



Connecting Our Community.

BOARD OF DIRECTORS MEETING
WEDNESDAY, SEPTEMBER 4, 2019 – 8:00 A.M.
OMNITRANS METRO FACILITY
1700 WEST 5TH STREET
SAN BERNARDINO, CA 92411

The Board of Directors 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 Board 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

1. Invocation
2. Pledge of Allegiance
3. Roll Call

B. ANNOUNCEMENTS/PRESENTATIONS

1. Next Board Meeting: Wednesday, October 2, 2019 – 8:00 a.m.
2. Employee of the Quarter Presentation
3. Coach Operator Commendation

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 Board of Directors, 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

1. Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

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E. CONSENT CALENDAR

The following items are expected to be routine and non-controversial. The Board will act upon them at one time without discussion, unless the Board directs that an item be held for further discussion under Agenda Item F, Discussion Items. Any person wishing to address consent items should address the Board under Agenda Item #E19, Action on Consent Calendar.

1. Approve Board Minutes – July 10, 2019
2. Receive and File Operations & Safety Committee Minutes – February 27, 2019 (O&S 8/28/19)
3. Receive and File Executive Committee Minutes – April 5, 2019 (EXE 7/12/19)
4. Receive and File Plans & Programs Committee Minutes – April 24, 2019 (PPC 7/24/19)
5. Receive and File Administrative & Finance Committee Minutes – June 13, 2019 (A&F 8/15/19)
6. Receive and File Executive Committee Minutes- July 12, 2019 (EXE 8/2/19)

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E. CONSENT CALENDAR CONTINUED

- | | |
|---|-----|
| 7. Receive and File Agency Management Report – Fiscal Year 2019 Fourth Quarter Report – <i>Maurice Mansion</i> | 30 |
| 8. Receive and File Omnitrans' Equal Employment Opportunity Quarterly Report – <i>Misty Tshilonda</i> | 40 |
| 9. Receive and File Management Plan Strategic Initiatives and Key Performance Indicators FY19 Fourth Quarter Reports – <i>P. Scott Graham</i> (A&F 8/15/19) | 43 |
| 10. Receive and File, Fiscal Year Ended June 30, 2019, Financial Audit Statement on Auditing Standards (SAS) 114 Letter – <i>Donald Walker</i> (A&F 8/15/19) | 54 |
| 11. Receive and File, Development Projects Update – <i>Anna Jaiswal</i> (PPC 7/24/19) | 58 |
| 12. Receive and File, Update on Redlands Passenger Rail Project – <i>Trischelle Baysden</i> (O&S 8/28/19) | 68 |
| 13. Receive and File, Overview of Public Transportation Agency Safety Plan (PTSAP) – <i>Shawn Brophy</i> (O&S 8/28/19) | 79 |
| 14. Authorize the CEO/General Manager to Execute a New Revenue Agreement with California State University, San Bernardino (CSUSB) – <i>Wendy Williams</i> (PPC 7/24/19) | 89 |
| 15. Authorize Release – Request for Proposals RFP-HRS20-24, Strategic Planning Consulting Services – <i>Eugenia Pinheiro</i> | 98 |
| 16. Authorize Award – Contact MNT20-14, Methane Detection System (MDS) Services – <i>Eugenia Pinheiro</i> | 100 |
| 17. Authorize Award – Contract MNT19-71, Labor and Parts for Engine and Transmission Replacement – <i>Eugenia Pinheiro</i> (A&F 6/13/19) | 102 |
| 18. Authorize Award – Contract MNT20-07, Hazardous Waste Treatment, Transportation and Disposal – <i>Eugenia Pinheiro</i> (A&F 8/15/19) | 105 |
| 19. Action on Consent Calendar | |

F. DISCUSSION ITEMS

The following items do not legally require any public testimony, although the Chair may open the meeting for public input.

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|--|-----|
| 1. CEO/General Manager's Report - <i>P. Scott Graham</i> | 108 |
| 2. Authorize Release – Request for Proposals – RFP-STS20-03, Purchased Transportation Services – <i>Aaron Moore</i> | 110 |
| 3. Receive Update, Endorse and Adopt the Ad Hoc Committee's Recommendation to Adjust Service Levels and Increase Long Term Funding – <i>P. Scott Graham</i> (EXE 8/2/19) (A&F 8/15/19) (O&S 8/28/19) | 117 |
| 4. Reaffirm Support for Omnitrans Transit District Legislation (AB1457) – <i>P. Scott Graham</i> | 140 |

G. BOARD BUSINESS

Closed Session

- | | |
|---|--|
| 1. Conference with Labor Negotiator, Suzanne Pfeiffer, Concerning Labor Negotiations with Amalgamated Transit Union Local No. 1704 Regarding the Coach Operator Unit, Pursuant to Government Code Section 54957.6 | |
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G. BOARD BUSINESS CONTINUED

2. Public Employee Appointment – Chief Executive Office/General Manager, Pursuant to Section 54957

H. REMARKS AND ANNOUNCEMENTS

I. ADJOURNMENT

ITEM # D1

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: DISCLOSURE(S) REGARDING RECOMMENDATIONS FOR
ACTION BY THE OMNITRANS BOARD OF DIRECTORS**

FORM MOTION

Staff hereby provides a listing of principals and subcontractors associated with action items on the agenda for the Board of Director's Meeting scheduled September 4, 2019.

| Item | Contract | Principals & Agents | Subcontractors |
|------|--|--|---|
| #E16 | MNT20-14, Methane Detection System (MDS) Services | <i>Reliable Monitoring Services dba RMS Life Safety Signal Hill, CA Rick Mendoza President</i> | N/A |
| #E17 | MNT19-71, Labor and Parts for Engine and Transmission and Disposal | <i>Complete Coach Works Murrieta, CA Dale E. Carson President</i> | N/A |
| #E18 | MNT20-07, Hazardous Waste Treatment, Transportation and Disposal | <i>Haz Mat Trans, Inc. San Bernardino, CA Mike Hammer General Manager</i> | <i>K-Vac Environmental Rancho Cucamonga, CA Desert Environmental Victorville, CA</i> |

PSG:EFP

CONFLICT OF INTEREST FORM

PURPOSE: This form is provided to assist members of the Omnitrans Board of Directors in meeting requirements of Government Code Section 84308 and 87100 in documenting conflict of interest as related to Omnitrans Board/Committee agenda items.

INSTRUCTIONS: Under certain circumstances, Omnitrans Board Members may be required to disclose and disqualify themselves from participating in, influencing, or voting on an agenda item due to personal income, real property interests, investments, business positions, or receipt of campaign contributions. If applicable, Board Members must personally state the following information, for entry into the public record, prior to consideration of the involved agenda item(s) and turn in the completing form to the Recording Secretary prior to leaving the meeting.

BOARD MEMBER INFORMATION

| BOARD MEMBER NAME | CITY/COUNTY NAME | MEETING DATE |
|-------------------|------------------|--------------|
| | | |

CAMPAIGN CONTRIBUTIONS

1. I have a disqualifying campaign contribution of over \$250 from _____
 (Name of Company and/or Individual)
 and therefore I am abstaining from participation on Agenda Item _____, Subject: _____
2. I have a disqualifying campaign contribution of over \$250 from _____
 (Name of Company and/or Individual)
 and therefore I am abstaining from participation on Agenda Item _____, Subject: _____
3. I have a disqualifying campaign contribution of over \$250 from _____
 (Name of Company and/or Individual)
 and therefore I am abstaining from participation on Agenda Item _____, Subject: _____

FINANCIAL INTEREST

1. I have a financial interest of _____
 State income, real property interest or business position

 Identify company or property location
2. I have a financial interest of _____
 State income, real property interest or business position

SIGNATURE

| | |
|------------------------|------|
| Board Member Signature | Date |
|------------------------|------|

ITEM # _____ E1 _____

**BOARD OF DIRECTORS' MEETING
MINUTES OF JULY 10, 2019**

A. CALL TO ORDER

Chairman David Avila called the regular meeting of the Omnitrans Board of Directors to order at 8:00 a.m., Wednesday, July 10, 2019, at the Omnitrans Facility located at 1700 West 5th Street, San Bernardino, California.

1. Invocation
2. Pledge of Allegiance
3. Roll Call

BOARD MEMBERS PRESENT

Council Member David Avila, City of Yucaipa – Chairman
Council Member Ron Dailey, City of Loma Linda
Mayor Paul Foster, City of Redlands
Supervisor Josie Gonzales, County of San Bernardino
Council Member Penny Lilburn, City of Highland
Mayor Darcy McNaboe, City of Grand Terrace
Mayor Frank Navarro, City of Colton
Council Member John Roberts, City of Fontana
Mayor Deborah Robertson, City of Rialto
Supervisor Dawn Rowe, County of San Bernardino
Supervisor Janice Rutherford, County of San Bernardino
Council Member Sam Spagnolo, City of Rancho Cucamonga
Mayor Debbie Stone, City of Upland
Mayor Eunice Ulloa, City of Chino
Mayor John Valdivia, City of San Bernardino
Council Member Alan Wapner, City of Ontario

BOARD MEMBERS NOT PRESENT

Mayor John Dutrey, City of Montclair – Vice Chairman
Supervisor Curt Hagman, County of San Bernardino
Mayor Cynthia Moran, City of Chino Hills

OMNITRANS' ADMINISTRATIVE STAFF PRESENT

P. Scott Graham, CEO/General Manager
Erin Rogers, Deputy General Manager
Trischelle Baysden, Director of Rail

Shawn Brophy, Director of Operations
Jeremiah Bryant, Director of Strategic Development
Jacob Harms, Director of Information Technology
Suzanne Pfeiffer, Director of Human Resources
Eugenia Pinheiro, Contracts Manager
Connie Raya, Director of Maintenance
Doug Stanley, Director of Special Transportation Services
Don Walker, Director of Finance
Wendy Williams, Director of Marketing-Planning
Omar Bryant, Maintenance Manager
Barbara Erwin, Safety & Regulatory Compliance Manager
Adrienne Fernandez, Executive Staff Assistant
Ray Maldonado, Employee Relations Manager
Maurice Mansion, Treasury Manager
Krystal Turner, Contracts Administrator
Christine Van Matre, Contracts Administrator
Anna Jaiswal, Development Planning Manager

LEGAL COUNSEL

Haviva Shane, Legal Counsel

B. ANNOUNCEMENTS/PRESENTATIONS

1. Next Board Meeting: September 4, 2019, 8:00 a.m.
Omnitrans Metro Facility Board Room

C. COMMUNICATIONS FROM THE PUBLIC

Patricia Sachs, resident of San Bernardino and ministry worker in the Inland Empire mentioned that there are over 1000 businesses on E Street in San Bernardino and talked about a recent conference she attended in Garden Grove regarding small business development. Ms. Sachs encouraged the Members to support small businesses and transportation in their cities. She concluded her comments by stating that Orange County is currently working on developing a similar corridor and provided the conference materials to Marketing Director, Wendy Williams.

Pilar Cole, Systems Change Advocate for Rolling Start stated that she has received positive feedback from the disabled community regarding the Access Program and thanked the Agency on their behalf.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

There were no Conflict of Interest Issues.

E. CONSENT CALENDAR

1. Approve Board Minutes – June 5, 2019
2. Receive and File Administrative & Finance Committee Minutes – May 9, 2019 (A&F 6/13/19)
3. Adopt Resolution No. 314-19 Approving Amendment to California Transit Systems Joint Powers Authority (CalTIP) Agreement
4. Adopt Resolution No. 315-19, Amending Omnitrans' Conflict of Interest Code
5. Authorize the CEO/General Manager to Enter into a Cooperative Agreement with the City of Ontario – Transformative Climate Communities Grant
6. Approve Policy 701, Substance Abuse (Alcohol, Drugs, and Narcotics) Updates
7. Approve the Re-Organization of the Human Resources Department, Reclassification of Human Resources Analyst and Update to Policy 402
8. Authorize Award (Bench) – Contract MNT19-42 (A-C), Paint and Body Shop Supplies

M/S (Navarro/Valdivia) that approved Consent Calendar. Motion was passed unanimously by Members present.

F. DISCUSSION ITEMS

1. CEO/General Manager's Report

CEO/ General Manager, P. Scott Graham, reviewed the CEO/General Manager's Report.

Member Robertson arrived at 8:09 a.m. during the discussion on Item #F1.
Supervisor Gonzales left the room at 8:10 a.m. and returned at 8:11 a.m.

2. Update on AB1457, Omnitrans Transit District

CEO/General Manager, P. Scott Graham provided some background by stating that on June 28th, a phone conference was held with the bill's author Assembly Member Gomez Reyes and representatives from Omnitrans, SBCTA, and the City of Ontario to discuss some concerns regarding Omnitrans that impacted her confidence in moving the legislation forward (AB1457). Due to issues raised by two Board members who contacted the Assembly Member, the Assembly Member stated that the bill would be parked in the Policy Committee and asked that an update regarding the issues discussed be provided to her in October.

Member Spagnolo expressed concern with issues being raised outside of the Board forum and was unclear as to what the concerns were. He stated that the primary purpose of the legislation was to protect the cities from potential tort liability and reminded the Board that the recommendation to form Omnitrans as a statutory transit district was unanimously approved. He expressed frustration that what was anticipated to be a one-year bill would now be a two-year bill.

Supervisor Rutherford responded that she discussed the bill with the Assembly Member and briefed her on the financial challenges the Agency is facing. She also discussed the Omnitrans/SBCTA Ad Hoc Committee's role and how the Committee's recommendations factor into the legislation. She further explained that Member Wapner submitted a letter to the Assembly Member, which she also signed.

Member Wapner stated that a letter was submitted to the Assembly Member expressing some concerns from the City of Ontario. He explained that he initially agreed with the legislation to protect the cities from potential liability risks, however subsequent to taking that action, the Ad Hoc Committee was formed and it may be prudent to hold the legislation until the Committee's recommendations are brought forward. Member Wapner concluded by stating that the legislation is "good" however may be premature.

Member Dailey stated that he understood the concerns expressed by the Board Members; however, did not agree with how the situation was handled. As the past Board Chair and Ad Hoc Chair, he was unaware of any concerns of Board Members regarding the legislation. He stated that the Ad Hoc Committee was developed for the purpose of bringing forward recommendations to address Omnitrans' fiscal issues to the Board. Member Dailey noted that he participated on the call with the Assembly Member and she was clearly uncomfortable with the lack of consensus on the Board.

Supervisor Rutherford stated that she accepted the criticism, however noted that she has been raising her concerns to the Board and asking for these important discussions to occur. She stated that she was pleased with the development of the Ad Hoc Committee.

Supervisor Gonzales noted that the concerns have merit and should be addressed, however stated that the proper protocol was not followed. She continued by stating that she received a call from the Assembly Member and was confused and unaware of the situation. She concluded by stating that if the Board disagrees on an issue, the matter should be dealt with at a Board Meeting.

Chairman Avila stated that he also participated on the conference call with the Assembly Member and could sense her discomfort. He suggested that should a similar situation arise in the future; a special meeting be called to address the issue.

Member Wapner noted that the letter to the Assembly Member was sent in an individual capacity, representing the City of Ontario and not in his role as an Omnitrans Board Member. He referred to Supervisor Rutherford's comments regarding the difficulty of making changes to the legislation once approved. He stated that with the current governance structure, the cities could choose to detach from the JPA, however once a statute is in place, local control is removed from the cities and legislation would be required to leave Omnitrans.

Legal Counsel, Haviva Shane, clarified that under the legislation, in order for a member to withdraw from Omnitrans a super majority vote would be required from the Board and support from the Local Agency Formation Commission (LAFCO) is also required.

Member Robertson said that she related to the sentiments of the Board regarding following the proper protocol, however stressed the importance of the fiscal sustainability of the Agency. She also mentioned the importance of transparency as these difficult issues are worked through.

Member Dailey referred to the two White Papers distributed by staff and stated that staff has been transparent regarding the financial situation. He apologized if the information had not been adequately communicated.

Questions were raised regarding the Ad Hoc Committee timeline and when the recommendations would be presented to the Board. Member Dailey responded that a recommendation should be presented to the Board in October.

Member McNaboe left the room at 8:35 a.m. and returned at 8:38 a.m.

Due to the lengthy discussion on this item, Chairman Avila suggested that further discussions related to the financial issues facing Omnitrans be brought back on a future agenda.

Member Ulloa requested that a copy of the letter sent to Assembly Member Gomez Reyes be provided.

Member Avila asked Member Dailey if the Ad Hoc Committee could meet sooner than the September 5th, scheduled date. Member Dailey responded that perhaps Omnitrans and SBCTA staff could discuss moving the meeting.

Member Spagnolo left the room at 8:43 a.m. and returned at 8:47 a.m.
Member Dailey left the room at 8:48 a.m. and returned at 8:50 a.m.

The Board of Directors received and filed this report.

3. Approve Proposed Revisions to Disadvantaged Business Enterprise (DBE) Program for Federal Transit Administration (FTA) Assisted Contracts

Contracts Manager, Eugenia Pinheiro, provided a brief background on this item as detailed in the staff report.

M/S (McNaboe/Stone) that reviewed and approved the revisions to the Disadvantaged Business Enterprise (DBE) Program in accordance with the U.S. Department of Transportation (DOT), Title 49, Code of Federal Regulations (CFR), Part 26 *Participation by Disadvantaged Business Enterprise (DBE) in Department of Transportation Financial Assistance Programs*. Motion was passed unanimously by Members present.

4. Adopt the Revised Proposed Overall Disadvantaged Business Enterprise (DBE) Goal for Federal Transit Administration (FTA) Assisted Contracts (Fiscal Year 2019 – 2021)

Contracts Manager, Eugenia Pinheiro, provided a brief background on this item as detailed in the staff report.

M/S (Stone/McNaboe) adopted the Revised Proposed Overall Triennial Disadvantaged Business Enterprise (DBE) Participation Goal of 5.1% for all Federal Transit Administration (FTA) assisted contracts issued during Federal Fiscal Years (FFY) 2019-2021 and authorize the CEO/General Manager to submit the goal and all supporting documentation to the FTA. Motion was passed unanimously by Members present.

5. Authorize Award (Bench) – Contracts MNT19-46 (A-G) Transit Bus Parts

Contracts Manager, Eugenia Pinheiro, provided a brief background on this item as detailed in the staff report.

M/S (Ulloa/Robertson) that authorized the CEO/General Manager to award Contracts MNT19-46 (A-G) as listed below for the provision of Transit Bus Parts for a two (2) year base period beginning October 3, 2019 and ending October 2, 2021, with the authority to exercise one (1) single option year tied to the Consumer Price Index (CPI), extending the contracts to no later than October 2, 2022, in an aggregate not-to-exceed amount of \$5,150,000, should all options be exercised. Motion was passed unanimously by Members present.

G. PUBLIC HEARING

1. Close Public Hearing – Federal Transit Administration Fiscal Year 2020 Section 5307, 5310 and 5339 Funds

Member Lilburn left the room at 8:53 a.m.

Chairman Avila closed the call for public hearing and opened the Public Hearing.

M/S (Navarro/Spagnolo) that closed the public hearing concerning the Federal Transit Administration Fiscal Year 2020, Section 5307, 5310 and 5339 Funds.

H. BOARD BUSINESS

1. Conference with Labor Negotiator, P. Scott Graham, concerning labor negotiations with Amalgamated Transit Union Local No. 1704 regarding the Coach Operator Unit, pursuant to Government Code Section 54957.6

The Board adjourned into Closed Session at 8:56 a.m.

The Board reconvened at 9:00 a.m. with no reportable action.

I. REMARKS AND ANNOUNCEMENTS

There were no remarks or announcements.

J. ADJOURNMENT

The Board adjourned 9:01 a.m. The next regular meeting is scheduled Wednesday, September 4, 2019, at 8:00 a.m., with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

Prepared by:

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

ITEM # E2

**OPERATIONS AND SAFETY COMMITTEE
MINUTES
FEBRUARY 27, 2019**

A. CALL TO ORDER

The Operations and Safety Committee Meeting was called to order by Committee Chair John Roberts at 9:06 a.m., Wednesday, February 27, 2019.

1. Pledge of Allegiance
2. Roll Call

Committee Members Present

Council Member John Roberts, City of Fontana – Committee Chair
Mayor Pro Tem David Avila, City of Yucaipa
Council Member Ron Dailey, City of Loma Linda
Council Member Sam Spagnolo, City of Rancho Cucamonga

Committee Members Not Present

Council Member Alan Wapner, City of Ontario
Supervisor Josie Gonzales, County of San Bernardino

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
Douglas Stanley, Director of Special Transportation Services
Don Walker, Director of Finance
Wendy Williams, Director of Marketing & Planning
Jeremiah Bryant, Service Planning Manager
Omar Bryant, Maintenance Manager
Adrienne Fernandez, Executive Staff Assistant
Eugenia Pinheiro, Contracts Manager
Loretta Rains, Rail Safety & Compliance Manager

B. ANNOUNCEMENTS/PRESENTATIONS

There were no announcements.

C. COMMUNICATION FROM THE PUBLIC

There were no communications from the public.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

There were no Conflict of Interest Issues identified.

E. DISCUSSION ITEMS

1. Approve Operations and Safety Committee Meeting Minutes – November 28, 2018

M/S (Dailey/Avila) that approved the Committee Minutes of November 28, 2018. Motion was passed unanimously by Members present.

2. Receive and Forward to the Board of Directors, Zero Emission Bus Regulation and Roll-Out Plan

Maintenance Manager, Omar Bryant, provided a brief background on this item as detailed in the staff report.

The Committee engaged in a discussion regarding the potential challenges Southern California Edison could face with meeting the infrastructure demands as agencies move towards electrification.

Member Dailey had questions regarding in-route versus depot charging methods. Mr. Bryant provided additional information about the different charging options.

Member Roberts mentioned an advanced charging technology where the battery would be re-charged via a robotic charging station.

M/S (Avila/Spagnolo) that received and forwarded this item to the Board of Directors. Motion was passed unanimously by Members present.

3. Receive and Forward to the Board of Directors, Redlands Passenger Rail Project (RPRP) Update

Rail Safety & Compliance Manager, Loretta Rains, provided a brief background on this item as detailed in the staff report.

Member Spagnolo recognized the staff's effort with moving this project forward.

Ms. Rains noted that the San Bernardino County Transportation Authority is looking at alternative propulsion systems for the future such as electric and hydrogen. Member Dailey suggested that the budgetary constraints be kept in mind.

M/S (Avila/Dailey) that received and forwarded this item to the Board of Directors. Motion was passed unanimously by Members present.

The Committee received and forwarded this report to the Board of Directors.

F. BOARD BUSINESS

There was no closed session.

G. ADJOURNMENT

The Operations and Safety Committee adjourned at 9:39 a.m. The next Committee Meeting is scheduled Wednesday May 22, 2019, at 9:00 a.m., with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

Prepared by:

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

ITEM # E3

**EXECUTIVE COMMITTEE MEETING
MINUTES
APRIL 5, 2019**

A. CALL TO ORDER

The Executive Committee Meeting was called to order by Chair Ron Dailey at 9:00 a.m., Friday, April 5, 2019, at the Omnitrans Administrative Offices.

COMMITTEE MEMBERS ATTENDING

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

OMNITRANS STAFF ATTENDING

P. Scott Graham, CEO/General Manager
Erin Rogers, Deputy General Manager
Adrienne Fernandez, Executive Staff Assistant

OTHERS IN ATTENDANCE

Haviva Shane, BB&K General Counsel
Syrus Devers, BB&K – Via Teleconference
Andrea Zureick, SBCTA

B. ANNOUNCEMENTS/PRESENTATIONS

Next Committee Meeting: Friday, May 3, 2019, 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.

Item #E4, was moved up on the agenda.

E. DISCUSSION ITEMS

4. Omnitrans Transit District Legislation

Director of Governmental Affairs for BB&K, Syrus Devers, and General Counsel, Haviva Shane, provided a status update on the Omnitrans Transit District Legislation and reviewed the recommended amendments and timeline with the Committee.

Some of the proposed amendments related to the following:

- Board Member stipends
- Public Contract Code for competitive bidding
- Changes requested by the California Association Local Agency Formation Commissions (CALAFCO)

The Committee engaged in a robust discussion regarding the proposed amendments and agreed to move forward with the recommendations discussed.

M/S (Spagnolo/Roberts) that received and filed an update on Omnitrans Transit District Legislation and authorized 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. Motion was unanimously approved by Members present.

1. Approve Executive Committee Minutes – February 1, 2019

M/S (Spagnolo/Roberts) that approved the Executive Committee Minutes of February 1, 2019. Roll call vote was taken and the motion was passed unanimously by Members present.

2. Receive and Forward to the Board of Directors Summary Information Regarding the March 14, 2019 Board of Directors Workshop

Chair Dailey introduced this item by asking the Members to review the information carefully as it relates to the Ad Hoc Committee and mentioned the core mission, which is for the Members of the SBCTA and Omnitrans Boards to discuss the issues and provide policy guidance related to funding allocation and to address the funding deficit Omnitrans is facing.

A discussion ensued regarding potential budget cuts. There was also some discussion regarding the sbX and the federal requirements regarding that service.

The Committee received and forwarded this item to the Board.

3. Receive and File Informational Update on the Development of Proposed Fiscal Year 2020 Management Plan

CEO/General Manager, P. Scott Graham presented a brief background on this item and noted that the FY2020 Management Plan would focus 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

Mr. Graham noted that a formal item on the FY20 Management Plan would be presented to the Administrative & Finance Committee and Board.

The Committee received and filed this item.

5. CEO/General Manager's Report

CEO/General Manager, P. Scott Graham reported on the following items:

- The Board Room Upgrades are moving forward and some information with the cost estimates will be provided in the coming months.
- The American Public Transportation Association (APTA) Board and Board Administrator Seminar will be held in Jacksonville, Florida in July. He asked that any Members interested in attending let staff know.
- The Leadership Academy (LDA) Manager Track graduation will be held on 22 April and he invited the Committee to attend.
- He informed that he would be out of the office for a week in mid-April due to a scheduled surgery.
- Deputy General Manager, Erin Rogers would be attending the APTA Transit CEOs Seminar in Chicago, Illinois.

F. BOARD BUSINESS

There were no closed session items.

G. REMARKS AND ANNOUNCEMENTS

Vice Chair Avila informed that he planned to nominate Member Lilburn for the new Vice Chair position.

H. ADJOURNMENT

The Committee adjourned at 10:16 a.m. The next Executive Committee Meeting is scheduled Friday, May 3, 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

ITEM # E4

**PLANS AND PROGRAMS COMMITTEE
MINUTES
APRIL 24, 2019**

A. CALL TO ORDER

The Plans & Programs Committee Meeting was called to order by Committee Chair Penny Lilburn at 9:02 a.m., April 24, 2019.

Committee Members Present

Council Member Penny Lilburn, City of Highland – Committee Chair
Mayor Pro Tem David Avila, City of Yucaipa
Council Member Ron Dailey, City of Loma Linda
Mayor Cynthia Moran, City of Chino Hills – Via Teleconference

Committee Members Not Present

Council Member Sam Spagnolo, City of Rancho Cucamonga
Supervisor Janice Rutherford, County of San Bernardino
Council Member Alan Wapner, City of Ontario
Mayor Deborah Robertson, City of Rialto

OmniTrans Administrative Staff Present

Erin Rogers, Deputy General Manager
Shawn Brophy, Director of Operations
Jeremiah Bryant, Director of Strategic Development
Jacob Harms, Director of Information Technology
Suzanne Pfeiffer, Director Human Resources
Connie Raya, Director of Maintenance
Wendy Williams, Director of Marketing
Adrienne Fernandez, Executive Staff Assistant
Anna Jaiswal, Development Planning Manager
Maurice Mansion, Treasury Manager
Harry Morck, Network Administrator
Nicole Ramos, Marketing Manager
Doua Yang, Systems Engineer

B. ANNOUNCEMENTS/PRESENTATIONS

There were no announcements or presentations.

C. COMMUNICATION FROM THE PUBLIC

There were no communications from the public.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

There were no Conflicts of Interest Issues.

