

# access

## PLANNING AND DEVELOPMENT COMMITTEE

Monday, November 15, 2021

12:30 p.m.

### Webinar

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

---

	<u>DISPOSITION</u>
1. CALL TO ORDER	ACTION
2. GENERAL PUBLIC COMMENT	INFORMATION
3. CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS - TAP CARD PRODUCTION MEMORANDUM OF UNDERSTANDING (page 5)	ACTION
4. CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS - AUDIT SERVICES CONTRACT (AS-4045) (page 7)	ACTION
5. CONSIDERATION TO APPROVE SEVERANCE POLICY CHANGE (page 9)	ACTION
6. CONSIDERATION TO APPROVE VEHICLE MAJOR COMPONENT REIMBURSEMENT POLICY AND BUDGET ALLOCATION (page 11)	ACTION
7. CONSIDERATION TO APPROVE 2022 BOARD CALENDAR (page 13)	ACTION
8. BUDGET UPDATE	PRESENTATION
9. 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, November 15, 2021 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/86174021370>
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 +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)  
Webinar ID: 861 7402 1370
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.

NOVEMBER 8, 2021

**TO: BOARD OF DIRECTORS**

**FROM: F SCOTT JEWELL, DIRECTOR OF ADMINISTRATION**

**RE: CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS - TAP CARD PRODUCTION MEMORANDUM OF UNDERSTANDING (MOU)**

---

**ISSUE:**

Additional funding is required to continue the production of Access Rider ID/TAP cards under the existing MOU with Metro.

**RECOMMENDATION:**

Authorize an additional \$100,000 for the production and issuance of Access Rider ID/TAP cards for the period of February 1, 2022 - January 31, 2023.

**IMPACT ON BUDGET:**

This action will result in an increase in the previously approved contract amount of \$2,019,000 to \$2,119,000. The reimbursement agreement is based on a per card cost of \$4.50 plus shipping that is invoiced by Metro on a quarterly basis. There is no increase to the card cost for this extension. The funding for this agreement comes from Prop C Discretionary funds.

**ALTERNATIVES CONSIDERED:**

Regional production of TAP cards is handled by Metro for all TAP-participating transit operators in the county in order to maintain uniformity and security. Metro has competitively bid and negotiated the contracts for the production of the cards and is currently utilizing two companies for those services. Accordingly, no other alternatives were considered.

**EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

If this staff recommendation is approved by the Board, staff would be authorized, but not required, to negotiate and extend the MOU with Metro for the production and issuance of Access Rider ID/TAP cards upon terms and conditions no less favorable to Access Services than those proposed above. Access Services would not be legally bound to the contract unless the terms are incorporated into a formal written agreement executed by all parties thereto and approved as to form by this entity's legal counsel.

**BACKGROUND:**

In September 2014, the Board authorized a number of changes to the Access Rider ID/TAP Card program which included an agreement with Metro for the production of the Access Rider ID/TAP card. In December 2020, the Board extended the agreement through January 2022. It is now necessary to increase funds and extend the term to continue production for another year through January 2023.

NOVEMBER 8, 2021

**TO: BOARD OF DIRECTORS**

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

**RE: CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS - AUDIT SERVICES CONTRACT (AS-4045)**

---

**ISSUE:**

Board approval is required to add funds and exercise the second option year of the contract with BPM, LLP (BPM) to provide financial auditing services. Should the Board approve staff's recommendation, an RFP will be issued in early fall 2022 for these services as this is the final option year available under this contract.

**RECOMMENDATION:**

Authorize an additional \$85,000 in funds and extend the term for Contract AS-4045 with BPM (formerly Rossi, LLP) from July 1, 2022 through June 30, 2023.

**IMPACT ON BUDGET:**

This action will result in an \$85,000 increase in the current not-to-exceed contract amount of \$255,181.50, thereby raising the not-to-exceed amount of the contract to \$340,181.50. There is no change to the current rates of compensation. The funds necessary to accommodate these changes will be programmed in the FY23 budget. The funding for these services comes from Proposition C 40% Discretionary funds.

