BOARD OF DIRECTORS MEETING
MONDAY, FEBRUARY 23, 2015
Closed Session: 12:00
General Session: Immediately Following
The meeting is expected to end by or before 3:00 p.m.

GARDENA MUNICIPAL BUS LINES
13999 South Western Avenue,
Gardena, CA 90249

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.

DISPOSITION

1. CALL TO ORDER
ACTION

2. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS
DISCUSSION/POSSIBLE ACTION

3. CLOSED SESSION
A) CONFERENCE WITH LEGAL COUNSEL: CAL. GOV. CODE §54956.9
   1. Existing Litigation: Gov. Code §54956.9(a)
      (i) Minnis v. Access Services: LASC #BS145949
      (ii) Pollard v. Amando Perez, et al/LASC#BC 2559221
   2. Anticipated Litigation: Gov. Code §54956.9 (b)
      (i) Significant exposure to litigation against the Agency
   3. Initiation of Litigation: Gov. Code §54956.9 (c)
4. SUPERIOR SERVICE AWARD

5. REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING ON JANUARY 12, 2015 (page 5)
   [Staff Recommendation: Approve minutes as written.]

6. REPORT FROM EX-OFFICIO BOARD MEMBERS

7. GENERAL PUBLIC COMMENT

8. MEMBER AGENCY – G TRANS SPOTLIGHT

9. CONSENT CALENDAR
   a) Consideration to Approve Employee Handbook Revision and Policy Updates (page 12)
   b) Consideration to Extend State Advocacy Contract – Joe A. Gonsalves and Son (AS-2796) (page 95)
   c) Consideration to Approve Local Advocacy Contract – David Gershwin Consulting (AS-3867) (page 98)
   [Staff Recommendation: Approve Consent Calendar]

10. CONSIDERATION TO APPROVE FORWARDING PROPOSED BY-LAW CHANGES ON ACCESS ANNUAL REPORT TO ACCESS MEMBERSHIP (page 102)
    [Staff Recommendation: Forward the proposed changes to the Access Membership for review.]

11. DISCUSSION OF AMENDING AGENCY BY-LAWS TO ALLOW FOR BOARD ALTERNATES (page 104)
    [Staff Recommendation: No staff recommendation]

12. CONSIDERATION TO APPROVE FORWARDING PROPOSED BY-LAW CHANGES ON OFFICERS OF THE AGENCY TO THE ACCESS MEMBERSHIP (page 106)
    [Staff Recommendation: Forward the proposed changes to the Access Membership for review.]
13. **DISCUSSION OF AMENDING AGENCY BY-LAWS TO ALLOW FOR A BOARD EXECUTIVE COMMITTEE** (page 111)
   
   [Staff Recommendation: No staff recommendation.]

14. **CONSIDERATION TO APPROVE FORWARDING PROPOSED BY-LAW CHANGES ON MEMBERSHIP MEETINGS TO THE ACCESS MEMBERSHIP** (page 113)
   
   [Staff Recommendation: Forward the proposed changes to the Access Membership for review.]

15. **CONSIDERATION TO APPROVE FORWARDING PROPOSED BY-LAW CHANGES ON MEMBER NOTIFICATION TO THE ACCESS MEMBERSHIP** (page 115)
   
   [Staff Recommendation: Forward the proposed changes to the Access Membership for review.]

16. **CONSIDERATION TO APPROVE NO SHOW POLICY REVISIONS** (page 117)
   
   [Staff Recommendation: 1. Authorize staff to make changes to the no-show policy, effective April 1, 2015. 2. Authorize staff to undertake a customer outreach plan. *(see item for details)*]

17. **CONSIDERATION TO APPROVE DRAFT ORIGIN TO DESTINATION POLICY FOR PUBLIC HEARING AND ADVISORY COMMITTEE INPUT** (page 124)
   
   [Staff Recommendation: Approve the draft policy to be distributed to the Community Advisory Committee, Transportation Professionals Advisory Committee, Public Hearing, and various community and transportation committees for input and discussion.]

18. **STATUS UPDATE ON METRO’S REVIEW OF ACCESS SERVICES** (page 129)
   
   [Staff Recommendation: Receive and file]

19. **EXECUTIVE DIRECTOR’S REPORT**

20. **BOARD MEMBER COMMUNICATION**

21. **NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA**

   **PRESENTATION/ACTION**

   [Vote Required: majority of quorum by voice vote]

   **PRESENTATION/ACTION**

   [Vote Required: majority of quorum by voice vote]

   **PRESENTATION/ACTION**

   [Vote Required: majority of quorum by voice vote]

   **PRESENTATION/ACTION**

   [Vote Required: majority of quorum by roll call]

   **PRESENTATION/ACTION**

   [Vote Required: majority of quorum by roll call]

   **INFORMATION**

   **INFORMATION**

   **INFORMATION**

   **DISCUSSION/POSSIBLE 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 to facilitate communication. In determining the type of auxiliary aids and services for communication that will be provided, primary consideration is given to the request of the individual with disabilities. However, the final decision belongs to Access Services. To help ensure availability of those 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 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 closed session regarding matters to be discussed in closed session, (2) before a specific agendized item is debated and voted upon regarding that item and (3) general public comment. 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 yellow Public Comment Form and submit it to the Secretary to 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 the 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 in 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 will respond to all public comment in writing prior to the next board meeting.

"Alternative accessible formats available upon request."
STATEMENT OF PROCEEDINGS FOR THE
REGULAR MEETING OF THE ACCESS
SERVICES BOARD OF DIRECTORS
Metro
One Gateway Plaza, 3rd Floor
Los Angeles CA  90012

Monday, January 12, 2015
12:03 p.m.

1. CALL TO ORDER

Meeting called to order by Chair Doran Barnes at 12:03 p.m.

BOARD MEMBERS PRESENT REPRESENTING A QUORUM

Present: Chair Doran Barnes, Vice Chair Dolores Nason, Treasurer Martin Gombert, Secretary Theresa DeVera, Directors Art Ida, John Troost, Dan Levy. Ex-Officios: CAC Chair Chaplain Dov Cohen, TPAC Chair Linda Evans. Access Services Legal Counsel Jim Jones.

BOARD MEMBERS EXCUSED FROM THE MEETING

Not Present: Director Angela Nwokike.

2. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS

No public comments.

3. CLOSED SESSION REPORT

No reportable action was taken with respect to the Minnis versus Access Services case. No reportable action was taken with respect to the Pollard versus Armando Perez case. No reportable action was taken with respect to any pending or threatened litigation and potential initiation of litigation.

4. SUPERIOR SERVICE AWARDS

Superior Service Awards were given to:

MV Transportation Driver Trainer: Jorge Olea, Superior Service Award recipient for the month of December 2014.
Diversified Transit, Reservationist: Cesar Molina, Superior Service Award recipient for the month of January 2015.

5. **REVIEW & APPROVAL OF THE BOARD MEETING MINUTES**

Approval of the minutes from the regular Board of Directors meeting held on Monday, November 17, 2014.

*Motion made by Director Dan Levy, Seconded by Vice Chair Dolores Nason. Director Kim Turner abstained, Via Voice Vote all were in favor, motion passed.*

6. **REPORT FROM EX-OFFICIO BOARD MEMBERS**

Chaplin Dov Cohen, Chair of the Community Advisory Committee (CAC), stated that the committee did not meet in December 2014. CAC Chair Dov Cohen stated that the Veterans event on December 7, 2014 had a great turnout with over 5,100 people participating.

Linda Evans, Chair of the Transportation Professional Advisory Committee (TPAC) provided a brief report on the TPAC meeting held on Thursday, December 11, 2014.

7. **GENERAL PUBLIC COMMENT**

No public comments.

8. **CONSENT CALENDAR**

Recommendation: Approval of all items on the consent calendar, (list of items provided below):

- 8-a Consideration to Establish an Ad Hoc Budget Committee for Fiscal Year 2015/16
- 8-b Consideration to Approve DBE Consulting Contract (AS-3801)
- 8-c Consideration to Extend Term and Increase Funds - Facility Security System Maintenance Contract (AS-2879)
- 8-d Consideration to Extend Term and Increase Funds - Telephone Maintenance and Services Contract (AS-3032)
- 8-e Consideration to Extend Term and Increase Funds - Voice and Data Telecommunications Contract (AS-3205)
- 8-f Consideration to Approve Contract Modification for Financial Reporting ERP Software Services (AS-3753)
- 8-g Consideration to Approve Amendment to Eastern Service Provider Contract (AS-3421)

Director Dan Levy recommended that Item 8-g be pulled for purposes of discussion.
Motion made by Secretary Theresa DeVera to approve all remaining items on the consent calendar, Seconded by Director Art Ida. Via Roll Call Vote all were in favor, motion passed.

Item 8-g

Motion made by Director Dan Levy to approve Item 8-g on the consent calendar, Seconded by Director Art Ida. Via Roll Call Vote, all were in favor, motion passed.

9. CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS – ELIGIBILITY DETERMINATION CONTRACT (AS-2441)

Recommendation: 1) Authorize a six (6) month extension to the contract from July 1, 2015 through December 31, 2015; 2) Authorize an additional $2,276,772 in funds thereby increasing the maximum contract value from $19,433,005 to $21,709,777, 3) Authorize an amendment for the reimbursement of pre-authorized software development, implementation and related services for AS-2441.

Motion made by Director Kim Turner to approve the staff’s recommendation, Seconded by Secretary Theresa DeVera. Via Roll Call Vote all were in favor, motion passed.

10. CONSIDERATION OF EXTEND TERM AND INCREASE FUNDS – MOBILITY DEVICE MARKING CONTRACT (AS-2853)

Recommendation: 1) Authorize a six (6) month extension to the contract from July 1, 2015 through December 31, 2015; 2) Authorize an additional $418,635 in funds thereby increasing the maximum contract value from $1,134,467 to $1,553,102.

Motion made by Vice Chair Dolores Nason to approve the staff’s recommendation, Seconded by Director Art Ida. Via Roll Call Vote all were in favor, motion passed.

11. CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS – SANTA CLARITA SERVICE PROVIDER CONTRACT (AS-2602)

Recommendation: authorize an additional $1,200,000 in funds and an extension in the period of performance for one year, from August 4, 2015 through August 3, 2016.

Motion made by Director Dan Levy to approve the staff’s recommendation, Seconded by Director John Troost. Via Roll Call Vote all were in favor, motion passed.
12. **CONSIDERATION TO APPROVE RESEARCH SERVICES CONTRACT (AS-3641)**

Recommendation: Approve a contract with Celtis Ventures, LLC for an amount not to exceed $100,000 for consulting services related to the inclusion of Access Services in any new regional sales tax measure. The amount is separate and above any funds expended under the authority of the Executive Director.

Motion made by Director Kim Turner to approve the staff’s recommendation, Seconded by Secretary Theresa DeVera. Via Roll Call Vote with six Directors in favor and one opposed, motion passed.

13. **CONSIDERATION TO APPROVE METRO LOGO/BRANDING**

Chair Doran Barnes stated that he had requested that this item be rescheduled to a future meeting because the Logo/Branding Subcommittee did not have a chance to review the materials before this item came to the full Board for review and approval. He added that there had been some great progress and he was looking forward to the full results at a future meeting.

14. **CONSIDERATION TO APPROVE TRIENNIAL FINDING ACTION PLAN: ORIGIN TO DESTINATION**

Recommendation: Authorize staff to move forward with the Origin to Destination implementation timeline including major milestones and to forward the milestones to the Federal Transit Administration.

Motion made by Director Dan Levy to approve the staff’s recommendation, Seconded by Director John Troost. Via Roll Call Vote all were in favor, motion passed.

15. **CONSIDERATION TO APPROVE TRIENNIAL FINDING ACTION PLAN: FARE POLICY**

Recommendation: Authorize staff to 1) Analyze and propose a dynamic fare system that will meet FTA requirements and be fare revenue neutral. A final recommendation for the proposed dynamic fare system, including cost estimates and a timeline for implementation, should be brought back to the Board at its May 2015 meeting, 2) implement a comprehensive outreach plan (milestones attached) to inform stakeholders and solicit feedback about a proposed dynamic fare system, 3) concurrently, implement a plan to seek legislative or regulatory changes to allow for a coordinated fare when operating under a coordinated plan. At a minimum, authorize staff to petition the United States Department of Transportation for a rulemaking that would amend applicable regulations to allow coordinated paratransit systems like Access to have a coordinated fare.
Substitute Motion made by Director Dan Levy, to eliminate the phrase in the recommendation “and be fare revenue neutral” and add in “looking into multiple options.” He also recommended that the motion be split into two separate motions.

First Motion made by Director Dan Levy, to authorize staff to analyze the proposed dynamic fare system that would meet FTA requirements and look into a variety of fare options. Seconded by Secretary Theresa DeVera. Via Roll Call Vote all were in favor, motion passed.