E. DISCUSSION ITEMS

1. Approve Plans & Programs Committee Minutes – January 23, 2019

M/S (Dailey/Avila) that approved the Committee Minutes of January 23, 2019. Roll call vote was taken and the motion was passed unanimously by Members present.

2. Receive and Forward to the Board of Directors Development Project Updates

Development Planning Manager, Anna Jaiswal, provided a brief background on this item as detailed in the staff report.

Member Dailey requested that staff keep the Board apprised of any updates or projects within their respective jurisdictions. Ms. Jaiswal noted the request.

The Committee received and forwarded this item to the Board.

3. Recommend the Board of Directors Adopt Omnitrans Fiscal Year 2019-2020 Service Plan

Director of Strategic Development, Jeremiah Bryant, provided a brief background on this item and reviewed the proposed changes related to service and fares.

Member Moran asked about the Agency's student fare programs. Mr. Bryant provided information regarding the youth fare and GoSmart Program.

Member Dailey had some questions regarding the elimination of 7-day passes onboard the buses. He also asked how the information would be communicated to the customers. Mr. Bryant explained that the number of 7-day passes purchased onboard buses is less than 1% and explained that the information would be disseminated onboard the buses, via the website, newsletters, social media and at the various pass outlet locations.

Member Dailey left the room at 9:45 a.m. and returned at 9:47 a.m.

Member Lilburn asked about the weekend fare payment system on the sbX. She also inquired about the elimination of Route 208 going to Yucaipa. Lastly, she recommended that various vehicle types be looked at and suggested perhaps utilizing hybrids for certain routes. Mr. Bryant responded that the weekend fare enforcement on the sbX was not optimal and explained that there would still be 4 routes going to the Yucaipa Transit Center.

Deputy General Manager, Erin Rogers added that staff is conducting an analysis regarding utilizing different vehicle types on the weekends.

M/S (Avila/Dailey) that recommended the Board of Directors adopt the Omnitrans Fiscal Year 2019-2020 Annual Service Plan. Roll call vote was taken and the motion was passed unanimously by Members present.

4. Recommend the Board of Directors Adopt Omnitrans Fiscal Year 2019-2020 Marketing Plan

Marketing and Planning Director, Wendy Williams, provided a brief background on this item and reviewed the 8 key initiatives included in the FY19-20 Marketing Plan.

The Members engaged in a discussion regarding the plan and shared ideas for marketing strategies such as increased collaboration with the cities, social media kits, strategized demographics, Agency participation at city and county events.

Member Moran requested a copy of the marketing contract and a copy of the Customer Service Department organization chart.¹

Member Dailey asked that staff ensure implementation of marketing strategies and monitor the success rate.

M/S (Dailey/Avila) that recommended the Board of Directors adopted the Omnitrans Fiscal Year 2019-2020 Annual Marketing Plan. Roll call vote was taken and the motion was passed unanimously by Members present.

F. REMARKS AND ANNOUNCEMENTS

There were no announcements.

G. ADJOURNMENT

The Plans & Programs Committee meeting adjourned at 10:24 a.m. The next Committee Meeting is scheduled Wednesday, July 24, 2019, at 9:00 a.m., with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

Prepared by:

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

¹ Director of Marketing, Wendy William informed Member Moran that the contract was posted online as an attachment to the agenda and the Customer Service organization chart was included in the Marketing Plan.

ITEM # E5

**ADMINISTRATIVE & FINANCE COMMITTEE
MINUTES, JUNE 13, 2019**

A. CALL TO ORDER

Committee Chair Sam Spagnolo called the regular meeting of the Administrative and Finance Committee to order at 8:00 a.m., Thursday, June 13, 2019.

1. Pledge of Allegiance
2. Roll Call

Committee Members Present

Council Member Sam Spagnolo, City of Rancho Cucamonga – Committee Chair
Mayor Pro Tem David Avila, City of Yucaipa
Council Member Ron Dailey, City of Loma Linda
Council Member John Roberts, City of Fontana

Committee Members Not Present

Supervisor Curt Hagman, County of San Bernardino
Council Member Alan Wapner, City of Ontario

OmniTrans Administrative Staff Present

P. Scott Graham, CEO/General Manager
Erin Rogers, Deputy General Manager
Trischelle Baysden, Director of Rail
Shawn Brophy, Director of Operations
Suzanne Pfeiffer, Director of Human Resources
Jacob Harms, Director of Information Technology
Connie Raya, Director of Maintenance
Doug Stanley, Director Special Transportation Services
Don Walker, Director of Finance
Wendy Williams, Director of Marketing-Planning
Melissa Castillo, Customer Service Manager
Adrienne Fernandez, Executive Staff Assistant
Marcus Garcia, Programs Administrator
Anna Jaiswal, Development Planning Manager
Maurice Mansion, Treasury Manager
Eugenia Pinheiro, Contracts Manager
Krystal Turner, Contracts Administrator

B. ANNOUNCEMENTS/PRESENTATIONS

The next Committee Meeting is scheduled Thursday, August 15, 2019, at 8:00 a.m.

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 Administrative & Finance Committee Minutes May 9, 2019

M/S (Roberts/Avila) that approved Administrative & Finance Committee Minutes May 9, 2019. Motion was passed unanimously by Members present.

2. Re-Organization of the Human Resources Department and Re-Classification of the Human Resources Analyst, Update to Policy 402

Director of Human Resources, Suzanne Pfeiffer presented a brief background on this item as detailed in the staff report.

Member Avila asked if this was a new position or a replacement and what the associated costs would be. Ms. Pfeiffer responded that the position was a current position that was reclassified due to additional duties performed. She also provided the cost breakdown.

Member Dailey asked if the Department had the funding to cover the additional costs. Ms. Pfeiffer confirmed that it did. He also had some questions regarding the reclassification process. Mr. Graham explained that a review process is conducted by the Executive Office.

Member Spagnolo mentioned a program at the City of Rancho Cucamonga that focuses on new employees and facilitates the onboarding process. He suggested a similar program for Omnitrans. Ms. Pfeiffer responded that the Agency is working on implementing a similar program.

M/S (Dailey/Roberts) that recommended the Board of Directors approve the re-organization of the Human Resources Department, re-classification of the Human Resources Analyst, and update to Policy 402. Motion was passed unanimously by Members present.

3. Policy 701 Substance Abuse (Alcohol, Drugs and Narcotics) Update

Director of Human Resources, Suzanne Pfeiffer, presented a brief background on this item as detailed in the staff report.

Member Hagman arrived at 8:13 during the discussion on Item E3.

The Committee engaged in a robust discussion regarding the proposed change *to eliminate the Agency requirement to drug test based on estimated accident damages exceeding \$5000.*

Member Hagman asked the about the feasibility of conducting the testing in-house. Ms. Pfeiffer provided some information regarding the Federal Transit Administration (FTA) requirements and noted that onsite testing may be costly and would require special certifications, equipment and possibly additional staff.

The Committee referred to the elimination of the \$5,000 accident level for post-accident testing, and requested that staff report back in 6 months with the data on the number of tests completed before and after the policy change.

M/S (Hagman/Dailey) that recommended the Board of Directors approve Policy 701 Updates. Motion was passed unanimously by Members present.

4. Cooperative Agreement with City of Ontario – Transformative Climate Communities Grant

Development Planning Manager, Anna Jaiswal, presented a brief background on this item as detailed in the staff report.

Member Dailey noted the current efforts to reduce Agency costs and asked what the potential financial impact would be. Ms. Jaiswal explained that the grant provided funding for the related routes and amenities for 3 years and explained that after the 3 years, the Agency has no obligation to continue the services and can assess if funding is available to continue the services.

Member Hagman asked if there was any flexibility on the vehicle types that would be utilized under this program and suggested that staff look into different vehicle type options if possible.

M/S (Hagman/Roberts) that recommended the Board of Directors authorize the CEO/General Manager to enter into a Cooperative Agreement with the City of Ontario, which establishes Omnitrans' roles and responsibilities in the pass-through of \$3,628,523.10 of Transformative Climate Communities (TCC) grant funds from the City to Omnitrans. Motion was passed unanimously by Members present.

5. Authorize Award – MNT19-71, Labor and Parts for Engine and Transmission Replacements

Contracts Manager, Eugenia Pinheiro, presented a brief background on this item as detailed in the staff report.

M/S (Hagman/Avila) that recommended the Board of Directors authorize the CEO/General Manager to award Contract MNT19-71 to Complete Coach Works of Murrieta, CA, for the provision of Labor and Parts for Engine and Transmission Replacements, in the amount of \$2,700,273, plus a five (5) percent contingency of \$135,014, for a total not-to-exceed amount of \$2,835,287. Motion was passed unanimously by Members present.

F. ADJOURNMENT

The Administrative and Finance Committee meeting adjourned at 8:42 a.m.

The next Administrative and Finance Committee Meeting is scheduled Thursday, August 15, 2019, at 8:00 a.m., with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

Prepared by:

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

ITEM # E6

**EXECUTIVE COMMITTEE MEETING
MINUTES
JULY 12, 2019**

A. CALL TO ORDER

The Executive Committee Meeting was called to order by Chair David Avila at 9:06 a.m., Friday, July 12, 2019, at the Omnitrans Administrative Offices.

COMMITTEE MEMBERS ATTENDING

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

COMMITTEE MEMBERS ABSENT

Mayor John Dutrey, City of Montclair – Vice Chairman
Council Member John Roberts, City of Fontana

OMNITRANS STAFF ATTENDING

P. Scott Graham, CEO/General Manager
Erin Rogers, Deputy General Manager
Adrianne Fernandez, Executive Staff Assistant

B. ANNOUNCEMENTS/PRESENTATIONS

Next Committee Meeting: Friday, August 2, 2019, 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 – April 5, 2019

M/S (Spagnolo/Dailey) that approved the Executive Committee Minutes of April 5, 2019. Roll call vote was taken and the motion was passed unanimously by Members present.

2. Receive and File, Update on Omnitrans/SBCTA Ad Hoc Committee

CEO/General Manager, P. Scott Graham presented an overview of the 3 proposed service reduction scenarios developed by staff as directed by the Ad Hoc Committee at their last meeting in May 2019. He stated that Omnitrans and SBCTA have been working together and will reconvene on July 29, 2019. The information will be presented at the next Ad Hoc Committee meeting for consideration on September 5, 2019.

The Committee received and filed this item.

3. CEO/General Manager's Report

The CEO reported on the following items:

- The Board Room Upgrades project is moving forward, however will be implemented in phases. This project will include upgrades to the Board Room hardware and software systems.
- Staff is working with a vendor on the procurement of an Agenda Management Software, which will streamline the agenda management process and facilitate the transition to a paperless system.

F. BOARD BUSINESS

1. Public Employee Performance Evaluation – Deputy General Manager pursuant to Government Code Section 54957

The Committee convened into Closed Session at 10:20 a.m.

The Committee reconvened at 11:00 a.m. with no reportable action.

G. REMARKS AND ANNOUNCEMENTS

There were no announcements.

H. ADJOURNMENT

The Committee adjourned at 11:00 a.m. The next Executive Committee Meeting is scheduled Friday, August 2, 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

ITEM # E7

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Maurice Mansion, Treasury Manager

**SUBJECT: AGENCY MANAGEMENT REPORT – FISCAL YEAR 2019 FOURTH
QUARTER REPORT**

AGENCY RESULTS

The fourth quarter operational results in this report represents the period covering 4/01/2019 – 6/30/2019. The results in this quarter do not include all year-end closing adjustments. Some results will change once all year-end adjustments are recorded.

OPERATING REVENUE

Fourth quarter Operating Revenues of \$21.9M are \$.5M under budget. Year-to-Date (YTD) Operating Revenues are \$87.0M, under budget by \$2.4M or 3%. The fourth quarter negative variance is driven by the write-off of the Medi-Cal reimbursement. Omnitrans is no longer able to bill the state for Medi-Cal related trips on the Access service. The YTD budget variance is due to the write-off of the Medi-Cal reimbursement and the replacement and write-off of the liquefied compressed natural gas (LCNG) fueling equipment prior to the 20-year useful life.

OPERATING EXPENSE

Fourth quarter Operating Expenses of \$21.9M are \$.4M under budget. YTD Operating Expenses are \$87.9M, under budget by \$1.4M or 2%. Both positive variances are primarily driven by expenditures in Labor & Benefits, Services and Purchased Transportation being less than planned.

RIDERSHIP

During the fourth quarter, Omnitrans carried a total 2,791,016 passengers. This consisted of 2,700,908 on Fixed Route service and 90,108 on Access routes. This reflects a total system decrease of 2.6% when compared to the fourth quarter of last year. YTD Omnitrans has carried a total of 10,873,722. This represents a YTD decrease of 3.0%. Fixed Route ridership for the fourth quarter increased 73,688 or 2.8% and Access ridership decreased 4,067 or 4.3% compared to the same period last year. The reduction in ridership is mainly due to the Lyft Partnership Program to Access eligible customers implemented in November 2018 by the Special Transportation Services Department resulting in nearly 5,000 trips.

REVENUE HOURS/REVENUE MILES

Omnitrans provided a total of 209,832 revenue hours for the fourth quarter, reflecting an increase of 216 hours or .1% compared to the same quarter last year. YTD Omnitrans provided 833,793 revenue hours or an increase of .45% compared to last year. Omnitrans logged a total of 2,895,737 revenue miles during the quarter, reflecting an increase of 16,444 revenue miles or .57% when compared to same quarter last year. YTD Omnitrans provided 11,421,308 revenue miles or an increase of .05% compared to last year.

FAREBOX RECOVERY RATIO

Fourth quarter Passenger Revenue for Fixed Route is \$4,556,110 compared to \$4,104,767 for the same period last year. The increase in Passenger Revenue is attributed to the increase in the sale of 31-day passes. The farebox recovery ratio for Fixed Route is 24.95% for the fourth quarter. The minimum required farebox recovery ratio for fixed route is 20%. YTD Passenger Revenue is \$18,772,493 or 13.5% greater than last year. YTD farebox recovery ratio is 25.06%.

Passenger Revenue for Access is \$573,210 versus \$1,028,169 for the same quarter last year. This is a decrease of 44.2%. The farebox recovery ratio for Access is 15.60% for the fourth quarter. The minimum required farebox recovery ratio for Access is 10%. The quarterly revenue for Access was impacted by the discontinued Medi-Cal reimbursement. YTD Passenger Revenue is \$2,332,977 or 45.7% less than last year. YTD farebox recovery ratio is 14.72%. These numbers are also impacted by the discontinued Medi-Cal reimbursement and the Lyft Partnership Program to Access eligible customers implemented in November 2018.

FINANCIALS

Total Salaries and Benefits of \$13,064,941 are \$153,262 under budget for the fourth quarter. YTD expenditures are \$51,729,752 or \$1,143,052 under budget. Both variances are driven by headcount being lower than planned and the timing of sick and vacation accruals.

Total Services is \$633,271 or \$697,226 under budget in fourth quarter. YTD expenditures are \$3,533,327 or \$1,720,354 under budget. Both variances are primarily driven by other services being significantly less than planned.

Materials and Supplies is \$1,793,060 or \$184,665 over budget for the fourth quarter. YTD expenditures are \$7,564,707 or \$1,173,525 over budget. The fourth quarter negative variance is driven by rolling stock parts being higher than planned. The YTD negative variance is primarily driven by the price increase in natural gas.

Occupancy consists of Utilities, Data Communication Lines, Repairs and Maintenance to Buildings, Equipment and Software. Fourth quarter expenses are \$1,325,8199 or \$63,064 over budget. YTD expenses are \$4,773,135 or \$285,985 under budget. The fourth quarter negative variance is driven by repairs and maintenance on the buildings. The YTD positive variance is driven by utilities being less than planned.

Casualty & Liability is \$2,017,309 or \$322,425 over budget for the fourth quarter. YTD Casualty & Liability expenses are \$8,237,724 or \$1,484,187 over budget. Both of these variances are driven by insurance premiums being higher than planned.

Printing and Advertising is \$334,531 or \$75,552 over budget for the fourth quarter. YTD Printing and Advertising is \$867,339 or \$168,578 under budget. The fourth quarter negative variance is driven by printing and advertising related to the “May Service Change”. The YTD positive variance is driven by overall printing and advertising being lower than planned.

PSG:DW:MM

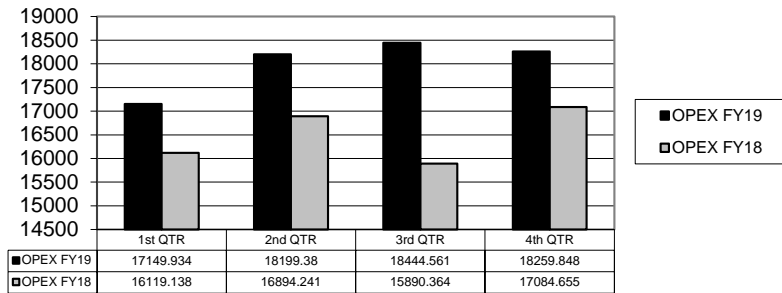
Attachment A: Agency Management Report FY19 Fourth Quarter Report

**PERFORMANCE STATISTICS
FISCAL YEAR 2019
Fourth Quarter**

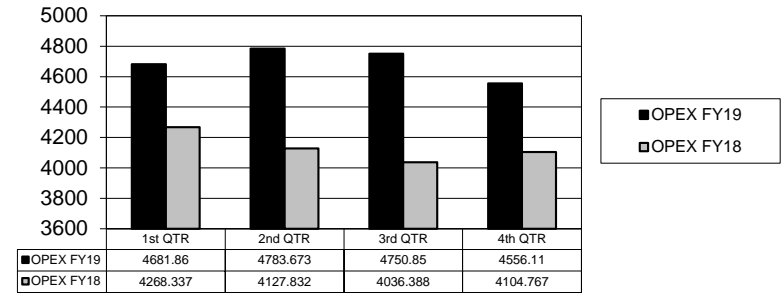
| | <u>Current Quarter</u> | | <u>YR/YR</u> | <u>Year-To-Date</u> | | <u>YR/YR</u> |
|--|----------------------------|----------------------------|------------------------------------|----------------------------|----------------------------|--------------------------------|
| | <u>Fourth Quarter 2019</u> | <u>Fourth Quarter 2018</u> | <u>inc/(dec)</u> <u>CURRENT</u> | <u>Fourth Quarter 2019</u> | <u>Fourth Quarter 2018</u> | <u>inc/(dec)</u> <u>YTD</u> |
| Total Passenger Revenue & Subsidy | | | | | | |
| Fixed Route | \$4,556,110 | \$4,104,767 | 11.0% | \$18,772,493 | 16,537,324 | 13.5% |
| Demand Response | \$573,210 | \$1,028,169 | -44.2% | \$2,332,977 | 4,295,283 | -45.7% |
| Total Passengers | | | | | | |
| Fixed Route | 2,700,908 | 2,627,220 | 2.8% | 10,513,598 | 10,832,159 | -2.9% |
| Demand Response | 90,108 | 94,175 | -4.3% | 360,124 | 378,087 | -4.8% |
| Farebox Recovery Ratio | | | | | | |
| Fixed Route/OmniLink | 24.95% | 24.03% | | 26.05% | 25.06% | |
| Access | 15.60% | 30.81% | | 14.72% | 32.34% | |
| Total Passengers per Revenue Hour | | | | | | |
| Fixed Route | 15.8 | 15.5 | 2.0% | 15.5 | 16.1 | -3.6% |
| Demand Response | 2.3 | 2.3 | -1.7% | 2.3 | 2.4 | -4.3% |
| Revenue per Passenger | | | | | | |
| Fixed Route | \$ 1.69 | \$ 1.56 | 8.0% | \$ 1.79 | \$ 1.56 | 14.3% |
| Demand Response | \$ 6.36 | \$ 10.92 | -41.7% | \$ 6.48 | \$ 11.36 | -43.0% |
| Cost per Passenger | | | | | | |
| Fixed Route | \$ 6.76 | \$ 6.50 | 4.0% | \$ 6.85 | \$ 6.09 | 12.5% |
| Demand Response | \$ 40.73 | \$ 35.40 | 15.1% | \$ 44.01 | \$ 35.13 | 25.3% |
| Cost per Revenue Hour | | | | | | |
| Fixed Route | \$ 107.06 | \$ 100.93 | 6.1% | \$ 106.44 | \$ 98.12 | 8.5% |
| Demand Response | \$ 93.50 | \$ 82.64 | 13.1% | \$ 101.06 | \$ 84.30 | 19.9% |

| | <u>Actual</u> | <u>Target</u> |
|--|---------------|---------------|
| On Time Performance | | |
| Fixed Route | 86.02% | 90% |
| Demand Response | 88.60% | 90% |
| Headcount | 723 | 696 |
| (includes PT Operators, excludes Rail,STS) | | |

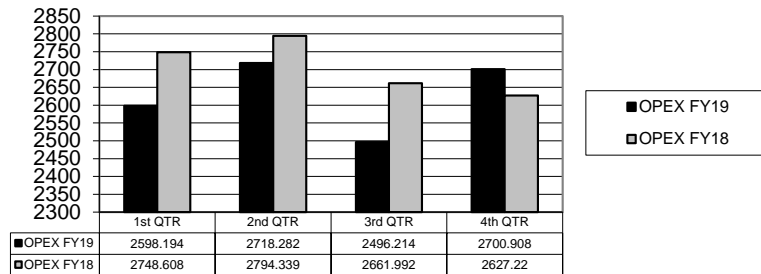
Fixed Route Operating Expense *Thousands*



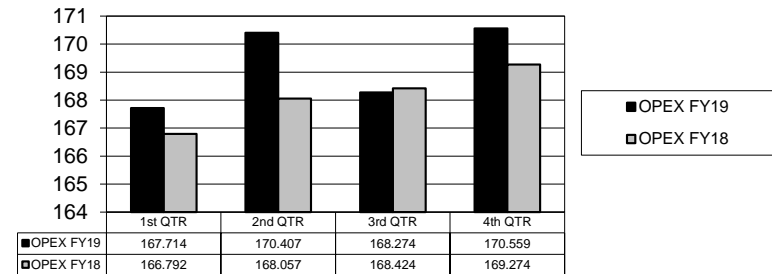
Fixed Route Passenger Revenue *Thousands*



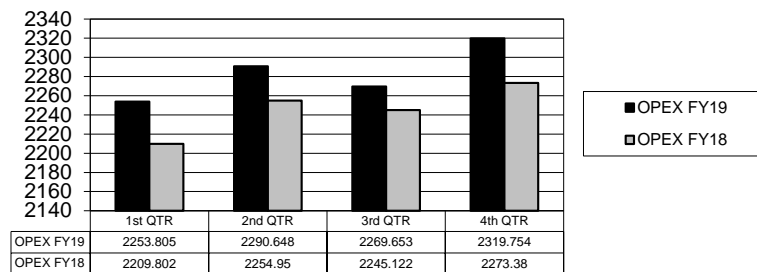
Fixed Route Ridership *Thousands*



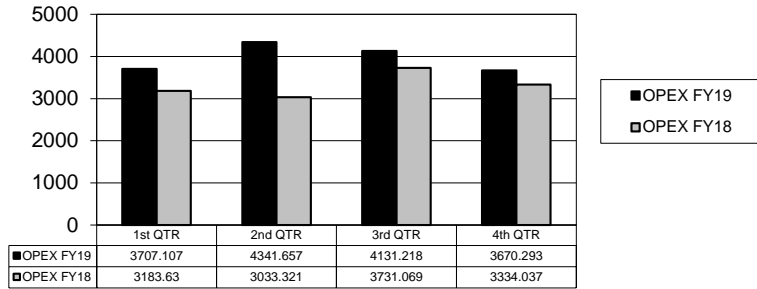
Fixed Route Revenue Hours *Thousands*



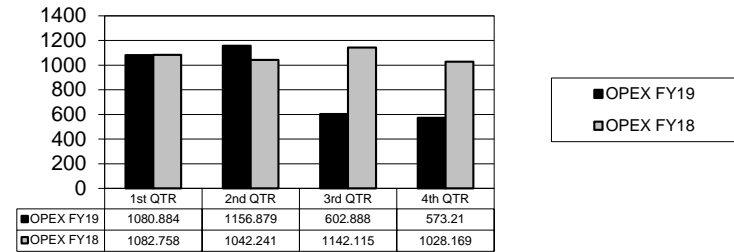
Fixed Route Revenue Miles *Thousands*



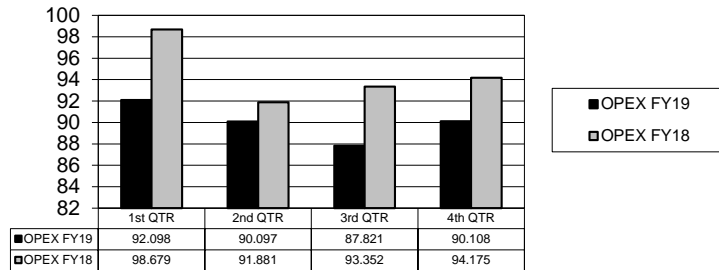
Demand Response Operating Expense
Thousands



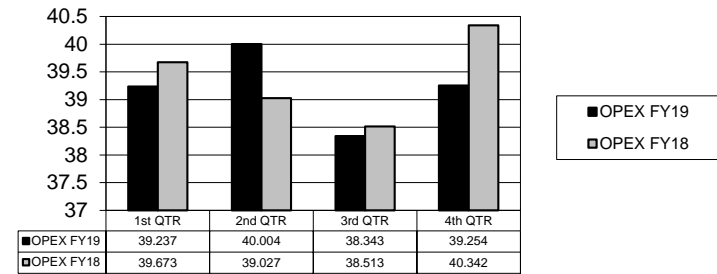
Demand Response Passenger Revenue
Thousands



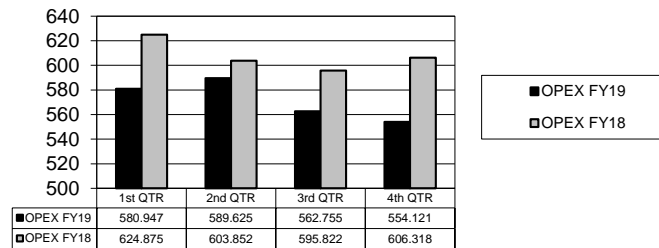
Demand Response Ridership
Thousands



Demand Response Revenue Hours
Thousands



Demand Response Revenue Miles
Thousands



Statement of Operations

Fiscal Year: 2019

CURRENT QUARTER: Fourth Quarter (April, May, June)

| <u>Actual</u> | <u>Budget</u> | <u>Fav/(Unf)</u> | <u>% of Budget</u> | <u>Operating Revenues</u> |
|-------------------|-------------------|------------------|--------------------|----------------------------------|
| 3,170,137 | 3,250,649 | (80,512) | 98% | Passenger Fares |
| 71,253 | 455,515 | (384,262) | 16% | Measure I Subsidy - Fares |
| 1,887,930 | 1,887,928 | 2 | 100% | Measure I - Operating |
| 567,699 | 567,700 | (0) | 100% | Measure I CTSA - Operating |
| (76,408) | 155,616 | (232,024) | -49% | Measure I Rail - Operating |
| 288,710 | 375,000 | (86,290) | 77% | LCFS - Credits |
| 272,664 | 112,500 | 160,164 | 242% | LCTOP Operating |
| 133,000 | 163,750 | (30,750) | 81% | Auxillary Transportation Revenue |
| 129,224 | 7,500 | 121,724 | 0% | Non-Transportation Revenue |
| 10,705,205 | 10,705,205 | 0 | 100% | LTF Operating |
| 227,032 | 227,032 | 0 | 100% | STAF Operating |
| 82,211 | 52,282 | 29,929 | 0% | JARC - Operating Assistance |
| 4,414,397 | 4,381,395 | 33,002 | 101% | Capital Funds for Operations |
| 21,873,053 | 22,342,070 | (469,017) | 98% | Total Revenues |

Operating Expenses

| | | | | |
|-------------------|-------------------|-----------------|------------|--------------------------------|
| 8,689,598 | 8,767,505 | 77,907 | 99% | Labor |
| 4,375,344 | 4,450,698 | 75,354 | 98% | Fringe Benefits |
| 606,369 | 1,303,595 | 697,226 | 47% | Services |
| 1,793,060 | 1,608,395 | (184,665) | 111% | Materials and Supplies |
| 1,325,819 | 1,262,755 | (63,064) | 105% | Occupany |
| 2,017,309 | 1,694,884 | (322,425) | 119% | Casualty and Liability |
| 1,143 | 13,750 | 12,607 | 8% | Taxes and Fees |
| 2,695,511 | 2,832,820 | 137,309 | 95% | Purchased Transportation |
| 334,531 | 258,979 | (75,552) | 129% | Printing and Advertising |
| 91,458 | 36,488 | (54,970) | 251% | Miscellaneous Expense |
| 0 | 112,201 | 112,201 | 0% | Lease and Rental |
| 21,930,141 | 22,342,071 | 411,930 | 98% | Total Operating Expense |
| (57,088) | (0) | (57,087) | | Net Gain (Net Loss) |

YEAR-TO-DATE: June 2019

| <u>Actual</u> | <u>Budget</u> | <u>Fav/(Unf)</u> | <u>% of Budget</u> |
|-------------------|-------------------|--------------------|--------------------|
| 13,273,035 | 13,002,597 | 270,437 | 102% |
| 280,724 | 1,822,061 | (1,541,337) | 15% |
| 7,551,711 | 7,551,711 | 0 | 100% |
| 2,270,798 | 2,270,798 | 0 | 100% |
| 390,439 | 622,463 | (232,024) | 63% |
| 1,613,852 | 1,500,000 | 113,852 | 108% |
| 599,304 | 450,000 | 149,304 | 133% |
| 776,764 | 655,000 | 121,764 | 119% |
| (1,581,469) | 30,000 | (1,611,469) | -5272% |
| 42,820,819 | 42,820,819 | 0 | 100% |
| 908,128 | 908,128 | 0 | 100% |
| 353,263 | 209,125 | 144,138 | 0% |
| 17,692,634 | 17,525,582 | 167,052 | 101% |
| 86,950,001 | 89,368,284 | (2,418,284) | 97% |
| 34,946,187 | 35,070,012 | 123,825 | 100% |
| 16,783,566 | 17,802,792 | 1,019,226 | 94% |
| 3,533,327 | 5,253,680 | 1,720,354 | 67% |
| 7,564,707 | 6,391,181 | (1,173,525) | 118% |
| 4,773,135 | 5,059,120 | 285,985 | 94% |
| 8,237,724 | 6,753,537 | (1,484,187) | 122% |
| 13,627 | 55,000 | 41,373 | 25% |
| 10,787,592 | 11,331,281 | 543,689 | 95% |
| 867,339 | 1,035,918 | 168,578 | 84% |
| 396,794 | 182,951 | (213,843) | 217% |
| 0 | 432,812 | 432,812 | 0% |
| 87,903,997 | 89,368,284 | 1,464,287 | 98% |
| (953,997) | 0 | (953,997) | |

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Mae Sung, Accounting Manager

SUBJECT: INVESTMENT STATUS

FORM MOTION

Receive and file this report on the status of the Agency's investments.

