# access

# **BOARD OF DIRECTORS MEETING - REVISED**

Monday, April 17, 2023

General Session: 12:00 p.m.

**Closed Session: Immediately Following** 

Access Services Headquarters
Council Conference Room,
3rd Floor
3449 Santa Anita Avenue
El Monte CA 91731

Long Beach Transit 1963 E Anaheim St Long Beach, CA 90813

See \*Note below for remote public link.

# **MISSION STATEMENT**

Access Services promotes access to all modes of transportation and provides quality and safe ADA paratransit service on behalf of public transit agencies in Los Angeles County.

1. CALL TO ORDER

2. REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING ON FEBRUARY 27, 2023 (page 6)

[Staff Recommendation: Approve minutes as written.]

3. REVIEW & APPROVAL OF MINUTES FROM THE BOARD SPECIAL MEETING ON MARCH 29, 2023 (page 17)

[Staff Recommendation: Approve minutes as written.]

**DISPOSITION** 

**ACTION** 

ACTION
[Vote Required:
majority of quorum
by roll call]

ACTION
[Vote Required:
majority of quorum
by roll call]

4. REPORT FROM EX-OFFICIO BOARD MEMBERS

INFORMATION

5. **GENERAL PUBLIC COMMENT** 

INFORMATION

6. **SUPERIOR SERVICE AWARD** 

#### **PRESENTATION**

#### 7. **CONSENT CALENDAR**

# Items reviewed and approved by the Performance Monitoring Committee:

ACTION
[Vote Required: majority of quorum by roll call]

- a) Consideration to Extend Term, Modify Rates and Increase Funds - Fleet Inspection Services Contract AS-4104 (page 19)
   [Staff Recommendation: Authorize staff to execute the second
  - [Staff Recommendation: Authorize staff to execute the second option year of Contract AS-4104 with TRC effective June 1, 2023 through May 31, 2024, modify the rates and increase funds by \$75,000.]
- b) Consideration to Extend Term and Increase Funds Insurance Third Party Administrator Services Contract AS-4124 (page 22) [Staff Recommendation: Authorize staff to execute the first one year renewal term with CorVel effective July 1, 2023 through June 30, 2024 and add an additional \$390,415 in funds.]

# Items reviewed and approved by the Planning and Development Committee:

- c) Consideration to Approve Self-Insured Retention Automobile Liability Program Renewal (page 24) [Staff Recommendation: Board approval is requested to continue the Self-Insured Retention (SIR) program for all automobile liability claims up to \$100,000 per claim.]
- d) Consideration to Approve Renewal of Commercial Business Package Insurance (page 26) [Staff Recommendation: See item for full recommendation.]
- e) Consideration to Approve Renewals of Employee Health and Benefit Contracts (page 28)
  [Staff Recommendation: Approve the employee benefit insurance policies for the period of July 1, 2023 through June 30, 2024 at a cost not to exceed \$1,049,548.]

[Staff Recommendation: Approve the Consent Calendar.]

**ELIGIBILITY SERVICES SCOPE OF WORK** 8. **PRESENTATION** 9. **BUDGET UPDATE PRESENTATION** 10. **PRESENTATION OPERATIONS UPDATE** 11. **UPCOMING BOARD ITEMS** (page 31) INFORMATION 12. **EXECUTIVE DIRECTOR'S REPORT** INFORMATION 13. **INFORMATION BOARD MEMBER COMMUNICATION** 14. NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE DISCUSSION/ **POSSIBLE** AGENDA ACTION 15. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION **INFORMATION ITEMS** 16. **CLOSED SESSION:** DISCUSSION/ **POSSIBLE** A) CONFERENCE WITH LEGAL COUNSEL: GOV. CODE **ACTION** 

- §54956.9

  1. Anticipated Litigation: Gov. Code §54956.9 (b)
- (i) Significant exposure to litigation pursuant to subdivision (b) of Gov. Code §54956.9 (b) a situation where, based on the advice of counsel considering "existing facts and circumstances," there exists a "significant exposure to litigation".
- 2. Pending Litigation: Gov. Code §54956.9 (d)(1)
- (i) Litigation, to which Access Services is a party, has been initiated formally.
  - 1. International Brotherhood of Teamsters Local 848 v. Access Services, Case # LA-CE-1532-M
  - 2. Aviles, Guillermo v. Access Services, Case # 20STCV3752

#### 17. **ADJOURNMENT**

**ACTION** 

Access Services does not discriminate on the basis of disability. Accordingly, Access Services seeks to ensure that individuals with disabilities will have an equal opportunity to participate in the range of Access Services events and programs by providing appropriate auxiliary aids and services for communications. Primary consideration is given to the request of individuals with disabilities. However, the final decision belongs to Access Services. To help ensure the availability of any auxiliary aids and services you

require, please make every effort to notify Access Services of your request at least three (3) business days (72 hours) prior to the meeting in which you wish to utilize those aids or services. You may do so by contacting (213) 270-6000.

Note: Access Services Board meetings are held pursuant to the Ralph M. Brown Act [Cal. Gov. Code §54950] and are open to the public. The public may view and obtain all written information supporting this agenda provided to the Board both initially and supplementally prior to the meeting at the agency's offices located at 3449 Santa Anita Avenue, El Monte, California and on its website at http://accessla.org. Documents, including Power Point handouts distributed to the Board members by staff or Board members at the meeting, will simultaneously be made available to the public. Three opportunities are available for the public to address the Board during a Board meeting: (1) before a specific agendized item is debated and voted upon regarding that item, (2) general public comment and (3) before closed session regarding matters to be discussed in closed session. The exercise of the right to address the Board is subject to restriction as to time and appropriate decorum. All persons wishing to make public comment must fill out a goldenrod Public Comment Form and submit it to the Secretary of the Board. Public comment is generally limited to three (3) minutes per speaker and the total time available for public comment may be limited at the discretion of the Chairperson. Persons whose speech is impaired such that they are unable to address the Board at a normal rate of speed may request an accommodation of a limited amount of additional time from the Chair but only by checking the appropriate box on the Public Comment Form. Granting such an accommodation is at the discretion of the Chair. The Board of Directors will not and cannot respond during the meeting to matters raised under general public comment. Pursuant to provisions of the Brown Act governing these proceedings, no discussion or action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. However, the Board may direct staff to investigate and/or schedule certain matters for consideration at a future Board of Directors Meeting and the staff may respond to all public comments in writing prior to the next Board meeting.

