



Regular Meeting of the Board of Directors

ONLINE ZOOM MEETING PER GOVERNOR'S ORDER N-29-20

Tuesday, September 22, 2020

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.

In response to Governor's Executive Order N-29-20, this meeting will be conducted online through Zoom. The public may access the meeting as follows:

Click here to join: <https://us02web.zoom.us/j/81974655368>

Dial by telephone to join: (669) 900-6833

Meeting ID: 819 7465 5368

Passcode: 199424

PUBLIC COMMENTS ON AGENDIZED ITEMS 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.

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

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

CALL TO ORDER

ROLL CALL:

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

APPROVAL OF AGENDA

PUBLIC BUSINESS – AGENDIZED AND NON-AGENDIZED ITEMS:

If you would like to address the Board on any agendized or non-agendized items, your comments must 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. **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 comment 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 LEGISLATIVE REPORT FOR SEPTEMBER – JUDY VACCARO-FRY

SRP 2 OPERATIONS KEY PERFORMANCE INDICATORS (KPI) REPORT – MARTIN TOMPKINS

SRP 3 MAINTENANCE KPI REPORT – CECIL FOUST

CONSENT CALENDAR (CC): Items 1 through 5 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 25, 2020 – KAREN DARR

Recommended Action: Approve the Board of Directors Regular Meeting Minutes of August 25, 2020.

CC 2 FINANCIAL REPORT FOR AUGUST 2020 – JUDY VACCARO-FRY

Recommended Action: Receive and file the Financial Report for August 2020.

CC 3 RESOLUTION NO. 2020-007, AUTHORIZING THE EXECUTIVE DIRECTOR/CEO TO EXECUTE AGREEMENTS NECESSARY FOR THE COMMUTER BUS REPLACEMENT PROJECT WITH FUNDS FROM THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM FOR FISCAL YEAR 2020/2021 (FY 2021) – JUDY VACCARO-FRY

Recommended Action: Adopt Resolution No. 2020-007, a Resolution authorizing the Executive Director/CEO to execute agreements necessary for the Commuter Bus Replacement project with funds from the California State of Good Repair Program for Fiscal Year 2020/2021 (FY 2021).

CC 4 AMENDMENT NO. 1 TO CONTRACT #2020-39 WITH PEOPLEREADY, INC. FOR COVID-19 SANITIZING, DISINFECTING AND STERILIZING BUS FLEET – LYLE BLOCK

Recommended Action: Ratify Amendment No. 1 to Contract #2020-39 with PeopleReady, Inc., Tacoma, WA to sanitize, disinfect and sterilize the interior of AVTA's bus fleet for an additional amount not to exceed \$105,000 and time extension until October 31, 2020, plus applicable sales tax.

CC 5 AMENDMENT NO. 1 TO CONTRACT #2020-02 WITH VEHICLE TECHNICAL CONSULTANTS, INC. FOR QUARTERLY BUS FLEET INSPECTION SERVICES – LYLE BLOCK

Recommended Action: Authorize the Executive Director/CEO to execute Amendment No. 1 to Contract #2020-02 for quarterly bus fleet inspections with Vehicle Technical Consultants, Inc., Beaumont, CA for one (1) of two (2) optional one-year renewal periods remaining for an amount not to exceed \$100,000 during Fiscal Year 2020/2021.

NEW BUSINESS (NB):

NB 1 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM – KELLY MILLER

Recommended Action: 1) Approve AVTA's Equal Employment Opportunity (EEO) Program as required by the Federal Transit Administration (FTA); 2) Authorize the Executive Director/CEO to implement the procedures as set forth in the Program, in compliance with the Civil Rights Act of 1964 and under the provisions of FTA EEO Circular 4704.1A; and 3) Adopt Resolution No. 2020-009, adopting AVTA's EEO Program.

NB 2 COMPLEMENTARY PARATRANSIT SERVICE FOR VISITORS POLICY – KELLY MILLER

Recommended Action: 1) Approve the Complementary Paratransit Service for Visitors Policy; 2) Authorize the Executive Director/CEO to implement the procedures as set forth in the Policy, in compliance with the Americans with Disabilities Act and under the provisions of Title 49, Part 37.127; and 3) Adopt Resolution No. 2020-008, approving the Complementary Paratransit Service for Visitors Policy.

CLOSED SESSION (CS):

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

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

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

RECESS TO CLOSED SESSION

RECONVENE TO PUBLIC SESSION

REPORT BY LEGAL COUNSEL OF ACTION TAKEN IN CLOSED SESSION

REPORTS AND ANNOUNCEMENTS (RA):

RA 1 Report by the Executive Director/CEO

MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:

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

ADJOURNMENT:

Adjourn to the Regular Meeting of the Board of Directors on October 27, 2020 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 17, 2020 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 22, 2020



STATE



State Bills

The COVID pandemic forced the legislature to reprioritize priorities. Expect these to be reintroduced in the next legislative session.

- **AB 1350**: free student pass > changed to a High School diploma related bill
- **AB 2012**: free senior passes > No action since February
- **AB 2176**: free college student passes > No action since February



State Bills

COVID-19 WORKER'S COMPENSATION

- **SB 1159 COVID-19
Critical Workers**
STATUS: on Governor's desk

- **AB 196 Essential
Occupations and
Industries**
STATUS: Held in Senate

ON THE GOVERNOR'S DESK

- **SB 288: CEQA
Exemption for
Transportation Related
Projects**

- **SB 757: Environmental
Leadership Projects –
Fixed Guideway**



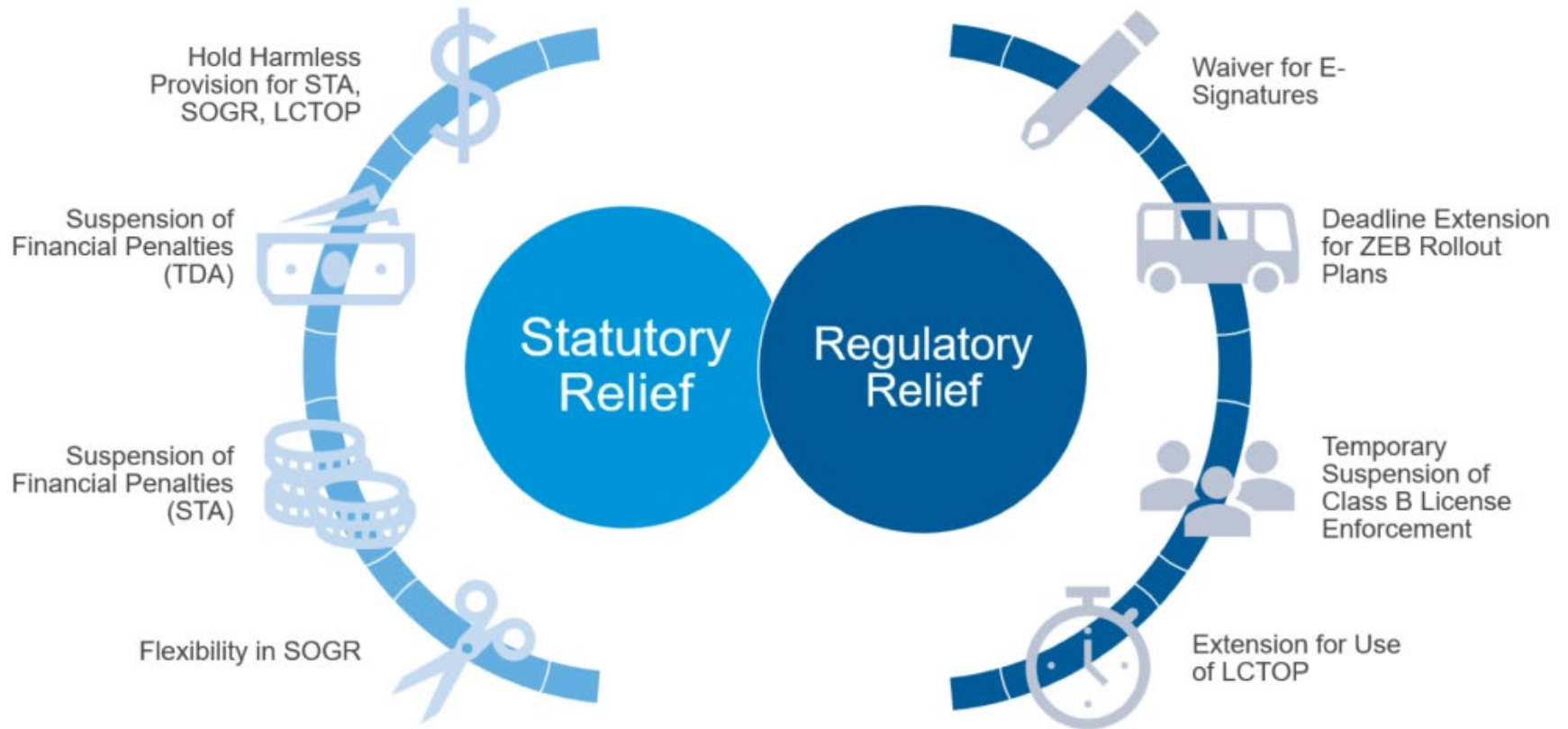
Cap & Trade Program

The California Air Resources Board's preliminary results from the August 2020 Cap and Trade auction, suggest the state will collect approximately \$475 million from the quarterly auction.

While the results are not yet final, they show a marked improvement from the May 2020 Cap and Trade auction, which raised questions about the viability of the Cap and Trade market during the pandemic.



Statutory & Regulatory Relief



BYD Added to State Contract

BYD Motors Inc. has been added to a statewide contract to allow U.S. transit agencies to leverage California's purchasing contract to buy its battery-electric motor coaches.

Created to aid California transit agencies meet zero-emission vehicle mandates, the statewide contract will also be available to governmental entities outside of California.

The state selected three models for the contract:

- 40-foot high-floor coach
- 45-foot low-floor coach
- 45-foot high-floor coach



FEDERAL



Stimulus Bill

- CARES – passed March
- HEROES – failed to pass
- HEAL – failed to pass
- “Skinny” Stimulus - failed to meet the 60-vote threshold necessary to advance last Thursday. The bill did not include funding for the nation’s transit agencies.



Surface Transportation Reauthorization

FAST Act expires in 8 days

Continuing resolution for at least one year.

Extension of FAST Act levels.

HISTORY

MAP 21 – 5 extensions in 15 months

SAFETEA-LU – 9 extensions in 36 months

TEA 21 – 12 extensions in 24 months



QUESTIONS?



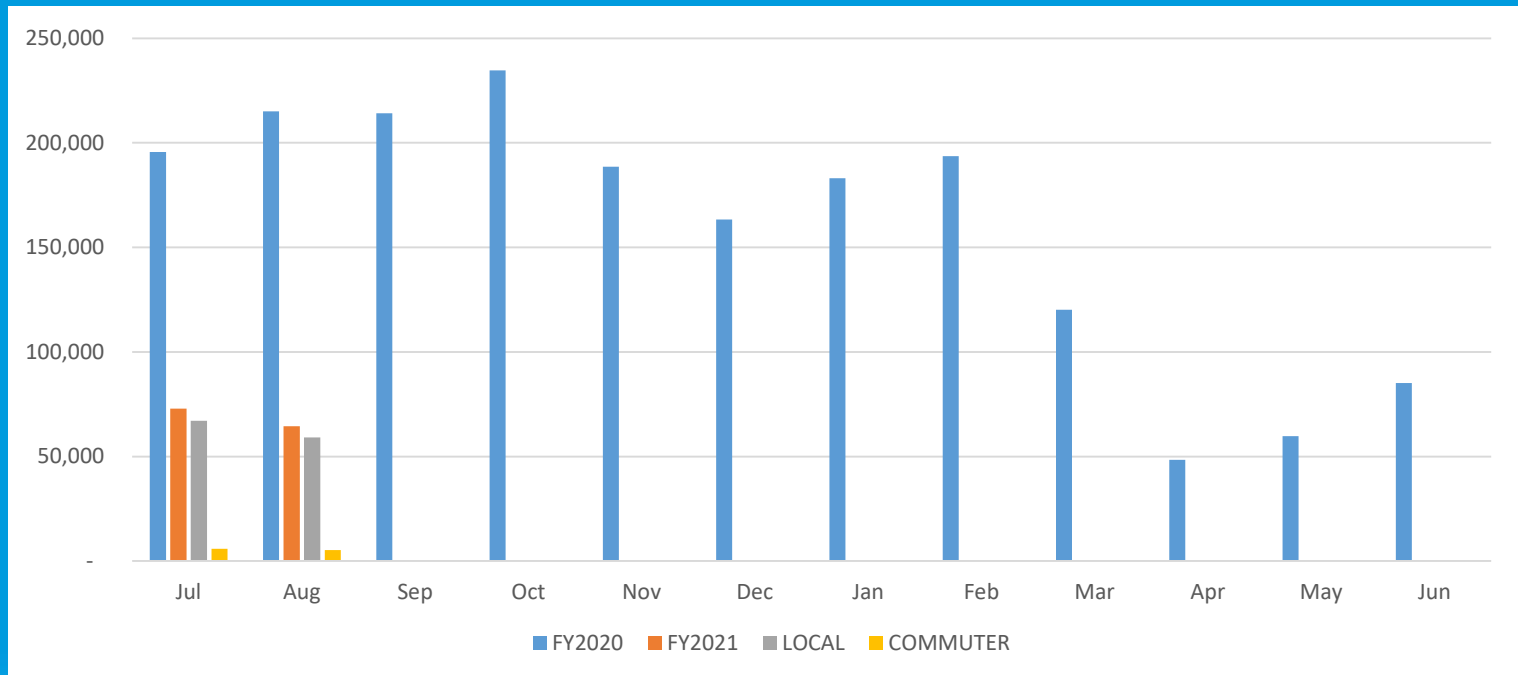
FY 2021 Monthly Operations Key Performance Indicators