BACKGROUND

California Government Code requires the quarterly reporting of investments of public agency funds to its governing body.

SUMMARY

All of the Agency's investments are invested with the Local Agency Investment Fund (LAIF) and Union Bank. Please refer to the attachment for the investment activity of the Agency for the period of April – June, 2019. Sufficient funds are available to meet the obligations of the Agency for the next thirty-one days.

PSG:MS

OMNITRANS
Treasurer's Report
Quarter ending June 2019

| Institution - Investment Type | Description | Starting Balance | Deposits | Disbursements | Interest Yield | Ending Balance |
|---|--|------------------|------------------|--------------------|----------------|------------------|
| Cash and Investments Under the Direction of the Treasurer | | | | | | |
| Local Agency Investment Fund | | \$ 8,811,729.14 | | | 2.45% | |
| | Interest for QTR | | \$ 88,352.31 | \$ (5,100,000.00) | 2.45% | |
| | | | | \$ (2,700,000.00) | 2.45% | |
| | | | \$ 39,000,000.00 | \$ (3,000,000.00) | 2.41% | |
| | | | \$ 47,900,081.45 | \$ (10,800,000.00) | | |
| Net LAIF Funds | | | | \$ 37,100,081.45 | | \$ 37,100,081.45 |
| Fair Marketing Value | Fair Value Factor | | | | 1.001711790 | \$ 37,163,589.00 |
| Union Bank Money Market GMRA | | \$ 2,688,245.65 | | | | |
| | Interest | | \$ 8,968.64 | | 1.25% | |
| | | | \$ 363,733.48 | \$ (104,709.23) | | |
| | | | \$ 3,060,947.77 | \$ (104,709.23) | | |
| | | | | \$ 2,956,238.54 | | \$ 2,956,238.54 |
| Union Bank Money Market Caltrans Capital Project Funds | | \$ 9,639,081.37 | | | | |
| | Interest | | \$ 49,927.74 | | 1.25% | |
| | | | \$ 2,216,000.00 | \$ (633,709.10) | | |
| | | | \$ 11,905,009.11 | \$ (633,709.10) | | |
| | | | | \$ 11,271,300.01 | | \$ 11,271,300.01 |
| Union Bank CDs | | \$ 2,712,101.90 | | | | |
| | Change in Value | | \$ 3,853.10 | \$ (2,216,000.00) | | |
| | | | \$ 2,715,955.00 | \$ (2,216,000.00) | | |
| | | | | \$ 499,955.00 | | \$ 499,955.00 |
| Union Bank Money Market West Valley Corridor Project | | \$ 25,094,255.56 | | | | |
| | Interest | | \$ 55,128.58 | \$ (25,000,000.00) | 1.25% | |
| | | | \$ 25,149,384.14 | \$ (25,000,000.00) | | |
| | | | | \$ 149,384.14 | | \$ 149,384.14 |
| Union Bank Money Market CTSA | | \$ 11,531,357.10 | | | | |
| | Interest | | \$ 26,331.71 | \$ (11,442,458.34) | 1.25% | |
| | | | \$ 713,892.34 | | | |
| | | | \$ 12,271,581.15 | \$ (11,442,458.34) | | |
| | | | | \$ 829,122.81 | | \$ 829,122.81 |
| Chase Bank -CTSA ACH Debit | | \$ 37,440.51 | | | | |
| | | | \$ 12,017.80 | \$ (14,729.87) | | |
| | | | \$ 49,458.31 | \$ (14,729.87) | | |
| | | | | \$ 34,728.44 | | \$ 34,728.44 |
| | | \$ 869,152.59 | | | | |
| | Passenger | | \$ 3,184,716.35 | | | |
| | Grants' Revenue | | \$ 11,693,726.41 | | | |
| | Miscellaneous Revenue | | \$ 566,828.48 | | | |
| | Transfers From (To) LAIF | | \$ 10,800,000.00 | \$ (39,000,000.00) | | |
| | Transfers From (To) GMRA | | \$ 738,418.33 | \$ (363,733.48) | | |
| | Transfers From (To) CTSA | | \$ 11,442,458.34 | \$ (713,892.34) | | |
| | Transfers From (To)WV Corridor Project | | \$ 25,000,000.00 | | | |
| | Transfers From (To) Imprest Account | | | \$ (75,000.00) | | |
| | Accounts Payable | | | \$ (13,413,070.79) | | |
| | Payroll and Payroll Taxes | | | \$ (7,789,274.78) | | |
| | Employee Benefits | | | \$ (1,414,965.27) | | |
| | Bank Service Charge | | | \$ (15,382.85) | | |
| | | | \$ 64,295,300.50 | \$ (62,785,319.51) | | |
| | Net Union Bank Operating Funds | | | \$ 1,509,980.99 | | \$ 1,509,980.99 |
| | | \$ 9,200.00 | | | | |
| Petty Cash | | | | | | \$ 9,200.00 |

Cash and Investments Under the Direction of Fiscal Agents

| | | | |
|---------------------------|--------------|----|---------------|
| Union Bank | \$ 75,000.00 | | |
| Pacific Claims Management | \$ 75,000.00 | \$ | 150,000.00 |
| Total Cash & Investments | | \$ | 54,573,498.93 |

I hereby certify that the investment portfolio of OMNITRANS complies with its investment policy and the California Government Code Sections pertaining to the investment of local agency funds and Union Bank of California. Pending any future actions by the Omnitrans Board or any unforeseen catastrophe, OMNITRANS has an adequate cash flow to meet its expenditure requirements for the next six months.

Prepared by: _____
Mae Sung, Accounting Manager

Approved by: _____
P. Scott Graham, CEO/General Manager, Treasurer

@ Source of Market Value: California State Pooled Money Investment Board Report.
(1) Union: "Summary of Market Value" posted on monthly fiscal agent statements.
(2) LAIF: "Pooled Money Investment Account Market Valuation".
Master Control Account is the controlling account for all the zero balance accounts with Union including: Accounts Payable Account (General Account) and Payroll Account.
Interest earned by the Master Control account is used as a partial offset to the monthly bank service charges.

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

FROM: P. Scott Graham, CEO/General Manager

SUBJECT: PAYROLLS AND WARRANTS FOR APRIL - JUNE 2019

Approve the Agency's gross payroll for Management/Confidential Employees as follows:

| Payroll Period | Amount | Register # |
|-------------------|---------------|------------|
| 04/01/19-04/30/19 | \$ 864,553.67 | 08-09 |
| 05/01/19-05/31/19 | \$ 827,615.19 | 10-11 |
| 06/01/19-06/30/19 | \$ 826,346.86 | 12-13 |

Approve the Agency's gross payroll for Represented Employees as follows:

| Payroll Period | Amount | Register # |
|-------------------|----------------|------------|
| 04/01/19-04/30/19 | \$2,139,190.80 | 08-09 |
| 05/01/19-05/31/19 | \$2,183,092.78 | 10-11 |
| 06/01/19-06/30/19 | \$2,205,173.71 | 12-13 |

Approve the Register of Demands, dated as follows, and authorize the issuance of warrants:

| Register Date | Amount | Register # |
|-------------------|-----------------|------------|
| 04/01/19-04/30/19 | \$ 4,183,540.34 | 1010-1014 |
| 05/01/19-05/31/19 | \$ 5,922,815.63 | 1015-1020 |
| 06/01/19-06/30/19 | \$ 3,306,714.82 | 1021-1026 |

I, P. Scott Graham, CEO/General Manager of Omnitrans, declare that the above Register of Demands has been audited as required by Section 37202 and 37208 of the Government Code, and said documents are accurate and correct.

PSG:MS

ITEM # E8

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Suzanne Pfeiffer, Director of Human Resources

SUBJECT: OMNITRANS' QUARTERLY EEO STATUS REPORT

FORM MOTION

Receive and file Omnitrans Quarterly EEO Status Report for April 2019 through August 19, 2019. The report includes the following:

- The breakdown of our current workforce by Equal Employment Opportunity (EEO) categories (gender, race, veteran status, disability status) by department.
- The breakdown of candidates for employment who were interviewed this quarter by EEO categories (gender, race, veteran status, disability status) by department.
- The breakdown of candidates for employment who were hired this quarter by EEO categories (gender, race, veteran status, disability status) by department.

BACKGROUND

As a recipient of federal, state, and local funding, and by law, Omnitrans is required to have an EEO Plan and submit the plan to the FTA every four years. The FTA Triennial Audit includes a review of Omnitrans' EEO Program.

- Title VII of the Civil Rights Act of 1964 (Title VII), as amended by the Equal Employment Opportunity Act of 1972 and the Civil Rights Act of 1991, prohibits discrimination on the basis of race, color, religion, national origin, or sex in all institutions with 15 or more employees—including state and local governments and labor organizations. (42 U.S.C. §§ 2000e et seq.) Section 503 of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act of 1993, requires firms holding Federal contracts or subcontracts in excess of \$10,000 to “take affirmative action to employ and advance in employment qualified individuals with disabilities.” (29 U.S.C. § 793) Section 504 of the Rehabilitation Act of 1973 states, “No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to

discrimination under any program or activity receiving Federal financial assistance.” (29 U.S.C. § 794).

- FTA requires each applicant, recipient, subrecipient, or contractor that meets the EEO Program threshold requirements to submit an updated EEO Program every four years or as major changes occur in the workforce or employment conditions, whichever comes first.

As part of Omnitrans’ Equal Employment Opportunity Program, the Director of Human Resources has committed to audit personnel activity and report to the Board on a quarterly basis.

CONCLUSION

Receive and file Omnitrans’ Quarterly EEO Status Report for the quarter covering April 2019 through August 19, 2019.

Attachment A: Quarterly EEO Status Report

Submitted for the
Board Meeting of:
September 4, 2019

**OMNITRANS
EEO STATUS REPORT
WITH INTERVIEWS AND HIRES BY DEPARTMENT
As of August 19, 2019**

| DEPARTMENT | Total Positions* | MALE | | | | | | | | | | FEMALE | | | | | | | | | | Vacancies | INTERVIEWED | | | | | | | | | | APPOINTED | | | | | | | | | |
|--------------------------|------------------|--------------------|-----|-----|----|----|----|----|-----|-----|----|--------------------|----|----|----|----|----|-----|-----|----|----|-----------|-------------|----|----|----|----|-----|-----|---|----|----|-----------|----|----|----|-----|-----|---|--|--|--|
| | | ETHNIC COMPOSITION | | | | | | | | | | ETHNIC COMPOSITION | | | | | | | | | | | INTERVIEWED | | | | | | | | | | APPOINTED | | | | | | | | | |
| | | C | B | H | AS | AI | NH | 2+ | IWD | Vet | C | B | H | AS | AI | NH | 2+ | IWD | Vet | * | C | B | H | AS | AI | NH | 2+ | IWD | VET | C | B | H | AS | AI | NH | 2+ | IWD | Vet | | | | |
| Operations | 518 | 42 | 116 | 110 | 10 | 0 | 0 | 10 | 9 | 32 | 24 | 120 | 60 | 0 | 3 | 1 | 19 | 3 | 2 | 3 | 6 | 32 | 18 | 1 | 0 | 0 | 5 | 2 | 2 | 1 | 12 | 8 | 0 | 0 | 0 | 0 | 1 | 1 | 2 | | | |
| Maintenance | 107 | 27 | 9 | 51 | 6 | 2 | 0 | 1 | 5 | 13 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 1 | 4 | 7 | 3 | 0 | 0 | 2 | 0 | 0 | 1 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Executive Office | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Information Technology | 10 | 3 | 1 | 1 | 4 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Marketing | 18 | 0 | 0 | 3 | 0 | 0 | 0 | 1 | 0 | 1 | 2 | 0 | 12 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Strategic Development | 16 | 4 | 1 | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Human Resources | 11 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 2 | 5 | 0 | 3 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Safety & Security | 5 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Procurement | 20 | 5 | 1 | 8 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 3 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Finance | 11 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 3 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Special Transp. Services | 15 | 3 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Rail | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Agency Totals | 738 | 89 | 130 | 186 | 22 | 2 | 0 | 14 | 15 | 52 | 44 | 121 | 87 | 2 | 4 | 1 | 20 | 7 | 2 | 16 | 13 | 38 | 28 | 5 | 0 | 0 | 7 | 2 | 2 | 6 | 13 | 13 | 0 | 0 | 0 | 1 | 1 | 2 | | | | |

*Reflects numbers from the **FY19** budget

*Includes positions budgeted but not filled

C = Caucasian IWD = Individuals With Disabilities
B = Black VET = Protected Veterans
H = Hispanic
AS = Asian
AI = American Indian
2+ = Two or More Races
NH = Native Hawaiian or Other Pacific Islander

COMPLETED BY:

Meredith Tshilonda

(HR Analyst)

PERCENTAGES

| | | | | | | | | |
|-----|-----|-----|----|----|------|----|-----|-----|
| C | B | H | AS | AI | NH | 2+ | IWD | VET |
| 133 | 251 | 273 | 24 | 6 | 1 | 34 | 22 | 54 |
| 18% | 35% | 38% | 3% | 1% | 0.1% | 5% | 3% | 7% |

ITEM # E9

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

FROM: P. Scott Graham, CEO/General Manager

SUBJECT: MANAGEMENT PLAN STRATEGIC INITIATIVES AND KEY PERFORMANCE INDICATORS FISCAL YEAR 2019 FOURTH QUARTER REPORTS

FORM MOTION

Receive and file the 2019 Management Plan Strategic Initiatives and Key Performance Indicators, Fourth Quarter and Fiscal Year End Reports.

This item was reviewed by the Administrative and Finance Committee at its August 15, 2019 meeting and recommended to the Board of Directors for receive and file.

BACKGROUND

In May 2018, the Board of Directors approved five Strategic Initiatives for Fiscal Year 2019. These initiatives were developed through a collaborative process with the Senior Leadership Team and align with the CEO/General Manager's goals, Omnitrans Short Range Transit Plan, as well as San Bernardino County Transportation Authority's (SBCTA) Short Range Transit Plan. Progress made on the Strategic Initiatives has been reported to the Board of Directors quarterly. (Attachment A) Additionally, each quarter Omnitrans staff prepares the Key Performance Indicators(KPI's) report to present to the Board. The attached report is the final 4th Quarter Report for Fiscal Year 2019. (Attachment B)

***Note:** Operating Expenses for FY2019 represents expenses as of 06/30/2019. There will be additional expenses for FY2019 as outstanding invoices are received and accrued.*

CONCLUSION

Receive and file the 2019 Management Plan Strategic Initiatives and Key Performance Indicators, Fourth Quarter Reports.

PSG:ER

Attachments: A: Strategic Initiatives B: KPI's

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 1 - Financial Sustainability & Operational Cost Efficiencies

| Strategic Actions FY19 | Accountability Measures | Notes |
|--|--|--|
| Design and contract the construction of Pipeline Fueling Infrastructure at "I" Street. | 100% completion of design and contract award for Pipeline/fueling infrastructure at "I" Street by Q3 (carry over from FY18). | <p>As part of the design process, it was discovered that the distance of the fuel line to the facility is problematic and cost prohibitive. As a result, this project will not go forward at this time.</p> <p>As an alternative, the East Valley Access fleet began fueling a portion of the fleet at the East Valley facility during Q2.</p> <p>On 1/21/19 (Q3) both East Valley and West Valley Access fleets began fueling at the East Valley and West Valley facilities.</p> <p>On January 25, 2019 (Q3) Purchase Order was issued to Creative Bus Sales located in Chino, CA for delivery of eighteen (18) CNG Access vehicles. Five (5) additional CNG Access vehicles scheduled for delivery in Q3 from the State of CA.</p> <p><i>*Fueled 50,233 gallons of CNG from East Valley and West Valley facilities for Access vehicles. This resulted in a cost reduction of \$105,489 and earned \$30,060 in fuel credits. A total cost reduction of \$184,815 and \$52,664 in fuel credits was obtained since the Access fleet began fueling in Jan 2019. On-going, this item will carry over to next fiscal year.</i></p> |
| 2. Develop a strategy and identify partners to begin implementation of solar energy and stored energy solutions. | 100% completion of RFI for alternative energy solutions by Q1; evaluate and select solutions by Q2, award contract for selected solutions by Q3. | <p>RFI completed in Q1.</p> <p>Evaluated Alternative Solutions in Q2.</p> <p>Preparing Scope of Work for release in Q3.</p> <p>A meeting was held with Southern California Edison (SCE) on available Incentive Programs. SCE to perform a preliminary site feasibility study for bus electrification in Q3.</p> <p>SBCTA consultant staff will conduct a county-wide zero emission bus study and analysis.</p> <p><i>SBCTA selected WSP to prepare county-wide study. Consultant working with Omnitrans staff, and report will be complete by December 2019.</i></p> <p><i>*On-going, this item will carry over to next fiscal year.</i></p> |
| 3. Complete the grant-funded, near-zero engine repower project (on 63 buses). | Award contract for near-zero engine repower by Q2. | <p>Awarded contract for engines in Q4, FY 2018.</p> <p>Contract awarded for transmissions in Q2.</p> <p>Request for Proposals for installation of engines and transmissions was released at the February 6, 2019 Board of Directors meeting. Award was delayed until September, 2019.</p> <p><i>*Contract for engine Installation scheduled for award at September Board of Directors meeting. Begin re-power project by Q2, FY 2020, and complete by FY 2021.</i></p> <p><i>On-going, this item will carry over to next fiscal year.</i></p> |

**Italicized sections represent Quarter 4 updates.*

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 1 - Financial Sustainability & Operational Cost Efficiencies

| | | |
|---|--|---|
| <p>4. Advocate for funding to mitigate projected shortfalls in operational funding.</p> <p>A. Partner with SBCTA to develop a consistent outreach plan designed to inform political and private stakeholders about Omnitrans projects and initiatives, as well as legislative and/or administrative challenges.</p> | <p>100% completion Advocacy Outreach Plan intended to mitigate projected funding shortfalls by Q4.</p> | <p>Omnitrans and SBCTA staff developed updated Operating and Capital Cost financial forecasts for the Short-Range Transit Plan (SRTTP). The resulting cost and revenue forecasts were on the February Executive Committee and Board of Directors meeting agendas. A Board of Directors Workshop was held on March 14, 2019.</p> <p>Draft legislation to change Omnitrans from a JPA to a statutorily created transit district has been approved by both the Omnitrans and SBCTA Boards. Along with approval of this draft legislation is a MOU which ensures SBCTA engages Omnitrans in discussions of the inclusion of dedicated transit funding in a concurrent or future tax measure.</p> <p>Assembly member Gomez Reyes has agreed to author the bill. The bill is moving through the committees. Changes to the original version were required to obtain support. This includes adding a Board compensation limit of \$125 per meeting, \$500 per month; and including a public works construction bidding threshold of \$10,000, similar to other Transit District legislation. Discussion of additional changes requested by CALAFCO are pending.</p> <p>The joint Omnitrans-SBCTA Board of Directors Ad Hoc Committee was formed. The committee gave both agencies direction to develop solution to resolve forecasted budget deficits. <i>Recommendations have been developed and will be shared with the Ad Hoc committee on August 26, 2019. The joint recommendation from SBCTA and Omnitrans will include increased revenue and service reductions.</i></p> <p><i>*The Omnitrans Transit District legislation (AB1457) successfully moved through all committees and all requested amendments were addressed. Assemblymember Gomez Reyes made the decision to park the bill in policy committee after individual Board members expressed concerns. Assemblymember Gomez Reyes requested Omnitrans staff report back to her regarding the progress and outcome of the Ad Hoc Committee by October 2019.</i></p> <p><i>*On-going, this item will carry over to next fiscal year.</i></p> |
|---|--|---|

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 2 – Service Expansion Funding Growth

| Strategic Actions FY19 | Accountability Measures | Notes |
|--|--|---|
| <p>1. Establish partnerships and agreements to support Arrow Rail service.</p> <p>A. Execute Three Party Agreement with SBCTA and Metrolink.</p> <p>B. Release Request for Proposals (RFP) and award contract for Operations and Maintenance of Equipment.</p> | <p>100% completion of RFP for Operations and Maintenance contractor by Q2 FY 20.</p> | <p>The three-party agreement was finalized and executed in May Q4 FY 19</p> <p>The RFP for Operations and Maintenance of Equipment is scheduled for release in Q3 FY20.</p> <p>A rail feeder service plan has not been developed at this time.</p> <p><i>*On-going, this item will carry over to next fiscal year.</i></p> |
| <p>2. Partner with SBCTA staff to advance the West Valley Connector (WVC) Project, including Small Starts grant application.</p> | | <p>Omnitrans staff worked in collaboration with SBCTA staff to develop draft Small Starts application and environmental document in Q1.</p> <p>SBCTA deferred Small Starts application until the funding plan for the project is further developed. SBCTA is preparing for public circulation of the draft environmental document for the project under CEQA and NEPA, with public hearings tentatively scheduled for June – July 2019.</p> <p>SBCTA and Omnitrans are discussing a shared bidirectional bus lane option with the City of Ontario, which could save cost on the project for right-of-way acquisition and construction of the dedicated bus lane on Holt Boulevard in Ontario.</p> <p>The updated Financial Forecast that went to the February Executive Committee and Board of Directors meeting addresses the long-term funding uncertainty which may impact the WVC.</p> <p><i>*Partnering with SBCTA, the draft environmental document was released for public comment. Public meetings to gather feedback were held during July 2019.</i></p> <p><i>*On-going, this activity will carry over to next fiscal year.</i></p> |
| <p>3. Complete 2019-2025 Short Range Transit Plan (SRTTP) which identifies both financially constrained and unconstrained service implementation plans.</p> | <p>100% completion SRTTP and Board approval by Q3.</p> | <p>At the January Plans and Programs Committee and the February Board of Directors Meeting, staff recommended delaying the completion of the SRTTP until other guiding documents were completed (Bus Electrification Study and LRTP both by SBCTA) and until there is further information and direction regarding project timing and funding for the WVC.</p> <p><i>*The financial analysis and recommendations being developed for the Ad Hoc Committee will ultimately lead to the financial forecasts necessary to complete the SRTTP, now scheduled within the FY2020 management plan.</i></p> |
| <p>4. Partner with city, county, and other stakeholders on opportunities to implement transit-oriented development (TOD).</p> | <p>Number and value of grant opportunities collaborated on for TOD funding.</p> | <p>Staff have provided input on several member cities' active transportation plans and the City of Redlands Transit Village Specific Plan.</p> |

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 2 – Service Expansion Funding Growth

| | | |
|---|---|--|
| | | <p>Several cities have worked with Omnitrans to incorporate bus stops and amenities into development plans or other city projects.</p> <p>Omnitrans continues to participate in steering committee meetings for AQMD potential funding opportunity.</p> <p>Staff continues to work with the cities of San Bernardino and Ontario on implementation of recent grants they have received which include funding for purchase of bus shelters, transit passes, real time signage and service frequency improvements.</p> <p><i>*During Q4, Omnitrans executed the final agreement with the City of Ontario to begin to implement the programs initiated through Ontario's TCC grant.</i></p> |
| 5. Invest in premium shelters to enhance customer amenities and safety. | Deploy premium shelters once design elements are finalized. | <p>The Board approved a plan and strategy in Q2 to move forward with two premium shelters per year.</p> <p><i>*During Q4, premium shelters were installed at Crafton Hills College and on Foothill Boulevard at Riverside Avenue.</i></p> |

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 3 – Technology

| Strategic Actions FY19 | Accountability Measures | Notes |
|--|--|---|
| 1. Design Transit Asset Management System (TAM) to comply with Federal Transit Administration (FTA) regulation | 100 % completion of TAM Plan SOW by Q1. | <p>TAM Plan completed in October.</p> <p>TAM reporting information compiled and submitted to the FTA in October.</p> <p><i>*Follow up action of implementing TAM software solution is out for solicitation and on schedule for completion by end of Q4 FY20.</i></p> |
| 2. Develop strategy for meeting California Air Resource Board (CARB) requirement for Zero Emission Bus technology. | 100 % completion of Electrification Study complete for Zero Emission Bus technology including support infrastructure and impact to agency by Q4. | <p>Electrification study RFP has been awarded by SBTCA for all of San Bernardino County; consultant currently working with SBTCA staff to complete the study.</p> <p>An update was provided to the Operations and Safety Committee in February regarding CARB's Innovative Clean Transit Regulation, the fleet plan, and the challenges associated with transitioning the fleet and facilities to comply with the regulation.</p> <p>Submitted FTA Low-No Grant application to partner with a vendor for four electric buses and charging infrastructure.</p> <p><i>*In July, Omnitrans was notified that we were not successful in the FTA Low-No Grant. The FTA awarded one grant award per state. Omnitrans had \$2.5 million in designated local funding associated with this grant that will be moved to other electric bus initiatives.</i></p> |
| 3. Optimize SAP functionality and utilization for procure-to-pay, recruitment, and electronic timekeeping | <p>1. 3rd Party recruitment system implemented by Q2;</p> <p>2. Complete paperless invoicing process and procurement process review by Q3;</p> <p>3. 100 % completion of Management Confidential Employee Timekeeping by Q3.</p> | <p>3rd Party recruiting implementation completed Q2.</p> <p>SAP Ariba (procurement module) / OpenText (document storage) business case under development. Cost may be prohibitive; exploring other potential options.</p> <p><i>*Trapeze Timekeeping, FMLA, and leave request awarded in March. On track to be completed by end of Q3 FY20.</i></p> |
| 4. Implement paratransit online booking software to improve efficiency and customer experience. | Paratransit online booking software implemented by Q3 | <p><i>*Trapeze WEB procurement approved at November 2018 Board of Directors meeting. Weekly implementation meetings with 1st round of testing completed June 2019, with final testing starting August 2019. Go Live, soft-release, date set for Q2 FY20.</i></p> <p><i>*Software will allow clients with mobile or desktop device to schedule trips, cancel trips, view scheduled trips and check on status of scheduled trips.</i></p> |
| 5. Finalize technology requirements for Arrow Rail service | Develop procurement plan for required systems and equipment for Arrow Rail Q1. | Awaiting list / description of systems from SBTCA. |