Alternative accessible formats are available upon request.

#### \*NOTE

The public may also participate via the Zoom webinar link, or by teleconference. Please review the procedures to do so as follows -

How to Provide Public Comment in a Board Meeting via Zoom

Online

- Click the Zoom link for the meeting you wish to join. Meeting information can be found at: https://accessla.org/news\_and\_events/agendas.html. Make sure to use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, or Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. You may also use this direct link https://us06web.zoom.us/j/82788378030
- 2. Enter an email address and your name. Your name will be visible online while you are speaking.
- 3. When the Board Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak. Mute all other audio before speaking. Using multiple devices can cause audio feedback.
- 4. Please note that the "Chat" feature is not enabled during the meeting for general public attendees. If you cannot use the "raise hand" feature, then please submit a written comment as outlined above.
- 5. When called, please limit your remarks to three minutes. An audio signal will sound at the three-minute mark and the Chair will have the discretion to mute you at any point after that. After the comment has been given, the microphone for the speaker's Zoom profile will be muted.

Note: Members of the public will not be shown on video.

### By phone

- 1. Call the Zoom phone number and enter the webinar ID for the meeting you wish to join. Meeting information can be found at: https://accessla.org/news\_and\_events/agendas.html
- 2. You can also call in using the following information -
- 3. Dial (for higher quality, dial a number based on your current location): US: +1 669 444 9171 or +1 669 900 6833 or +1 346 248 7799 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860 or +1 689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)
- 4. When the Board Chair calls for the item on which you wish to speak, press \*9 to raise a hand. Speakers will be notified shortly before they are called to speak. Speakers will be called by the last four digits of their phone number. Please note that phone numbers in their entirety will be visible online while speakers are speaking.
- 5. If you cannot use the "raise hand" feature, the please submit a written comment as outlined above.
- 6. When called, please state your name and limit your remarks to three minutes. An audio signal will sound at the three-minute mark and the Chair will have the discretion to mute you at any point after that. After the comment has been given, the microphone for the speaker's Zoom profile will be muted.



# **access** STATEMENT OF PROCEEDINGS FOR THE MEETING OF THE ACCESS SERVICES **BOARD OF DIRECTORS**

Webinar

February 27, 2023 12:00 p.m.

#### 1. CALL TO ORDER

The meeting was called to order by Chair Gombert at 12:01 p.m.

#### **BOARD MEMBERS PRESENT REPRESENTING A QUORUM**

Present: Chair Martin Gombert, Vice Chair Lee Burner, Treasurer Doran Barnes, Secretary Dolores Nason, Directors Adrian Aguilar, Andrew Del Castillo, Theresa DeVera, Giovanna Gogreve and John Troost.

#### BOARD MEMBER(S) EXCUSED FROM THE MEETING

Not Present: None

# 2. REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING ON **DECEMBER 12, 2022**

Recommendation: Approval of minutes as written.

Motion made by Secretary Nason to approve the minutes, seconded by Director DeVera. Via Roll Call Vote - all were in favor, motion passed.

# 3. REVIEW & APPROVAL OF MINUTES FROM THE SPECIAL BOARD MEETING ON JANUARY 10, 2023

Recommendation: Approval of minutes as written.

Motion made by Vice Chair Burner to approve the minutes, seconded by Director Del Castillo. Via Roll Call Vote - all were in favor, motion passed.

# 4. REVIEW & APPROVAL OF MINUTES FROM THE SPECIAL BOARD MEETING ON FEBRUARY 7, 2023

Recommendation: Approval of minutes as written.

Motion made by Secretary Nason to approve the minutes, seconded by Director Troost. Via Roll Call Vote - all were in favor, motion passed.

#### 5. REPORT FROM EX-OFFICIO BOARD MEMBERS

CAC Chair Yael Hagen reported on both the January and February CAC meetings. She stated they had a discussion on the impact of NextGen on the service areas for Access Services. There was a lot of meaningful participation and the committee passed a motion asking the Board to maintain the service area as is. They asked that Metro continue to fund the service area as they have been funding it for the last few decades. They also asked the Board to please consider increasing the service area from three quarters of a mile from a bus route to a mile and a half. She invited the Board to please look at their meeting minutes if they want to get a little more of the idea of what the discussion was about. They also established two new subcommittees. One is a CAC selection subcommittee as well as a subcommittee for the Goals Retreat for later in the year. They had an operations report, but not much discussion about that. For February, they had their first Executive Director's report, from Andre Colaiace and she was grateful he provided that report. They also had a discussion and a presentation from the Operations Subcommittee and it had to do with tips and information for riders on how to avoid no-shows and minimize no-shows. They came up with tips to improve the service to make sure that that the connection between the rider and the driver is used well. There is also a Communications Subcommittee and they have finished the first script, which is being reviewed by staff. They are excited that their first video on how to make a successful reservation is finished and will continue onto the next topic soon. In the eligibility subcommittee, they are discussing improving the auto-renewal process.

TPAC Chair Diane Amaya reported that the TPAC met on January 12. The committee discussed the Executive Director's report, where Andre Colaiace stated that in November, the Access Board approved the purchase of land in Lancaster, California. In December, the Lancaster City Council approved the disposition and development agreement with Access for the development of a paratransit operations and maintenance facility. The 2022 Joe King Award was presented to Alan Suarez from MTM. The Operations report was given by Jessica Volanos where she spoke on how the contractors promoted safety and driver retention during the holiday season by hosting holiday themed safety campaigns. The Board approved the Public Transportation Agency Safety Plan known as PTASP, and it outlines how the agency will use Safety Management System principles as championed by the Federal Transit Administration.

#### 6. GENERAL PUBLIC COMMENT

Terri Lantz made a public comment by asking if the Board could close the meeting in honor of Access rider, Sylvia Drzewiecki. Ms. Lantz said she was one of many people at United Cerebral Palsy that came and spoke at the Board meetings over the last 25 years. She died of COVID at the end of January and she loved riding Access and advocating for the riders.

