Administrative Services Manager III, Administrative Services Manager II (contracts), Departmental Human Resources Manager, Administrative Services Manager II (procurement), Administrative Assistant III, Consumer & Business Affairs Supervisor, Chief, Consumer & Business Affairs Rep, and Consultants/New Positions.

(Los Angeles County Affordable Housing Solutions Agency)

- Adopts by reference Regulation 18730 (2 California Code of Regulations, Sections 18730) as its Conflict of Interest Code and will use the County's Model Disclosure Categories.
- Designates the following positions as code filers: Governing Board Member, Governing Board Member Alternate, Chief Executive Officer, General Counsel, Inspector General, Citizens Oversight Committee Member, and Consultants/New Positions.

SUBSTANTIVE CHANGES:

(Alternate Public Defender)

- Revises clarifying language in a disclosure category.
- Removes an unnecessary disclosure category from the code.
- Adds a new disclosure category to the code.
- Adds two positions to the code.
- Reduces the disclosure of one position.

(Antelope Valley Transit Authority)

- Adds two positions to the code.

(Carson Reclamation Joint Powers Authority)

- Removes an unnecessary disclosure category from the code.
- Adds one position to the code.
- Deletes two positions from the code due to reorganization.

(Castaic Union School District)

- Removes an unnecessary disclosure category from the code.
- Adds one position to the code.
- Changes the title of one position.

(Charter Oak Unified School District)

- Adds four positions to the code.
- Changes the title of one position.
- Deletes one position from the code as it no longer exists in the agency.

(Citizens Redistricting Commission)

- Adds a footnote describing when Commissioners will need to make disclosure.

(First 5-LA)

- Adds 6 positions to the code.
- Deletes 10 positions from the code as they no longer exist in the agency.
- Changes the title of one position.

(Glendale Community College District)

- Changes the titles of three positions.
- Deletes one position from the code as its duties were eliminated.

(Glendora Unified School District)

- Revises clarifying language in a disclosure category.
- Adds a new disclosure category to the code.
- Removes an unnecessary disclosure category from the code.
- Adds three positions to the code.
- Changes the titles of four positions.
- Expands the disclosure of one position.

(Keppel Union School District)

- Revises clarifying language in a disclosure category.
- Adds one position to the code.

(LA Promise Fund)

- Changes the titles of three positions.

(Lawndale Elementary School District)

- Revises clarifying language in a disclosure category.
- Adds a new disclosure category to the code.
- Reduces the disclosure of one position.
- Deletes one position from the code due to reorganization.
- Changes the title of one position.
- Adds one position to the code.

(Lennox School District)

- Adds one position to the code.
- Changes the titles of three positions.

(Los Angeles Community College District)

- Adds two positions to the code.

(Mt. San Antonio Community College District)

- Revises clarifying language in a disclosure category.
- Removes an unnecessary disclosure category from the code.
- Deletes two positions from the code due to reorganization.
- Changes the titles of three positions.
- Adds 14 positions to the code.
- Expands the disclosure of one position.

(San Gabriel Valley Council of Governments)

- Adds four positions to the code.

- Deletes one position from the code due to it no longer requiring disclosure.
- Changes the title of one position.

(Sulphur Springs Union School District)

- Adds a new disclosure category to the code.
- Adds one position to the code.
- Changes the titles of two positions.

(Westside Union School District)

- Removes an unnecessary disclosure category from the code.
- Adds one position to the code.

DISSOLUTION:

(Endeavor College Preparatory)

- Recognize the dissolution of Endeavor College Preparatory to be effective June 30, 2021, and the abolishment of its code to be effective the day following your Board's approval.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approving the attached Conflict of Interest Codes for these agencies will further the purposes of the Political Reform Act of 1974 by requiring the individuals designated in each agency's code to disclose appropriate economic interests.

The Honorable Board of Supervisors

9/12/2023

Page 7

Respectfully submitted,

A handwritten signature in cursive script, reading "Celia Zavala". The signature is written in black ink and is positioned above the printed name and title.

CELIA ZAVALA

Executive Officer, Board of Supervisors

CZ:pn

Enclosures

c: Chief Executive Officer
County Counsel

PROPOSED CODE

Conflict of Interest Code of the

ANTELOPE VALLEY TRANSIT AUTHORITY

Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, is hereby incorporated into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head, or his or her designee. The agency shall make and retain a copy of all statements filed by its Governing Board Members, Alternate Board Members and Executive Director/Chief Executive Officer and forward the originals of such statements to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "A"

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

CATEGORY 3

Persons in this category shall disclose all income (including gifts, loans and travel payments) and business positions.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans and travel payments) received from business entities that manufacture, provide or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned to this disclosure category.

**ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "B"**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Governing Board Members	1, 2, 3
Alternate Board Members	1, 2, 3
Executive Director/Chief Executive Officer	1, 2, 3
General Counsel	1, 2, 3
Chief Operating Officer	1, 2, 3
Chief Financial Officer	1, 2, 3
Director of Operations & Maintenance	1, 2, 3
Controller	1, 2, 3
Director of Finance and Administration	1, 2, 3
Senior Director of Operations and Planning	1, 2, 3
Senior Finance Manager	1, 2, 3 (Add)
Finance Manager	1, 2, 3
Operations and Contract Compliance Manager	4 (Add)
Marketing Manager	4
Director of Marketing	4
Project Coordinator	4
Grants Administrator	4
Director of Fleet & Facilities	4
Fleet Maintenance Manager	4
Facilities Superintendent	4

**ANTELOPE VALLEY TRANSIT AUTHORITY
EXHIBIT "B" Cont'd**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Planning Manager	4
Procurement and Contracts Officer	4
Information Technology Supervisor	4
Community Outreach Specialist	4
Safety & Facilities Manager	4
Maintenance Compliance Manager	4
Fleet Technical Training Manager	4
Consultants/New Positions*	

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Executive Director/Chief Executive Officer or his or her designee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director/Chief Executive Officer or his or her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

Individuals who perform under contract the identical duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position

EFFECTIVE DATE:

LEGISLATIVE UPDATE

Presentation to the Board of Directors
October 24, 2023



STATE



LEGISLATIVE SESSION

October 14 was last day for Governor to sign or veto remaining bills.

APPROVED:

AB 971 - Vehicles: Transit Only Traffic Lanes

This bill would make provisions applicable to transit-only traffic lanes. Prohibits activities such as operating a motor vehicle, or stopping, parking, or leaving a vehicle standing, on a portion of the highway designated for the exclusive use of transit-only traffic lanes.

SB 434 - Transit Operators: Street Harassment Survey

Public transit agencies must survey riders to find out what kind of harassment, threats, assaults or fear riders experience. A key focus would be on women of color including Asian-American Pacific Islanders (AAPI), the elderly, and members of the LGBTQ+ community.

VETOED:

AB 1614 – Gasoline Fueling Stations Phase Out

SB 493 – EV & Hydrogen Infrastructure

**See next slide for Governor's Veto Messages*



GOVERNOR'S VETO MESSAGE



AB 1614 >

Governor's Veto Message

To the Members of the California State Assembly:

I am returning Assembly Bill 1614 without my signature.

This bill would require the California Energy Commission (CEC), in consultation with the Governor's Office of Business and Economic Development, to conduct a study on the statewide transition of fuel stations from gasoline to alternative fuels.

This bill will result in additional costs to the General Fund and the CEC's primary operating fund, which is currently facing an ongoing structural deficit. This bill exacerbates the CEC's operating funds structural imbalance. Additionally, many provisions of this bill are duplicative of existing law, which requires the CEC, in consultation with various state entities, to prepare a transportation fuels transition plan by December 31, 2024.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

For these reasons, I cannot sign this bill.

Governor's Veto Message

To the Members of the California State Senate:

I am returning Senate Bill 493 without my signature.

This bill would expand the scope of several assessments and strategies developed by the California Energy Commission (CEC) and California Air Resources Board (CARB) related to zero-emission vehicle (ZEV) infrastructure.

However, this bill results in costs to the CEC's primary operating fund, which is currently facing an ongoing structural deficit, and thus exacerbates the fund's structural imbalance.

Additionally, many provisions of this bill are currently being incorporated into relevant ZEV infrastructure planning processes at the California Public Utilities Commission (CPUC), in consultation with both the CEC and CARB. At best, this bill's provisions may duplicate these efforts and, at worst, may complicate this work and lead to misaligned interagency work streams.

We must ensure that the CPUC, CEC and CARB utilize their core competencies and focus their expertise and existing resources on improving ZEV infrastructure planning processes. This bill falls short of accomplishing this goal.

For these reasons, I cannot sign this bill.

< SB 493

HYDROGEN HUBS



AB 126 - Vehicular Air Pollution: Clean Transportation Program was approved by the Governor on October 7.

On October 13, the ports of Los Angeles and Long Beach, along with DWP, will receive \$1.2 billion from this grant program.

California is one of seven locations that will become hydrogen hubs.

Other areas: Mid-Atlantic (Pennsylvania, Delaware, New Jersey), Appalachia (West Virginia, Ohio, Pennsylvania), California, Gulf Coast (Texas), Heartland (Minnesota, North Dakota, South Dakota), Midwest (Illinois, Indiana, Michigan), Pacific Northwest (Washington, Oregon, Montana).

