



AGENDA
EXECUTIVE COMMITTEE MEETING
FRIDAY, APRIL 5, 2019 – 9:00 A.M.
OMNITRANS
1700 WEST FIFTH STREET
SAN BERNARDINO, CA 92411

The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or Limited English Proficiency services are needed in order to participate in the public meeting, requests should be made through the Board Secretary at least three (3) business days prior to the Committee Meeting. The Board Secretary’s telephone number is 909-379-7110 (voice) or 909-384-9351 (TTY). If you have comments about items on the agenda or other general concerns and are not able to attend the meeting, please mail them to Omnitrans at 1700 West Fifth Street, San Bernardino, California, Attention Board Secretary. Comments may also be submitted by email to BoardSecretary@omnitrans.org.

A. CALL TO ORDER

B. ANNOUNCEMENTS/PRESENTATIONS

1. Next Committee Meeting: May 3, 2019 – 9:00 a.m.
Omnitrans Metro Facility

C. COMMUNICATIONS FROM THE PUBLIC

This is the time and place for the general public to address the Board for items that are not on the agenda. In accordance with rules applicable to meetings of the Executive Committee, comments on items not on the agenda and on items on the agenda are to be limited to a total of three (3) minutes per individual.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

N/A

E. DISCUSSION ITEMS

- | | |
|--|----|
| 1. Approve Executive Committee Minutes – February 1, 2019 | 2 |
| 2. Receive and Forward to the Board of Directors Summary Information Regarding the March 14, 2019 Board of Directors Workshop - <i>P. Scott Graham</i> | 5 |
| 3. Receive and File Informational Update on the Development of Proposed Fiscal Year 2020 Management Plan – <i>P. Scott Graham</i> | 28 |
| 4. Receive and File Update on Omnitrans Transit District Legislation and Authorize the CEO/General Manager to Work with General Counsel and Legislative Advocate on Review and Negotiation of Amendments to the Omnitrans Transit District Legislation – <i>Haviva Shane</i> | 30 |
| 5. CEO/General Manager’s Report | |

F. BOARD BUSINESS

There is no Closed Session Scheduled

G. REMARKS AND ANNOUNCEMENTS

H. ADJOURNMENT

E. DISCUSSION ITEMS

1. Approve Executive Committee Minutes – January 11, 2019

M/S (Spagnolo/Lilburn) that approved the Executive Committee Minutes of January 11, 2019. Roll call vote was taken and the motion was passed unanimously by Members present.

2. Receive and Forward Report to the Board of Directors and Recommend Formation of a Joint SBCTA and Omnitrans Ad Hoc Committee to Discuss Funding Alternatives

Member Wapner joined the meeting via teleconference during Item #E2.

Chairman Dailey stated that the purpose of this item was to provide an update on the current financial situation as detailed in the staff report and to discuss the formation of a joint Ad Hoc Committee to address some of the key issues.

CEO/General Manager, P. Scott Graham stated that he and SBCTA, Executive Director, Ray Wolfe met and discussed the financial information being presented today. During their meeting, they also briefly discussed the West Valley Connector Project and agreed that the decisions related to that project should be determined by the Boards.

The Committee had questions regarding the West Valley Connector Project and SBCTA Director of Fund Administration, Andrea Zureick, provided a brief update on the project and explained that recent studies were conducted on the viability of the project and on current ridership data. She noted that the numbers did not look positive. Member Wapner added that the SBCTA Board had not made any decisions on the direction of the project.

Mr. Graham stated that the purpose of the Ad Hoc would be for members of both Boards and executive staff from Omnitrans and SBCTA to discuss the issues and provide policy guidance related to funding allocation and to address the funding deficit Omnitrans is facing.

The Committee discussed if whether the formation of the Ad Hoc Committee required Board approval and determined that it was under the Chairman's authority to create an Ad Hoc Committee. The Committee approved that the Chair contact SBCTA Board President, Darcy McNaboe to begin the dialogue. The Committee also agreed that the Ad Hoc should be comprised of three Members of each Board, plus key staff from both agencies.

M/S (Spagnolo/Roberts) that adopted the creation of a joint SBCTA and Omnitrans Board Ad Hoc Committee to provide policy guidance related to funding allocations and project delivery. Motion was passed unanimously by Members present.

Member Lilburn left the room at 9:24 a.m. and returned at 9:26 a.m.

F. BOARD BUSINESS

There were no closed session items.

G. REMARKS AND ANNOUNCEMENTS

Chairman Dailey reminded the Committee about the upcoming Board of Directors Workshop and encouraged the Members to attend.

H. ADJOURNMENT

The Committee adjourned at 9:26 a.m. The next Executive Committee Meeting is scheduled Friday, March 1, 2019, at 9:00 a.m., with location posted on the Omnitrans website and at the Omnitrans San Bernardino Metro Facility.

Prepared by:

Araceli Barajas, Sr. Executive Asst. to the CEO
Clerk of the Board



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ITEM # E2

DATE: April 5, 2019
TO: Board Chair Ron Dailey and Members of the Executive Committee
THROUGH: P. Scott Graham, CEO/General Manager
FROM: Erin Rogers, Deputy General Manager
SUBJECT: BOARD OF DIRECTORS WORKSHOP

FORM MOTION

Receive and forward to the Board of Directors summary information regarding the Board of Directors Workshop.

BACKGROUND

A Board of Directors Workshop was held on March 14, 2019, as a kick-off to the strategic planning process. Board Member Alan Wapner provided an informative presentation regarding Regional Agency Cooperation, Roles and Responsibilities. There was a productive discussion regarding the challenges facing Omnitrans in the future and an exchange of ideas regarding areas of focus and priorities. As part of the workshop, an analysis of strengths, weaknesses, opportunities and threats (SWOT analysis) was also conducted. Lastly, the participants split into groups and discussed significant areas of interest to Omnitrans: Funding and Financial Stewardship, Customer Focus and Regional Mobility. The workshop concluded with a collaborative discussion and setting priorities. The information gathered as part of the Board of Directors Workshop (Attachment A) will inform the FY2020 Management Plan and upcoming strategic planning process.

CONCLUSION

The information gathered as part of the Board of Directors Workshop will be used to inform the FY2020 Management Plan and upcoming strategic planning process.

PSG:ER

Attachment A: Workshop Documents

AGENDA

Board of Directors Workshop

Thursday, March 14, 2019 – 1:00 P.M.

DoubleTree by Hilton

Lake Arrowhead Room 222 N. Vineyard Avenue

Ontario, CA 91764

A. Call to Order

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call
- d. Safety Briefing
- e. Communications from the Public

2. Communications from the Public

3. Strategic Planning Workshop

- a. Opening Remarks - Chairman Dailey and CEO, P. Scott Graham
- b. “Drawing the Lines” Presentation – Council Member Alan Wapner
- c. Purpose Statement / Workshop Overview - Teri Fisher, Insight Strategies, Inc.
- d. Discussion of Strengths, Weaknesses, Opportunities and Threats (SWOT Analysis)
- e. Table Topic Break-Out Sessions
- f. Debrief
- g. Next Steps

4. Adjournment

Omnitrans BOD Post-Workshop Recap

(March 22, 2019)

Workshop Details

Participants: Omnitrans Board of Directors (BOD), Key staff from other jurisdictions, Senior Leadership Team

Roles:

- **MC:** P. Scott Graham, CEO/General Manager
- **Consultant Facilitator:** Teri Fisher, Insight Strategies

Workshop Date: March 14, 2019

Time: 1:00-5:00 (Room Access by 12:00)

Location: Double Tree by Hilton

Workshop Objectives:

- Speak with ONE voice
- Understand baseline perceptions and ideas of the BOD and Key Staff from outside entities that can inform the strategic plan
- Create alignment with Omnitrans' financial outlook
- Strengthen Omnitrans' relationship with the SBCTA
- Make a case for the value of Omnitrans in the region
- Participate in a SWOT² Analysis—to understand the BOD and Key staff's needs, concerns, key issues, opportunities; Manage expectations regarding what's achievable in the next five years
- Facilitate Table Topic Discussions with BOD/Key Staff
-

Terms:

- SLT=Senior Leadership Team
- SME=Subject Matter Expert
- SWOT=Strengths, Weaknesses, Opportunities, Threats

Workshop Agenda:

Formal BOD Meeting	Notes
Call to Order	<ul style="list-style-type: none"> • Invocation • Pledge of Allegiance • Roll Call • Safety Briefing • Communications from the Public
Strategic Planning Agenda Item	Notes
1. Opening Remarks: Scott Graham and Chairman Ron Dailey	Scott's Key Points: <ul style="list-style-type: none"> • Thank for support • Highlight Accomplishments • Industry is changing—excited about the future • Options—Bold or stagnant in next five years Projects: <ul style="list-style-type: none"> • Funding, mandates, grants • SBCTA Relationship • West Valley Connector • Electrification
2. Board Member Alan Wapner, presents: “Drawing the Lines—Understanding Regional Agency Relationships”	Roles and responsibilities of the various regional transportation agencies
3. Purpose Statement and Workshop Overview—Teri Fisher	Teri kicked off the workshop with the following: <ul style="list-style-type: none"> • Goals for the session—Voice of the customer in mind (boy on the bus); listen for input to inform the next Strategic Plan • Established Session agreements • Introduced the Guidepost for Decision Making and Prioritizing <ul style="list-style-type: none"> --What's best for community/customer --What's best for OmniTrans --Regulatory Mandates and Compliance --Impact on customer: quantitative & qualitative --Long term viability/sustainability of OmniTrans --Efficient and effective --Financial impact: save \$/make \$

<p>4. Conduct a SWOT Analysis</p>	<p>Teri introduced the purpose, definitions, and process for a SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis. The SWOT is a process that is used as a primer for a strategic planning process that informs how to leverage Omnitrans’ strengths, what glaring weaknesses need to get fixed, which opportunities need to be pursued, and lastly, identify how to mitigate threats that could most impact Omnitrans’ ability to succeed. Citing data and industry trends are critical in the SWOT process.</p> <p>Then teams were formed with a mix of the SLT, the Board and other guests—each group responsible for brainstorming in specific category.</p> <p>SLT members/category:</p> <ul style="list-style-type: none"> • S=Scott, Shawn, Suzanne • W=Wendy, Don, Doug • O=Erin, Jeremiah, Jacob • T=Connie, Trischelle <p>Debrief: Each team shared their ideas with the larger group. The large group was then taken through a consensus building activity with the end result being a stacked ranking of the group’s collective prioritizing of Opportunities and conversely, which Threats would have the highest likelihood of occurring along with the greatest impact on Omnitrans’ success. RESULTS:</p> <p>Opportunities: (Erin, Jeremiah, Jacob + Non-SLT)</p> <ul style="list-style-type: none"> Partnering with other agencies, i.e. Connectivity (16) MicroTransit i.e. Uber/Lyft-like services (13) New modes/multimedia will transit (10) Research best practices-ABBG partnership (9) <p>Threats: (Connie, Trischelle + Non SLT)</p> <ul style="list-style-type: none"> Funding (32) Mandates-unfunded (11) Increasing benefits-retirement (9)
<p>5. Table Topics Discussion</p>	<p>Teri introduced the Table Topics purpose and process.</p> <p>Purpose:</p> <ul style="list-style-type: none"> • Listen for input to inform the Strategic Plan in three critical areas (Topics below) • Speak with ONE voice

	<ul style="list-style-type: none"> • Seek alignment from all parties on the future direction of Omnitrans • Hear their perspective and approach on the given topic <p>Process:</p> <ol style="list-style-type: none"> 1. Each table had three SME SLT Members and a mix of participants from the BOD and other guests—the groupings were pre-determined. 2. To stimulate thought, each member of each group was given a list of questions to answer that was drawn upon in the conversation. 3. Notes were taken at each table of the key conversational points and takeaways. 4. Large group debrief and discussion—What was learned? Discussed? Make connection to Strategic Plan.
6. Close and next steps	<p>Scott discussed next steps in the Strategic Planning process.</p> <p>Teri Facilitated - each person shares one key take-away from the session today - Something they most appreciated, learned, discussed.</p> <p>Closing remarks: Chairman Dailey provided some closing remarks and mentioned that an ad hoc committee would be formed to include members of the Omnitrans and SBCTA Boards to discuss some of the funding challenges discussed at today’s workshop. He thanked everyone for attending and adjourned the meeting.</p>
7. Complete Session Evaluations	Session Evaluations Completed by attendees.

**BOARD OF DIRECTORS WORKSHOP
MINUTES
MARCH 14, 2019**

A. CALL TO ORDER

The Board of Directors Workshop was called to order by Chairman Ron Dailey at 1:00 p.m., Thursday, March 14, 2019, at the Doubletree by Hilton, Lake Arrowhead Room, Ontario, CA.

1. Pledge of Allegiance
2. Roll Call

BOARD MEMBERS PRESENT

Council Member Ron Dailey, City of Loma Linda – Chairman
Mayor Pro Tem David Avila, City of Yucaipa – Vice Chairman
Mayor Eunice Ulloa, City of Chino
Mayor Frank Navarro, City of Colton
Mayor Pro Tem John Roberts, City of Fontana
Mayor Darcy McNaboe, City of Grand Terrace
Council Member John Dutrey, City of Montclair
Council Member Alan Wapner, City of Ontario
Council Member Sam Spagnolo, City of Rancho Cucamonga
Council Member Theodore Sanchez, City of San Bernardino - Alternate
Supervisor Janice Rutherford, County of San Bernardino

OTHERS IN ATTENDANCE

Dr. Kimberly Collins, California State University San Bernardino
Teri Fisher, Insight Strategies – Facilitator
Alonso Ramirez, Council Member Alan Wapner’s Office
Stephanie Rose, Supervisor Janice Rutherford’s Office
Ray Wolfe, San Bernardino County Transit Authority
Andrea Zureick, San Bernardino County Transit Authority

OMNITRANS’ ADMINISTRATIVE STAFF PRESENT

P. Scott Graham, CEO/General Manager
Erin Rogers, Deputy General Manager
Shawn Brophy, Director of Operations
Jacob Harms, Director of Information Technology
Suzanne Pfeiffer, Director of Human Resources
Connie Raya, Director of Maintenance

Doug Stanley, Director of Special Transportation Services
Don Walker, Director of Finance
Wendy Williams, Director of Marketing-Planning
Jeremiah Bryant, Service Planning Manager
Harry Morck, Network Administrator

B. COMMUNICATIONS FROM THE PUBLIC

There were no communications from the public.

C. STRATEGIC PLANNING WORKSHOP

1. Opening Remarks – *Chairman Dailey and CEO, P. Scott Graham*

CEO/General Manager, P. Scott Graham welcomed everyone to the Workshop and thanked the Board for their commitment and support of Omnitrans. He provided a brief overview of the Agency highlights and accomplishments as well as some of the challenges the Agency is facing in the coming years.

Chairman Dailey also welcomed the Board and guests in attendance. He expressed some excitement for future changes in the industry and briefly highlighted the areas of funding, grant opportunities, West Valley Connector Project, Rail, electrification, and collaboration with the San Bernardino County Transportation Authority.

