

# access

## PLANNING AND DEVELOPMENT COMMITTEE

Monday, September 19, 2022

12:30 p.m.

### Webinar

Committee Members: L. Burner, Chair  
A. Aguilar  
M. Gombert

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	<u>DISPOSITION</u>
1. CALL TO ORDER	ACTION
2. GENERAL PUBLIC COMMENT	INFORMATION
3. CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS - LEGAL SERVICES CONTRACT (AS-4039) (page 5)	ACTION
4. CONSIDERATION TO APPROVE RENEWAL OF AGENCY INSURANCE POLICIES (page 7)	ACTION
5. CONSIDERATION TO APPROVE ADDITIONAL AGENCY HOLIDAYS (page 8)	ACTION
6. NEXTGEN IMPACT ON ADA SERVICE AREA COVERAGE	PRESENTATION
7. 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 and (3) during the time allotted for 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 further 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 cannot and will not 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 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 that it is sometimes difficult to speak at Board meetings, and out of respect for each person's feelings, allow others 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, September 19, 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/86939674315>
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 +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 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: 869 3967 4315
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, then 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.

SEPTEMBER 12, 2022

**TO: BOARD OF DIRECTORS**

**FROM: ANDRE COLAIACE, EXECUTIVE DIRECTOR**

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

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**ISSUE:**

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

**RECOMMENDATION:**

Authorize an additional \$1,900,000 in funds for legal services with Alvarez-Glasman & Colvin (AGC) (AS-4039) and extend the term of the contract for five (5) years through March 31, 2028.

**IMPACT ON BUDGET:**

The costs associated with this contract have been included in the FY23 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 proposed to 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 \$1,397,000 to \$3,297,000. 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 General Counsel Vince Ewing and his firm.

**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 services were procured in 2018 through a competitive process and AGC was awarded a five-year contract. AGC Senior Partner Vincent C. Ewing was appointed to serve as Access Services' General Counsel.

AGC is a law firm that has provided legal services for more than twenty (20) years. The firm specializes in public agency law and represents 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 office in Napa Valley/Yountville. AGC is a minority-owned firm.

SEPTEMBER 12, 2022

**TO: BOARD OF DIRECTORS**

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

**RE: CONSIDERATION TO APPROVE RENEWAL OF AGENCY INSURANCE POLICIES**

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**ISSUE:**

Board approval is requested to purchase various Agency insurance policies for the policy year beginning November 1, 2022.

**RECOMMENDATION:**

Approve the purchase of various Agency insurance policies, including property, general liability, executive management liability and workers' compensation insurance for a not-to-exceed amount of \$700,000.

**IMPACT ON BUDGET:**

The approved budget for Fiscal Year 2022/23 includes the cost of these policies. The funding for these policies comes from Prop C 40% Discretionary funds. The cost of the policies for the current year is \$556,416. However, staff is expecting some increases in certain policies, such as cyber security insurance and Workers Compensation.

**ALTERNATIVES CONSIDERED**

No alternatives were considered. In order to protect the agency from liability, it is necessary to purchase these policies on an annual basis.

**EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

If this staff recommendation is approved by the Board, the staff would be authorized, but not required, to purchase the above policies at terms no less favorable to Access than those proposed above.

**BACKGROUND:**

SullivanCurtisMonroe (SCM), Access' insurance broker, is in the process of soliciting quotes for the various insurance policies. Upon Committee approval, staff will authorize SCM to purchase the policies with an effective date of no later than November 1, 2022, and November 30, 2022, for the Workers' Compensation policy.

SEPTEMBER 12, 2022

**TO: BOARD OF DIRECTORS**

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

**RE: CONSIDERATION TO APPROVE ADDITIONAL AGENCY HOLIDAYS**

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**ISSUE:**

At the June 2022 Board meeting, staff was directed to draft a Board item to add two agency administrative holidays - Juneteenth and Cesar Chavez Day. This would be in addition to the existing ten (10) observed holidays.

**RECOMMENDATION:**

Approve the permanent administrative holidays of Juneteenth (June 19) and Cesar Chavez Day (March 31).

**IMPACT ON BUDGET:**

As the Agency would conduct no business on these days, there would be minimal budgetary impact unless, due to business-related circumstances, an hourly staff member would be required to work and thereby earn double time. However, this would be an infrequent occurrence. Otherwise, staff would be paid for the normal holiday.

**ALTERNATIVES CONSIDERED:**

The Board may opt to designate these as service holidays whereas the service providers (including eligibility and customer service) would also be required to recognize the proposed holidays. This would require renegotiation of the existing contracts and associated compensation.

**BACKGROUND:**

The Juneteenth (June 19) holiday commemorates the Emancipation Proclamation that President Abraham Lincoln issued to free enslaved African Americans in secessionist states. President Biden signed the Juneteenth National Independence Day Act in June 2021, making this day a federal holiday.

The Cesar Chavez (March 31) holiday honors the work Chavez did to organize farm workers and promote civil rights for all. It is a California state holiday.



The chart below compares a number of city/agency administrative holiday observances -

	Access	Metro	City of Santa Clarita	Long Beach Transit	Foothill Transit	City of Redondo Beach	City of Santa Monica
New Year's Day	Y	Y	Y	Y	Y	Y	Y
Martin Luther King Jr. Day	Y	Y	Y	Y	Y	Y	Y
Presidents' Day	Y	Y	Y		Y	Y	Y
Memorial Day	Y	Y	Y	Y	Y	Y	Y
Independence Day	Y	Y	Y	Y	Y	Y	Y
Labor Day	Y	Y	Y	Y	Y	Y	Y
Veterans' Day	Y	Y	Y		Y	Y	
Thanksgiving Day	Y	Y	Y	Y	Y	Y	Y
Day After Thanksgiving	Y	Y	Y		Y	Y	Y
Christmas Day	Y	Y	Y	Y	Y	Y	
Juneteenth	Y	Y					Y
Cesar Chavez	Y	Y					Y
Other			Y		Y (3)	Y (2)	Y

Total	12	12	11	7	13	12	11
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