#### 7. SUPERIOR SERVICE AWARD

Project Administrator Jessica Volanos introduced the Superior Service Award winner Czarina Mandap.

#### 8. CONSENT CALENDAR

Recommendation: Approval of all items on the Consent Calendar.

#### **CONSENT CALENDAR**

- a) Consideration to Approve Diversity, Equity and Inclusion Resolution
- b) Consideration to Approve FY2022/23 Budget Amendment
- c) Consideration to Approve Community Advisory Committee Stipend Increase
- d) Consideration to Approve Resolution to Continue Public Meetings through Teleconferencing

#### **Public Comment:**

A written comment was read by F Scott Jewell: Carrie Madden and Cindy Soto of Committees Actively Living Independent and Free stated that they would like to keep the Covid policy in place for all public meetings. They stated that Covid still remains a direct health hazard for people with disabilities. Many customers that participate in the meetings have complex health issues. Changing the meeting rules to in-person meetings will put people at risk and many people who have been participating will find it too risky to participate. They asked to continue to support the current policy until the Covid emergency ends.

Terri Lantz commented that she supports and echoes the previous comment. They still have people dying of Covid and others who are getting sick and not recuperating. She thanked the Board for the precautions that they have taken and encouraged them to keep those precautions in place so they can have a life and get out there and do the things that they need to do in the safest atmosphere possible.

Item 8-a was pulled by Director Gogreve.

Motion made by Treasurer Barnes to approve the Consent Calendar items 8-b, c, and d, seconded by Director Troost. Via Roll Call Vote - Vice Chair Burner voted no, all others were in favor, motion passed.

#### Item 8-a

Director Gogreve asked if they could have a list of the DEI programs, projects and initiatives for each of the resolutions. For each of the resolutions, any kind of program or project that might be associated with those resolutions. She asked if they could include some language on the equity focused communities on the resolution as well. Alvina Narayan responded that they would send the list under separate cover. Director Gogreve responded that she would like to see the EFC language in the resolution as well. Alvina Narayan stated that they could also send the proposed EFC language under separate cover at a later date.

Motion made by Director Gogreve to approve the Consent Calendar item 8-a, seconded by Director Del Castillo. Via Roll Call Vote - all were in favor, motion passed.

# 9. CONSIDERATION TO APPROVE TRANSPORTATION NETWORK COMPANIES (TNC) PILOT PROGRAM

Deputy Executive Director Hector Rodriguez presented this item.

#### Public Comment:

Keith Anglin made a comment by thanking the Access Board members. He stated he was the Vice President of Business Development with MV Transportation. He was there on behalf of MV Transportation and Senior Vice President of Operations, Ms. Judy Smith. He stated that MV fully supports the consideration to approve the transportation network companies pilot program. In May of 2017, MV had a very successful pilot with TNCs. It followed the same core values and rules seen in the slide presentation. What is good about this particular option is that it provides customers with other choices for those who opt in by taking advantage of additional drivers and vehicles. As ridership starts to stabilize and increase, having available vehicles and drivers really is a smart position for an agency as you move forward. Most Uber drivers have to have a very strong rating to even be eligible to operate on the platform. He looks forward to partnering in this pilot should this action be approved by the Board. He also took a moment to recognize Ms. Mandap for the Superior Service Award she received.

Yael Hagen made a public comment by supporting the program. She stated there was a lot of discussion, especially around safety and the fact that this is an optional program, for those that would like to use it. Those that benefit from this program will free up vehicles for trips for other riders. She thanked the Board for this consideration and the staff for doing such a fantastic job in putting this together.

Luis Garcia made a comment by stating that he was the General Manager at Global Paratransit, the service provider for the Southern Region. He wanted to show his support for the program. At their peak, the Southern Region hosted 600 certified taxi subcontractors; they currently have less than 150 units certified with a daily participation of just over 20. Over the past two years, GPI was successful in developing alternative resources to offset the lack of taxis. Unfortunately, they have exercised all their existing options and have no other alternatives. The Southern Region is now operating close to 80% of pre-pandemic service demand. The idea of using TNCs is very promising as TNCs have a very large resource imprint in LA County. He thanked the Access Board and staff for their proactive approach to discuss and consider alternative resources.

Annie Rivera made a public comment by stating that she supports this program because thinks it is great for the riders to have that choice regarding their transportation and to be able to opt in or out. She thanked everybody because she thinks that many will benefit from the service.

Carlos Benavides made a public comment by stating that he supported the proposed partnership between Access Services and TNCs in his role as president of the Los Angeles County Commission on Disabilities and as chair of Rancho Amigos National Rehabilitation Center, Patients Family Advisory Council. The subject is of utmost importance to the patients at Rancho as well as all individuals within LA County who are living with a disability. Able-bodied persons have a variety of choices for transportation, but those who are disabled do not. Adding other resources and having the ability to schedule a TNC ride for those who don't need the accessible van would increase transportation options. Over the years, Access Services has made great strides in improving its customer service and rider satisfaction.

Mel Bailey made a public comment by stating he had some concerns when this was first proposed. However, the presentation was very comprehensive, and it made a lot more sense and he supports the program, especially in cases of emergencies, of traffic, and with ridership increasing. He also likes that it is an optional program.

Terri Lantz made a public comment by stating that she was supportive of the program, and it will take the pressure off the existing contracted services. They are also still dealing with Covid issues and she feels that it is good to have multiple resources.

#### **Board Discussion:**

Director DeVera asked Hector Rodriguez if the fare for the Uber or TNC trip is paid differently or if it's the fare for Access Services. Hector Rodriguez responded that it was the regular Access fare of \$2.75 or \$3.50. Hector Rodriguez stated the TNC fare would be an issue between the contractor and the TNC company, the rider would pay only the applicable fare. Director DeVera asked if they would be able to choose which type of TNC they could take. Hector Rodriguez responded that it is the contractor that

decides who gets a TNC trip. There may be circumstances that create an emergency somewhere and if they opted into the program, they would be assigned a TNC trip because that's the most expedient solution.