Presentation to the Board of Directors
September 22, 2020

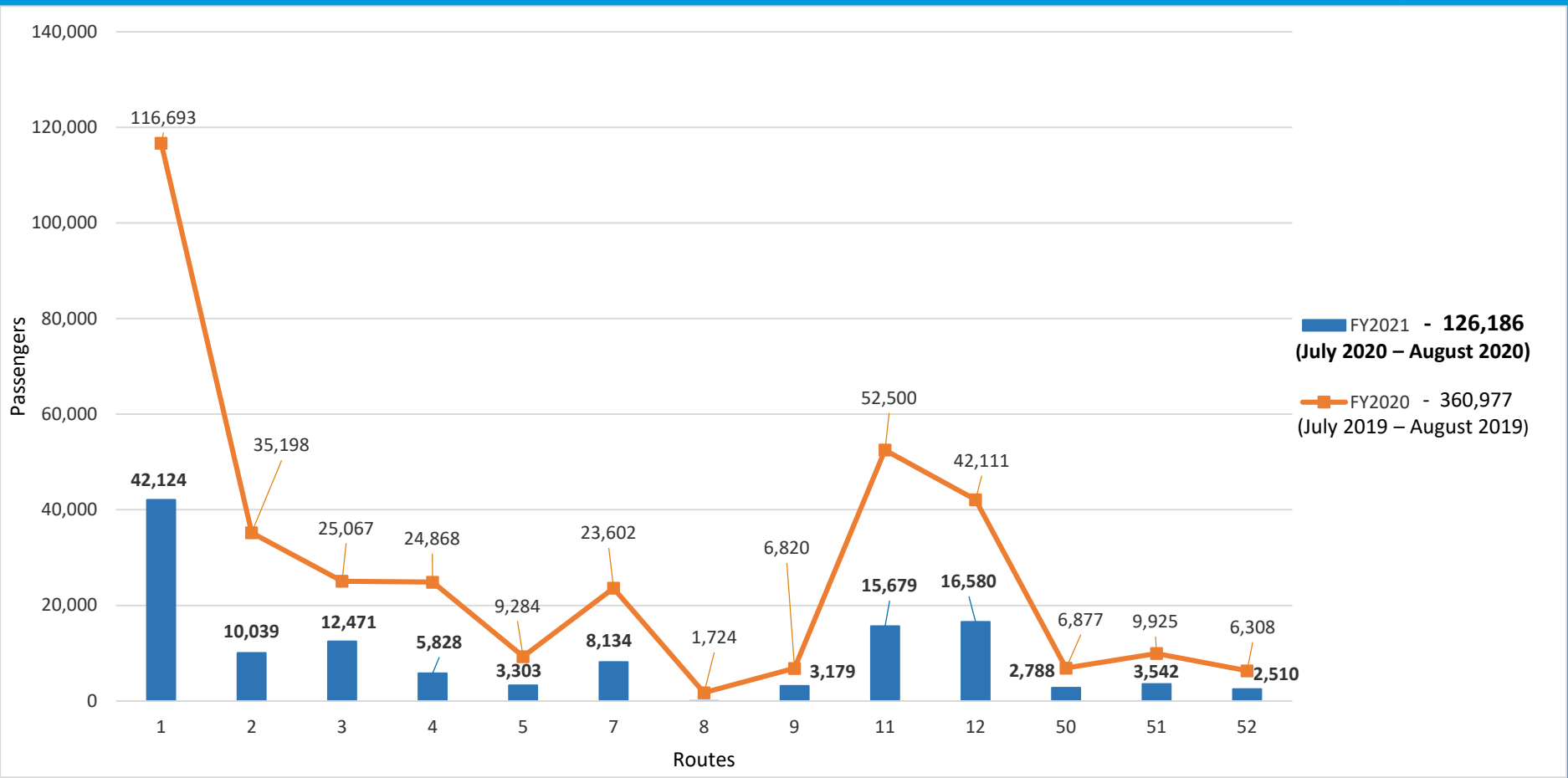


MONTHLY BOARDING ACTIVITY

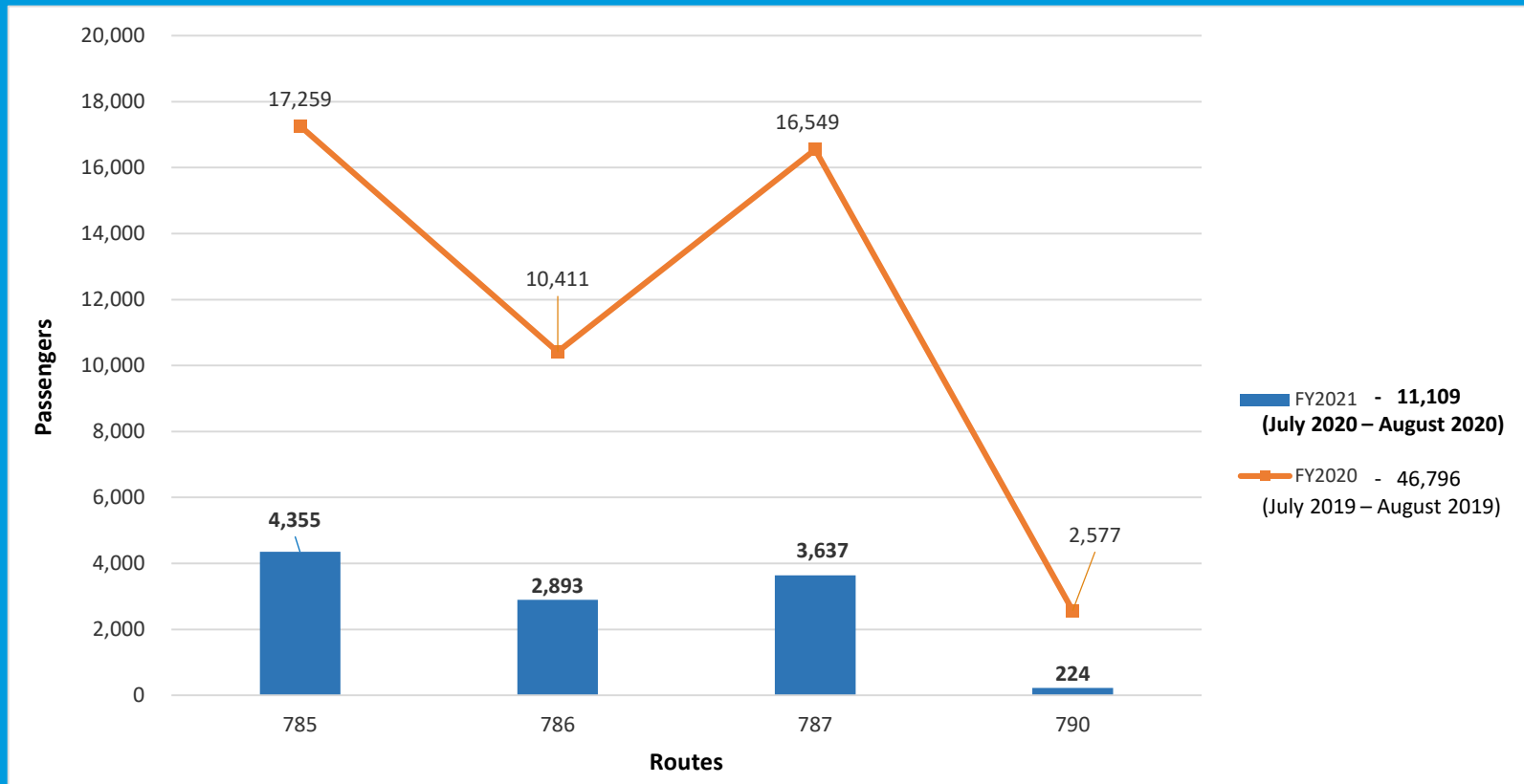
	August FY 2021	July FY 2021
System	64,449	72,952
Local	59,184	67,108
Commuter	5,265	5,844