Second Motion made by Vice Chair Dolores Nason, to approve staff recommendation to concurrently, implement a plan to seek legislative or regulatory changes to allow for a coordinated fare when operating under a coordinated plan. At a minimum, authorize staff to petition the United States Department of Transportation for a rulemaking that would amend applicable regulations to allow coordinated paratransit systems like Access to have a coordinated fare. Seconded by Secretary Theresa DeVera. Via Roll Call Vote with six Directors in favor and one opposed, motion passed.

16. **FINANCIAL REVIEW**

Hector Rodriguez, Controller, Access Services provided a Financial Review to the full Board.

17. **STATUS UPDATE ON METRO’S REVIEW OF ACCESS SERVICES**


Matthew Avancena, Manager of Planning and Coordination, provided an update on Metro’s review of Access Services.

18. **EXECUTIVE DIRECTOR’S REPORT**

Shelly Verrinder, Executive Director, Access Services, stated that there were currently two comprehensive reviews that were in the analysis stage: eligibility and customer service, and expects to execute contracts under her signature authority. She added that the operational review would not be released until February 2015.

Ms. Verrinder mentioned that flyers were available for the upcoming Community Meetings for January. She also thanked Director Martin Gombert and Secretary Theresa DeVera for attending the Community Meeting on Saturday, January 10, 2015 in the West/Central and Northern Regions.

Ms. Verrinder stated that all of Access Services Member Agencies received an invitation to host one of Access Services Board of Directors meetings at their facility and Gardena Municipal Bus Lines offered to host the February 23, 2015 Board of Directors meetings, so Donna Cisco will send out the details of that
meeting. She also acknowledged that Santa Clarita Transit and Antelope Valley offered to host one of the Board meetings. Ms. Verrinder concluded her report by stating that this would be a great opportunity for everyone to see and become familiar with their policies and procedures.

Chair Doran Barnes added that there would also have to be a Membership meeting sometime in June 2015 to review the fare item.

19. **BOARD MEMBER COMMUNICATION**

Chaplain Dov Cohen stated that there was a lot to be accomplished but not enough time to do it all but somehow we will make it all happen.

Linda Evans thanked the Board of Directors for the opportunity to serve on this Board and she looked forward to working through a lot of these issues.

Director Dan Levy commented that he found it interesting that within the summary of the operations report on page 39, the number of total trips had increased by 8% but the actual number of calls received by Access Services had decreased by 2%, which seemed inconsistent. He also asked about the fixed route travel times because he felt that they should be comparable to origin to destination and he did not know how Access was calculating those numbers to get the transit travel times, he asked staff to clarify.

Director Levy stated that he was also a little confused about the customer service and operations monitoring centers phone reporting. He stated that it showed that 50% of the calls were on hold for more than 5 minutes and almost 20% of the calls were abandoned, which displayed a not so good performance on the part of Access Services rather than Southland Transit Inc. The Access Services statistics show that 45% of the calls were on hold for more than 5 minutes, so hopefully something could be done to improve those numbers.

Director Art Ida stated that as we enter into the year 2015 he was very proud to serve on the Board. He thanked Access staff and the contractor for all their hard work which showed up through all the customer surveys and the favorable comments that Access receives and with the challenges forthcoming he felt very confident that we would get through them all.

Director Kim Turner reiterated what Director Ida stated and looked forward to a very exciting 2015 with the challenges we were facing.

Treasurer Martin Gombert stated that he attended the Community Meeting in the West Central Region on Saturday, January 10, 2015 along with Director Theresa DeVera. He commended Operations Administrator, Jack Garate and his staff for doing an excellent job with the presentations and responding to an enormous amount of comments and questions. He added that many of the comments made were positive and he planned on attending at least one or two more of the community meetings.
Secretary Theresa DeVeria reiterated what Director Gombert stated and mentioned how clear the presentations were with California Transit focusing on the riders first. Secretary Theresa DeVeria thanked and recognized San Gabriel Transit for their friendly service during the last minute holiday rush. All of their drivers were very professional, cordial, and were within the 20 minute window.

Chairperson Doran Barnes thanked staff for their hard work and stated there was a lot of work ahead of us which would make for an exciting year ahead.

20. **NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA**

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

21. **ADJOURNMENT**

Motion made by Secretary Theresa DeVeria to adjourn the meeting, Seconded by Vice Chair Dolores Nason via Voice Vote. The meeting adjourned at 2:42 p.m.

Approval

__________________________________  ______________
Theresa DeVeria, Secretary                  Date  


FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: FAYE MOSELEY, DEPUTY EXECUTIVE DIRECTOR, ADMINISTRATION

RE: CONSIDERATION TO APPROVE EMPLOYEE HANDBOOK REVISIONS AND POLICY UPDATES

ISSUE:

It is necessary to revise and update some of the policies in the Employee Handbook and create additional policies based upon changes in regulations, best practices and business need. Staff is also recommending the addition of stand-alone policies to our current handbook.

RECOMMENDATION:

Approve the attached policies to be added to our current Employee Handbook related to:

- Emergency/Disaster Response Policy
- Emergency Evacuation Policy
- Vehicle Use Policy
- Video Surveillance Chain of Custody Policy & Procedures

Approve the attached new and updated policies which will be stand-alone policies related to:

- Data Breach Policy
- Electronic Discovery Record Retention Policy
- Litigation Hold Policy
- Personal Identity Information Policy
- Public Records Guidelines
- Security of IT Resources Policy

IMPACT ON BUDGET:

There is no expected impact on the budget due to the proposed changes and updates to the Employee Handbook and new policies created.
BACKGROUND:

It is necessary to update the Access Services Employee Handbook based upon changes to regulations, best practices in the industry and business need. Only policies that are being modified, deleted, or added to the Handbook are being presented to the Board for approval. The current Employee Handbook was made available to the Board of Directors via the Board Box in October 14, 2011.

- **Emergency/Disaster Response Policy** - Access Services recognizes the importance of being prepared to respond to emergencies. In the event of a major emergency or disaster in the Los Angeles region (large earthquake, terrorist attack, etc.), all personnel are required to make maximum effort to communicate their status, and availability to respond, to Access management. This policy establishes the procedures for off-duty and on-duty staff on how to report for duty after a major emergency or disaster occurs in Los Angeles County which impacts our business.

- **Emergency Evacuation Policy** - Access Services staff is required to abide by all warnings, announcements, sirens and directives to evacuate the building by management or first responders. This policy provides the guidelines for staff to evacuate their working facility in the event of an evacuation drilled, planned exercise or actual disaster or emergency.

- **Vehicle Use Policy** - Access Services recognizes the importance of safe driving and following safe driving practices. This policy is an update and expansion of the previously created policy. This policy update establishes and provides the guidelines for staff who use a company-owned (staff or fleet) vehicle or drive their personal vehicle for company purposes as it relates to the check-out, use, fueling and check-in of vehicles; use of electronic devices and required reporting of collisions and/or citations.

- **Video Surveillance Chain of Custody Policy & Procedures** - Access Services recognizes the importance maintaining strict chain of custody for its vehicle video surveillance system data. It is Access Services policy not to capture audio. The operation of the video surveillance systems complies with applicable laws and protects the privacy of all involved parties by limiting access to video recordings via a defined process for the review and duplication of images by appropriate staff. This policy provides the guidelines to staff with access to the video surveillance system for the control, transfer and disposition of video evidence.
The following stand-alone policies will be used as a reference moving forward, when needed -

- **Data Breach Policy** - Access provides timely and appropriate notice to affected individuals when there has been a breach of security of private data about them.

This policy outlines the communication Access provides regarding security breaches in order to protect individuals from potential harm arising from the unauthorized acquisition of private information about them, and promotes compliance with state and federal privacy and data security laws.

- **Electronic Discovery Record Retention Policy** - This policy is not intended to cover operation retention that occurs through backup and/or mirroring of systems. This policy will allow Access to help employees determine what information sent, received or gathered and its associated metadata, if any, should be or is being retained and for how long.

- **Litigation Hold Policy** - A litigation hold is a process that an organization uses to preserve all forms of relevant information when litigation is reasonably anticipated. When Access receives notice that a lawsuit has been filed against Access or any of its employees acting in the course and scope of their employment, or when the institution/agency, in consultation with Legal Counsel, reasonably anticipates litigation against it, this policy established and outlines how Access will act to preserve documents, tangible things, and data that may relate to the litigation and that is in the agency’s possession, custody, or control.

- **Personal Identity Information (PII) Policy** - Access recognizes its need to maintain the confidentiality of Personal Identity Information (PII) and understands that such information is unique to each individual. The PII covered by this policy may come from various types of individuals performing tasks on behalf of the agency and includes employees, applicants, independent contractors and any PII maintained on its customer base. This policy outlines the enterprise requirements and procedures for the security and protection of such information throughout the agency and its approved vendors both on and off work premises.

- **Public Records Guidelines Policy** - Public records are open to inspection at all times during the Agency's office hours. These guidelines and policy allow Access to implement the California Public Records Act, commencing at Section 6250 of the Government Code, and other applicable statutes and case law, by setting forth the procedures to be followed when making records available to the public.

- **Security of IT Resources Policy** - Access Services Information Technology department, with assistance from organizational units operating technology resources, is responsible for ensuring that all technology systems are
managed securely. This policy outlines required security procedures and allows our Senior Manager of Information Technology to minimize the possibility of unauthorized access to Access Services' information technology infrastructure.
Employee Emergency/Disaster Response Policy

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Greenwood</td>
<td>Director, Safety &amp; Risk Management</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td></td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Original document</td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.

I. PURPOSE

Access Services (Access) recognizes the importance of being prepared to respond to emergencies. This Employee Emergency/Disaster Response Policy (the “Policy”) has been developed to provide procedures for Employees on how to report for duty after a major emergency or disaster impacts Los Angeles County. Violations of the procedures set forth in this Policy may result in disciplinary action, up to and including termination of employment.

Effective 02/23/2015
II. ORGANIZATIONAL UNITS AFFECTED

This policy applies to all Access Service employees. A copy of this policy shall be available to all employees, and for new employees, shall be highlighted as part of new employee orientation.

III. CANCELLATION OR EXPIRATION

The processes and statements in this document do not have an expiration date. However, this document is reviewed annually, and is maintained with other Access policies.

IV. BACKGROUND

Access Services is a local public entity that administers the Los Angeles County Coordinated Paratransit Plan on behalf of 44 public fixed route operators (i.e., bus and rail). Pursuant to the Plan, Access facilitates the provision of complementary ADA paratransit services to certain persons with disabilities as required by Title 42 of the U.S. Code.

V. POLICY

In the event of a major emergency or disaster in the Los Angeles region (large earthquake, terrorist attack, etc.), all personnel are required to make maximum effort to communicate their status, and availability to respond, to Access management.

VI. PROCEDURES

All off-duty personnel are to:

1. Ensure the safety and security of their immediate family.
2. Call the Operations Monitoring Center (OMC) at 1-800-827-0829 Extension 2, within four hours, to report their condition and ability to respond to work demands. Depending on the disaster recovery needs of Access, the OMC may direct them to report for duty on behalf of Access' Incident Commander.
3. Unless otherwise directed, report to their normally assigned work place for their next scheduled shift.
4. If unable to contact the OMC, attempt to call their immediate supervisor/manager to report in.

Effective 02/23/2015
5. If telephone service is inoperable, attempt to email or text message their immediate supervisor/manager to report in.

6. If unable to contact the OMC or immediate supervisor/manager via telephone, email or text message, if safe to do so, report in person to the Access Headquarters in El Monte.

7. If it is unsafe to report in person, repeat attempts to contact the OMC or direct supervisor/manager hourly until successful.

8. If the Access Headquarters is inaccessible, report to the Global Paratransit facility in Gardena (see Attachment B for address). Global Paratransit is designated as Access’ primary back-up reporting facility, and has alternative communications tools available to reach Access’ Incident Commander.

On-Duty personnel located at the Access Headquarters Building in El Monte are to:

1. Check-in with the building Receptionist for headcount purposes. If a Receptionist is not on duty, check-in with the OMC (OMC is located on the third floor of the Access facility Monday-Friday from 8:00 a.m. to 5:00 p.m. and at San Gabriel Transit at all other times); and

2. Check-in with their immediate supervisor/manager.

On-duty personnel located in the field are to:

1. Call in to the OMC to report their condition and location, as well as the condition of the area they are in (streets, bridges, power outages, fires, etc.);

2. Check-in with their immediate supervisor/manager via telephone, text message, or two-way radio; and

3. Unless directed otherwise, proceed to the nearest Access facility, if safe to do so, while letting the OMC know of their destination and confirming arrival when appropriate.

During an emergency or disaster, Access personnel should not leave their post without communicating with the Incident Commander or their immediate supervisor.

During an emergency or disaster, Access personnel may be called on to work extended hours or temporarily perform jobs outside their normal scope.

