



Regular Meeting of the Board of Directors

Tuesday, September 28, 2021

10:00 a.m.

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

AGENDA

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.

UPDATED MEETING PROCEDURE:

To ensure public safety measures while maintaining transparency and public access, members of the public may participate in one of the following ways:

In person:

Consistent with the public health officer's order, anyone attending the meeting in person is required to wear a mask.

Virtual Platform [Zoom]:

In accordance with Governor's Executive Order N-08-21, Board members and members of the public will be able to attend this meeting telephonically/virtually.

Click here to join: <https://us02web.zoom.us/j/86526185034>

Dial by telephone to join: (669) 900-6833
Webinar ID: 865 2618 5034
Passcode: 630225

PUBLIC BUSINESS FROM THE FLOOR – AGENDIZED AND NON-AGENDIZED ITEMS:

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. A three-minute time limit will be imposed on all speakers other than staff members.

Public comments may be submitted via email to clerkoftheboard@avta.com or by telephone at 661/729-2206 at least two hours prior to the start of the meeting and will be read by the Clerk of the Board during the Public Business portion of the agenda.

In accordance with Governor’s Order N-08-21, the public may participate in the meeting telephonically/virtually. If participating by personal computer, please click the “raise hand” button in the Zoom interface and the Clerk of the Board will announce your name when it is your turn to speak. If participating telephonically (by phone), please press *9 to raise your hand and the Clerk of the Board will announce the last four digits of your call-in number when it is your turn to speak. Press *6 to un-mute yourself. Please state and spell your name for the record, and eliminate any background noise.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Steve Hofbauer, Director Richard Loa, Director Raj Malhi, Director Michelle Flanagan

APPROVAL OF AGENDA

PUBLIC BUSINESS – AGENDIZED AND NON-AGENDIZED ITEMS:

If you are attending the meeting in person and would like to address the Board, please complete a speaker card and provide it to the Clerk of the Board. If you are attending the meeting by personal computer, you may address the Board by clicking the “raise hand” button in the Zoom interface and your name will be announced when it is your turn to speak. If you are attending telephonically (by phone), please press *9 to raise your hand and the last four digits of your call-in number will be announced when it is your turn to speak. Press *6 to un-mute yourself. Speaking clearly, state and spell your name for the record, and eliminate

any background noise. The Board will hear comments on non-agendized items at this time.

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. Each speaker is limited to three (3) minutes.

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 TO TRANSDEV OPERATOR AND EMPLOYEE OF THE MONTH FOR AUGUST 2021 – DENIS JACKSON

SRP 2 PRESENTATION TO ANTELOPE VALLEY TRANSPORTATION SERVICES (AVTS) EMPLOYEE OF THE MONTH FOR AUGUST 2021 – ART MINASYAN

SRP 3 LEGISLATIVE REPORT FOR SEPTEMBER 2021 – JUDY VACCARO-FRY

SRP 4 OPERATIONS KEY PERFORMANCE INDICATORS (KPI) REPORT – ESTEBAN RODRIGUEZ

SRP 5 MAINTENANCE KPI REPORT – CECIL FOUST

SRP 6 AVTS UPDATE (MICROTRANSIT AND DIAL-A-RIDE) – ART MINASYAN

CONSENT CALENDAR (CC): Items 1 through 6 are consent items that 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 AUGUST 24, 2021 – KAREN DARR

Recommended Action: Approve the Board of Directors Regular Meeting Minutes of August 24, 2021.

CC 2 FINANCIAL REPORT FOR AUGUST 2021 – JUDY VACCARO-FRY

Recommended Action: Receive and file the Financial Report for August 2021.

CC 3 GRANTS PROCEDURE MANUAL - JUDY VACCARO-FRY

Recommended Action: Approve updates to the Grants Procedure Manual.

CC 4 AMENDMENT NO. 2 TO CONTRACT #2019-06 WITH VEHICLE TECHNICAL CONSULTANTS, INC. FOR IN-PLANT BUS MANUFACTURING INSPECTION SERVICES – LYLE BLOCK

Recommended Action: Authorize the Executive Director/CEO to execute Amendment No. 2 to Contract #2019-06 with Vehicle Technical Consultants, Inc., Beaumont, CA. to purchase additional in-plant bus manufacturing inspection services for ten (10) - BYD K11M 60-foot battery-electric buses for an amount not to exceed \$30,000, plus applicable sales tax.

CC 5 AVTA'S MOTOR VEHICLE HANDHELD DEVICE POLICY AND DRIVER SAFETY POLICY – JUDY VACCARO-FRY

Recommended Action: Adopt Resolution No. 2021-014, establishing two new policies for all drivers of AVTA vehicles: Motor Vehicle Handheld Device Policy and Driver Safety Policy. Upon approval, the policies will be incorporated into AVTA's Personnel Rules and Regulations Manual.

CC 6 RESOLUTION NO. 2021-015, AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE CALIFORNIA STATE TRANSIT ASSISTANCE PROGRAM – JUDY VACCARO-FRY

Recommended Action: Adopt Resolution No. 2021-015, authorizing the execution of the certifications and assurances for the California State Transit Assistance Program.

NEW BUSINESS (NB):

NB 1 STUDY TO EVALUATE AND RECOMMEND EQUITABLE METHOD FOR CALCULATING JURISDICTIONAL CONTRIBUTIONS – MACY NESHATI

Recommended Action: Provide guidance to the Executive Director/CEO to commission a study that results in a recommendation as to an equitable method for calculating jurisdictional shares.

NB 2 RESOLUTION NO. 2021-016 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS – ALLISON BURNS

Recommended Action: Approve Resolution No. 2021-016, proclaiming a local emergency, ratifying the proclamation of a state of emergency by Executive Orders

N-25-20, N-29-20 and N-35-20, and authorizing remote teleconference meetings for a thirty (30) day period pursuant to Brown Act provisions

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)
- CS 3 Public Employee Appointment – Pursuant to Government Code Sections 54954.5(e) and 54957(b))
Title: Executive Director/CEO

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 October 26, 2021 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 September 24, 2021 at the entrance to the Antelope Valley Transit Authority, 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.

LEGISLATIVE UPDATE

Presentation to
AVTA Board of Directors
September 28, 2021



STATE



Pending Legislation

AB 917 (Bloom)

Co-sponsored with the Alameda-Contra Costa Transit District and the Los Angeles County Metropolitan Transportation Authority.

This pending bill would expand current state law, to authorize transit agencies to use readily available camera technology to discourage illegal parking in transit-only lanes and at transit stops where parking exists.

AB 970 (McCarty / Chiu)

Would require an application to install an electric vehicle charging station to be deemed complete if, either 5 business days or 10 business days after the application was submitted.

Minimum of 1, but no more than 25 chargers to be installed.



Upcoming State Opportunity

Caltrans is developing the “Clean California Local Grant Program” as part of the nearly \$1.1 billion Clean California Program.

The two-year local grant program includes approximately \$296 million for communities to beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers to restore pride in public spaces.



FEDERAL



TSA Violations

TSA is increasing the range of civil penalties that may be imposed on individuals who violate the federal mask mandate.

The new range of penalties will be \$500-\$1000 for first offenders and \$1,000-\$3,000 for second offenders.

The mandate was implemented in February and will remain in effect until Jan. 18, 2022.



EXECUTIVE ORDER

Last month, the administration issued EO 14037 - new rules aimed at reducing automobile emissions.

Orders the EPA Administrator and the Secretary of Transportation to coordinate proposed rulemaking targets establishing new fuel economy vehicle standards.

Consists of three major elements aimed at cleaning vehicle emissions:

- A passenger vehicle and light truck vehicle electrification target,
- Stricter emissions standards for all classes of vehicles,
- Stricter fuel economy standards for all classes of vehicles.



VMT – as proposed

Section 13002 states that a pilot program is to be established with volunteers tracking their miles during a calendar year.

The tracking can be accomplished by means of a GPS system, phone app, or telemetric data collected by automakers.

The program will run from 2022-2026 and have an annual budget of \$10 million.

The issue will always be how do you replace gas tax with another source of equal value.



Build Back Better Act

On September 15, the House Committee on Transportation and Infrastructure (T&I Committee) approved its title of the budget reconciliation bill.

Includes:

- *\$10 billion for a new, innovative program providing competitive grants for public transit access to affordable housing and to enhance mobility for low-income riders and residents of disadvantaged communities;*
- *Additional investments in local transportation priorities, climate incentive grants, and neighborhood access, and equity grants.*



Pending.....

- ❖ Surface Transportation Reauthorization
- ❖ Infrastructure Bill
- ❖ Reconciliation Bill
- ❖ Debt Ceiling
- ❖ FFY22 Budget
- ❖ Possible Continuing Resolution
- ❖ Annual Appropriations



New Federal Opportunities

- American Rescue Plan Additional Assistance
 - Available: \$2,207,561,294
 - Due: November 8

- Route Planning Restoration Program
 - Available: \$25,000,000
 - Max: \$ 1,000,000
 - Due: November 15

- Bus & Bus Facilities Program
 - Available: \$409,588,848
 - Max: \$ 40,590,000
 - Due: November 19



Questions?



Thank
you



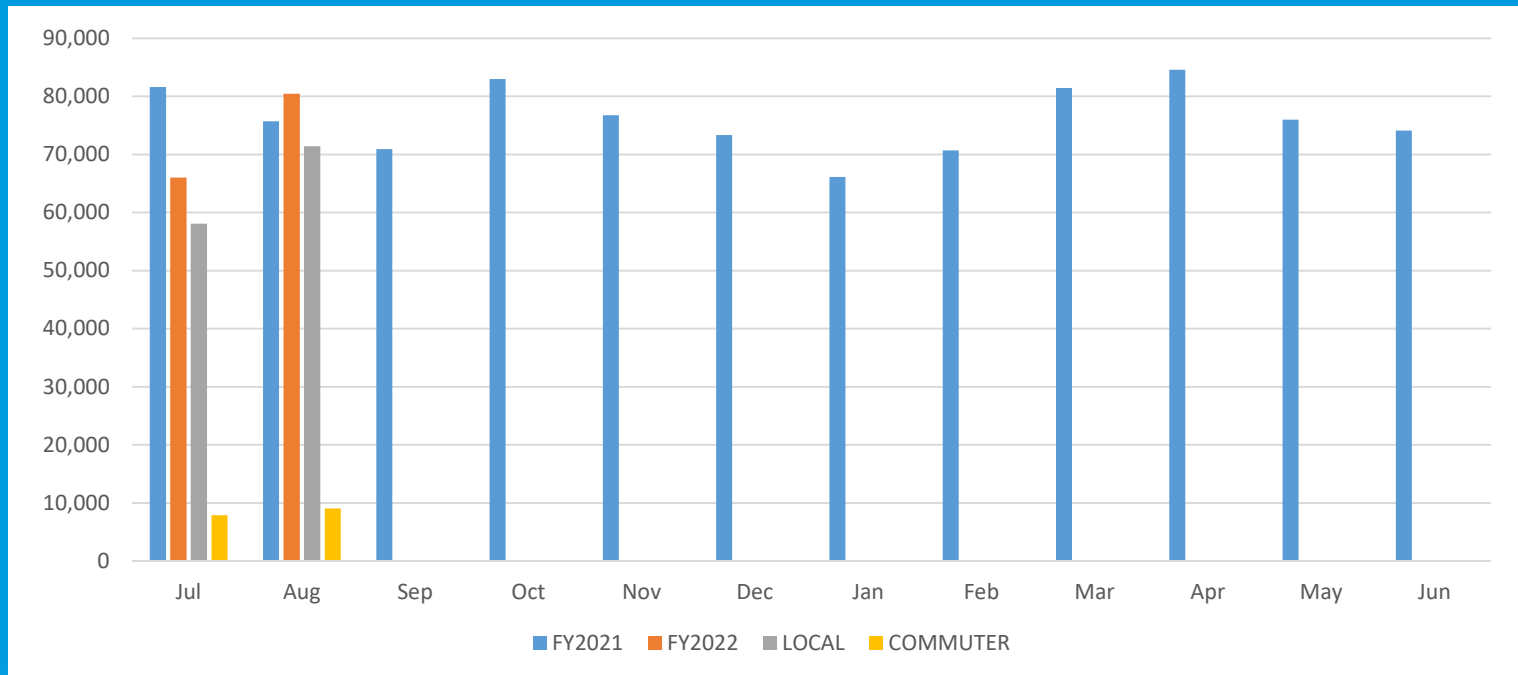
FY 2022 Monthly Operations Key Performance Indicators

Presentation to the Board of Directors
September 28, 2021

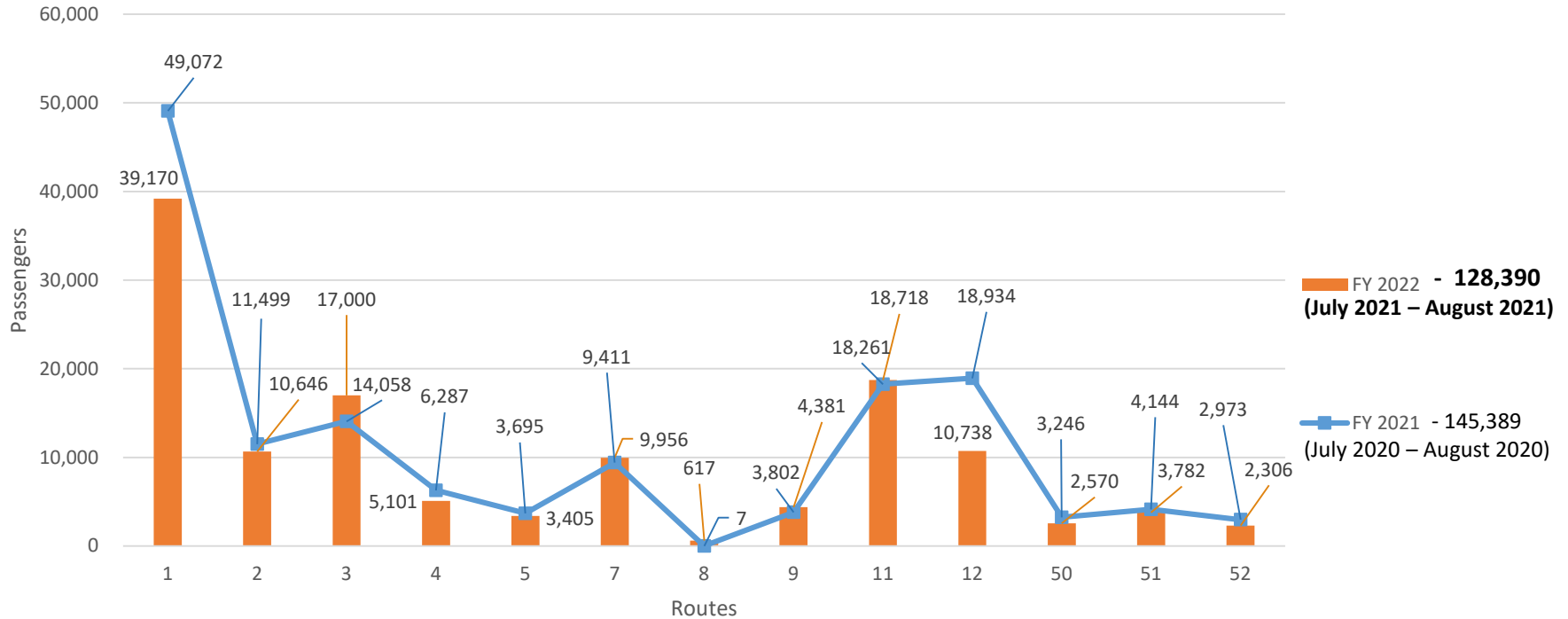


MONTHLY BOARDING ACTIVITY

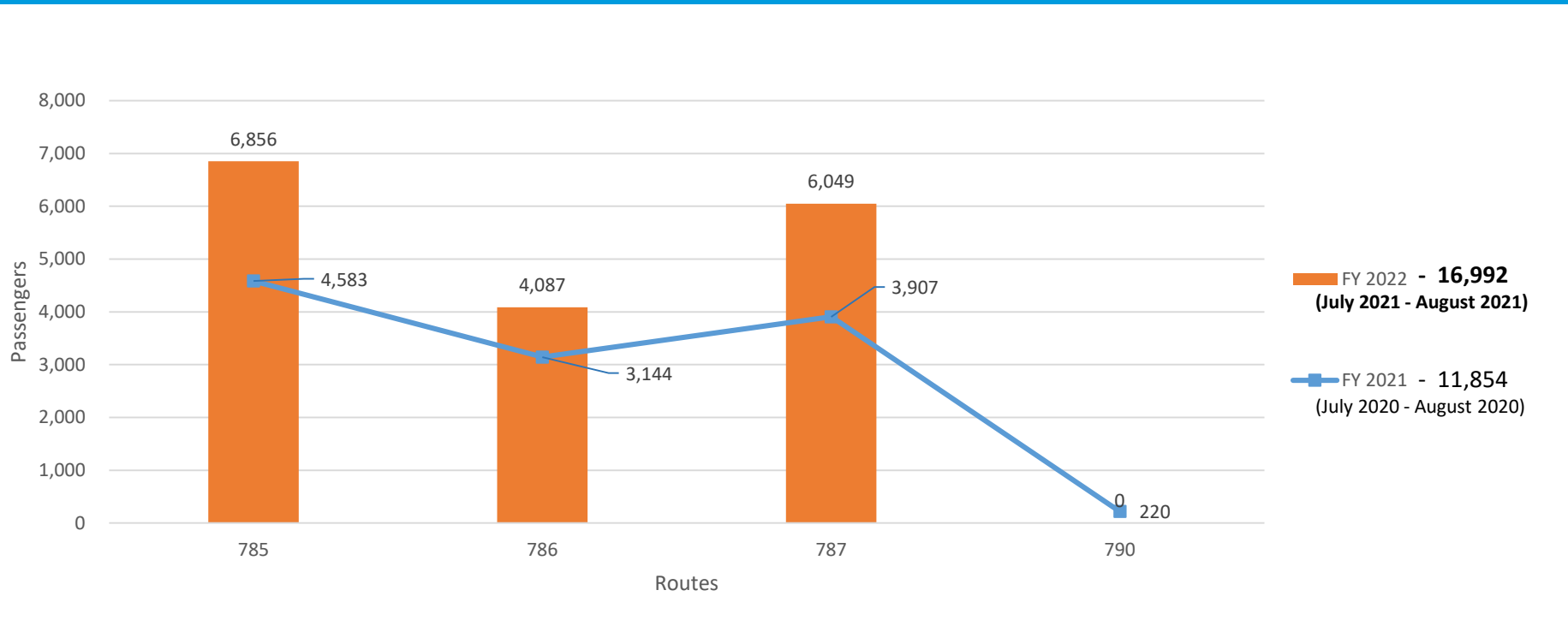
	August 2021 FY 2022	July 2021 FY 2022
System	80,455	66,006
Local	71,386	58,083
Commuter	9,069	7,923