ANNUAL RIDERSHIP LOCAL ROUTES



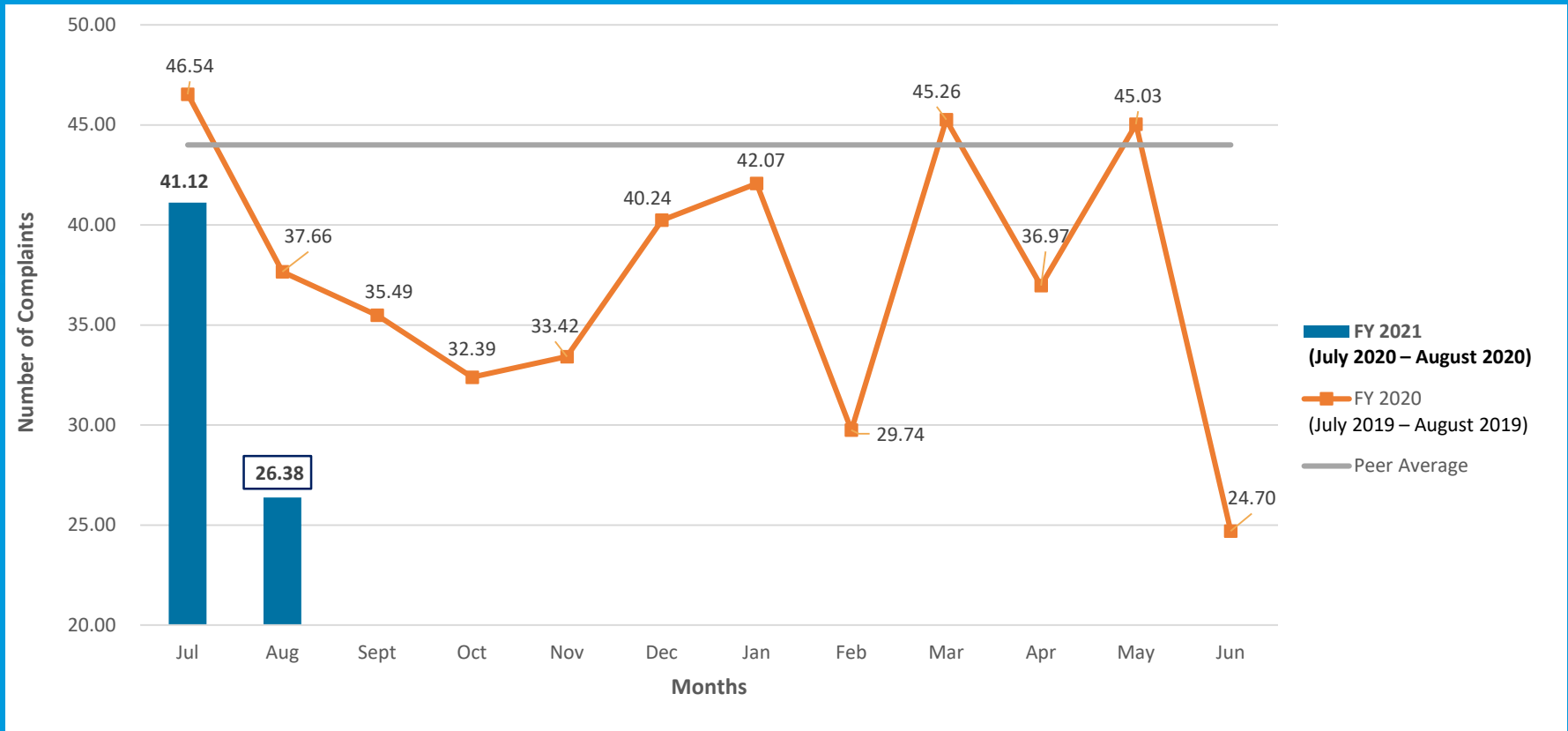
ANNUAL RIDERSHIP COMMUTER ROUTES



COMPLAINTS/100,000 BOARDINGS

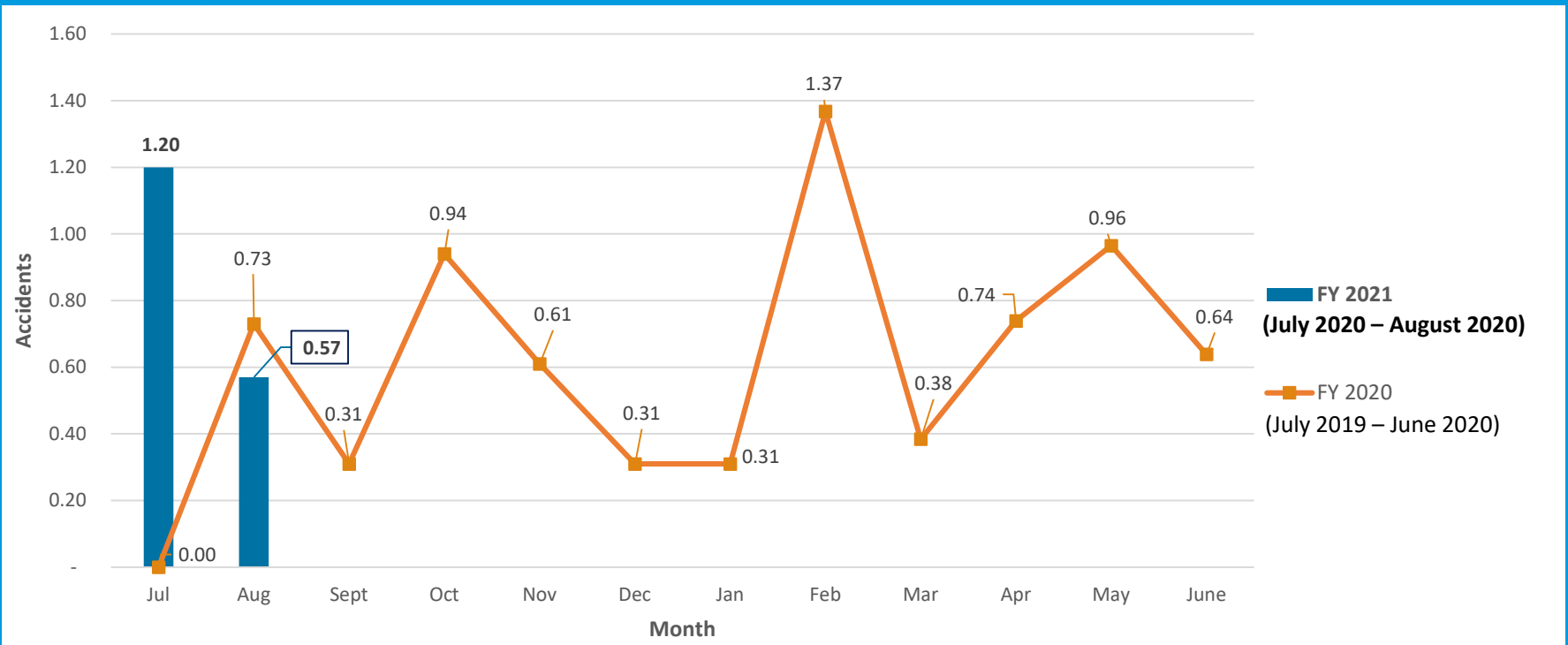
AUGUST - SYSTEM WIDE AVERAGE: 26.38

PEER AVERAGE: 44.00



PREVENTABLE ACCIDENTS/100,000 MILES

AUGUST - SYSTEM WIDE AVERAGE: 0.57



KEY PERFORMANCE INDICATORS

	August FY 2021	July FY 2021	August FY 2020
Boarding Activity	64,449	72,952	215,090
Complaints / 100,000 Boardings	26.38	41.12	37.66
Preventable Accidents / 100,000 Miles	0.57	1.20	0.73

Thank you!

Questions?

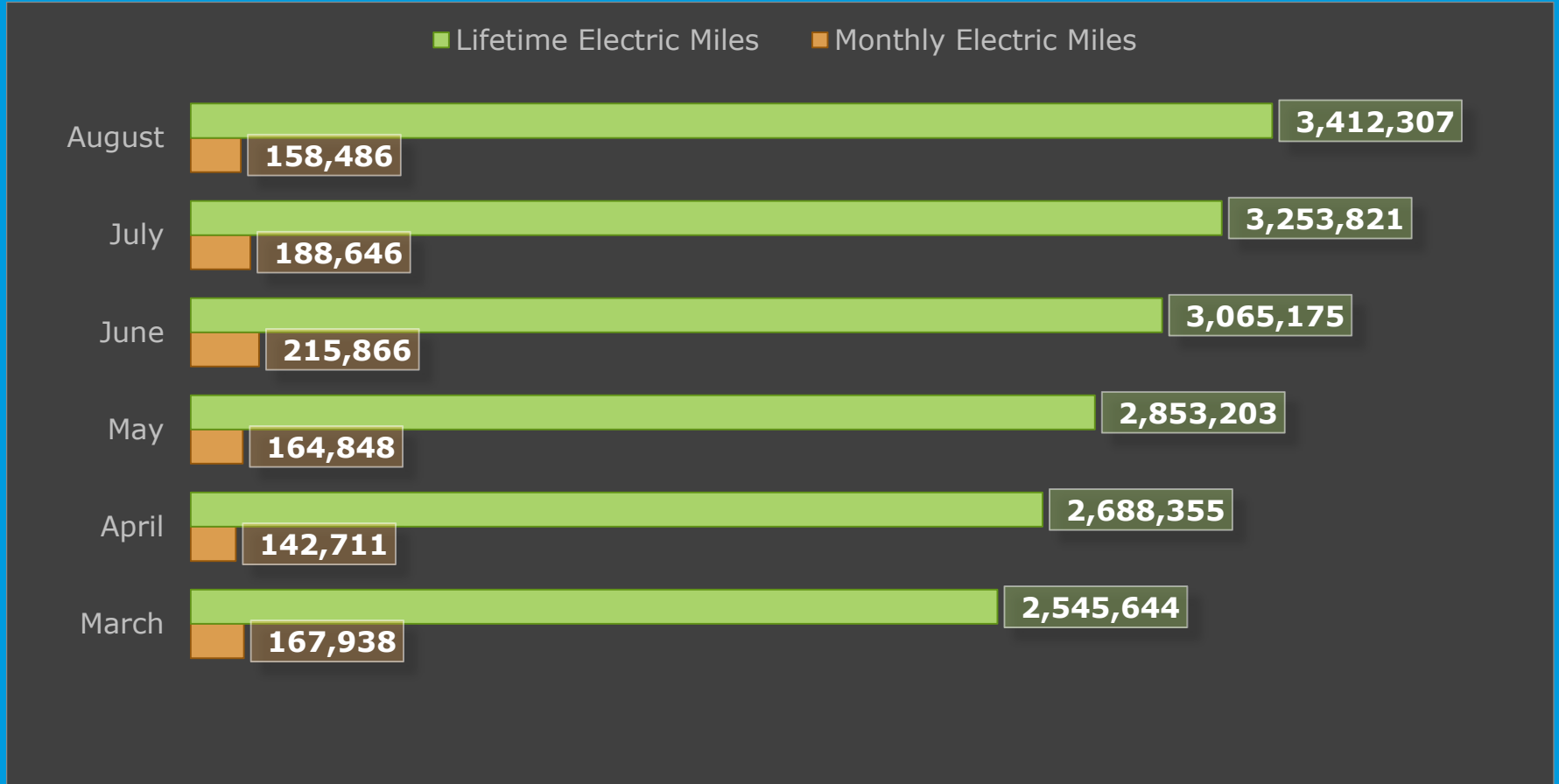


August 2020 Maintenance Key Performance Indicators

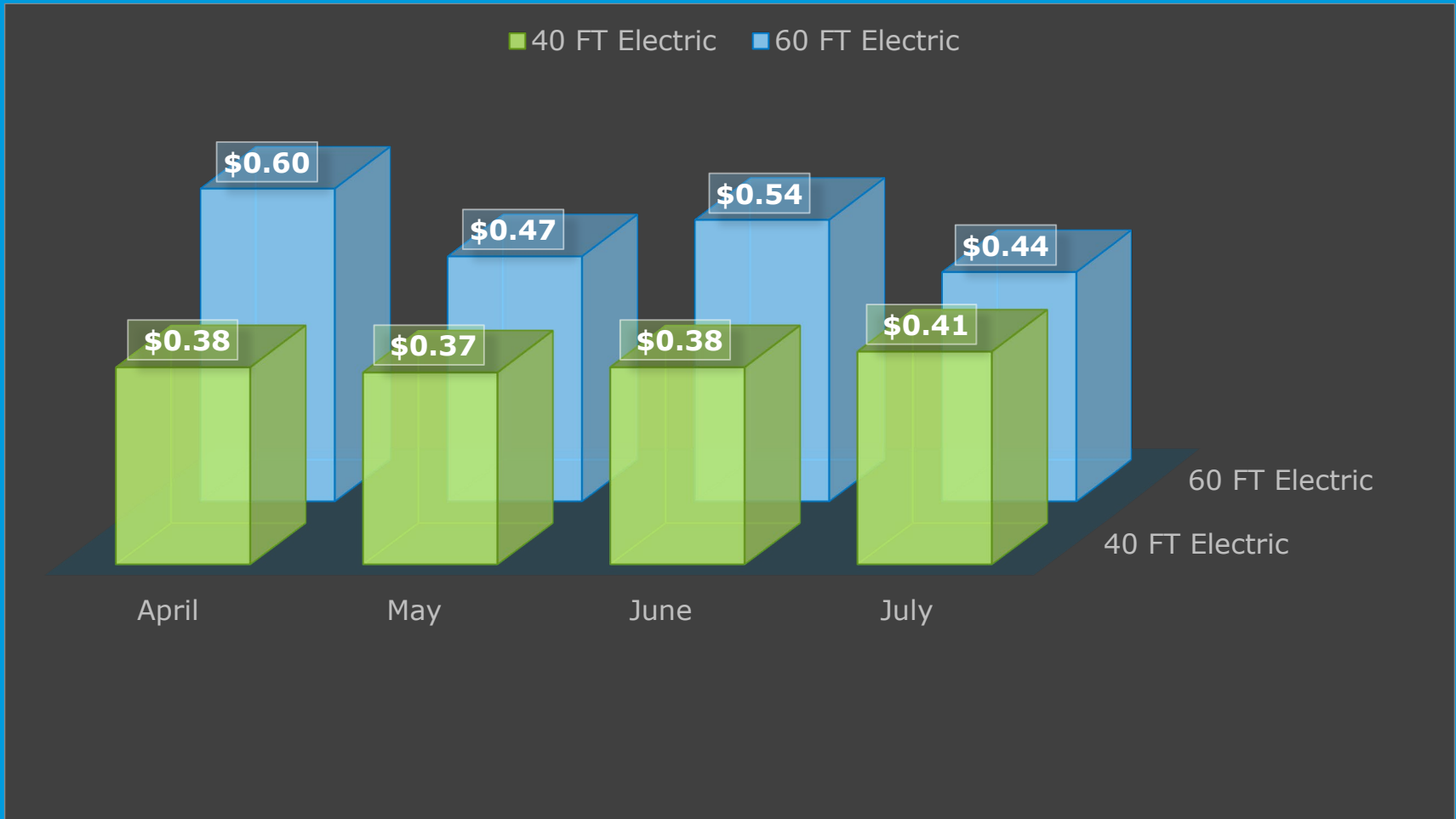
Presentation to the Board of Directors
September 22, 2020