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 4 - Safety and Security

| Strategic Actions FY19 | Accountability Measures | Notes |
|--|--|---|
| 1. Implement monthly safety campaigns to enhance the safety culture of the Agency. | 100% completion of safety & security campaign topics for FY19 by Q1. | <p>Completed three Safety and Security Newsletter campaigns with the following safety topics (Heat Illness/Hide, Lock, Take/ Not on My Shift/ and Stop the Bleed/ Active Shooter.</p> <p>Completed 559 Environmental Health and Safety training computer-aided courses in Q1.</p> <p>Safety and Security continue to produce and distribute monthly Safety Newsletters. Additionally, Operations conducts monthly safety campaigns on topical issues based on trend analysis.</p> |
| 2. Develop the training model to complete the Baseline Assessment for Security Enhancement of the TSA Gold Standard. | 100% completion of training model by Q3. | <p>Developed presentation on TSA to be delivered to Senior Leadership Team.</p> <p>Performed Gap Analysis on TSA requirements to determine items to be delivered.</p> <p>Developed presentation of Security Training modules to be delivered in Q3.</p> <p>Q3 Staff redirected resources from this item to focus on the Public Transportation Agency Safety Plan (PTASP) which is a federally mandated program. We will meet many of the TSA Gold Standard elements through the creation and implementation of this plan.</p> |
| 3. Conduct exercises/drills on the System Security Emergency Response Preparedness Plan to ensure readiness. | 30% improvement in agency readiness via the After-Action Reports. | <p>Designed two Field Exercise themes: 1. Release of toxin or bacteria upon coach in route. 2. Major hazardous chemical spill within EV bus yard.</p> <p>To be developed further in Q4 in collaboration with impacted departments and Executive Office.</p> <p>Q3 Staff has implemented a Safety and Security Outreach Campaign and has met with several agencies to collaborate on safety and security. In addition, Community Response Team meetings are being held which involve various agencies within the community. Presentation to the Ops and Safety Committee on this topic will be delivered at the August 28, 2019 meeting.</p> |
| 4. Create a detailed plan for failover/recovery and operation during an incident involving loss of data/critical infrastructure; and ensure readiness. | 100% completion of Failover/Recovery Plan in coordination with IT Department by Q4. | <i>*Datacenter equipment repurposed and installed in WV; duplicate server and databased replication complete; detailed IT failover plan will be completed by Q4 FY20.</i> |
| 5. Enhance current paratransit mobility securement devices for customer safety with new and improved mobility securement devices. | Install Q-Straint CUBE securement systems by Q4 and 25% reduction in number of paratransit incidents related to mobility device securements by Q4. | <p>Q4 FY17, added CUBE securement systems to 2 paratransit vehicles for testing - no incidents related to mobility devices reported.</p> <p><i>*Q1 FY19 added CUBE securement systems to 28 paratransit vehicles due Q2 FY20 and FY20. Future purchases will include CUBE system.</i></p> |

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 4 - Safety and Security

| | | |
|---|---|---|
| 6. Submit entry for APTA Bus Safety and Security Excellence Award. | On time submission for APTA Bus Safety and Security Excellence Award. | <p>Meeting scheduled with Operations for late Q2 to review APTA's Criteria for Bus Security and Safety Award and develop first draft approval to Executive Office by Q3.</p> <p>Q3 Submitted and won APTA Gold Award for Safety and Security.</p> |
| 7. Enhance security posture by implementing new programs and initiatives to support customer safety and security on-board our vehicles and at our facilities. | <p>Evaluate fare enforcement alternatives for bus and rail system and implement on-board fare enforcement by Q2.</p> <p>Evaluate and implement paid parking to offset additional security requirements.</p> | <p>A draft of a - "<u>Passenger Code of Conduct: Transit Suspension Procedure Policy</u>" was written and is in committee review. These policies and procedures govern passenger conduct on Agency property and associated limitations on access to Agency property as a result of infractions of acceptable conduct as described therein.</p> <p><u>LED Exterior Security Lighting</u> – this item was approved by the Board of Directors at the February 6, 2019 meeting. All of the exterior lighting at the East Valley facility with energy efficient LED lights.</p> <p><u>Stop the Bleed & Active Shooter Training</u> –Loma Linda Health trained 103 Omnitrans employees in how to "Stop the Bleed". The group of trainees consisted of Directors, Managers, Supervisors and Staff.</p> <p><u>Stop the Bleed Kits</u> –Stop the Bleed kits were installed at SBTC, EV, and WV locations, a total of 11 kits were installed.</p> <p><u>Emergency Communications Radio Project</u> – The San Bernardino County Office of Emergency Services (OES) and security met with Facilities regarding running the ham radio repeater cable and antenna on the Agency's tower. All other equipment is being programmed by OES.</p> <p><i>*Approval of SB-1 grant funding to be utilized for installing lighting at bus stop locations for increased security and safety.</i></p> <p><i>*Operation supervisors have been conducting fare check enforcement onboard sbX buses to reduce fare evasion.</i></p> |

FY 19 Management Plan – 4th Quarter Report

Strategic Initiative 5 - Workforce Stability

| Strategic Actions FY19 | Accountability Measures | Notes |
|--|---|--|
| 1. Expand Leadership Development Academy (LDA) to include Manager and Supervisor tracks. | 30% of LDA "graduates" eligible to compete for Manager/Supervisor vacancies. 50% of class enrollment in Supervisor LDA Track to target enrollment. | Leadership Development Academy expanded to include Manager Track, with 12 participants. Plans to implement Supervisor track will be developed in Q3-Q4. Q3 Director Track participants graduated 1/24/19; Manager Track participants graduated 4/22/19. <i>*Developing supervisor training in collaboration with Insight Strategies. Continue in FY20.</i> |
| 2. Provide opportunities for Interns for expanded workplace experiences to enhance their exposure to the transit industry. | Number of interns placed in service. | There are currently 12 interns working at Omnitrans. The interns attended the Leonard Transportation Center Dialogue Series on Transportation Funding in Q2. <i>*Seven interns are currently working in various departments. Continue in FY20</i> |
| 3. Evaluate operational processes that impact Coach Operator overtime and improve personnel utilization. | Reduce operator overtime by 10%. | Process evaluation complete. A number of adjustments have been made to the Coach Operator hiring process and utilization of personnel. Coach Operator overtime has been reduced by over 50 percent since the beginning of the fiscal year. <i>*Overtime continued to trend with reductions of greater than 50%.</i> |
| 4. Prepare for and conduct labor negotiations. Identify provisions in Coach Operator Collective Bargaining Agreement to improve cost efficiencies Coach Operator work environment. | Complete labor negotiations by Q3. | Negotiating team provided a briefing to the Board of Directors in closed session at the December meeting. Negotiations began January 14, 2019. Q3 Negotiations continue. Fourteen meeting held. Tentative Agreements on 46 out of 63 articles. <i>*Negotiations continue. Board was updated in closed session on July 10.</i> |

| Key Performance Indicators & Level/Level Item | Annual Performance Target | YTD | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 |
|--|---------------------------|--------------|--------------|--------------|--------------|--------------|
| 1. Cost Effectiveness | | | | | | |
| Cost Per Hour - Fixed Route (non-sbX) | < \$104.00 | \$104.52 | \$101.28 | \$105.58 | \$107.35 | \$103.89 |
| Cost Per Hour - Access | < \$94.00 | \$101.06 | \$90.37 | \$103.19 | \$99.52 | \$93.50 |
| Cost Per Hour - sbX | < \$136.00 | \$134.33 | \$132.07 | \$134.89 | \$137.71 | \$132.54 |
| Fare Recovery Ratio - Fixed Route (non-sbX) | > 20.00% | 26.77% | 27.87% | 26.86% | 26.47% | 25.94% |
| Fare Recovery Ratio - sbx | > 20.00% | 17.91% | 17.50% | 17.61% | 18.75% | 17.70% |
| Fare Recovery Ratio - Access | > 10.00% | 14.72% | 30.48% | 28.03% | (12.53%) | 13.15% |
| 2. Service Performance | | | | | | |
| Ridership Growth - Systemwide | >= 1.10% | (2.97%) | (5.34%) | (2.42%) | (5.60%) | 1.58% |
| Productivity - Passengers Per Hour - Fixed Route | >= 16.5 | 15.40 | 15.50 | 16.00 | 14.90 | 15.10 |
| Productivity - Passengers Per Hour - Access | >= 2.4 | 2.30 | 2.30 | 2.20 | 2.30 | 2.30 |
| Complaints Per 100,000 Boardings - Systemwide | <= 13.00 | 14.21 | 13.91 | 13.81 | 16.88 | 15.52 |
| Complaints Per 100,000 Boardings - Fixed Route | <= 13.00 | 13.73 | 13.87 | 13.65 | 16.12 | 14.66 |
| Complaints Per 100,000 Boardings - Access | <= 19.00 | 28.32 | 15.20 | 18.87 | 38.72 | 41.06 |
| Compliments Per 100,000 Boardings - Systemwide | >= 1.00 | 1.02 | 0.93 | 1.07 | 1.12 | 1.12 |
| Compliments Per 100,000 Boardings - Fixed Route | >= 1.00 | 1.05 | 0.96 | 1.10 | 1.15 | 1.12 |
| Compliments Per 100,000 Boardings - Access | >= 0.50 | 0.28 | 0.00 | 0.00 | 0.00 | 1.11 |
| 3. Reliability | | | | | | |
| Mechanical - Miles Between Failures - DO Fixed Route | > 8,000.00 | 6,737 | 8,560 | 5,803 | 5,439 | 7,143 |
| Loss of Service Hours Per Qtr - Operations - DO Fixed Route | < 3,600 | 2,026 | 1,458 | 466 | 43 | 22 |
| Loss of Service Hours Per Qtr - Maintenance - DO Fixed Route | < 840 | 516 | 256 | 160 | 64 | 36 |
| Equipment Availability - DO Fixed Route | >= 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |
| On-time Performance - Fixed Route | > 85.00% | 86.02% | 86.13% | 83.56% | 87.63% | 85.42% |
| On-time Performance - Access | > 88.00% | 88.60% | 89.21% | 90.72% | 86.53% | 87.14% |
| 4. Budget | | | | | | |
| Operating Revenue - Actuals to Budget - Systemwide | > 95.0% | 97.29% | 93.24% | 100.74% | 96.59% | 98.60% |
| 2019 - Operating Revenue | | \$86,950,000 | \$20,832,283 | \$22,509,454 | \$21,579,593 | \$22,028,670 |
| 2018 - Operating Revenue | | \$82,977,800 | \$20,103,551 | \$20,738,956 | \$21,476,897 | \$20,658,396 |
| 2017 - Operating Revenue | | \$75,877,502 | \$19,029,528 | \$19,377,342 | \$18,765,336 | \$18,705,296 |
| 2016 - Operating Revenue | | \$76,623,814 | \$18,361,287 | \$20,430,370 | \$16,820,309 | \$21,011,848 |

| Key Performance Indicators & Level/Level Item | Annual Performance Target | YTD | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 |
|--|---------------------------|--------------|--------------|--------------|--------------|--------------|
| Operating Expense - Actuals to Budget - Systemwide | <= 100.0% | 98.36% | 93.35% | 100.37% | 99.45% | 100.31% |
| 2019 - Operating Expense | | \$87,903,998 | \$20,847,021 | \$22,425,017 | \$22,220,594 | \$22,411,366 |
| 2018 - Operating Expense | | \$83,331,930 | \$19,302,768 | \$19,929,874 | \$19,621,433 | \$24,477,855 |
| 2017 - Operating Expense | | \$77,149,225 | \$18,137,736 | \$19,142,742 | \$19,123,346 | \$20,745,401 |
| 2016 - Operating Expense | | \$72,807,625 | \$17,661,650 | \$19,348,974 | \$16,647,818 | \$19,149,183 |
| 5. Safety & Security | | | | | | |
| Employee Injuries (FY 2019) | < 86 | 90 | 25 | 23 | 21 | 21 |
| Losses & Claims (FY 2019) | < 80 | 63 | 17 | 15 | 15 | 16 |
| Preventable Safety Events Per 100,000 Miles - DO Fixed Route | < 1.0 | 1.10 | 0.80 | 0.90 | 1.50 | 1.10 |
| Non-Preventable Safety Events Per 100,000 Miles - DO Fixed Route | | 4.53 | 3.75 | 4.78 | 5.17 | 4.42 |
| Uncategorized Accidents Per 100,000 Miles - DO Fixed Route | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6. Labor | | | | | | |
| Turnover | < 10.00% | 20.19% | 6.00% | 4.73% | 4.64% | 4.82% |
| Absenteeism Operators | < 185,000 | 148,270 | 50,647 | 33,303 | 34,733 | 29,587 |
| Training (FY 2019) | >= 5,000 | 3,648 | 1,093 | 1,089 | 1,025 | 441 |
| Training - ATU Represented (FY 2019) | >= 10,500 | 31,692 | 1,644 | 16,114 | 6,398 | 7,536 |
| Training - Teamsters Represented (FY 2019) | >= 696 | 1,841 | 227 | 751 | 411 | 452 |

ITEM # E10

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Donald Walker, Director of Finance

**SUBJECT: OMNITRANS' FISCAL YEAR ENDED JUNE 30, 2019 FINANCIAL
AUDIT STATEMENT ON AUDITING STANDARDS (SAS) 114 LETTER**

FORM MOTION

Receive and file Vavrinek, Trine, Day & Co., LLP (VTD) SAS 114 letter for fiscal year ended June 30, 2017.

This item was reviewed by the Administrative and Finance Committee at its August 15, 2019 meeting and recommended to the Board of Directors for receive and file.

SUMMARY AND BACKGROUND

As a recipient of federal, state, and local funding, Omnitrans is required to have an annual audit conducted by independent auditors in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards. The audit also included (15) fifteen tasks contained in San Bernardino County Transportation Authority (SBCTA) Transportation Development Act 2005 Compliance Guide.

The SAS 114 letter is an American Institute of Certified Public Accountants (AICPA) required communication letter for all financial statement audits. The purpose of the letter is to communicate to those charged with governance, such as the Board of Directors, Audit Committee, President, or Management, the scope of audit procedures performed, significant findings, and other information, such as disagreements with management, audit adjustments and significant estimates, that aren't communicated in the audited financial statements.

In short, the responsibility of VTD is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, and are in conformity with Generally Accepted Accounting Standards.

The audit includes obtaining an understanding of Omnitrans and its environment, including internal control, and risk of material misstatements. Material misstatements may result from:

1. Errors
2. Fraudulent financial reporting
3. Misappropriation of assets
4. Violation of laws or governmental regulations

If any member of the Administrative and Finance Committee or the Board of Directors is aware of matters that have a material bearing on the financial statements taken as a whole (such as those listed above in items 1 – 4), please contact Roger Alfaro at (909) 466-4410 or email at ralfaro@vtdcpa.com.

CONCLUSION

Omnitrans is in receipt of the Statement Auditing Standards Letter for fiscal year ended June 30, 2019.

PSG: DW

Attachments: VTD's SAS 114 Letter



VAVRINEK, TRINE, DAY & CO., LLP
 Certified Public Accountants

VALUE THE *difference*

May 28, 2019

To the Board of Directors
 Omnitrans
 San Bernardino, California

We are engaged to audit the financial statements of Omnitrans for the year ended June 30, 2019. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibilities under U.S. Generally Accepted Auditing Standards, *Government Auditing Standards* and the Uniform Guidance

As stated in our engagement letter dated May 20, 2019, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we will consider Omnitrans' internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Uniform Guidance.

As part of obtaining reasonable assurance about whether Omnitrans' financial statements are free of material misstatement, we will perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit. Also in accordance with the Uniform Guidance, we will examine, on a test basis, evidence about Omnitrans' compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Compliance Supplement applicable to each of its major federal programs for the purpose of expressing an opinion on Omnitrans' compliance with those requirements. While our audit will provide a reasonable basis for our opinion, it will not provide a legal determination on Omnitrans' compliance with those requirements.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to 1) Management's Discussion and Analysis, 2) Schedule of Changes in the Net Pension Liability and Related Ratios, and 3) Schedule of Contributions, which supplement the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on the Schedule of Expenditures of Federal Awards and Schedule of Proposition 1B Unspent Funds and Cash Disbursements, which accompany the financial statements but are not RSI. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We have not been engaged to report on the introductory section or the statistical section, which accompany the financial statements but are not RSI. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will not express an opinion or provide any assurance on it.

Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

If any member of the Board is aware of matters that have a material bearing on the financial statements taken as whole (such as those described in items 1-4), please contact me at (909) 466-4410 or by email at ralfaro@vtdcpa.com by September 1, 2019.

We expect to begin our audit in May 2019 and issue our report in December 2019. Roger Alfaro is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

This information is intended solely for the use of the Board of Directors and management of Omnitrans and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,



Roger E. Alfaro, Partner
Of Vavrinek, Trine, Day & Co., LLP

RA:gbl

ITEM # E11

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Jeremiah Bryant, Director of Strategic Development

SUBJECT: DEVELOPMENT PROJECTS UPDATE

FORM MOTION

Receive and file an update on development projects.

This item was reviewed by the Plans and Programs Committee at its July 24, 2019 meeting and recommended to the Board of Directors for receive and file.

BACKGROUND

The following projects are underway to make improvements for Omnitrans customers.

Adopt-a-Stop Pilot Program

Omnitrans has been piloting the Adopt-a-Stop Program since February 2019. Seventeen (17) organizations have signed up for volunteer litter pickup, of which nine (9) organizations have started. Trash Buster organizations include private businesses, a faith-based organization, non-profit organizations, and academic institutions, and are located in the cities of Fontana, Loma Linda, Ontario, Rialto, and San Bernardino. One private business in San Bernardino also sponsored a bench and trash can, which have been installed at the bus stop by Omnitrans.

A community bus stop cleanup day was also held on May 18, 2019, through a partnership between Omnitrans and “We are the Change San Bernardino Volunteers”. Approximately 25 volunteers cleaned up the four bus stops at Baseline and Waterman in San Bernardino. The community bus stop cleanup days are planned to be continued quarterly.

Transit Stop Access Improvement Program

At the July 10, 2019 meeting of the SBCTA Board of Directors, SBCTA awarded \$193,126 of 2019 TDA Article 3 Transit Stop Access Improvement Program funds to Omnitrans. These funds will provide 80% of project costs, to be matched by 20% Omnitrans funds, and will go toward the purchase of 27 benches and 14 shelters in the cities of Colton, Fontana, Montclair, Ontario,

Redlands, Rialto, and San Bernardino and unincorporated areas of the County of San Bernardino. Omnitrans also supported the applications of the cities of Highland, Loma Linda, Rancho Cucamonga, Rialto, and San Bernardino for funding for concrete accessibility improvements at bus stops.

Premium Shelters

In keeping with the premium shelter prioritization plan approved by the Board of Directors in November 2018, Omnitrans installed a premium shelter on the Crafton Hills College campus on June 20, 2019 and one on Foothill Boulevard at the southeast corner of Riverside Avenue in the City of Rialto on July 10, 2019. The City of Grand Terrace also secured match funding for a premium shelter, which is expected to be installed on Barton at Town Square by October 2019.

West Valley Connector Bus Rapid Transit Project

In cooperation with Omnitrans and FTA, SBCTA is publicly circulating the Draft Environmental Impact Report/Environmental Assessment for the West Valley Connector project. The public comment period is June 24 through August 8, 2019, and public hearings are scheduled for the following dates and times:

Wednesday, July 17, 2019
6:00 - 8:00 PM
City of Fontana
City Hall - Flex Conference Room
8353 Sierra Ave
Fontana, CA 92335

Wednesday, July 31, 2019
6:00 - 8:00 PM
City of Pomona
City Council Chambers
505 Garey Avenue
Pomona, CA 91766

Thursday, July 18, 2019
6:00 - 8:00 PM
City of Ontario
Senior Center MPR
225 East B Street
Ontario, CA 91764

Thursday, August 1, 2019
6:00 - 8:00 PM
City of Rancho Cucamonga
Central Park - Etiwanda Room
11200 Base Line Road
Rancho Cucamonga, CA 91730

Grants

Omnitrans applied for two grants from the Federal Transit Administration in May and June 2019. The award of the grants is expected to be announced in Fall 2019; typically about 10-18% of the funds requested are awarded. Omnitrans applied for \$2,158,277 in the Low or No Emission Bus Program, which would fund 50% of the cost of four electric buses and four chargers. Two of the electric buses would operate in East Valley and two in West Valley.

Omnitrans also applied for \$3,900,100 in the Buses and Bus Facilities Program, which would fund 40% of the cost of the rehabilitation of the “I” Street Paratransit Maintenance Facility. The project would include: paving and expansion of bus parking; construction of a bus wash building; methane detection system and upgrades to maintenance bays; upgrades to restrooms, doors, windows, and

heating, ventilation, and air conditioning in the office building; renovation of classroom space including a new paratransit eligibility screening center; and rooftop solar panels. Omnitrans has matching funds committed for both projects from local and State funding sources.

CONCLUSION

Receive and file an update on development projects.

PSG:JB:AMJ

Attachment A: Power Point Presentation



DEVELOPMENT PROJECTS UPDATE

Board of Directors
September 4, 2019

Adopt-a-Stop Program



Golden State Municipal
Specialized Process Service



LOMA LINDA
UNIVERSITY
HEALTH

Institute for Health
Policy and Leadership



RIALTO HOST LIONS CLUB



Transit Stop Access Improvement Program

2019 TDA Article-3 funds for shelters, benches, and trash receptacles



Premium Shelter Program



West Valley Connector Project



Grants

Lo-No –
Electric Vehicles and
Chargers



Bus and Bus Facilities –
“I” Street Facility
Rehabilitation



THANK YOU

ITEM # E12

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Trischelle Baysden, Director of Rail

SUBJECT: REDLANDS PASSENGER RAIL PROJECT UPDATE

FORM MOTION

Receive and file an update on the Redlands Passenger Rail Project (RPRP).

This item was reviewed by Operations and Safety Committee at its August 28, 2019 meeting and recommended to the Board of Directors for receive and file.

BACKGROUND

Omnitrans partners with the San Bernardino County Transportation Authority (SBCTA) and Southern California Rail Authority (SCRRA) staff via monthly coordination meetings to prepare for the operation of service for the Redlands Passenger Rail Project (Arrow Service). Since 2009, Omnitrans and SBCTA have fostered this working relationship to plan, design and expand rail operations into the Redlands area. Arrow Service will provide a safe and reliable travel alternative for the communities along the corridor including San Bernardino, Loma Linda, Redlands and surrounding areas.

Communications and Outreach

A groundbreaking event for the Redlands Passenger Rail Project was held at the Redlands Depot on July 19th with speakers from SBCTA, Omnitrans, Metrolink, as well as California State Transportation Agency Undersecretary Elissa Konove and Congressman Pete Aguilar.

As part of the on-going public communications and outreach efforts for the project, SBCTA sends email updates regarding construction activities.

Mainline Construction

Notice to Proceed was given to Flatiron Construction on June 20th to begin mainline construction. From California St. to Texas St., crews will be removing track and performing other various activities on the rail corridor during the week of August 19th.

Arrow Maintenance Facility

The contract for the construction of the Arrow Maintenance Facility was awarded to Granite Construction on June 5th. A pre-construction meeting was held at SBCTA on August 5th. Construction is scheduled to begin September 5th. The latest estimate for completion of the facility is January 2021.

Vehicles- Diesel Multiple Units (DMU's)

The Rail vehicle delivery schedule will be adjusted to coincide with the completion of the maintenance facility. The latest update estimates that the first vehicle will be delivered in November 2020, the second vehicle in December 2020, and the third vehicle in January 2021. A meeting was held at the Stadler facility in Utah from August 5-7 to discuss and ensure that PTC equipment for the vehicles is in place for installation. The DMU trucks will be inspected in September and the bodies will be inspected in early November of this year.

Operations & Maintenance Contract

Omnitrans staff has been working to develop the Request for Proposal for Arrow Operations and Maintenance of Equipment. Upon Board approval, the expected release of the Operations and Maintenance (O&M) RFP is scheduled for February 2020. Pre-proposal conferences are scheduled in March 2020. Proposals will be due in June 2020. Face-to-face interviews, along with presentations, are scheduled for July 2020. With Board approval, the Notice to Proceed for the O&M Contract should be awarded in October 2020.

Three Party Agreement

The Agreement between Omnitrans, SCRRA and SBCTA Operations and Maintenance (#17-1001641), which details the roles and responsibilities of each party, was fully executed in the month of May 2019.

Federal Transit Administration Update

In March 2019, the FTA Project Management Oversight Committee (PMOC) was established for the RPRP. Monthly meetings are coordinated between Omnitrans, SBCTA, and the FTA to review progress on the project. The latest meeting was held on August 23rd, along with a tour of the alignment. On August 13th, notification was received from the FTA stating that the RPRP Project Management Plan (PMP) and its subplans successfully met the requirements for the TIGER Grant Award.

CONCLUSION

Receive and file an update on the Redlands Passenger Rail Project.

PSG: VTB

Attachments: Power Point Presentation



Redlands Passenger Rail Service Project Update

Board of Directors

September 4, 2019

- **Communications and Outreach**
- **Mainline Construction**
- **Arrow Maintenance Facility**
- **Arrow DMU's**
- **Milestones**





**Groundbreaking
was July 19, 2019
at Redlands Depot**

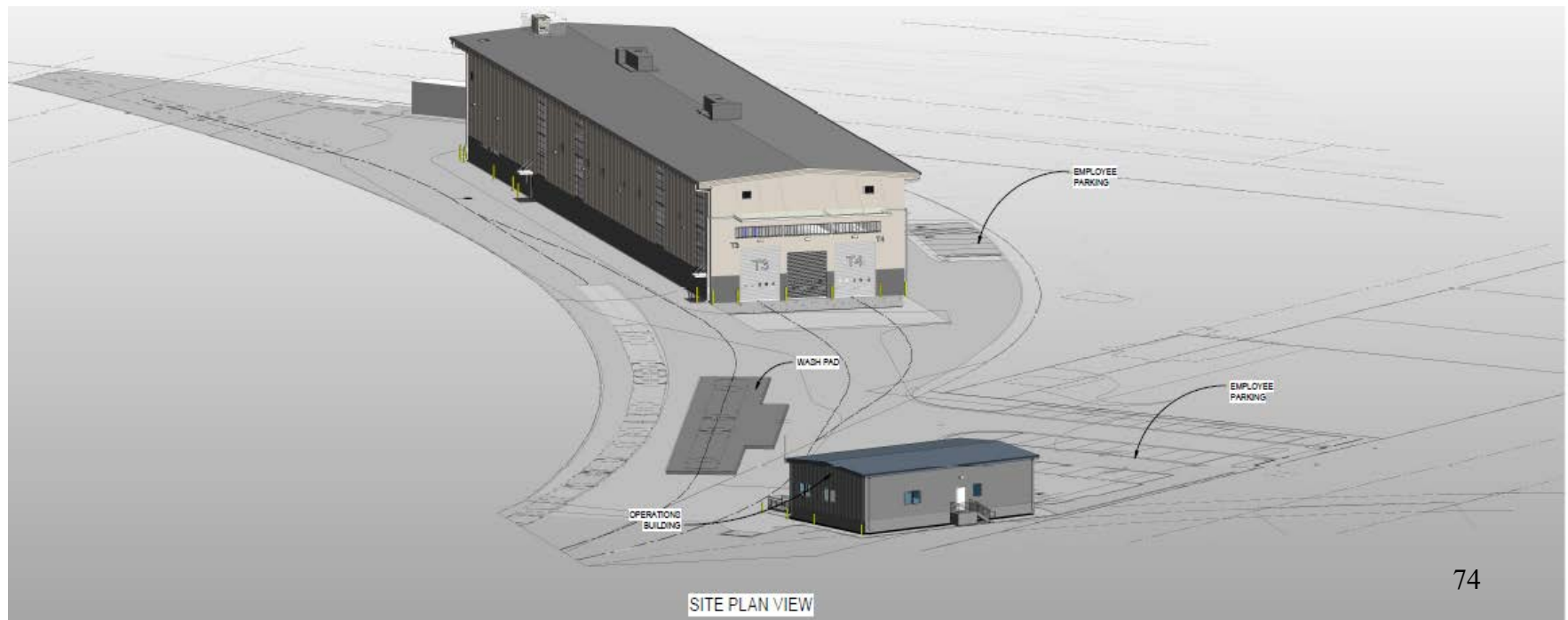
Construction update 8/19-23:

- Potholing Central Ave. to Sierra Way
- Underground work at Richardson St.