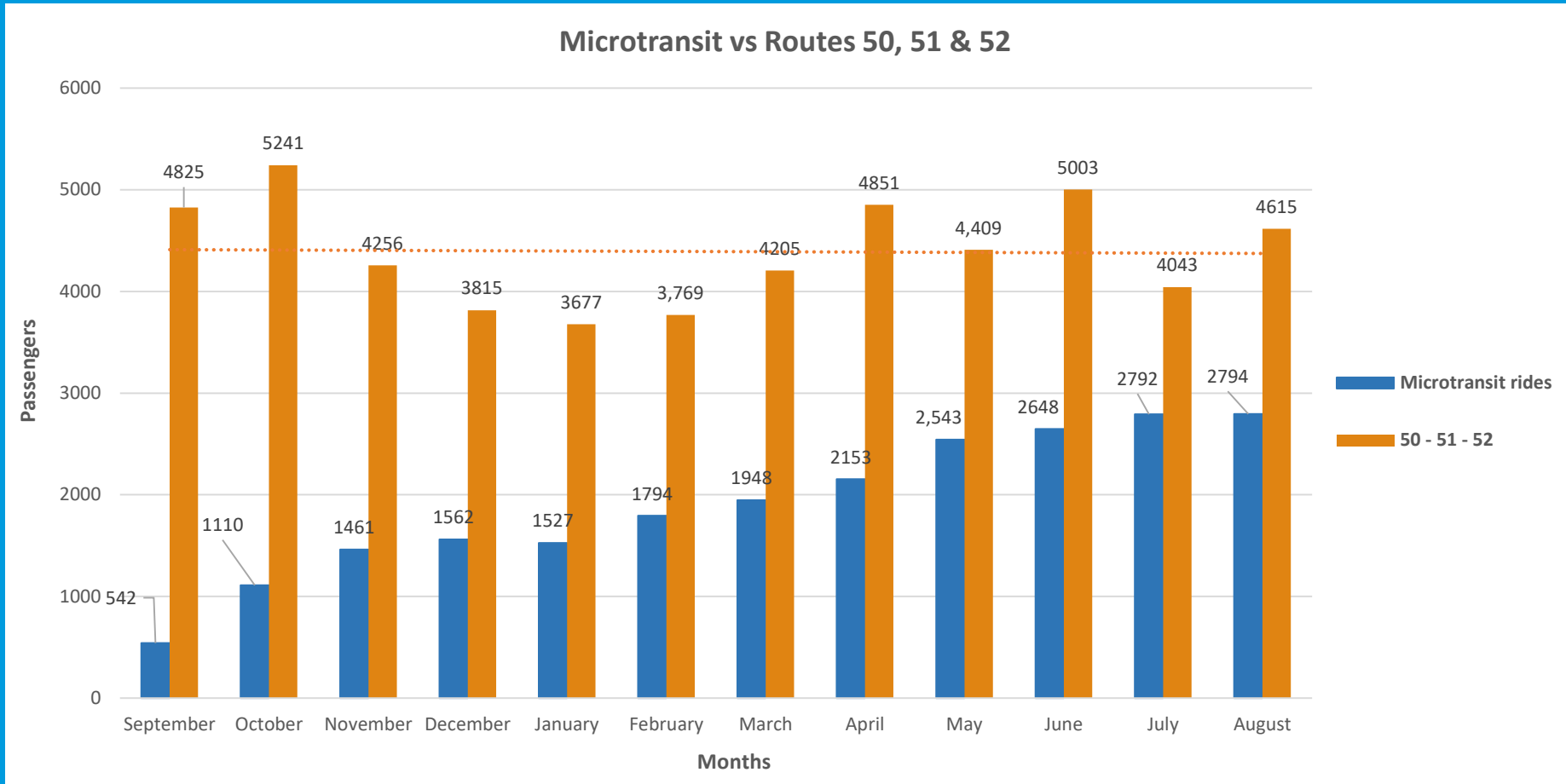
ANNUAL RIDERSHIP LOCAL ROUTES



ANNUAL RIDERSHIP COMMUTER ROUTES



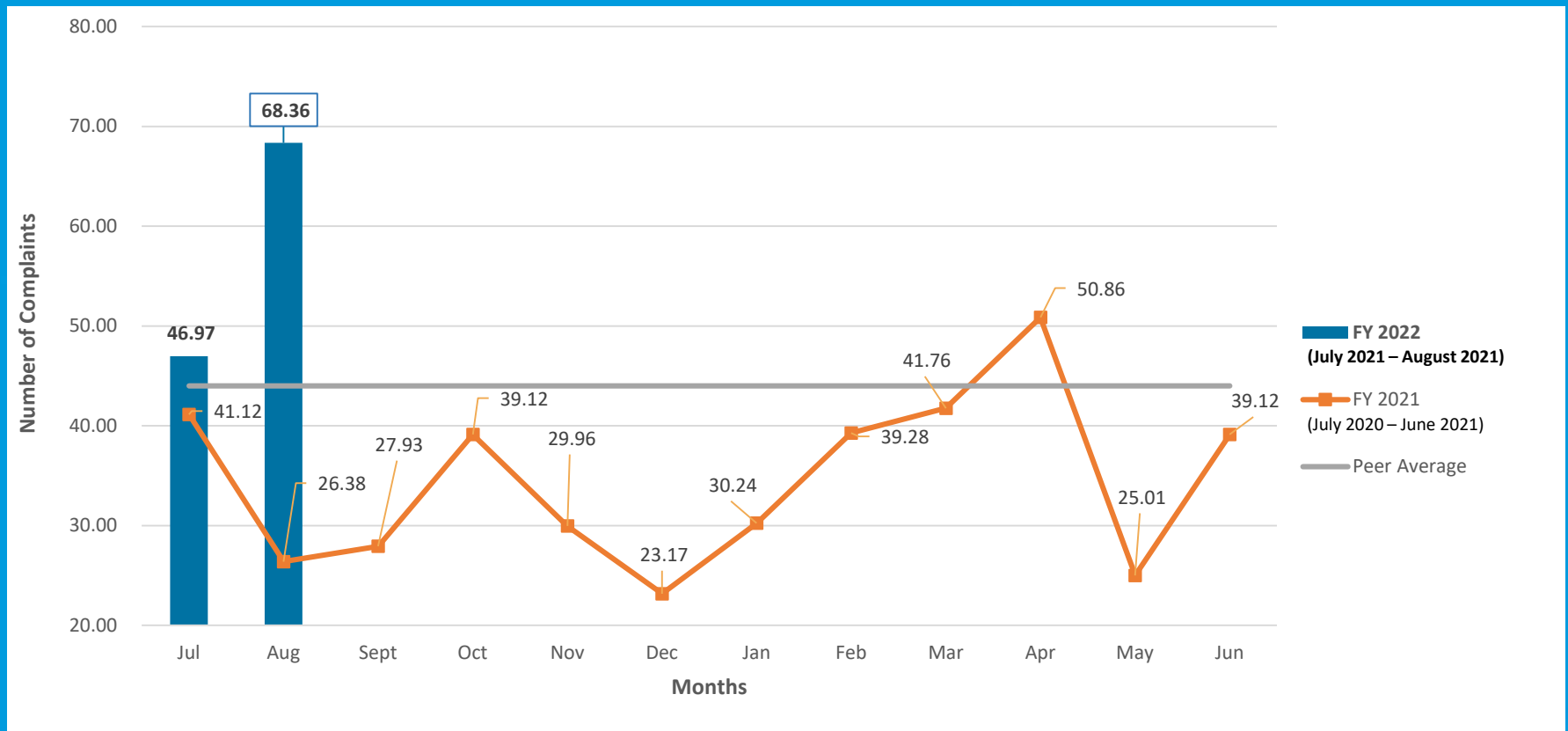
MICROTRANSIT RIDERSHIP ACTIVITY PILOT PROGRAM



COMPLAINTS/100,000 BOARDINGS

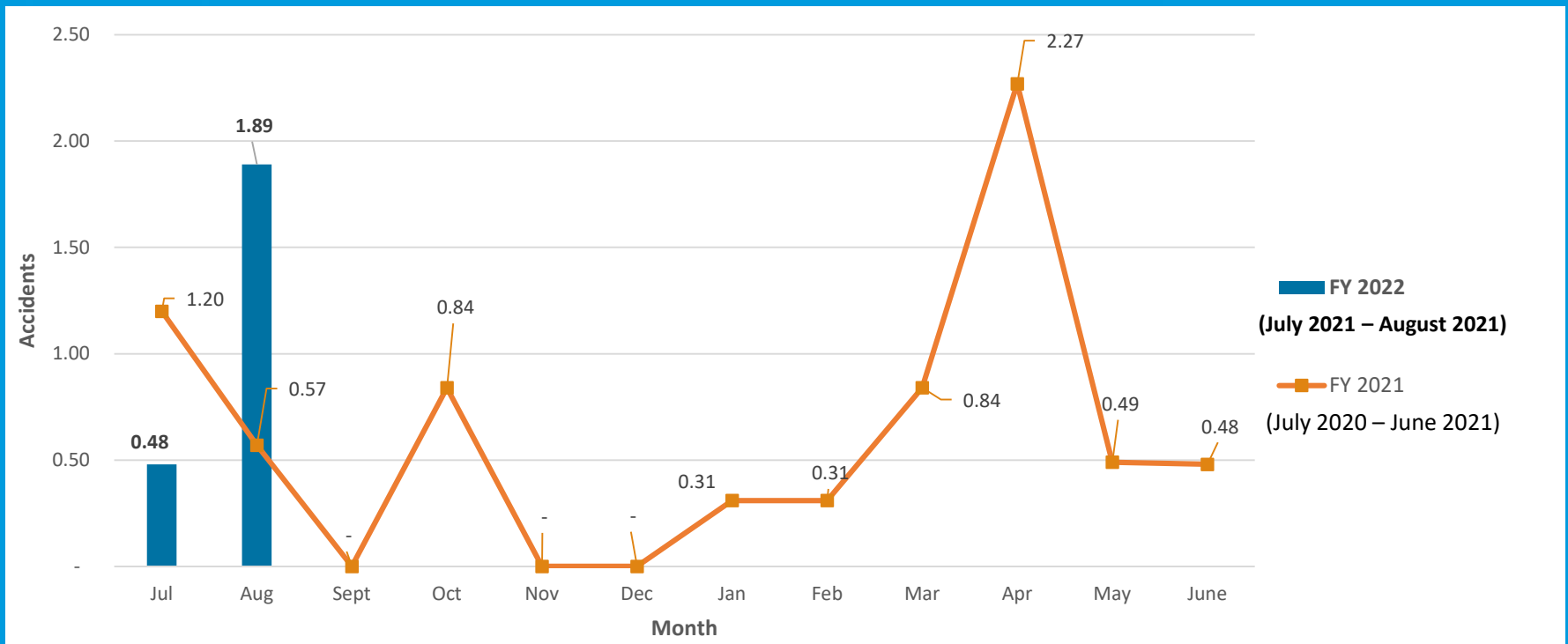
AUGUST - SYSTEM WIDE AVERAGE: 68.36

PEER AVERAGE: 44.00



PREVENTABLE ACCIDENTS/100,000 MILES

AUGUST - SYSTEM WIDE AVERAGE: 1.89



KEY PERFORMANCE INDICATORS

	August 2021 FY 2022	July 2021 FY 2022	August 2020 FY 2021
Boarding Activity	80,455	66,006	75,727
Complaints / 100,000 Boardings	68.36	46.97	22.45
Preventable Accidents / 100,000 Miles	1.89	0.48	0.57

Thank you!

Questions?

