



AGENDA
EXECUTIVE COMMITTEE MEETING
FRIDAY, JUNE 1, 2018 – 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: July 6, 2018 – 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 – April 6, 2018 2
2. Review and Provide Comments Regarding Draft Special Legislation to Change Omnitrans from a Joint Powers Authority to a Statutorily Created Special Transit District – *Haviva Shane* 6
3. Review and Recommend to the Board of Directors, Arrow Vehicle Design – *P. Scott Graham* 21
4. CEO/General Manager's Report – *P. Scott Graham* 30

F. BOARD BUSINESS

There is no Closed Session scheduled.

G. REMARKS AND ANNOUNCEMENTS

H. ADJOURNMENT

ITEM # E1

**EXECUTIVE COMMITTEE MEETING
MINUTES
APRIL 6, 2018**

A. CALL TO ORDER

The Executive Committee Meeting was called to order by Chairman Ron Dailey at 9:00 a.m., Friday, April 6, 2018 at the Omnitrans Administrative Offices.

COMMITTEE MEMBERS ATTENDING

Council Member Ron Dailey, City of Loma Linda – Board Chairman
Council Member David Avila, City of Yucaipa – Board Vice Chairman
Mayor Penny Lilburn, City of Highland – Via Teleconference
Mayor Pro Tem John Roberts, City of Fontana
Council Member Sam Spagnolo, City of Rancho Cucamonga

OTHERS ATTENDING

Haviva Shane, General Counsel

OMNITRANS STAFF ATTENDING

P. Scott Graham, CEO/General Manager
Erin Rogers, Deputy General Manager
Julienne Overland-Villegas, Senior Administrative Assistant to the CEO/General Manager

B. ANNOUNCEMENTS/PRESENTATIONS

Next Committee Meeting: Friday, May 4, 2018, 9:00 a.m.
Omnitrans Metro Facility

C. COMMUNICATIONS FROM THE PUBLIC

There were no communications from the public.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

There were no Conflict of Interest Issues.

E. DISCUSSION ITEMS

1. Approve Executive Committee Minutes – March 2, 2018

M/S (Spagnolo/Avila) that approved the Executive Committee Minutes of March 2, 2018. Roll call vote was taken and the motion was passed unanimously by Members present.

2. Recommend the Board of Directors Approve Proposed Fiscal Year 2019 Management Plan

CEO/General Manager, P. Scott Graham, reviewed the five Strategic Initiatives included in the Fiscal Year 2019 Management Plan:

- Strategic Initiative 1. Financial Sustainability & Operational Cost Efficiencies
- Strategic Initiative 2. Service Expansion & Funding Growth
- Strategic Initiative 3. Technology
- Strategic Initiative 4. Safety & Security
- Strategic Initiative 5. Workforce Sustainability

The Committee referred to Strategic Initiative 3 – Technology, and engaged in a discussion regarding the California Air Resource Board (CARB), requirements for Zero Emission Bus technology and Omnitrans' short and long-term plans to address these requirements in the future.

San Bernardino County Transportation Authority (SBCTA) Director of Fund Administration & Programming, Andrea Zureick, indicated that SBCTA plans to conduct a countywide electrification study later this year. She explained that the once the study is completed, they will work with the transit agencies to come up with some funding strategies.

This item was voted on after Item E3 was presented.

M/S (Spagnolo/Roberts) that supported the Proposed Fiscal Year 2019 Management Plan, which outlines the CEO/General Manager's operational plan on how the initiatives will be achieved. Roll call vote was taken and the motion was passed unanimously by Members present.

3. Receive and Forward to the Board of Directors the Financial White Paper as an Information Item

Chairman Dailey introduced this item by stating that the Financial Paper was presented to the Executive Committee at their March 2, 2018, meeting to review and recommend to the Board of Directors as an information item. The Committee requested some changes be made prior to forwarding to the full Board. The revisions were made and Omnitrans staff subsequently met with SBCTA Executive Director, Ray Wolfe and other key staff who provided additional comments. The item on today's agenda includes all of the revisions and is being presented for final review by the Committee prior to being presented at the May Board Meeting.

CEO/General Manager, Scott Graham, provided a brief overview of the Financial White Paper as detailed in the staff report.