Director Gogreve made a comment by asking how the customer complaints were going to be filed and tracked for the TNC trips. Hector Rodriguez stated that the contractor will be dealing with any complaints as if it was a regular Access ride. The contractor will then contact the TNC to deal with the situation. Director Gogreve asked if they were going to be able to see those complaints on a monthly basis. She asked if there would be an OTP, separately delineated on a monthly basis in the Board report or board box. Hector Rodriguez responded they can track those separately for the subcontractors. He would look into what can be done but, if it's a TNC issue, it should be easy enough to track that OTP, by simply asking the contractor for this information. Director Gogreve asked if they would intervene in resolving the TNC complaints. Hector Rodriguez responded that they would treat them as they do now with the taxi complaints since that is their responsibility.

#### **Board Member Comments:**

Director DeVera stated that at first, she was hesitant in supporting the program but she has had trips where they were in a full van and it would have been good to have vehicles for riders with mobility devices. If more people opt in to ride TNCs, this will liberate more vans for those that need it. The rider demand is just so high and the people that are really suffering are the riders.

Motion made by Director Troost to approve item, seconded by Director Aguilar. Via Roll Call Vote - all were in favor, motion passed.

# 10. BUDGET <u>UPDATE</u>

Deputy Executive Director Hector Rodriguez presented this item.

#### Public Comment:

None.

#### **Board Discussion:**

Director Gogreve stated that in the latest report it was indicated they had increased the drivers. Why are they now saying they are still lacking drivers. Hector Rodriguez stated that it was an ongoing issue and depending on demand it tends to change. For example, while they may have enough drivers for November, December, as demand picks up, that number changes. Based on budget it is based on the number of anticipated trips.

### This was an informational item only.

#### 11. CONSIDERATION TO APPROVE FY24 FUNDING REQUEST

Deputy Executive Director Hector Rodriguez presented this item.

#### Public Comment:

Yael Hagen made a public comment by asking if staff and Board members have been curious about the possibility of partnering with Amazon. The buying capacity at Amazon and the ability for them to impact paratransit and maybe they can be a part of that solution. She thinks it can be an option to explore.

#### Board Discussion:

Director Aguilar asked how many vehicles are we looking at or what is the capital program? Hector Rodriguez stated they were trying to place orders and they had \$33 million on hand from the previous year. They had an order for 110 vehicles that eventually got canceled. They will just have to place another order and get in line. Director Aguilar asked for clarity on if they would be requesting additional funding from Metro in the next fiscal year. Hector Rodriguez stated that it would be unlikely due to the carryover and production limits.

Director Gogreve stated that the numbers that he provided were not the same as the numbers she has been receiving. She asked if they could table the item and make a motion for that, until they get the correct information with realistic numbers. Hector Rodriguez responded that the Board could wait to make this request but Metro did not like that when they did it before. Metro wants a number very early in the process, but they know it will change. Director Gogreve stated that she understands it's a draft, but the numbers just look completely different from what she has been receiving from staff. She thinks the numbers should be sort of close and not so drastically different. Andre Colaiace stated this was a number approved by the committee. He stated they are still in the process, and it is important for the Board to weigh in. Director Gogreve stated she was confused and asked if making the motion would not change the process. She suggested they move it to another meeting when they have more information.

Director Del Castillo made a comment by asking about the numbers that he was hearing about two thirds of the fleet having to pretty much due to be retired by 2024 thereabouts, or at least 2025. He asked if the two thirds number was absolute and the vehicles had to be retired by that time when they reached the 250,000 mark or thereabouts. He asked if they would be able to keep extending things as long as possible in case they don't have enough TNCs to help them out. Hector Rodriguez stated that he wished they could retire them. The short answer is that contractually they are required to replace the vehicles when they reach their useful life. For most of the vehicles, that's 250,000 miles, and they have a program where they received a

grant to offset some of the costs of maintaining vehicles beyond 250,000 miles. They can't retire them because they don't have replacement vehicles. They have to compensate the contractors for the additional cost to maintain these vehicles.

Director Nason stated that she was concerned about the design of the new narrow, tall vans and wondered if they were safe, especially in windy places like Lancaster. Hector Rodriguez responded that Amazon uses them everywhere. He stated the center of gravity is low. He is not concerned about them being unsafe or operating in windy conditions. They have been tested thoroughly.

#### **Board Comments:**

Director Barnes asked staff if they could defer the item but noted it wouldn't be for another two months and he feels this is too long. It would affect the budgeting process. Andre Colaiace responded that this would be a problem and he understands the concerns but he prefers the Board approve something so they could continue to have budget discussions with Metro. It is a better option than deferring the item.

Director Gogreve responded that she likes the idea and withdrew her motion. She then made a motion to not accept the report provided but to allow staff to continue to negotiate with Metro to create a draft request. Andre Colaiace stated that would be okay. Director Gogreve agreed that they should continue to negotiate with Metro on any draft funding request number.

Director DeVera was concerned that they are carrying the item out too far. She asked if they could make another motion to have another meeting in March. Andre Colaiace stated that he doesn't believe there is a need for a special meeting for this. Director DeVera asked when the next update would be. Hector Rodriguez responded they would have an update in April.

Motion made by Director Gogreve to direct staff to keep negotiating the FY24 funding request with Metro, seconded by Director Nason. Via Roll Call Vote - all were in favor (Chair Gombert and Vice Chair Burner not present for this vote), motion passed.

#### **12.OPERATIONS UPDATE**

Chief Operations Officer Mike Greenwood presented this item.

Public Comment:

None.

**Board Comments:** 

Director DeVera asked if when masks will no longer be required, they could announce that masking is optional, not required. Mike Greenwood responded that masks will be optional when the emergency mandate ends: it will be announced.

#### 13.UPCOMING BOARD ITEMS

Director of Administration F Scott Jewell presented this item.

Public Comment:

None.

**Board Comments:** 

None.

This was an informational item only.