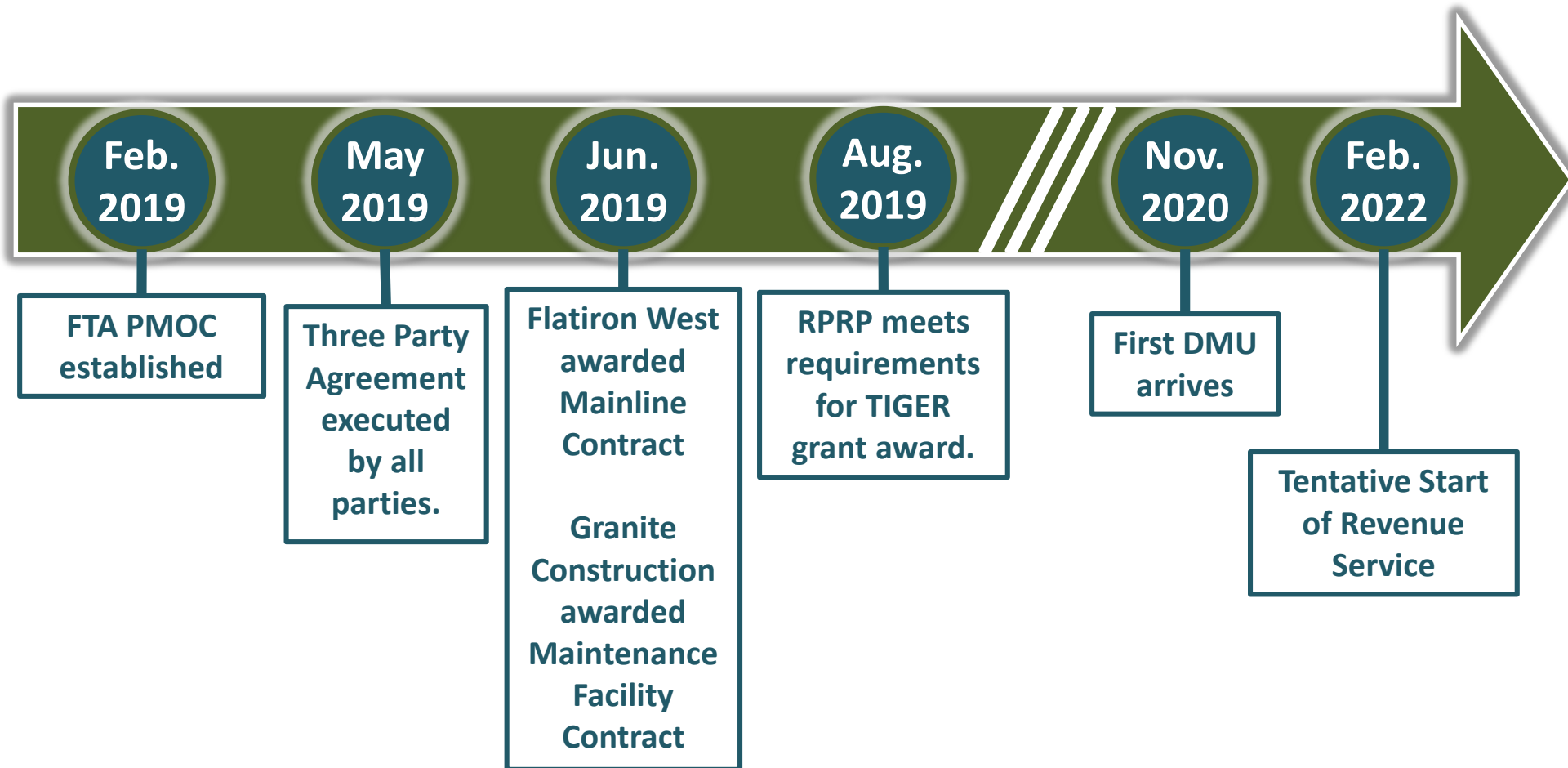
- **NTP given to Flatiron Construction on June 20, 2019**
- **Currently, Crews are removing track and related tasks on the rail corridor between California St. and Texas St.**
- **Revenue Service scheduled for February 2022**

- Contract awarded to Granite Construction on June 5th
- Pre-construction meeting was held on August 5th
- Construction scheduled to begin September 5th
- Estimated completion January 2021



- **Stadler is manufacturer of Diesel Multiple Units (DMU's)**
 - SBCTA awarded Stadler contract In 2016
- **Omnitrans, SBCTA and Stadler hold weekly and monthly meetings**
 - August meeting focused on Positive Train Control (PTC) requirements and equipment
- **DMU trucks and train bodies will be inspected over the next few months**
- **First scheduled vehicle delivery is November 2020**







Questions?

ITEM # E13

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Shawn Brophy, Director of Operations

SUBJECT: OVERVIEW OF PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

FORM MOTION

Receive and file an overview of the Public Transportation Agency Safety Plan (PTASP).

This item was reviewed by Operations and Safety Committee at its August 28, 2019 meeting and recommended to the Board of Directors for receive and file.

BACKGROUND

On July 19, 2018, the Federal Transportation Authority (FTA) published the PTASP Final Rule, which requires certain operators of public transportation systems, that receive federal funds under FTA's Urbanized Area Formula Grants, to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). Transit agencies are obligated to certify an agency safety plan by July 20, 2020.

CONCLUSION

Receive and file an overview of the Public Transportation Agency Safety Plan.

PSG: SB

Attachment: Power Point Presentation



PUBLIC TRANSPORTATION AGENCY SAFETY PLAN OVERVIEW

**Board of Directors
September 4, 2019**

- FTA published the Public Transportation Agency Safety Plan (PTASP) Final Rule in July 2018
- PTASP Rule requires Transit Agencies to develop safety plans that include Safety Management Systems (SMS) in processes and procedures
- Plan certified by July 2020

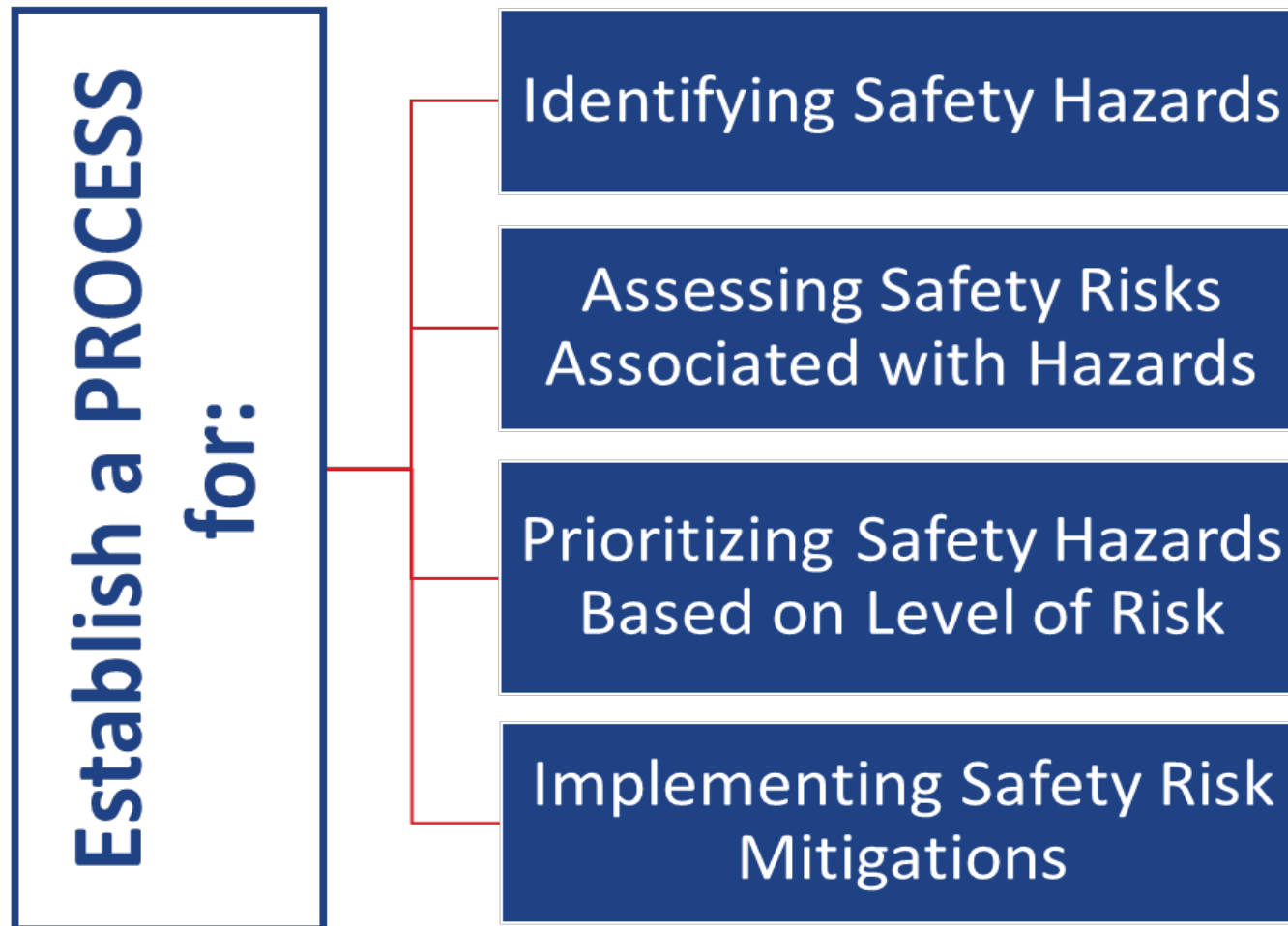


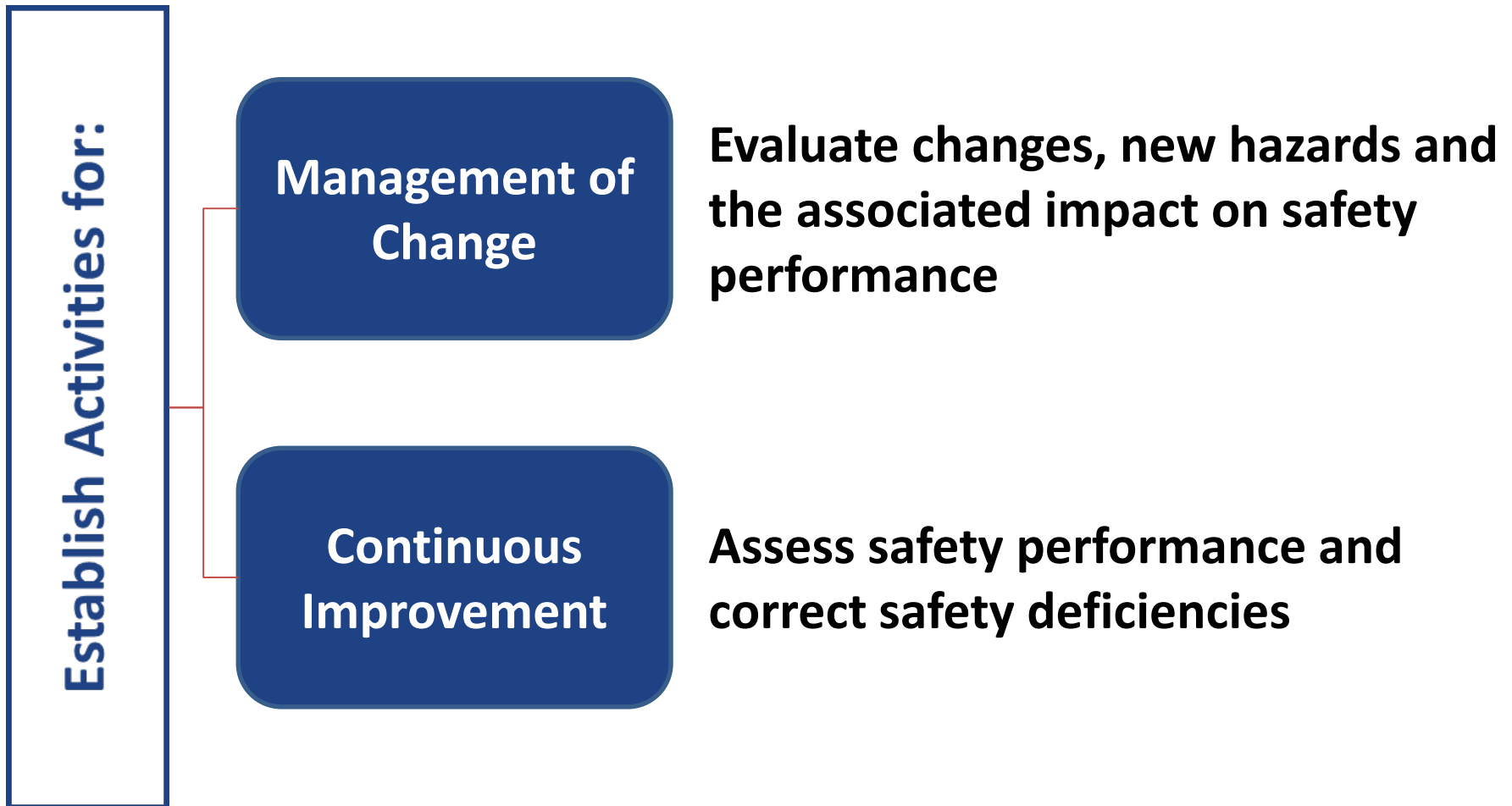
- Approved by Accountable Executive and Board of Directors
- Annual Review/Update and Certification
- Compliance with Public Transportation Safety Program/National Safety Plan
- Must Assign Chief Safety Officer that has a direct line to CEO/GM
- Implement an Employee Reporting System (ERS).

- Safety Management System (SMS) is the foundation of PTASP
- SMS has four pillars:
 1. Safety Management Policy
 2. Safety Risk Management
 3. Safety Assurance
 4. Safety Promotion









Safety Training

Comprehensive: for agency employees/contractors directly responsible for safety

Agency Communication

Communicate agency's safety policies, safety performance throughout the agency



Questions?

ITEM # E14

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Wendy Williams, Director of Marketing & Planning

SUBJECT: **CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO
GO SMART PROGRAM AGREEMENT**

FORM MOTION

Authorize the CEO/General Manager to execute a new revenue agreement with California State University, San Bernardino (CSUSB). (Attachment A)

Omnitrans legal counsel has reviewed and approved this revenue agreement as to form.

This item was reviewed by the Plans & Programs Committee at its July 24, 2019 meeting, and recommended to the Board of Directors for approval.

BACKGROUND AND SUMMARY

The Go Smart program is a discounted fare program in which Omnitrans negotiates pricing with partner organizations. These programs provide unlimited rides to students, or other specified members of a partner organization, when they present a valid ID for fare payment. The partner organization is responsible for creating and distributing IDs and providing Omnitrans with regular uploads of eligible ID card holders to ensure that only currently active employees/students/clients may participate. The ID cards must be compatible with Omnitrans fare collection equipment and include a photo. Go Smart partner IDs may be used on any Omnitrans route on any day or time, not just for trips to or from the partner destination. Such programs are proven to increase transit use among participants. Funding comes from student fees and/or administrative sources.

Since 2013-14, Omnitrans has maintained a “Go Smart” revenue agreement with CSUSB. The CSUSB agreement has allowed enrolled students, faculty and staff with valid ID cards unlimited rides on Omnitrans general public services and a 20 percent discount on the purchase of Access one-way fare tickets. Since 2013, over 668,000 Omnitrans boardings have been attributed to CSUSB students, faculty or staff. The current agreement expires on August 31, 2019.

In contrast to our Go Smart agreements with three community colleges, Chaffey College, San Bernardino Valley College and Crafton Hills College, the CSUSB program is not funded by student fees. Therefore, no student referendum is required. Funding is allocated through the CSUSB Parking and Transportation Services Department.

FISCAL IMPACT

In anticipation of the Omnitrans fare increase which takes effect in September 2019, a rate increase for the CSUSB Go Smart program was proposed. The current rate is \$175,000 per year while the proposed rate is \$190,000 per year for three years. Terms and conditions for the new three-year agreement are acceptable to CSUSB. During the life span of the agreement, \$570,000 in fare revenue will be generated for Omnitrans.

Strategic Initiative Supported: Financial Stability and Funding Growth, Implement Fare Increase.

CONCLUSION

Staff recommends that the Board of Directors authorize the CEO/General Manager to execute a new revenue agreement with California State University, San Bernardino (CSUSB).

PSG: WW

Attachment A: Omnitrans Agreement with California State University San Bernardino “Go Smart” Discount Pass Program



OmniTrans Agreement with California State University San Bernardino “Go Smart” Discount Pass Program

This Agreement is entered into between OmniTrans and **California State University San Bernardino (CSUSB)**. OmniTrans and **CSUSB** agree that it will be to the mutual benefit of the parties for OmniTrans to provide **CSUSB** students, faculty and staff with unlimited “fare-free” rides on all OmniTrans fixed route services between September 1, 2019 and August 31, 2022 (“Program Term”). The purpose of this Agreement is to provide transit access to all eligible **CSUSB** students, faculty and staff with current valid photo identification cards, subject to the following terms and conditions as part of the Go Smart Program (“Program”):

1. Go Smart Program

CSUSB shall pay OmniTrans the amount of \$190,000 per year to allow enrolled students, faculty and staff to have unlimited rides during the program term. OmniTrans will invoice **CSUSB** for the annual amount at the beginning of each academic quarter during the programs term as follows: \$63,333.34 each September, \$63,333.33 each January, and \$63,333.33 each April. Payment by **CSUSB** is net 30 days.

- A. OmniTrans shall allow each **CSUSB** student, faculty or staff presenting a current, valid **CSUSB** photo identification card to ride on all OmniTrans fixed route bus and rail services, operating under OmniTrans published timetables.
- B. OmniTrans shall allow any eligible **CSUSB** student, faculty or staff who is also pre-qualified to use OmniTrans’ Access para-transit service to purchase Access one-way tickets at a twenty (20) percent discount. Access program information, including ride scheduling details, will be provided to the pre-qualified student in coordination with **CSUSB**. A pre-qualified student may contact OmniTrans for an Access ticket order form.

2. Identification

CSUSB is responsible for producing and providing student, faculty and staff with valid **CSUSB** photo identification cards (“**CSUSB** Cards”) that can be accepted by OmniTrans fare boxes and recognized by OmniTrans coach operators, sample shown in **Exhibit A**. Cards shall include magnetic stripes which contain school and student, faculty and staff data necessary for validation and data collection. **CSUSB** shall be the sole judge of which students, faculty and staff shall be eligible to receive the ID cards. ID cards shall allow fare-free boarding during the Program Term. Such ID cards must be presented when boarding OmniTrans vehicles to receive transportation service for no fare (no charge). Failure to present a valid ID card will impact right to fare-free boarding.

CSUSB shall supply OmniTrans with sample identification cards encoded with test student, faculty and staff data at least 30 days in advance of launching the Program. OmniTrans must approve identification card encoding and graphic design and any subsequent changes to encoding or graphic design prior to implementation.

CSUSB shall electronically transmit to OmniTrans an updated list of eligible identification card numbers at regular intervals, but no less than every thirty (30) days, so that OmniTrans may validate usage and mitigate potential fraud.

3. Implementation

Omnitrans and **CSUSB** shall work together to promote the program to students, faculty and staff utilizing a wide range of communication methods including but not limited to **CSUSB** and Omnitrans publications, websites, emails, on-campus posters/ flyers and participation in campus events. All Program advertising must be approved by Omnitrans.

Omnitrans shall provide **CSUSB** with monthly ridership reports to evaluate the program.

4. Invoice and Payment Contacts

Contacts for invoices, payments and any correspondence initiated pursuant to this Agreement shall be sent to:

Wendy Williams
Director of Marketing
Omnitrans
1700 W. Fifth St.
San Bernardino, CA 92411
909-379-7151
wendy.williams@omnitrans.org

Kathleen Marron
Administrative Analyst/Specialist
CSUSB Transportation Services
5500 University Parkway
San Bernardino, CA 92407-2347
909-537-3478
kmarron@csusb.edu

5. Agreement

This Agreement and any attachments constitutes the full and complete understanding and agreement of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, understandings and agreements between the parties related to the subject matter hereof. This Agreement may not be amended or modified except by means of a written amendment executed by all parties and expressly stating that it is an amendment or modification to the Agreement. Nothing in this Agreement shall be construed to give third-party beneficiary rights to any entity or person not a party to this agreement. This Agreement is to be interpreted under the terms of California law. Disputes that the parties cannot resolve directly will be resolved in a court of competent jurisdiction in consideration of where the Agreement is being performed.

6. Term and Termination

The term of this Agreement shall be September 1, 2019 to August 31, 2022 unless terminated earlier as set forth below:

- A. Either party may terminate this Agreement for convenience by providing the other party with thirty (30) days written notice of termination prior to the end of any quarter. In the event of such termination, **CSUSB** is not responsible for payment of the Fee for the upcoming quarter, but is responsible for any outstanding payments of the Fee for quarters prior to termination. Thereafter Omnitrans shall have no further claims against **CSUSB** under this Agreement, except for any claims resulting from **CSUSB's** requirements under Section 7 (Hold Harmless).
- B. Omnitrans may terminate this Agreement for **CSUSB's** default if **CSUSB** breaches any material provision of this Agreement and fails to cure such breach within ten (10) calendar days of receipt of written notice from Omnitrans. If Omnitrans so terminates for default,

then **CSUSB** shall pay Omnitrans its payment for fees up to the date of actual termination within thirty (30) days of such date.

- C. **CSUSB** may terminate this Agreement at any time for Omnitrans' default if Omnitrans breaches any material provision of this Agreement and fails to cure such breach within ten (10) calendar days of receipt of written notice from **CSUSB**. If **CSUSB** so terminates for default, then **CSUSB** shall pay Omnitrans its payment for fees up to the date of actual termination within thirty (30) days of such date.

7. Hold Harmless

Omnitrans will be responsible for damage caused by the negligent or intentional acts or omissions of its officers, agents and employees occurring in the performance of this Agreement and indemnify, defend and hold harmless the **CSUSB** for the same, including payment for reasonable attorneys' fees. **CSUSB** shall be responsible for damage caused by the negligent or intentional acts or omissions of its officers, agents and employees occurring in the performance of this Agreement and indemnify, defend and hold harmless Omnitrans for the same, including payment for reasonable attorneys' fees. It is the intention of Omnitrans and **CSUSB** that the provisions herein be interpreted to impose on each party, responsibility for the negligent acts or omissions of their respective officers, agents and employees concerning this Agreement.

8. Announcements

The parties may issue joint press releases approved in advance by both parties. In addition, the parties may promote this Program provided the other party approves such use in advance.

9. Assignment

Neither party shall assign all or any part of this Agreement without the prior written consent of the other party which consent shall not be unreasonably withheld, provided, however, that this Agreement may be assigned by either party without the consent of the other to an affiliate or to any third party who succeeds to substantially all of its business or assets. In the event of a valid assignment, this Agreement will inure to the benefit of and be binding upon each party and its respective successors and permitted assigns.

10. Compliance with Laws

The parties will comply with all applicable laws, ordinances, rules, and regulations governing their respective duties or responsibilities under this Agreement, including obtaining all necessary approvals in accordance with applicable laws, policies and regulations.

11. Confidentiality

Both Omnitrans and **CSUSB** recognize that in the course of this Agreement information will be exchanged consisting of confidential or business information ("Confidential Information"). Confidential Information will be used only for the purposes of this Agreement. Each party agrees to protect the other's Confidential Information at all times and in a manner at least as restrictive as each protects the confidentiality of its own confidential materials, but in no event with less than a reasonable standard of care.

The parties acknowledge this Agreement and any written materials from the Program and in the possession of Omnitrans or CSUSB may be subject to disclosure under the California Public Records Act (Govt. Code Sections 6250 *et seq.*) ("PRA"). Accordingly, a party shall not be precluded by or held in violation of any confidentiality requirements in this Agreement from responding to any lawful public records request under the PRA, other applicable laws, or court order. In the event a party receives a PRA request related to this Agreement, it shall immediately provide notice to the other party.

12. Insurance

Omnitrans shall maintain the insurance types and coverage amounts through the duration of this Agreement as set forth in the certificate of insurance attached as Exhibit B. Any inquiries by **CSUSB** or its agent to Omnitrans concerning insurance shall be made to the following: Director of Finance, Omnitrans, 1700 W. Fifth St., San Bernardino, CA 92411. Omnitrans shall endeavor to provide **CSUSB** ten (10) days written notice of the cancellation or material change to any insurance required by this Agreement.

13. Subcontractors

Subject to the terms and conditions of this Agreement, Omnitrans will provide services as may be requested from time to time by **CSUSB**, either directly or in conjunction with such subcontractors as it may select. In the event that Omnitrans desires to utilize subcontractors, it must provide advance notice to **CSUSB**. For the purposes of this Agreement, Omnitrans shall be defined to include any and all subcontractors used to provide the services that are the subject of this Agreement.

14. Survival

The expiration or termination of this Agreement for any reason will not release either party from any liabilities or obligations set forth herein or therein which (a) the parties have expressly agreed will survive any such expiration or termination or (b) remain to be performed or by their nature would be intended to be applicable following any such expiration or termination.

15. Independent Contractors.

The parties and their respective employees, agents and representatives are and shall be independent contractors with respect to the other party and neither party by virtue of this Agreement shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party. Each party shall be solely responsible for all wages, taxes, withholding, workers compensation, insurance and any other obligation on behalf of any of its employees, agents, representative or contractors and shall indemnify the other party with respect to any claims by such persons.

16. Inspection of Records

- A. **CSUSB** shall permit an authorized representative of Omnitrans, during standard business hours, to examine, inspect and audit all records and accounts pertaining to this program and this Agreement. **CSUSB** shall make such items readily accessible to Omnitrans, within five (5) business days of Omnitrans notice to **CSUSB**, during the term of this Agreement and for a period of one (1) year from the date of expiration or termination of the Agreement.
- B. Omnitrans shall permit an authorized representative of **CSUSB**, during standard business hours, to examine, inspect and audit all records and accounts pertaining to this program and



this Agreement. Omnitrans shall make such items readily accessible to **CSUSB**, within five (5) business days of **CSUSB** notice to Omnitrans, during the term of this Agreement and for a period of one (1) year from the date of expiration or termination of the Agreement.