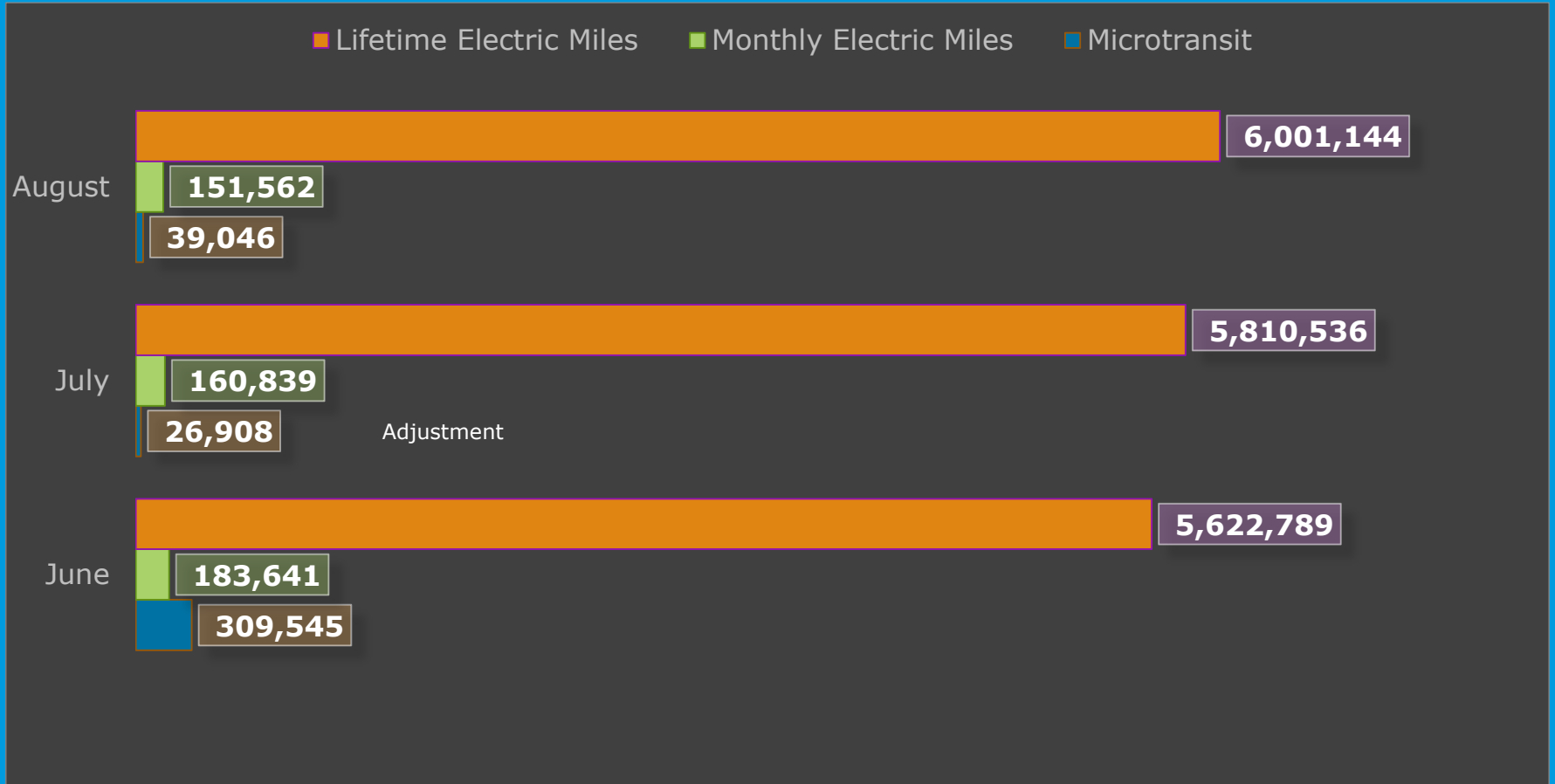


FY 2021 Monthly Maintenance Key Performance Indicators

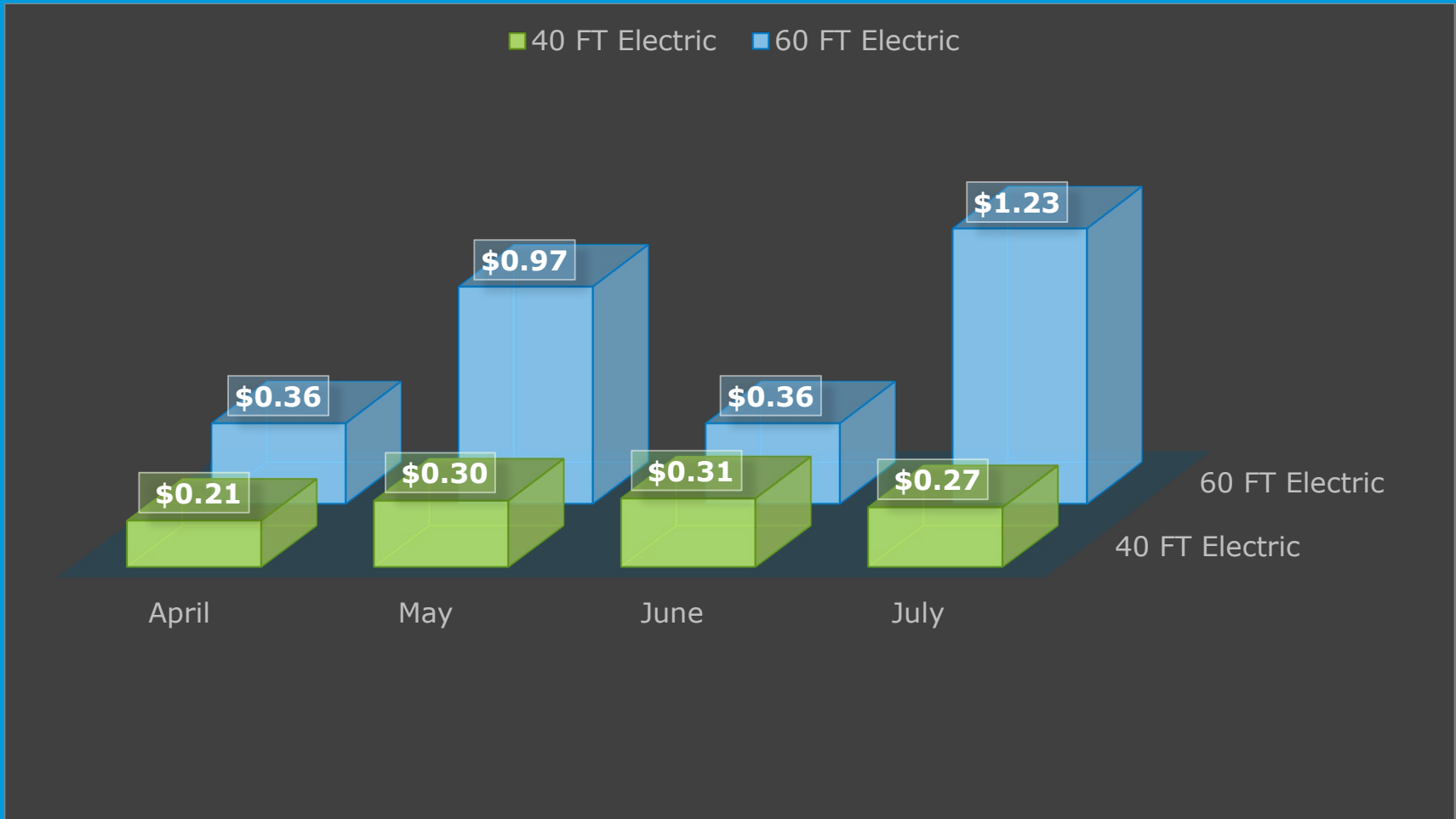
Presentation to the Board of Directors
September 28, 2021



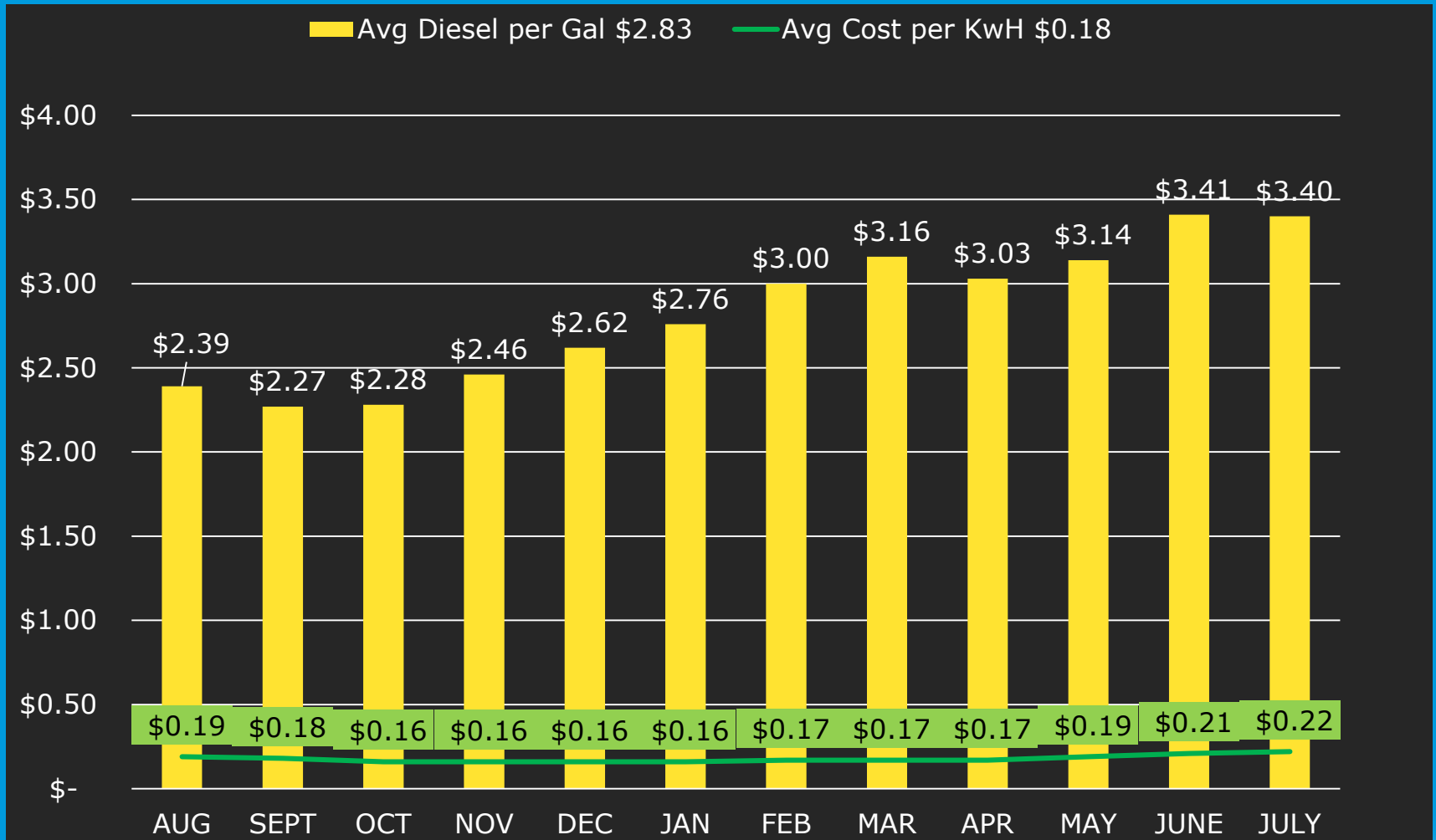
ELECTRIC MILES TRAVELED



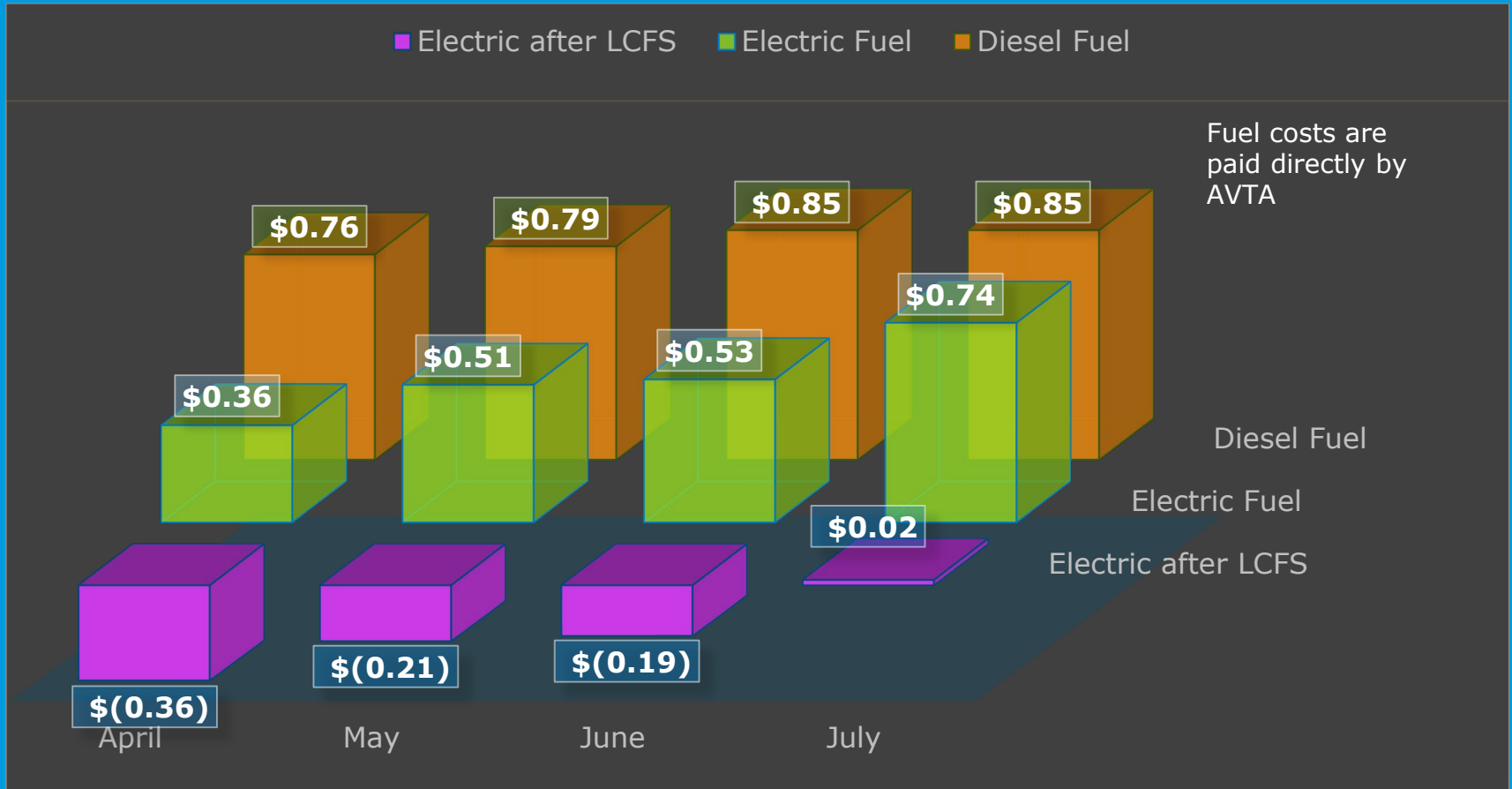
MAINTENANCE COST PER MILE BY FLEET



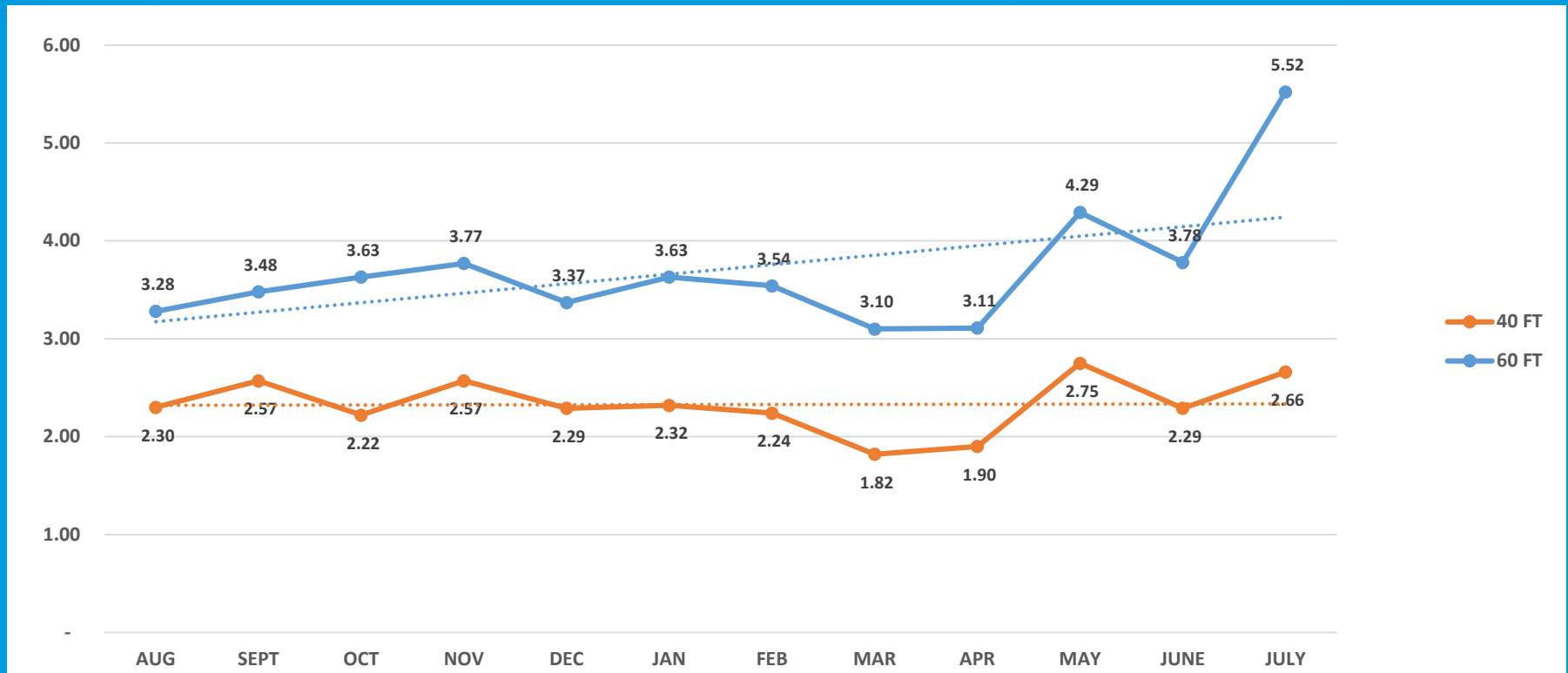
FUEL/ENERGY COST PRIOR 12 MONTHS



PROPULSION FUEL COST PER MILE w/LOW CARBON FUEL STANDARD (LCFS) OFFSET

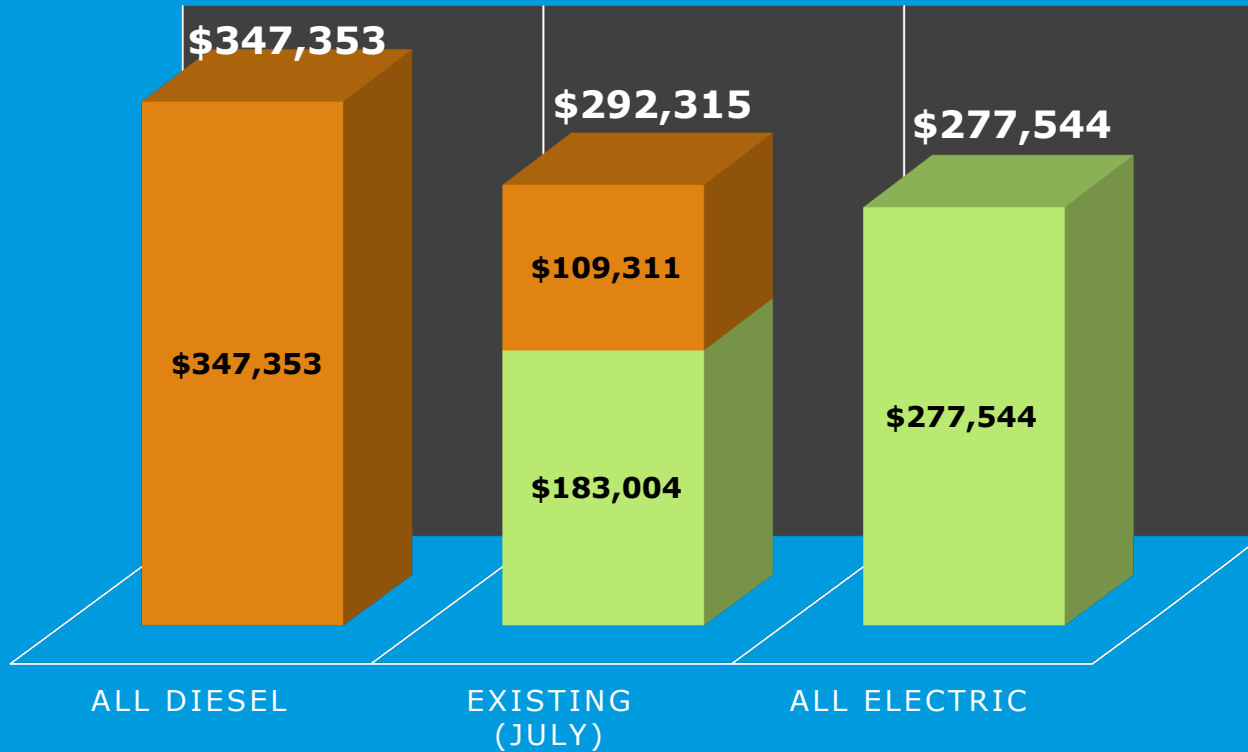


AVERAGE FUEL CONSUMPTION PER MILE (KWPM)