2. Purpose Statement and Workshop Overview - *Teri Fisher, Insight Strategies, Inc.*

Ms. Fisher reviewed the Workshop goals and introduced some Guideposts for Decision Making and Prioritizing.

3. “Drawing the Lines” Presentation – *Council Member Alan Wapner, City of Ontario*

Member Wapner presented a PowerPoint that provided an overview of the roles and responsibilities of the various regional transportation agencies.

4. Discussion of Strengths, Weaknesses, Opportunities and Threats (SWOT Analysis) - *Teri Fisher, Insight Strategies Inc.*

Ms. Fisher reviewed the purpose, definitions, and process for this analysis. She explained how the SWOT analysis is used in the strategic planning process to identify some of the Agency’s strengths, weaknesses, opportunities and threats.

5. Table Topic Break-Out Sessions – *Teri Fisher, Insight Strategies Inc.*

Discussion groups were formed that included Members, staff and guests. The three topics discussed were 1) Funding & Financial Stewardship, 2) Customer Focus; and 3) Regional Mobility. Each team reported out their main points and the entire group had the opportunity to provide additional comments.

6. Close and Next Steps

Mr. Graham discussed the next steps in the strategic planning process.

The attendees were asked to share one key take-away from the Workshop.

Chairman Dailey provided some closing remarks. He mentioned that an ad hoc committee would be formed to include members of the Omnitrans and SBCTA Boards to discuss some of the funding challenges discussed at today's Workshop.

7. Complete Session Evaluations

The attendees were asked to fill out evaluation forms.

D. ADJOURNMENT

The Board of Directors Workshop adjourned at 5:00 p.m.

Prepared by:

Araceli Barajas, Sr. Executive Asst. the CEO
Clerk of the Board

Regional Cooperation

HON. ALAN D. WAPNER

ONTARIO CITY COUNCIL MEMBER

BOARD MEMBER, OMNITRANS AND SBCTA

PRESIDENT, SCAG

OMNITRANS BOARD OF DIRECTORS WORKSHOP

MARCH 14, 2019

Key roles and responsibilities



- Provide safe and reliable public transit.
- Develop Short Range Transportation Plan.



- Coordinate regional transportation efforts.
- Develop Countywide Transportation Plan (CTP).
- Allocate funds for transit capital and ops.



- Develop Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS).
- Develop Federal Transportation Improvement Program (FTIP).

RTP/SCS – Connect SoCal



Represents long-term vision and accompanying investment framework to address regional transportation, land use challenges, and opportunities in the region.

Phase 1: Technical consultation

Phase 2: Local input on planned growth.

Phase 3: Scenario development.

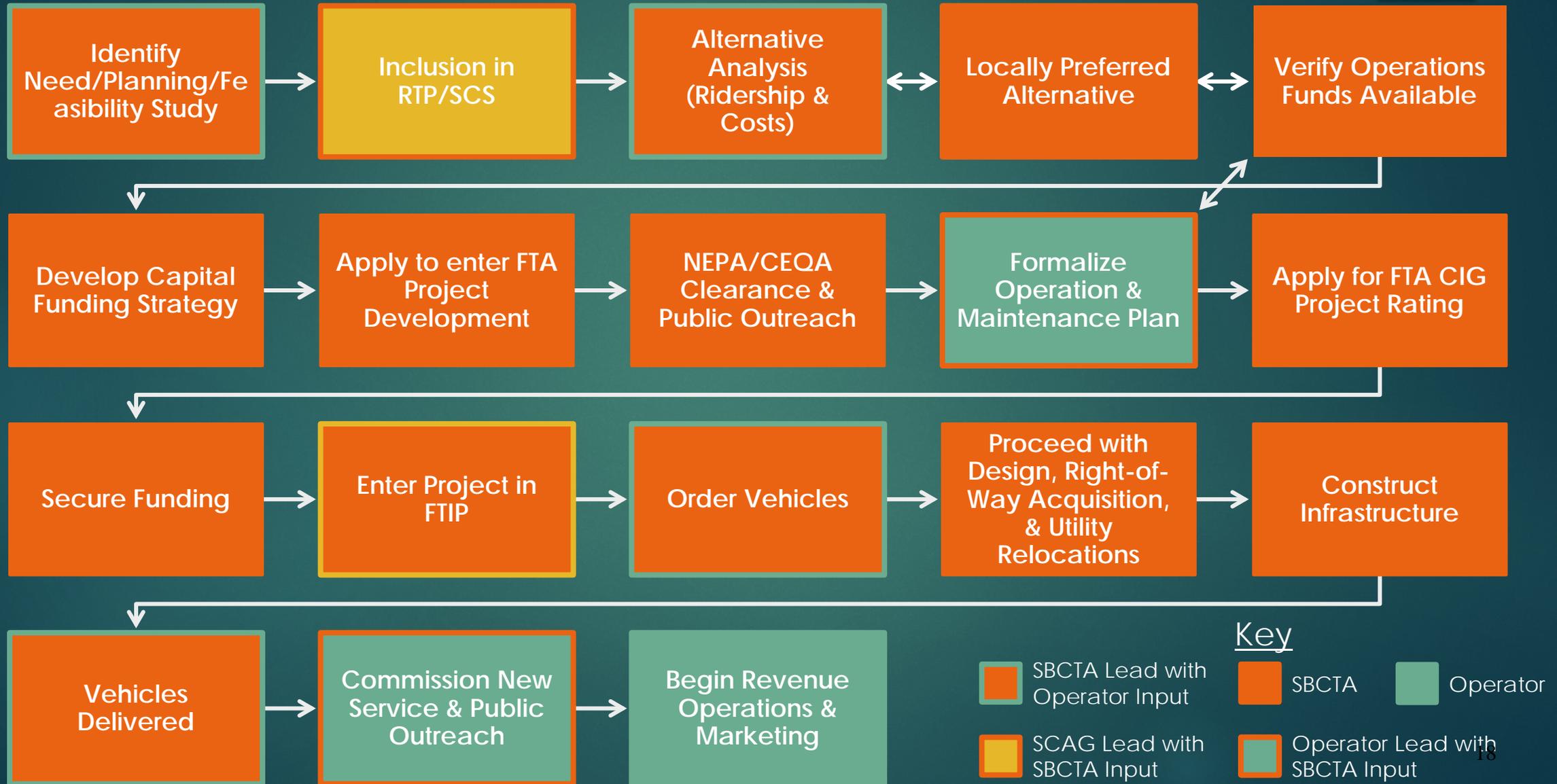
Phase 4: Engagement with the general public.

Funding & Transit Projects



- ▶ Local Transportation Fund (LTF)
- ▶ Federal Transit Administration (FTA) grants & programs
- ▶ State Transit Assistance (STA)
- ▶ Federal Congestion Mitigation and Air Quality (CAMQ) Program
- ▶ Measure I (senior and disabled, Bus Rapid Transit, and Rail Programs)
- ▶ State Low Carbon Transit Operations Program (LCTOP) & State of Good Repair (SB 1)
- ▶ Other federal and state grants/loans
- ▶ Transit fares

Transit Capital Project Development Process



Increased cooperation



& Many Other Locations
Across Southern CA





**OmniTrans BOD Workshop
Strengths, Weaknesses, Opportunities and Threats
(SWOT) Analysis**

Strengths:

- Staff support and leadership
- Cost conscious
- Fleet and Operations
- State-of-the-Art Technology – OPS/MTX
- Safety and Security
- Meeting customer needs
- Modal options/connectivity
- Customer oriented
- Serve key destinations
- Funding through community partnerships
- Technology
- Special Transportation Services
- Relationships with other government agencies

Weaknesses:

- Communication of financial impacts of programs/services to BOD
- Low service frequency
- Inconvenient schedule-connections
- Slow versus car (travel time)
- Lack of response to changing/varied demand
- Fleet size
- Lack of innovation