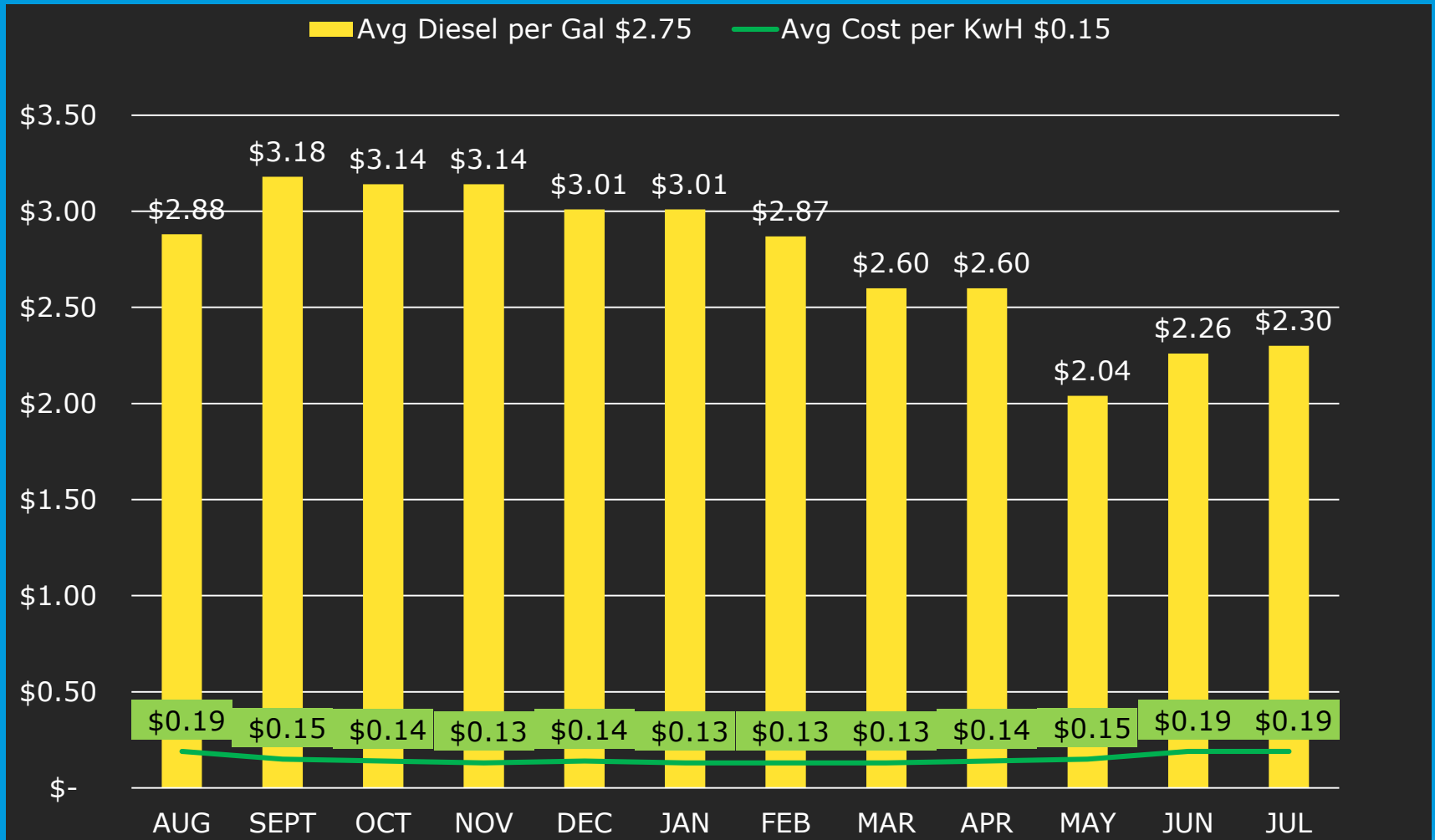
ELECTRIC MILES TRAVELED



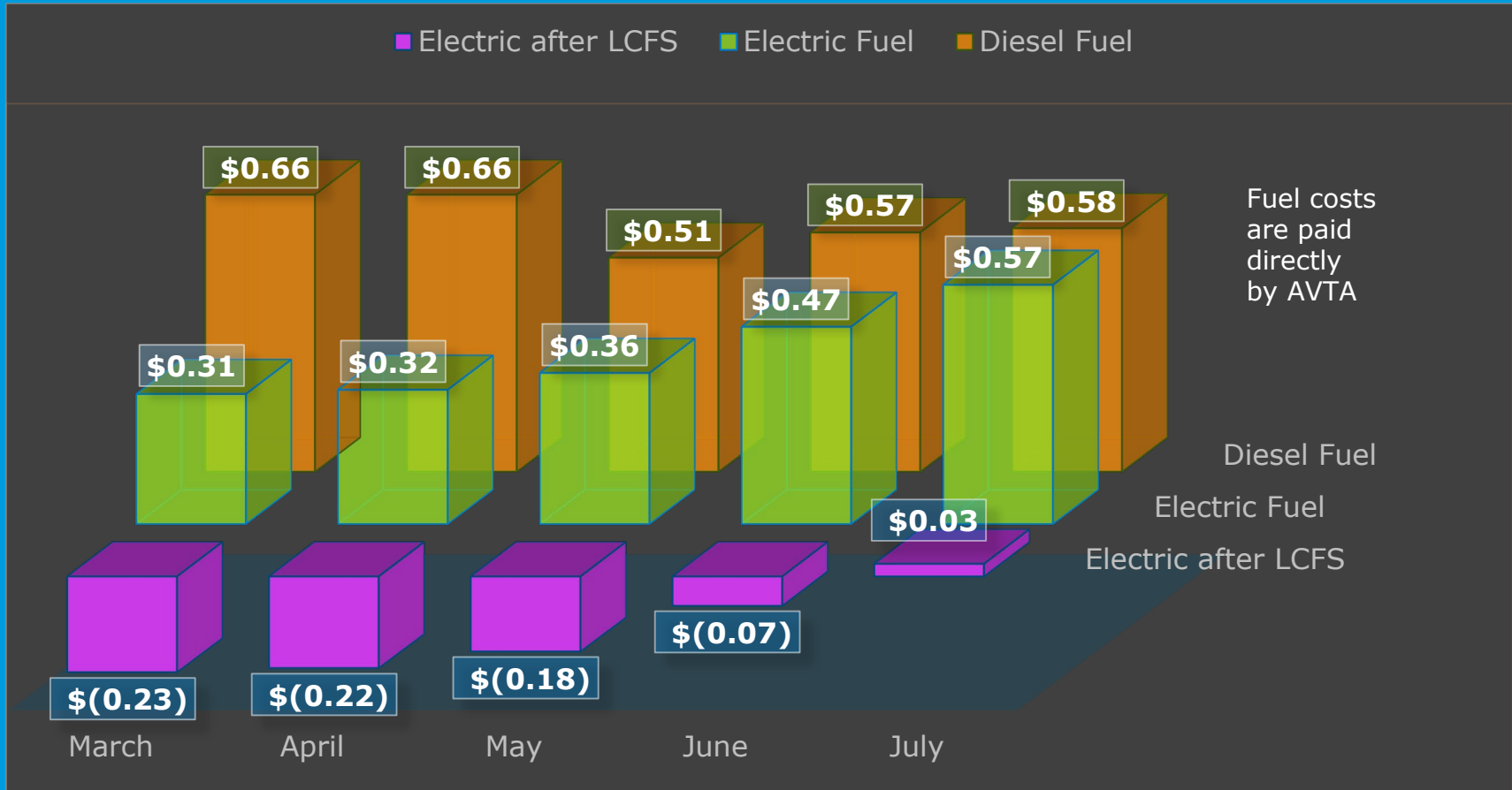
MAINTENANCE COST PER MILE BY FLEET



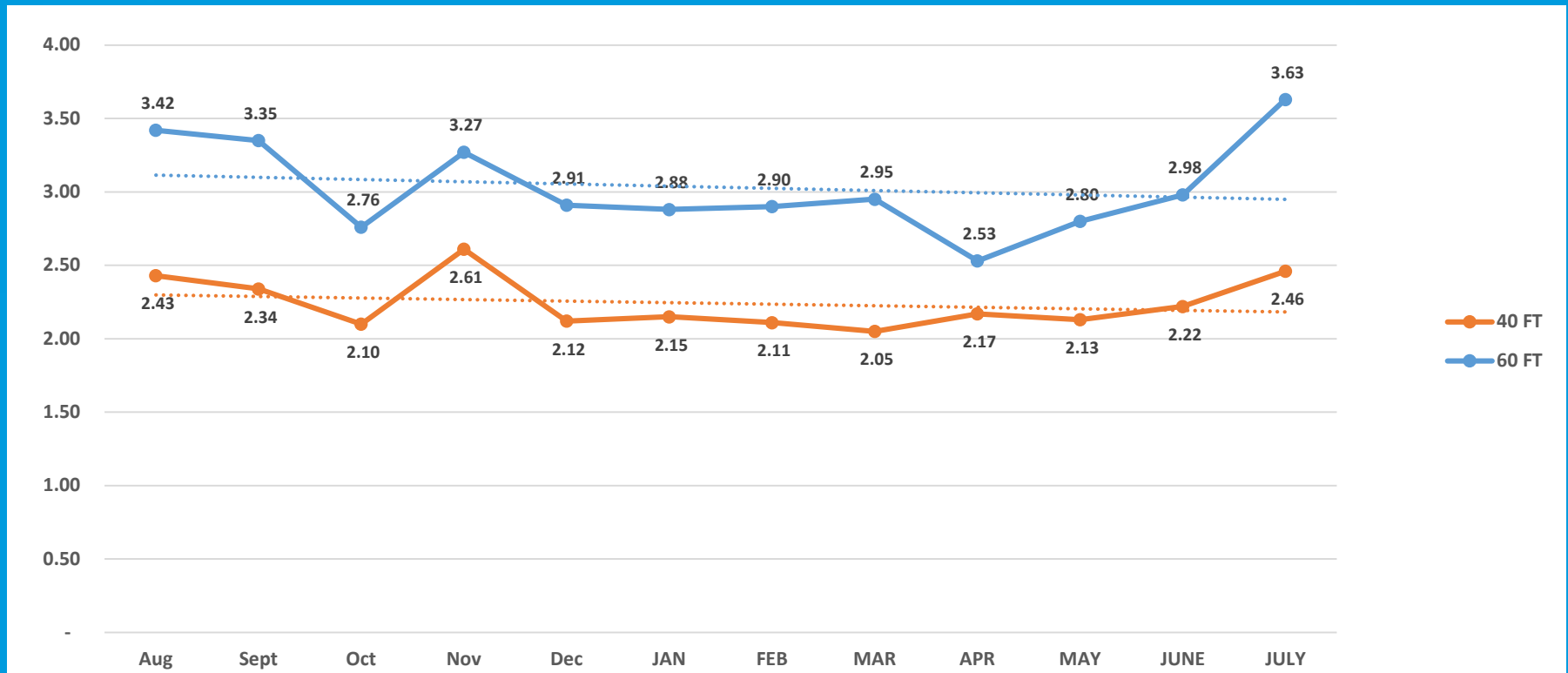
FUEL/ENERGY COST PRIOR 12 MONTHS



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

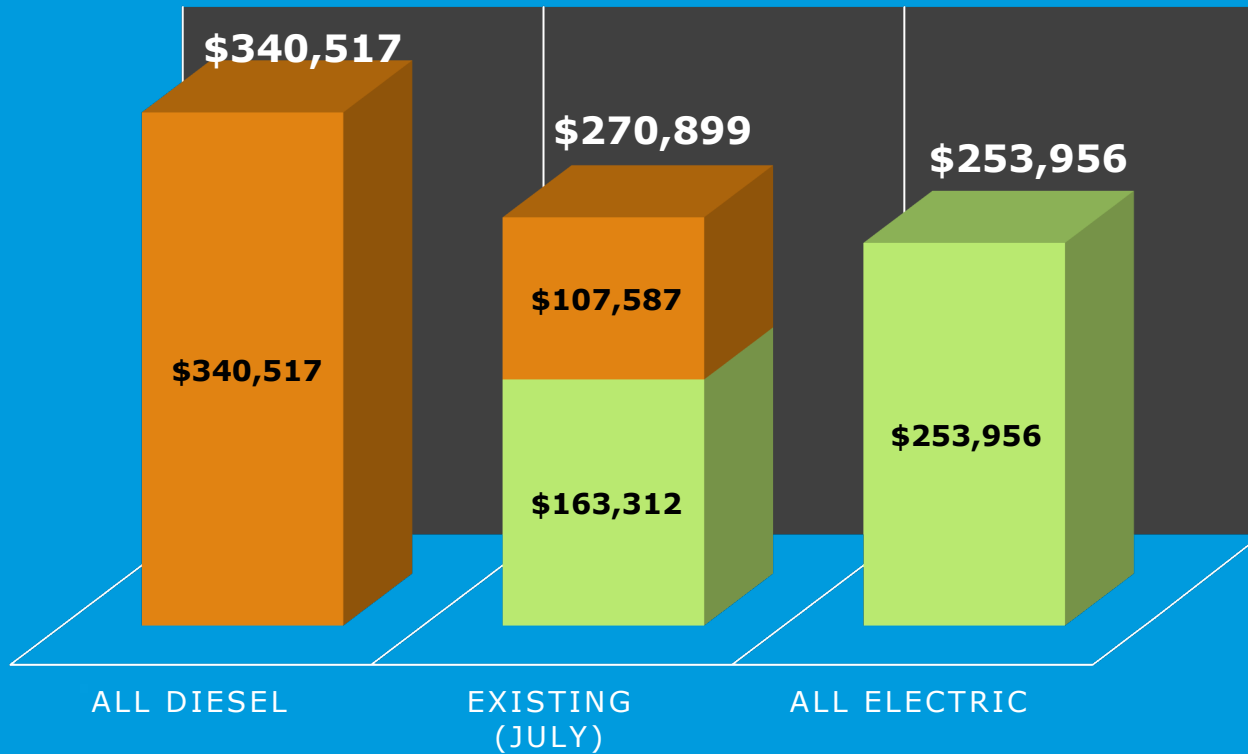


AVERAGE FUEL CONSUMPTION PER MILE (KWPM)



