

# access

## PLANNING AND DEVELOPMENT COMMITTEE

Monday, January 10, 2022

12:30 p.m.

### Webinar

Committee Members: T. DeVera, Chair  
M. Gombert  
D. Nason

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	<u>DISPOSITION</u>
1. CALL TO ORDER	ACTION
2. GENERAL PUBLIC COMMENT	INFORMATION
3. CONSIDERATION TO INCREASE FUNDS - LEGAL SERVICES CONTRACT (AS-4039) (page 5)	ACTION
4. CONSIDERATION TO APPROVE FY2021 AUDIT (page 7)	ACTION
5. SERVICE AREA IMPACTS - METRO NEXTGEN BUS PLAN	PRESENTATION
6. BUDGET UPDATE	PRESENTATION
7. CONSIDERATION TO APPROVE DRAFT FY2023 FUNDING REQUEST (page 8)	ACTION
8. 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 committee 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 committee 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 committee members by staff or Board committee members at the meeting, will simultaneously be made available to the public. Three opportunities are available for the public to address the Board committee during a Board committee meeting: (1) before closed session regarding matters to be discussed in closed session, (2) before a specific agenda item is debated and voted upon regarding that item and (3) general public comment. The exercise of the right to address the Board committee 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 committee 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 committee may direct staff to investigate and/or schedule certain matters for consideration at a future Board committee meeting and the staff may respond to all public comments in writing prior to the next Board committee meeting.

### **Commitment to Civility**

To assure civility in its public meetings, staff and the public are also encouraged to engage in respectful dialog that supports freedom of speech and values diversity of opinion. To achieve compliance with these Rules, Directors, staff, and the public are encouraged to:

- Create an atmosphere of respect and civility where Directors, staff, and the public are free to express their ideas;
- Establish and maintain a cordial and respectful atmosphere during discussions;
- Foster meaningful dialogue free of personal attacks;
- Listen with an open mind to all information, including dissenting points of view, regarding issues presented to the Board;
- Recognize it is sometimes difficult to speak at Board meetings, and out of respect for each person's feelings, allow them to have their say without comment, including booing, whistling or clapping; and
- Adhere to speaking time limit.

Alternative accessible formats are available upon request.

## \*NOTE

### NOTICE OF ALTERNATIVE PUBLIC COMMENT PROCEDURES

Pursuant to temporary revised Brown Act requirements, Board committee members will be participating via webinar. The public may submit written comments on any item on the agenda - 1) through email by addressing it to - board@accessla.org or 2) via US Postal mail by addressing it to - Access Services Board Comments, PO Box 5728, El Monte CA 91734. Please include your name, item number and comments in the correspondence. Comments must be submitted/received no later than 9:00 am on Monday, January 10, 2022 so they can be read into the record as appropriate.

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

1. 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](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/88275094991>
2. Enter an email address and your name. Your name will be visible online while you are speaking.
3. When the Committee 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 an accessibility tool for comments on items by committee members and the general public attendees who need to use this tool. 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](https://accessla.org/news_and_events/agendas.html)
2. You can also call in using the following information -  
Dial (for higher quality, dial a number based on your current location):  
US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)  
Webinar ID: 882 7509 4991
3. When the Committee 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.

4. If you cannot use the “raise hand” feature, the please submit a written comment as outlined above.
5. 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.

JANUARY 3, 2022

**TO: BOARD OF DIRECTORS**

**FROM: ANDRE COLAIACE, EXECUTIVE DIRECTOR**

**RE: CONSIDERATION TO INCREASE FUNDS - LEGAL SERVICES CONTRACT (AS-4039)**

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**ISSUE:**

Board approval is required to add funds for general and special legal counsel services in order to continue the Agency’s legal representation.

**RECOMMENDATION:**

Authorize an additional \$360,000 in funds for legal services with Alvarez-Glasman & Colvin (AS-4039).

**IMPACT ON BUDGET:**

The costs associated with this contract have been included in the FY 22 budget and will be budgeted for in subsequent fiscal years. Fees are based on a fixed monthly retainer in addition to rates specifically tied to litigation expenses, which have been higher than anticipated over the course of the contract. There are no increases in the current rates.

	<b>Rates</b>
Managing Partner/Senior Partners	\$350 per hour
Partners	\$300 per hour
Associates	\$250 per hour
Paralegals	\$100 per hour
Retainer	\$12,000 per month
Retainer Hourly Rate (in excess of 60 hours/month)	\$275 per hour
Insurance - Covered Employment Litigation (Associates/Senior Associates)	\$200-\$250 per hour

The total not-to-exceed cost for this contract will increase from \$1,037,000 to \$1,397,000. The funding for these services comes from Prop C discretionary funds.

**ALTERNATIVES CONSIDERED:**

None. The Agency requires General Counsel services and staff has been satisfied with the expertise provided by Alvarez-Glasman & Colvin

**EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

If the staff recommendation is approved by the Board, staff will be authorized, but not required, to negotiate and amend the contract with Alvarez-Glasman & Colvin for legal services under terms that are no less favorable to Access Services than those proposed above. Access Services would not be legally bound to this contract unless it is incorporated into a formal written agreement executed by all parties thereto.