Opportunities:

- Partnering with other agencies, i.e. Connectivity (16)
- Greater efficiencies (1)
- New workforce, new ideas-internship program (1)
- Seeking additional funding (4)
- Electrification (1)
- MicroTransit i.e. Uber/Lyft-like services (13)
- New technologies equal better service offerings i.e. Safety features, app development (3)
- SB1 Funding (0)
- Expand special services (2)
- Intern Program (0)
- Research best practices-ABBG partnership (9)
- Local funding opportunity (0)
- Land use (0)
- New modes/multimedia will transit (10)

Threats:

- Funding (32)
- Skilled workforce (1)
- Mandates-unfunded (11)
- Decreasing ridership (3)
- Fares (3)
- Centralized planning (1)
- Rideshare (0)
- Autonomous vehicles (2)
- Electrification/ZEB (5)
- Technology (0)
- Increased transportation taxes (2)
- Competition for funding grants (4)
- Increasing benefits-retirement (9)
- Land use (1)

**Strategic Plan Board Workshop 2019
Table Topic Teams**

Table 1	Table 2	Table 3
Funding & Financial Stewardship	Customer Focus	Regional Mobility in the Future
SLT SMEs: <ul style="list-style-type: none"> • <i>Jeremiah Bryant</i> • <i>Don Walker</i> • <i>Connie Raya</i> 	SLT SMEs: <ul style="list-style-type: none"> • <i>Wendy Williams</i> • <i>Trischelle Baysden</i> • <i>Suzanne Pfeiffer</i> 	SLT SMEs: <ul style="list-style-type: none"> • <i>Jacob Harms</i> • <i>Shawn Brophy</i> • <i>Doug Stanley</i>
<ul style="list-style-type: none"> • Chairman Ron Dailey – City of Loma Linda • Member Alan Wapner – City of Ontario • Alonso Ramirez- Member Wapner’s Office • Member Sam Spagnolo – City of Rancho Cucamonga • Supervisor Janice Rutherford – County of San Bernardino • Stephanie Rose – Supervisor Rutherford’s Office • Andrea Zureick – San Bernardino County Transportation Authority 	<ul style="list-style-type: none"> • Member Eunice Ulloa – City of Chino • Member Frank Navarro – City of Colton • Member Darcy McNaboe – City of Grand Terrace • Member Penny Lilburn – City of Highland • Vice Chairman David Avila – City of Yucaipa 	<ul style="list-style-type: none"> • Member John Roberts – City of Fontana • Member John Dutrey – City of Montclair • Member Theodore Sanchez – City of San Bernardino • Ray Wolfe – San Bernardino County Transportation Authority • Dr. Kimberly Collins – California State University San Bernardino

- Scott Graham
- Erin Rogers
- Teri Fisher

Strategic Plan Board Workshop 2019

Notes from the Funding & Financial Stewardship Group Table

SLT SMEs:

- *Jeremiah Bryant*
- *Don Walker*
- *Connie Raya*

Notes from the Funding & Financial Stewardship Group Table

- Uncertainty in funding.
- Can't keep running 40' buses.
- Need to change our model – look at MicroTransit.
- Re-think what our customers want.
- Think transportation agency – what can we do for our customers?
- If routes are not productive, cut service, show balance.
- If there isn't enough critical mass to make it profitable, don't do it.
- If there are profitable routes, Uber/Lyft are already there.
- What are the things we have to do to meet the legal requirements for transportation?
- Concerns about our ability to compete with private agencies.
- "Omni-ride" come to your door like Uber/Lyft – demand response.
- Restructure, and use smaller more economical buses. Can we use smaller buses?
- Rethink 60' buses, is it profitable?
- Development along the line.
- Spend transportation dollars in a different way.
- How do we move our low productive service into highest ridership routes?
- 10-year delivery plan – Delivered on most of our commitments, moving quickly for Measure I Reauthorization.

What do you envision this priority looking like in the next five years?

- Re-think the way we do business.
- Have ad-hoc meetings.

What other thoughts do you have on this area of priority?

- Look at new funding sources.
- Extension of Measure I.

Strategic Plan Board Workshop 2019

Notes from the Customer Focus Group Table

SLT SMEs:

- *Wendy Williams*
- *Trischelle Baysden*
- *Suzanne Pfeiffer*

Customer Focus Group Responses to Questions

What do you envision this priority to look like?

- Communication between driver/passenger
- Amenities at stops (lighting)
- Reasonable price
- Digital card – stored value card
- Environment on the bus (cleanliness)
- Identify why ridership is down and address those issues
- Personalized trips (Uber/Lyft)
- Tap into Gen Z who are postponing getting licenses
- Don't forget about the big group of people that don't use technology
- Make sure service is easy to use-simplify
- Decrease wait time between buses
- Make the bus/rail connection easy
- Address first mile/last mile concerns
- Create an environment for satisfied employees: make sure they have a place to provide feedback since they are the ones closest to the customer
- Create a rewards program for frequent riders
- Be responsive to customer concerns that are brought to us (ex: Access person at Board meeting)
- Provide service closer to high density housing, specifically the elderly: they don't feel safe walking, or have medical/special needs.

What potential challenges could inhibit Omnitrans from achieving this five-year vision?

- Funding that is already committed (no new funding)
- Inability to respond quickly to change
- Determining whether the above are practical solutions

- Are we using the right equipment to address the above? Do we have the right number and types of vehicles?
- Our infrastructure may not be able to support some of our ideas
- We live in a culture where automobiles are valued, we want our independence to go when and where we want
- We serve a broad geographical area

What role can the Board or you personally play in achieving this vision?

- Be supportive of innovation
- Take risks
- Work with higher level agencies for support (Sacramento/Washington)
- Rally around and promote public transit
- Look at land use opportunities (TOD)
- Work with other regional Boards and collaborate to make our voice louder

Strategic Plan Board Workshop 2019

Notes from the Regional Mobility Table

SLT SMEs:

- *Jacob Harms*
- *Shawn Brophy*
- *Doug Stanley*

Notes from the Regional Mobility Table

Regional Mobility in the Future

- Multi-modal transportation
- Trips spanning multiple agencies / transit districts
- How we meet transit needs for different customer types throughout the region
- Seen disruptive technology and innovation in transit (TNC's, increased mobile platform adoption, improved communication of data) combined with economic factors that translate into new challenges for meeting service requirements and rising customer expectations

Unconstrained

How does Omnitrans tie into other transit systems?

- Technology

How to leverage transit partners?

- Better coordination

Constrained

Farebox recovery (not sustainable at 20 percent Farebox RR)

- Look for efficiencies / route changes to improve this

TNC partnerships for low productivity routes

- Reduce costs

Funding

- Operating within our constrained funding forecast

Success

- Service offering meeting demand
- Matching bus type with customer demand

Take-Aways/Something that stood out

- Challenges are daunting, we need to think in different ways-strike a balance.
- Funding short fall-tackle and address it early.
- SBCTA needs to look at all services-where can we use our money (ad hoc committee).
- Board meetings are too structured for free discussion such as this forum. Productive discussions are in these type workshops, we should have them more frequently.
- How do we get Board members to engage? Possible “no vote” on the strategic plan?
- V-TRANS being brought under Omnitrans saved a lot of money. How can we be more effective with five transit agencies vs. one? We can’t keep doing business the same way. We need to spend wisely.
- Omnitrans staff is ready to do what we need them to do.
- Our constituents are the *entire* district.
- Business as usual is not going to do it. Provide what we can with the money we get.
- There is an urgency to the challenges we face. We are adapting to the environment too slowly.
- There is a wall that we must get over. Work collaboratively with other agencies. We need way out of the box (universe) thinking.
- We must do something different.
- These are real constraints that we must work with.
- Where is there alternative funding?