**ALTERNATIVES CONSIDERED:**

The option of issuing a RFP remains available. However, staff has been satisfied with the level of service and the expertise provided by BPM and does not recommend a RFP at this time.

**EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

If this staff recommendation is approved by the Board, staff, with the aid and advice of legal counsel, would be authorized, but not required, to extend the term of the contract with BPM under terms that are no less favorable to Access than those proposed herein. Access would not be legally bound to this contract modification unless it is incorporated into a formal written amendment executed by all parties thereto and approved as to form by this entity's legal counsel.

**BACKGROUND:**

The firm of BPM, LLP, who merged with Rossi, LLP, in November of 2020, has performed the professional accounting and auditing services for Access since 1995. The firm has similar long-

standing relationships with other non-profit agencies such as Habitat for Humanity of Greater Los Angeles (fifteen years) and Orange County Head Start (ten years). BPM is one of the 50 largest public accounting and advisory firms in the country. BPM's performance has been outstanding in fulfilling the requirements set forth in past audit contracts. BPM's performance over the last several years, as well as the firm's very competitive pricing, are the main reasons that staff requests the approval of its recommendation.

It should also be noted that Access, as of three years ago, is now included in the annual Consolidated Audit that LA Metro conducts on all of the jurisdictions, operators and program administrators who receive funds for transportation related projects. Metro contracts with two local, independent CPA firms to perform the financial and compliance audits of close to 90 entities receiving funding. These two firms are tasked with performing the necessary audit(s) to assure management that each recipient of subsidies included in the Consolidated Audit are adhering to the statutes of each applicable funding source and that operations data used to allocate funds is fair and in accordance with Federal Transportation Administration (FTA) guidelines. For the last three years the CPA firm, Vasquez & Company, has conducted the audit of Access on behalf of Metro. The official opinion given by this firm stated, "In our opinion, Access Services complied, in all material respects, with the compliance requirements of the Guidelines..."



NOVEMBER 8, 2021

TO: BOARD OF DIRECTORS  
FROM: F SCOTT JEWELL, DIRECTOR OF ADMINISTRATION  
RE: CONSIDERATION TO APPROVE SEVERANCE POLICY CHANGE

---

**ISSUE:**

At the October 18, 2021 Board Meeting, the Board directed staff to bring forward for approval a modification to the severance policy for the Agency.

**RECOMMENDATION:**

Approve the attached severance/transition policy.

**IMPACT ON BUDGET:**

There is no immediate impact on the budget due to the modification of the policy. Each separation will be reviewed on a case-by-case basis to determine if it is eligible for severance/transition pay.

**BACKGROUND:**

It is not mandatory under the Fair Labor Standards Act (FLSA) to provide a severance package to an employee at the time of separation/termination of employment, except under certain specific circumstances. However, if a severance package can be agreed upon by both sides, it can assist in an amicable parting of ways.

The policy was approved in its current form by the Board in October 2016.

The sentence in ***bold italics*** in Section IV is the only change to this policy.

**I. PURPOSE**

Access Services (hereinafter "the Company") has adopted this Access Severance/Transition Policy to provide severance/transition pay under the circumstances described below to eligible employees (hereinafter "Eligible Employees") of Access Services.

## II. ELIGIBILITY

This policy applies to all exempt and nonexempt, full-time staff employees on Access Services payroll. You are not eligible to receive severance/transition pay if you are a temporary, intermittent, contract or "leased" employee.

## III. POLICY

In the event of an involuntary termination due to a reduction in force and/or downsizing, change in company direction and/or job elimination, the Company reserves the right to provide severance/transition pay for the affected eligible employee upon receipt of a voluntary, fully executed severance/transition agreement. This does not apply to terminations for cause and/or refusal to be reassigned.

## IV. PAYMENT AMOUNT

The rate of severance/transition is based on length of service as a full-time, staff employee (i.e., the number of consecutive full 12 month periods of an eligible employee's employment with the Company) and base salary at time of separation. The Company does not have a bridging of service policy and any prior employment is not recognized for purposes of calculating severance/transition pay.