#### 14.EXECUTIVE DIRECTOR'S REPORT

Executive Director Ander Colaiace stated that Access held its semi-annual community meeting on Saturday. They had a good turnout, with over a hundred attendees. Staff discussed a number of topics, from eligibility to information technology, and for the first time, made a presentation about the CAC and how riders can get involved in Access. That presentation was supposed to be made by the CAC chair. Unfortunately, because of the storm there was a power outage, but they will have the CAC chair make that presentation next time. He thanked Randy Johnson and his team for organizing it and said the next community meeting will be held sometime in the summer. He also stated that the region was impacted by a significant storm over the weekend that brought rain, hail, and snow to Los Angeles County. Access responded by activating its emergency operations center and staff monitored service through the weekend. The main impacts were the delay and cancellation of transfer trips in the North County due to the closure of the 14 Freeway on Saturday. He thanked Mike Greenwood and Alex Chrisman, as well as the contractors and drivers for making sure the service operated as smoothly as possible. Lastly, he stated that staff has been working with Access' federal affairs team at Simon and Company to develop a request for funding the Antelope Valley paratransit operations and maintenance facility. Randy Johnson and he will be heading to Washington DC, in mid-March, to have in-person discussions with the elected officials about the project. He thanked their friends in Redondo Beach, including the TPAC chair, for the grand opening of their transit center. Randy Johnson, Chair Gombert and he were in attendance for this great project.

Public Comment:

None.

#### **Board Comments:**

None.

#### 15.BOARD MEMBER COMMUNICATION

Director Del Castillo commended the staff and fellow Board members for continuing to update them on where things stand, and for taking the time to answer some good questions by them and the community.

Director Troost stated he appreciated everything the staff and the Board do.

Director DeVera thanked all the drivers for driving them in the rain. It is a dangerous job, and she appreciates what they do.

Secretary Nason stated the DRC was having its 47th Annual Awards Event on July 27th. They need nominations for people for the Civic Leadership Award, the Community Service Award and the Jerry Stein Independent Living Award. She stated the nomination forms were on their website.

Director Gogreve thanked Director Nason and said she would make some recommendations. She appreciates everything they do, and it is always amazing. She also thanked Superior Service award winner, Czarina Mandap. She also thanked the drivers and staff for all they do.

Treasurer Barnes stated that he didn't join the discussion about using TNCs because it sounded like there was a lot of good momentum, but he did want to commend the entire organization for being creative and thoughtful during these challenging times. They are going to develop some new information, and hopefully be able to use that to continue to provide good quality service to the riders. He also added he had the honor of representing transit agency Board members on the California Transit Association's Executive Committee and wanted to add another Save the Date. In November Access Services, Foothill Transit and Pasadena Transit are hosting the California Transit Association's annual conference in Pasadena, and that's going to be the 14th through the 17th of November 2023. More information to come.

CAC Chair Hagen thanked Director Colaiace for being at their meeting and doing the executive report. She invited the Board members to participate in the Board report. She thanked Chair Gombert and Director DeVera for coming to their meetings and giving a report, and invited others to participate as well. The CAC really has remarkable subcommittees that are doing an outstanding job with the help of staff. They are looking at some of the issues of the website that can be improved, for accessibility and navigation especially. She asked Board members who would like to give input, to let them know.

Chair Gombert stated that they need to share the decision on virtual meetings with the community as soon as they have it. Andre Colaiace stated that under the Brown Act, they will continue virtual meetings for some committees but not all. He stated they will discuss this further in closed session. It is now dependent on the LA County ending its emergency mandate. He also asked to close the meeting in honor of Sylvia Drzewiecki.

#### 16. NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA

No new business was heard subsequent to the posting of the agenda.

#### 17. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS

There was no public comment.

#### 18. CLOSED SESSION REPORT

Director of Administration F Scott Jewell stated that no action was taken by the Board.

#### 19. ADJOURNMENT

Motion made by Secretary Nason, seconded by Treasurer Barnes to adjourn.

The meeting adjourned at 2:24 p.m.	
Approved	
Dolores Nason, Secretary	Date



# STATEMENT OF PROCEEDINGS FOR THE SPECIAL MEETING OF THE ACCESS SERVICES BOARD OF DIRECTORS

Webinar

March 29, 2023

11:00 a.m.

#### 1. CALL TO ORDER

Meeting was called to order by Chair Gombert at 11:04 a.m.

#### **BOARD MEMBERS PRESENT REPRESENTING A QUORUM**

Present: Chair Gombert, Vice Chair Burner, Treasurer Barnes, Secretary Nason, Directors Aguilar, Del Castillo, DeVera, Gogreve and Troost

#### BOARD MEMBER(S) EXCUSED FROM THE MEETING

Not Present: None

#### 2. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS

None.

#### 3. CLOSED SESSION

- A) PUBLIC EMERGENCY (COVID-19), GOV. CODE 54957(a)
- B) CONFERENCE WITH LEGAL COUNSEL: GOV. CODE §54956.9
- 1. Anticipated Litigation: Gov. Code §54956.9 (b)
- (i) Significant exposure to litigation pursuant to subdivision (b) of Gov. Code §54956.9 (b) a situation where, based on the advice of counsel considering "existing facts and circumstances," there exists a "significant exposure to litigation".

The Board of Directors voted unanimously to approve staff's recommendation on item 3-B.

# 4. <u>ADJOURNMENT</u>

Motion made by Secretary Nason, seconded by D	Director Aguilar to adjourn.
The meeting adjourned at 11:36 a.m.	
Approved	
Dolores Nason, Secretary	—————— Date

# **APRIL 10, 2023**

TO: BOARD OF DIRECTORS

FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACT

**ADMINISTRATION** 

RICK STREIFF, SENIOR MANAGER, FLEET DESIGN AND

**MAINTENANCE** 

RE: CONSIDERATION TO EXTEND TERM, MODIFY RATES AND INCREASE

**FUNDS - FLEET INSPECTION SERVICES CONTRACT (AS-4104)** 

#### **ISSUE:**

Board approval is required to exercise the second option term for fleet inspection services with AmeriTran Service Corporation (dba Transit Resource Center) (TRC). This item was reviewed and approved by the Performance Monitoring Committee.

#### **RECOMMENDATION:**

Authorize staff to execute the second option year of Contract AS-4104 with TRC effective June 1, 2023 through May 31, 2024, modify the rates and increase funds by \$75,000.