FEDERAL



FEDERAL BUDGET

Federal Government is now funded through November 17, 2023.

- Continuing Resolution signed hours before new federal fiscal year.
- House passed the CR 335 – 91.
- Senate passed the CR 88 – 9.
- Agency budgets will remain at 2023 levels.
- Federal Aviation Administration authorized through December 21, 2023.

APPROPRIATIONS STATUS

HOUSE (4 of 12)

- Defense
- Homeland Security
- Military Construction – Veterans Affairs
- State-Foreign Operations

SENATE (0 of 12)

BOTH CHAMBERS (0 of 12)

VETOED (0 of 12)

SIGNED BY PRESIDENT (0 of 12)

No appropriation approvals until we have a Speaker of the House.

REGIONAL



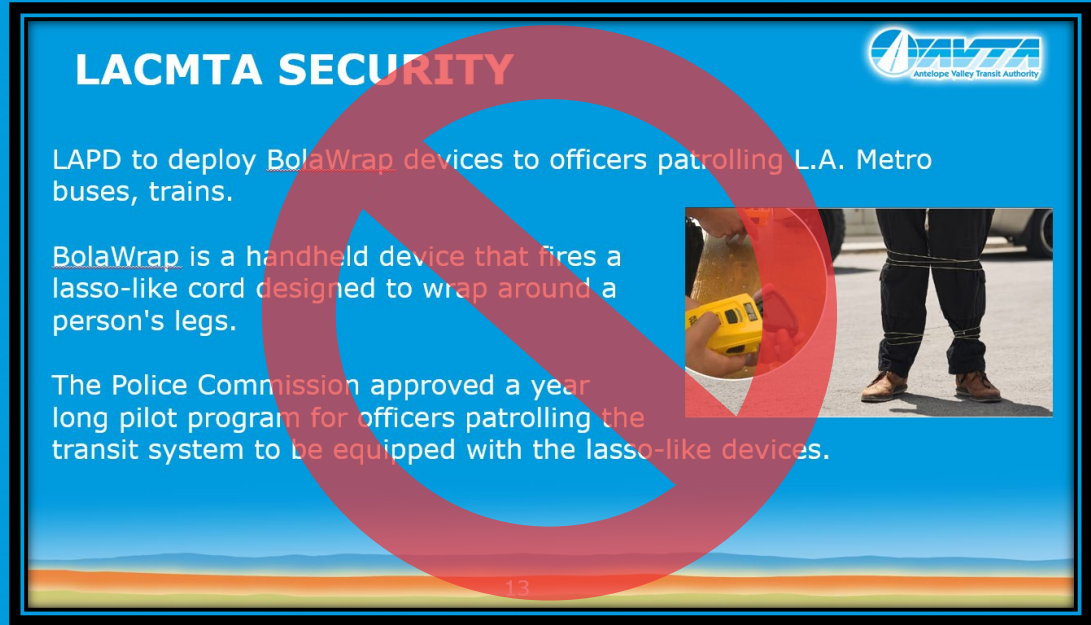
POLICY REVERSED

The BolaWrap proposal is now on hold.

LAPD notified L.A. County MTA they will not be deploying the devices.

At a recent MTA board meeting, multiple people spoke against deploying the devices.

Mayor Bass, also MTA Board Chair, stated, "Wonder Woman will not be on the Metro".

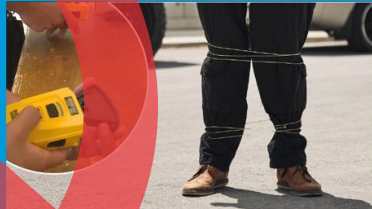


LACMTA SECURITY

LAPD to deploy BolaWrap devices to officers patrolling L.A. Metro buses, trains.

BolaWrap is a handheld device that fires a lasso-like cord designed to wrap around a person's legs.

The Police Commission approved a year long pilot program for officers patrolling the transit system to be equipped with the lasso-like devices.



13

NEW TREND?



- LA MTA is working on a plan with other county agencies to build a permanent homeless services center on the ground floor of their headquarters building, directly adjacent to Union Station. Labeled as a “homeless navigation hub,” it would be redesigned and located in a vacant “welcome center”.

“Folks experiencing homelessness could get access to a service provider that would link them to things they are in need of” said Craig Joyce, MTA deputy executive officer.

- Santa Clara Valley Transportation Authority has cleared the way for a plan to erect 200 tiny home cabins for homeless people on an authority-owned lot in the northern part of the city.

Homes are being supplied by Gov. Gavin Newsom, who aims to provide at least 1,200 total homes to cities across the state. He’s also promised 500 units for Los Angeles, 150 for San Diego and 350 for Sacramento.