Based upon business need, economic conditions and budgetary constraints, the severance/transition pay will be one week for each year of service for non-exempt/hourly, full-time employees; and two weeks for each year of service for exempt/salaried, full-time employees. Applicable deductions will be withheld as required by federal and/or state requirements. The maximum severance/transition pay is six months and/or 26 weeks, **except for Director-level positions whose maximum severance/transition pay is twelve months and/or 52 weeks**. Severance is calculated on base pay only. The Company reserves the right to elect to pay the severance payment in a lump sum or as a salary continuation (continue payments on scheduled biweekly paydays). The severance policy does not apply to any employee subject to an employment contract.

The Executive Director may provide additional severance subject to consultation with the Chair of the Access Services Board of Directors.

NOVEMBER 8, 2021

**TO: BOARD OF DIRECTORS**

**FROM: RICK STREIFF, SENIOR MANAGER, FLEET DESIGN, MAINTENANCE AND SAFETY  
MIKE GREENWOOD, CHIEF OPERATIONS OFFICER**

**RE: CONSIDERATION TO APPROVE VEHICLE MAJOR COMPONENT REIMBURSEMENT  
POLICY AND BUDGET ALLOCATION**

---

**ISSUE:**

Board approval is necessary in order to adopt Access Services' Vehicle Major Repair Policy, necessary due to pandemic-related delays in acquiring new, replacement vehicles. The proposed policy is designed to keep the Access owned fleet operational, and reimburse contractors for reasonable, out-of-scope expenses.

**RECOMMENDATION:**

Approve the Vehicle Major Repair Policy and the budget allocation of \$1,092,000.

**IMPACT ON BUDGET:**

Staff estimates potential expenditures may require a budget for FY22 of up to \$1,092,000 for major vehicle component repair. This amount was not included in the FY22 Budget but funding is available by reallocating local capital funds budgeted for capital vehicle purchases. Funds are anticipated to be unspent and available due to COVID-19 pandemic-related delays in acquiring new vehicles.

**BACKGROUND:**

Most of Access' fleet is designed to operate per FTA requirements a minimum of 4 years or 100,000 miles<sup>1</sup>. However, Access' operating contracts require contractors to maintain these vehicles until they reach 250,000 miles. Access strives to place orders for new vehicles to match the number of vehicles that either have reached or will reach the 250,000 mile mark when the new vehicles arrive. The COVID-19 pandemic has, unfortunately, had a negative impact on vehicle orders, a situation not just felt by Access, but by transit agencies across the country. As of October 2021, Access has Board approval to acquire 145 new vehicles, but orders have been delayed indefinitely due to manufacturing delays. Access and its contractors have had no choice but to continue operating

---

<sup>1</sup> Access provided fleet = 737 vehicles; all but 21 are 4 year/100,000 miles vehicles; the remaining 21 (all class B and C cutaways) are 5 year, 150,000 vehicles

and maintaining vehicles well beyond their useful life. As of October 1, 2021, Access has 170 vehicles with more than 250,000 miles.

Operating high mileage vehicles present certain risks to Access and its contractors, primarily due to the possibility of major component failure as the vehicle accumulates mileage. Major component failure can be expensive and time-consuming to repair and can include engines, transmissions, differentials, trans-axles, suspension, and air conditioning units.

Access' long-standing practice of ordering replacement vehicles to minimize vehicle mileage from exceeding 250,000 miles is identified in each operating contract and allows contractors to budget for maintenance costs. Major component repairs for vehicles beyond 250,000 miles are not budgeted for, and are a significant source of stress on a contractor's operation not only in terms of cost but also in operational reliability. Staff's recommendation addresses this issue by establishing a budget for unanticipated major component repairs due to the delay in acquiring new vehicles. Staff has also developed a process for confirming the need for repairs, as well as cost reimbursement.

#### Reimbursement Process

1.	Contractor informs Access of vehicle needing major component repair.
2.	Access confirms mileage and repair qualification.
3.	Access pre-approves qualifying repair.
4.	Contractor repairs vehicle and invoices Access with receipts and work orders to document repair.
5.	Access reviews documentation and approves qualifying repairs.