#### **IMPACT ON BUDGET:**

The increase to the contract is due primarily to two factors: an increase in demand for new vehicle inspections and the fact that the contract total did not increase when the current option year was exercised. The contract value will increase from \$336,306 to \$411,306. The funding for this service, which is programmed in the current budget and will be included in future fiscal years, comes from Proposition C 40% Discretionary funds.

#### **ALTERNATIVES CONSIDERED:**

The alternative, should the Board not approve the option term, is to release an RFP for fleet inspection services for a November 1, 2023 start date. Staff would then seek Board approval and contractor agreement to extend the current contract for a period of six months to ensure fleet inspections can continue. This is not advisable however, as Access has four vehicle orders in various stages of production and any disruption to in-plant inspections could jeopardize compliance with 5310 contract obligations.

#### **EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

If the Board approves this staff recommendation, staff would be authorized, but not required, to negotiate and enter into a written extension upon terms and conditions no less favorable to Access Services than those proposed herein. Access Services would not be legally bound to the option term herein proposed unless and until it is incorporated into a formal written agreement executed by all parties thereto and approved as to form by this entity's legal counsel.

#### **BACKGROUND:**

Access is committed to protecting its fixed assets and ensuring that our service providers maintain the assets in good repair. The third-party inspection process is one of many means used by Access to protect those assets. Access Services requires that vehicles utilized in revenue service, whether owned by the agency or the service provider, or contracted by the service provider, are maintained and kept in the best condition possible. In addition to the daily equipment, vehicle condition and maintenance inspections currently being performed in the field by service contractors, fleet management staff and road safety inspectors randomly perform inspections of all revenue vehicles and equipment. In order to ensure further compliance with this policy, Access has compiled a menu of inspections that require a third-party: plant inspections of new vehicles to be purchased by Access; inspections of Access-owned vehicles currently used in revenue service; and quarterly paper audits of non-dedicated, contractor-owned vehicles and taxis.

As a recipient of 5310 funding, Access is required to perform in-plant inspections of new vehicles prior to their use in revenue service. Given that our vehicles are currently built in multiple facilities and that the build period can last as long as six months per vehicle, Access, without the use of third-party inspectors, would have to utilize existing staff, or add new staff, re-locating them to facilities out of state for extended periods of time. Staff believes that agency resources can be better spent by engaging the services of expert, third-party inspectors to perform this work.

In terms of Access-owned vehicles currently in revenue service, staff has found the use of a third-party inspector to be essential in facilitating the transition of rolling stock from an outgoing to an incoming service provider. With the turnover of any service contract, a full inspection of all vehicles is required. The use of third-party inspectors (vs. Access or service provider staff) allows for an objective, non-biased assessment of the condition of vehicles during the transition period.

As reflected in the table below, TRC is requesting an increase in the rates of compensation listed in the contract for the second option year. The proposed increase in the rates of compensation from those of the current year falls slightly below the most recently published year-over-year increase in the Consumer Price Index for the Los Angeles Region, which is 5.8%. (US Department of Labor, Bureau of

Labor Statistics, Los Angeles Region-Urban, January 2023.) After careful consideration, staff believes that the requested modification in rates is justified.

Manufacturing shortages have had a massive impact on vehicle production schedules, resulting in much higher prices for parts and labor. Inspection services provided by companies like TRC, in turn, are impacted by major parts supply interruptions causing production delays, partially completed vehicles being pushed out to parking lots, and vehicles re-entering production in a non-predictive manner as missing parts suddenly appear. Inspectors are spending twice as much time as normal in trying to properly inspect buses whose partial completion changes every day.

# **Current and Proposed Rates**:

	Option Yr. 1	Option Yr. 2	Option Yr. 2
	(Current	(Rates Per	(Proposed
TASK	Rates)	Contract)	Rates)
In-Plant Inspections Per			
Vehicle Rate: 1-35			
Vehicles	\$268.00	\$276.00	\$283.47
In-Plant Inspection Per			
Vehicle Rate: 36-150			
Vehicles	\$268.00	\$276.00	\$283.47
Production Change:			
Hourly Rate	\$56.00	\$58.00	\$59.23
Taxi Quarterly Audit Per			
Vehicle Rate: 1-120			
Vehicles	\$21.50	\$22.00	\$22.74
Taxi Quarterly Audit Per			
Vehicle Rate: 121-200			
Vehicles	\$21.50	\$22.00	\$22.74
Contractor Turn Over			
Audits Per Vehicle Rate:			
1-50 Vehicles	\$298.00	\$307.00	\$315.20
Contractor Turn Over			
Audits Per Vehicle Rate:			
51-275 Vehicles	\$287.00	\$295.00	\$303.56
In Service 10% Per			
Vehicle Rate	\$150.00	\$155.00	\$158.66

#### **APRIL 10, 2023**

TO: BOARD OF DIRECTORS

FROM: HECTOR RODRIGUEZ, DEPUTY EXECUTIVE DIRECTOR

RE: CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS -

INSURANCE THIRD PARTY ADMINISTRATOR SERVICES CONTRACT

(AS-4124)

#### **ISSUE:**

Board action is required to exercise the first one-year renewal option and add funds to Contract No. AS-4124 with CorVel Enterprise Comp, Inc. (CorVel), the agency's insurance third party administrator (TPA). This item was reviewed and approved by the Performance Monitoring Committee.

#### **RECOMMENDATION:**

Authorize staff to execute the first one year renewal term with CorVel effective July 1, 2023 through June 30, 2024 and add an additional \$390,415 in funds.

#### **IMPACT ON BUDGET:**

This action will result in an increase in the previously approved contract amount of \$680,265 to \$1,070,680. This action is consistent with Access' budget for FY2022/23 and will be programmed for FY2023/24. The funding for this service is allocated from local funds and the level of expenditure remains within the expected levels.

#### **ALTERNATIVES CONSIDERED:**

The Board, at its option, could request staff to issue an RFP. However, the contractor has met the terms of the Contract and thus merits consideration of exercising the first option year.