TOTAL FUEL & MAINTENANCE COST ASSUMPTIONS

■ Electric ■ Diesel



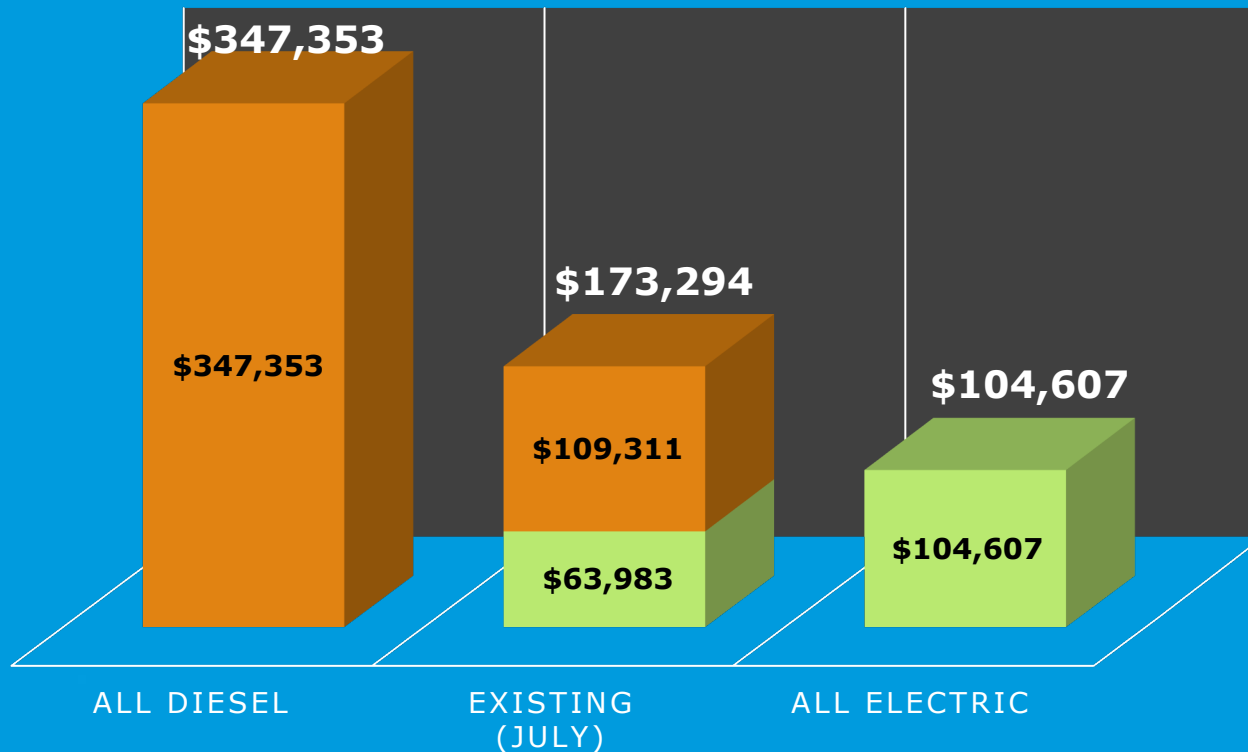
July Fuel and Maintenance Savings
\$55,038

Projected Savings
\$69,809

AVTA Fuel Only
\$17,692

TOTAL FUEL & MAINTENANCE COST ASSUMPTIONS W/LCFS

■ Electric ■ Diesel



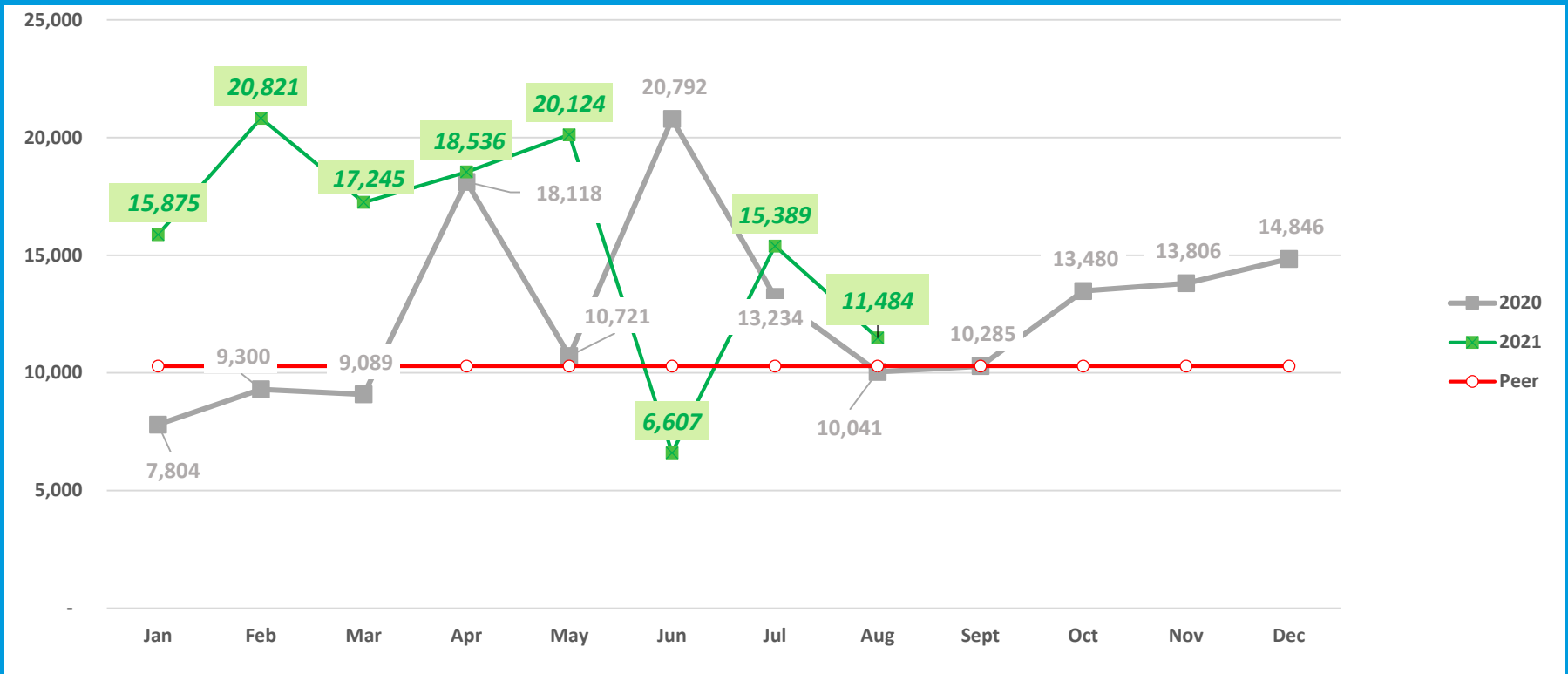
July Total Fuel and Maintenance Savings
\$174,059

AVTA Fuel Savings plus LCFS
\$136,713

AVERAGE MILES BETWEEN SERVICE INTERRUPTIONS

Peer Average: 11,206

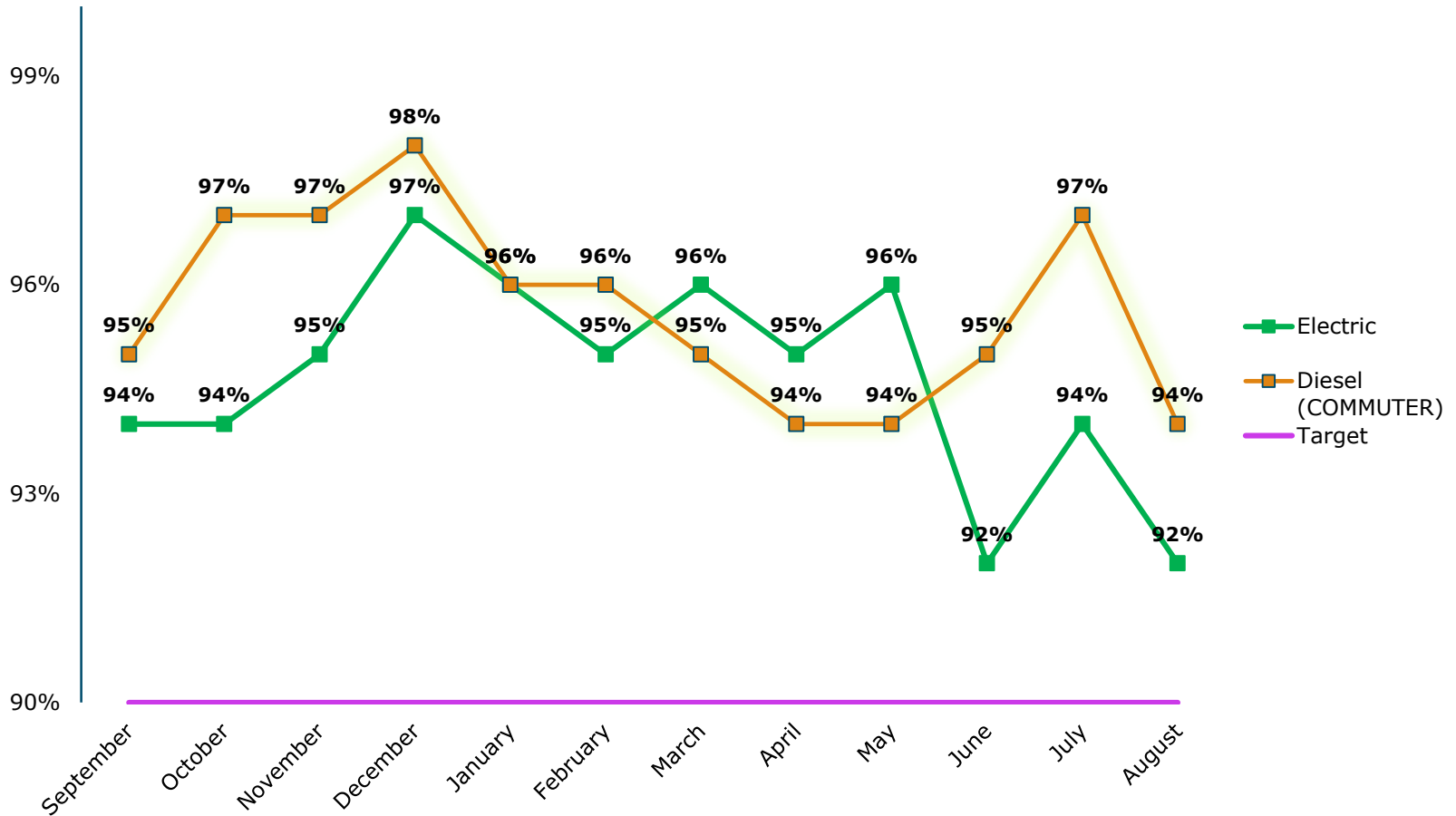
Target: 15,500



FLEET AVAILABILITY

Peer Average: 81%

Target 90%



Discussion/Questions?



July & August FY 2022 Monthly Operations Key Performance Indicators

Presentation to the Board of Directors

September 28, 2021



July & August Trip Accommodation

90.67%

July



92.50%

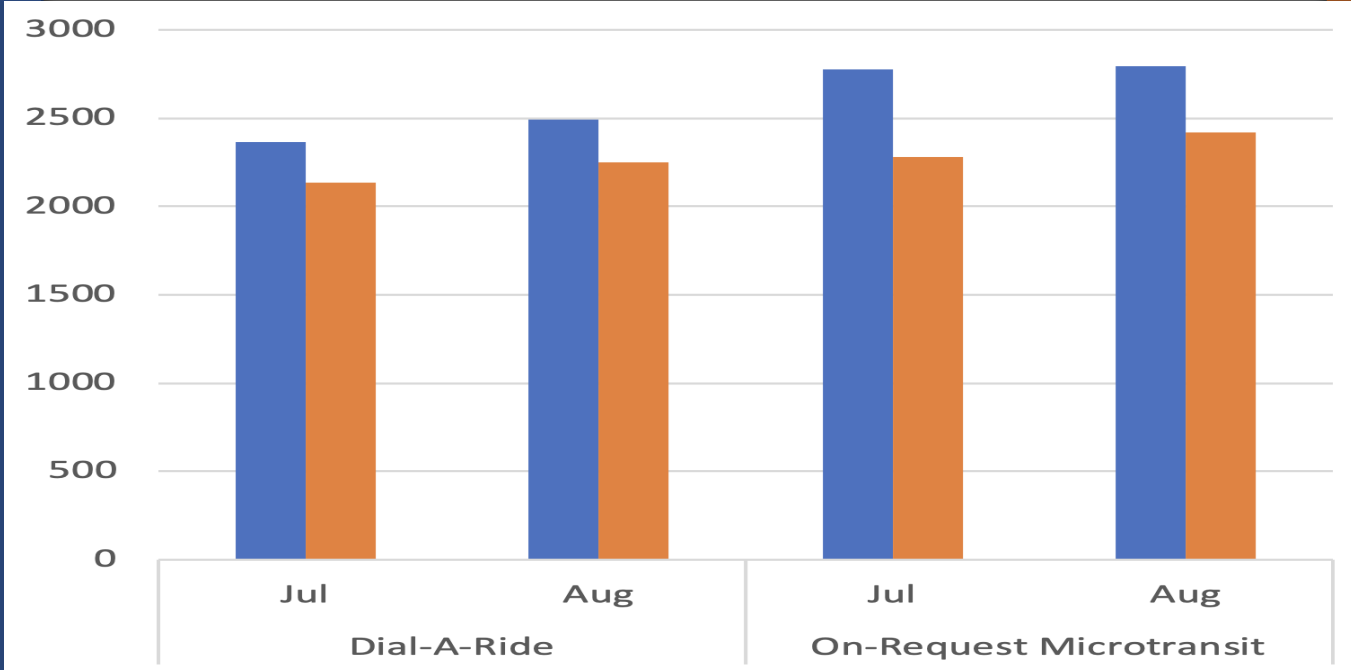
August

Dial-A-Ride & On-Request Microtransit
Trip Accommodations

92.05%
Total Average

July & August Ridership Data

<u>Total Passengers</u>	
July	August
<u>Dial-A-Ride</u>	
2,365	2,494
<u>On-Request</u>	
2,777	2,797
<u>Grand Total</u>	
5,142	5,291
10,433	



<u>Total Completed Rides</u>	
July	August
<u>Dial-A-Ride</u>	
2,133	2,250
<u>On-Request</u>	
2,283	2,420
<u>Grand Total</u>	
4,416	4,670
9,086	