Access’ discipline policies, and emphasis on safety, will apply during an emergency or disaster.

Effective 02/23/2015
VII. DEFINITIONS
Not Applicable.

VIII. EXCEPTIONS
Not Applicable.

IX. PROVISIONS AND CONDITIONS
Not Applicable.

X. RELATED DOCUMENTS
Emergency Operations Plan

END OF POLICY

ATTACHMENTS
Acknowledgment of Receipt

Effective 02/23/2015
EMPLOYEE EMERGENCY/DISASTER RESPONSE POLICY
ACKNOWLEDGEMENT

I acknowledge receipt and understanding of Access’ Employee Emergency/Disaster Response Policy (the “Policy”). I acknowledge that failure to comply with the Policy can and will lead to disciplinary action, up to and including termination of my employment.

____________________________________  ______________
Employee’s Signature                     Date

____________________________________
PRINT NAME (Employee)

____________________________________  ______________
Human Resource’s Signature                Date

Please keep a copy and send the original of the signed acknowledgement to Human Resources.
ATTACHMENT B

LOCATIONS OF ACCESS SERVICE PROVIDERS

City of Santa Clarita (Santa Clarita Region)
28250 Constellation Road, Santa Clarita, CA 91355

Global Paratransit, Inc. (Southern Region)
400 W. Compton Avenue, Gardena CA 90248

MV Transportation (Northern Region)
16738 Stagg Street, Van Nuys CA 91406

San Gabriel Transit (Eastern Region)
3650 Rockwell Avenue, El Monte CA 91731

Diversified Paratransit, Inc. (Antelope Valley Region)
660 W. Avenue L, Lancaster CA 93534

California Transit, Inc. (West Central Region)
3201 S. Hooper St., Los Angeles CA 90011

CARE Evaluators (Eligibility Center)
528 Mateo Street, Los Angeles, CA 90013
Emergency Evacuation Policy

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Greenwood</td>
<td>Director, Safety &amp; Risk Management</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td></td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Original document</td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.

Effective 02/23/2015
XI. PURPOSE

Access Services (Access) recognizes the importance of being prepared to respond to emergencies. This Emergency Evacuation Policy (the “Policy”) has been developed to provide guidelines for Employees may need to evacuate their working facility in the event of a disaster or emergency. Violations of the guidelines set forth in this Policy may result in disciplinary action, up to and including termination of employment.

XII. ORGANIZATIONAL UNITS AFFECTED

This policy applies to all Access Service employees. A copy of this policy shall be available to all employees, and for new employees, shall be highlighted as part of new employee orientation.

XIII. CANCELLATION OR EXPIRATION

The processes and statements in this document do not have an expiration date. However, this document is reviewed annually, and is maintained with other Access Services policies.

XIV. BACKGROUND

Access Services is a local public entity that administers the Los Angeles County Coordinated Paratransit Plan on behalf of 44 public fixed route operators (i.e., bus and rail). Pursuant to the Plan, Access facilitates the provision of complementary ADA paratransit services to certain persons with disabilities as required by Title 42 of the U.S. Code.

XV. POLICY

In order to protect the safety of its employees, Access Services and its staff will abide by all warnings, announcements, sirens and directives to evacuate the building by management or first responders. These directives may be given in the event of an evacuation drill, planned exercise, or actual emergency.

XVI. PROCEDURES

Access, as a tenant of Metro, occupies much of the second and third floors of Metro’s Division 9 Operations Building at 3449 Santa Anita Avenue in El Monte, CA. As such, extensive coordination is required to plan for emergencies. Access and Metro staff meet periodically and participate in evacuation drills twice annually. Through this cooperation, procedures have been set up for evacuating, and designated paths of travel and evacuation staging areas have been established.

Effective 02/23/2015
The Division 9 property has two evacuation staging areas: (1) a primary zone identified by painted markings in the Division 9 bus yard, and (2) a secondary area in the northeast corner of Parking Lot A near the intersection of Santa Anita Avenue and Ramona Boulevard. In the event of an actual evacuation, the staging area used will depend on the time of day and the reason for the evacuation (e.g. type and location of threat).

Whether an evacuation is for an actual emergency, or an exercise, it is mandatory that all Access employees participate and cooperate with directives from first responders and/or supervisors. It is not acceptable to leave the property or remain at your workstation. Cooperation and practice is essential in using drills to prepare for a real event. Remaining calm is critical for dealing with an actual evacuation. Failure to cooperate can result in resources being diverted from needed areas. Floor wardens have been assigned to assist employees to evacuate, including employees who have a disability. The on-duty Receptionist will bring the visitors log to the evacuation staging area and, upon gathering, will assist in taking roll and report the names of any unaccounted for personnel (including visitors) to management.

Metro the landlord at Access Headquarters has staff assigned to three trained teams to respond after a real disaster: a search & rescue team, a shut-off team and a first aid team. Access employees must cooperate with these teams and may have to wait to get the “all-clear” signal before they can leave the evacuation staging area to (1) return to the building, or (2) return to the parking structure to leave the premises. The immediate safety of evacuees will be the first priority.

In the case of a prolonged event cause by an earthquake, civil disturbance, etc. it may not be safe to return to the building or leave the property. In that case, have to remain on site for an extended period of time. If this happens, staff will need to rely on their emergency backpacks and its provisions for sustenance. In a non-planned evacuation, it is essential that employees evacuate with their backpacks.

During a drill, exercise, or actual emergency, staff may not leave the premises without approval from the employee’s supervisor. In a real disaster, management and first responders will assess the situation and consider the needs of emergency operations prior to releasing employees to leave the premises.

In the event of an actual emergency, staff will refer to the Access Emergency Operations Plan for additional direction. After locating all employees, providing first aid, and assembling, management may activate the Incident Command System (ICS) and initiate communications with service providers.

Effective 02/23/2015
Emergency Evacuation Policy

XVII. DEFINITIONS

Drill or exercise - a pre-planned event designed to test an employee group’s preparation for a disaster or emergency.

Floor warden - an employee assigned to assist employees to leave the building in the event of a drill, exercise, or actual evacuation; generally 2-3 employees per floor will have pre-assigned roles as a floor warden. A floor warden(s) will also take roll and account for all employees and visitors.

Incident Command System (ICS) - a standardized, on-scene, all-hazards incident management approach that:

- Allows for integration of facilities, equipment, personnel, procedures and communications operating within a common organizational structure;
- Enables a coordinated response among various jurisdictions and functional agencies, both public and private; and
- Establishes common processes for planning and managing resources.

XVIII. EXCEPTIONS

Not Applicable.

XIX. PROVISIONS AND CONDITIONS

Not Applicable.

Effective 02/23/2015
Emergency Evacuation Policy

RELATED DOCUMENTS
Emergency Operations Plan
Building Evacuation Maps
Division 9 and Terminal 19 Evacuation Maps

END OF POLICY

ATTACHMENTS
Acknowledgment of Receipt

Effective 02/23/2015
EMERGENCY EVACUATION POLICY ACKNOWLEDGEMENT

I acknowledge receipt and understanding of Access’ Emergency Evacuation Policy (the “Policy”). I acknowledge that failure to comply with the Policy can and will lead to disciplinary action, up to and including termination of my employment.

____________________________________  ______________
Employee’s Signature                   Date

____________________________________
PRINT NAME (Employee)

____________________________________  ______________
Human Resource’s Signature             Date

Please keep a copy and send the original of the signed acknowledgement to Human Resources.

Effective 02/23/2015
Employee Vehicle Use Policy

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Greenwood</td>
<td>Director, Safety &amp; Risk Management</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Original document</td>
<td></td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.

Effective 02/23/2015
XX. PURPOSE

Access Services (Access) recognizes the importance of safe driving. This Employee Vehicle Use Policy (the “Policy”) has been developed to provide guidelines for Employees who use a company-owned (staff or fleet) vehicle or drive their personal vehicle for company purposes. Violations of the guidelines set forth in this Policy may result in disciplinary action, up to and including termination of employment.

XXI. ORGANIZATIONAL UNITS AFFECTED

This policy applies to all Access employees. A copy of this policy shall be available to all employees, and for new employees, shall be highlighted as part of new employee orientation.

XXII. CANCELLATION OR EXPIRATION

The processes and statements in this document do not have an expiration date. However, this document is reviewed annually, and is maintained with other Access policies.

XXIII. BACKGROUND

Access Services is a local public entity that administers the Los Angeles County Coordinated Paratransit Plan on behalf of 44 public fixed route operators (i.e., bus and rail). Pursuant to the Plan, Access facilitates the provision of complementary ADA paratransit services to certain persons with disabilities as required by Title 42 of the U.S. Code.

XXIV. POLICY

It is Access’ policy that employees, when driving in a company vehicle or driving a personal vehicle for company business, follow safe driving practices. Furthermore, it is Access’ policy that employees do not use any electronic device while operating a company-owned vehicle or while driving a personal vehicle while on company business. Finally, in the event of a collision or citation while driving a company-owned vehicle or driving a personal vehicle on company business, the employee involved must report said incident to their supervisor as soon as possible. Procedures for check-out, use, fueling, and check-in of vehicles must be followed.

Effective 02/23/2015
PROCEDURES

Company-owned vehicle

Only those employees named in Access’ Auto Liability Insurance Policy, and who have a valid California Drivers’ License and an acceptable driving record (see Attachment B), are authorized to drive staff vehicles.

9. Reservations and Check-out
   a. Company-owned vehicles are available for reservation via AccessPoint (http://accesspoint/News/Lists/StaffVehicle/calendar.aspx)
   b. Keys must be picked-up from the second floor reception desk
   c. Changes or deletions to reservations are the responsibility of the requesting employee and must be made through AccessPoint

10. Vehicle Usage
    a. Company vehicle usage is for company business only
    b. Prior to departing Access, make note in the on-board log the date, fuel level, and starting mileage for the trip
    c. Fuel the vehicle if the tank is below ½. Receipts must be submitted to the Accounting Department after the vehicle keys are returned to the receptionist. Note the vehicle number and your initials on the receipt.
       i. Fueling for a gasoline-powered vehicle should take place at the Unocal station at the SE corner of Santa Anita/Asher. Use the fleet gasoline card, in combination with the personal identification number (PIN) issued to you to purchase gasoline.
       ii. Fueling for a CNG-powered vehicle can take place at Foothill Transit’s Arcadia Yard at 5640 Peck Road. Alternate fueling locations and fueling instructions are available on AccessPoint (http://accesspoint/depts/fleet/CNG%20Location%20%20Instructions/Forms/AllItems.aspx).
    d. Upon return to Access, make note in the on-board log the date, fuel level, and ending mileage for the trip.

11. Overnight Vehicle Usage Approval
    a. Written permission from your manager/director is required for all overnight vehicle usage.

Effective 02/23/2015
12. After-hours pick-up or return of keys
   a. As the receptionist desk is staffed from 8a-5p on weekdays only, there may be occasions when keys will need to be picked-up or dropped-off outside of those hours
   b. If returning keys after hours, do not leave them on the receptionist’s desk. Instead, place them on your desk and send an email to the receptionist, your manager, and the Chief Operating Officer informing them that you have returned the car and that you have left the keys on your desk.
   c. If needing to pick-up keys after hours, you will need to make arrangements with the receptionist to pick-up the keys early or pick them up from another person.

13. Collisions
   a. Remove yourself from harm’s way (traffic, hazardous substances, etc.)
   b. Determine if there are any injuries; if so, call 911 immediately
   c. Call the Operations Monitoring Center (OMC) at 1-800-827-0829 Extension 2 to report the incident description, time, location and other details
   d. Confirm with OMC if a Road Safety Inspector (RSI) will be dispatched to the scene to conduct an on-scene investigation; if a RSI is on his/her way, you must wait at the scene for their arrival
   e. Exchange information with the other party including drivers’ license, vehicle, registration and insurance information (personal insurance information if driving a personal vehicle)
   f. Make notes of all pertinent information that will be needed later to complete the written collision report
   g. Take photographs with an available camera (e.g. personal cell phone); photographs should include any damage to all involved vehicles, license plate(s) of any involved vehicles, and wide-angle shots of the vehicles and surrounding area
   h. Report the incident to your supervisor/manager as soon as possible
   i. Complete a written collision report upon return to work
14. Citation
   a. Provide a copy of the citation along with a written description of the incident to your immediate supervisor upon your return to work
   b. If you plead guilty to the citation, or are convicted of the infraction, you must inform the Safety & Risk Management Department in writing immediately upon payment of the citation; if the citation is dismissed or overturned, there is no need to report the citation beyond the employee’s immediate supervisor

Personal Vehicle

If an employee is performing agency business in their own personal vehicle and is involved in a collision, their own insurance policy is in effect. Since the agency has vicarious liability (the company can be held liable for an employee’s negligence), Access must be informed.