A small number of repairs were approved under the Executive Director's emergency authorization in order to keep the fleet running. However, due to the expected long duration of this issue and potential cost, staff is now seeking Board approval. Approval is for expenses during FY22 only, and reimbursement for expenses would be retroactive to July 1, 2021. Expenditures of this type will be budgeted, if necessary, in future fiscal years.

NOVEMBER 8, 2021

**TO: BOARD OF DIRECTORS**

**FROM: F SCOTT JEWELL, DIRECTOR OF ADMINISTRATION**

**RE: CONSIDERATION TO APPROVE 2022 BOARD CALENDAR**

---

**ISSUE:**

Staff is presenting to the Board for its review and approval the attached list of scheduled Board and Standing Committee Meetings for calendar year 2022.

**RECOMMENDATION:**

Review and approve the proposed Board and Standing Committee Meeting calendar for 2022.

**IMPACT ON BUDGET:**

None.

**DISCUSSION:**

The standing committee structure dictates an alternating monthly schedule for the committee and full Board meetings.

All meetings, with the exception of the Annual meeting, are scheduled to take place at Access Services located at 3449 Santa Anita Avenue in El Monte. However, due to pandemic conditions, all meetings will be held virtually until further notice.

## 2022 Meeting Calendar

### Annual

<b>Date</b>	<b>Meeting Type</b>	<b>Time</b>
Thursday November 17 <sup>th</sup>	Annual Meeting*	11:00 am

\*At California Endowment Center

### Board

<b><u>Date</u></b>	<b><u>Meeting Type</u></b>	<b><u>Time</u></b>
Monday February 14 <sup>th</sup>	Board Meeting	12:00 pm
Monday April 18 <sup>th</sup>	Board Meeting	12:00 pm
Monday June 20 <sup>th</sup>	Board Meeting	12:00 pm
Monday August 15 <sup>th</sup>	Board Meeting	12:00 pm
Monday October 17 <sup>th</sup>	Board Meeting	12:00 pm
Monday December 12 <sup>th</sup>	Board Meeting	12:00 pm

## Committees

<u>Date</u>	<u>Meeting Type</u>	<u>Time</u>
Monday February 28 <sup>th</sup>	Board Operations	11:00 am - 12:00 pm
Monday April 25 <sup>th</sup>	Board Operations	11:00 am - 12:00 pm
Monday June 27 <sup>th</sup>	Board Operations	11:00 am - 12:00 pm
Monday August 22 <sup>nd</sup>	Board Operations	11:00 am - 12:00 pm
Monday October 24 <sup>th</sup>	Board Operations	11:00 am - 12:00 pm
Monday December 19 <sup>th</sup>	Board Operations	11:00 am - 12:00 pm

<u>Date</u>	<u>Meeting Type</u>	<u>Time</u>
Monday January 10 <sup>th</sup>	Performance Monitoring Planning and Development External/Stakeholder Relations	11:00 am - 12:00 pm 12:30 pm - 1:30 pm 2:00 pm - 3:00 pm
Monday March 21 <sup>st</sup>	Performance Monitoring Planning and Development External/Stakeholder Relations	11:00 am - 12:00 pm 12:30 pm - 1:30 pm 2:00 pm - 3:00 pm
Monday May 16 <sup>th</sup>	Performance Monitoring Planning and Development External/Stakeholder Relations	11:00 am - 12:00 pm 12:30 pm - 1:30 pm 2:00 pm - 3:00 pm
Monday July 18 <sup>th</sup>	Performance Monitoring Planning and Development External/Stakeholder Relations	11:00 am - 12:00 pm 12:30 pm - 1:30 pm 2:00 pm - 3:00 pm
Monday September 19 <sup>th</sup>	Performance Monitoring Planning and Development External/Stakeholder Relations	11:00 am - 12:00 pm 12:30 pm - 1:30 pm 2:00 pm - 3:00 pm
Monday November 14 <sup>th</sup>	Performance Monitoring Planning and Development External/Stakeholder Relations	11:00 am - 12:00 pm 12:30 pm - 1:30 pm 2:00 pm - 3:00 pm