TOTAL FUEL & MAINTENANCE COST ASSUMPTIONS

■ Electric ■ Diesel



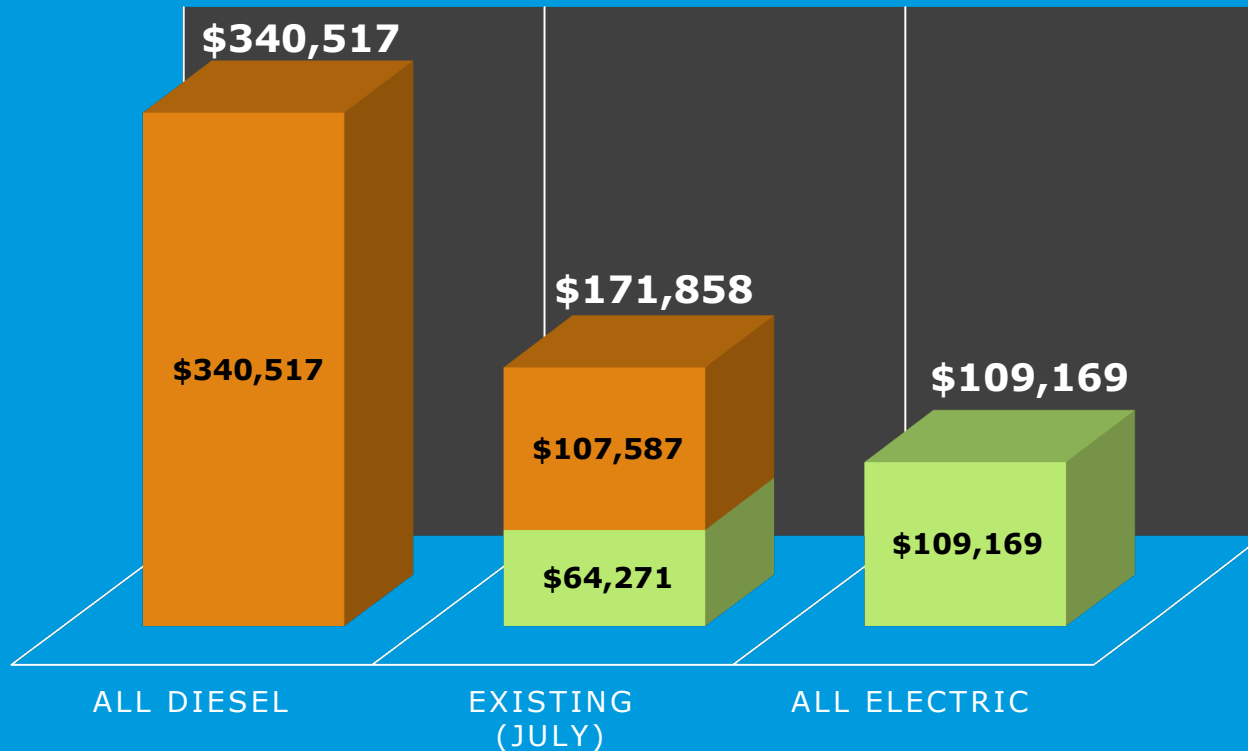
July Fuel and Maintenance Savings
\$69,618

Projected Savings
\$86,561

AVTA Fuel Only
\$2,758

TOTAL FUEL & MAINTENANCE COST ASSUMPTIONS W/LCFS

■ Electric ■ Diesel



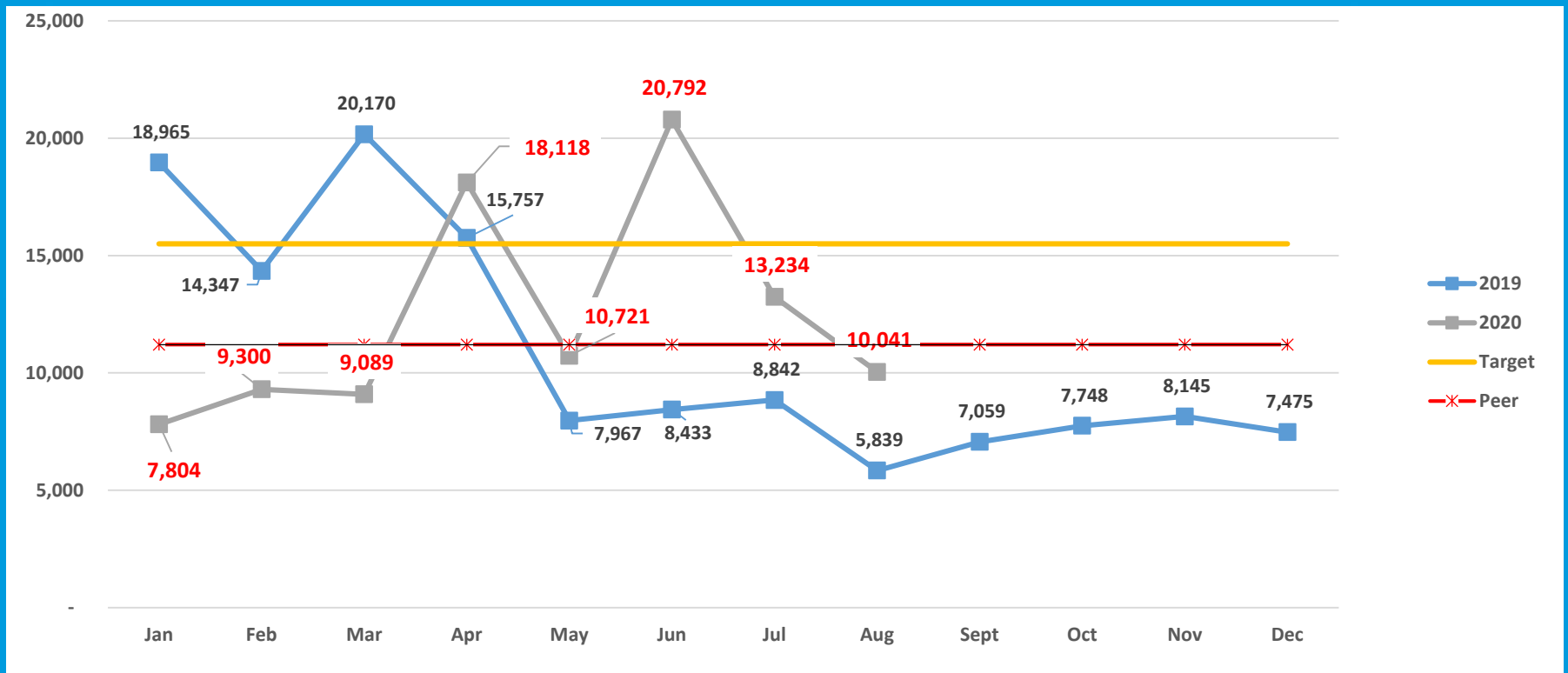
July Total Fuel and Maintenance Savings
\$168,659

AVTA Fuel Savings plus LCFS
\$101,799

AVERAGE MILES BETWEEN SERVICE INTERRUPTIONS

Peer Average: 11,206

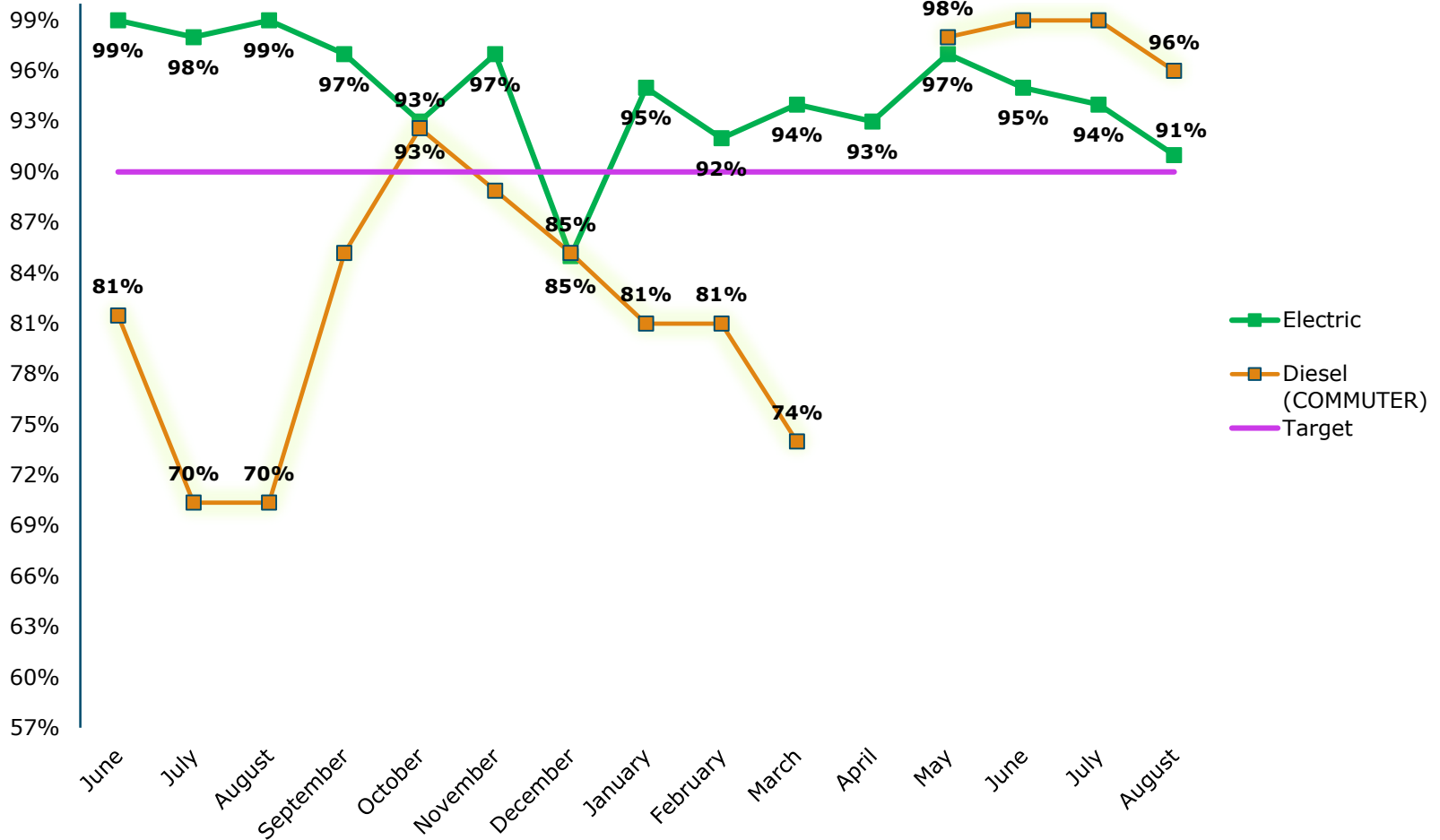
Target: 15,500



FLEET AVAILABILITY

Peer Average: 77%

Target 90%



Discussion/Questions?





Regular Meeting of the Board of Directors
ONLINE ZOOM MEETING PER GOVERNOR'S ORDER N-29-20

Tuesday, August 25, 2020

10:00 a.m.

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

UNOFFICIAL MINUTES

In response to Governor's Executive Order N-29-20, the meeting was conducted via Zoom Cloud meetings.

CALL TO ORDER:

Chairman Crist called the meeting to order at 10:03 a.m.

ROLL CALL:

Present

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

Absent

Director Richard Loa (Director Loa joined the meeting at 10:08 a.m. during SRP 1.)

APPROVAL OF AGENDA

Motion: Approve the agenda as comprised.

Moved by Vice Chair Knippel, seconded Director Hofbauer

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

Vote: Motion carried (5-0-0-1)

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

Nays: None

Abstain: None

Absent: Director Loa

PUBLIC BUSINESS – AGENDIZED AND NON-AGENDIZED ITEMS:

Fran Sereseres called Ms. Darr on August 25, 2020 to say hello to the Board Members and wished everyone well.

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

SRP 1 LEGISLATIVE REPORT FOR AUGUST

Chief Financial Officer Judy Vaccaro-Fry presented the report. The Board discussed the Moving Forward Act Provision – Section 90433: Credit for Zero-Emission Heavy Vehicles and Zero-Emission Buses. Eligible manufacturers may claim a credit of 10% of the sale price of each zero emission heavy vehicle sold by such taxpayer during such taxable year, sale price for the vehicle cannot exceed 1 million. This credit ends on December 31, 2025.

SRP 2 OPERATIONS KEY PERFORMANCE INDICATORS (KPI) REPORT

Chief Operating Officer Martin Tompkins presented the report and read an email, shared by Director Hofbauer, from a passenger complimenting the Dial-A-Ride service. The Board discussed the number of passengers riding the commuter buses and passenger pass ups.

SRP 3 MAINTENANCE KPI REPORT

Maintenance Compliance Manager Cecil Foust presented the report. The Board discussed the decrease in average miles between service interruptions.

CONSENT CALENDAR (CC):

CC 1 BOARD OF DIRECTORS MEETING MINUTES OF JULY 28, 2020

Approve the Board of Directors Regular Meeting Minutes of July 28, 2020.

CC 2 FINANCIAL REPORT FOR JULY 2020

Receive and file the Financial Report, including Quarterly Treasurer, Capital Reserve, and Farebox Recovery information, for July 2020.

CC 3 GRANT STATUS REPORT

Receive and file the Grant Status Report.

**Motion: Approve the Consent Calendar with the amendment to CC 1
- July 28, 2020 Minutes.**

Moved by Director Flanagan, seconded by Director Hofbauer

Ms. Darr conducted a roll call vote and stated the motion carried unanimously.

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

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

Nays: None

Abstain: None

Absent: None

NEW BUSINESS (NB):

NB 1 EMPLOYEE WELLNESS CENTER GYM EQUIPMENT AND FLOORING

Executive Director/CEO Macy Neshati presented the staff report.

**Motion: Authorize the Executive Director/CEO to negotiate with
various vendors for the purchase of commercial quality
gym equipment and specialized gym flooring for an amount
not to exceed \$275,000.**

Moved by Director Hofbauer, seconded by Director Malhi

Ms. Darr conducted a roll call vote and stated the motion carried unanimously.