ITEM # E3

DATE: April 5, 2019

TO: Board Chair Ron Dailey and Members of the Executive Committee

FROM: P. Scott Graham, CEO/General Manager

**SUBJECT: UPDATE ON DEVELOPMENT OF PROPOSED FISCAL YEAR 2020
MANAGEMENT PLAN**

FORM MOTION

Receive an informational update on the development of the Proposed Fiscal Year 2020 Management Plan, which outlines the CEO/General Manager's annual operational plan.

BACKGROUND

Omnitrans contracted with Insight Strategies, Inc. to develop the Fiscal Year 2020 Management Plan. In development of the plan, Ms. Teri Fisher, CEO and Managing Partner guided the Senior Leadership Team through a structured collaborative process to define the initiatives for Omnitrans in Fiscal Year 2020. The 12-month Management Plan was derived from the Fiscal Year 2017-2020 Strategic Plan adopted by the Board of Directors in April 2016. The Management Plan aligns with Omnitrans' Short Range Transit Plan for Fiscal Year 2015-2020 – *OmniConnects*, as well as the San Bernardino County Transportation Authority Fiscal Year 2015-2019 Short Range Transit Plan. In addition, a recent Board of Directors Workshop, which was held as a kick-off to the upcoming strategic planning process, further informed the focus of the FY2020 Management Plan.

The Management Plan for Fiscal Year 2020 is focused on five Strategic Initiatives:

1. Customer Focused Service and Development
2. Safety and Security
3. Employee Engagement and Development
4. Innovation and Technology
5. Financial Stability and Funding Growth

Each initiative consists of five sections:

1. Strategic Initiative Objective – Statement of need and purpose focused on FY20.
2. Actions – Key activities for FY20 necessary to complete the Initiative.
3. Accountability Measures – Milestones and/or indicators used to articulate quarterly progress and achievements.

4. Support for the Omnitrans Strategic Plan FY17-FY20 – Identifies the Strategic Goals, Outcomes, Performance Indicators and Strategies. Each Strategic Initiative supports to ensure continuing alignment with the 3-year Strategic Plan.
5. Leadership Team Members – responsible for coordinating implementation for the Strategic Initiative and documenting/reporting on its progress.

A cross-cutting team of Senior Leadership Members is assigned to each initiative and will meet monthly to evaluate progress of each initiative to address any challenges that arise and implement corrective action where tasks are not achieved. The plan will be communicated to all staff to ensure there is sufficient understanding and quarterly reports tracking the progress of the performance indicators will be provided to the Board of Directors.

CONCLUSION

The Fiscal Year 2020 Management Plan is under development and will be presented to the Administrative and Finance Committee Meeting and then forwarded to the Board of Directors for approval. The Management Plan is intended to provide clear objectives that align with the Strategic Plan and the Short Range Transit Plan.

PSG: ER



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ITEM # E4

DATE: April 5, 2019

TO: Board Chair Ron Dailey and Members of the Executive Committee

FROM: P. Scott Graham, CEO/General Manager

SUBJECT: OMNITRANS TRANSIT DISTRICT LEGISLATION

FORM MOTION

Receive and file update on Omnitrans Transit District Legislation.

Authorize the CEO/General Manager to work with Omnitrans General Counsel and Legislative Advocate on review and negotiation of amendments to the Omnitrans Transit District legislation.

BACKGROUND

On February 22, 2019, Assembly Member Reyes introduced Assembly Bill (AB) 1457, an act to add Part 19 (commencing with Section 108000) to Division 10 of the Public Utilities Code, relating to transportation, to create the Omnitrans Transit District. AB 1457, as published by the State Legislative Counsel, is attached to this agenda report.

ANALYSIS

AB 1457 will be considered by the State Local Government Committee on April 10, 2019. Omnitrans' Legislative Advocate has received requested amendments to the legislation from the Committee Chair's representative, and is reviewing these requests with the representative. The most current requested changes will be presented to and discussed with Executive Committee.

CONCLUSION

In order to ensure that AB 1457 successfully moves through State legislative committees, recommended amendments to the legislation will need to be considered, and possibly agreed to by Omnitrans. Staff requests that the Executive Committee authorize the CEO/General Manager to work with Omnitrans General Counsel and Legislative Advocate on review and negotiation of amendments to the Omnitrans Transit District legislation.

Attachment A: AB-1457 - Omnitrans Transit District, Legislative Counsel Digest published version.

ASSEMBLY BILL

No. 1457

Introduced by Assembly Member Reyes

February 22, 2019

An act to add Part 19 (commencing with Section 108000) to Division 10 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1457, as introduced, Reyes. Omnitrans Transit District.

Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit services.

This bill would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district. The bill would require the district to succeed to the rights and obligations of the existing Omnitrans Joint Powers Authority and would dissolve that authority. The bill would require the transfer of assets from the authority to the district. The bill would provide for a governing board composed of representatives of governing bodies within the county and would specify voting procedures for the taking of certain actions by the board. The bill would specify the powers and duties of the board and the district to operate transit services, and would authorize the district to seek voter approval of retail transactions and use tax measures and to issue revenue bonds. The bill would enact other related provisions. By imposing

requirements on the district and affected local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Part 19 (commencing with Section 108000) is
2 added to Division 10 of the Public Utilities Code, to read:

3
4 PART 19. OMNITRANS TRANSIT DISTRICT

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6 CHAPTER 1. GENERAL PROVISIONS

7
8 108000. This part shall be known and may be cited as the
9 Omnitrans Transit District Act.

10 108001. It is the intent of the Legislature in enacting this part
11 to provide for a unified, comprehensive institutional structure for
12 the ownership and governance of a transit system within the County
13 of San Bernardino to develop, provide, operate, and administer
14 public transportation. It is further the intent of the Legislature that
15 the district established by this act shall succeed to the powers,
16 duties, obligations, liabilities, immunities, and exemptions of
17 Omnitrans, a joint powers authority formed pursuant to the Joint
18 Exercise of Powers Act (Chapter 5 (commencing with Section
19 6500) of Division 7 of Title 1 of the Government Code), upon its
20 dissolution.

21 108002. The Cortese-Knox-Hertzberg Local Government
22 Reorganization Act of 2000 (Part 1 (commencing with Section
23 56000) of Division 3 of Title 5 of the Government Code) shall not
24 apply to the formation or dissolution of the district.

CHAPTER 2. DEFINITIONS

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108010. Unless the context otherwise requires, the provisions of this section govern the construction of this part.

(a) “Board of directors,” “board,” and “directors,” means the board of directors of the district.

(b) “Board of supervisors” means the Board of Supervisors of the County of San Bernardino.

(c) “City” means, individually, the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Yucaipa, and any other city within the County of San Bernardino that joins as a member of the district as set forth in this part.

(d) “County” means, individually, the County of San Bernardino, and any other county which is annexed, in whole or in part, to the district as provided in this part.

(e) “District” means the Omnitrans Transit District.

(f) “Establish” includes establish, construct, complete, acquire, extend, or reroute. It does not, however, include the maintenance and operation of any existing system acquired by the district.

(g) “Indebtedness” means bonds, notes or other evidences of indebtedness, and all other obligations, instruments and agreements which are issued or incurred by or on behalf of the district pursuant to any other law to finance the lease, acquisition, construction, or improvement of a public improvement or working capital needs.

(h) “Omnitrans JPA” means the joint powers authority formed pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) through that certain joint powers agreement titled “Amended and Restated Joint Powers Agreement between the County of San Bernardino and the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa Creating a County Wide Transportation Authority to be Known as ‘Omnitrans,’” dated July 1, 2016.