The Committee engaged in a discussion regarding the Potential Funding Sources listed in the staff report. Mr. Graham noted that as part of the discussion with SBCTA staff, Omnitrans requested that should SBCTA work on developing a reauthorization plan or a concurrent sales tax measure, consideration be given to include dedicated funding for general transit operations.

M/S (Spagnolo/Roberts) that received and recommended this item be forwarded to the Board as an information item. Roll call vote was taken and the motion was passed unanimously by Members present.

4. Recommend to the Board of Directors, Special Legislation to Change Omnitrans from a Joint Powers Authority to a Statutorily Created Special Transit District

General Counsel, Haviva Shane, provided a brief background on this item as detailed in the staff report.

M/S (Spagnolo/Avila) that authorized:

1. Legal Counsel and the CEO/General Manager to work with the Executive Committee to pursue legislation to form Omnitrans Transit District.
 - a. Provide direction to Omnitrans' staff and legal counsel regarding the desire to pursue legislation in the first year of the 2019-20 Regular Session of the State legislative cycle to form Omnitrans Transit District, a special transit district, which would take on the powers and obligations of the current joint powers authority;
 - b. Direct Omnitrans staff and legal counsel, if desired, to update, revise and finalize a draft of the proposed legislation.
 - c. Be prepared to engage in the process of locating a bill sponsor and/or author in early November, 2018 (after November 6 election).
2. Direct the CEO/General Manager and Legal Counsel to work with the San Bernardino County Transportation Authority (SBCTA) to develop a Memorandum of Understanding (MOU) for the purpose of setting forth the understanding and agreement that Omnitrans will not exercise any taxing authority which may be included under its formation legislation provided that dedicated funding for Omnitrans transit operations is included by SBCTA in concurrent or future tax measures.

Roll call vote was taken and the motion was passed unanimously by Members present.

F. BOARD BUSINESS

There was no Closed Session.

G. REMARKS AND ANNOUNCEMENTS

There were no remarks and announcements.

H. ADJOURNMENT

The Committee adjourned at 10:34 a.m. The next Executive Committee Meeting is scheduled Friday, May 4, 2018, at 9:00 a.m., with location posted on the Omnitrans website and at the Omnitrans San Bernardino Metro Facility.

Prepared by:

Araceli Barajas, Executive Staff Assistant

ITEM # _____ E2

DATE: June 1, 2018

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

FROM: P. Scott Graham, CEO/General Manager

**SUBJECT: REVIEW OF DRAFT SPECIAL LEGISLATION TO CHANGE
OMNITRANS FROM A JOINT POWERS AUTHORITY TO A
STATUTORILY CREATED SPECIAL TRANSIT DISTRICT**

FORM MOTION

Review and comment on draft legislation.

BACKGROUND

On April 6, 2018, the Executive Committee directed legal counsel to work on updating and finalizing a new draft of the legislation to create Omnitrans as a special transit district under Division 10 of the Public Utilities Code.

Legal counsel reviewed prior versions of the draft legislation originally considered by the Board on March 1, 2017, and made revisions and changes consistent with legislation for other similar agencies.

On February 3, 2017, at the regular meeting of the Omnitrans Executive Committee, the Committee conducted a review of the Omnitrans governance structure and risk mitigation options related to Omnitrans' new role as manager of the contract that will provide for the operations and maintenance of the Redlands Passenger Rail Project (RPRP) rail service; the "Arrow".

Following this review, the Executive Committee determined that changing the structure of Omnitrans from a joint powers authority to a statutorily created entity would be the most effective means of eliminating potential tort liability to member entities of the Omnitrans Joint Powers Authority (JPA). The Executive Committee determined that it would be in the best interest of the member entities of Omnitrans to move forward with the process of creating Omnitrans as a special transit district under Division 10 of the Public Utilities Code. It should be noted that there is no intention to change the number of entities; the composition of the Board will remain the same.

Based on the timing of the discussions in the 2017-2018 legislative cycle, it was determined that there was still sufficient time to obtain a spot bill by the February 17, 2017 deadline, and the

Executive Committee directed staff and legal counsel to obtain a bill number. A spot bill and a bill author were successfully obtained. At the March 1, 2017 Board meeting, Omnitrans General Counsel Haviva Shane presented this item to the full Board seeking direction as to whether or not to proceed with developing statutory legislation to create a transit district.