Questions?



Recommendation: Receive and file the Legislative Report and Finance Update for October 2023.





DATE: October 24, 2023
TO: BOARD OF DIRECTORS
SUBJECT: Tax Options

RECOMMENDATION

Consider the presentation and give direction to staff regarding pursuing a tax or assessment to generate revenue.

FISCAL IMPACT

If enacted, this item would increase revenues.

BACKGROUND

Three taxing options are available for Board consideration: assessment, property fee, or special tax. Each has particular obligations, limitations, and approval requirements.

Prepared and Submitted by:

Allison E. Burns
General Counsel, AVTA

Taxing Options and Requirements

Presented to AVTA Board of Directors

October 24, 2023

By

Allison E. Burns



Statutory Authority

- AVTA is a joint powers authority that exists and operates pursuant to the Joint Exercise of Powers Act (Gov. Code §§ 6500-6599.3)
- The Joint Powers Act provides “[...] two or more public agencies by agreement may jointly exercise any power common to the contracting parties, including, but not limited to, *the authority to levy a fee, assessment, or tax,*” (Gov. Code § 6502 (emphasis added).)
- Therefore, AVTA may levy a fee, assessment, or tax subject to the limitations and requirements of California law.



Proposition 218

- Amended the California Constitution to impose substantive limitations and procedural requirements that must be satisfied to levy an assessment or property-related fee.



Assessments

- Defined as: “[...] any levy or charge upon real property by an agency for a *special benefit* conferred upon the real property.” (Cal. Const. art XIII D, § 2(b) (emphasis added).)
 - includes, but is not limited to, “special assessment,” “benefit assessment,” “maintenance assessment” and “special assessment tax.”
- Substantive Limitations
 - “[...] the reasonable cost of the proportional special benefit conferred on that parcel.” (Cal. Const. art. XIII D, § 4(a).)
 - Only special benefits are assessable, and a local government agency that levies an assessment must separate the general benefits from the special benefits conferred on a parcel. (Id.)
 - Requires a detailed engineer’s report.

Stradling Assessments

- Procedural Requirements
 - Provide 45 days' written notice of a public hearing, and mail ballots, to the owners of the parcels to be assessed;
 - Include in the written notice certain specific information, including information regarding the assessment, the public hearing, and owners' right to cast votes weighted by each owner's assessment amount;
 - Hold a noticed public hearing and tally the results of the majority protest vote; and
 - If a majority of the weighted votes protest (oppose) the assessment, the assessment may not be levied.



Property Related Fees or Charges

- Defined as “[...] any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.” (Cal. Const. art. XIII D, § 2(e).)
- Substantive Limitations
 - Revenues shall not exceed the funds required to provide the service.
 - Revenues shall not be used for any purpose other than that for which it was imposed.
 - The amount of a fee or charge imposed shall not exceed the proportional cost of the service attributable to the parcel.
 - No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question.
 - Fees or charges based on potential or future use are not permitted. Standby charges, whether characterized as charges or assessments, are classified as assessments.
 - No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance, or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

Stradling Property Related Fees or Charges

Procedural Requirements

- The parcels subject to the proposed fee or charge must be identified.
- The amount of the fee or charge to be imposed upon each parcel shall be calculated.
- At least 45 days written notice provided by mail to the record owner of each identified parcel stating
 - the amount of the fee or charge proposed to be imposed
 - the basis upon which the amount of the proposed fee or charge was calculated
 - the reason for the fee or charge
 - the date, time, and location of a public hearing on the proposed fee or charge.
- Conduct a public hearing upon the proposed fee or charge and consider all protests against the proposed fee or charge.
 - If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the local government agency shall not impose the fee or charge.

Stradling Special Tax

- A “special tax” is “any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.” (Cal. Const. art XIII C, § 1(d).)
- “No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote.” (Cal. Const. art XIII C, § 2(d).)

Stradling Special Tax

Procedure

- Adopt an ordinance or resolution proposing the special tax, which must at a minimum include:
 - the type of tax;
 - the rate of tax to be levied;
 - the method of collection;
 - the date upon which an election shall be held on the issue; and
 - the purpose or service for which its imposition is sought.
- Adopt an ordinance or resolution calling a special election and consolidating the special election with the statewide election. The resolution requesting consolidation must be adopted at the same time as the resolution/ordinance calling the election and must:
 - Request that AVTA's election be consolidated with the statewide election;
 - Set forth the exact form of the question to be voted upon at the election, as it is to appear on the ballot; and
 - Acknowledge that the consolidated election will be held and conducted in the manner prescribed in Election Code Section 10418.
- All of the foregoing must be complete and in the hands of the county board of supervisors at least 88 days before the election.