(i) “Person” includes any individual, firm, partnership, association, corporation, limited liability company, trust, business trust, or the receiver or trustee or conservator for any of these, but does not include a public agency, as defined in subdivision (j).

1 (j) "Public agency" includes the State of California, and any
2 county, city, district or other political subdivision or public entity
3 of, or organized under the laws of, this state, or any department,
4 instrumentality, or agency thereof.

5 (k) "Revenues", unless otherwise defined, means all rates, fares,
6 tolls, rentals, fees, charges or other income and revenue actually
7 received or receivable by, or for the account of, the district from
8 the operation of the system, including, but not limited to, interest
9 allowed on any moneys or securities, any profits derived from the
10 sale of any securities, any consideration in any way derived from
11 any properties owned, operated, or at any time maintained by the
12 district, and all local, state, or federal funds received by the district.

13 (l) "System" means all transit works and transit facilities owned
14 or held, or to be owned or held, by the district for transit purposes.

15 (m) "Transit" and "transit service" means the transportation of
16 passengers and their incidental baggage by any means.

17 (n) "Transit works" or "transit facilities" means any or all real
18 and personal property, equipment, rights, facilities, title, or interests
19 owned, or to be acquired, by the district for transit service or
20 purposes for the operation thereof.

21 (o) "Voter" means any elector who is registered under the
22 Elections Code.

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CHAPTER 3. FORMATION OF DISTRICT

26 108030. (a) There is hereby created the Omnitrans Transit
27 District, comprising the territory lying within the boundaries of
28 the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace,
29 Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga,
30 Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and the
31 territory described in subdivision (b), and other cities that
32 subsequently qualify as members pursuant to the requirements set
33 forth in Section 108032.

34 (b) (1) The unincorporated areas of the County of San
35 Bernardino lying within the following census tracts are also part
36 of the district:

- 37 6071000303, 6071000304, 6071000401, 6071000403,
38 6071000404, 6071000821, 6071002204, 6071002401, 6071002402,
39 6071002501, 6071002502, 6071002706, 6071003301, 6071003302,
40 6071003403, 6071003405, 6071003606, 6071004001, 6071004003,

1 6071004101, 6071004103, 6071004104, 6071004507, 6071006100,
2 6071006204, 6071006302, 6071006601, 6071007403, 6071007800,
3 6071008601, 6071008602, and 6071008706.

4 (2) The census tracts described in paragraph (1) are based on
5 data from the 2014 American Community Survey (ACS) for the
6 State of California on file with the Bureau of the Census,
7 Department of Commerce, Washington, D.C.

8 108031. Through compliance with the provisions for
9 annexation, the territory of all or part of any other contiguous city
10 or county may be included within the district.

11 108032. Any city within the County of San Bernardino, other
12 than a city specifically listed in Section 108030 that is already
13 included in the district at its formation, may join as a member of
14 the district upon approval by its city council of a resolution
15 approving the city's joining as a member and a resolution of the
16 district's board approving the joining of the new member.

17 108033. (a) On and after January 1, 2020, Omnitrans JPA
18 shall be dissolved and without the necessity of any further action,
19 the district shall succeed to any or all obligations, liabilities,
20 indebtedness, bonded and otherwise, immunities, and exemptions
21 of Omnitrans JPA and its board of directors.

22 (b) Upon the dissolution of Omnitrans JPA and without the
23 necessity of any further action, the district shall assume the rights
24 and obligations of Omnitrans JPA under any contract to which
25 Omnitrans JPA is a party and which is to be performed, in whole
26 or in part, on or after the date of dissolution of Omnitrans JPA.

27 (c) Upon the dissolution of Omnitrans JPA and without the
28 necessity of any further action, all real and personal property owned
29 by Omnitrans JPA shall be transferred to the district.

30 (d) On and after the date of dissolution of Omnitrans JPA, any
31 reference in any law or regulation to Omnitrans JPA shall be
32 deemed to refer to the district.

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34 CHAPTER 4. GOVERNMENT OF DISTRICT

35

36 108040. The district shall be governed by a board of directors.
37 All powers, privileges, and duties vested in or imposed upon the
38 district shall be exercised and performed by and through the board
39 of directors, except that the exercise of all executive,
40 administrative, and ministerial power may be delegated and

1 redelegated by the board of directors to any of the offices, officers,
2 or committees created pursuant to this chapter or created by the
3 board of directors acting pursuant to this chapter.

4 108041. The board of directors shall consist of 20 members as
5 follows:

6 (a) The board shall be composed of one primary representative
7 selected by the governing body of each city that is a member of
8 the district and four members of the board of supervisors to serve
9 until recalled by the governing body of the city or county. Each
10 director shall be a mayor, councilperson, or supervisor of the
11 governing body that selected that person. Vacancies shall be filled
12 in the same manner as originally selected.

13 (b) Each city and the county shall also select in the same manner
14 as the primary or secondary representative, if applicable, one
15 alternate to serve on the board when the primary representative is
16 not available. Whenever the alternate director serves on the board,
17 the alternate director shall have all the powers of a regular director.

18 (c) The board may allow for the appointment of advisory
19 representatives to sit with the board but in no event shall advisory
20 representatives be allowed a vote.

21 (d) The board may increase the number of board members, or
22 change the method of selection of board members, by resolution,
23 to accommodate new member cities that join the district pursuant
24 to Section 108032.

25 108042. The board, at its first meeting, and biennially thereafter
26 at the first meeting in June, shall elect a chairperson who shall
27 preside at all meetings, and a vice chairperson who shall preside
28 in the absence of the chairperson. The chairperson and the vice
29 chairperson shall serve two-year terms. Notwithstanding the
30 foregoing, the vice chairperson shall become chairperson for the
31 subsequent two-year term in the absence of a vote by the board of
32 directors to the contrary. If the chairperson and vice chairperson
33 are absent or unable to act, the members present, by an order
34 entered in the minutes, shall select one of their members to act as
35 chairperson pro tem, who, while so acting, shall have all the
36 authority of the chairperson.

37 108043. The officers of the board shall consist of the members
38 of the board of directors, the chairperson and vice chairperson of
39 the board, a secretary, a general manager, a general counsel, and

1 any other officers that the board deems necessary and provides for
2 in its bylaws, or by ordinance or resolution.

3 108044. The board shall appoint and fix the salary of a general
4 manager who shall have full charge of the acquisition, construction,
5 maintenance, and operation of the facilities of the district, and of
6 the administration of the business affairs of the district.

7 108045. The board of directors shall do all of the following:

8 (a) Adopt bylaws for its procedures consistent with the laws of
9 the state.

10 (b) Adopt an annual budget.

11 (c) Adopt a conflict-of-interest code.

12 (d) Adopt priorities reflecting the district's goals.

13 (e) Establish the amount of compensation that each board
14 member shall receive.

15 (f) Do any and all things necessary to carry out the purposes of
16 this part.

17 108046. A majority of the board or of a standing committee
18 of the board entitled to vote constitutes a quorum for the transaction
19 of business. All official acts of the board or a standing
20 subcommittee of the board require the affirmative vote of a
21 majority of the board or committee members present.

22 108047. The acts of the board shall be expressed by motion,
23 resolution, or ordinance.

24 108048. All meetings of the board shall be conducted in the
25 manner prescribed by the Ralph M. Brown Act (Chapter 9
26 (commencing with Section 54950) of Part 1 of Division 2 of Title
27 5 of the Government Code).

28

29 CHAPTER 5. POWERS AND FUNCTIONS OF THE DISTRICT

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31 Article 1. Corporate and General Powers of the District

32

33 108050. The district shall have the power to own, operate,
34 manage, and maintain a public transit system and associated
35 facilities, and, in the exercise of the power under this part, the
36 district is authorized in its own name to exercise all rights and
37 powers, expressed or implied, that are necessary to carry out the
38 purposes and intent of this part, including, but not limited to, the
39 power to do all of the following:

40 (a) Sue and be sued.