17. Scheduling

No provision of this Agreement shall be construed to require Omnitrans to continue to operate any transit service to or from the facility of **CSUSB** or elsewhere during the term of this Agreement, and it is expressly agreed that Omnitrans shall incur no liability to **CSUSB** by reason of any rerouting, rescheduling, discontinuance, or other changes in transit services operated by Omnitrans. In the event that Omnitrans does find the need to reroute, reschedule, discontinue or otherwise make changes transit services operated by Omnitrans that would affect the students, faculty or staff of **CSUSB**, when possible Omnitrans will provide at least thirty (30) day notice to **CSUSB** of such change.

18. Notification

All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of said notices in person, via electronic mail, or by depositing said notices in the U.S. mail, registered or certified mail, returned receipt requested, postage prepaid and addressed as follows. Delivery shall be effective when sent:

To CSUSB:

CSUSB

Purchasing Office

5500 University Parkway

San Bernardino, CA 92407

ATTENTION: Nancy Murray

Purchasing Office

Phone: 909-537-5142 Fax: 909-537-5903

Nancy.murray@CSUSB.edu

To Omnitrans:

Omnitrans

Marketing Dept.

1700 West Fifth Street

San Bernardino, CA 92411

ATTENTION: Wendy Williams

Director of Marketing

Phone: 909-379-7151 Fax: 909-888-0524

email: wendy.williams@omnitrans.org

APPROVED BY CSUSB

_____/_____/____

Nancy Murray
Purchasing Office
CSUSB

APPROVED BY OMNITRANS

_____/_____/____

P. Scott Graham
CEO/General Manager
Omnitrans

Exhibit A

CSUSB student identification card sample:

Front



Back

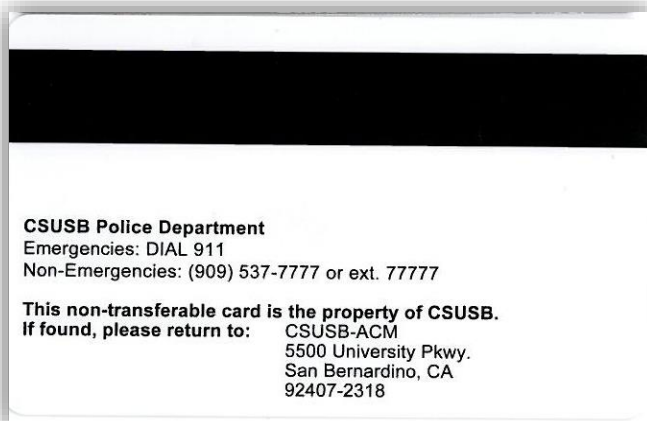
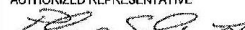


Exhibit B

Certificate of Insurance

| CERTIFICATE OF COVERAGE | | | | DATE (MM/DD/YYYY) 05/02/2019 | |
|--|--|-------------------|--|--|---|
| PRODUCER Alliant Insurance Services 100 Pine Street, 11 th Floor San Francisco, CA 94111 (415) 403-1400 | | | THIS CERTIFICATE IS ISSUED AS A MATTER OF EVIDENCE ONLY AND CONFERES NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE MEMORANDUM(S) OF COVERAGE BELOW. THIS CERTIFICATE OF COVERAGE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING COVERAGE PROVIDER, AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: IF THE CERTIFICATE HOLDER IS AN ADDITIONAL COVERED PARTY, THE MEMORANDUM OF COVERAGE MUST BE ENDORSED. A STATEMENT ON THIS CERTIFICATE DOES NOT CONFER RIGHTS TO THE CERTIFICATE HOLDER IN LIEU OF SUCH ENDORSEMENT(S). IMPORTANT: IF SUBROGATION IS WAIVED, SUBJECT TO THE TERMS AND CONDITIONS OF THE MEMORANDUM(S) OF COVERAGE AN ENDORSEMENT MAY BE REQUIRED. A STATEMENT ON THE CERTIFICATE DOES NOT CONFER RIGHTS TO THE CERTIFICATE HOLDER IN LIEU OF SUCH ENDORSEMENT(S). | | |
| NAMED COVERED PARTY OmniTrans 1700 West Fifth Street San Bernardino, CA 92411 Attn: Caroljo Mitcham | | | PROGRAM AFFORDING COVERAGE A: California Translt Systems Joint Powers Authority B: C: | | |
| COVERAGES THIS IS TO CERTIFY THAT THE COVERAGE IS AFFORDED TO THE ABOVE NAMED MEMBER, AS PROVIDED BY THE MEMORANDUM(S) OF COVERAGE, FOR THE PERIOD SHOWN BELOW, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE PROGRAM DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH MEMORANDUM(S) OF COVERAGE. THE FOLLOWING COVERAGE IS IN EFFECT. | | | | | |
| JPA LTR | TYPE OF COVERAGE | MEMORANDUM NUMBER | COVERAGE EFFECTIVE DATE (MM/DD/YY) | COVERAGE EXPIRATION DATE (MM/DD/YY) | LIMITS |
| A | GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> MANUSCRIPT FORM GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> MEMOR-ANDUM <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC | 1920-L-35 | 05/01/19 | 05/01/20 | EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ MED EXPENSE (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS-COMP/OP AGG \$ |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | COMBINED SINGLE LIMIT (Ea accident) \$ \$ |
| | WORKERS' COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? IF YES, DESCRIBED UNDER SPECIAL PROVISION BELOW | | | | <input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| | OTHER | | | | |
| | OTHER | | | | |
| DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL/PROVISIONS This Certificate is hereby issued as Evidence of Coverage only. | | | | | |
| CERTIFICATE HOLDER <input type="checkbox"/> ADDITIONAL COVERED PARTY ENDORSEMENT CANCELLATION | | | | | |
| OmniTrans 1700 West Fifth Street San Bernardino, CA 92411 | | | OMNI-050 SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUM(S) OF COVERAGE BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE MEMORANDUM(S) OF COVERAGE PROVISIONS. AUTHORIZED REPRESENTATIVE  | | |

ITEM # E15

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: AUTHORIZE RELEASE – RFP-HRS20-24
STRATEGIC PLANNING CONSULTING SERVICES**

FORM MOTION

Authorize the CEO/General Manager to release Request for Proposals RFP-HRS20-24 for the provision of Strategic Planning Consulting Services for a one (1) year base period with the authority to exercise three (3) single option years.

BACKGROUND

The current Strategic Plan covers the period of 2017-2020. In order to ensure the continuation of Omnitrans' commitment to our core mission and in an effort to position the Agency for the future, it is necessary to develop a Strategic Plan for fiscal years 2021-2025.

A Strategic Planning consultant brings a fresh and objective perspective, proven methodology to support effective decision making on Omnitrans' direction and helps develop a sound and innovative strategic plan. In addition, a Strategic Planning Consultant helps define and develop future business strategies to meet short and long-term goals. The Strategic Plan is designed to create the highest level business plan for the Agency setting core Agency-wide goals. This will be completed contemporaneously with the staff-lead Short-Range Transit Plan, which defines the changes to the Agency's transit services.

In accordance with the Procurement Policy 2000, Section 2.3.5.1.3 and FTA Circular 4220.1F, Board authorization and use of a formal procurement procedure is required to release Request for Proposals for procurements of good/services exceeding \$150,000. The Independent Cost Estimate for this project is \$227,050.

FUNDING SOURCE

The cost associated with this procurement is budgeted in the Executive Office Department's Operating Budgets as follows:

Department 1300
Expenditure Code 503990

_____ Verification of Funding Source and Availability of Funds.
(Verified and initialed by Finance)

CONCLUSION

By proceeding with this solicitation, Omnitrans will have the ability to proceed with developing a Strategic Plan that aligns with the agency's mission.

PSG:EFP:KT

ITEM # E16

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: AUTHORIZE AWARD – CONTRACT MNT20-14
METHANE DETECTION SYSTEM (MDS) SERVICES**

FORM MOTION

Authorize the CEO/General Manager to award Contract MNT20-14 to Reliable Monitoring Services dba RMS Life Safety of Signal Hill, CA, for Methane Detection System (MDS) Services for a three-year base period beginning October 9, 2019 and ending October 8, 2022 with the authority to exercise two (2) single option years ending no later than October 8, 2024, in the amount of \$54,416, an allowance of \$30,000, plus a ten percent contingency of \$8,442, for a total not-to-exceed amount of \$92,858, should all options be exercised.

BACKGROUND

Omnitrans utilizes the services of a Contractor for the calibration, testing, parts and repair of its methane detection systems at its East Valley and West Valley locations. Contract award includes an option for MDS services at I-Street facility.

Solicitations under \$150,000 are informal procurements and do not require Board approval for release. In accordance with Procurement Policy 2000, Section 2.3.4.2., awards over \$50,000 require Board approval.

On June 27, 2019, staff released Request for Quotes RFQ-MNT20-14 which was posted on Omnitrans' online bidding system. Two (2) quotes were received by the July 31, 2019 deadline and both were deemed responsive.

Listed below are the quotes from lowest to highest:

| Company Name | Total |
|---|-----------|
| Reliable Monitoring Services dba RMS Life Safety of Signal Hill, CA | \$ 54,416 |
| EFS West, Inc. of Valencia, CA | \$ 61,400 |

**Maintenance Services including option for I-Street location*

Award is recommended to the lowest, responsive and responsible bidder, Reliable Monitoring Services dba RMS Life Safety. The total award includes an allowance of \$30,000 for parts and repairs that are not part of the maintenance services. Pricing is deemed fair and reasonable based on competition.

This procurement meets the requirements of Omnitrans' Procurement Policies and Procedures.

FUNDING SOURCE

The cost associated with this procurement is budgeted in the Maintenance Department's Operating Budget as follows:

| | |
|------------------|--------|
| Department | 1200 |
| Expenditure Code | 505060 |

_____ Verification of Funding Sources and Availability of Funds
(Verified and initialed by Finance)

Short Range Transit Plan/Strategic Initiative Supported – This procurement supports Omnitrans' Short Range Transit Plan goal to expand, maintain and improve existing vehicles, facilities and passenger amenities.

CONCLUSION

Award of this contract will allow for the continued maintenance and repair of these critical life/safety systems.

PSG:EFP:CV

ITEM # E17

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: AUTHORIZE AWARD – CONTRACT MNT19-71
LABOR AND PARTS FOR ENGINE AND TRANSMISSION
REPLACEMENTS**

FORM MOTION

Authorize the CEO/General Manager to award Contract MNT19-71 to Complete Coach Works of Murrieta, CA, for the provision of Labor and Parts for Engine and Transmission Replacements, in the amount of \$2,700,273, plus a five (5) percent contingency of \$135,014, for a total not-to-exceed amount of \$2,835,287.

This item was reviewed by the Administrative and Finance Committee at its June 13, 2019 meeting and recommended to the Board of Directors for approval.

BACKGROUND

Omnitrans operates a fleet of New Flyer Compressed Natural Gas (CNG) powered buses, model years: 2009, 2011 and 2012, which are eligible for midlife overhauls. As part of the midlife overhaul, Omnitrans intends to contract for the labor and miscellaneous parts required to perform engine and transmission replacements. The midlife overhaul replacement project includes the removal of existing Cummins ISL G 8.9 Liter CNG engines and replacement with Omnitrans provided Cummins near-zero L9N engines and catalysts. This contract also includes the labor for the replacement of Omnitrans provided Allison or Voith remanufactured transmissions on an as-needed basis. The engine overhaul project will include up to sixty-four (64) New Flyer 40' buses.

On February 6, 2019, Omnitrans' Board of Directors authorized the release of Request for Proposals RFP-MNT19-71. Notices were published in two (2) newspapers of general circulation, two (2) minority newspaper publications and posted on Omnitrans' online bidding system.

Three (3) proposals were received by the April 3, 2019 deadline and all were deemed responsive and evaluated in accordance with the selection criteria included in the RFP and were ranked from highest score to lowest score:

| Criteria | Possible Points | Complete Coach Works of Murrieta, CA | McCray Enterprises of San Bernardino, CA | UAG Cerritos 1, LLC dba Penske Chevrolet of Cerritos, CA |
|---------------------------|------------------------|---|---|---|
| Qualifications of Firm | 35 | 31.50 | 26.25 | 15.17 |
| Quality of Work | 25 | 22.08 | 15.00 | 11.67 |
| Experience | 25 | 22.50 | 16.67 | 12.08 |
| Technical Total | 85 | 76.08 | 57.92 | 38.92 |
| BAFO Pricing Score | 15 | 15.00 | 12.53 | 14.86 |
| Final Score | 100 | 91.08 | 70.45 | 53.78 |
| Final BAFO Pricing | | \$2,700,273 | \$3,233,688 | \$2,726,400 |

Complete Coach Works (CCW) was invited to submit a Best and Final Offer (BAFO) and pricing remained the same. CCW has over 30 years of experience delivering similar efforts with specific experience performing mid-life overhauls of engines and transmissions for Orange County Transportation Authority (OCTA), Indianapolis Public Transportation Corporation and Des Moines Area Regional Transit (DART). The firm's work plan demonstrates a comprehensive understanding of Omnitrans' requirements and their ability to successfully perform large multiple unit projects.

Based on the evaluation of the written proposals, and the firm's qualifications and experience, award is recommended to CCW, the highest-ranking firm who proposed the lowest price. Price is deemed fair and reasonable based on competition.

The Evaluation Committee's recommendation for this item was audited by a designated reviewer. This procurement meets the requirements of Omnitrans' Procurement Policies and Procedures

FUNDING SOURCE

The cost associated with this procurement is budgeted in the Omnitrans' Capital Budget as follows:

| FUNDING | GRANT | YEAR | PROJECT NAME | INTERNAL ORDER | AMOUNT* |
|----------------|--------------|-------------|---------------------|-----------------------|--------------------|
| Prop 1B | Prop 1B | 2017 | Engine Repower | A1720111B | \$2,835,287 |
| Total | | | | | \$2,835,287 |

*Pricing is inclusive of a five (5) percent contingency of \$135,014.

_____ Verification of Funding Sources and Availability of Funds
(Verified and initialed by Finance)

Short Range Transit Plan/Strategic Initiative Supported – This procurement supports Omnitrans’ Short Range Transit Plan goal to expand, maintain and improve existing vehicles, facilities and passenger amenities.

CONCLUSION

By proceeding with this award, Omnitrans will have the ability to complete midlife overhauls on up to sixty-four (64) buses.

PSG:EFP:KNT

ITEM # E18

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: AUTHORIZE AWARD – MNT20-07
HAZARDOUS WASTE TREATMENT, TRANSPORTATION, AND
DISPOSAL**

FORM MOTION

Authorize the CEO/General Manager to award Contract MNT20-07 to Haz Mat Trans, Inc., of San Bernardino, CA, for the provision of Hazardous Waste Treatment, Transportation, and Disposal Services for a three (3) year base period beginning October 1, 2019 and ending September 30, 2022 with the authority to exercise two (2) single option years ending no later than September 30, 2024 in the amount of \$235,000, plus a ten percent contingency of \$23,500, for a total not-to-exceed amount of \$258,500, if all options are exercised.

This item was reviewed by the Administrative and Finance Committee at its August 15, 2019 meeting and recommended to the Board of Directors for approval.

BACKGROUND

Omnitrans requires a contractor to provide hazardous waste services on an as-needed basis for the East Valley and West Valley locations. Services include the hauling and disposal of motor oil, waste coolant, paint booth filters, oily rags, aerosol cans and other hazardous materials. In addition, the contractor shall provide 24-hour emergency response service in the event of a hazardous material spill within Omnitrans' service area including motor vehicle related traffic accidents.

On May 1, 2019, Omnitrans' Board of Directors authorized the release of Request for Proposals RFP-MNT20-07. Notices were published in two (2) newspapers of general circulation, two (2) minority newspaper publications, and posted on Omnitrans' online bidding system.

Four (4) proposals were received by the June 13, 2019 deadline and all were deemed responsive and evaluated in accordance with the selection criteria included in the Request for Proposals (RFP) and were ranked from highest to lowest final score:

| Criteria | Possible Points | Haz Mat Trans, Inc. of San Bernardino, CA | Patriot Environmental Services, Inc. of Wilmington, CA | NRC Environmental Services, Inc. of Houston, TX | North State Environmental of South San Francisco, CA |
|-----------------------------|------------------------|--|---|--|---|
| Qualifications of Firm | 40 | 31.33 | 32.27 | 29.60 | 30.40 |
| Quality of Work | 25 | 19.75 | 18.92 | 18.25 | 18.17 |
| Experience | 20 | 15.33 | 15.40 | 15.87 | 15.67 |
| Technical Total | 85 | 66.41 | 66.59 | 63.72 | 64.24 |
| BAFO Pricing Score | 15 | 15.00 | 10.30 | 8.65 | 5.00 |
| Final Score | 100 | 81.41 | 76.89 | 72.37 | 69.24 |
| * Final BAFO Pricing | | \$155,597 | \$226,661 | \$269,885 | \$467,168 |

*Pricing is for evaluation purposes only and is based on estimated usage.

In accordance with the solicitation, staff conducted competitive negotiations with all firms before inviting best and final offers (BAFOs). All firms held their original pricing.

Haz Mat Trans, Inc. (Haz Mat) received the second highest technical score and proposed the overall lowest pricing. The firm's workplan demonstrates a thorough understanding of Omnitrans' requirements as identified in the RFP. Haz Mat, the incumbent contractor, has over 30 years of experience providing hazardous waste services, and provides extensive training to their employees.

Award is recommended to Haz Mat based on the evaluation of the written proposals, and the firm's qualifications and experience. Price is deemed fair and reasonable based on competition.

The Evaluation Committee's recommendation for this item was audited by a designated reviewer. This procurement meets the requirements of Omnitrans' Procurement Policies and Procedures.

FUNDING SOURCE

The cost associated with this procurement is budgeted in the Maintenance Department's Operating budget as follows:

Department Number 1200
Expenditure Code 505060

_____ Verification of Funding Sources and Availability of Funds.
(Verified and initialed by Finance)

Short Range Transit Plan/Strategic Initiative Supported – This procurement supports Omnitrans' Short Range Transit Plan goal to support initiatives that are financially and environmentally sustainable in the short and long term.

CONCLUSION

By proceeding with this award, Omnitrans will remain compliant regarding hazardous waste services.

PSG:EFP:KNT

ITEM # _____ F1

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

FROM: P. Scott Graham, CEO/General Manager

SUBJECT: CEO/GENERAL MANAGER'S REPORT

Ridership Update - As of July 2019, Omnitrans has experienced 4 consecutive months of ridership growth. Systemwide ridership in July was 863,375 up 7.9% compared to the prior year. Ridership gains were fairly spread through the service area with 16 of Omnitrans 35 routes seeing ridership growth exceeding 10%.

Countywide Electrification Study Underway – On 19 August Omnitrans Maintenance staff participated in a “Facilities Site Visit” with WSP as part of the ZEB master plan being conducted on behalf of SBCTA. The tour included the East Valley and West Valley divisions, Montclair Transit Center, and San Bernardino Transit Center. The information gathered from these visits will lay the groundwork for developing a conceptual infrastructure design for future Zero Emission Buses.

Social Media Statistics – The attached infographic represents Omnitrans digital marketing activity for the April – June 2019. Highlights include a 34.9% increase in impressions across all social media channels (Facebook, Twitter, Instagram, LinkedIn), compared to prior year. Our website saw nearly 308,000 sessions (visits) and the Omnitrans blog had over 21,000 views. (Click PDF Link Below)



Online Engagement
Metrics_2019_Q4.pdf

Community Partner Media Kit – Following up on a suggestion from Board Member Cynthia Moran, Omnitrans has developed a Community Partner Media Kit. This electronic document includes information, links and resources to help JPA members better inform their constituents about the many services Omnitrans provides.



Community Partner
Media Kit 2019.pdf

Omnitrans-Lyft Partnership Program - Under the Special Transportation Services Department, Omnitrans offers a Lyft Partnership Program to Access eligible customers. Eligible customers can

purchase Lyft coupon codes at a discounted rate, with 50 percent subsidy from Omnitrans. Since this program began in November 2018, nearly 5,000 trips have been taken. The average cost of these trips is \$7.50 compared to \$44.00 on Access. This program has provided a transportation alternative to Omnitrans customers, while saving approximately \$180,000 since its inception.

Meeting with the City of San Bernardino - Omnitrans staff, including GM and DGM, met with Mayor Valdivia, Third District Council Member Figueroa, and members of City staff to discuss the sbX stations within the City of San Bernardino. We had positive and productive discussion regarding the standards that should be maintained at the stations relative to cleanliness and landscaping. We will be addressing the issues identified and work in collaboration with City staff to ensure the high standard both organizations desire is achieved.

PSG

ITEM # _____ F2 _____

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Aaron Moore, Director of Special Transportation Services

**SUBJECT: AUTHORIZE RELEASE - RFP-STS20-03
PURCHASED TRANSPORTATION SERVICES**

FORM MOTION

Authorize the CEO/General Manager to release Request for Proposals (RFP) RFP-STS20-3 for the provision of Purchased Transportation Services for a three (3) year base period with two (2) two-year options. The solicitation will seek competitive proposals for a seven-year period, if all options are exercised.

BACKGROUND

Omnitrans requires qualified firm(s) to operate its mandated paratransit services (Access), OmniGo fixed-route services, and an option for MicroTransit service. Access provides transportation for customers who due to a physical or cognitive disabilities are unable to use the fixed- route service. OmniGo provides community based fixed-route services. By proceeding with this solicitation, Omnitrans will continue to meet its legal requirement to provide Access complementary paratransit services. Additionally, several of the program options delineated in this RFP will allow Omnitrans staff to explore unique contracting scenarios and service delivery models that will allow more flexibility and fluidity with respect to the provision of transportation services.

Per the Board's direction, Omnitrans staff is evaluating contracting additional fixed-route services on weekends and an option for MicroTransit service. MicroTransit is a shared use, on-demand service that is like services provided by Transportation Network Companies (TNCs) such as Uber and Lyft. This RFP provides an opportunity for staff to evaluate innovative, cost effective service solutions, and additional mobility options for our customers.

The current contract for Purchased Transportation Services expires June 30, 2020. The new contract for Access and OmniGo services will commence May 1, 2020 for start-up activities with delivery of services to begin July 1, 2020.

In accordance with the Procurement Policy 2000, Section 2.3.5, Board authorization and use of a formal procurement procedure is required to release solicitations exceeding \$150,000. The Independent Cost Estimate for this project is \$110,900,000, if all options are exercised.

FUNDING SOURCES

The required services will be budgeted in the Special Transportation Services Department's operating budget as follows.

Department Number 2110, 2500, 3000
Expenditure Code 508220

____ Verification of Funding Source and Availability of Funds
(Verified and initialed by Finance)

Omnitrans' Strategic Plan Supported – Strategic Initiative Service and Operations – Improve and expand public transportation service to our customers and community.

CONCLUSION

By proceeding with this solicitation, Omnitrans will continue to meet its legal requirement to provide Access complementary paratransit service and provide an opportunity for staff to evaluate innovative, cost effective service delivery models.

PSG:AM:EF:CV



RELEASE REQUEST FOR PROPOSAL FOR PURCHASED TRANSPORTATION

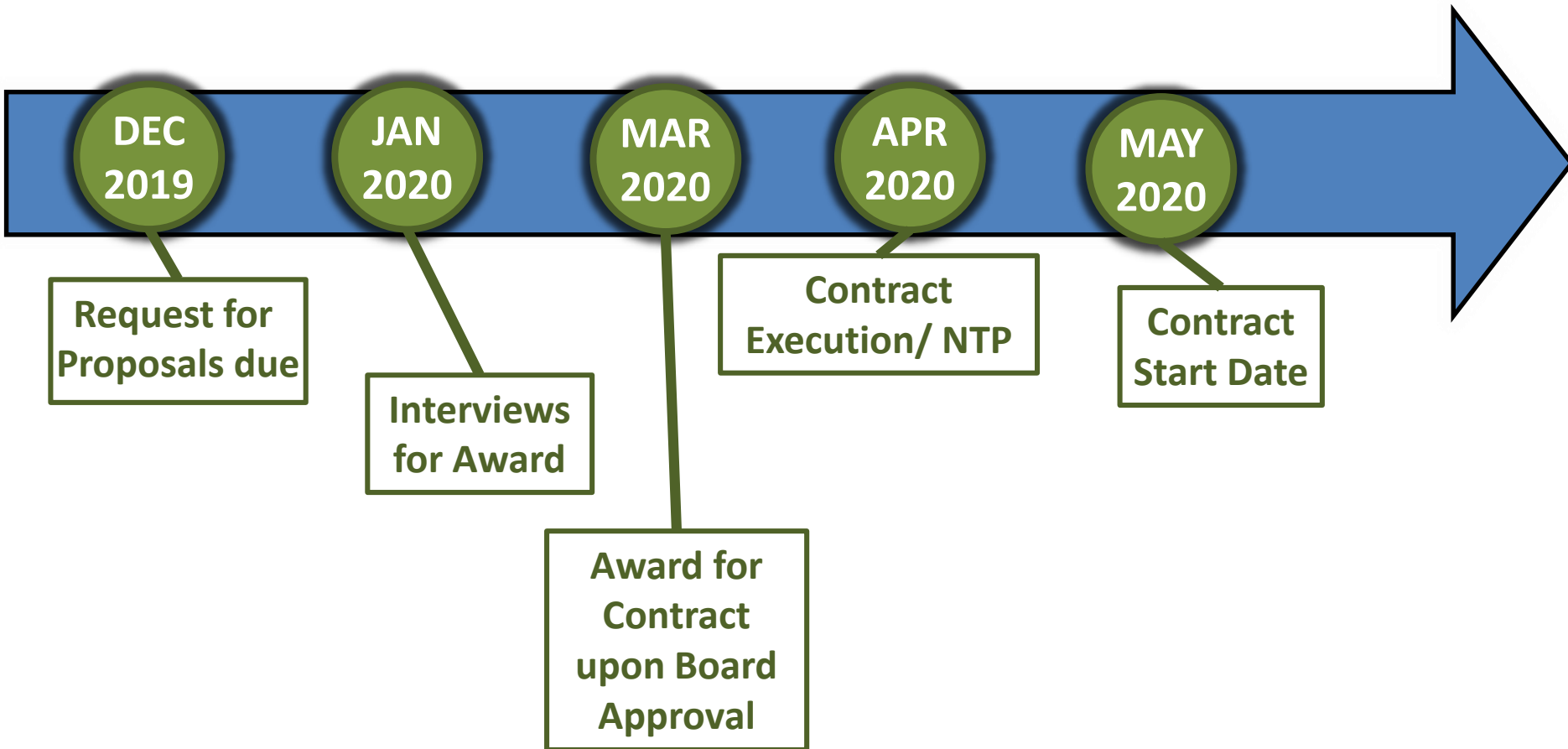
**Board of Directors
September 4, 2019**

- **Americans with Disabilities (ADA) Act 49 CFR 37.43(a) mandates complementary paratransit service**
- **Omnitrans operates its complementary paratransit service (Access) and OmniGo service under contract**
- **Omnitrans requires qualified firm(s) to operate its Access and OmniGo services**
- **The current contract for Purchased Transportation Services expires June 30, 2020**

Request for Proposals

- **The new contract for Access and OmniGo services will commence May 1, 2020 for start-up activities; service delivery July 1, 2020**
- **The solicitation will seek competitive proposals for a seven-year period (if all options are exercised)**
- **New contract seeks innovative approaches and cost efficiencies**
 - **Microtransit**
 - **Increased use of contracted fixed route using smaller vehicles**

Next Steps





Questions?

ITEM # _____ F3 _____

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

FROM: P. Scott Graham, CEO/General Manager

SUBJECT: UPDATE ON OMNITRANS/SBCTA AD HOC COMMITTEE

FORM MOTION

Receive update, endorse, and adopt the Ad Hoc Committee's recommendation to adjust service levels and increase long-term funding.

This item was reviewed by the Executive Committee at its August 2, 2019 meeting.