170.91
Average Passengers Per Day

148.92
Average Trips Per Day

July & August Average Shared Ride Percentage

Daily Avg Shared Rides

July	August
47.60	51.55

Grand Total

49.58

Average Shared Ride %

July	August
32.70%	33.41%

Grand Total

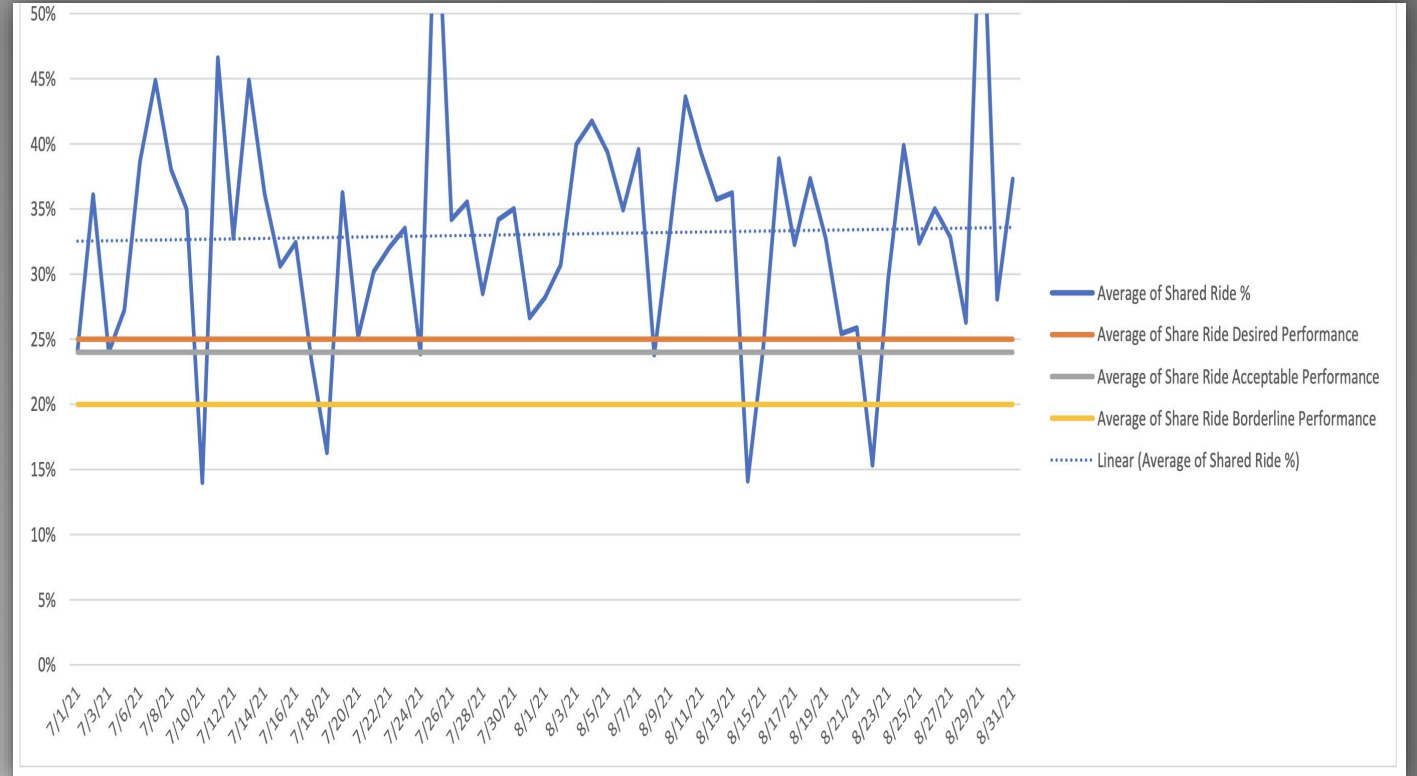
33.06%

Total Shared Rides

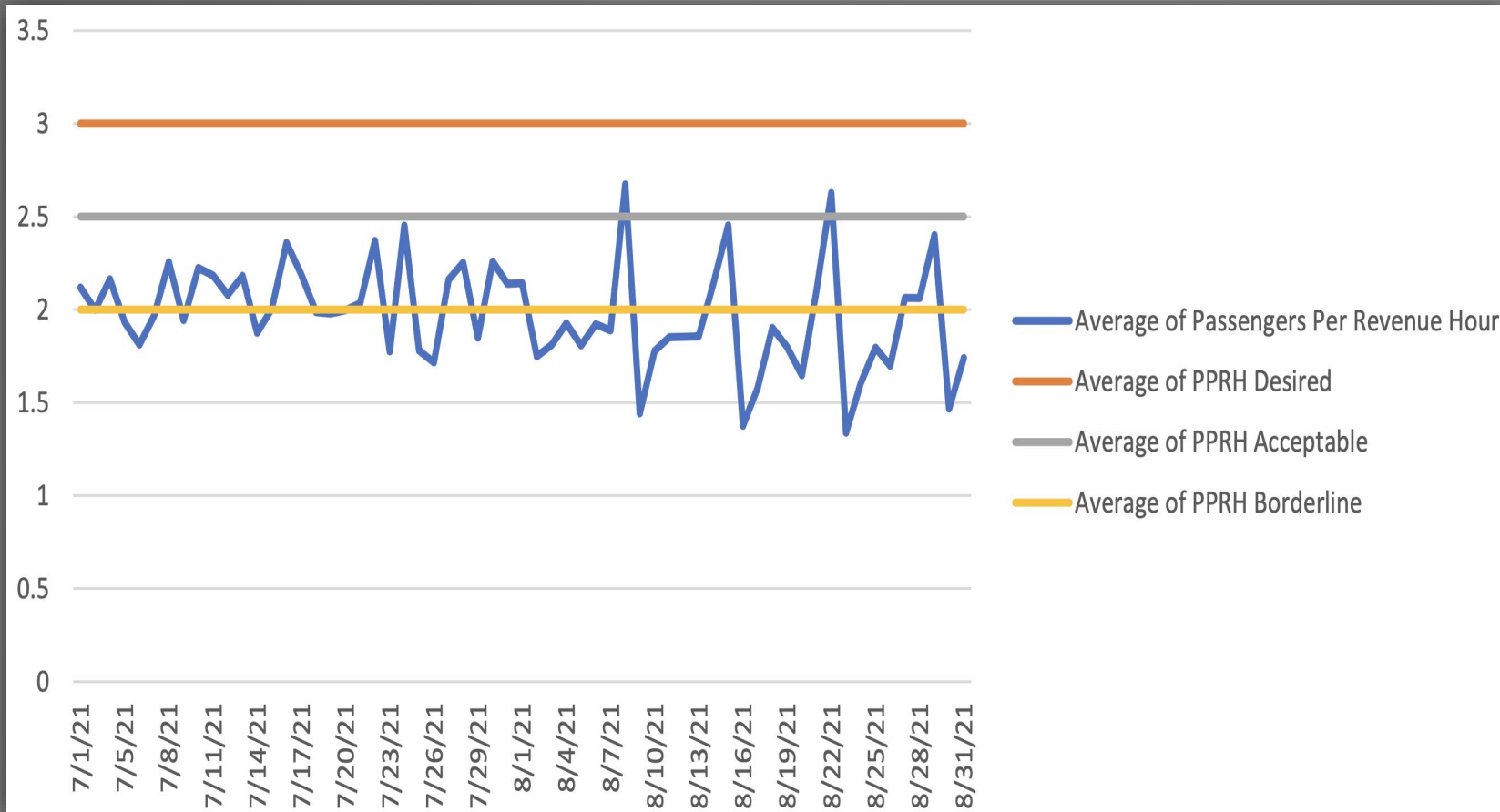
July	August
1,428	1,598

Grand Total

3,026



July & August Passengers Per Revenue Hour



<u>Avg Passengers Per Rev Hour</u>	
July	August
2.06	1.88
<u>Grand Total</u>	
1.97	

July & August

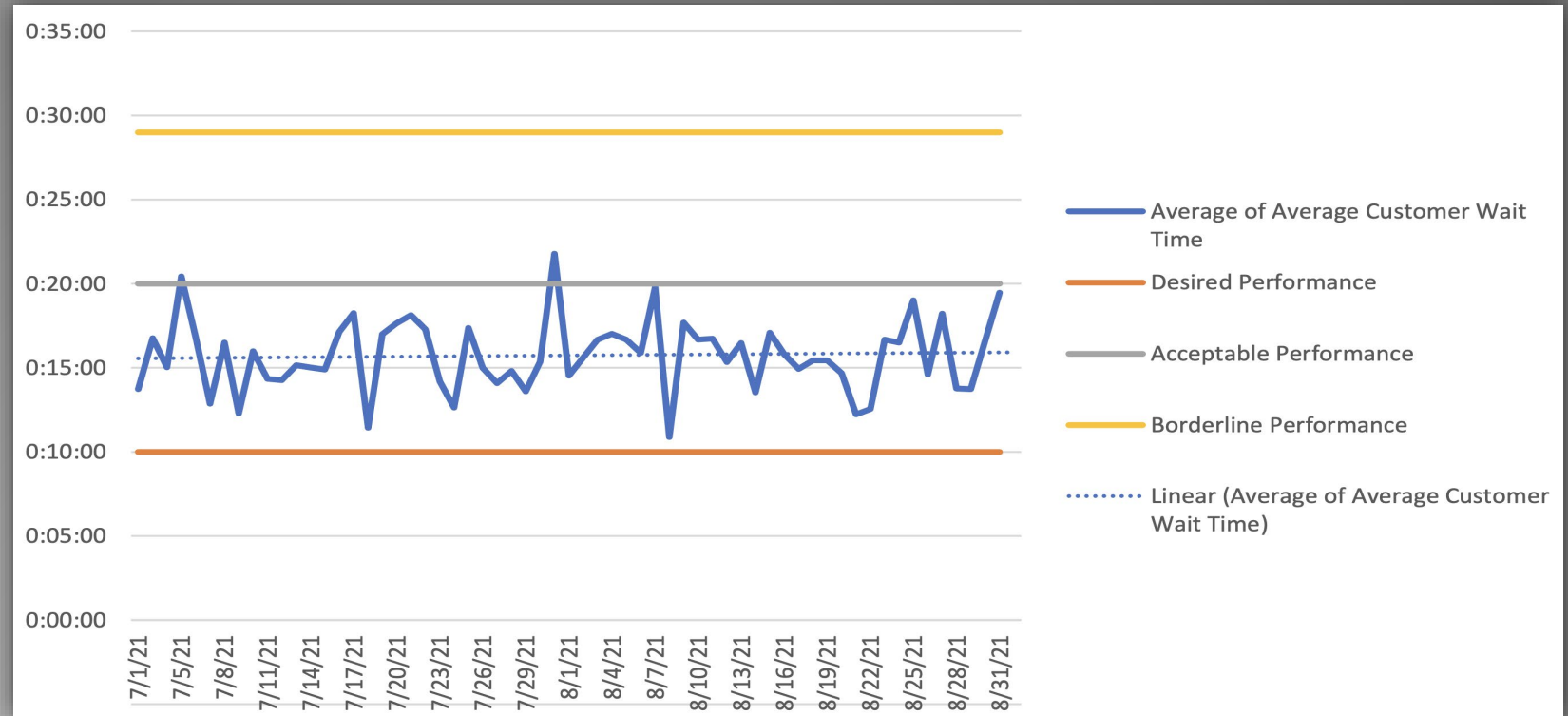
On-Time Performance: Passenger Wait Time

Avg Passenger Wait Time

July	August
15:40	15:49

Average Grand Total

15:44



July & August Passenger Pick-Up by Routes



<u>July</u>	<u>August</u>
767	756
31.84%	29.71%
Grand Total	
1,523 30.74%	



<u>July</u>	<u>August</u>
716	712
29.72%	27.98%
Grand Total	
1,428 28.83%	



<u>July</u>	<u>August</u>
926	1,077
38.44%	42.32%
Grand Total	
2,003 40.43%	

July & August Accidents

ZERO



July & August Passenger Feedback

- 9,086 Total Rides Completed
- 13 Complaints Filed

8 Validated 0.089%	5 Invalidated 0.056%
1 Complaint Out Of 880 Trips	
99.91% Customer Satisfaction	

*Call Agent & Driver
was polite, helpful &
service is awesome!*

- Barbara C.

Simply the best!

- Frankie F.

*10 praise
messages
were
submitted by
Anjie P.*

*I would give 6-Stars
if I could!*

- Mahin A.

- 5.87 % is the Industry Standard Ratio of Complaints / 1 Complaint out of Every 17.3 Trips
- 4.85 / 5.00 Star Ratings
- 234 Praise Messages Submitted by Passengers

July & August Driver Ratings

Dial-A-Ride & On-Request Microtransit Average Driver Ratings

July
Average
Rating
4.86

August
Average
Rating
4.85

Total Average Rating
4.85
out of
2,779 Rated Trips



July & August FY 2022 Monthly Operations Key Performance Indicators

Thank You!

Questions?





Regular Meeting of the Board of Directors

Tuesday, August 24, 2021

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 10:01 a.m.

PLEDGE OF ALLEGIANCE:

Director Hofbauer led the Pledge of Allegiance.

ROLL CALL:

Present

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Steve Hofbauer, Director Richard Loa, Director Raj Malhi, Director Michelle Flanagan

APPROVAL OF AGENDA:

Motion: Approve the agenda as comprised.

Moved by Director Loa, seconded by Vice Chair Knippel

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

PUBLIC BUSINESS – AGENDIZED AND NON-AGENDIZED ITEMS:

Fran Sereseres – Thanked the Board members for all they do for the riders and citizens. She asked about hydrogen buses and whether upgrades are planned for the Lancaster Metrolink station. Chairman Crist recommended that Ms. Sereseres speak to the North Los Angeles County Transportation Coalition Board members regarding upgrades to the station.

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

SRP 1 PRESENTATION TO TRANSDEV OPERATOR AND EMPLOYEE OF THE MONTH FOR JULY 2021

Transdev General Manager Tracy Craghead presented awards to Arthur Mack, the Operator of the Month for June; Maria Lopez, Operator of the Month for July; and Jose Villalobos, Employee of the Month for July.

SRP 2 PRESENTATION TO ANTELOPE VALLEY TRANSPORTATION SERVICES EMPLOYEE OF THE MONTH FOR JUNE AND JULY 2021

AV Transit Management President Art Minasyan presented awards to Brian Brill, Employee of the Month for June and Candis Dixon, Employee of the Month for July.

SRP 3 LEGISLATIVE REPORT FOR JULY 2021

Chief Financial Officer Judy Vaccaro-Fry presented information regarding the California State Transportation Agency's Transit and Intercity Rail Capital Program for the 2022 Award Cycle, Assembly Bill 1351 Transit Operator: paratransit and dial-a-ride services, extension of the federal mask mandate for airline, bus and train passengers until January 18, 2022, and the Infrastructure Investment and Jobs Act, including the pilot program for a national motor vehicle per-mile user fee.

SRP 4 OPERATIONS KEY PERFORMANCE INDICATORS (KPI) REPORT

Director of Operations and Maintenance Esteban Rodriguez presented the report. Mr. Craghead presented additional steps Transdev management has implemented to reduce passenger complaints.

SRP 5 MAINTENANCE KPI REPORT – CECIL FOUST

Maintenance Compliance Manager Cecil Foust presented the report. In addition, Executive Director/CEO Macy Neshati provided an update regarding AVTA's solar project, which will offset the Authority's electricity costs.

SRP 6 JURISDICTIONAL SHARES REVIEW – MACY NESHATI

Executive Director/CEO Macy Neshati presented the report. He stated that when the Joint Exercise of Powers Agreement (JPA) between the County of Los Angeles and the cities of Palmdale and Lancaster was created in 1992, the jurisdictional contributions were based on the origin of passengers.

Therefore, the financial burden for the cities was higher than it was for the sparsely populated County area. The existing jurisdictional cost structure is not an equitable method to compute the actual expense of serving the Los Angeles County area. He proposed that each jurisdiction pay a third, so it is an equal partnership. Each jurisdiction has two Board members who get an equal vote in the governance of the Authority; therefore, each jurisdiction should pay an equal share.

Chairman Crist noted the Authority recently purchased a transit center in Lake Los Angeles, created a new on-request microtransit service and increased service for the Los Angeles County area. Yet, Los Angeles County's contribution is based on the initial calculation and not on the true costs currently required to serve the area properly. Every citizen in the Antelope Valley is a Los Angeles County resident and should not be overlooked.

The Board discussed the original methodology used to develop the jurisdictional contributions and the inequity of funds Los Angeles County distributes to other transit agencies compared to AVTA's apportionment. For example, Santa Clarita receives \$3.1 million for 200 service miles, while AVTA has 1,200 service miles and receives only \$653,000.

Director Hofbauer suggested reviewing the metrics Los Angeles County uses to calculate the distribution of funds to other transit agencies. Los Angeles County representative Vice Chair Knippel stated the County is ready to discuss what their fair share would be. Los Angeles County representative Director Flanagan added that Stantec Consulting Services, Inc., the company that developed the Authority's Regional Transit Plan, could assist with providing the necessary data. Chairman Crist agreed but added that the County cannot keep moving the target. The only fair way to calculate their share is to review the total miles traveled in the entire service territory and split the number equally among the three jurisdictional partners.

CONSENT CALENDAR (CC):

CC 1 BOARD OF DIRECTORS MEETING MINUTES OF JULY 27, 2021

Approve the Board of Directors Regular Meeting Minutes of July 27, 2021.

CC 2 FINANCIAL REPORT FOR JULY 2021 – JUDY VACCARO-FRY

Receive and file the Financial Report, including Quarterly Treasurer, Capital Reserve and Farebox Recovery information, for July 2021.

CC 3 GRANT STATUS REPORT – JUDY VACCARO-FRY

Receive and file the Grant Status Report.

Motion: Approve the Consent Calendar.

Moved by Director Hofbauer, seconded by Vice Chair Knippel

Clerk of the Board Karen Darr conducted a roll call vote and stated the motion carried unanimously.

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

NEW BUSINESS (NB):

NB 1 FEDERAL TRANSIT ADMINISTRATION (FTA) FISCAL YEAR 2021 TRIENNIAL REVIEW – DRAFT REPORT

Ms. Vaccaro-Fry presented the results of the draft report focusing on the Authority's compliance in 21 areas. She enthusiastically reported no deficiencies were found and that this is the first perfect Triennial Review the Authority has ever received. The Board congratulated the entire team for doing a great job.

Motion: Receive and file the Federal Transit Administration Fiscal Year 2021 Triennial Review – Draft Report

Moved by Director Hofbauer, seconded by Vice Chair Knippel

Clerk of the Board Karen Darr conducted a roll call vote and stated the motion carried unanimously.

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

NB 2 CONTRACT #2022-06 TO TONEMAN DEVELOPMENT CORPORATION FOR DEPOT CHARGING RETRO-FIT PROJECT

Procurement and Contract Officer Lyle Block presented staff's recommendation.

Motion: Authorize the Executive Director/CEO to execute Contract #2022-06 with Toneman Development Corporation, Lancaster, CA, for the depot charging retro-fit project for an amount of \$426,090, plus applicable permit fees and sales tax.

Moved by Director Hofbauer, seconded by Vice Chair Knippel

Clerk of the Board Karen Darr conducted a roll call vote and stated the motion carried unanimously.

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan
Nays: None
Abstain: None
Absent: None

RA 1 REPORT BY THE EXECUTIVE DIRECTOR/CEO

Mr. Neshati introduced Lee Kemp, Regional Vice President of Sales for Motor Coach Industries, Inc. (MCI), who delivered the Authority's first all-electric commuter coach. He stated that two full-time employees will be onsite for two years to assist with maintaining the buses. He requested the Board allow a symbolic christening of the coach with a bottle of champagne and invited the Board to ride the coach and provide their assessment. He added that he has 1,500 staff members who are anxiously awaiting feedback.

MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:

There were no miscellaneous business items presented.

ADJOURNMENT:

At Director Loa's request, the meeting was adjourned in memory of Officer Hart and all of the California Highway Patrol officers and law enforcement personnel who risk their lives on a daily basis.

Chairman Crist adjourned the meeting at 11:19 a.m. to the Regular Meeting of the Board of Directors on September 28, 2021, at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6th Street West, Lancaster, CA.