- 1 (b) Employ agents and employees, contract for services, and
- 2 define the qualifications and duties for agents, employees and
- 3 contractors.
- 4 (c) Enter into and perform all necessary contracts.
- 5 (d) Adopt a seal and alter it at the district’s pleasure.
- 6 (e) Enter joint powers arrangements with other entities.
- 7 (f) Appoint advisory, standing, or ad hoc committees as it deems
- 8 necessary.
- 9 (g) Enact ordinances, resolutions, policies, and guidelines.
- 10 (h) Acquire, convey, construct, manage, maintain, and operate
- 11 buildings and improvements, equipment, and assets of the district.
- 12 (i) Acquire, convey, and dispose of real and personal property,
- 13 easements, and licenses.
- 14 (j) Adopt a conflict-of-interest code.
- 15 (k) Acquire by the exercise of the power of eminent domain or
- 16 otherwise, or hold, lease, sublease, sell or otherwise dispose of
- 17 any real or personal property, tangible or intangible, equipment,
- 18 and facilities.
- 19 (l) Create and administer funds and the distribution of those
- 20 funds.
- 21 (m) Create and enact taxes, fees, fares, and penalties, as
- 22 permitted by law.
- 23 (n) Advocate on behalf of the district.
- 24 (o) Develop and pursue ballot measures.
- 25 (p) Enforce criminally or civilly, as applicable, any and all
- 26 ordinances, resolutions, and policies as permitted by law.
- 27 (q) Issue, incur, and encumber indebtedness. The debts,
- 28 obligations, and liabilities incurred by the district shall not be, nor
- 29 shall they be deemed to be, debts, encumbrances, obligations, or
- 30 liabilities of any member.
- 31 (r) Invest money in the district treasury that is not needed for
- 32 immediate necessities, as the board determines advisable, in the
- 33 same manner and upon the same conditions as other local entities
- 34 in accordance with Section 53601 of the Government Code.
- 35 (s) Pursue collection of obligations owed to the district.
- 36 (t) Exercise the right and power of eminent domain to take any
- 37 property necessary or convenient to the exercise of the powers
- 38 granted in this part.
- 39 (u) Subject to applicable law, provide transportation services
- 40 or facilities outside the district’s jurisdictional boundaries if a

1 finding is made by the board that those services or facilities benefit
2 the citizens or users of the transportation service or facilities.

3 (v) Do and undertake any and all other acts reasonable and
4 necessary to carry out the purposes of this part.

5 108051. All claims for money or damages against the district
6 are governed by Division 3.6 (commencing with Section 810) of
7 Title 1 of the Government Code, except as provided herein or by
8 other statutes or regulations expressly applicable thereto.

9

10 Article 2. Contracts

11

12 108060. The district may make contracts and enter into
13 stipulations of any nature whatsoever, employ labor, and do all
14 acts necessary and convenient for the full exercise of the powers
15 granted in this part.

16 108061. The district may contract with any department or
17 agency of the federal government, with any public agency, or with
18 any person upon terms and conditions as determined to be in the
19 best interest of the district.

20 108062. The Legislature finds and declares that there is a
21 compelling interest in ensuring that all federal, state, local, and
22 private funds available to the district are captured and used in a
23 timely manner. In order to maximize the use of federal, state, local,
24 and private funds and to maintain a competitive posture in seeking
25 supplemental federal funds, the district shall have the authority to
26 establish and use a flexible contracting process to maximize
27 efficient use of public funds.

28 108063. The district may insure against any accident or
29 destruction of the system or any part of the system. The district
30 may insure against loss of revenues from any cause whatsoever.
31 It may provide, in the proceedings authorizing the issuance of any
32 bonds, for the carrying of insurance in such amount and of such
33 character as may be specified, and for the payment of the premiums
34 thereon. The district may also provide insurance as provided in
35 Part 6 (commencing with Section 989) of Division 3.6 of Title 1
36 of the Government Code.

Article 3. Transit Facilities and Services

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3 108070. The district may provide transit service for the
4 transportation of passengers and their incidental baggage by any
5 means, including, but not limited to, through the operation of buses,
6 specialized transit vehicles, and passenger rail service.

7 108071. The district may lease or contract for the use of its
8 transit facilities, or any portion of its transit facilities, to any
9 operator, and may provide for subleases by the operator upon any
10 terms and conditions it deems in the public interest. As used in
11 this section, “operator” means any public agency or person.

12 108072. Subject to any applicable obligation to meet and confer
13 with public employee organizations, the district may contract with
14 any public agency or person to provide transit facilities and services
15 for the district.

16 108073. (a) The district may construct and operate or acquire
17 and operate transit works and facilities in, under, upon, over,
18 across, or along any state or public street or highway or any stream,
19 bay, or watercourse, or over any of the lands that are the property
20 of the state, to the same extent that those rights and privileges
21 appertaining thereto are granted to municipalities within the state.

22 (b) Before constructing or acquiring transit works and facilities
23 pursuant to subdivision (a), planning staff of the district shall meet
24 and confer with planning staff of the San Bernardino County
25 Transportation Authority regarding the proposed transit works or
26 facilities to avoid duplication of efforts, to assess financial
27 feasibility of ongoing operations and maintenance, and to maximize
28 resources for transit planning and implementation.

29 108074. The district may enter into agreements for the joint
30 use of any property and rights by the district and any public agency
31 or public utility operating transit facilities, and may enter into
32 agreements with any public agency or public utility operating any
33 transit facilities, and wholly or partially within or without the
34 district, for the joint use of any property of the district or of the
35 public agency or public utility, or the establishment of through
36 routes, joint fares, transfer of passengers, or pooling arrangements.

1 Article 4. Taxation, Fees, and Indebtedness

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3 108080. (a) The district may levy a retail transactions and use
4 tax ordinance applicable in the incorporated and unincorporated
5 territory of the county located in the district in accordance with
6 this article and Part 1.6 (commencing with Section 7251) of
7 Division 2 of the Revenue and Taxation Code. The ordinance shall
8 only become effective if adopted by a two-thirds vote of the board
9 and subsequently approved by the electors voting on the measure
10 at a special election called for the purpose by the board of
11 supervisors or at any regular election.

12 (b) The tax ordinance shall take effect at the close of the polls
13 on the day of election at which the proposition is adopted. The
14 initial collection of the transactions and use tax shall take place in
15 accordance with subdivision (e) below.

16 (c) If, at any time, the voters do not approve the imposition of
17 the transactions and use tax, this chapter remains in full force and
18 effect. The board may, at any time thereafter, submit the same, or
19 a different, measure to the voters in accordance with this chapter.

20 (d) The board, in ordinance shall state the nature of the tax to
21 be imposed, the tax rate or the maximum tax rate, the purposes for
22 which the revenue derived from the tax will be used, and may set
23 a term during which the tax will be imposed. Tax revenues shall
24 be used only for public transit purposes of the district, including
25 administration of this part and legal actions related thereto. The
26 ordinance shall contain an expenditure plan that shall include an
27 allocation of revenues.

28 (e) Any transactions and use tax ordinance adopted pursuant to
29 this article shall be operative on the first day of the first calendar
30 quarter commencing more than 150 days after adoption of the
31 ordinance.

32 (f) Before the operative date of the ordinance, the district shall
33 contract with the California Department of Tax and Fee
34 Administration to perform all functions incidental to the
35 administration and operation of the ordinance. The costs to be
36 covered by the contract may also include services of the types
37 described in Section 7272 of the Revenue and Taxation Code for
38 preparatory work up to the operative date of the ordinance. Disputes
39 as to the amount of the costs shall be resolved in the same manner
40 as provided in that section.