1. Collision
   a. Remove yourself from harm’s way (traffic, hazardous substances, etc.)
   b. Determine if there are any injuries; if so, call 911 immediately
   c. Call the Operations Monitoring Center (OMC) at 1-800-827-0829 Extension 2 to report the incident description, time, location and other details
   d. Exchange information with the other party, including drivers’ license, vehicle registration and insurance information
   e. Make notes of all pertinent information that will be needed later to complete the written collision report
   f. Take photographs with an available camera (e.g. cell phone); photographs should include all damage to all involved vehicles, license plate(s) of any involved vehicles and wide-angle shots of the vehicles and surrounding area
   g. Report the incident to your supervisor/manager as soon as possible
   h. Complete a written collision report upon return to work

2. Citation
   a. Provide a copy of the citation along with a written description of the incident to your immediate supervisor upon your return to work

Effective 02/23/2015
b. If you plead guilty to the citation, or are convicted of the infraction, you must inform the Safety & Risk Management Department in writing immediately upon payment of the citation; if the citation is dismissed or overturned, there is no need to report the citation beyond the employee’s immediate supervisor.

XXV. DEFINITIONS

Not Applicable.

XXVI. EXCEPTIONS

Not Applicable.

XXVII. PROVISIONS AND CONDITIONS

Not Applicable.

XXVIII. RELATED DOCUMENTS

Not Applicable.

END OF POLICY

ATTACHMENTS

A. Acknowledgment of Receipt
B. Employee Driving Record Requirements

Effective 02/23/2015
EMPLOYEE VEHICLE USE POLICY ACKNOWLEDGEMENT

I acknowledge receipt and understanding of Access' Employee Vehicle Use Policy (the “Policy”). I acknowledge that failure to comply with the Policy can and will lead to disciplinary action, up to and including termination of my employment.

____________________________________  ______________
Employee’s Signature                        Date

_____________________________________________
PRINT NAME (Employee)

____________________________________  ______________
Human Resource’s Signature                   Date

Please keep a copy and send the original of the signed acknowledgement to Human Resources.

Effective 02/23/2015
ATTACHMENT B

EMPLOYEE DRIVING RECORD REQUIREMENTS

Access’ insurance broker reviews employee driving records through the Department of Motor Vehicle’s reporting system to ensure that drivers meet minimum safe driving standards. Employees will be deemed ineligible if they have experienced the following:

For a five-year period

- Any citation for driving while intoxicated or impaired
- Any citation for leaving the scene of an accident
- Any citation for reckless driving

For a three-year period

- Any combination of two or more major offenses
  - Citation for at-fault accident
  - Citation for excessive speed (>15 mph over speed limit)
- Any combination of three or more minor offenses
  - Citation for excessive speed (< 15 mph over speed limit)
  - Other moving violations

At all times

- Suspended license
  - May be eligible when license has been reinstated unless for reasons outlined above

Effective 02/23/2015
Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.

XXIX. PURPOSE

Access Services (Access) recognizes the importance maintaining strict chain of custody for its vehicle video surveillance system data. This Video Surveillance Chain of Custody Policy (the “Policy”) and procedures have been developed to provide guidelines for Employees for control, transfer, and disposition of video evidence. Violations of the guidelines set forth in this Policy may result in disciplinary action, up to and including termination of employment.

Effective 02/23/2015
XXX. ORGANIZATIONAL UNITS AFFECTED

This policy applies to all Access employees with access to the video surveillance system. A copy of this policy shall be available to all affected employees.

XXXI. CANCELLATION OR EXPIRATION

The processes and statements in this document do not have an expiration date. However, this document is reviewed annually, and is maintained with other Access policies.

XXXII. BACKGROUND

Access Services is a local public entity that administers the Los Angeles County Coordinated Paratransit Plan on behalf of 44 public fixed route operators (i.e., bus and rail). Pursuant to the Plan, Access facilitates the provision of complementary ADA paratransit services to certain persons with disabilities as required by Title 42 of the U.S. Code.

XXXIII. POLICY

In order to enhance public safety, improve performance, and manage risk, Access operates video surveillance systems onboard its revenue vehicles. The operation of the video surveillance systems shall comply with laws and protect the privacy of all involved parties by limiting access to recordings via a defined process for the review and duplication of images by appropriate staff. This policy covers revenue vehicles only. It is Access’ policy that audio is not recorded.

XXXIV. PROCEDURES

A. Roles and Responsibilities

1. Personnel with Authorized Access to Reproduce Images

   Access has designated the Director of Safety and Risk Management as the person responsible for all requests for access or copies of images captured by the video surveillance system. The Director is authorized to designate personnel in the department with access and copy privileges to effectively conduct the business of Access Services.

2. Personnel Authorized to Review Video Recordings and Request Copies of Video Images (Authorized Personnel)
The following personnel are authorized to review video recordings and receive copies of video images:

- a. Deputy Executive Director, Planning & Government Affairs
- b. Deputy Executive Director, Operations
- c. Director, Safety and Risk Management
- d. Senior Claims Specialist (Third Party Administrator)
- e. Fleet Manager
- f. Risk Analysts
- g. Safety Analysts
- h. Project Administrators
- i. Operations Service Monitors
- j. Road Safety Inspectors
- k. General Counsel
- l. Service Provider General Managers and designated contractor staff

B. Video Surveillance System Operation

Access operates video surveillance equipment on its fleet of revenue vehicles, as well as provider-owned, but dedicated revenue vehicles. Each vehicle is outfitted with a single video recording unit that saves triggered video images to onboard memory storage. Onboard memory can hold up to 3.2GB of data, depending on the model\(^1\). Upon returning to the yard at the end of the vehicle’s assignment, stored video is wirelessly downloaded to a central server and then pushed to an off-site video review center. After the download occurs, the vehicle’s video storage memory is wiped clean.

After off-site review, the video is available through a web-portal to authorized users for review, investigation, and driver coaching. Selected users may be granted permission to make copies of video events.

1. Tagging of Events - there are three circumstances when the video surveillance system will tag and save a portion of video (known as an event).
   a. Driver initiated (driver presses a designated button on/near the dash)
   b. Sudden change in g-force beyond a pre-set threshold (due to impact, brake use, lateral movement of vehicle, etc.)
   c. Excessive speed beyond a pre-set threshold

\(^1\) SmartDrive Model SR3 has 3.2 GB of data storage; Smart Drive Model SR2 has 1.0 GB of data storage
2. All video events are 30 seconds in duration, inclusive of 15 seconds prior to the trigger point, and 15 seconds after the trigger point.

3. Video viewing software displays video images from all available camera positions, and is stamped with time, date, speed, g-force readings, GPS location data, provider name, and driver name.

C. Access to Video

Selected individuals can grant various levels of access to view and/or copy video data. Use of video, in any manner, is for business purposes only.

Levels of Access
1. Administrator – full access to view, copy, and establish lower levels of access
2. Manager – access to view and establish lower levels of access
3. Coach – access to view

D. Requests for Video

Requests for video from persons that do not have direct access come from the following sources:

1. Employee, contract employee, or Access counsel whose access level does not allow them to obtain the desired data
2. Person driving for hire in a vehicle with a video event recorder per California Vehicle Code 26708 (F)
3. Employee or member of the public pursuant to a Public Records Act (PRA) request (including attorneys not representing Access’ interests)
4. Law enforcement

For the above persons wanting to obtain a copy of video, a completed Video Request Form will be submitted to the Director of Safety & Risk Management (Director). The Director will utilize the information contained in the Video Request Form to obtain the requested video if it exists. If the video is from authorized personnel and the requested video is not available, the Director will so notify the requesting party. If the request is pursuant to a PRA request and the requested video is not available, the Director will notify the Clerk of the Board who will in turn, notify the requesting party pursuant to the requirements of Government Code Section 6250 et seq.
Effective 02/23/2015

If the requested video exists, the Director shall download the requested information for viewing through a secured terminal. If a copy of the requested video is required, the Director shall make one copy of the video onto a disc and distribute to the requesting party in accordance with the chain of custody procedures set forth below in Section V.F. In the case of a PRA request, the Director shall provide the copy/copies to the Clerk of the Board for either review by the requesting party or to be given to the requesting party after payment of reproduction costs.

E. Requests for Reproduction of Video

All requests to either view video or solicit copies of video shall be made and processed pursuant to the following procedures. All requests detailed below shall be forwarded to the Director for processing.

1. Requests by Authorized Personnel

In order to view or receive a copy of video, Authorized Personnel shall utilize and complete the Video Evidence Request Form. Upon receipt of a completed Video Evidence Request Form, the Director shall verify that the requesting party is one of the Authorized Personnel detailed above. If so, the Director shall process the request and provide a response to the request of the requesting party within two business days. If the request includes copies of the video, the Director shall follow the policies set forth below in Section V.F. regarding chain of custody.

2. Request per California Vehicle Code 26708

On behalf of the requesting driver employee or the employee’s representative, the requesting driver shall complete a Video Evidence Request Form and shall submit the form to the Director. Requested copies shall be provided free of charge to the employee within five days of the request.

3. Public Records Request

All requests for access to copies of video, other than those from Authorized Personnel or CVC 26708, shall be made in the form of a request pursuant to the PRA (California Government Code Section 6250, et. seq.). This requirement shall apply to members of the public as well as Access employees not designated as Authorized Personnel.
Access has designated the Clerk of the Board as the party responsible for the receipt and processing of all PRA requests. All PRA requests shall be reviewed initially by the Clerk of the Board.

All requests for video from the public, including Access employees that are not designated as Authorized Personnel under this policy, shall follow the procedures set forth in the PRA. It is understood that requests for video images from the public may be submitted in various forms (i.e. letter, email, or in person request). When practical and to ensure that the request contains the pertinent information, the Clerk of the Board shall forward a copy of the Video Evidence Request Form (External Parties) to the requesting party. If not practical, the Clerk of the Board shall utilize the written request from the public to complete a Video Evidence Request Form (External Parties).

Non-authorized person requesting video shall submit to the Clerk of the Board a completed Video Evidence Request Form (External Parties). This form can be accessed by Access employees on AccessPoint.

The Clerk of the Board shall review the submitted form for completeness. If the request does not contain the above requested information, the Clerk of the Board shall contact the requesting party and solicit further information as required.

The Clerk of the Board shall also provide a copy of any PRA request for video to General Counsel.

The completed Video Evidence Request Form (External Parties) shall be forwarded to the Director for processing. The Director shall respond to the Clerk of the Board within five business days of the receipt of the completed form as to the availability of the requested video.

Upon notification from the Director as to the availability or unavailability of the requested video, the Clerk of the Board shall provide a Notice of Determination to the requesting party pursuant to Government Code Section 6253(c).
If the requesting party has asked for copies of the requested video and the said video is available and a determination has been made to allow the release of the requested video to the requesting party, said release shall be made to the Clerk of the Board within a reasonable timeframe after payment of the reproduction costs incurred.

Requests to view video, but not obtain a copy of the video, will be facilitated by the Director at a time agreed upon by the requestor and Director.

4. Requests from Law Enforcement

All requests for video from law enforcement shall be processed through the Director. A requesting agency representative shall complete a Video Evidence Request Form (External Parties) which shall be forwarded to the Director for processing. The Director shall process the request and provide a response to the requestor within two business days. If the response includes providing requested copies of video, the Director shall follow the policies set forth below in Section V.F. regarding chain of custody.

In order to facilitate the timely investigation of crimes and incidents, the Director may, upon request:

a. Show video to law enforcement personnel from a secured terminal
b. Expedite the processing of copies of requested video

Law enforcement agencies will not be charged for reproduction costs.

F. Chain of Custody

The following represents the steps that Access shall take to ensure proper tracking and documentation of video requests from Access employees, public records requests, law enforcement, and any subsequent reproduction and retention of those requested images. The positions listed below shall be the only positions involved with the process, except when the individual filling the position is absent, in which case a designee shall be appointed by the appropriate manager.
Effective 02/23/2015

1. Video Images

All copies of video images shall be produced onto a disc in a either a format compatible with the surveillance system software or a Windows Media format. Distribution of discs shall be in accordance with this policy.

The Safety & Risk Management Department shall surrender the copied video disc to the requestor. The discs shall be numbered (Example - 1 of 1, 1 of 2, 2 of 2, etc.). The Video Image Chain of Custody Form shall be attached to the disc and shall be executed by each subsequent authorized person who takes custody of the disc. The person surrendering the video should make a copy of the form for his/her records. Once custody is taken by the requester, the requester should make a copy of the form to remain with the video and the signed Video Image Chain of Custody Form shall be given to the Director for record retention.