PASSED, APPROVED, and ADOPTED this 28th day of SEPTEMBER 2021

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 the Clerk of the Board at (661) 729-2206 to arrange to review a recording.



DATE: September 28, 2021

TO: BOARD OF DIRECTORS

SUBJECT: Financial Report for August 2021

RECOMMENDATION

That the Board of Directors receive and file the Financial Report for August 2021.

FISCAL IMPACT

	August
PAYROLL	\$348,464
CASH DISBURSEMENTS	\$2,812,422

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 Controller, provides a monthly payroll total and cash disbursements. The Executive Director/CEO and Treasurer certify the availability of funds.

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

Prepared by:

Submitted by:

Judy Vaccaro-Fry
Chief Financial Officer

Macy Neshati
Executive Director/CEO



DATE: September 28, 2021
TO: BOARD OF DIRECTORS
SUBJECT: Grants Procedure Manual

RECOMMENDATION

That the Board of Directors approve updates to the Grants Procedure Manual as summarized herein and attached to this report.

FISCAL IMPACT

No significant fiscal impact is apparent from this update.

BACKGROUND

Staff has revised the Grants Procedure Manual to address organizational, title, and procedural changes that have been initiated post Triennial Review.

Prepared by:

Submitted by:

Judy Vaccaro-Fry
Chief Financial Officer

Macy Neshati
Executive Director/CEO

Attachment: A – Grants Procedure Manual


	Grants Manual	
	Policy Effective Date: 10/1/2021	Revised on: 9/28/2021
	Approved by: Board of Directors	
	Date Approved: 9/28/2021	Page 1 of 16

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I. INTRODUCTION

- A. AVTA is the public transit agency serving the Antelope Valley. Founded in 1992 through a joint powers agreement between the cities of Lancaster and Palmdale, and the County of Los Angeles, AVTA was created to address the growing needs for public transportation in the Antelope Valley.
- B. AVTA is organized into areas including Finance, Operations, Maintenance, Administration, Human Resources, Customer Service, Marketing, IT, Compliance, and Safety/Security. The project development function is primarily handled by the Finance and Administration Department with the Chief Financial Officer taking the lead in securing funding and on-going grant management functions as described below. All AVTA areas take part in the grants administration function as managers of specific projects.

II. POLICY STATEMENT

- A. The AVTA Finance and Administration Department is responsible for managing and administering local, state, and federal grants for all AVTA areas. Responsibility for these functions is assigned to the Chief Financial Officer, who will be responsible for the management, administration and reporting on grants and reimbursable revenue in an effective and timely manner.

III. GOALS

- A. AVTA's grant administration function strives to ensure the following goals, that:
 - 1. AVTA is fully compliant with requirements and regulations of funding agencies and grant agreements;
 - 2. Grant records are accurate, current and documented with a thorough audit trail;
 - 3. Project managers receive accurate and timely information on expenditures and remaining fund balances;
 - 4. The use of available funding sources is maximized to fund improved transportation services to AVTA's customers; and
 - 5. Ensures that the grants manual is reviewed bi-annually and updated as appropriate.

IV. PURPOSE

- A. The purpose of this manual is to document the processes used to:
 - 1. Monitor and ensure compliance with applicable local, state, and federal guidelines/regulations
 - 2. Provide project status reporting information to grantors and internal project managers;

3. Ensure that AVTA financial commitments made with local, state, and federal grantors are fulfilled; and
4. Support the Transportation Improvement Program, and the capital budget.

V. GRANT PROGRAMS

- A. AVTA receives millions of dollars annually in funds from governmental agencies. These include:
 1. Federal Transit Administration (FTA)
 - a) Congress establishes the funding for FTA programs through authorizing legislation that amends Chapter 53 of Title 49 of the U.S. Code. On December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act, reauthorizing surface transportation programs through Fiscal Year 2020. Formula Grants - Recipients and funding levels are predetermined using formulas based on demographic information.
 - b) 49 U.S.C. 5307, formula funds - available to urbanized areas (UZA) and to state governors for transit capital and operating assistance in urbanized areas and for transportation-related planning
 - 1) For urbanized areas with a population exceeding 200,000 funds are apportioned and flow directly to urbanized area's designated recipient.
 - 2) AVTA's service area encompasses portions of three urbanized areas: Los Angeles-Long Beach-Anaheim, CA, Santa Clarita, CA, and Lancaster-Palmdale, CA therefore receives a proportionate share of 5307 funds from each.
 - 3) It is important that AVTA projects funded under this program be allocated to the urbanized area that will receive the projects' benefits.
 - c) 49 U.S.C. 5310, Transportation for Elderly Persons and Persons with Disabilities - provides formula funding to states for the purpose of assisting private nonprofit groups, and public transit agencies under certain conditions, in meeting the transportation needs of the elderly and persons with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each state's share of population for these groups of people. In California, these funds are administered through Caltrans.
 - d) 49 U.S.C. 5311 - provides formula funding to states for the purpose of supporting public transportation in areas of less than 50,000 populations. It is apportioned in proportion to each state's non-urbanized.
 2. State of California
 - a) The Transit and Intercity Rail Capital Program (TIRCP) - created by Senate Bill (SB) 862 (Chapter 36, Statutes of 2014) and modified

by 9 (Chapter 710, Statutes of 2015), to provide grants from the Greenhouse Gas Reduction Fund (GGRF) to fund transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems, and bus and ferry transit systems to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. This legislation continues to provide a historic funding increase for transportation with funds directed to the TIRCP from the Public Transportation Account for new programming to achieve the following objectives:

- 1) Reduction in greenhouse gas emissions;
 - 2) Expand and improve transit service to increase ridership;
 - 3) Integrate the rail service of the state's various rail operations, including integration with the high-speed rail system; and
 - 4) Improve transit safety
- b) Low Carbon Transit Operations Program (LCTOP) - LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emission and improve mobility, with a priority on serving disadvantaged communities. Approved projects in LCTOP will support new or expanded bus or rail services, expand intermodal transit facilities, and may include equipment acquisition, fueling, maintenance and other costs to operate those services or facilities, with each project reducing greenhouse gas emissions. For agencies whose service area includes disadvantaged communities, at least 50 percent of the total moneys received shall be expended on projects that will benefit disadvantaged communities.
3. Other Funding Sources
- a) Measure R funds - Measure R funds are derived from a ½ cent of the general sales tax collected within the county. In November 2008, Measure R was approved by a two-thirds majority, committing a projected \$40 billion to traffic relief and transportation upgrades throughout the county over the next 30 years. These funds may be put to work by cities for projects such as pothole repairs, major street resurfacing, left-turn signals, bikeways, pedestrian improvements, streetscapes, traffic signal synchronization and local transit services.
 - b) Measure M funds - LA County voters approved Measure M with 71.15% support in 2016. The no sunset half-cent sales tax measure funds projects to ease traffic, repair local streets and sidewalks, expand public transportation, earthquake retrofit bridges and subsidize transit fares for students, seniors and persons with disabilities. Measure M partially funds many Metro projects, as well as making funding available to local jurisdictions via the Metro Subregional Program (MSP); Metro Active Transportation, Transit and First/Last Mile (MAT) Program; and Local Return.
 - c) Carl Moyer Grant Program - Administered by the California Air Resources Board (ARB) this program provides funds on an incentive

basis for the incremental cost of cleaner-than-required engines and equipment. Eligible projects include cleaner on-road, off-road, marine, locomotive and stationary agricultural pump engines, as well as forklifts, airport ground support equipment, and auxiliary power units.

- d) Prop C - Prop C was approved by Los Angeles County voters in November 1990 with revenues generated by a half-cent sales tax. By ordinance, revenues from Proposition C are allocated into categories including Rail & Bus Security; Commuter Rail, Transit Centers, and Park and Ride Lots; Local Return; and, Transit Related Improvements to Streets and Highways
- e) Prop 1A Local Return - Approved by voters in November 1980, Prop A is a half-cent sales tax dedicated to transportation funding. One-fourth of the funds go to Local Return Programs. These are local jurisdictions, including the 88 cities in the county as well as the unincorporated portion of the county. The monies help these entities develop and improve local public transit, paratransit and related transportation infrastructure. The funds are distributed on a formula basis by population.

VI. RESPONSIBILITIES

- A. The following identifies the key responsibilities of personnel engaged in the grant development and administration function:
 - 1. Executive Director/CEO
 - a) Holding and documenting public hearings as required for approval of the SRTP, grant applications, etc.
 - 1) As the grantee, the FTA holds AVTA responsible for ensuring that sub-recipients comply with the same federal regulations required of AVTA.
 - 2) Assures FTA regulatory flow-down responsibilities such as Buy America, Drug and Alcohol program, Disadvantaged Business Enterprise, etc. are met.
 - 3) Monitoring of sub-recipients is performed through site visits, reviews of relevant documents such as RFPs and contract clause language, and the documentation of the sub-recipient relationship via a sub-recipient contract.
 - 4) Obtains annually, a copy of the sub-recipient's single audit report, as required
 - 5) Retains Labor Compliance Services for construction projects to ensure compliance with Davis Bacon requirements, training fund requirements, etc. are met.
 - 2. Chief Financial Officer (CFO)
 - a) Reviewing projects or activities submitted by departments for grant funding.
 - b) Preparation of the AVTA annual capital plan as part of the agency

- budget process.
 - c) Capital plans must include total project costs including estimated funding sources from other agencies and AVTA internal operating funds.
 - d) Administration of the Federal Transit Administration's TRAMS WEB system.
 - e) Processing FTA's Annual List of Certifications and Assurances including the authorizing AVTA Board action.
 - f) Serving as the primary point of contact with funding agencies regarding grants.
 - g) Development of the annual Program of Projects (POP) by UZA in cooperation with LACMTA including required publication.
 - h) Preparing and submitting of grant and claim applications (with assistance from other agency departments) including:
 - 1) FTA grants;
 - 2) All other discretionary grants; and
 - 3) RTIP and FTIP amendments and changes.
 - i) Preparing and submitting reports required by funding agencies.
 - j) Processing grant/claim amendments, revisions, deobligations and reobligations.
 - k) Assigning project codes.
 - l) Notifying project managers of grant approval/award.
 - m) Preparing and submitting reports required by funding agencies
 - n) Monitoring project budgets and communicating fund status to the Project Managers
 - o) Ensuring that costs billed to the grantor agency are for eligible expenses.
 - p) Working with the Project Managers to address any incorrect charges.
 - q) Informing the Project Managers of any disallowed costs or working project task problems.
 - r) Ensuring that the Tyler Financial System (TFS) reflects the correct coding information to properly track expenditures and reimbursements and coordinate with the Finance Manager and Project Manager concerning necessary corrections.
 - s) Ensuring that any requested changes to the grant scope or budget are reviewed and processed by the Finance Manager, Project Manager, and appropriate funding agencies.
 - t) Maintaining the integrity of the grant budget, funding pattern, expenditure and schedule as represented in the grant contracts.
 - u) Preparing and requesting grant closeout information.
 - v) Providing schedules and assistance for the annual single audit, the Triennial Performance Audit, and any other audits that require grant related information.
3. Project Manager
- a) Monitoring expenditures to ensure that incurred expenses are for approved eligible grant-funded tasks and within the approved

- project budget.
 - b) Monitoring the development, implementation, and progress of their individual grant-funded project and activities.
 - c) Preparing requisitions using the correct project codes based on the approved AVTA budget and ensuring that all charges to the grant-funded tasks are accurate and correct.
 - d) Reviewing/approving invoices for accuracy and preparing progress payment vouchers.
 - e) Informing CFO/GA and Contracts & Procurements Officer of project completion to initiate a contract and grant closeout process.
 - f) Working with the CFO/GA in obtaining necessary approvals for changes in scope, project tasks, or budget as represented in grant contracts.
 - g) Ensuring compliance with local, state, and federal regulations on the part of consultants, contractors, subcontractors, and agencies working under approved third-party contracts.
 - h) Providing milestone information and other data upon request for completion of grant reporting.
 - i) Providing the CFO/GA a final status report at completion of each grant-funded activity.
 - j) Responding to audit requests pertaining to their projects or activities.
4. Finance Manager
- a) Working closely with the CFO and affected departments to resolve any TFS issues, billing or grant issues.
 - b) Providing the CFO the required documentation to process grant closeout.
 - c) Monitoring expenditures through reports generated by project-tracking mechanisms.
 - d) Preparing requests for reimbursement of grant/claim funds, including FTA ECHO draw-down documentation.
 - e) Account for fixed assets and property inventory in the Fixed Assets Module of the TFS. All supporting records are kept with the respective staff that originated the source transaction (i.e. Payroll, Accounts Payable). The fixed assets records should contain all the elements required by the FTA guidelines pertinent to property management.
 - 1) Records must include a description, identification number, procurement source, acquisition date, cost, and percentage of federal participation in the cost, the grant project under which it was procured, the source of local match, location, use and condition, and any disposition data, including the date of disposal and sale price, or, where applicable, the method used to determine its fair market value. The inventory records should also state title holder of the equipment.

5. Controller
 - a) Arranging for an annual independent audit in accordance with Circular A-87
 - b) Reviewing eligibility of costs from grant-funded projects with the CFO.
 - c) Notifying the CFO of any updates or revisions to the CIP or the AVTA Budget.
 - d) Processing required Board Resolutions for the capital program budget, budget amendments, appropriations and other resolutions as required
 - e) Securing the CFO's concurrence for any fund transfer changes affecting grant-funded projects.
 - f) Approving changes or additions to the (TFS) project structure by ensuring that the annual budget for the affected tasks is available and correct.
 - 1) Tasks are activated when the AVTA Budget is approved or AVTA Board approval when required.
 - g) Securing the CFO's concurrence of any changes to grant-funded projects such as description, allocated amount, budget, funding pattern, scope, and schedule.
 - h) Providing the CFO with a detailed description of the scope of work, milestone schedule, and the Project Manager name if requesting that new tasks be activated.
 - i) Ensuring that budgeted activities are eligible for grants reimbursement by requesting the CFO's concurrence before budget recommendations are completed.
 - j) Resolving with the Project Managers any issues related to the AVTA Budget and overruns and coordinating with the CFO any reallocation of expenses incurred.

VII. PROJECT INITIATION

- A. Departments seeking grant/claim funding for capital projects/activities shall seek the assistance of the CFO for inclusion of the project in the SRTP.
 1. Project funding should be allocated into the UZA that receives the projects' benefit.
- B. Project Managers responsible for AVTA capital projects/activities must ensure that planned annual expenditures for their projects or activities are included in their department's capital budget submittal for the AVTA annual. The CFO is responsible for authorizing the expenditures for individual projects or activities.
- C. The AVTA Budget is an annual plan used as the vehicle for receiving funding approval from the AVTA Board of Directors through the AVTA Budget process.
- D. AVTA capital projects or activities that are not included in an approved or

adopted AVTA Budget will not be programmed for capital grant funds unless the budget is amended.

- E. Project managers are reminded that including a project or an activity in a planning, programming, does not necessarily guarantee an annual authorization for expenditure of grant or other AVTA funds. Again, expenditures are only authorized in the AVTA budget.
- F. Unexpected circumstances may arise wherein grant funding is needed or must be changed (during or after the annual budget process) for a particular project or activity. In these circumstances, the Project Manager should contact the CFO first to determine a course of action.
- G. Project Managers are expected to meet grant project management requirements as described in these procedures. These include coordinating any changes with the CFO, providing input to required reports including FTA Financial Management and Milestone reports, and ensuring timely completion of their grant project or activities within budget. Failure to meet these requirements may result in re-programming or cancellation of the approved grant funds.
- H. For unanticipated projects that are required during the fiscal year, the project manager will consult with the CEO for approval. Once approved, the CFO will seek to identify a potential funding source(s) and the procedures (amendment, de/re-obligation, etc.) required.
- I. The CFO will identify the funding sources for projects prior to the adoption of the annual budget. The CFO will assign project numbers to approved activities following approval of the grant applications.
- J. A purchase requisition must be entered into the Tyler Financial System and approved by the relevant department head. It will then be approved by the CFO to verify the project codes and funding share.
- K. Terms - The terms of a grant, including funding levels, funding restrictions and local match requirements should be clearly stated in the Request for Proposals (RFP) and/or funding agreement. Most grants require a local match that ensures the grantee's participation in the cost and implies the grantee's commitment to the project.
- L. The Executive Director/CEO, the Chief Operating Officer, the Chief Financial Officer, the Controller and the Finance Manager shall coordinate their respective job functions from the earliest stage of project development, including the development of the Short Range Transportation Program (SRTP) and the AVTA annual capital and operating budget.

VIII. GRANT APPLICATIONS

A. FTA Grants

1. Once the AVTA Budget is approved and adopted, the CFO will develop the Program of Projects (POP,) in cooperation with Southern California Association of Governments (SCAG) and submit grant applications (upon approval of annual appropriations in the case of federal funds) to the applicable funding agencies.
2. Departments with grant-funded projects are responsible for designating a Project Manager to coordinate the efforts between the department and the CFO. The Project Manager is responsible for providing:
 - a) A detailed description of progress towards completion of the grant project scope and activities, including procurements and labor cost estimates.
 - b) A grant project implementation schedule with milestones.
3. Grant Execution – when grants are ready for execution, the CFO will notify the AVTA Executive Director who will execute the grant in the TRAMS system or sign the contract issued by the grantor.
 - a) FTA grants are executed through the Transportation Award and Management System (TRAMS) upon notification by the FTA that the grant has been awarded and is ready for execution.
 - b) The Executive Director/CEO will execute the grant by the procedure outlined in the FTA TRAMS System Recipient Training Guide.
 - c) Once this process has been completed, copies should be kept by the CFO in the Grants file on the K-drive.
4. Project Code Assignment
 - a) Project codes are assigned based on the approved annual AVTA capital budget and with each subsequent grant award.
 - b) One project code is assigned to each project in the budget, regardless of the number and types of funding sources.
 - c) Funding sources will be related to the project code in the Tyler Financial System including the approved budget amount.