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

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

Nays: None

Abstain: None

Absent: None

NB 2 PROPOSED SERVICE CHANGES

Mr. Neshati presented the staff report. The Board discussed the projected implementation date.

Motion: Authorize the Executive Director/CEO to delay implementation of the recommendations contained in the Regional Transit Plan with the exception of the microtransit pilot service.

Moved by Director Flanagan, seconded by Vice Chair Knippel

Ms. Darr conducted a roll call vote and stated the motion carried unanimously.

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

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

Nays: None

Abstain: None

Absent: None

NB 3 FINAL SOLAR PRICING

Mr. Neshati presented the staff report.

Motion: Authorize the Executive Director/CEO to negotiate and execute a power purchase agreement (PPA) under AVTA's Contract #2020-12 with Duke Energy/REC Solar Commercial Corporation, Petaluma CA for a term of twenty-five years for the ALL IN price of .1071/kWh plus any applicable taxes first year and a 1.5% escalator in years 2 through 25.

Moved by Director Loa, seconded by Vice Chair Knippel

Ms. Darr conducted a roll call vote and stated the motion carried unanimously.

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

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

Nays: None

Abstain: None

Absent: None

REPORT BY LEGAL COUNSEL OF ACTION TAKEN IN CLOSED SESSION

REPORTS AND ANNOUNCEMENTS (RA):

RA 1 Report by the Executive Director/CEO Macy Neshati

- Stated during the month of March, the Authority transitioned to a 100% all-electric local fleet, with 56 buses. Twice the size of the closest fleet in the country, 95% availability, and 13,000 miles between road calls surpassing industry standards.
- Provided an update regarding the charging stations at Sierra Highway/Lancaster Blvd., Palmdale Blvd./40th St. E. (South Valley) and Antelope Valley College.
- Stated the driver protection barriers arrived and are being installed.
- Provided an update regarding Altoona testing for the electric commuter bus.

MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:

The Board expressed their appreciation to AVTA and Transdev staff for their hard work in making AVTA the first transit agency in the country to have an all-electric local fleet.

ADJOURNMENT:

Chairman Crist adjourned the meeting at 10:42 a.m. to the Regular Meeting of the Board of Directors on September 22, 2020 at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6th Street West, Lancaster, CA.

PASSED, APPROVED, and ADOPTED this 22nd day of SEPTEMBER 2020

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 22, 2020

TO: BOARD OF DIRECTORS

SUBJECT: Financial Report for August 2020

RECOMMENDATION

That the Board of Directors receive and file the financial report for August 2020.

FISCAL IMPACT

	August
PAYROLL	\$301,718
CASH DISBURSEMENTS	\$4,725,706

BACKGROUND

To comply with the provisions required by Sections 37202, 37208 and 6505.5 of the Government Code, the Director of Finance and Administration 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 22, 2020

TO: BOARD OF DIRECTORS

SUBJECT: Resolution No. 2020-007, Authorizing the Executive Director/CEO to Execute Agreements Necessary for the Commuter Bus Replacement Project with Funds from the California State of Good Repair Program for Fiscal Year 2020/2021 (FY 2021)

RECOMMENDATION

That the Board of Directors adopt Resolution No. 2020-007, authorizing the Executive Director/CEO to execute agreements necessary for the Commuter Bus Replacement project with funds from the California State of Good Repair Program for FY 2021.

FISCAL IMPACT

Adopting Resolution No. 2020-007 would authorize the Executive Director/CEO to enter contractual agreements and authorize any other required documents, on behalf of AVTA and the Board of Directors, to expand AVTA's bus fleet.

BACKGROUND

AVTA receives annual apportionments from the California Department of Transportation. The AVTA Board is required to adopt Resolution No. 2020-007 in order to approve the Commuter Bus Replacement project and receive the FY 2021 allocation of \$209,954.

Prepared by:

Submitted by:

Judy Vaccaro-Fry
Chief Financial Officer

Macy Neshati
Executive Director/CEO

Attachment: A – Resolution No. 2020-007

RESOLUTION #2020-007

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR/CEO TO EXECUTE AGREEMENTS NECESSARY FOR THE COMMUTER BUS REPLACEMENT PROJECT WITH FUNDS FROM THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM FOR FISCAL YEAR 2020/2021

WHEREAS, the **ANTELOPE VALLEY TRANSIT AUTHORITY** is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and

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 SGR; and

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

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.

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 the Certification and Assurances document and applicable statutes, regulations and guidelines for all SGR funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Executive Director/Chief Executive Officer be authorized to execute agreements necessary for the Commuter Bus Replacement Project with funds from the California State of Good Repair Program for Fiscal Year 2021 in the amount of \$209,954.

PASSED, APPROVED AND ADOPTED this 22nd day of September 2020.

AYES: _____

NAYS: _____ ABSTAIN: _____ ABSENT: _____

Marvin Crist, Chairman of the Board

ATTEST:

APPROVED AS TO FORM:

Karen S. Darr, Clerk of the Board

Allison E. Burns, General Counsel



DATE: September 22, 2020

TO: BOARD OF DIRECTORS

SUBJECT: Amendment No. 1 to Contract #2020-39 with PeopleReady, Inc. for COVID-19 Sanitizing, Disinfecting and Sterilizing Bus Fleet

RECOMMENDATION

That the Board of Directors ratify Amendment No. 1 to Contract #2020-39 with PeopleReady, Inc., Tacoma, WA to sanitize, disinfect and sterilize the interior of AVTA's bus fleet for an additional amount not to exceed \$105,000 and time extension until October 31, 2020, plus applicable sales tax.

FISCAL IMPACT

Sufficient funds are included in the Fiscal Year 2020/2021 Budget to pay for this service because of the COVID-19 Declared National Emergency.

BACKGROUND

On May 26 2020, the Board of Directors approved an emergency sole source contract with PeopleReady, Inc. Prior to this action, the President of the United States declared a National Emergency due to the COVID-19 pandemic. The CARES Act provides funds to prevent, prepare for, and respond to COVID-19. Expenses normally eligible under Section 5307 and 5311 programs that are incurred on or after January 20, 2020, that are in response to economic or other conditions caused by COVID-19 are thus eligible under the CARES Act. Staff found it necessary to continue this work, after the State of California extended its rules governing the COVID-19 response. PeopleReady, Inc. will continue to sanitize, disinfect and sterilize the interior of AVTA's bus fleet for the public's safety.

The amount listed and time extension will provide necessary services until AVTA can bring these services in-house.

Prepared by:

Submitted by:

Martin Tompkins
Chief Operating Officer

Macy Neshati
Executive Director/CEO



DATE: September 22, 2020

TO: BOARD OF DIRECTORS

SUBJECT: Amendment No. 1 to Contract #2020-02 with Vehicle Technical Consultants, Inc., for Quarterly Bus Fleet Inspection Services

RECOMMENDATION

That the Board of Directors authorize the Executive Director/CEO to execute Amendment No. 1 to Contract #2020-02 for quarterly bus fleet inspections with Vehicle Technical Consultants, Inc., Beaumont, CA for one (1) of two (2) optional one-year renewal periods remaining for an amount not to exceed \$100,000 during Fiscal Year 2020/2021.

FISCAL IMPACT

Sufficient funds are included in the Fiscal Year 2020/2021 Budget to pay for this service and will be included in future year budgets to cover contract costs.

BACKGROUND

On September 24, 2019, the Board of Directors approved the first year of quarterly bus fleet inspections with Vehicle Technical Consultants, Inc. During this first year, these services established a base line from which staff can measure the contractor's maintenance efforts. Staff would like to continue this independent system of accountability and verification to better manage on-going maintenance operations with limited resources.

The amount listed and time extension will provide necessary services for increased contractual oversight and correction.

Prepared by:

Submitted by:

Martin Tompkins
Chief Operating Officer

Macy Neshati
Executive Director/CEO



DATE: September 22, 2020

TO: BOARD OF DIRECTORS

SUBJECT: Equal Employment Opportunity Program

RECOMMENDATION

That the Board of Directors 1) approve AVTA's Equal Employment Opportunity (EEO) Program as required by the Federal Transit Administration (FTA) (Attachment A); 2) authorize the Executive Director/CEO to implement the procedures as set forth in the Program, in compliance with the Civil Rights Act of 1964 and under the provisions of FTA EEO Circular 4704.1A; and 3) adopt Resolution No. 2020-009 (Attachment B), adopting AVTA's EEO Program.

FISCAL IMPACT

There is no fiscal impact associated with adoption of the Equal Employment Opportunity Program. However, failure to adopt the Program could cause AVTA to be ineligible to receive federal funding due to non-compliance with FTA regulations.

BACKGROUND

The AVTA has always strived to operate as an EEO employer. It is the policy of the AVTA to provide equal employment opportunity for all persons and prohibits discrimination in employment practices based on race, color, creed, national origin, sex, age, disability, religion, marital status, sexual preference or veteran status or any other class as prohibited by federal and/or state law. The AVTA EEO Statement of Policy is reviewed and approved annually, reaffirming the agency's commitment to this goal.

In the past, the EEO Statement of Policy and EEO-compliant programs of all AVTA subcontractors was sufficient to satisfy FTA regulations. However, as the agency continually grows and evolves in response to the needs of the community it serves, it now has a larger employee base than ever before, necessitating the development and implementation of a formal EEO Program pursuant to the provisions in FTA C 4704.1A and established employee thresholds.

The AVTA EEO Program has been developed per federal guidelines, and contains all of the required elements for compliance under the law, including the EEO Statement of Policy. All employment practices, including recruitment, hiring, promotions, transfers, discipline, layoffs and terminations will be monitored to ensure nondiscrimination, as well as frequent analysis and evaluation of the procedures outlined in the Program to determine if any corrective action is needed to maintain the agency's goals. The Program also outlines a detailed process for employees who wish to file an EEO-related complaint, with zero tolerance for harassment or retaliation against those who do so.

The EEO Compliance Officer is the designated person responsible for carrying out the EEO Program, and reports directly to the Executive Director/CEO.

Prepared by:

Submitted by:

Kelly Miller
DBE/EEO Compliance Officer

Macy Neshati
Executive Director/CEO

Attachments: A – EEO Program
 B – Resolution No. 2020-009

Antelope Valley Transit Authority

Equal Employment Opportunity Program

September 22, 2020

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The Antelope Valley Transit Authority (AVTA) is a public entity created on July 1, 1992, pursuant to Section 6506 of the Government Code of the State of California. AVTA was formed under a Joint Exercise of Powers Agreement (JPA). Its members consist of the County of Los Angeles and the cities of Lancaster and Palmdale. The JPA members jointly contribute capital and operating funds to AVTA each year to assist in the provision of transit services to the Antelope Valley area.

The Antelope Valley Transit Authority (AVTA) is located in Southern California, approximately 70 miles north of Los Angeles. Its principal office and bus facility is in the City of Lancaster, California. AVTA was formed to provide and administer public transportation services for the citizens of Lancaster, Palmdale and certain unincorporated sections of the County of Los Angeles in the Antelope Valley area.

AVTA's total service area covers approximately 1,200 square miles and is bounded by the Kern County line to the north, the San Bernardino County line to the east, the Angeles National Forest to the south, and Interstate 5 to the West. AVTA includes a network of 13 local transit routes, five commuter routes, and the North County TRANSporter (NCT) service, which operates as a bridge service between the Santa Clarita and Antelope Valleys on weekdays. AVTA provides three supplemental route services to alleviate crowding on local routes during peak hours. The supplemental service operates two times a day. Local service is operated on weekdays from 5:00 a.m. to 12:00 a.m. Weekend service is operated from 6:00 a.m. to 11:30 p.m. Commuter routes and the NCT service operates Monday through Friday from 3:50 a.m. to 7:54 p.m.

AVTA also provides a complementary paratransit service, known as Dial-a-Ride, operated by Antelope Valley Transportation Services (AVTS). Service within the Urban Zone and Rural Zone 1 is available to elderly persons and persons with disabilities. Service within Rural Zone 2 is open to the general public, operating on weekdays from 6:00 a.m. to 7:30 p.m. and weekends from 8:00 a.m. to 6:00 p.m. Reservations may be placed between 8:00 a.m. and 5:00 p.m. any day of the week.

AVTA fixed-route, Dial-a-Ride and maintenance functions are provided under contract with Transdev Transportation and Antelope Valley Transportation Service (AVTS).



The Antelope Valley Transit Authority (AVTA) is an Equal Employment Opportunity (EEO) employer. It is the policy of the AVTA to provide equal employment opportunity for all persons and prohibits discrimination based on race, color, creed, national origin, sex, age, disability, religion, marital status, sexual preference or veteran status or any other class as prohibited by federal and/or state law.

AVTA recruits, hires, trains, and promotes employees without regard to race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex or gender (including sexual harassment, pregnancy, childbirth or related medical conditions), age (40 and older), sexual orientation, gender identity, veteran status, genetic information and characteristics, or other legally protectable class as defined in Title VII of the 19664 Civil Rights Act and as amended by the Equal Employment Opportunity Act of 1972 and the Civil Rights Act of 2001 and the California Fair Employment and Housing Act ("FEHA"), and any other applicable provisions of federal and/or state law. AVTA remains in compliance with the provisions of the Americans with Disabilities Act (ADA) and FEHA regarding persons with disabilities.