The Video Image Chain of Custody Form shall contain the following information:

a. Request number
b. Disc tracking number (disc number 1 of 1, etc.)
c. Date and time that custody is surrendered and accepted
d. Name, organization, and title of the surrendering party
e. Signature of the surrendering party
f. Name, organization, and title of the accepting party
g. Signature of the accepting party

2. Distribution

The Director shall distribute the disc as follows:

a. Authorized Personnel Request

In the case of a request from Authorized Personnel, the Director shall distribute the disc to the appropriate individual who shall accept custody thereof. Custody of the disc shall be maintained by this individual in a secure location and shall not be distributed further without specific and express authorization from the Director. If the disc is approved to the distributed further internally within Access, the Video Image Chain of Custody Form shall be obtained from the Director and utilized to track said distribution.
Effective 02/23/2015

b. CVC 26708 request

In the case of a request from a driver or driver’s representative, the Director shall distribute the disc to the requestor who shall accept custody thereof and complete the appropriate section of the Video Evidence Chain of Custody Form.

c. PRA Request

In the case of a PRA request, the Director shall deliver the requested copies of the disc to the Clerk of the Board who shall then release the disc to the requesting party in accordance with Government Code Section 6250 et. seq. and return the completed Video Image Chain of Custody Form to the Director.

d. Law Enforcement Request

In the case of a law enforcement request, the Director shall notify the requesting agency that the disc is available for pick-up and complete the Video Image Chain of Custody Form.

3. Video Recording Units

It is foreseeable that a request may be submitted by law enforcement requesting custody of the video recording unit (or external hard drive) on which the video was recorded. It is critical that prior to the release of any video recording unit (or external hard drive), that the vehicle be transported to the yard of origin so that the video can be wirelessly downloaded to the local server. Upon confirmation that the video was downloaded, the video recording unit should be removed by the contract vendor or designated Access staff member.

The Video Image Chain of Custody Form shall be completed, documenting the handling of the unit by any and all personnel involved, and attached to the video recording unit. The unit and Video Image Chain of Custody Form will be released to the Director who will make arrangements by the requesting law enforcement agency for transfer.
4. Other Incidents

In all other cases where a law enforcement or other governmental agency may request a vehicle’s video recording unit (i.e. major crime, accident not involving the vehicle, etc.), the video recording unit will not be released until the data has been downloaded to the local server. After completing the download of the data, the video recording unit shall be released to the law enforcement or governmental agency through the Director. A Video Image Chain of Custody Form shall be completed and attached to the hardware.

In the event law enforcement impounds the vehicle and the data cannot be downloaded, the Director shall document the following information:

a. Vehicle number
b. Video recording unit number
c. Date and time that the vehicle was impounded
d. Name, title, and organization affiliation of person impounding the vehicle
e. Reason for impound
f. Statement that the data was not downloaded

G. Record Retention

Access has made a diligent effort to identify a system that is capable of storing recorded data for a sufficient period of time. Access’ system does not store any video on the vehicle past the date it was recorded. All recorded video is offloaded upon the vehicle’s return to its home yard. The offload process moves the video to an offsite server. All recorded video is saved for a minimum of 30 days. If the video is assigned a score and/or severity, the event will remain in the system for 180 days. Any clip marked as a collision will remain in the system for 5 years. Additionally, any clip that is flagged will remain in the system for 5 years.

All images downloaded or copied to a disc shall be retained for 365 days. It is the responsibility of the Authorized Personnel requesting and accepting the copy to ensure the disc is properly retained in a secure location.
Prior to the destruction of any image reproduction used as evidence in claims, potential or pending litigation, or criminal investigations, authorization from the Director shall be obtained. Video evidence not being used in claims, potential or pending litigation, or criminal investigations may be destroyed after 365 days from the date of the incident.

XXXV. DEFINITIONS

A. Incident - any activity that could be deemed punishable by law or cause for suspension of riding privileges by Access; or any activity or event which requires the completion of an incident report or field incident report in accordance with Access procedures. Incidents include, but are not limited to, collisions involving the vehicle; injuries or potential injuries to customers or drivers; customer conflicts; vandalism or destruction of Access equipment; disorderly conduct; threats to the safety and security of vehicle occupants; fare evasion; and any event within 100 feet of the vehicle that requires disruption of normal operation or has the potential to generate customer comments.

B. Video Surveillance System - any system of cameras and recording media installed on an Access vehicle that is designed to record events within viewing range of the cameras with the primary purpose of enhancing security and public safety.

C. Chain of Custody - refers to the chronological documentation or “paper trail” showing the control, transfer, and disposition of video evidence.

VIII. EXCEPTIONS

Not applicable.

IX. PROVISIONS AND CONDITIONS

Unauthorized use or misuse of video surveillance equipment or video evidence will be grounds for disciplinary action up to and including termination.

X. ATTACHMENTS

A. Video Evidence Request Form
B. Video Evidence Request Form - External Parties
C. Video Image Chain of Custody Form  
D. Disc Label with Non-Disclosure Statement  

Effective 02/23/2015
**VIDEO EVIDENCE REQUEST FORM**

<table>
<thead>
<tr>
<th>REQUESTOR'S INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>Title</td>
</tr>
<tr>
<td>Agency</td>
</tr>
<tr>
<td>Date/Time of Request</td>
</tr>
<tr>
<td>Phone Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INCIDENT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date/Time of Incident</td>
</tr>
<tr>
<td>Vehicle Number</td>
</tr>
<tr>
<td>Driver Name</td>
</tr>
<tr>
<td>Reason for Request</td>
</tr>
</tbody>
</table>

By signing this request form you are acknowledging that the video contains privileged and confidential information for the viewing of the authorized recipient only, and is not to be released to another party without express consent of Access Service.

<table>
<thead>
<tr>
<th>Signature of Requestor</th>
<th>Date Signed</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>FOR DEPARTMENT USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorization for Copy of Video - YES/NO</td>
</tr>
<tr>
<td>SmartDrive Event Identification Number</td>
</tr>
<tr>
<td>Risk Management Event Number (if applicable)</td>
</tr>
<tr>
<td>Completion Date/Time</td>
</tr>
<tr>
<td>Completed By</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VIDEO RELEASED TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

Effective 02/23/2015
ATTACHMENT B
VIDEO EVIDENCE REQUEST FORM – EXTERNAL PARTIES

<table>
<thead>
<tr>
<th>REQUESTOR’S INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>Phone Number</td>
</tr>
<tr>
<td>Title</td>
</tr>
<tr>
<td>Agency/Company</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INCIDENT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Incident</td>
</tr>
<tr>
<td>Time of Incident</td>
</tr>
<tr>
<td>Vehicle Number</td>
</tr>
<tr>
<td>Driver Name</td>
</tr>
<tr>
<td>Reason for Request</td>
</tr>
</tbody>
</table>

By signing this request form you are acknowledging that the DVD/CD-ROM contains privileged and confidential information for the viewing of the authorized recipient only, and is not to be released to another party without express consent of Access Services.

Signature of Requestor  Date Signed

Effective 02/23/2015
ATTACHMENT C
VIDEO IMAGE CHAIN OF CUSTODY FORM

<table>
<thead>
<tr>
<th>EVIDENCE INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Date</td>
</tr>
<tr>
<td>Event Time</td>
</tr>
<tr>
<td>Event Number</td>
</tr>
<tr>
<td>Vehicle Number</td>
</tr>
<tr>
<td>Site (Provider)</td>
</tr>
<tr>
<td>Driver Name</td>
</tr>
<tr>
<td>Driver ID Number</td>
</tr>
<tr>
<td>Camera Serial Number</td>
</tr>
<tr>
<td>Firmware Version</td>
</tr>
<tr>
<td>Event Trigger Type</td>
</tr>
<tr>
<td>Number of Discs Released</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAIN OF CUSTODY</th>
</tr>
</thead>
<tbody>
<tr>
<td>By signing this request form you are acknowledging that the DVD/CD-ROM contains privileged and confidential information for the viewing of the authorized recipient only, and is not to be copied or released to another party without express consent of Access Services.</td>
</tr>
<tr>
<td>TRACKING NUMBER</td>
</tr>
<tr>
<td>DATE</td>
</tr>
<tr>
<td>DATE</td>
</tr>
<tr>
<td>DATE</td>
</tr>
<tr>
<td>DATE</td>
</tr>
</tbody>
</table>

Effective 02/23/2015
ATTACHMENT D
DISC LABEL WITH NON-DISCLOSURE STATEMENT

Effective 02/23/2015
Data Breach Policy

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>F Scott Jewell</td>
<td>Chief Operating Officer</td>
</tr>
<tr>
<td>Faye Moseley</td>
<td>Deputy Executive Director, Administration</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>6/23/2014</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Original document (DRAFT)</td>
</tr>
<tr>
<td>1.1</td>
<td>2/03/2015</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Incorporates legal review edits</td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
I. PURPOSE

This policy requires communication regarding security breaches in order to protect individuals from potential harm arising from the unauthorized acquisition of private information about them, and promotes compliance with state and federal privacy and data security laws.

II. ORGANIZATIONAL UNITS AFFECTED

This policy affects the entirety of the Agency.

III. POLICY

Access will provide timely and appropriate notice to affected individuals when there has been a breach of security of private data about them.

Report to Access. Access staff must report all known or suspected breaches of security of private data to the COO, to enable the COO to determine whether notification is required.

Notification to Individuals. The Chief Operating Officer or delegate, in consultation with the General Counsel's Office, will be responsible for reviewing incidents to determine whether notification is required and directing responsible departments in complying with the notification obligation.

IV. DEFINITIONS

Personal Identity Information (PII): Unique personal identification numbers or data, including:

- Social Security Numbers
- Taxpayer Identification Numbers
- TAP Card Identification Numbers
- State driver license numbers
- Date of birth
- Resident address
- Telephone numbers
- Corporate or individually held credit or debit transaction card numbers (including PIN or access numbers) maintained in organizational or approved vendor records.
V. PROCEDURE

Data Transmission and Transportation:

1. Company Premises Access to PII: The Finance, Human Resources, Operations and IT departments have defined responsibilities for on-site access of data that may include access to PII; IT has the oversight responsibility for all electronic records and data access capabilities. Finance, Human Resources and Operations have the operational responsibility for designating initial access and termination of access for individual users within their organizations and providing timely notice to IT.

2. Vendors: Access may share data with vendors who have a business need to have PII data. Where such inter-company sharing of data is required, the IT department is responsible for creating and maintaining data encryption and protection standards to safeguard all PII data that resides in the databases provided to vendors. Approved vendor lists will be maintained by the contract administrator, and contract administrator has responsibility to notify IT of any changes to vendor status with the company.

3. Portable Storage Devices: Access reserves the right to restrict PII data it maintains in the workplace. In the course of doing business, PII data may also be downloaded to laptops or other computing storage devices to facilitate company business. To protect such data, the company will also require that any such devices use IT department-approved encryption and security protection software while such devices are in use on or off company premises. The IT department has responsibility for maintaining data encryption and data protection standards to safeguard PII data that resides on these portable storage devices.

4. Off-Site Access to PII: Access understands that employees may need to access PII while off site or on business travel, and access to such data shall not be prohibited, subject to the provision that the data to be accessed is minimized to the degree possible to meet business needs and that such data shall reside only on assigned laptops/approved storage devices that have been secured in advance by the IT department.
Data Breach Policy

Regulatory Requirements:

It is the policy of the company to comply with any federal or state statute and reporting regulations. Access has delegated the responsibility for maintaining PII security provisions to the departments noted in this policy. Access legal counsel shall be the sole owner named to oversee all regulatory reporting compliance issues. If any provision of this policy conflicts with a statutory requirement of international, federal or state law governing PII, the policy provision(s) that conflict shall be superseded.

Employee Communication:

If an employee has reason to believe that his or her PII (please refer to what constitutes PII) data security has been breached or that company representative(s) are not adhering to the provisions of this policy, an employee should contact an HR representative immediately.

Confirmation of Confidentiality:

All agency employees must maintain the confidentiality of PII as well as company proprietary data to which they may have access and understand that that such PII is to be restricted to only those with a business need to know. Employees with ongoing access to such data will sign acknowledgement reminders annually attesting to their understanding of this company requirement.

Violations of PII Policies and Procedures:

Access views the protection of PII data to be of the utmost importance. Infractions of this policy or its procedures will result in disciplinary actions under the company’s discipline policy and may include suspension or termination in the case of severe or repeat violations. PII violations and disciplinary actions are incorporated in the company’s PII onboarding and refresher training to reinforce the company’s continuing commitment to ensuring that this data is protected by the highest standards.

VI. EXCEPTIONS

Not Applicable.
VII. PROVISIONS AND CONDITIONS

Not Applicable.