A concern was raised by SBCTA Executive Director, Ray Wolfe, regarding Omnitrans retaining taxing authority, which is included as part of the JPA. The Board engaged in a discussion and there was concern expressed from several Members regarding Omnitrans relinquishing a power held under the JPA. The consensus was to move forward with the recommendation to direct Legal Counsel to pursue legislation to form Omnitrans Transit District, with the added direction that an MOU be presented to both SBCTA and Omnitrans Board of Directors stating that both agencies will work together and Omnitrans will not compete for a special tax.

This item was brought back to the Board at the April 5, 2017 meeting. Omnitrans General Counsel, Haviva Shane, presented proposed legislation (AB 548) to create Omnitrans Transit District and asked for further direction from the Board. After a lengthy discussion, the Board decided to suspend the process until the issues were resolved and there was consensus and clear direction moving forward.

Omnitrans staff is currently working with SBCTA and Metrolink staff on a developing a three party agreement that defines the roles and responsibilities of each agency as it relates to the Redlands Passenger Rail Project (RPRP) the “Arrow” service. In addition, the Chairman of the Board formed a Rail Ad Hoc Committee to review this agreement and other matters related to the RPRP. As part of discussing liability, insurance and indemnification in the context of the three party agreement, staff and legal counsel began revisiting the issue of protecting the JPA members from potential liability. In response, staff is bringing back the discussion regarding formation of Omnitrans as a legislatively created transit district for renewed consideration.

CONCLUSION

Staff and legal counsel are seeking input on the draft legislation from the Executive Committee.

PSG

Attachment: A: Omnitrans Special Transit District Draft Legislation

5/16/18 Update

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

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

Part 19
Omnitrans Transit District

Chapter 1
General Provisions

§ 108000.

This part shall be known and may be cited as the Omnitrans Transit District Act.

§ 108001.

It is the intent of the Legislature in enacting this part to provide for a unified, comprehensive institutional structure for the ownership and governance of a transit system within the County of San Bernardino to develop, provide, operate, and administer public transportation. It is further the intent of the Legislature that the district established by this act shall succeed to the powers, duties, obligations, liabilities, immunities, and exemptions of Omnitrans, a 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), upon its dissolution. Because there is no general law under which such a district could be formed, the adoption of a special act and the formation of a special district is required.

Chapter 2
Definitions

§ 108010.

- (a) Unless the context otherwise requires, the provisions of this chapter govern the construction of this part.
- (b) “District” means the Omnitrans Transit District.
- (c) “Transit” and “transit service” means the transportation of passengers and their incidental baggage and parcels by any means.

- (d) “Transit works” or “transit facilities” means any or all real and personal property, equipment, rights, facilities, title, or interests owned, or to be acquired, by the district for transit service or purposes for the operation thereof.
- (e) “Board of directors,” “board,” and “directors,” means the board of directors of the district.
- (f) “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.
- (g) “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.
- (h) “Board of supervisors” means the County of San Bernardino board of supervisors.
- (i) “Public agency” includes the State of California, and any county, city, district or other political subdivision or public entity of, or organized under the laws of, this state, or any department, instrumentality, or agency thereof.
- (j) “System” means all transit works and transit facilities owned or held, or to be owned or held, by the district for transit purposes.
- (k) “Revenues”, unless otherwise defined herein, means all rates, fares, tolls, rentals, fees, charges or other income and revenue actually received or receivable by, or for the account of, the district from the operation of the system, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities any profits derived from the sale of any securities, any consideration in any way derived from any properties owned, operated, or at any time maintained by the district, and all local, State, federal grants and taxes received by the district.
- (l) “Person” includes any individual, firm, partnership, association, corporation, limited liability company, trust, business trust, or the receiver or trustee or conservator for any thereof, but does not include a public agency, as defined in (i) above.
- (m) “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.
- (n) “Voter” means any elector who is registered under the Elections Code.
- (o) “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.

Chapter 3 Formation of District

§ 108030.