1 (g) The district, subject to the approval of the voters, may
 2 impose a maximum tax rate of one-half of 1 percent under this
 3 article and Part 1.6 (commencing with Section 7251) of Division
 4 2 of the Revenue and Taxation Code. The district shall not levy
 5 the tax at a rate other than one-half or one-fourth of 1 percent
 6 unless specifically authorized by the Legislature.

7 (h) Before adopting an ordinance pursuant to this section, the
 8 district shall obtain the approval by resolution of the board of the
 9 San Bernardino County Transportation Authority of the proposed
 10 tax.

11 (i) (1) The district may annually review and propose
 12 amendments to the expenditure plan contained in a transaction and
 13 use tax ordinance adopted pursuant to this article to provide for
 14 the use of additional federal, state, and local funds, to account for
 15 unexpected revenues, or to take into consideration unforeseen
 16 circumstances.

17 (2) The district shall notify the board of supervisors and the city
 18 council of each city in the district and provide them with a copy
 19 of the proposed amendments.

20 (3) The proposed amendments shall become effective 45 days
 21 after notice is given.

22 (j) As used in this section, “public transit purposes” includes
 23 the public transit responsibilities under the jurisdiction of the
 24 district as well as any repair, redesign, or ongoing maintenance of
 25 a district facility, any right-of-way upon which transit is intended
 26 to travel, or any bikeway, bicycle path, sidewalk, trail, pedestrian
 27 access, or pedestrian accessway, and all costs and expenses related
 28 thereto.

29 108081. The district may impose and administer fees and
 30 administer other funding sources secured for transportation system
 31 operation, maintenance, and improvement.

32 108082. The board may set fares for public transit service by
 33 resolution.

34 108083. As an alternative procedure for the raising of funds,
 35 the district may issue bonds, payable from revenues of any facility
 36 or enterprise to be acquired or constructed by the district, in the
 37 manner provided by the Revenue Bond Law of 1941 (Chapter 6
 38 (commencing with Section 54300) of Part 1 of Division 2 of Title
 39 5 of the Government Code), all of the provisions of which apply
 40 to the district.

1 108084. (a) (1) The district is a local agency within the
2 meaning of the Revenue Bond Law of 1941 (Chapter 6
3 (commencing with Section 54300) of Part 1 of Division 2 of Title
4 5 of the Government Code).

5 (2) The term “enterprise” as used in the Revenue Bond Law of
6 1941 shall, for all purposes of this part, include transit facilities
7 and any and all parts of transit facilities, and all additions,
8 extensions, and improvements thereto, and all other facilities
9 authorized to be acquired, constructed, or completed by the district.

10 (3) The district may issue revenue bonds under the Revenue
11 Bond Law of 1941, for any one or more facilities or enterprises
12 authorized to be acquired, constructed, or completed by the district,
13 or, as an alternative, may issue revenue bonds under the Revenue
14 Bond Law of 1941, for the acquisition, construction, and
15 completion of any one of those facilities.

16 (b) This part shall not prevent the district from availing itself
17 of, or making use of, any procedure provided in this part for the
18 issuance of indebtedness of any type or character for any of the
19 facilities or works authorized under this part, and all proceedings
20 may be carried out simultaneously or, as an alternative, as the
21 directors may determine.

22 108085. The district may advocate on and act on behalf of all
23 members with their concurrence to further the district’s transit
24 interests, funding, projects, and priorities.

25 108086. The district may adopt a plan for funding transit
26 projects or operations located within its jurisdiction or outside of
27 its jurisdiction as authorized by subdivision (u) of Section 108050,
28 or both.

29

30

CHAPTER 6. RIGHTS OF EMPLOYEES

31

32 108090. When the district acquires existing facilities, rights,
33 and obligations of Omnitrans JPA, all of the employees of
34 Omnitrans JPA shall be appointed to comparable positions by the
35 district. These employees shall be given sick leave, seniority,
36 vacation credits, and all other rights and obligations that they have
37 with Omnitrans JPA, upon the transfer of Omnitrans JPA to the
38 district.

1 108091. The district shall provide for district employee
2 retirement benefits under the program administered by the Public
3 Employees' Retirement System or other system permitted by law.

4
5 CHAPTER 7. LIABILITY OF MEMBERS
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7 108100. The members, whether individually or collectively,
8 shall not be liable for any act or omission of the district, including,
9 but not limited to, any of the following:

10 (a) Performing any and all things necessary to carry out the
11 purposes of this part.

12 (b) Any act of the district or for any act of the district's agents
13 or employees.

14 (c) The payment of wages, benefits, or other compensation to
15 officers, agents, or employees of the district.

16 (d) The payment of workers' compensation or indemnity to
17 agents or employees of the district for injury, illness, or death.

18
19 CHAPTER 8. DETACHMENTS
20

21 108200. (a) Territory within the district may be detached from
22 the district by a supermajority vote of the directors, which shall
23 be at least 80 percent of the nonweighted vote of the existing board,
24 if all pending legal and financial obligations have been satisfied.

25 (b) The detachment of territory from the district shall become
26 effective upon giving of the notice required in Section 57204 of
27 the Government Code, except that the detached territory shall not
28 be relieved from liability for taxation for the payment of any
29 bonded indebtedness existing at the time of detachment.

30 (c) Notice of the detachment of territory from the district shall
31 be given to each assessor whose roll is used for a tax levy made
32 pursuant to this part and with the State Board of Equalization
33 pursuant to Chapter 8 (commencing with Section 54900) of Part
34 1 of Division 2 of Title 5 of the Government Code.

35
36 CHAPTER 9. ANNEXATION
37

38 108300. (a) Any territory annexed into a member city shall
39 automatically be annexed into the district. For annexation of

1 territory in the unincorporated county into the district, the
2 annexation shall require approval of the board.

3 (b) A city located within the County of San Bernardino that is
4 not a member of the district may join the district pursuant to
5 Section 108032.

6
7 CHAPTER 10. DISSOLUTION
8

9 108400. (a) The district may be dissolved upon a supermajority
10 vote of the directors, which shall be at least 80 percent of the
11 nonweighted vote of the board. However, the winding up of the
12 district shall be conducted by the board and the general manager.
13 The district shall not be fully dissolved and terminated until all
14 debts, financial obligations, and liabilities are paid in full and any
15 and all remaining assets after payment of all debts, financial
16 obligations, and liabilities are distributed to the members.

17 (b) Distribution of assets to each member shall be made in the
18 same proportion as that reflected in the accumulated capital
19 contribution accounts from the records of the Omnitrans JPA, as
20 shown and maintained by the district's finance director in the
21 district's books of accounts. Cash may be distributed in lieu of
22 property or equipment.

23 (c) (1) If the directors cannot agree as to the valuation of the
24 property or to the manner of asset distribution, the question shall
25 be submitted to arbitration, as set forth in this subdivision and the
26 directors shall make the distribution or valuation as directed by
27 arbitrators.

28 (2) Three arbitrators shall be appointed.

29 (3) The arbitration shall be binding and shall be conducted
30 pursuant to Title 9 (commencing with Section 1280) of Part 3 of
31 the Code of Civil Procedure. Any hearings shall be held within
32 the county. All notices, including notices under Section 1290.4 of
33 the Code of Civil Procedure, shall be given to the governing body
34 of each member.

35 108401. The board shall wind up the affairs of the district.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district are the result of a program for which legislative authority
40 was requested by that local agency or school district, within the

- 1 meaning of Section 17556 of the Government Code and Section
- 2 6 of Article XIII B of the California Constitution.