This policy applies to all employment practices and conditions, including recruitment and/or recruitment advertising, hiring, upgrading, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other compensation decisions, discipline, separations, training, and benefits. AVTA is committed to providing reasonable accommodations to applicants and employees who require them because of a disability, or to practice or observe their religion, absent undue hardship.

AVTA is committed to the development and implementation of a written EEO program that sets forth policies, practices and procedures, with goals and timetables, which are designed to overcome the effects of past discrimination on minorities and women. AVTA will make the EEO Program available for inspection by any employee or applicant for employment upon request.

All applicants for employment and employees have the right to file complaints alleging discrimination with AVTA's EEO Compliance Officer. Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated. Any employee who contends that he/she has been subjected to unlawful discrimination, harassment or retaliation in violation of federal or state law, may use the internal complaint procedure set forth in AVTA's Harassment-Free Workplace policy. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any unlawful discrimination, harassment or retaliation will be subject to disciplinary action, up to and including dismissal from employment.

EMPLOYEE AND MANAGEMENT RESPONSIBILITIES

Executive oversight of AVTA's EEO policy is the responsibility of the AVTA Executive Director/CEO. Oversight and implementation, which includes dissemination, understanding and enforcement of the EEO policy is the responsibility of the appointed EEO Compliance Officer. The appointed EEO Compliance Officer is responsible for updating AVTA's EEO policies, monitoring compliance with the affirmative action plan, goals, providing training, and implementing programs that promote the AVTA's policy of promoting diversity, equal employment opportunities and affirmative action.

All AVTA directors, managers and supervisors with hiring authority share in the responsibility of ensuring agency compliance through understanding, communicating and active involvement in support of AVTA's EEO policies and affirmative action plans, and are assigned specific tasks to ensure and achieve compliance.

AVTA Managers and Supervisors will be evaluated on their actions taken to ensure successful implementation and compliance with the agency's EEO policy the same way as their performance on other agency goals.

Successful achievement of AVTA's EEO policy goals will provide benefits to the recipient/sub-recipient/contractor through fuller utilization and development of previously underutilized human resources in accordance with FTA circular 4704.1, [Page III- 2 a. (7)].

AVTA is committed to maintaining an environment that values diversity in which all employees are free from illegal discrimination and harassment.

Nothing herein is intended to modify the at-will status of all employees of AVTA.

CONTRACTOR COMPLIANCE

The Federal Transit Administration (FTA) requires recipients to document their review of EEO Programs for sub-recipients or contractors that meet the EEO Program threshold. As per the FTA EEO Circular 4704.1A, AVTA must review and monitor sub-recipients or contractors' EEO programs and policies which verify that they contain these seven elements:

1. Statement of Policy;
2. Plan for dissemination both internally and externally;
3. Designation of appropriate personnel responsible for carrying out the EEO; Program, including the designation of an EEO Officer;
4. Utilization analysis;
5. Goals and timetables to correct identified areas of underutilization or concentration;
6. Assessment of an agency's employment practices; and
7. Plan for monitoring and reporting on the EEO Program.

ANNUAL REVIEW OF POLICY

This EEO Policy Statement and contractor's EEO Program will be reviewed, updated and reaffirmed by the Board of Directors annually. Per current operator contract, this review must be accomplished no later than thirty (30) days after the end of each calendar year. The review will include a submittal to AVTA of an EEO report/program that meets all of the requirements of FTA EEO Circular 4704.1A and documents any/all deficiencies and required corrective actions. Inquiries concerning this policy can be directed to AVTA's EEO appointed Compliance Officer, as appointed by the AVTA Executive Director/CEO.

AVTA EEO Compliance Officer: Kelly Miller
 Phone: (661)729-2203
 Email: EEO.Officer@avta.com

Macy Neshati – AVTA Executive Director/CEO

Date

Information regarding AVTA's EEO Policy and Programs will be disseminated internally to all directors, managers, supervisors and employees by the following actions:

1. Written communication from the Executive Director/CEO.
2. Inclusion and/or referenced in personnel and operations manuals and acknowledgment of receipt and understanding by the employee.
3. Inclusion in the new-hire training and orientation process.
4. Periodic EEO training for all employees and management.
5. EEO training for new supervisors or managers within 90 days of appointment.
6. Meeting with AVTA Directors and managers at a minimum semi-annually to discuss the EEO Program and its implementation.
7. Review and discussion at executive staff meetings, operations meetings, quarterly all-hands meetings, etc.
8. Posting in the employee lounge, in the AVTA HR office and other conspicuous locations.
9. Bulletin boards, forms, newsletters, etc. shall include EEO information as appropriate.

Information regarding AVTA's EEO Policy and Programs will be disseminated externally by the following actions:

1. Non-discrimination clauses shall be included in all contractual agreements.
2. All recruiting sources, including employment agencies, unions, educational institutions, and others who refer applicants will be advised that AVTA is an EEO employer through provision of the EEO policy.
3. All recruitment ads, including radio, television, newspapers, internet and journals, will include the statement, *AVTA is an Equal Employment Opportunity (EEO) Employer.*
4. Contract proposals and bid specifications will include the statement, *AVTA is an Equal Employment Opportunity (EEO) Employer.*

The Executive Director/CEO of AVTA has the overall responsibility for Equal Employment Opportunity. The DBE/EEO Compliance Officer, who reports directly to the Executive Director/CEO, is designated as the Equal Employment Opportunity (EEO) Officer. The specific delineation of EEO responsibilities is as follows:

The Executive Director/CEO is responsible for:

1. Monitoring the agency EEO Program through reports from the EEO Officer.
2. Conducting internal performance evaluations in relation to the effectiveness of employment practices in ensuring equal employment opportunity.
3. Giving directives to management and staff, as necessary, to ensure compliance with the EEO Program.

The EEO Officer, as appointed by the Executive Director/CEO, is responsible for:

1. Developing the EEO Policy Statement and written EEO Program.
2. Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables (as applicable), and developing strategies for effective equal employment opportunity.
3. Designing, implementing and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed (as applicable).
4. Reviewing the agency's EEO program with all managers and supervisors to ensure that the policy is understood.
5. Concurring in the hiring and promotion process.
6. In conjunction with Human Resources, periodically reviewing employment practices policies, complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures and union agreements (as applicable).
7. Reporting at least semi-annually to the Executive Director/CEO on each department's progress in relation to the agency's goals, and on contractor and vendor compliance.
8. Serving as liaison between the agency and federal, state, county and local governments; regulatory agencies; and community groups representing minorities, women, and persons with disabilities, and others.
9. Maintaining awareness of current EEO laws and regulations, and ensuring the laws and regulations affecting nondiscrimination are disseminated to managers and supervisors.
10. Investigating complaints of EEO discrimination under this program.
11. Providing EEO training for employees, managers and supervisors.
12. In conjunction with HR, advising employees and applicants of available training programs and professional development opportunities and the entrance requirements.
13. Auditing postings of the EEO policy statement to ensure compliance information is posted and up to date.

Managers and Supervisors are responsible for:

1. Actively participating in periodic audits of all aspects of employment to identify and remove barriers obstructing the achievement of specified goals and objectives.
2. Holding regular discussions with other managers, supervisors, employees and affinity groups to ensure agency policies and procedures are being followed.
3. In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the nondiscrimination program.
4. Cooperating with the EEO Officer in review of information and investigation of complaints.
5. Encouraging employee participation to support the advancement of the EEO program (e.g. professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring).

AVTA is committed to nondiscrimination in all aspects of our personnel actions such as employment, compensation, benefits, promotional opportunities and terminations. The very nature of transportation requires AVTA to recruit personnel with varying levels of skill and ability. Recruitment of positions is done on a local, state and/or national basis, depending on the position. Employment is at the mutual consent of the employee and AVTA, and either the employee or AVTA can terminate the employment relationship at will, at any time. All employment practices, including recruiting, screening, reference checking and recommendations for employment are the responsibility of the Executive Director (or designee). All position allocations must be approved by the AVTA Board of Directors.

Recruitment and Selection

AVTA department directors notify the HR Coordinator of any opening which occurs within their department. All job openings are posted on the AVTA website www.avta.com, and additional recruitment resources are utilized based on the position and availability. Positions may be advertised in local publications, news media resources, local social service agencies, training organizations, and websites designed for compliance and outreach, e.g. the California Department of Fair Employment and Housing. Job openings are posted for at least five (5) business days, or longer if necessary. All applicants for employment are required to complete AVTA's Application for Employment form. The form is available in digital form on the AVTA website, and hard copies are made available upon request. The form includes a separate sheet for self-identifying information. This information will be protected under AVTA's privacy protocols, and will be used only for the Statistical Impact Analysis to show any potential impact of agency employment practices on minorities and women.

Employment inquiries from interested parties are forwarded to the HR Coordinator, who then directs candidates to complete the application process. All completed application forms and resumes received within AVTA will be evaluated by the HR Coordinator, the Executive Director (or designee), and the EEO Officer. All applications received will be filed per AVTA's established retention requirements.

Applicants who are most qualified for the open position are scheduled for screening interviews. The initial screening interview may be conducted by the HR Coordinator and those familiar with the requirements of the position the applicant is seeking. Depending on the position, the screening interviews may result in qualified candidates receiving a second interview with the department manager, supervisor and/or director. These individuals select the most qualified candidate(s) for the position, and employment offers are extended only by the Executive Director (or designee).

Testing

Employment offers are made contingent upon the new employee's successful completion of a thorough background investigation, including a drug screen (must be negative), criminal history background check and reference verifications.

New employees also undergo a pre-employment physical examination.

Personality assessment testing is used to provide guidelines on how the job candidate's personality will fit with the job profile of the position they are applying for.

Promotions and Transfers

AVTA provides current employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In an internal job posting (or combination internal/external recruitment), notices of all regular, full-time job openings are

posted on the employee bulletin board and remain open for five (5) business days. Each job posting notice will include the dates of the posting period, job title, department, location, job summary, essential duties and qualifications (required skills and abilities).

In addition to the minimum eligibility requirements for the position, as set forth in the job description, current employees must have performed competently for at least 180 calendar days in their current position. Employees who have a written warning on file for their current job are not eligible to apply for promotions or transfers through the job postings. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies and qualifications. Applications by employees for posted jobs are submitted to the HR Coordinator. Final determinations for all promotions and transfers are made by the Executive Director (or designee).

Seniority Practices

AVTA implemented an Employee Recognition Program in 2018, to honor employees with ten (10) or more years of employment. Beginning with the 10th year, and continuing every five (5) years thereafter, each eligible employee will receive:

1. Recognition at a meeting of the AVTA Board of Directors, where they will be presented with an award.
2. Recognition at an AVTA All-Hands staff meeting, where they will be presented with a framed Certificate of Recognition.
3. A floating holiday equivalent to the number of hours in their regular shift.
4. A professional photograph will be taken and hung in the AVTA lobby.
5. A Visa gift card, which will start at \$250 and increase incrementally by \$50 for every five years of additional employment.

Training

Job specific training is conducted or directed by the new employee's direct supervisor or potentially another employee within their department. This is up to the supervisor or manager's discretion.

Per the California Fair Employment and Housing Act and Department of Fair Employment and Housing regulations, Sexual Harassment Prevention Training is conducted every two years.

All employees, including those in management positions, periodically utilize online training videos. All managers undergo an online general management course with multiple training videos for managers relating to discipline, treatment of employees and general harassment training as an extra step to insure AVTA's compliance.

AVTA periodically reviews the training and promotion potential of all its minority and female employees, and encourages eligible employees to apply when openings within the agency become available.

Compensation and Benefits

The wage and salary structure at AVTA is designed to offer equitable, competitive salaries and wages to all employees, without regard to race, color, creed, national origin, sex, age, disability, religion, marital status, sexual preference or veteran status or any other class as prohibited by federal and/or state law. In order to have a fair and predictable process for determining an individual's compensation, each position falls into a salary range that is based on common job descriptions in the transit industry and current market data. Each employee has an opportunity for growth and higher pay within their salary range through performance merit increases. Salary ranges are analyzed periodically to ensure that they remain competitive and fair to all employees, and to make sure discrimination is not occurring with respect to compensation.

In accordance with State and Federal laws and regulations, AVTA has established the following classifications for all positions:

Exempt – Includes employees who, by virtue of their job responsibilities and tasks, are classified as exempt from the overtime provisions of state wage and hour laws and the Federal Fair Labor Standards Act. Such employees who may qualify as exempt are executives, high-level administrative, professional and outside sales representatives. Only certain computer professionals may be considered exempt, depending on their qualifications and duties.

Non-Exempt – Includes employees who are covered by the provisions of applicable state wage and hour laws and the Federal Fair Labor Standards Act. Non-exempt employees earn their pay by the hours they work. Such employees may include, but are not limited to, clerical, maintenance and other support positions.

AVTA has established a number of benefit programs for its eligible employees (see list). The HR & Benefits Coordinator has the responsibility of the internal administration of respective benefits plans, follows all appropriate approved policies and obtains final approval from the CEO/Executive Director (or designee).