# **EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

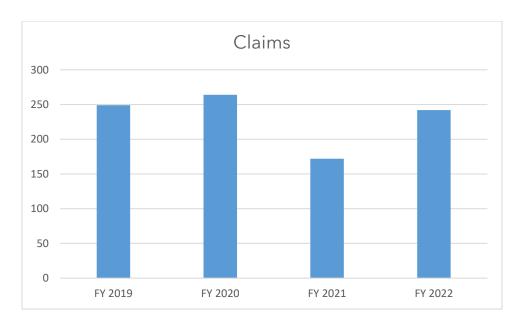
If this staff recommendation is approved by the Board, the staff will be authorized, but not required, to negotiate and enter into an amendment of the existing contract with CorVel Enterprise Comp, Inc., under terms that are no less favorable to Access Services than those proposed herein. Access Services would not be legally bound to this contract unless it is incorporated into a formal written agreement executed by all parties thereto and approved as to form by this entity's legal counsel.

#### **BACKGROUND:**

Access has been utilizing the services of a qualified firm to provide insurance TPA services in order to minimize Access' insurance costs and other expenses through the expeditious and skillful handling of all claims. The TPA efficiently administers collision and incident claims arising out of the operation of Access' revenue service vehicles and adjusts those claims falling within the applicable self-insured retention (SIR) of \$100,000 per claim. The TPA is also involved in the processing of claims against Access as required by the Governmental Claims Act and the Tort Claims Act.

CorVel spends an average of 12.5 hours on each claim and the number of claims and hours are projected to be the same going forward.

Below is a summary of the number of claims processed per fiscal year.



Corvel's hourly rate during the first two years of the contract was \$89 and increased to \$90 during the third year of the contract. The proposed rate for the first renewal term is \$91 an hour.

CorVel was selected through a competitive procurement process which was awarded by the Board on April 13, 2020. The award was for a three-year base term contract which ends on June 30, 2023. If approved by the Board, this contract may be extended up to two (2) years in one-year increments. In order to continue with these services, it is necessary to increase funds and extend the term for another year through June 30, 2024.

#### **APRIL 10, 2023**

TO: BOARD OF DIRECTORS

FROM: HECTOR RODRIGUEZ, DEPUTY EXECUTIVE DIRECTOR

RE: CONSIDERATION TO APPROVE SELF-INSURED RETENTION

**AUTOMOBILE LIABILITY PROGRAM RENEWAL** 

#### **ISSUE:**

Board approval is requested to continue the Self-Insured Retention (SIR) program for all automobile liability claims up to \$100,000 per claim. This item was reviewed and approved by the Planning and Development Committee.

#### **RECOMMENDATION:**

Authorize staff to continue a \$100,000 Self-Insured Retention program with estimated liability of \$2,170,000 that will be determined in accordance with GASB Statement No. 10 as required for public entities.

#### **IMPACT ON BUDGET:**

Based on projected actuarial studies to be performed by Aon Risk Solutions, it is expected that this program may have a projected total cost of claims within the SIR of up to \$2,170,000 for FY 2023/24. The final cost will depend on the actual loss history over the policy period. For example, claims so far for the FY2022/23 year are projected to be below the annual average of \$1,168,000, and continue the trend of staying below the actuarial projection of \$1,972,000. (This estimate is subject to change depending on claims experienced through June 20, 2023.)

Aggregate stop loss insurance will be procured in order to limit SIR exposure. The aggregate insurance will become effective only when Access has paid \$3,500,000 in claims.

This program and the other layers of insurance have all been included in the draft budget for Fiscal Year 2023/24.

#### **ALTERNATIVES CONSIDERED:**

Staff believes the SIR structure, in combination with our safety program, has been successful and no alternatives have been considered.

#### **BACKGROUND:**

The proposal with an SIR and cost sharing of total claims was developed by our insurance brokers, SullivanCurtisMonroe. The centralization and control of the insurance program by Access and its contracted Third-Party Administrator (CorVel) has allowed Access to better manage and resolve claims against the Agency. The data for the actuarial study consists of data for claims incurred from June 21, 2009 to date gathered from CorVel. The requested SIR liability limit is an increase from the current year's limit of \$1,972,000.

# **APRIL 10, 2023**

TO: BOARD OF DIRECTORS

FROM: HECTOR RODRIGUEZ, DEPUTY EXECUTIVE DIRECTOR

RE: CONSIDERATION TO APPROVE RENEWAL OF COMMERCIAL

**BUSINESS PACKAGE INSURANCE** 

#### **ISSUE:**

In order to continue the Access Self-Insured Retention (SIR) program, Board approval is necessary to authorize the renewal of insurance policies consisting of Excess Business Auto for revenue service vehicles, Commercial General Liability, Commercial Umbrella Liability, and Aggregate Stop Loss Coverage.

The insurance layers in Access' program are currently structured as follows:

	\$100,000
\$100,000 to	\$1,100,000
\$1,100,000 to	\$11,100,000
\$11,100,000 to	\$26,100,000
\$26,100,000 to	\$51,100,000
	\$1,100,000 to \$11,100,000 to

The Primary Automobile Layer is covered by a policy with James River Insurance Company that expires on June 20, 2024 and staff has asked Access' insurance broker, SullivanCurtisMonroe, for pricing on extending the existing policy with James River through June 20, 2025.

The three excess layers above the primary layer will expire on June 20, 2023, and therefore require Board action to extend to June 20, 2024. This item was reviewed and approved by the Planning and Development Committee.

#### **RECOMMENDATION:**

Authorize the Executive Director to:

- Enter into a one-year policy agreement with James River Insurance Company for primary insurance coverage from June 21, 2024 through June 20, 2025;
- Enter into a one-year policy agreement with James River Insurance Company for the first excess layer;

- Enter into a one-year policy agreement with Scottsdale Insurance Company for the second excess layer;
- Enter into a one-year policy agreement with Liberty Insurance Company for the third excess layer;
- Enter into one-year policies with various carriers for the above-named insurance policies dependent on the outcome of the quotes received;
- Authorize an amount not to exceed \$7,500,000 for all of the above insurance layers.

#### **IMPACT ON BUDGET:**

These costs will be included in Access' budget for FY2023/24. The funding for these policies will come from local funds.

#### **BACKGROUND:**

The insurance placement process will be completed by June 20, 2023 for all layers except the primary layer. A report with specific insurance carrier and policy information will be transmitted to the Board.