VIII. RELATED DOCUMENTS

This policy has referenced to the following materials:

A. Privacy Act of 1974, as amended
B. Federal Information Security Management Act (FISMA)
C. Health Insurance Portability and Accountability Act (HIPAA)
D. California Civil Code s. 1798.29(a), s. 1798.82(a), s. 1798.29(e) and s. 1798.82(f)

END OF POLICY

ATTACHMENTS

None
Electronic Discovery & Record Retention Policy

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>William (Bill) Tsuei</td>
<td>Senior Manager, Information Technology</td>
</tr>
<tr>
<td>Faye Moseley</td>
<td>Deputy Executive Director, Administration</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>4/28/2014</td>
<td>William Tsuei, Sr. Manager, IT</td>
<td>Original document (DRAFT)</td>
</tr>
<tr>
<td>1.1</td>
<td>2/03/2015</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Incorporates legal review edits</td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
IX. PURPOSE

The Electronic Discovery & Record Retention Policy is intended to help employees determine what information sent, received or gathered and its associated metadata, if any, should be or is being retained and for how long. All users should familiarize themselves with the retention areas that follow this introduction.

X. ORGANIZATIONAL UNITS AFFECTED

Departments named in this policy have delegated authority for developing and implementing procedural guidance for ensuring that their departmental responsibilities under this policy are communicated and enforced.

XI. POLICY

This policy is not intended to cover operation retention that occurs through backup and/or mirroring of systems. That form of retention is an incidental byproduct of disaster preparedness and is not intended to function as a substitute, in any way, for required retention or data shredding. The Information Technology Department will not attempt to recover data, files or other information from backups or mirrors unless required to do so by law or the administration. Likewise the purging of email put in electronic trash bins is an operational matter, not a retention issue.

A. Network Backup Tapes

Backup tapes of server data are regularly archived in case of a server or system failure. The Desktop/LAN Coordinator will continue to ensure that regularly scheduled backup tape recycling rotation is performed in which tapes are overwritten after a certain period of time. It is noted that the rotation schedule will be suspended once litigation is commenced to preserve possibly relevant information upon notification.

B. Notice of Potential Litigation

Should ACCESS SERVICES receive notice of a potential litigation, follow the guidance outlined in this policy. Notice may be in the form of a "preservation letter," official notice, claim or summons and complaint. In accordance with this policy ACCESS SERVICES will immediately preserve all forms of electronic media and written documentation that maybe potentially related to the possible litigation. Upon receipt of any form of notice the Executive team and the General Counsel must be immediately notified.
XII. DEFINITIONS

Data discovery is a Business intelligence architecture aimed at interactive reports and explorable data from multiple sources.

Record means any documentary material, maintained in any form or medium that is generated or received by the agency in connection with transacting business. It includes documentary material related to legal obligations.

Active refers to any record which (i) has a continuous use; (ii) relates to an ongoing judicial, administrative, or congressional inquiry or proceeding; or (iii) provides a historical or research purpose.

XIII. PROCEDURE

A. Receipt of Notice

The Deputy Executive Director of Planning and Governmental Services shall maintain a log and a copy of all claims, notice of disputes and requests for electronic discovery. Upon receipt of such notice the Executive team and the General Counsel must be immediately notified. The Deputy Executive Director, Administration shall serve as the Agency’s coordinator and provide guidance and administrative oversight over the process.

The Deputy Executive Director of Planning and Governmental Services shall be responsible for notifying the Senior Manager, Information Technology of all requests which shall trigger the Agency’s “document preservation obligation”.

B. Electronic Discovery Rapid Response Task Force

The Agency’s Electronic Discovery Rapid Response Task Force shall be lead by the Senior Manager, Information Technology. The Senior Manager, Information Technology is responsible for the Agency’s Records Retention and Management Program and serve as the Agency’s FRCP 30 (b)(6) witness. The compliance task force shall create and maintain detailed logs of records-purging back-up activities.
Upon receipt of the notice or notification that litigation is reasonably foreseeable, the IT Department shall immediately start gathering the requested information and issue a "data preservation notice to relevant employees" as of the point in time of receipt of the notice or receipt of pending litigation. Additionally ACCESS Services has an ongoing obligation to retain new forms of documents/media as they are created.

Upon notification that a lawsuit has been filed, a copy of the retained documents/media shall be provided to the General Counsel or to the attorney assigned to handle the case.

C. **Notice to Personnel**

Notice shall be issued to personnel on a "need-to-know" standard, clearly informing them about the status of threatened or actual litigation and about what is expected of them. All personnel must clearly understand the requirements for preservation of potential evidence.

D. **Documents to be Retained**

Any documents that relate, in any way, to the pending suit must be retained. The most common forms would include: memos, e-mails, calendars, incident reports, official reports, excel spreadsheets, photographs, audio tapes, CCTV, other documentary and physical evidence. The request relates not only to "hard copies" but to any electronic media that may have any bearing on the issues involved in the suit.

Regarding retention of the documents, hard copies of the documents are acceptable or storing the documents on some type of searchable media (e.g. CD or DVD.)

E. **Time period for Retaining Documents/Media**

In the State of California and in the United States Federal Courts all litigants are required to file their lawsuits within a specific period of time known as the statute of limitations or limitation of actions. The statute of limitations can run from 1 year to 5 years. After a suit is filed it may take up to 5 years for the case to be resolved or longer.
Therefore, following notice of a potential suit documents and media must be retained until staff is advised by County Counsel or other assigned counsel that retention is no longer necessary.

**XIV. EXCEPTIONS**

Not Applicable.

**XV. PROVISIONS AND CONDITIONS**

Not Applicable.

**XVI. RELATED DOCUMENTS**

This policy has referenced to the following materials:

- E. Privacy Act of 1974, as amended
- F. Federal Information Security Management Act (FISMA)
- G. Health Insurance Portability and Accountability Act (HIPAA)
- H. Electronic Signatures in Global & National Commerce Act
- J. Access Services Administration and Information Technology Policy Manual

**END OF POLICY**

**ATTACHMENTS**

None
Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
Litigation Hold Policy

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>F Scott Jewell</td>
<td>Chief Operating Officer</td>
</tr>
<tr>
<td>Faye Moseley</td>
<td>Deputy Executive Director, Administration</td>
</tr>
<tr>
<td>James Jones</td>
<td>General Counsel</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>6/23/2014</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Original document (DRAFT)</td>
</tr>
<tr>
<td>1.1</td>
<td>2/03/2015</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Incorporates legal review edits</td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
XVII. PURPOSE

A litigation hold is a process that an organization uses to preserve all forms of relevant information when litigation is reasonably anticipated.

The legal hold is initiated by a notice or communication from legal counsel to an organization that suspends the normal disposition or processing of records, such as backup tape recycling, archived media and other storage and management of documents and information. A legal hold will be issued as a result of current or anticipated litigation, audit, government investigation or other such matter to avoid evidence spoliation. Legal holds can encompass business procedures affecting active data, including, but not limited to, backup tape recycling.

XVIII. ORGANIZATIONAL UNITS AFFECTED

This policy affects the entirety of the Agency.

XIX. POLICY

When Access receives notice that a lawsuit has been filed against Access or any of its employees acting in the course and scope of their employment, or when the institution/agency, in consultation with Legal Counsel, reasonably anticipates litigation against it, Access must act to preserve documents, tangible things, and data that may relate to the litigation and that is in the agency’s possession, custody, or control.

(1) Notice of actual pending litigation may come from differing events including receipt of a discovery request or the service of citation upon the filing of a complaint or petition.

(2) Reasonable anticipation of litigation is determined on a case-by-case basis considering the facts and circumstances known to the institution/agency regarding the potential for litigation. The standard, however, requires more than a mere possibility of litigation. Legal Counsel will make the final determination of whether litigation is reasonably anticipated. Access employees must report to their respective supervisor notice of any pending or potential litigation as soon as is reasonably possible and on the same working day when notice of the pending or potential litigation was received. Supervisors must report notice of pending or potential litigation to the supervisor’s department/unit head, who will report the notice to the respective agency director, the office of the agency’s COO, and legal counsel on the same working day on which notice of the pending or potential litigation was received.
XX. DEFINITIONS

- Electronically Stored Information (ESI) - Any information stored electronically, including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

- Potentially Discoverable - Any items, including documents, tangible things, or ESI, that may fall within the scope of discovery in a particular lawsuit under the Federal Rules of Civil Procedure or the State of California (meaning the items could be responsive to a discovery request determined by the Legal Counsel to be reasonably calculated to lead to the discovery of admissible evidence at the trial of the matter).

XXI. PROCEDURE

The following procedures will be followed whenever Legal Counsel determines that a litigation hold is necessary.

A. The OGC will communicate to Access’ COO that it intends to issue a litigation hold.

B. Access will establish a Litigation Hold Response Team (“Response Team”) to administer the litigation hold. The team should include representatives from the following areas of the agency:

Administation, the institution/agency’s records officer or designee, the chief information officer or designee (for ESI issues), administrator(s) of division/area of institution/agency from/to which the dispute arises/relates. Legal Counsel will also be part of the Response Team.

D. The Response Team will assist Legal Counsel in determining the preliminary scope and subject matter for the legal hold notice as follows:
(1) Identify and list all persons with knowledge of facts that may relate to the pending or potential litigation, including persons who created, edited, communicated, handled, or had custodial responsibility for potentially discoverable documents and tangible things, (NOT including ESI);

(2) Develop a plan for preserving potentially discoverable documents and tangible things (NOT including ESI) held by persons with knowledge of facts that may relate to the pending or potential litigation.

(3) Identify and list all persons with knowledge of facts that may relate to the pending or potential litigation, including persons who created, edited, communicated, handled, or had custodial responsibility for potentially discoverable ESI;

(4) Identify all IT architecture within the preliminary scope and subject matter of the pending or potential litigation;

(5) Develop an ESI preservation plan, including taking immediate steps to preserve data held by central services (e-mail, calendars, etc.).

D. Legal Counsel will issue the formal litigation hold notice to all involved parties within the institution/agency. The IT support department/division shall be informed of: (1) the litigation hold; (2) identified ESI custodians; (3) relevant dates; and (4) the subject matter of the litigation, including, to the extent available, the names of parties and witnesses that may control or possess potentially discoverable ESI.

The Response Team may:

(1) Assign roles and delegate responsibilities for implementing the litigation hold; and

(2) Review the ESI preservation plan and the plan for preserving documents and tangible things (NOT including ESI) to determine if any adjustments are necessary.
E. The Response Team shall establish deadlines for implementation of the litigation hold, identification of sources and custodians of documents and tangible things (NOT including ESI), identification of ESI sources and custodians, preservation of documents and tangible things (NOT including ESI), and preservation of ESI.

F. At the direction of the Response Team, the IT support department/division head shall assign an IT support employee to serve as the Legal Hold Data Manager ("Data Manager") for the case. The Data Manager will ensure secure storage areas for potentially discoverable ESI for the case. To this end, the Data Manager must:

1. Plan and build a case folder structure;
2. Establish voicemail and e-mail hold areas; and
3. Develop instructions on how to use these areas for the individuals involved in the case.

G. In consultation with the Response Team, the IT support department/division for ESI, and, in the case of actual pending litigation, the trial attorney assigned to represent the agency, Legal Counsel may modify the scope of the litigation hold, the documents, tangible things, and ESI within the litigation hold, and the means of preserving and producing documents, tangible things, and ESI.

H. The Response Team will monitor implementation of the litigation hold and will:

1. Inform individuals involved in the case of the instructions for using the electronic record storage area for ESI;
2. provide an overview of the steps in the litigation hold process;
3. Provide the name of the designated Data Manager; and
4. Monitor and review the determination of Legal Counsel and trial counsel whether there are documents, tangible things, or ESI subject to any privilege, for which necessary actions will be taken to segregate such documents or tangible things (NOT including ESI), or for which a separate folder in the storage area will be set up by the Data Manager for ESI.
I. The Response Team and the Data Manager shall review the instructions for use of the ESI storage area(s) to establish a consensus on the structure of the storage area(s) and the procedures for use by data custodians. The Response Team shall submit such instructions and procedures to Legal Counsel and trial counsel for approval.

J. The Data Manager must conduct ESI data collection interviews with all data custodians as soon as possible, using questionnaires to document responses. The Data Manager should inform the interviewee of how the information will be used, and attempt to answer the interviewee’s questions, as appropriate.

K. The Response Team or designee must conduct collection interviews with all custodians of documents and/or tangible things (NOT including ESI) as soon as possible, using questionnaires to document responses. The Response Team or designee should inform the interviewee of how the information will be used, and attempt to answer the interviewee’s questions, as appropriate.

L. The Data Manager must develop an ESI data collection plan, which is subject to approval by the Response Team, Legal Counsel, and trial counsel. Information gleaned from the data collection interviews should be utilized by the Data Manager when developing the plan and by the Response Team and trial counsel when reviewing the plan for approval.

M. The Response Team or designee must develop a collection plan for documents and tangible things (NOT including ESI), which is subject to approval by Legal Counsel and trial counsel. Information gleaned from the collection interviews should be utilized by the Response Team or designee when developing the plan and by Legal Counsel and trial counsel when reviewing the plan for approval.