There is hereby created the Omnitrans Transit District, comprising the territory lying within the boundaries of the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, Yucaipa, the unincorporated areas of San Bernardino County lying within census tracts: *****INSERT TRACT NOS.*****, as set forth in the 201__ decennial census maps for the State of California on file with the Bureau of the Census, Department of Commerce, Washington, D.C., and other cities that subsequently qualify as members pursuant to the requirements set forth in Section 108032.

§ 108031.

Through compliance with the provisions for annexation, and subject to Chapter 9 of this part, the territory of all or part of any other contiguous city or county may be included within the district.

§ 108032.

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

§ 108033.

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

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

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

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

Chapter 4 Government of District

§ 108040.

The district shall be governed by a board of directors. All powers, privileges, and duties vested in or imposed upon the district shall be exercised and performed by and through the board of directors provided, however, that the exercise of all executive, administrative, and ministerial power may be delegated and re-delegated by the board of directors to any of the offices, officers, or committees created pursuant to this chapter or created by the board of directors acting pursuant to this chapter.

§ 108041.

The board of directors shall consist of twenty (20) members.

(a) The board shall be composed of one primary representative selected by the governing body of each city in the county and four (4) members of the San Bernardino County Board of Supervisors to serve until recalled by the governing body of the city or county. Each director shall be a mayor, councilperson, or supervisor of the governing body which selected him or her. Vacancies shall be filled in the same manner as originally selected.

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

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

§ 108042.

The board, at its first meeting, and biannually thereafter at the first meeting in June, shall elect a chairperson who shall preside at all meetings, and a vice-chairperson who shall preside in his/her absence. The chairperson and the vice-chairperson shall serve two-year terms. Notwithstanding the foregoing, the vice-chairperson shall become chairperson for the subsequent two-year term in the absence of a vote by the board of directors to the contrary. In the event of their absence or inability to act, the member present, by an order entered in the minutes, shall select one of their members to act as chairperson *pro tem*, who, while so acting, shall have all the authority of the chairperson.

§ 108043.

The board of directors shall do all of the following::

- (a) Adopt bylaws for its procedures consistent with the laws of the state.
- (b) Adopt an annual budget.
- (c) Adopt a conflict-of-interest code.
- (d) Adopt priorities reflecting the district's goals.
- (e) Establish the amount of compensation that each member of the board shall receive.
- (f) Do any and all things necessary to carry out the purposes of this part.

§ 108044.

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

§ 108045.

The acts of the board of directors shall be expressed by motion, resolution or ordinance.

§ 108046.

All meetings of the board of directors shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with § 54950), Part 1, Division 2, Title 5, of the Government Code).

Chapter 5
Powers and Functions of District
Article 1
Corporate and General Powers of District

§ 108050.

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

- (a) Sue and be sued.
- (b) Employ agents and employees, and contract for services, and to define the qualifications and duties for agents, employees and contractors.
- (c) To enter into and perform all necessary contracts.
- (d) To adopt a seal and alter it at the district's pleasure.
- (e) To enter joint powers arrangements with other entities.
- (f) Appoint such advisory, standing, or ad hoc committees as it deems necessary.
- (g) Enact ordinances, resolutions, policies, and guidelines.
- (h) Acquire, convey, construct, manage, maintain, and operate buildings and improvements, equipment, and assets of the district.
- (i) Acquire, convey, and dispose of real and personal property, easements, and licenses.
- (j) Adopt a conflict-of-interest code.
- (k) Lease and sublease real and personal property, equipment, and facilities.
- (l) Create and administer funds and the distribution of those funds.
- (m) Create and enact taxes, fees, fares, and penalties, as permitted by law.
- (n) Advocate on behalf of the district.
- (o) Develop and pursue ballot measures.
- (p) Enforce criminally or civilly, as applicable, any and all ordinances, resolutions, and policies as permitted by law.
- (q) Incur and encumber debts, obligations, and liabilities, including, but not limited to, bonds, notes, warrants, and other forms of indebtedness. However, the debts, obligations, and liabilities incurred by the district shall not be, nor shall they be deemed to be, debts, encumbrances, obligations, or liabilities of any member.
- (r) Invest money in the district treasury that is not needed for immediate necessities, as the board determines advisable, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the Government Code.
- (s) Pursue collection of obligations owed to the district.