IX. RECORD KEEPING

- A. Keeping accurate, concise and organized records is a fundamental part of grant administration. Once the grant agreement is in process a separate folder will be created on the K-drive > Finance > Grants > {*new grant #*} for each grant will be assembled and will include the following:
1. Application
 2. Grant agreement
 3. Department of Labor Certifications
 4. Amendments/Revisions
 5. Invoices
 6. Correspondence

B. Draws

1. Draw reimbursement requests and appropriate back up documentation
2. Other relevant back up information will be included in the file such as summary data used for internal AVTA accounting and DBE purposes

X. EXPENSE REIMBURSEMENTS

- A. The Controller and CFO have the primary responsibility to ensure that grant funds are drawn down in an accurate and timely manner as expenses are incurred.
- B. The reimbursement request process will be initiated at least quarterly; more often in the case of large amounts to avoid losing interest revenue on funds advanced by AVTA prior to the draw-down.
 1. FTA Funding
 - a) FTA funds for approved and executed grants are drawn down through the Electronic Clearing House Operation (ECHO) system.
 - b) FTA draw-down procedures are as follows:
 - 1) At the end of each quarter, the Finance Manager will review the expenditures related to each project in each grant as identified by grant activity sheet.
 - 2) The Finance Manager will produce a list of capital project transactions that occurred during each month and identify the total amount to be requested from each grant. The federal share will be determined by the FTA approved grant budget.
 - 3) This report will be forwarded to the Controller for review and approval.
 - 4) Once the Controller approves the draw request, the CFO will process an ECHO draw-down.
 - 5) Only transactions documented by a check to prove payment will be processed for ECHO draw-down.
 - 6) Journal entries documenting reclassification of expenses or other issues from accounting. These also will be processed for ECHO draw-down.
 - 7) Once entered, the ECHO system will generate a confirmation receipt. A copy of the ECHO receipt, along with the appropriate back up will be filed digitally in the Grants Draw file (K-drive > Finance > Grants > Draws).
 - 8) After the requested funds are wired from the ECHO system to AVTA, a notice of confirmed wire transfer will be given to the CFO.
 2. Other funding reimbursement requests
 - a) Reimbursement requests for other types of grants such as FTA 5310 funds (received through Caltrans), and other special grant programs will be prepared by the Finance Manager in accordance with the requirements of the agencies involved, with the same

order of approvals as stated above.

- b) As with all reimbursement requests, the finance department will strive for accuracy and thoroughly document all transactions for review during audits and other processes.

XI. REPORTING

A. The CFO is responsible to ensure that reports required by the various funding agencies are prepared accurately and submitted on-time. These reports include:

1. FTA Milestone/Progress Reports (MPR)
 - a) This report is provided electronically through the FTA TRAMS WEB system. This report is due 30 days following the end of each quarter.
 - b) Each milestone/progress report should include the following data:
 - 1) The status of each activity line item within the approved grant.
 - 2) A discussion of all budget or schedule changes, the original estimated completion date, revised estimated completion date, and the actual completion date if applicable.
 - 3) The dates of expected or actual requests for bid, delivery, etc.
 - 4) A narrative description of projects, status, specification preparation, bid solicitation, resolution of protests, and contract awards.
 - 5) Reasons why any scheduled milestones or completion dates were not met, identifying problem areas and discussing how the problems will be solved. The expected impacts of delays and the steps planned to minimize these impacts will also be discussed.
2. Federal Financial Reports (FFR)
 - a) FTA grant recipients are to submit financial information through the TRAMS system. This report should be provided concurrently with the milestone/progress reports. This report is due 30 days following the end of each quarter.
 - b) The information to be provided is as follows:
 - 1) Federal tax ID number
 - 2) Federal cash on hand, federal cash receipts, federal cash disbursements
 - 3) Federal cash on hand at end of period
 - 4) Total federal funds authorized
 - 5) Federal, recipient, and total share of expenditures
 - 6) Federal, recipient, and total share of unliquidated obligations
 - 7) Federal program income earned (if applicable), and federal program income expended (in accordance with the deduction alternative)
 - 8) Federal program income expended on allowable transit capital and operating expenses
 - 9) Other fields in the FFR will automatically calculate the totals

- c) Prior to submission, the FFR information should be verified against AVTA accounting records.
 - 1) The unobligated balance of federal funds in the TRAMS FFR should equal the total of remaining project balances for the grant in the AVTA accounting records.
 - 2) The share of federal outlays in the FFR should equal the total of ECHO draw-downs for the quarter.
- 3. National Database Report (NTD)
 - a) The National Transit Database (NTD) is the FTA's primary national database for statistics on the transit industry. Recipients of FTA Urbanized Area Formula Program (Section 5307) grants are required by statute to submit this data annually to the NTD.
 - b) The CFO with support from the Controller are responsible for preparing the annual NTD report, primarily using data collected in the Transtrack system.
 - c) The NTD report is due by October 30 following the end of AVTA's fiscal year on June 30.
 - d) The report is submitted online as instructed by the NTD.
 - e) A copy of the NTD report will be forwarded to LACMTA.
- 4. Transit Operators Financial Transactions Report (State Controller)
 - a) AVTA will submit this report annually using the California State Controller's electronic format. Automated Report Guidelines will be sent to AVTA on disk to facilitate the creation of the report. The finalized report will be uploaded at the California State Controller's Web site at <http://www.sco.ca.gov/ard/local/locprep/transit/>. This Report is due by October 18 following the end of AVTA's fiscal year or 110 days following the end of AVTA's fiscal year end of June 30. There is no statutory authority for the California State Controller to grant extensions for filing this report
 - b) In addition, the signed Cover Page Form and the U.S. Bureau of the Census Survey must be mailed to the California State Controller's Office to complete filing requirements.
 - c) The Controller will have primary responsibility for completing the report with assistance from the Accounting staff and other staff as appropriate.
- 5. Disadvantaged Business Enterprise (DBE) Semi-Annual Progress Reports
 - a) These reports are the responsibility of the AVTA's DBE/EEO Compliance Officer, who works closely with the Finance and Administration and Contracts departments to obtain the necessary information.
- 6. Annual Single Audit
 - a) The Annual Audit is due to FTA within 180 days following the end of AVTA's fiscal year end of June 30.
 - b) This deadline may be extended by 90 days with the concurrence of FTA.

7. Reports of Significant Events
 - a) Unforeseen events that impact the schedule, cost, capacity, usefulness or purpose of the project should be reported to the FTA immediately after detection and then reflected in the next quarterly progress report. Special reports should be submitted when:
 - 1) Problems, delays, or adverse conditions will affect the grantee's ability to achieve project objectives within the scheduled time period or within the approved project budget. The report should discuss actions taken and/or contemplated and any federal assistance needed to resolve the situation; or,
 - 2) Favorable developments will enable the grantee to achieve project goals/complete project activities ahead of schedule or at lower cost.

XII. CHANGES TO GRANT PROJECT AND/OR SCOPE

- A. The CFO has the overall responsibility for managing grant project budgets. Therefore, reallocating grant funds to project/task(s) is processed and approved in concurrence with the Controller and Finance Manager, and in consultation with the Project Manager. The use of grant funds is limited to the approved scope for the project/task(s) identified in grant contracts.
- B. The Project Manager must notify the CFO of the need for any changes in grant project/task cost or scope as soon they become apparent. Such a request must include:
 1. Current project task information and proposed change; and
 2. A brief narrative justifying the change
 3. Approval by the Executive Director.
- C. The CFO will determine, according to grantor regulations, whether the change will require a revision or an amendment to the grant.
- D. Budget Revision (FTA)
 1. AVTA may change the dollar amount to be spent to procure or construct items under an individual grant activity item. Grant changes may be made by budget revision if the purpose, scope and amount of the grant will remain unchanged.
 2. Budget Revision requiring FTA approval:
 - a) Prior FTA approval is required when budget revisions when:
 - 1) The federal share of the grant exceeds \$100,000 and the cumulative amount of project funds to be transferred between or among activities exceeds twenty percent.
 - 2) The revision would transfer funds between activity line items with different Federal matching ratios, such as from 80/20 to the 83/17 option to include "Americans with Disabilities Act" or "Clean Air Act" requirements.
 - 3) Prior FTA approval may be required when the revision is for the addition or deletion of capital expenditures.
 - 4) Change the size or physical characteristics of the activities specified in a grant.

3. Administrative Amendment
 - a) An administrative amendment may be used to change or clarify the terms, conditions or provisions of a grant contract, but it cannot be used to change the scope of a grant.
 - 1) Such amendments are usually initiated by the CFO and may be used only when no change will result in the scope, amount or purpose of the grant.
 - 2) An administrative amendment is used:
 - i. To modify a grant contract for such purposes as to comply with changes required by FTA law, to change the year or type of funds obligated for a grant, to transfer equipment from one grantee to another, or to deobligate federal funds that are not needed to complete approved project scope or purpose.
 - ii. To institute time period changes, adjustments or extensions to time of operating period provided the total amount of federal funds previously awarded under the grant remains unchanged. The grantee may enter a change in electronic text with a brief explanation. This allows sufficient flexibility to encompass potential time adjustments, and allows the FTA office sufficient time to review.
4. If a time period is part of the grant agreement, the grantee may request a time change when updating the Quarterly Milestone Progress Report. The alternate option is to specify a longer time period in the original grant to encompass any potential time adjustments that may become necessary or do not specify a finite time period, [e.g., "for the next operating period"] which provides maximum flexibility.

XIII. GRANT CLOSEOUT

- A. Grants should be closed in a timely manner for such reasons as:
 - a) All funds have been expended
 - b) Some funds remain but the projects are complete and/or no longer required
 - c) The term of the grant (if any) has expired
- B. When all funds in the grant have been expended, or when the projects have all concluded, the CFO will process the close out of the grant.
- C. The CFO will prepare the closeout documents, which may include:
 1. The latest approved grant budget;
 2. The final budget revision reflecting actual project/task costs;
 3. The final federal financial report;
 4. The final narrative milestone/progress report;
 5. A request to deobligate any unexpended grant funds; and
 6. The Final Equipment Listing spreadsheet.
- E. FTA grant close-outs will be processed through The TRAMS system by the

CFO.

- F. Once the grant closeout documents are submitted to the FTA, no further charges will be allowed under the grant.
- G. Finance Manager must ensure that **ALL** invoices are paid and **ALL** contracts are closed before the CFO processes final closeout documents.

XIV. DISPOSITION OF GRANT FUNDED PROPERTY AND EQUIPMENT

- A. The CFO must be informed of any intent to dispose of grant-funded project property or equipment, including any report to the Board to surplus equipment. The CFO will coordinate with departments and grantor agencies on the necessary procedures to follow before and after grant-funded property or equipment is disposed.
- B. There may be cases when the proceeds from the disposition of project property or equipment must be credited to another eligible grant-funded project or returned to the grantor agency. After consulting with the appropriate grantor agency, the CFO will inform accounting when the proceeds or remaining equity of property or equipment removed from service must be credited to another grant-funded activity or returned.
- C. Accounting must ensure that any proceeds or remaining equity from disposed property or equipment is properly credited to another grant-funded activity as identified by the CFO.



DATE: September 28, 2021

TO: BOARD OF DIRECTORS

SUBJECT: Amendment No. 2 to Contract #2019-06 with Vehicle Technical Consultants, Inc. for In-Plant Bus Manufacturing Inspection Services

RECOMMENDATION

That the Board of Directors authorize the Executive Director/CEO to execute Amendment No. 2 to Contract #2019-06 with Vehicle Technical Consultants, Inc., Beaumont, CA. to purchase additional in-plant bus manufacturing inspection services for ten (10) - BYD K11M 60-foot battery-electric buses for an amount not to exceed \$30,000, plus applicable sales tax.

FISCAL IMPACT

Sufficient grant funds will be included in the Fiscal Year 2021 Mid-Year Budget Adjustments to pay for this service.

BACKGROUND

In March and April of 2021, the Board of Directors authorized two (2) purchases for ten (10) additional 60-foot articulated BYD buses. Amendment No. 2 will add inspection services required for the purchased buses. The Federal Transit Administration (FTA) requires a resident inspector during the manufacturing process. See FTA's regulation 49 CFR, Subtitle B, Part 663.37 – Post-delivery purchaser's requirements certification. The regulation reads in part, "(a)...a resident inspector (other than an agent or employee of the manufacturer) was at the manufacturing site throughout the period of manufacture of the rolling stock to be purchased and monitored and completed a report on the manufacture of such rolling stock..."

Staff has confirmed the pricing provided to be valid, fair and reasonable and is recommending the Board approve Amendment No. 2 with Vehicle Technical Consultants, Inc.

Prepared by:

Submitted by:

Lyle A. Block, CPPB
Procurement and Contracts Officer

Macy Neshati
Executive Director/CEO



DATE: September 28, 2021

TO: BOARD OF DIRECTORS

SUBJECT: AVTA's Motor Vehicle Handheld Device Policy and Driver Safety Policy

RECOMMENDATION

That the Board of Directors adopt Resolution No. 2021-014 (Attachment A), establishing two new policies for all drivers of AVTA vehicles: Motor Vehicle Handheld Device Policy (Attachment B) and Driver Safety Policy (Attachment C). Upon approval, the policies will be incorporated into AVTA's Personnel Rules and Regulations Manual.

FISCAL IMPACT

None

BACKGROUND

Earlier this year with the Authority's insurance renewals, it was suggested by the carrier to have two new policies established regarding the driving of AVTA vehicles; the Motor Vehicle Handheld Device Policy and a Driver Safety Policy. These policy updates will keep the Authority's safety practices current with state guidelines.

Prepared by:

Submitted by:

Judy Vaccaro-Fry
Chief Financial Officer

Macy Neshati
Executive Director/CEO

Attachments: A – Resolution No. 2021-014
 B – Motor Vehicle Handheld Device Policy
 C – Driver Safety Policy

BOARD OF DIRECTORS

RESOLUTION NO. 2021-014

A RESOLUTION OF THE ANTELOPE VALLEY TRANSIT AUTHORITY BOARD OF DIRECTORS OF ADOPTING THE AUTHORITY’S MOTOR VEHICLE HANDHELD DEVICE POLICY, DRIVER SAFETY POLICY AND INCORPORATION INTO AVTA’S PERSONNEL RULES AND REGULATIONS MANUAL

WHEREAS the Antelope Valley Transit Authority wishes to accurately describe the regulations, standards and expectations applicable to Antelope Valley Transit Authority employees, and to outline the policies available to eligible employees;

WHEREAS the Antelope Valley Transit Authority has adopted a Motor Vehicle Handheld Device Policy and a Driver Safety Policy;

WHEREAS the Antelope Valley Transit Authority has incorporated these new driver’s policies into the Personnel Rules and Regulations Manual detailing the policy, standards and expectations applicable to Antelope Valley Transit Authority;

WHEREAS the Antelope Valley Transit Authority Revised Personnel Rules and Regulation Manual must reflect current laws, provide effective means by which to operate Antelope Valley Transit Authority and must be updated accordingly;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY DOES HEREBY RESOLVE as follows:

Section 1. Adopt Revised Personnel Rules and Regulations

This resolution adopts the attached Motor Vehicle Handheld Device Policy and Driver Safety Policy and will be incorporated into the Revised Personnel Rules and Regulation Manual for the Antelope Valley Transit Authority. Nothing here in shall be construed to restrict any legal or inherent inclusive authority rights with respect to matters of general legislative or managerial policy.

PASSED, APPROVED an ADOPTED this 28th day of September 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

Marvin Crist, Chairman

ATTEST:

Karen S. Darr
Clerk of the Board

Allison E. Burns
General Counsel



Motor Vehicle Handheld Device Policy

Policy Effective Date: 9/28/2021

Revised on:

Approved by: BOARD OF DIRECTORS

Date Approved: 9/28/2021

Page 1 of 2

Purpose

This policy establishes how Antelope Valley Transit Authority will comply with the Federal Motor Carrier Safety Regulations (FMCSRs) and our company restrictions on cellphone use for drivers of commercial motor vehicles (CMVs).

Scope

This policy applies to all employees who are involved in the operation of CMVs for our company.

Definitions

- **CMVs**—This term refers to any vehicles that have a gross vehicle weight rating, gross combination weight rating, gross vehicle weight or gross combination weight of 10,001 pounds or more (whichever is greater); or are designed or used to transport more than eight passengers (including the driver) for compensation; or are designed or used to transport more than 15 passengers (including the driver) and are not used to transport passengers for compensation; or are used to transport hazardous materials under 49 U.S.C. 5103.
- **Hand-held mobile device (also known as cellphone, mobile phone, smart phone, hand-held cellphone, headset)**—This term refers to any mobile communication device that falls under or uses any commercial mobile radio service, as defined in the Federal Communications Commission 47 CFR § 20.3. Wireless communication devices, such as satellite phones and broadband radio service, are also included in this definition. Two-way radios, walkie-talkies, citizens band radios and compliant mobile devices (e.g., hands-free headsets) are not considered hand-held mobile devices.
- **Driving**—Driving refers to operating a motor vehicle on the highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delay. Driving does not include operating a CMV when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

Procedure

- The use of hand-held mobile devices while driving is strictly prohibited both by company policy and by FMCSRs. This includes all functions of the device, such as, but not limited to, phone calls, text messaging/SMS, email, MMS, internet use and camera use.
- Passengers making or taking calls for the driver is permissible, provided the interaction does not affect the driver's performance.
- Regular callers must be informed that the driver will not be available while driving, and should be notified beforehand of the best times to call based on driving schedule.
- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker call back at a more appropriate time.