This item was reviewed by the Administrative and Finance Committee at its August 15, 2019 meeting.

This item was reviewed by the Operations and Safety Committee at its August 28, 2019 meeting.

BACKGROUND

In May 2018, Omnitrans staff alerted the Board of Directors of the potential for a long-term operating deficit in a Financial White Paper. The White Paper was developed after receipt of the Fiscal Year (FY) 2018-2027 revenue forecast from SBCTA. The level of Omnitrans Local Transportation Fund allocation from SBCTA was capped at a 3 percent growth rate between 2014 and 2020. The updated revenue forecast continued the 3 percent growth rate through FY 2027.

The purpose of the White Paper was to inform the Board that based on this forecast, Omnitrans' budget would be balanced for FY 2018-2020 however, beginning in FY 2021 there would be an operating deficit as estimated cost growth would exceed projected revenue growth. In addition, the operating deficit would be further compounded by a capital deficit due to the newly enacted electric bus regulations.

In February 2019, the Board of Directors was presented an Updated Financial Forecast which provided the Board with additional information, a high level overview of key issues, and recommended the formation of a joint Omnitrans and SBCTA Ad Hoc Committee to discuss funding alternatives. The Board approved this recommendation and the Ad Hoc Committee was formed. The Ad Hoc Committee is comprised of the Omnitrans Board Chairman, the SBCTA Board President, and two Board Members from each agency.

Two meetings of the Ad Hoc Committee have been held. A meeting was held on May 30, 2019; Executive staff from both Omnitrans and SBCTA were in attendance. The Ad Hoc Committee

gave direction to Omnitrans staff to develop a strategy to align service levels with forecasted revenues and meet with SBCTA staff to discuss and review prior to the next scheduled meeting of the Ad Hoc Committee.

On July 8, 2019 Omnitrans and SBCTA staff met and discussed the long term operating and capital budget forecasts. Omnitrans provided service level scenarios to address projected operating deficits. Capital costs were modified to support the proposed service levels and to focus on mandates, safety and state of good repair items. SBCTA staff received the service scenario forecasts and planned to evaluate them.

On July 29, Omnitrans and SBCTA staff reconvened to further discuss the budget forecasts after SBCTA reviewed the service scenarios Omnitrans presented at the previous meeting. Omnitrans and SBCTA staff reached a consensus on the strategy that would be presented to the Ad Hoc Committee on August 26, 2019. The strategy includes reducing service levels to better align service with recent ridership trends and available revenue. In addition, SBCTA staff proposed an adjustment in the revenue forecast at the SBCTA Transit Committee meeting on August 15th, which was unanimously approved. The funding item will be on the September SBCTA Board of Directors agenda for consideration. If approved, Omnitrans will be operationally sustainable through 2040. The combination of service level and revenue forecast adjustment addresses the operating and capital budget deficit through the Short-Range Transit Plan Period (FY2021-2025). The capital deficit beyond this period will be addressed through the Countywide Electrification Study currently underway and the Long- Range Transit Plan (LRTP).

On August 26, 2019 this proposed plan was presented to the Ad Hoc Committee. After thorough review and thoughtful discussion, the Ad Hoc Committee unanimously approved the staff recommendation to implement the plan as presented. This recommendation will be brought to the Omnitrans Committees and Board for approval in the coming months.

NEXT STEPS

Initial service reductions for consideration will be presented at the October 2019 Executive Committee and Plans and Programs Committee; and the November 2019 Board of Directors meetings. This will be followed by the required public meetings and city meetings. Based on input from these meetings recommendations would be refined and presented to the Board for approval as early as January 2020. The full set of recommendations would be presented to the Board for adoption in May 2020 with the FY2021-2025 Short-Range Transit Plan (SRTP) and the Annual FY2020 Service Plan and FY2020 Budget.

CONCLUSION

Staff recommends that the Board receive update, endorse, and adopt the Ad Hoc Committee's recommendation to adjust service levels and increase long-term funding.

PSG:ER

Attachment: PowerPoint Presentation

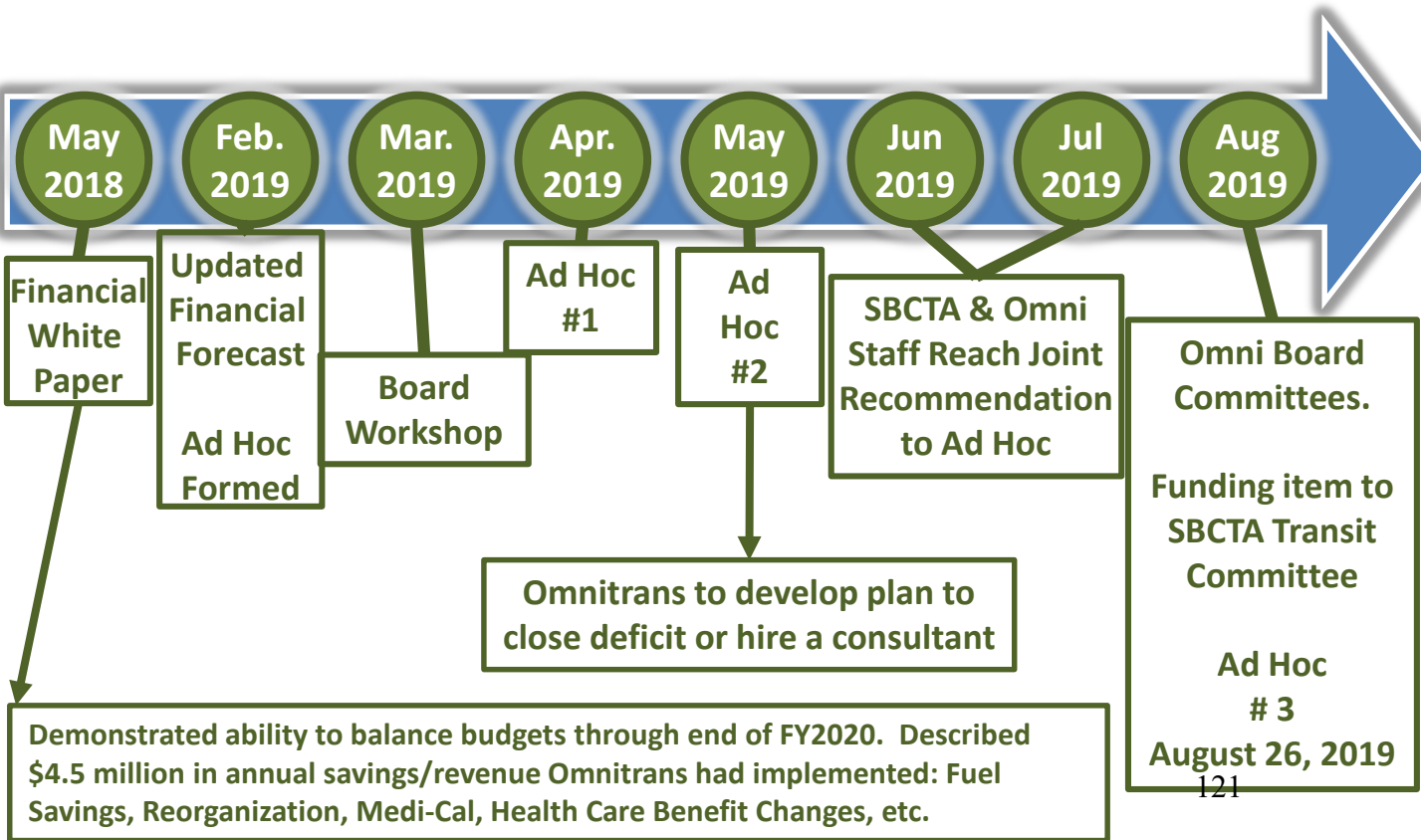


Update on OmniTrans/SBCTA Ad Hoc Committee

Board of Directors

September 4, 2019

- **On August 26th, the joint Omnitrans/SBCTA Ad Hoc Committee recommended moving forward with staffs' joint recommendation to:**
 1. Reduce Omnitrans service by 11% (71,000 hours/year)
 2. Increase SBCTA's state and local funding allocation to Omnitrans
- **This presentation provides:**
 1. Background on the recommendation staff made to the Ad Hoc
 2. Background on the data driven approach staff will use to recommend the specific service reduction
- **Approval process:**
 1. Initial approval on scale of reduction in October Committees and November Board
 2. Approval needed on specific reductions by May Board



Key Activities during July 2019:

- 2 Executive Staff Level Meetings
- Developed a joint recommendation
 - OmniTrans staff recommended implementing Scenario 2 service adjustment (11% reduction)
 - Ad Hoc → Board Committees → OmniTrans Board
 - SBCTA staff recommended allocating additional local and state funding to OmniTrans
 - Transit Committee → Ad Hoc → SBCTA Board
 - Recommendation unanimously approved at SBCTA Transit Committee on August 15th.

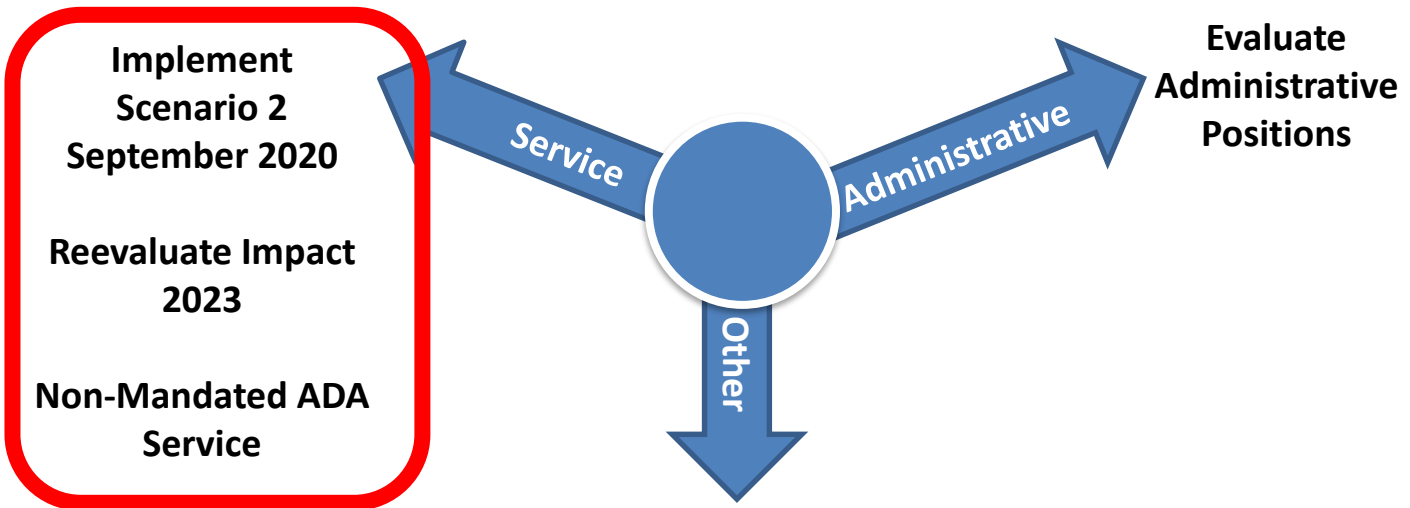
Operating Outcomes

- Operating budget forecasts balanced through 2040
- Future refinement in SBCTA's Long-Range Transit Plan (LRTP)

Capital Outcomes

- Increased funding available for capital
- Full electric bus strategy to be developed in Countywide Electrification Study
- Future funding forecasts meet FTA guidelines for WVC grants

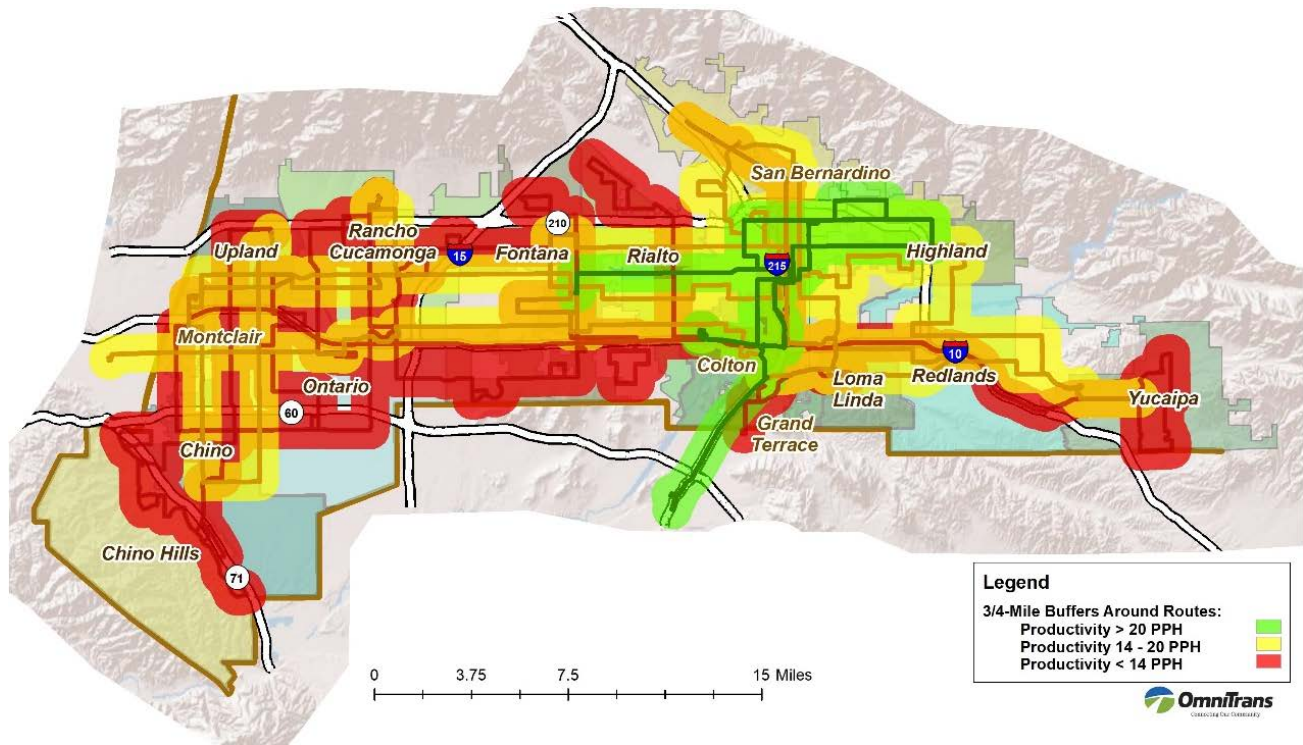
| | Scenario 1 (Phase 1) | Scenario 2 (Phase 2) | Scenario 3 (Phase TBD) |
|---|---|---|--|
| Purpose: | Eliminate Average Operating Shortfall 2021-2025 | Eliminate Avg. Operating Shortfall 2021-2025 & return 15% of Capital funding to Capital | Eliminate Avg Operating Shortfall 2021-2025 & return 40% of Capital funding to Capital |
| Annual Op. Cost Reduction | \$2.5 million | \$5.0 million | \$9.3 million |
| Timing | Implement Phase 1 and Phase 2 by September 2021 | | |
| Revenue hour reduction (all service) | 35,500 hours (5.5% service cut) | 71,000 hours (11% service cut) | 133,000 hours*\ (20% service cut) |
| Estimated Ridership reduction | 300,000-400,000 annual riders 2.7%-3.5% | 600,000-800,000 annual riders 5.4%-7.2% | 1.1-1.4million annual riders 10%-13% |
| Fare Revenue Reduction | \$400,000 per year | \$800,000 per year | \$1.5 million per year |
| Vehicles | ≈8 | ≈16 | ≈29 |
| Employees | TBD | TBD | TBD |



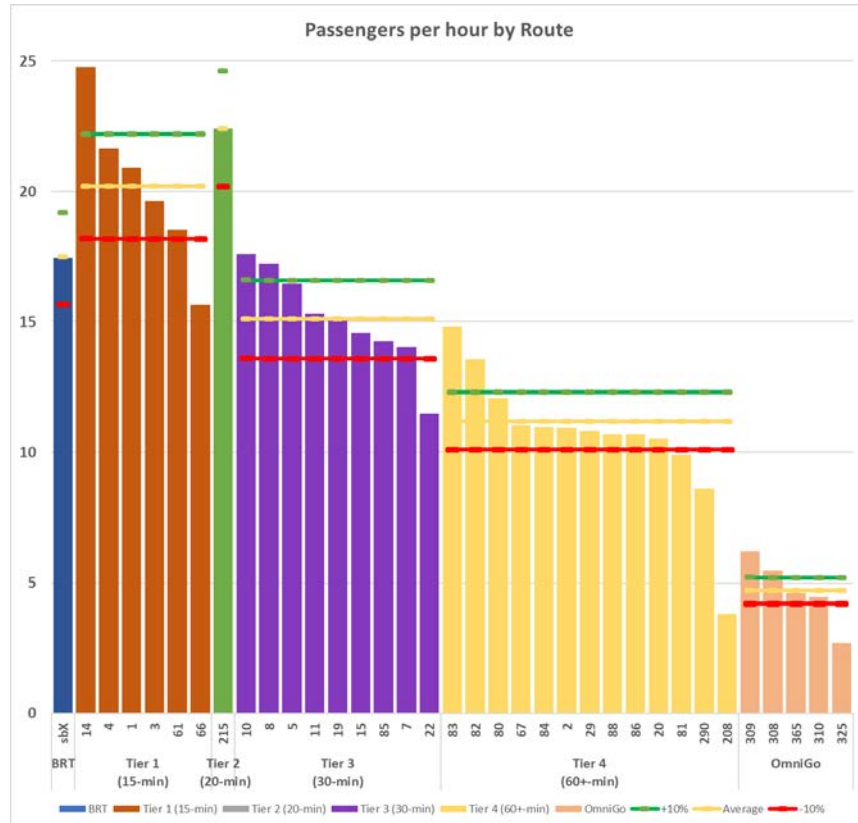
Contracting more Weekend Service (Smaller Vehicles)
MicroTransit replacing low performing routes
Outcome of the electrification study

- 1. Minimize Customer Impact**
- 2. Business Approach: Maximizes Efficiency & Productivity**
- 3. Maintain Core Weekday Productive Network**
- 4. Reduce Coverage Area Duplication**
- 5. Provide Only Mandated ADA services**
- 6. Maintain Service Quality**
- 7. Minimize Impact on Employees**





- Ridership normalized by service hours offered
- A key determinate of where to look for service adjustments



Typical Service Reductions Strategies

- 1. Trip Reductions**
- 2. Reduce Frequency**
- 3. Shorten Entire Route**
- 4. Short-Turn Route**
- 5. Eliminate Route**

Each is supported by different data sources

1. Make Selected Trip Reductions

a) Span Reductions

- Hours of operation change
- Schedule begins later and/or ends earlier
- Impact to the earliest and/or latest trip(s) of the day
- Weekdays or weekends

b) Non-Span Reductions

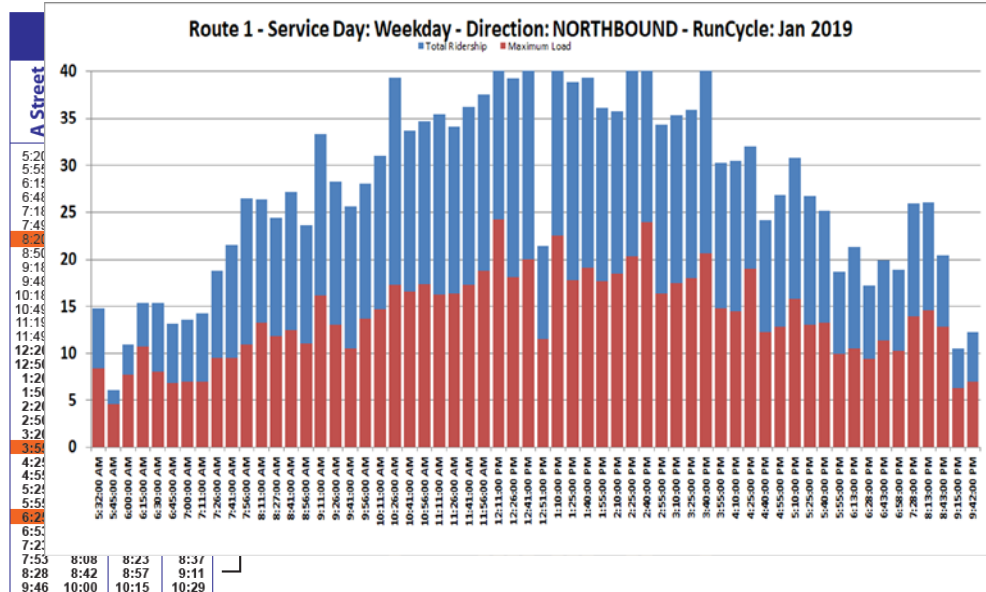
- Eliminate selected individual trips
- Hours of operation are not affected
- Weekdays or weekends

Early trips eliminated

Hours of operation change

Late trips eliminated

| Route X | | | | |
|----------|--------|--------|---------|--|
| A Street | Ave. B | C Lane | D Blvd. | |
| 5:20 | 5:34 | 5:49 | 6:03 | |
| 5:55 | 6:10 | 6:25 | 6:43 | |
| 6:15 | 6:30 | 6:45 | 7:03 | |
| 6:48 | 7:04 | 7:19 | 7:37 | |
| 7:18 | 7:34 | 7:49 | 8:07 | |
| 7:49 | 8:05 | 8:20 | 8:35 | |
| 8:20 | 8:38 | 8:54 | 9:09 | |
| 8:50 | 9:08 | 9:24 | 9:39 | |
| 9:18 | 9:34 | 9:50 | 10:05 | |
| 9:48 | 10:04 | 10:20 | 10:35 | |
| 10:18 | 10:34 | 10:50 | 11:05 | |
| 10:49 | 11:05 | 11:21 | 11:35 | |
| 11:19 | 11:35 | 11:51 | 12:05 | |
| 11:49 | 12:05 | 12:21 | 12:35 | |
| 12:20 | 12:37 | 12:54 | 1:09 | |
| 12:50 | 1:07 | 1:24 | 1:39 | |
| 1:20 | 1:37 | 1:54 | 2:09 | |
| 1:50 | 2:07 | 2:24 | 2:39 | |
| 2:20 | 2:37 | 2:54 | 3:09 | |
| 2:50 | 3:07 | 3:24 | 3:39 | |
| 3:20 | 3:37 | 3:54 | 4:09 | |
| 3:55 | 4:12 | 4:29 | 4:44 | |
| 4:25 | 4:42 | 4:59 | 5:14 | |
| 4:55 | 5:12 | 5:29 | 5:44 | |
| 5:25 | 5:42 | 5:59 | 6:14 | |
| 5:55 | 6:10 | 6:26 | 6:40 | |
| 6:25 | 6:40 | 6:56 | 7:10 | |
| 6:53 | 7:08 | 7:23 | 7:37 | |
| 7:23 | 7:38 | 7:53 | 8:07 | |
| 7:53 | 8:08 | 8:23 | 8:37 | |
| 8:28 | 8:42 | 8:57 | 9:11 | |
| 9:46 | 10:00 | 10:15 | 10:29 | |



— = Represents an example of eliminated trips

2. Reduce Frequency (Headway Changes)

- Increases time interval between buses
- Increases wait time between buses
- Often reduces number of buses required
- Can make transfers more difficult
- Weekdays or weekends
- Peak or off-peak times *

Route X

| | A Street | Ave. B | C Lane | D Blvd. |
|----------|----------|--------|--------|---------|
| OFF-PEAK | 4:20 | 4:35 | 4:49 | 5:05 |
| | 5:15 | 5:31 | 5:46 | 6:00 |
| | 6:15 | 6:30 | 6:45 | 7:00 |
| | 6:48 | 7:04 | 7:19 | 7:34 |
| | 7:18 | 7:34 | 7:49 | 8:07 |
| | 7:51 | 8:08 | 8:20 | 8:35 |
| | 8:25 | 8:38 | 8:54 | 9:09 |
| | 8:50 | 9:08 | 9:24 | 9:39 |
| (MIDDAY) | 9:45 | 10:00 | 10:17 | 10:35 |
| | 10:48 | 11:04 | 11:20 | 11:35 |
| OFF-PEAK | 11:47 | 12:02 | 12:17 | 12:32 |
| | 12:49 | 1:04 | 1:19 | 1:34 |
| | 1:49 | 2:05 | 2:20 | 2:35 |
| | 2:48 | 3:03 | 3:18 | 3:33 |
| | 3:15 | 3:31 | 3:46 | 4:01 |
| | 3:46 | 4:01 | 4:16 | 4:30 |
| | 4:45 | 5:00 | 5:15 | 5:30 |
| | 5:17 | 5:32 | 5:47 | 6:02 |
| | 5:45 | 6:01 | 6:16 | 6:32 |
| | 6:14 | 6:30 | 6:44 | 7:00 |
| | 7:17 | 7:32 | 7:47 | 8:02 |
| | 8:15 | 8:31 | 8:46 | 9:01 |
| | 9:13 | 9:38 | 9:53 | 10:08 |
| OFF-PEAK | 10:15 | 10:31 | 10:45 | 11:00 |

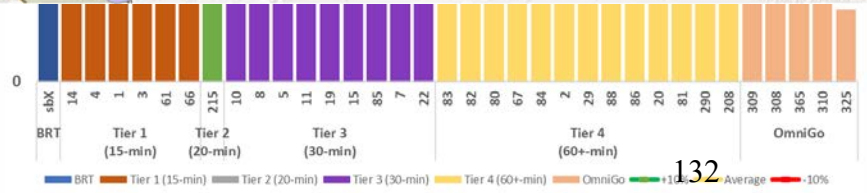
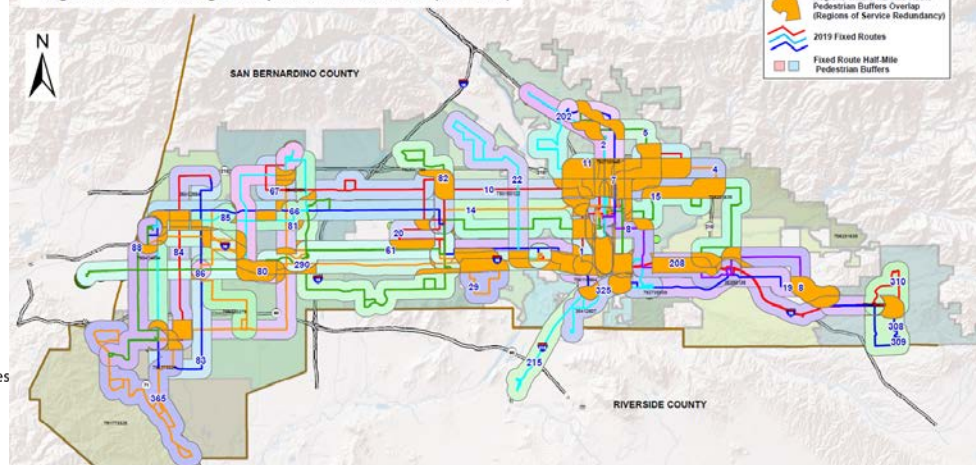
Reduced frequency increases wait time between buses

For example, service runs every 30 minutes during peak hours, and every 60 minutes during midday off-peak hours.