(t) Exercise the right and power of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this part.

(u) Subject to applicable law, provide transportation services or facilities outside the district's jurisdictional boundaries provided a finding is made by the board that those services or facilities benefit the citizens or users of the transportation service or facilities.

(v) Implement safety and training measures for district transportation service drivers and operators including, but not limited to, random review of driver/operator video feed at any time and without limitation for training purposes.

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

§ 108051.

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

Article 2 Contracts

§ 108060.

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

§ 108061.

The district may contract with any department or agency of the United States of America, with any public agency or with any person upon such terms and conditions as determined to be in the best interest of the district.

§ 108062.

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

§ 108063.

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

Article 3

Transit Facilities and Services; Consolidated Transportation Agency

§ 108070.

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

§ 108071.

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

§ 108072.

The district may contract with any public agency or person to provide transit facilities and services for the district.

§ 108073.

The district may construct and operate or acquire and operate transit works and facilities in, under, upon, over, across, or along any state or public street or highway or any stream, bay or water course, or over any of the lands which are the property of the state, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the state.

§ 108074.

The district may enter into agreements for the joint use of any property and rights by the district and any public agency or public utility operating transit facilities; may enter into agreements with any public agency or public utility operating any transit facilities, and wholly or partially within or without the district, for the joint use of any property of the district or of the public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

§ 108075.

Additionally, the district is deemed to be, with all of the powers and duties attendant thereto, the consolidated transportation services agency for the San Bernardino Valley region.

Article 4 Taxation; Other Fees and Bonds

§ 108080.

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

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

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

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

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

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

(g) Prior to the operative date of the ordinance, the district shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of the ordinance. The costs to be covered by the contract may also

include services of the types described in Section 7272 of the Revenue and Taxation Code for preparatory work up to the operative date of the ordinance. Any disputes as to the amount of the costs shall be resolved in the same manner as provided in that section.

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

§ 108081.

If approved as required by law, the district may impose and administer fees and other funding sources secured for transportation system operation, maintenance, and improvement.

§ 108082.

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

§ 108083.

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

§ 108084.

The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions, and improvements thereto and all other facilities authorized acquired, constructed, or completed by the district. The district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by the district, or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction, and completion of any one of those facilities. Nothing in this part shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized under this part, and all proceedings may be carried out simultaneously or, in the alternative, as the directors may determine.

§ 108085.

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

§ 108086.

The district may promulgate a plan for funding transit projects or operations within its jurisdiction or as permitted in subdivision (t) of Section 107015.

Chapter 6 Rights of Employees of Omnitrans

§ 108090.

When the district acquires existing facilities, rights and obligations of Omnitrans JPA, all of the employees of Omnitrans JPA shall be appointed to comparable positions by the district. These employees shall be given sick leave, seniority, vacation credits, retirement benefits and all other rights and obligations which they have with Omnitrans JPA, upon the transfer of Omnitrans JPA to district.

§ 108091

The district shall provide employee retirement benefits under the program administered by the California Public Employees' Retirement System or other system permitted by law.

Chapter 7 Liability of members

§ 108100.

The members, whether individually or collectively, shall not be liable for any act or omission of the district, including, but not limited to, any of the following:

- (a) Performing any and all things necessary to carry out the purposes of this part.
- (b) Any act of the district, or for any act of the district's agents or employees.
- (c) The payment of wages, benefits, or other compensation to officers, agents, or employees of the district.
- (d) The payment of workers' compensation or indemnity to agents or employees of the district for injury, illness, or death.

Chapter 8 Changes of Organization or Reorganization

§ 108200.

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

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

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

Chapter 9

Application of the Cortes-Knox-Hertzberg Local Government Reorganization Act of 2000

§ 108300.

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

(b) For annexations, any territory of a member city that is annexed into such city, shall automatically be annexed into the district. For annexation of territory in the unincorporated county into the district, such annexation shall require approval of the board.

Chapter 10

Dissolution

§ 108400.

(a) The district may be dissolved upon a supermajority vote of the directors which shall be at least 80 percent of the nonweighted vote of the board. However, the winding up of the district shall be conducted by the board and the general manager. The district shall not be fully dissolved and terminated until all debts, financial obligations, and liabilities are paid in full and any and all

remaining assets after payment of all debts, financial obligations, and liabilities are distributed to the members.