The choice of an insurance carrier is based on a number of factors, i.e. financial strength, the 'A. M. Best Guide' industry rating, policy limits, potential covered losses and cost. SullivanCurtisMonroe has been instructed to obtain competitive bids in the placement of our insurance policies. Insurance companies have traditionally been very selective in bidding on the insurance Access currently carries, and as part of their process, conduct a detailed assessment of potential exposures to risk.

The amount requested for approval is an estimate based on information obtained from our insurance broker at the time of preparation of this Board item. Since quotes are generally not available until the date of the actual policy renewal, it is expected that the actual cost of the premiums will be lower than the stated estimate.

Generally staff anticipates increases to the current rates at around 10%. However, given the current insurance market, staff expects that at least one of the excess layers will be split into two or more layers in order to maintain the same overall coverage. Any layers that have to be split will likely exceed the expected 10% increase with rates likely to increase as high as 30%.

#### **APRIL 10, 2023**

TO: BOARD OF DIRECTORS

FROM: F SCOTT JEWELL, DIRECTOR OF ADMINISTRATION

RE: CONSIDERATION TO APPROVE RENEWALS OF EMPLOYEE HEALTH

AND BENEFIT CONTRACTS

#### **ISSUE:**

The current Access Services employee benefit insurance policies for medical, dental, vision, life and long-term disability will expire on June 30, 2023. The Board must approve a benefit plan so that employee benefits are in place for the next fiscal year starting July 1, 2023. This item was reviewed and approved by the Planning and Development Committee.

#### **RECOMMENDATION**

Approve the employee benefit insurance policies for the period of July 1, 2023 through June 30, 2024 at a cost not to exceed \$1,049,548.

#### **IMPACT TO BUDGET**

The costs for these policies (\$952,220 for the medical policy and \$97,328 for all other Access sponsored policies), is a 7% and 3% respectively increase over the current year rates and will be included in the proposed FY2023/24 budget. The funding for these policies comes from local funds.

The amount requested for approval is an estimate based on information obtained from our insurance broker at the time this Board item was prepared. Since quotes are generally not available until the date of the actual policy renewal, it is possible that the actual cost of the premiums will be lower than the stated estimate.

#### **ALTERNATIVES CONSIDERED**

Access' insurance broker, SullivanCurtisMonroe (SCM), is in the process of conducting a comprehensive market survey. The current Kaiser plan will likely be the most cost advantageous to Access but additional plans may be offered if similar benefits can be provided.

#### **EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

If this staff recommendation is approved by the Board, the staff will be authorized, but not required, to negotiate and enter into a renewal of the existing Kaiser Health Care or similar health plan and modify Access' existing vision, dental, and other benefit plans in accordance with terms, conditions and costs that are no less favorable to Access than those proposed herein. Access would not be legally bound to the renewal or modifications unless it is incorporated into a formal written agreement executed by all parties thereto and approved as to form by this entity's legal counsel.

#### **BACKGROUND**

Access Services (Access) offers a comprehensive package of employee benefits. Coverage of insurance begins the first day of the month after 30 days of employment. All full-time staff employees and their eligible dependents may participate in Access' comprehensive health coverage. These benefits include the following:

# Comprehensive Health Insurance - Kaiser-Permanente and Anthem (HMO & PPO)

Participants may choose coverage for themselves and any eligible dependents, or to opt-out of the plan if they are covered by another employer sponsored plan.

Access pays 90% of the entire premium cost for HMO or 80% of the entire premium for PPO coverage for both employee and eligible dependents up to limits established by the Board of Directors.

#### **Dental Insurance**

The Prepaid Dental Benefit (DHMO) option provides basic care at no charge to the employee and other services at a low co-payment.

Indemnity Dental Benefits (DPO) option provides basic care at no charge to the employee and other services at a payment of 90% on most usual and customary charges up to \$1,500 per year.

#### **Vision Insurance**

Comprehensive vision insurance (PPO) covers frames, lenses, contact lenses and exams.

### **Chiropractic Insurance**

PPO Chiropractic coverage provides up to 20 visits per calendar year.

# **Life and Long-Term Disability Insurance**

Employer-paid Life Insurance provides an amount equal to the employee's annual salary. Premiums are 100% paid by Access for employees; dependents are not eligible for this benefit. Employees may choose additional voluntary life insurance and pay the premiums through payroll deductions.

Employer-paid Long Term Disability Insurance provides up to 66% of salary for employees unable to work after a 90-day waiting period. Premiums are 100% paid by Access for employees; dependents are not eligible for this benefit.

# **Long Term Care**

Employer paid Long Term Care Insurance provides basic coverage of \$2,000 per month for qualified confinement to a skilled nursing facility. See plan for details. Employees may choose additional coverage choices and pay the premiums through payroll deductions.

### **Supplemental Insurance**

Employees may choose any of several voluntary supplemental insurance policies, and pay for the premiums via payroll deduction. Employees may opt for supplemental insurance at any time.

# Flexible Spending Accounts

Access participates in Flexible Spending Accounts (FSA) as regulated by the Internal Revenue Service. Employees are able to participate in an FSA when they become benefit eligible (1st of the month following 30 days of hire) and during the open enrollment period (effective as of July 1 each year).

# **APRIL 10, 2023**

TO: BOARD OF DIRECTORS

FROM: F SCOTT JEWELL, DIRECTOR OF ADMINISTRATION

RE: UPCOMING BOARD ITEMS

### **ISSUE:**

The following items are tentatively scheduled to be addressed by the Board and its committees through June 2023.

# May 1, 2023 - Board Operations Committee Meeting - CANCELLED

# May 22, 2023 - Board Committee Meetings

Agenda Items:	Disposition:
On-Board Vehicle Camera Recording System Contract Extension	Action
FY2023/24 Budget Approval	Action
Financial Audit Services Contract (AS-4164) Award	Action
Architecture and Engineering Contract (AS-4165) Award	Action
Service Area Map Policy	Action
Customer Survey - Travel Mode Choice	Presentation

# June 26, 2023 - Board Meeting

Agenda Items:	Disposition:
Committee Items Approval	Action