N. Pursuant to an approved ESI data collection plan, the Data Manager shall begin to collect ESI. The Data Manager should mirror all files in the data custodian’s devices identified in the plan. The Data Manager should inform the Response Team and trial counsel when the data collection is complete.
O. Pursuant to an approved collection plan for documents and tangible things (NOT including ESI), the Response Team or designee shall begin to collect the documents or tangible things. The Response Team should inform the OGC and trial counsel when the collection is complete.

P. The Data Manager must develop an ongoing ESI data collection plan, which is subject to approval by the Response Team, Legal Counsel and trial counsel. Once approved, the Data Manager, the Response Team, Legal Counsel and trial counsel shall monitor ongoing data collection efforts by data custodians.

Q. The Response Team or designee must develop an ongoing collection plan for documents and tangible things (NOT including ESI), which is subject to approval by Legal Counsel and trial counsel. Once approved, Legal Counsel and trial counsel shall monitor ongoing collection efforts by the Response Team or designee.

R. Upon the conclusion of the anticipated or pending litigation, as determined by Legal Counsel and trial counsel, Legal Counsel will issue a notice to the chief executive officer, Response Team, and all involved parties within the institution/agency, lifting the formal litigation hold. Legal Counsel will also provide instructions to the agency’s COO and Response Team regarding the disposal or destruction of all documents, tangible things, or ESI preserved and/or collected during the anticipated or pending litigation.

XXII. EXCEPTIONS
Not Applicable.

XXIII. PROVISIONS AND CONDITIONS
Not Applicable.

XXIV. RELATED DOCUMENTS
END OF POLICY
ATTACHMENTS
None
Personal Identity Information Policy

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>William (Bill) Tsuei</td>
<td>Senior Manager, Information Technology</td>
</tr>
<tr>
<td>Faye Moseley</td>
<td>Deputy Executive Director, Administration</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>6/23/2014</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Original document (DRAFT)</td>
</tr>
<tr>
<td>1.1</td>
<td>2/03/2015</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Incorporates legal review edits</td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
XXV. PURPOSE

Access recognizes its need to maintain the confidentiality of Personal Identity Information (PII) and understands that such information is unique to each individual. The PII covered by this policy may come from various types of individuals performing tasks on behalf of the agency and includes employees, applicants, independent contractors and any PII maintained on its customer base. The scope of this policy is intended to be comprehensive and will include enterprise requirements for the security and protection of such information throughout the agency and its approved vendors both on and off work premises.

XXVI. ORGANIZATIONAL UNITS AFFECTED

Departments named in this policy have delegated authority for developing and implementing procedural guidance for ensuring that their departmental responsibilities under this policy are communicated and enforced.

XXVII. POLICY

PII may reside in hard copy or electronic records; both forms of PII fall within the scope of this policy.

Vendors: Individual(s) or companies that have been approved by Access as a recipient of organizational PII and from which Access has received written assurance/certification of their data protection practices conformance with the requirements of this policy. Vendors include all external providers of services to the agency and include proposed vendors. No PII information can be transmitted to any vendor in any method unless the vendor has been pre-certified for the receipt of such information.

PII Retention: Access understands the importance of minimizing the amount of PII data it maintains and retains such PII only as long as necessary. A joint task force comprising members of the Administration, Finance, IT, Procurement, Operations and Human Resources departments maintains organizational record retention procedures, which dictate the length of data retention and data destruction methods for both hard copy and electronic records.

PII Training: All new hires entering the company who may have access to PII are provided with introductory training regarding the provisions of this policy, a copy of this policy and implementing procedures for the department to which they are assigned.
Employees in positions with regular ongoing access to PII or those transferred into such positions are provided with training reinforcing this policy and procedures for the maintenance of PII data and shall receive annual training regarding the security and protection of PII data and company proprietary data.

PII Audit(s): Access conducts audits of PII information maintained by the agency in conjunction with fiscal year closing activities to ensure that this policy remains strictly enforced and to ascertain the necessity for the continued retention of PII information. Where the need no longer exists, PII information will be destroyed in accordance with protocols for destruction of such records and logs maintained for the dates of destruction that is govern by the Electronic Discovery & Record Retention Policy, IT-02. The audits are conducted by Finance, IT, Contracts and Human Resources departments under the auspices of the legal counsel.

Data Breaches/Notification: Databases or data sets that include PII may be breached inadvertently or through wrongful intrusion. Upon becoming aware of a data breach, the agency will notify all affected individuals whose PII data may have been compromised, and the notice will be accompanied by a description of action being taken to reconcile any damage as a result of the data breach. Notices will be provided as expeditiously as possible and in no event be later than the commencement of the payroll period after which the breach was discovered.

Legal counsel will handle breach notifications(s) to all governmental agencies to whom such notice must be provided in accordance with time frames specified under these laws. Notices to affected individuals will be communicated by Operations after consultation with the legal counsel and within the time frame specified under the appropriate law(s).

Data Access: Access maintains multiple IT systems where PII data may reside; thus, user access to such IT systems is the responsibility of the IT department. The IT department has created internal controls for such systems to establish legitimate access for users of data, and access shall be limited to those approved by IT. Any change in vendor status or the termination of an employee or independent contractor with access will immediately result in the termination of the user’s access to all systems where the PII may reside.

XXVIII. DEFINITIONS

Personal Identity Information (PII): Unique personal identification numbers or data, including:
Personal Identity Information Policy

- Social Security Numbers
- Taxpayer Identification Numbers
- TAP Card Identification Numbers
- State driver license numbers
- Date of birth
- Resident address
- Telephone numbers
- Corporate or individually held credit or debit transaction card numbers (including PIN or access numbers) maintained in organizational or approved vendor records.

XXIX. PROCEDURE

Data Transmission and Transportation:

1. **Company Premises Access to PII:** The Finance, Human Resources, Operations and IT departments have defined responsibilities for on-site access of data that may include access to PII; IT has the oversight responsibility for all electronic records and data access capabilities. Finance, Human Resources and Operations have the operational responsibility for designating initial access and termination of access for individual users within their organizations and providing timely notice to IT.

2. **Vendors:** Access may share data with vendors who have a business need to have PII data. Where such inter-company sharing of data is required, the IT department is responsible for creating and maintaining data encryption and protection standards to safeguard all PII data that resides in the databases provided to vendors. Approved vendor lists will be maintained by the contract administrator, and contract administrator has responsibility to notify IT of any changes to vendor status with the company.
3. **Portable Storage Devices:** Access reserves the right to restrict PII data it maintains in the workplace. In the course of doing business, PII data may also be downloaded to laptops or other computing storage devices to facilitate company business. To protect such data, the company will also require that any such devices use IT department-approved encryption and security protection software while such devices are in use on or off company premises. The IT department has responsibility for maintaining data encryption and data protection standards to safeguard PII data that resides on these portable storage devices.

4. **Off-Site Access to PII:** Access understands that employees may need to access PII while off site or on business travel, and access to such data shall not be prohibited, subject to the provision that the data to be accessed is minimized to the degree possible to meet business needs and that such data shall reside only on assigned laptops/approved storage devices that have been secured in advance by the IT department.

**Regulatory Requirements:**

It is the policy of the company to comply with any federal or state statute and reporting regulations. Access has delegated the responsibility for maintaining PII security provisions to the departments noted in this policy. Access legal counsel shall be the sole owner named to oversee all regulatory reporting compliance issues. If any provision of this policy conflicts with a statutory requirement of international, federal or state law governing PII, the policy provision(s) that conflict shall be superseded.

**Employee Communication:**

If an employee has reason to believe that his or her PII (please refer to what constitutes PII) data security has been breached or that company representative(s) are not adhering to the provisions of this policy, an employee should contact an HR representative immediately.
Confirmation of Confidentiality:
All agency employees must maintain the confidentiality of PII as well as company proprietary data to which they may have access and understand that that such PII is to be restricted to only those with a business need to know. Employees with ongoing access to such data will sign acknowledgement reminders annually attesting to their understanding of this company requirement.

Violations of PII Policies and Procedures:
Access views the protection of PII data to be of the utmost importance. Infractions of this policy or its procedures will result in disciplinary actions under the company’s discipline policy and may include suspension or termination in the case of severe or repeat violations. PII violations and disciplinary actions are incorporated in the company’s PII onboarding and refresher training to reinforce the company’s continuing commitment to ensuring that this data is protected by the highest standards.

XXX. EXCEPTIONS
Not Applicable.

XXXI. PROVISIONS AND CONDITIONS
Not Applicable.

XXXII. RELATED DOCUMENTS
This policy has referenced to the following materials:

K. Privacy Act of 1974, as amended
L. Federal Information Security Management Act (FISMA)
M. Health Insurance Portability and Accountability Act (HIPAA)

END OF POLICY

ATTACHMENTS
Public Records Guidelines

Prepared By

<table>
<thead>
<tr>
<th>Document Owner(s)</th>
<th>Agency Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>F Scott Jewell</td>
<td>Chief Operating Officer</td>
</tr>
<tr>
<td>Faye Moseley</td>
<td>Deputy Executive Director, Administration</td>
</tr>
</tbody>
</table>

Policy/Program Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Authorizer</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>8/28/2014</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Original document (DRAFT)</td>
</tr>
<tr>
<td>1.1</td>
<td>2/03/2015</td>
<td>F Scott Jewell, Chief Operating Officer</td>
<td>Incorporates legal review edits</td>
</tr>
</tbody>
</table>

Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
XXXIII. PURPOSE

The purpose of these Guidelines is to implement the California Public Records Act, commencing at Section 6250 of the Government Code, and other applicable statutes and case law, by setting forth the procedures to be followed when making records available to the public.

XXXIV. ORGANIZATIONAL UNITS AFFECTED

This policy affects the entirety of the Agency.

XXXV. POLICY

Public records are open to inspection at all times during the Agency's office hours. Any reasonably segregable portion of a record shall be made available for inspection after deletion of the portions that are exempted by law. Except for public records exempt from disclosure by express provisions of law, a request for a copy of reasonably-described identifiable records shall be made available with minimal delay to the requesting party. An exact copy shall be provided unless impracticable to do so. All requests for copies of public records must be made in writing using the Public Records Request Form. Requests may be sent by facsimile to the Public Records Unit at (213) 270-6043 (or by mail to PO Box 5728, El Monte, CA, 91734).

All requests must be made with sufficient clarity so as to reasonably describe an identifiable record. [Gov. Code Sec. 6253]. Requests not meeting these criteria may be returned.

XXXVI. DEFINITIONS

A. "Agency" means Access Services or any employee authorized to act on its behalf.

B. "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

C. "Public Record" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the Agency, regardless of physical form or characteristics.
D. "Writing" means handwriting, typewriting, printing, photostatting, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or a combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

E. "Data" means information disclosing the actual quantity of material used to produce an article having commercial

F. Personal Identity Information (PII): Unique personal identification numbers or data, including:

- Social Security Numbers
- Taxpayer Identification Numbers
- TAP Card Identification Numbers
- State driver license numbers
- Date of birth
- Resident address
- Telephone numbers
- Corporate or individually held credit or debit transaction card numbers (including PIN or access numbers) maintained in organizational or approved vendor records.

XXXVII. EXAMPLES OF RECORDS AVAILABLE TO THE PUBLIC

A. Agendas and Minutes of Open Session Board and Committee meetings;

B. Board Box Items;

C. Published statistical abstracts.

XXXVIII. EXAMPLES OF RECORDS NOT MADE AVAILABLE TO THE PUBLIC

A. Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the Agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure. [Gov. Code Sec. 6254(a)].
B. Records pertaining to pending litigation to which the Agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until the pending litigation or claim have been finally adjudicated or otherwise settled. [Gov. Code Sec. 6254(b)].

C. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. [Gov. Code Sec. 6254(c)].

D. Records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. [Gov. Code Sec. 6254(k)].

E. Confidential communications between the Agency and its attorneys. [Ev. Code Sec.954].

F. Records of documents covered by the attorney work product privilege, or any other judicially recognized privilege, including but not limited to, the deliberative process privilege.

G. Records which relate to Grand Jury testimony.

H. Documents which are privileged under Section 1040 of the Evidence Code which provides:

(a) As used in this section, 'official information' means information acquired in confidence by a public employee in the course of his duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made;

(b) A public entity has a privilege to refuse to disclose information, and to prevent another from disclosing such information, if the privilege is claimed by a person authorized by the public entity to do so; and:

1) Disclosure is forbidden by an act of the Congress of the United States or a statute of this state; or
2) Disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the information be disclosed in the proceeding. In determining whether disclosure of the information is against the public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered."

I. Trade secrets, which may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. [Gov. Code Sec. 6254.7(d)].

J. Computer software, which includes computer mapping systems, computer programs, and computer graphics systems, developed by a state or local agency including the Agency. [Gov. Code Sec. 6254.9(a) and (b)].

K. Records in which the Agency determines that on the facts, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. [Gov. Code Sec. 6255]. The cost and burden to the Agency are relevant factors in determining the public interest in not making the record public.