(b) (1) If the directors cannot agree as to the valuation of the property or to the manner of asset distribution, the question shall be submitted to arbitration, as set forth below, and the directors shall make the distribution or valuation as directed by arbitrators.

(2) Three arbitrators shall be appointed by the board.

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

§ 108401.

The board shall wind up the affairs of the district.

ITEM # E3

DATE: June 1, 2018

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

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Trischelle Baysden, Director of Rail

SUBJECT: ARROW VEHICLE DESIGN

FORM MOTION

Review and recommend to the Board of Directors to approve the interior and exterior design for the Arrow Service hybrid-rail vehicles.

BACKGROUND

In November 2017, the San Bernardino County Transportation Authority (SBCTA) Board of Directors approved a contract with Stadler US, Inc. (Stadler) to purchase three (3) diesel multiple unit (DMU) vehicles, also known as hybrid-rail vehicles, which will be used for the future Arrow Service between the San Bernardino Transit Center and the University Station in Redlands. As part of the early engineering of the vehicles, Stadler provided a series of interior and exterior designs for consideration. Omnitrans and SBCTA staff reviewed the initial designs and worked with Stadler to develop a second series of designs. From this series, the selection options were refined to two (2) exterior and two (2) interior design options by Omnitrans staff, SBCTA staff, and Stadler.

The two (2) exterior design options were developed using a color palette that was selected during the development of the system and incorporated the colors of the Arrow Service logo approved by Omnitrans Board of Directors in November 2016. The two (2) interior design options have common interior design elements, using gray for the floor covering and sidewalls on all the vehicles. In addition, the options identified take into account:

- The color palette of the existing Omnitrans fixed-route buses
- Aligning the exterior paint choices with individual panel pieces to reduce the likelihood of mismatched paint after final vehicle assembly or future repair work
- Single colored doors to mitigate possible alignment issues with the adjoining strip and to reduce work associated with repainting doors

- Preference towards a darker patterned fabric to reduce the visibility of stains and wear

RECOMMENDATION

Receive and recommend to the Board of Directors to approve the interior and exterior design for the Arrow Service hybrid-rail vehicles.

PSG:TB

Attachment: A: Arrow Vehicle Design PowerPoint



ARROW VEHICLE DESIGN

Executive Committee
June 1, 2018

TWO EXTERIOR DESIGN OPTIONS:

- Color Palette
- Selected during the development of the system
- Incorporates the colors of the Arrow Service logo
- Colors consistent with the existing Omnitrans fixed-route buses
- Aligns the exterior paint choices with individual panel pieces to reduce the likelihood of mismatched paint during assembly or after repair work
- Single colored doors to mitigate possible alignment issues with the adjoining stripe and to reduce work associated with repainting doors

TWO INTERIOR DESIGN OPTIONS:

- Common interior design elements
- Used gray for the floor covering and sidewalls on all the vehicles
- Two (2) different seat fabrics for selection
- Preference towards a darker patterned fabric to reduce the visibility of stains and wear



Exterior Option 1



Exterior Option 2



Interior Option 1



Interior Option 2

THANK YOU

ITEM # E4

DATE: June 1, 2018

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

FROM: P. Scott Graham, CEO/General Manager

SUBJECT: CEO/GENERAL MANAGER'S REPORT

On 23-24 May California Highway Patrol (CHP) conducted the Annual Terminal Inspection at the West Valley facility. This inspection includes various records and vehicle inspections. Twenty (20) buses were inspected as well as the maintenance records for these vehicles. There were four (4) minor defects noted, which were all corrected prior to the completion of the inspection. No vehicles were removed from service. In addition to the vehicle inspection, Coach Operator training records were also reviewed, with no deficiencies noted. The inspecting Officer complimented staff regarding the quality of the records management. Omnitrans received the highest rating of "satisfactory" for this inspection.

Omnitrans received a Notification of Penalty from the Department of Industrial Relations Division of Occupational Safety and Health (OSHA) for alleged violations at the West Valley Division in Montclair. The Agency is contesting this citation and filed an appeal with the OSHA Appeals Board.