**BACKGROUND:**

Access has traditionally employed an outside law firm to act as its General Counsel representing Access on general and transactional matters and certain litigation matters. Current legal counsel was procured in 2018 through a competitive process and awarded a five-year contract. Alvarez-Glasman & Colvin Senior Partner Vincent C. Ewing was appointed to serve as Access Services' General Counsel.

Alvarez-Glasman & Colvin is a law firm that has provided legal services for more than twenty (20) years. They specialize in public agency law and represent various municipalities, school districts and other government agencies. The firm also represents or has represented a number of public transit agencies including Long Beach Transit, Montebello Bus Lines and Alameda-Contra Costa Transit District. The firm is headquartered in the City of Industry and has a Northern California location in Napa Valley/Yountville. Alvarez-Glasman & Colvin is a minority-owned firm.

JANUARY 3, 2022

**TO: BOARD OF DIRECTORS**

**FROM: HECTOR RODRIGUEZ, DEPUTY EXECUTIVE DIRECTOR**

**RE: CONSIDERATION TO APPROVE FY2021 AUDIT**

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**ISSUE:**

Access is required to conduct an annual audit of its financial records and present its findings to the Audit Committee. During the recent Board reorganization, the duties of the Audit Committee were assigned to the Planning and Development Committee.

**RECOMMENDATION:**

Approve the results of the audit conducted by BPM as presented in their audit dated December 13, 2021.

**IMPACT ON BUDGET:**

None.

**ALTERNATIVES CONSIDERED:**

No alternatives were considered, as an independent annual audit must be conducted.

**BACKGROUND:**

Access is required to conduct an independent audit annually. In addition, because Access receives Federal funding, an additional audit titled the Single Audit, specifically targeted to audit Federal funding, is required. BPM was selected several years ago to perform audit services, including the Single Audit required for Federal purposes.

BPM began the Audit process in August 2021 and finalized the audit in December 2021. The BPM audit plan was extensive. The audit plan called for meetings with staff, testing of functional expenses, journal entries as well as other compliance testing. BPM has made no findings or recommendations in these audits. The audit document is available for review as Attachment A.

JANUARY 3, 2022

**TO: BOARD OF DIRECTORS**

**FROM: HECTOR RODRIGUEZ, DEPUTY EXECUTIVE DIRECTOR**

**RE: CONSIDERATION TO APPROVE DRAFT FY2023 FUNDING REQUEST**

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**ISSUE:**

Access is required to provide an estimate for the Agency’s Fiscal Year 2023 (FY23) budget needs to Metro for planning purposes by February 1, 2022.

**RECOMMENDATION:**

Authorize staff to submit a draft budget request for planning purposes in the amount of \$255,507,615 for FY23 to the Los Angeles County Metropolitan Transportation Authority (Metro).

**IMPACT ON BUDGET:**

The draft budget is comprised of the following elements (with a short description of each element below the table):

Total Operating Budget	\$222,279,650
Capital Program	\$ 11,000,000
Capital Program Carry Forward	\$ 10,000,000
Operating Reserves	\$ 22,227,965
<b>Total FY23 Budget Request</b>	<b>\$255,507,615</b>
Total FY23 Budget - Inclusive of Capital Carry Forward	\$265,507,615

Total Operating Budget

Encompasses all operating expenditures that are usually presented in four (4) categories: Contract Operations and Management, Eligibility Determination, CTSA Function and Administration.

This draft budget is based on the same number of trips as FY22 as the ridership forecast has not yet been received. Staff anticipates that the draft ridership forecast will be available by mid-January and will revise the draft budget prior to the Access Board meeting scheduled for the month of February.



### Capital Program

This portion of the budget is an anticipated request for additional funding to replace the growing number of vehicles that will need to be replaced in the upcoming fiscal year.

### Capital Program Carry Forward

This portion of the budget is the anticipated funding currently available for acquisition of vehicles which will likely not be spent by the end of fiscal year 2022. While purchase orders have been issued, the delivery of vehicles continues to be delayed due to issues entirely out of the Agency's control.

### Operating Reserves

This portion of the budget is for the anticipated needs of the Agency. It is set at ten percent (10%) of the total operating budget. This portion of the budget will ensure that Agency needs are met in FY23 as the ridership forecast has not yet been received. The FY23 budget submission is only for Metro's planning purposes and will be refined and brought back to the full Board next month and at subsequent meetings culminating in a budget approval request in June.

### **ALTERNATIVES CONSIDERED:**

No alternatives were considered as funding from Metro is necessary to meet 100% of the expected demand for ADA transportation in Los Angeles County.

### **BACKGROUND:**

#### FY 23 Budget Process

Staff has provided passenger demand, and a variety of other key data, to its third-party demand forecast developer, HDR. The resulting ridership demand projection will be utilized to develop a draft budget for next fiscal year (FY23). As discussed above, this budget will be refined in the coming months and brought back to the Board and its committees.