1. Group Health Insurance
2. Continuation of Health Insurance (COBRA)
3. Short Term Disability
4. Long Term Disability
5. Long Term Care
6. Supplemental Benefits
7. Retirement Plan (457)
8. Retirement Plan – California Public Employees Retirement program (CalPERS)
9. Employee Assistance Program
10. Sick Pay
11. Vacation Pay
12. Paid Holidays
13. Bereavement Pay
14. Additional Paid Time Off for: Bone Marrow or Organ Donation, Jury Duty/Witness Duty, Voting
15. Professional Development
16. Workers' Compensation
17. Unemployment Insurance
18. Life Insurance
19. Flexible Spending Account

Disciplinary Procedures and Termination Practices

Any violation of AVTA policies, improper behavior or improper conduct may warrant disciplinary action. Although the employment relationship may be terminated at will by the employee or by AVTA, without following any formal system of discipline or warnings, AVTA may exercise its discretion to use a tiered discipline process to ensure a fair method of coaching and/or disciplining employees. There may be three levels of discipline prior to discharge. Any of the three levels of formal discipline may be issued without following the normal sequence when a single incident is considered serious enough to warrant such action. The tiered levels are written reminders for the first two instances, and decision making leave (DML) as the final action. Discharge may occur when AVTA determines a single offense is of such a serious nature that the use of progressive, positive disciplinary process is not appropriate. All disciplinary procedures are communicated to

employees in the AVTA Rules and Regulations manual which was last updated 7/1/2019 and provided to all current employees at the time. New employees receive the manual and all information upon their date of hire when they complete their new hire paperwork with the HR department. Every employee signs an acknowledgement indicating they have received it and that it is their responsibility to read the manual, and this acknowledgement is placed in their personnel file.

If AVTA determines that a reduction in the workforce is warranted due to cancellation of a project, lack of work, reorganization or other considerations, the operational needs of AVTA and the employee's performance, demonstrated job skills, productivity and ability to perform the available work will be the primary criteria in determining the order of layoff of employees.

AVTA reviews and charts the various forms of discipline imposed on employees, cross-referenced by demographic category. Personnel action logs are maintained by the HR Coordinator, to be used by the EEO Officer in completing the required statistical employment practices and in evaluating and monitoring any potential disparate impact.

The standard for determining when an employee will be terminated, demoted, disciplined or laid off is the same for all employees without regard to race, color, creed, national origin, sex, age, disability, religion, marital status, sexual preference or veteran status or any other class as prohibited by federal and/or state law. All AVTA employees are considered "at-will", and disciplinary procedures apply to all employees.

Statistical Impact Analysis

Upon adoption of this EEO Program by the AVTA Board of Directors on September 22, 2020, we will begin to implement the collection and analysis of statistical data to determine any potential impact of our employment practices on minorities and women. Statistical data will also be collected to show any potential impact of AVTA's employment practices on persons with disabilities and veterans. The data will include:

1. The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race.
2. The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race.
3. The number and types of disciplinary actions (e.g. indefinite suspension, loss of pay, demotion) tailored to the language used in union contracts and agency policies and procedures.
4. The number of voluntary/involuntary terminations, cross-referenced by sex and race.
5. Job category training that fosters promotion potential, cross-referenced by sex and race.
6. Individuals with Disabilities and Veterans: the number of applicants for employment and promotions in each job category, and the number hired and promoted, cross-referenced by sex and race.

Each subsequent EEO Program submission will contain findings (if any) that the analysis shows. For this purpose, AVTA will utilize the FTA Employment Practices Chart for Statistical Impact of Employment Practices (4704.1A, Attachment 4).

AVTA will establish privacy protocols that protect self-identifying information, including self-identification for veterans and veterans with disabilities, to keep this information separate from application materials, and to clearly explain such protocols to applicants and employees invited to self-identify. This will include having procedures that strictly limit access, such as using a separate sheet for self-identifying information. For online applications, this includes ensuring that the self-identifying section remains separate from the application.

The AVTA EEO Officer is responsible for establishing an effective and workable internal monitoring and reporting system of the EEO Program. Evaluation of the EEO Program is conducted semiannually, and any necessary corrective action regarding the development and execution of programs, goals and timetables is taken immediately. This evaluation is also used to assess the results of action plans taken since the last program submission. All actions taken to implement the program for minority and female job applicants or employees are documented, and the EEO Officer meets regularly with the CEO/Executive Director to inform them of the program's effectiveness.

The following personnel activities are reviewed by the EEO Officer (with the HR Coordinator) to ensure non-discrimination and equal employment opportunity for all individuals without regard to race, color, creed, national origin, sex, age, disability, religion, marital status, sexual preference or veteran status or any other class as prohibited by federal and/or state law:

1. Recruitment, advertising, and job application procedures
2. Hiring, promotion, transfers, layoffs, demotions, suspensions and terminations
3. Rates of pay and any other forms of compensation and benefits
4. Job assignments, job classifications and job descriptions
5. Sick leave, leaves of absence or any other leave
6. Training, attendance at conferences or any other professional development
7. Disciplinary actions
8. EEO complaints
9. Any other term, condition or privilege of employment

The EEO Officer conducts periodic site reviews of the AVTA facility to ensure all employee EEO postings are properly displayed and up-to-date, and meets with management at least semiannually to discuss the EEO Program and its implementation. Any problem areas identified, whether current or foreseeable, are documented and efforts are made to correct the issues as soon as possible.

EEO compliance of AVTA subrecipients and contractors is monitored by the EEO Officer through collection and review of their EEO Programs and visits to their facilities to ensure proper posting of the EEO Policy Statement.

Procedures for employees who wish to file a complaint relating to discrimination, harassment or retaliation for reporting discrimination, are specified in AVTA's Anti-Harassment Policy, which is included in the Personnel Rules and Regulations Manual. All employees receive this manual at the beginning of their employment. The EEO Officer receives all EEO-related complaints and maintains a log that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, the resolution reached, and the name of the investigator(s). Prompt, impartial, and thorough investigations are conducted of complaints. Employees found to have engaged in discriminatory, harassing or retaliatory behavior are subject to appropriate disciplinary actions, up to and including termination of employment.

The following documents are maintained as part of AVTA's internal audit process:

1. Applicant flow log showing the date of application, position applied for, applicant's name, referral/source, race, sex, veteran/disability status, interview status and action taken for all individuals applying for job opportunities.
2. Summary data of promotions, trainings, resignations, terminations and layoffs by job group and by sex and minority group identification.
3. Personnel action logs for all forms of discipline imposed on employees, cross-referenced by demographic category.
4. FTA Employment Practices Chart for Statistical Impact of Employment Practices.
5. Maintenance of employment applications, with separation of self-identifying information.

6. Records pertaining to AVTA's compensation system.
7. All agendas and sign-in sheets for official EEO trainings or meetings with management.
8. Summary data of meetings held between the EEO Officer and management.
9. Summary data of meetings held between the EEO Officer and HR Coordinator.
10. Summary data of meetings with AVTA CEO/Executive Director.
11. Copies of all job postings published.
12. Copies of all recruiting advertisements.
13. Logs of recruitment locations and dates.

RESOLUTION NO. 2020-009

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY ADOPTING THE EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM AS REQUIRED BY FEDERAL AND STATE FUNDING AND REGULATORY AGENCIES

THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY RESOLVES AS FOLLOWS:

WHEREAS, the Antelope Valley Transit Authority will comply with Federal Transit Law 49 U.S.C. 5332(B) and the Federal Transit Administration Equal Employment Opportunity Circular 4704.1A of 2016, which specifically provides that:

"no person in the United States shall on the grounds of race, color, religion, national origin, sex, or age be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act."

This applies to employment and business opportunities and is considered to be in addition to the provisions of Title VI of the Civil Rights Act of 1964.

Section 1. The Board of Directors of the Antelope Valley Transit Authority hereby approves and adopts the EEO Program as required by Federal and State funding and regulatory agencies.

Section 2. The Secretary of the Board shall certify to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 22nd day of September 2020 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

Marvin Crist, Chairman of the Board

ATTEST: _____

APPROVED AS TO FORM: _____

Karen S. Darr, Clerk of the Board

Allison E. Burns, General Counsel



DATE: September 22, 2020

TO: BOARD OF DIRECTORS

SUBJECT: Complementary Paratransit Service for Visitors Policy

RECOMMENDATION

That the Board of Directors 1) approve the Complementary Paratransit Service for Visitors Policy (Attachment A); 2) authorize the Executive Director/CEO to implement the procedures as set forth in the Policy, in compliance with the Americans with Disabilities Act and under the provisions of Title 49, Part 37.127; and 3) adopt Resolution No. 2020-008 (Attachment B), approving the Complementary Paratransit Service for Visitors Policy.

FISCAL IMPACT

There is a slight fiscal impact associated with adoption of the Complementary Paratransit Service for Visitors Policy. However, failure to adopt the Policy could cause AVTA to be ineligible to receive federal funding due to non-compliance with FTA regulations.

Current projections estimate 2-3 requests for a Visitor Pass annually at the following rates:

\$3.00 per trip X 2 trips per day X 21 days = \$126.00 per visitor maximum cost.

BACKGROUND

The Americans with Disabilities Act (ADA), Title 49, Part 37.127 requires that transit agencies who provide complementary paratransit service (Dial-A-Ride) shall make the service available to individuals with disabilities from other jurisdictions on the same basis as it is provided to local residents. For the period of a visit, the visitor is treated exactly like an eligible local user, without any higher priority being given to either.

ELIGIBILITY

The requirement prohibits requiring a visitor to apply for or receive eligibility from AVTA through the normal application process before receiving the service. AVTA will give full faith and credit to all visitors who present documentation of ADA paratransit eligibility from another transit agency. For visitors who do not present such documentation, AVTA may require the visitor to show proof of residence, and if it is not apparent, of his or her disability. Once this basic documentation is provided, AVTA will make paratransit service available on the basis of the individual's statement that he or she is unable to use the fixed-route transit system.

DURATION

The service will be made available to the visitor within 24 hours, and the duration of the service is any combination of a minimum of 21 days during a 365-day period, beginning with the visitor's first use of the service. At its discretion, AVTA may choose to make the paratransit service available to the visitor for a period exceeding 21 days.


Prepared by:

Submitted by:

Kelly Miller
DBE/EEO Compliance Officer

Macy Neshati
Executive Director/CEO

Attachments: A - Complementary Paratransit Service for Visitors Policy
 B - Resolution No. 2020-008

	Complementary Paratransit Service for Visitors (Non-AV Residents)	
	Policy Effective Date: 9/22/2020	Revised on: n/a
	Approved by: Board of Directors	
	Date Approved: 9/22/2020	Page 1 of 1

Background

In compliance with the Americans with Disabilities Act (ADA) and under the provisions of Title 49, Part 37.127, the Antelope Valley Transit Authority (AVTA) is required to provide complementary paratransit service and shall make the service available to visitors as provided in this policy.

Policy

For the purposes of this policy, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by AVTA or other entities with which AVTA provides coordinated complementary paratransit service within the region. AVTA shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible, under the criteria of 37.125, in the jurisdiction in which they reside. If an individual is unable to present such documentation, AVTA may, at its discretion, require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability.

AVTA shall provide paratransit service to individuals with disabilities who qualify as visitors, and shall accept a certification by such individuals that they are unable to use fixed route transit. AVTA shall make the paratransit service available within 24 hours of the first request by the individual and said service shall be valid for any combination of at least 21 days during any 365-day period, beginning with the visitor's first use of the service during such 365-day period. At its discretion, AVTA may choose to make the paratransit service available to the visitor for a period exceeding 21 days.

In no case shall AVTA require a visitor to apply for or receive eligibility certification from AVTA before receiving the service described in this policy.

Procedure

1. All requests for complementary paratransit service for visitors will be directed to and processed by the Customer Service Department.
2. Upon receiving a request for complementary paratransit service from a visitor, Customer Service may request documentation of eligibility, including but not limited to, ADA eligibility in the individual's home jurisdiction, proof of residence, and/or proof of disability.
3. Upon review of the individual's documentation, the visitor will be entered into AVTA's Dial-A-Ride system, and may begin scheduling paratransit trips within 24 hours.

RESOLUTION NO. 2020-008

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY ADOPTING THE COMPLEMENTARY PARATRANSIT SERVICE FOR VISITORS POLICY AS REQUIRED BY FEDERAL AND STATE FUNDING AND REGULATORY AGENCIES

THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY RESOLVES AS FOLLOWS:

WHEREAS, the Antelope Valley Transit Authority will comply with the Americans with Disabilities Act of 1990, including the provision detailed in the U.S. Department of Transportation’s 49 CFR 37.127, “Complementary Paratransit Service For Visitors”, which specifically provides that:

Each public entity required to provide complementary paratransit service under §37.121 of this part shall make the service available to visitors as provided in this section.

Section 1. The Board of Directors of the Antelope Valley Transit Authority hereby approves and adopts the Complementary Paratransit Service for Visitors Policy as required by Federal and State funding and regulatory agencies.

Section 2. The Secretary of the Board shall certify to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 22nd day of September 2020 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

Marvin Crist, Chairman of the Board

ATTEST:

APPROVED AS TO FORM:

Karen S. Darr, Clerk of the Board

Allison E. Burns, General Counsel