Passengers per hour by Route

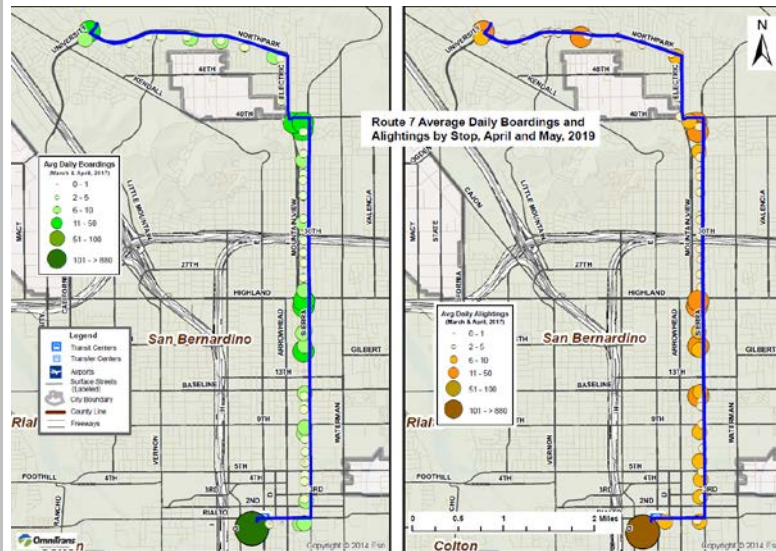
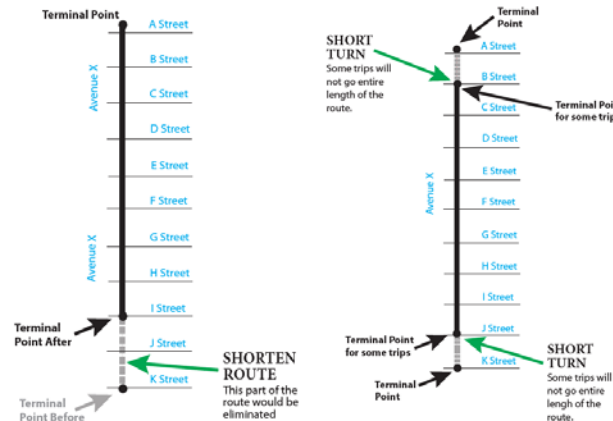


Fixed Route Pedestrian Buffer Intersections:
Regions Where Coverage is Duplicated or Redundant (version 3)

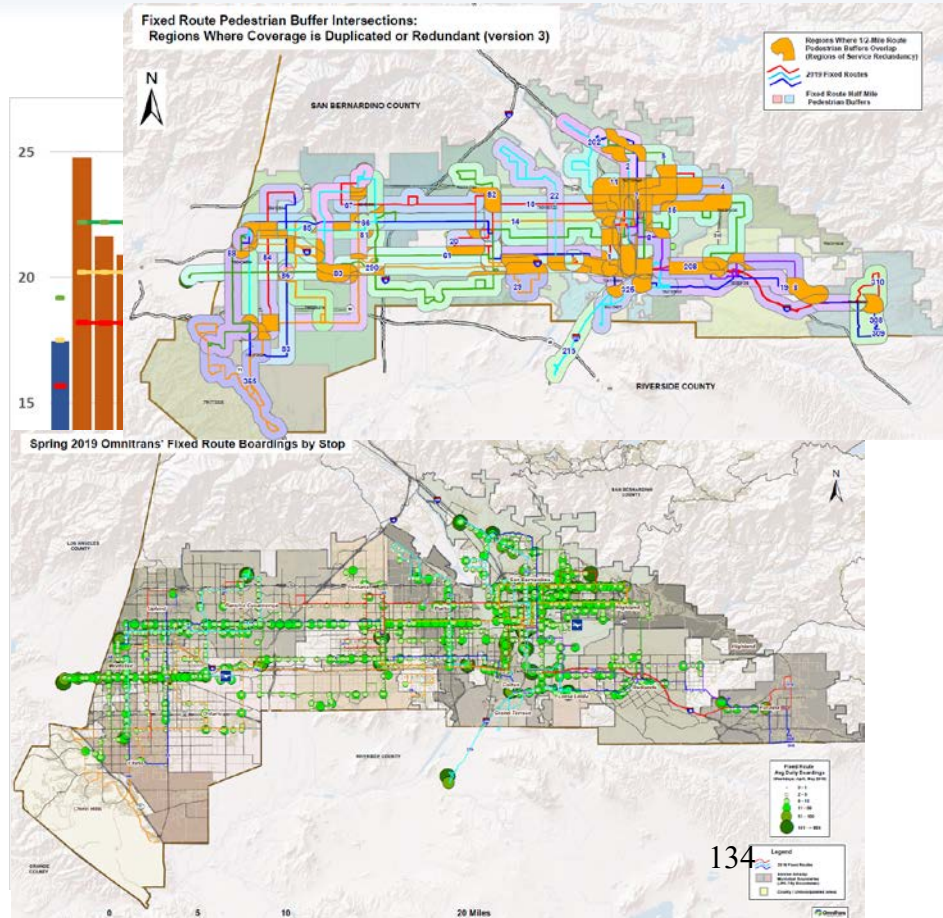
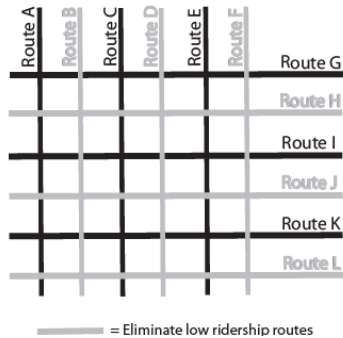


4. Make Short Turns

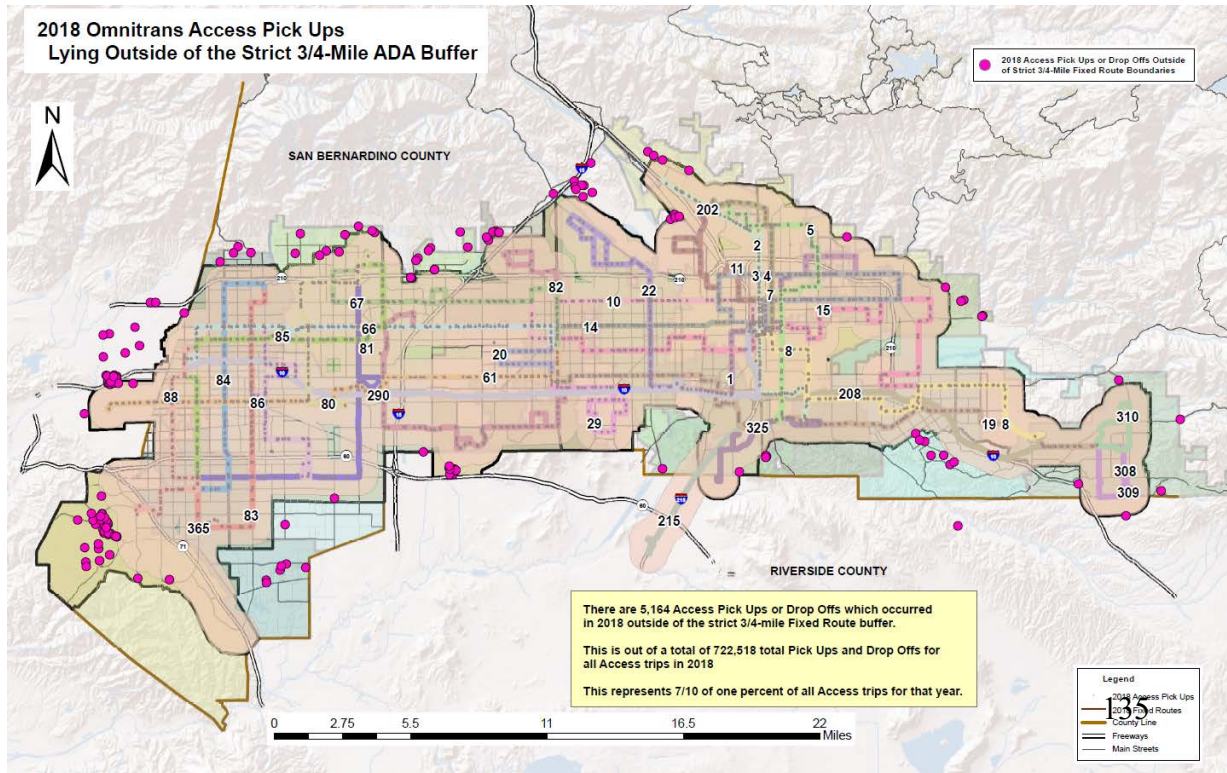
- Reduce service on selected trips
- Not all buses travel the entire length of the route on every trip
- Can be confusing for customers



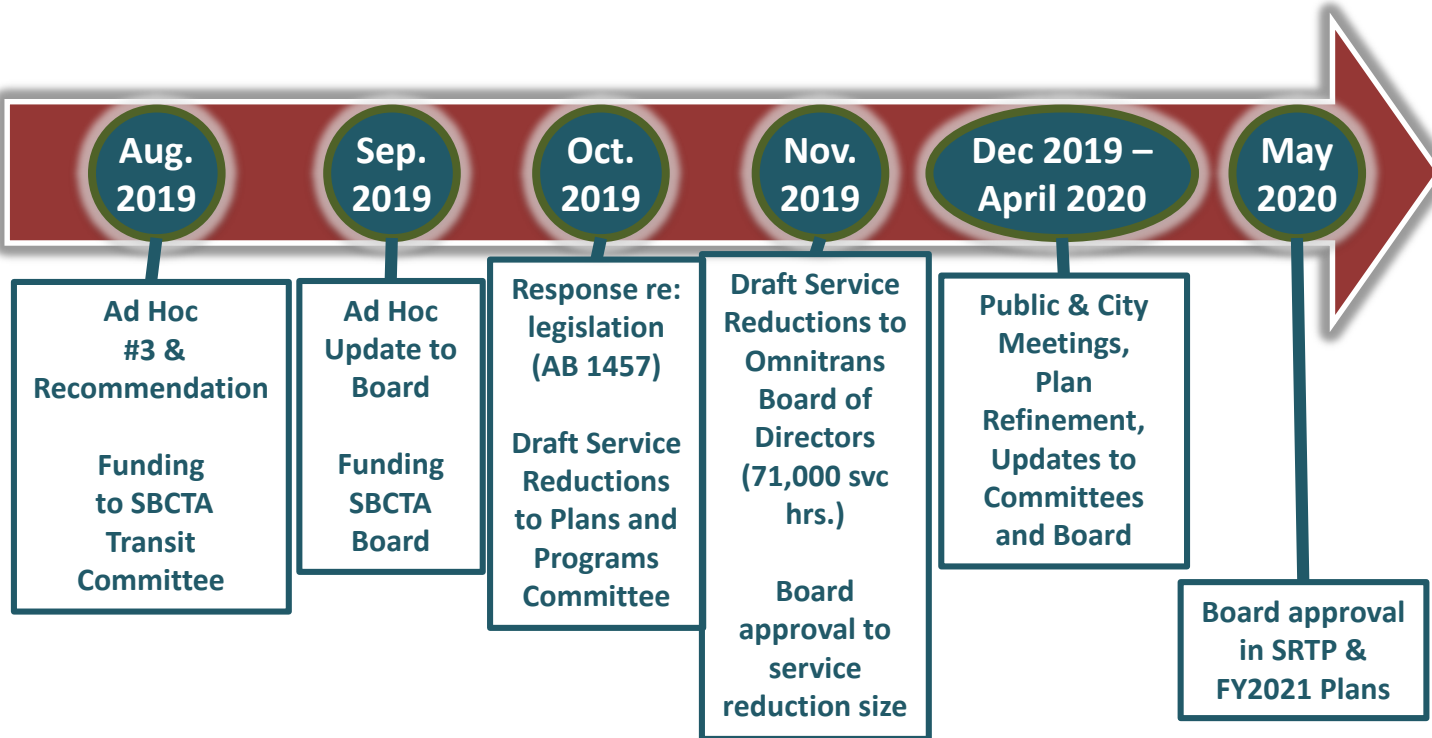
- Reduce coverage in areas with service area overlaps
- Realign or discontinue less used parallel routes
- Eliminate routes with low ridership



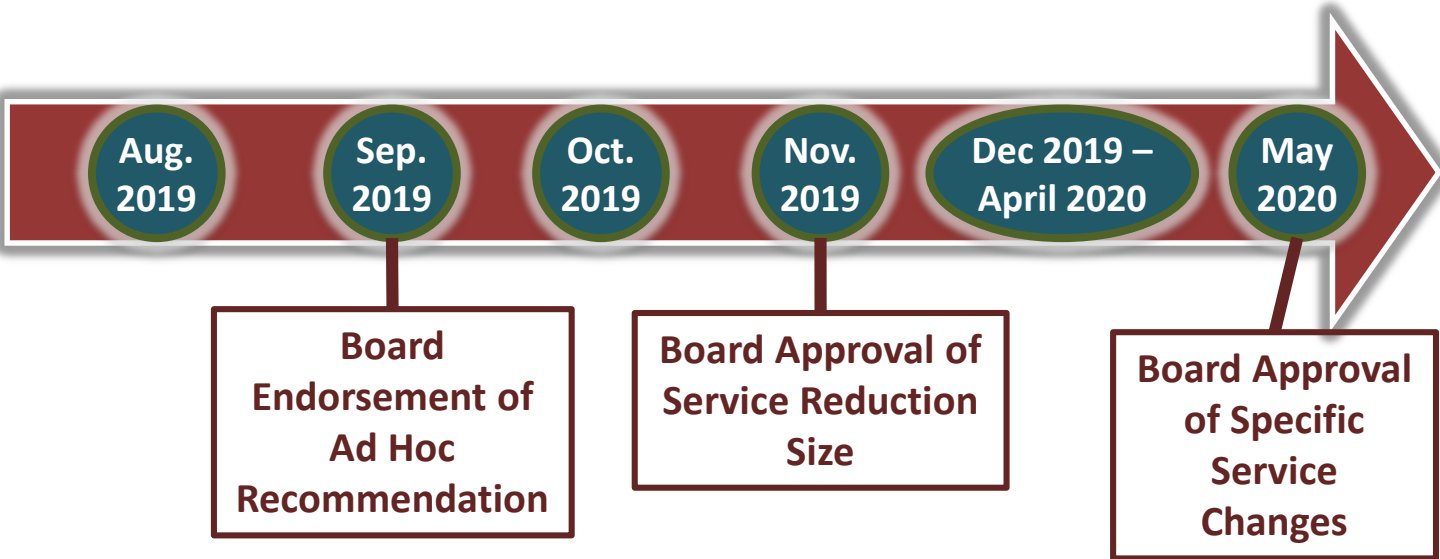
- Reduction when fixed route services are reduced.
- Eliminate service that extends beyond the mandate



- Present Ad Hoc Committee's specific recommendation to October Committee's and November Board for approval on scale of change
- Use service adjustment strategies discussed to bring specific recommendations to the Board including vetting through riders, cities and stakeholders



Specific Omnitrans Board Approvals Required





Questions?

ITEM # F4

DATE: September 4, 2019

TO: Board Chair David Avila and Members of the Omnitrans Board of Directors

FROM: P. Scott Graham, CEO/General Manager

**SUBJECT: REAFFIRM SUPPORT FOR OMNITRANS TRANSIT DISTRICT
LEGISLATION (AB 1457)**

FORM MOTION

Reaffirm support for Omnitrans Transit District Legislation (AB1457).

BACKGROUND

In February 2017 the Omnitrans Executive Committee began discussing the governance structure of the Agency and risk mitigation options related to Omnitrans' role as manager of the contract that will provide for the operations and maintenance of the Redlands Passenger Rail Service (Arrow). Following this review, the Executive Committee determined that changing the structure of Omnitrans from a Joint Powers Authority (JPA) to a statutorily created entity would be the most effective means of eliminating the risk of potential tort liability to member entities of the Omnitrans JPA and directed staff to bring this issue forward to the full Board of Directors for consideration.

On March 1, 2017 the Omnitrans Board of Directors considered the recommendation of the Executive Committee and unanimously approved moving forward to pursue a bill author. Assembly Member Marc Steinorth later agreed to sponsor the bill (AB 548). This issue was further discussed at the April 5, 2017 Board of Directors meeting. Due to concerns raised by the San Bernardino County Transportation Authority (SBCTA) regarding taxing authority, the Board took action to suspend the process until the issues were resolved and there was consensus and clear direction moving forward.

Review of draft special legislation to change Omnitrans from a JPA to a statutorily created special transit district was again brought before the Board of Directors on June 6, 2018. At that time, it was requested that this item be brought back to the Board in the Fall for final approval. It was also noted that an added benefit of the bill would be to protect member agencies from potential CalPERS retirement liabilities of Omnitrans. The proposed legislation was subsequently brought before the Board on October 3, 2018 for approval; the motion was passed unanimously.

The Board directed staff to work with Legal Counsel and the Legislative Analyst to identify a bill author and to work with SBCTA staff to develop a Memorandum of Understanding (MOU) to address the concerns related to taxing authority. An MOU was successfully negotiated with SBCTA which addressed these concerns and was executed by the parties.

ANALYSIS

In February 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.

An update was provided to the Omnitrans Executive Committee on April 5, 2019. The Committee authorized the CEO/General Manager to work with General Counsel and Legislative Advocate to review and negotiate requested amendments to the legislation.

AB 1457 was considered by the State Local Government Committee on April 10, 2019. Omnitrans' Legislative Advocate received requested amendments to the legislation from the Committee Chair's representative. The requested amendments related to items such as Board member stipends, Public Contracting Code for competitive bidding, and changes requested by the California Local Agency Formation Commission (CALAFCO). All requested amendments have been addressed. The most current version of AB 1457, as published by the State Legislative Counsel, is attached to this agenda report. (Attachment A).

The bill continued to successfully move through the State legislative committees; the Assembly Transportation Committee on May 30, 2019 and the Senate Transportation Committee on June 25, 2019.

Assembly Member Reyes office notified Omnitrans Legislative Analyst that concerns were raised regarding the bill by individual Omnitrans Board members as well as Senator Connie Leyva's office. In response to these concerns, on June 28, 2019 Assembly Member Reyes held a phone conference with representatives from Omnitrans, SBCTA, and the City of Ontario. Due to the issues raised, the Assembly Member decided to park the bill in Policy Committee and make the bill a two-year bill. She reiterated her understanding of the necessity of the bill and requested that Omnitrans provide an update by October regarding the status of the concerns that have been raised.

At the July 10, 2019 Board of Directors meeting there was a robust discussion regarding this issue. Summary minutes from this discussion are included as Item E1 of this agenda packet. During the discussion, there was significant focus on the financial sustainability of the Agency.

To address the financial issue, in April 2019 the Board approved a staff recommendation to form an Ad Hoc Committee comprised of members of the Omnitrans and SBCTA Board of Directors. The Ad Hoc Committee has met three times and directed Omnitrans and SBCTA staff to meet to develop a plan to address the long-term financial sustainability of the Agency. Two meetings have been held and a plan has been developed which includes service reductions and revenue increases. The proposed plan includes reducing service levels to better align service with recent

ridership trends and available revenue. SBCTA staff concurs with the proposed service reductions and recommended an adjustment in the revenue forecast. The revenue increase was unanimously approved by the SBCTA Transit Committee on August 15, 2019 and will be considered by the SBCTA Board on September 4, 2019. This combination of service reductions and revenue increases ensures Omnitrans will be operationally sustainable through 2040. Furthermore, this plan addresses the capital funding deficit through the Short-Range Transit Plan period (FY2021-2025). The capital deficit beyond this period will be addressed through the Countywide Electrification Study currently underway and the Long-Range Transit Plan (LRTP). Both efforts are led by SBCTA.

On August 26, 2019 this proposed plan was presented to the Ad Hoc Committee. After thorough review and thoughtful discussion, the Ad Hoc Committee unanimously approved the staff recommendation to implement the plan as presented. This recommendation will be brought to both the Omnitrans and SBCTA Boards in the coming months.

CONCLUSION

Based on the information provided, reaffirm support for Omnitrans Transit District Legislation (AB1457) and update Assembly Member Reyes on the status of the Board position.

PSG:ER

Attachment A: Assembly Bill No. 1457


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AB-1457 Omnitrans Transit District. (2019-2020)

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Date Published: 05/24/2019 09:00 PM

AMENDED IN ASSEMBLY MAY 24, 2019

AMENDED IN ASSEMBLY APRIL 11, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL

NO. 1457

Introduced by Assembly Member Reyes

February 22, 2019

An act *to amend Section 22050 of, and to add Article 22 (commencing with Section 20360) to Chapter 1 of Part 3 of Division 2 of, the Public Contract Code, and 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 amended, 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Article 22 (commencing with Section 20360) is added to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, to read:*

Article 22. Omnitrans Transit District

20360. *The provisions of this article shall apply to contracts by the Omnitrans Transit District, as provided for in Part 19 (commencing with Section 108000) of Division 10 of the Public Utilities Code.*

20361. *Contracts for the construction of transit works or transit facilities in excess of ten thousand dollars (\$10,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the vote of 15 members of the board of directors of the district. In the case of an emergency, if notice for bids to let contracts will not be given, the board of directors shall comply with Chapter 2.5 (commencing with Section 22050).*

SEC. 2. *Section 22050 of the Public Contract Code is amended to read:*

22050. (a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths vote, may delegate to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action ~~prior to~~ *before* the governing body reviewing the emergency action and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

(d) As used in this section, "public agency" has the same meaning as defined in Section 22002.

(e) A three-member governing body may take actions pursuant to subdivision (a), (b), or (c) by a two-thirds vote.

(f) This section applies only to emergency action taken pursuant to Sections 20134, 20168, 20205.1, 20213, 20223, 20233, 20253, 20273, 20283, 20293, 20303, 20313, 20331, ~~20361~~, 20567, 20586, 20604, 20635, 20645, 20682, 20682.5, 20736, 20751.1, 20806, 20812, 20914, 20918, 20926, 20931, 20941, 20961, 20991, 21020.2, 21024, 21031, 21043, 21061, 21072, 21081, 21091, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21191, 21196, 21203, 21212, 21221, 21231, 21241, 21251, 21261, 21271, 21290, 21311, 21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391, 21401, 21411, 21421, 21431, 21441, 21451, 21461, 21472, 21482, 21491, 21501, 21511, 21521, 21531, 21541, 21552, 21567, 21572, 21581, 21591, 21601, 21618, 21624, 21631, 21641, and 22035.

SECTION 4. SEC. 3. 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.

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

CHAPTER 2. Definitions

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~~ *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).

(j) "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.

(k) "Revenues," unless otherwise defined, 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, but not limited to, 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, or federal funds received by the district.

(l) "SB LAFCO" means the local agency formation commission for the County of San Bernardino.

~~(m)~~

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

~~(n)~~

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

~~(o)~~

(o) "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.

~~(p)~~

(p) "Voter" means any elector who is registered under the Elections Code.

CHAPTER 3. Formation of District

108030. (a) 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, and Yucaipa, and the territory described in subdivision (b), and other cities that subsequently qualify as members pursuant to the requirements set forth in Section 108032.

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

6071000303, 6071000304, 6071000401, 6071000403, 6071000404, 6071000821, 6071002204, 6071002401, 6071002402, 6071002501, 6071002502, 6071002706, 6071003301, 6071003302, 6071003403, 6071003405, 6071003606, 6071004001, 6071004003, 6071004101, 6071004103, 6071004104, 6071004507, 6071006100, 6071006204, 6071006302, 6071006601, 6071007403, 6071007800, 6071008601, 6071008602, and 6071008706.

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

108031. Through compliance with the provisions for annexation, 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~~ *member*, a resolution of the district's board approving the joining of the new ~~member.~~ *member, and upon approval of SB LAFCO.*

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 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, except that the exercise of all executive, administrative, and ministerial power may be delegated and redelegated 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 19 members as follows:

(a) The board shall be composed of one primary representative selected by the governing body of each city that is a member of the district and four members of the 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 that selected that person. 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 advisory representatives be allowed a vote.

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

108042. The board, at its first meeting, and biennially 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 the absence of the chairperson. 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. If the chairperson and vice chairperson are absent or unable to act, the members 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 officers of the board shall consist of the members of the board of directors, the chairperson and vice chairperson of the board, a secretary, a general manager, a general counsel, and any other officers that the board deems necessary and provides for in its bylaws, or by ordinance or resolution.

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

108045. (a) The board of directors shall do all of the following:

(1) Adopt bylaws for its procedures consistent with the laws of the state.

(2) Adopt an annual budget.

(3) Adopt a conflict-of-interest code.

(4) Adopt priorities reflecting the district's goals.

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

(b) Each member of the board shall receive compensation, as determined by the board, in an amount not to exceed one hundred twenty-five dollars (\$125) for attending each meeting of the board and each committee meeting, not to exceed a total of five hundred dollars (\$500) in any month, and shall receive their actual and necessary expenses incurred in the performance of their duties.

108046. A majority of the board or of a standing committee of the board 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.

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

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

CHAPTER 5. Powers and Functions of the District

Article 1. Corporate and General Powers of the 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, contract for services, and define the qualifications and duties for agents, employees, and contractors.
- (c) Enter into and perform all necessary contracts.
- (d) Adopt a seal and alter it at the district's pleasure.
- (e) Enter joint powers arrangements with other entities.
- (f) Appoint 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) Acquire by the exercise of the power of eminent domain or otherwise, or hold, lease, sublease, sell, or otherwise dispose of any real or personal property, tangible or intangible, 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) Issue, incur, and encumber indebtedness. 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 if a finding is made by the board that those services or facilities benefit the citizens or users of the transportation service or facilities.

(v) 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.

108052. The purchase of all services, supplies, equipment, and materials, and the construction of facilities and works, by the district, shall be done in the same manner and procedure, and subject to the same limitations, that apply to the County of San Bernardino pursuant to current state law, or as may be subsequently amended.

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 federal government, with any public agency, or with any person upon 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 of the system. 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) of Division 3.6 of Title 1 of the Government Code.

Article 3. Transit Facilities and Services

108070. The district may provide transit ~~service~~ *services* 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 of its transit facilities, 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 person.

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

108073. (a) 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 watercourse, or over any of the lands that are the property of the state, to the same extent that those rights and privileges appertaining thereto are granted to municipalities within the state.

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

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, and 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.

Article 4. Taxation, Fees, and Indebtedness

108080. (a) The district may levy a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the county located in the district in accordance with this article 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 subdivision (e) 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 board, in 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 part and legal actions related thereto. The ordinance shall contain an expenditure plan that shall include an allocation of revenues.

(e) 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.

(f) Before the operative date of the ordinance, the district shall contract with the California Department of Tax and Fee Administration to perform all functions incidental 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. Disputes as to the amount of the costs shall be resolved in the same manner as provided in that section.

(g) 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.

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

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

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

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

(j) 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.

108081. The district may impose and administer fees and administer 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 apply to the district.

108084. (a) (1) 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).

(2) 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 of transit facilities, and all additions, extensions, and improvements thereto, and all other facilities authorized to be acquired, constructed, or completed by the district.

(3) 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, as an alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction, and completion of any one of those facilities.

(b) This part shall not prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of indebtedness 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, as an 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 adopt a plan for funding transit projects or operations located within its jurisdiction or outside of its jurisdiction as authorized by subdivision (u) of Section 108050, or both.

CHAPTER 6. Rights of Employees

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, and all other rights and obligations that they have with Omnitrans JPA, upon the transfer of Omnitrans JPA to the district.

108091. The district shall provide for district employee retirement benefits under the program administered by the 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. Detachments

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, if all pending legal and financial obligations have been ~~satisfied~~ *satisfied, and upon approval of SB LAFCO*.

(b) The detachment of territory from the district shall become effective upon giving of the notice required in Section 57204 of the Government Code, except 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 and provided that all other pending legal and financial obligations have been resolved by mutual agreement.

(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. Annexation

108300. (a) Any territory annexed into a member city shall ~~automatically~~ be annexed into the ~~district~~ *district upon approval of SB LAFCO*. For annexation of territory in the unincorporated county into the district, the annexation shall require approval of the ~~board~~ *board and of SB LAFCO*.

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

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~~, *board, and approval of SB LAFCO*. 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) Distribution of assets to each member shall be made in the same proportion as that reflected in the accumulated capital contribution accounts from the records of the Omnitrans JPA, as shown and maintained by the district's finance director in the district's books of accounts. Cash may be distributed in lieu of property or equipment.

(c) (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 in this subdivision and the directors shall make the distribution or valuation as directed by arbitrators.

(2) Three arbitrators shall be appointed.

(3) The arbitration shall be binding and shall be conducted pursuant to Title 9 (commencing with Section 1280) of Part 3 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.

~~SEC. 2.~~ **SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.