- Drivers who violate restrictions will face federal civil penalties of up to \$2,750 for each offense, as well as disqualification from operating a CMV for multiple offenses. Additionally, states will suspend a driver's commercial driver's license after two or more serious traffic violations.

Headset/Hands-free Use

The use of headsets or hands-free devices while driving is permissible under the following circumstances:

- The company pre-approves the device for use.
- The use of the device does not cause a distraction (e.g., the driver must fiddle with the device or take their eyes off the road to get it to function properly).
- Any dialing or use of the headset is handled while stopped or pulled to the side of the road, unless voice-activated dialing is utilized, or the dialing of said device requires the use of no more than one button.
- Conversations do not interfere with the driver's ability to drive safely.
- Road conditions are clear and safe.
- Drivers must be in the seated driving position and properly restrained by a seat belt. Drivers are not in compliance if they unsafely reach for a mobile device, even if they intend to use the hands-free function.

Exception in Cases of Emergency

Drivers are permitted to use a hand-held mobile device if necessary to communicate with law enforcement or other emergency services.

Antelope Valley Transit Authority is not responsible for any traffic violations or parking tickets acquired by violations of city ordinances, as well as state or federal laws regarding your driving habits during your operation of a company CMV. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for our company. Drivers must report any traffic violations or parking tickets to their supervisor by the end of the shift in which they received the violation.

Acknowledgment

If you have any uncertainty or questions regarding the content of this policy, you are required to consult your supervisor. This should be done prior to signing and agreeing to the Antelope Valley Transit Authority CMV Hand-held Mobile Device Policy.

I have read and understand Antelope Valley Transit Authority's CMV Hand-held Mobile Device Policy, and I understand the requirements and expectations of me as an employee. I agree to follow all provisions and procedures outlined in the policy, and I understand that failure to do so will result in discipline up to and including termination.

Employee Signature

Date



Driver Safety Policy

Policy Effective Date: 9/28/2021

Revised on:

Approved by: Board of Directors

Date Approved: 9/28/2021

Page 1 of 5

Purpose

Antelope Valley Transit Authority recognizes that our employees are our most valuable asset and the most important contributors to our continued growth and success. Antelope Valley Transit Authority will do everything possible to prevent workplace accidents and is committed to providing a safe working environment for all employees.

Motor vehicle accidents are a leading cause of work-related fatalities. The environment in which these accidents occur involves numerous complex factors, many uncontrollable. The purpose of Antelope Valley Transit Authority's Driver Safety Policy is to provide the means to reduce such factors to eliminate unnecessary injuries and fatal circumstances. We value our employees not only as employees but also as human beings who are crucial to the success of their families, the local community and Antelope Valley Transit Authority.

To further this goal, we have developed a Driver Safety Policy effective 09/28/2021. This policy applies to all employees, whether they are driving a company vehicle, a rental vehicle for company business or a personal vehicle for company business.

Policy Guidelines

Driver Eligibility:

Drivers must possess a valid driver's license for the type of vehicle to be operated, and keep the license(s) with them at all times while driving.

Driver Fitness:

- Drivers who obtain and use a commercial driver's license (CDL) must follow the Federal Motor Carrier Safety Administration's (FMCSA) fitness requirements. This includes obtaining a medical examiner's certificate by being examined by a licensed medical examiner listed on the FMCSA's national registry. Drivers are responsible for maintaining their own fitness records and getting reexamined at least once every two years.

Drug/Alcohol Testing:

- Initial and periodic random drug and alcohol testing is mandatory. Testing will be conducted by a licensed medical facility designated by Antelope Valley Transit Authority. Any positive results will be grounds for termination. Driving under the influence of alcohol or any other illegal substances will be grounds for termination.

Insurance Requirements:

- Employees who use their personal vehicles for company business are required to carry adequate limits of liability, with a suggested minimum of \$100,000 for property damage and \$300,000 for bodily injury. A copy of the declaration page of your personal automobile insurance policy must be provided to Antelope Valley Transit Authority annually at your renewal date.

Basic Vehicle Operation Guidelines:

Employees are required to adhere to the following basic vehicle operation principles:

- Always use seat belts.
- Drive defensively. Always anticipate what other drivers on the road might do wrong and plan your mode of escape. Never move through traffic aggressively.
- Respect speed limits and traffic signs. Follow all traffic signals.
- Always lock the vehicle and apply the parking brake when getting out, even if it remains in sight.
- During long trips, take breaks every four hours. Never drive more than 10 hours during a 24-hour period.
- When possible, avoid driving after midnight.
- Avoid driving in dangerous conditions, including drowsiness and inclement weather.

Traffic Violations

- Antelope Valley Transit Authority is not responsible for any traffic violations or parking tickets acquired by violation of city ordinance, state or federal laws regarding your driving habits and operation of your motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for Antelope Valley Transit Authority.

Refueling Guidelines

For your safety when operating a vehicle, follow these guidelines:

- Turn off the vehicle's engine while refueling.
- Never smoke, light matches or use lighters while refueling.
- Do not get into the vehicle during refueling, as this presents a flash fire hazard.
- Do not overfill or top off the vehicle's fuel tank. The fuel dispenser shuts off automatically when the tank is full.
- Never force the hold-open latch on the gasoline pump with any means other than the latch provided.

Distracted Driving:

Antelope Valley Transit Authority is committed to employee safety, and for this reason firmly prohibits all behavior that distracts employees while they are operating a company vehicle. General guidelines for behavior while driving are as follows.

- Use of cellphones while driving is strictly prohibited—this includes all functions of the cellphone including, but not limited to, phone calls, text messaging/SMS, email, MMS, internet use and camera use.
- Use of electronic devices—including laptops, PDAs, cameras and pagers—while driving is strictly prohibited unless specifically outlined below.
- Voicemail must handle all calls while driving, and calls may only be returned when stopped or pulled off the road.
- Passengers making or taking calls for the driver is permissible provided the interaction does not affect the driver's performance.
- Regular callers must be informed that you are unavailable while driving and be notified of the best times to call based on your driving schedule.

- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker call back at a more appropriate time.

Headset/Hands-free Use

Federal law prohibits the use of hand-held mobile devices while driving. Using a hand-held mobile device means using at least one hand to hold the mobile device, dialing a mobile device by pressing more than a single button or reaching for a mobile device in a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt. However, the use of headsets or hands-free devices while driving is permissible if:

- Device is preapproved by Antelope Valley Transit Authority for use
- Use of the device does not cause distraction (for example, fiddling with the device or taking eyes off the road to get it to function properly)
- Any dialing or use the handset requires of a single button
- Any dialing or use of the handset is handled while stopped or pulled to the side of the road
- Conversations do not interfere with the driver's ability to drive safely
- Road conditions are generally good and do not threaten your safety

Emergency Calls

- The only exception to the cellphone use guideline is calls placed to 911. If placing or accepting an emergency call, it should be kept short, with a hands-free option if available. The vehicle should be pulled over if possible.

GPS Systems

Antelope Valley Transit Authority understands that sometimes, especially when traveling in unfamiliar areas, drivers require assistance with directions. GPS systems are extremely helpful devices, but they can also be distracting if used improperly. Employees must adhere to the following:

- Mounted GPS systems may not block or obstruct the driver's view in any way.
- GPS systems must be voice-narrated and must not require that the driver look away from the road to follow instructions.
- Employees may not program the system while in motion.
- Programming or otherwise engaging with the GPS screen may only occur while stopped or while pulled off the road.

MP3 and Other Audio Devices

In some cases, worrying about music selection or touching dials and buttons on the radio, MP3 player or other audio device may be just as dangerous as cellphone use. It takes eyes and concentration off the road, which is not permissible under this Antelope Valley Transit Authority policy. Antelope Valley Transit Authority allows employee use of personal, portable audio devices, because we do not want to eliminate employees' ability to enjoy music while behind the wheel. However, employees must follow these guidelines:

- Employees may not take their eyes off the road to adjust music settings.
- Programming music settings while stopped or pulled off the road or before departing is permissible behavior.

- Employees may not, under any circumstances, use MP3 players or other handheld electronic audio devices with headphones—not only is it illegal in most states, it also impedes the driver's ability to properly hear warning signs, signals or sirens.

Accident Investigation Procedures:

Antelope Valley Transit Authority realizes some accidents are not preventable. Drivers should seek medical attention immediately, if necessary. Supervisors and drivers will be trained in post-accident procedures to secure the details of the accident and document the damage. Providing detailed facts of the accident will help our insurance carrier deter fraudulent third-party insurance schemes.

All drivers will be supplied with an accident claims kit, a pen and a disposable camera. Drivers are required to document all details of the accident: traffic flow, speed limits, stop lights/signs, weather conditions, citations issued, etc. Pictures should be taken to document the extent of damage to all vehicles involved.

Once this information is secured, the driver is to report all accidents immediately to his or her supervisor.

Prohibited Behavior:

Behaviors that may result in suspension or termination include:

- Driving while under the influence of drugs or alcohol
- Negligent homicide
- Operating a vehicle with a suspended license
- Using a motor vehicle for commission of a felony
- Aggravated assault with a motor vehicle
- Reckless driving
- Hit and run
- Three convictions for moving violations
- Three or more major traffic violations

More than two preventable accidents involving personal injury or property damage in any three-year period

Antelope Valley Transit Authority
Driver Safety Policy

Employee Acknowledgement

Motor vehicle accidents are a leading cause of work-related fatalities. The environment in which these accidents occur involves numerous complex factors, many uncontrollable. The purpose of Antelope Valley Transit Authority's Driver Safety Policy is to provide the means to reduce such factors to eliminate unnecessary injuries and fatal circumstances. We value our employees not only as employees but also as human beings who are crucial to the success of their families, the local community and Antelope Valley Transit Authority.

Antelope Valley Transit Authority encourages its employees to take a proactive approach in identifying potential hazards by promptly reporting them to their supervisor.

A motor vehicle report (MVR) will be requested minimally once per year. Management reserves the right to use its discretion in determining an unsatisfactory MVR. As a guideline, three violations in the past three years will be grounds for an unsatisfactory MVR and may be cause for termination and/or disciplinary actions.

Antelope Valley Transit Authority conducts mandatory random drug and alcohol testing. Driving under the influence of alcohol or other illegal substances is grounds for termination.

Drivers will be supplied with an accident claim kit, a pen and a disposable camera. Drivers are required to document details of the accident: traffic flow, speed limits, stop lights/signs, weather conditions, citations issued, etc. Pictures should be taken to document the extent of damage to all vehicles involved. REPORT ACCIDENTS IMMEDIATELY TO YOUR DISPATCHER OR SUPERVISOR.

Personal use of company vehicles is prohibited without prior permission from management.

I have read and understand Antelope Valley Transit Authority's Driver Safety Policy, and its requirements and expectations of me as an employee.

Employee Name (please print):

Employee Signature Date



DATE: September 28, 2021

TO: BOARD OF DIRECTORS

SUBJECT: Resolution No. 2021-015, Authorizing the Execution of the Certifications and Assurances for the California State Transit Assistance Program

RECOMMENDATION

That the Board of Directors adopt Resolution No. 2021-015, a Resolution authorizing the execution of the certifications and assurances for the California State Transit Assistance Program.

FISCAL IMPACT

Adopting Resolution No. 2021-015 would authorize the Executive Director/CEO or Chief Financial Officer to sign, on behalf of AVTA and the Board of Directors, the certification and assurances and any other required documents as it relates to the California Department of Transportation Programs.

BACKGROUND

AVTA receives annual apportionments from the California Department of Transportation. The AVTA Board is required to adopt Resolution No. 2021-015 in order to receive the Authority's allocation toward the purchase of Commuter buses. The resolution will certify that the Board authorizes the Executive Director/CEO or Chief Financial Officer to execute all necessary documents related to this funding source.

Prepared by:

Submitted by:

Judy Vaccaro-Fry
Chief Financial Officer

Macy Neshati
Executive Director/CEO

Attachment: A – Resolution No. 2021-015

RESOLUTION #2021-015

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY AUTHORIZING FUNDS FROM THE CALIFORNIA STATE TRANSIT ASSISTANCE PROGRAM TOWARD THE PURCHASE OF COMMUTER BUSES.

WHEREAS, the ANTELOPE VALLEY TRANSIT AUTHORITY is an eligible project sponsor and will receive State Transit Assistance (STA) funding from the State of California;

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 (2018) named the Department of Transportation (Department) as the administrative agency for the STA; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing STA funds to eligible project sponsors (local agencies);

WHEREAS, the ANTELOPE VALLEY TRANSIT AUTHORITY wishes to delegate authorization to execute these documents and any amendments thereto to the Executive Director/Chief Executive Officer, or Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Antelope Valley Transit Authority that the fund recipient agrees to comply with all conditions and requirements set forth in applicable statutes, regulations and guidelines for all STA funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Executive Director/Chief Executive Officer or Chief Financial Officer be authorized to execute all required documents of the STA program and any Amendments thereto with the California Department of Transportation.

PASSED, APPROVED AND ADOPTED this 28th day of September 2021.

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Marvin Crist, Chairman

ATTEST:

APPROVED AS TO FORM:

Karen S. Darr, Clerk of the Board

Allison E. Burns, General Counsel



DATE: September 28, 2021

TO: BOARD OF DIRECTORS

SUBJECT: Study to Evaluate and Recommend Equitable Method for Calculating Jurisdictional Contributions

RECOMMENDATION

That the Board of Directors provide guidance to the Executive Director/CEO to commission a study that results in a recommendation as to an equitable method for calculating jurisdictional shares.

FISCAL IMPACT

The fiscal impact will be determined based on the results of the study.

BACKGROUND

AVTA was formed as a JPA consisting of three jurisdictions with each jurisdiction owning an equal one-third share, having an equal number of Board Directors with an equal number of votes. The JPA documents include an Appendix "C" which describes a contribution methodology which in its current format creates an imbalanced contribution schedule with Los Angeles County contributing less than the other two jurisdictions. It has been suggested that an independent third party conduct a study that examines the best way to define an equitable method to calculate jurisdictional contributions that would provide a path forward.

Prepared and Submitted by:

Macy Neshati
Executive Director/CEO



DATE: September 28, 2021

TO: BOARD OF DIRECTORS

SUBJECT: RESOLUTION NO. 2021-016 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS

RECOMMENDATION

That the Board of Directors approve Resolution No. 2021-016, proclaiming a local emergency, ratifying the proclamation of a state of emergency by Executive Orders N-25-20, N-29-20 and N-35-20, and authorizing remote teleconference meetings for a thirty (30) day period pursuant to Brown Act provisions.

FISCAL IMPACT

None.

BACKGROUND

On September 16, 2021, Governor Newsom signed Assembly Bill ("AB") 361 into law. AB 361 is urgency legislation amending the Brown Act to allow legislative bodies of local agencies to meet remotely with relaxed teleconferencing requirements during declared emergencies under certain conditions.

AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- **Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the

Resolution 2021-016, proclaiming a local emergency, ratifying the proclamation of a state of emergency by Executive Orders N-25-20, N-29-20 and N-35-20, and authorizing remote teleconference meetings for a thirty (30) day period pursuant to Brown Act provisions
Page 2

public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.

- **No Action During Disruptions:** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- **Periodic Findings:** To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024.

The proposed resolution would make the findings required by AB 361 in order to allow AVTA to continue to make remote attendance available to its board members and the public if and to the extent needed.

Prepared and Submitted by:

Allison E. Burns
General Counsel, AVTA

Attachment: A – Resolution No. 2021-016

RESOLUTION NO. 2021-016

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY (“AUTHORITY”) PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, Antelope Valley Transit Authority is committed to preserving and ensuring public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Antelope Valley Transit Authority’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Authority’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Authority’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the Authority, specifically, the Governor of California issued a series of Executive Orders aimed at containing the novel coronavirus; and

WHEREAS, the State of California and County of Los Angeles recommend social distancing due to the coronavirus; and

WHEREAS, the Board of Directors does hereby find that the threat of the coronavirus has caused, and will continue to cause, conditions of peril to the safety of persons within the Authority that are likely to be beyond the control of services,

personnel, equipment, and facilities of the Authority, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the Board of Directors of Antelope Valley Transit Authority shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board of Directors shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Authority will post an agenda (72 hours in advance of a regular Board meeting and 24 hours in advance of a Special Board meeting) on the Authority's website at avta.com which will contain information on how the public can participate in the meeting and provide Public Comments.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF ANTELOPE VALLEY TRANSIT AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the Authority's jurisdiction, and social distancing is recommended by the State of California and County of Los Angeles.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of this Resolution's issuance date of September 28, 2021.

Section 4. Remote Teleconference Meetings. The Executive Director/CEO and the Board of Directors of Antelope Valley Transit Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 28, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of Antelope Valley Transit Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Antelope Valley Transit Authority this 28th day of September, 2021.

Marvin Crist, Chairman

ATTEST:

Karen S. Darr, Clerk of the Board

Allison Burns, General Counsel