L. A memorandum submitted to a state body or the Agency's Governing Board by its legal counsel pursuant to subdivision (q) of Government Code Section 11126 or 54956.9 until the pending litigation has been fully adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled. [Gov. Code Sec. 6254.25].
XXXIX. PROCEDURE

A. Requesting Copies of Public Records

All requests for copies of public records must be made in writing addressed to the Public Records Unit. The public may use the Public Records Request Form on the Agency's web page at www.asila.org. Requests may be sent by facsimile to the Public Records Unit at (213) 270-6043 or by mail to PO Box 5728, El Monte, CA, 91734. All requests must be made with sufficient clarity so as to reasonably describe an identifiable record. [Gov. Code Sec. 6253]. Requests not meeting these criteria may be returned. Reasonable restrictions may be imposed upon general requests for voluminous classes of documents. Copies will be provided unless, 1) disclosure would infringe a copyright, 2) the records are exempt from disclosure by express provisions of the law, or 3) the volume of requested records would be impracticable for the Agency's day to day operation. Computer data will be provided in a form determined by the Agency. [Gov. Code Sec. 6253(b)]. Records held by the Agency in electronic format may be requested in accordance with provisions specified in Gov. Code Sec. 6253.9.

B. Response Time

The Agency shall determine within 10 days from receipt of the public records request if the request, in whole or in part, seeks copies of discloseable public records in the possession of the Agency. In unusual circumstances, additional time up to 14 days may be warranted. The Agency shall promptly notify the requestor of its determination and the reasons therefor. [Gov. Code Sec. 6253(c)]. If there is a large amount of material to compile, or if there is a question regarding the status of the requested records, the requestor will be notified by Agency staff of the approximate time frame involved in filling the request.

C. Exempt Records and Trade Secrets

Records that are exempt from the Public Records Act will normally not be released. Records claimed by a facility or entity to be trade secrets or otherwise exempt from disclosure will not be immediately released unless the Agency determines they are clearly public records. Only information claimed to be a trade secret at the time of submittal to the Agency may be treated as a trade secret. [Masonite Corp. v. County of Mendocino A.Q.M.D., 49 Ca1.Rptr.2d 639 (1996)].
The Agency will mail a notice, by certified mail, to the facility or entity claiming exempt or trade secret status. The facility or entity is responsible for providing its current mailing address to the Agency. The notice shall include a copy of the request, and a request for a detailed and complete justification of the bases for exempt or trade secret status, as defined in Section IV. The facility or entity must make an appointment with Public Records Staff, within 15 calendar days of the date of the letter, to come in and review the records and highlight the portion exempt or trade secret. If no justification is timely received, the subject records shall be released as specified herein.

Any justification claiming trade secret status must include a sworn declaration that should address the following six factors (Restatement of Torts Sec. 757.):

1) the extent to which the information is known outside of the person's business;
2) the extent to which it is known by employees and others involved in the person's business;
3) the extent of measures taken by the person to guard the secrecy of the information;
4) the value of the information to the person's business and to the person's competitors;
5) the amount of effort or money expended by the person in developing the information; and
6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

In addition, any justification must be specific enough so as to identify which specific information in a document constitutes a trade secret or is exempt so that it may be blocked out in a document, with the remaining information to be released. As a result, all documents subject to the request should be reviewed by the facility or entity claiming exempt or trade secret status before submitting its justification to enable it to specifically segregate information contained in those documents that may or may not be released. Failure to so segregate may result in the release of all information.

The Agency shall evaluate the justification and any other information at its disposal and shall determine if the justification supports the claim that the material is in fact exempt or is a trade secret under Government Code Section 6254 and Section 6254.7, or otherwise privileged. If the Agency determines that the claim is bona fide and that the material is exempt or a trade secret, the Public Records Coordinator shall notify the requestor that the data sought is exempt or a trade secret and therefore cannot be released.
The requestor shall be advised of its right to bring appropriate legal action to compel disclosure. Any such action should name the facility or entity claiming an exemption from disclosure as a real party in interest.

If the Agency determines that the claim of exemption or trade secret is not meritorious or is inadequately supported by the evidence, the Agency shall promptly notify, by certified mail, the facility or entity who claimed exempt or trade secret status that the justification is inadequate, and that the information shall be released after 10 calendar days from the date of receipt of such notice.

Such facility or entity shall also be advised of its right to bring appropriate legal action to prevent disclosure, and of its right to further respond. In the event the facility or entity cannot be reached at its last listed address with the Agency, the information shall be released after 15 calendar days of the date of such notice.

Any legal action brought by the facility or entity should name the requestor as a real party in interest. The above procedures regarding exempt records and trade secrets may not apply to requests made by other governmental agencies for purposes of carrying out their official responsibilities, if such agencies agree to treat the disclosed material as confidential pursuant to a written confidentiality agreement with the Agency. The confidentiality agreement shall designate those persons authorized by the requesting governmental agency to obtain the information. [Gov. Code Sec. 6254.5].

The above procedures are also inapplicable if the requestor and the facility or entity enters into an agreement waiving any objections to the Agency's release of the requested information. A signed copy of the agreement must be provided to the Agency.

D. Subpoenas

The Public Records Act is not applicable in situations where subpoenas have been issued to the Agency for document production. Any such subpoenas shall be referred to the Agency Counsel's Office, unless otherwise directed by that office.

E. Requests for Access to Inspect Specific Files

It is the policy of the Agency that all records open for public inspection shall be available with the least possible delay and expense to the requesting party.
Public records are open to inspection at all times during the office hours of the Agency, and every citizen has a right to inspect any public record as defined herein. To permit sufficient time for the Agency to compile the records for review, an appointment to view the records should be made by the requestor. A request to inspect public records in the custody of the Agency must be in writing and must describe the records with sufficient specificity to enable the Agency to identify the information sought.

Records that are exempt from the Public Records Act and records claimed to contain trade secrets will be handled in the manner described in Subsection C. If a delay occurs, the requestor will be notified of the reasons and offered the option of either viewing that portion of the record that is available, or waiting until the complete record is available.

A designated Agency representative will be available to assist the requestor during the inspection. The requestor will be provided with the records and a work space. A designated Agency representative will ensure that no records are removed or altered. If the requestor asks for photocopies of certain records, the Public Records Unit will arrange for the copies to be made and mailed within 10 business days. The following requirements regarding fees will be applicable.

F. Personal Identity Information

It is the policy of the Agency to maintain the confidentiality of Personal Identity Information (PII). This information will be redacted from all public records requests.

XL. FEES

The Public Records Act requires "payment of fees covering direct costs of duplication, or a statutory fee, if applicable." [Gov. Code Sec. 6253(b)]. In addition, when records are requested in electronic format, the requestor shall bear the cost of producing a copy of the record, including the cost to construct the record and the cost of programming and computer services necessary to produce a copy of the record. [Gov. Code Sec. 6253.9] The Public Records Unit will provide an invoice for charges due. These charges are due and payable before the release of the copied records. Nonpayment of invoices could result in a requirement that requests for records be pre-paid in person before releasing the requested documents.
A. Fees for Copies of Public Records

The Finance Division shall set the rate to be charged for the direct cost of duplication. Currently, there is no charge for copies totaling less than 10 pages. For 10 or more pages, the fee is currently 20 cents per page for all standard size pages, including the first 9 pages.

Records duplication cost:

<table>
<thead>
<tr>
<th>Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>11” x 17”</td>
<td>$0.20 Per Copy</td>
</tr>
<tr>
<td>Color Copies 8.5” x 11”</td>
<td>$1.00 Per Copy</td>
</tr>
<tr>
<td>Color Copies 11” x 17”</td>
<td>$1.00 Per Copy</td>
</tr>
<tr>
<td>Oversize Documents 22 x 34</td>
<td>$5.00 Per Copy</td>
</tr>
<tr>
<td>Compact Disk Preparation</td>
<td>$5.00 Per Disk</td>
</tr>
</tbody>
</table>

The requestor may arrange for a private copying service to come to the Agency to photocopy the records after an appointment has been made with the Public Records Unit Staff. The Public Records Unit Staff, or a designated representative, will ensure that no records are removed or altered. If the records are contained in a form other than hard copies, i.e., computer diskette or microfiche, the following charges are applicable:

Fees for programming and computer services will be based on the cost of the staff performing the work. The level of staff needed to fulfill the request for electronic information could vary depending on the intricacies and complexity of the request. For significant efforts, the requestor may be required to pay a portion or all of these costs in advance of commencing the work.

XLI. RESPONSIBILITIES

A. Public Records Unit

The Executive Director will designate the Agency staff member that will have primary responsibility for coordinating the Agency’s compliance with the California Public Records Act. That responsibility includes:

1) Receiving, logging, and tracking all requests for public records;
2) Determining the possible location of the records, and routing copies of requests to the appropriate organizational unit to obtain copies of records requested and following up to meet return date deadlines;
3) Assisting the public in understanding what information is available, and what must be done to obtain access to, or copies of, public records;

4) Ensuring that the Agency Counsel's Office reviews any material subject to confidentiality of data or trade secret status and provides their comments as to whether the requested records may be released;

5) If a record has been identified as a trade secret or appears to be confidential, follow the procedures outlined above dealing with trade secrets;

6) Providing the necessary notices and public records within the appropriate period of time as outlined in these guidelines;

7) Ensuring that all records are safeguarded while in the possession of the office in charge of Public Records Requests;

8) Making sure that all originals of records are returned to the appropriate organizational units as soon as possible;

B. Organizational Units in Custody of Records

The Agency's organizational units are custodians of their own records created as a result of their activities, whether or not they are storing the records. The custodial units will be responsible for retrieving, gathering, and copying the records requested of them. These records are to be reviewed by the organizational unit manager for information that is a trade secret or otherwise exempt from disclosure. Such information, if can be reasonably segregated, shall be redacted under the guidance of the Agency Counsel's Office.

The custodial unit must determine if they are, or are not, in possession of the records requested and notify the Public Records Unit so they may comply with the response time specified in Section V.B of these guidelines [Gov. Code Sec. 62S3(c)]. If there are records in response to the request, the properly reviewed records will be promptly provided to the Public Records Unit.

C. Records Management Unit

The Records Management Unit of the Agency is not considered to be the custodian of records. Any requested records in its possession will be provided to the Public Records Unit, who will send the requested records to the custodial unit to review for confidentiality.
D. Agency General Counsel

Requests for records pertaining to documents which may not be released due to pending litigation or pending Civil Cases will be provided to the Agency General Counsel who will be responsible for the timely identification and review of those records and will determine which records may be released.

The Agency Counsel is also responsible for providing legal guidance in determining which records may be released under the Public Records Act. The Public Records Unit shall provide Counsel with those documents that are alleged to be trade secrets or exempt from the Public Records Act. In addition, the Public Records Unit will immediately provide Counsel with all correspondence relating to the justification of exempt or trade secret status. The Public Records Unit will then be responsible for maintaining in a separate file those records which may not be released, and for releasing the remaining records pursuant to these guidelines, in compliance with the California Public Records Act.

END OF POLICY

ATTACHMENTS

None
Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs, benefits or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
XLII. PURPOSE

Computing and networking and other information technologies have become critical in support of most if not all ACCESS Services operations. This dependence has resulted in a very large, very diverse, and very complex technology environment, which in turn has resulted in a greater opportunity for intrusion attempts. At the same time, much more data is being stored, accessed, and manipulated electronically, and as the risk to systems increases, the risk of unauthorized disclosure or modification of personal, proprietary, or institutional data is also increased. It is very important that everyone associated with providing and using these technology services is diligent in their administration and responsive to security threats. It is also important that information related to intrusions, attempted intrusions, or other such incidents are shared so the event can be recognized and perhaps avoided elsewhere.

The use of automated scanners and break-in scripts makes it easy for someone to quickly scan entire networks for vulnerable systems. Systems that are not properly secured are likely to be discovered, and they will then be subject to intrusion. Data on vulnerable/exploited systems WILL be compromised, altered, or destroyed. Such systems may be used to compromise or initiate denial of service attacks against other agency systems or systems at external sites.

XLIII. ORGANIZATIONAL UNITS AFFECTED

Departments named in this policy have delegated authority for developing and implementing procedural guidance for ensuring that their departmental responsibilities under this policy are communicated and enforced.

XLIV. POLICY

ACCESS Services Information Technology department, with assistance from organizational units operating TECHNOLOGY RESOURCES, is responsible for ensuring that those systems are MANAGED SECURELY. This is required for all such systems, but is especially critical for those systems that support vital business functions and/or host sensitive personal or agency information.

The SENIOR MANAGER, INFORMATION TECHNOLOGY has the authority and responsibility to develop and implement policies necessary to minimize the possibility of unauthorized access to ACCESS Services' information technology infrastructure. This entails establishing security resources, policies, guidelines, and standards, and to provide consulting services, for all ACCESS Services computer systems, telecommunications, or other information technology resources.
System Analyst and IT contractors are required to report any breaches or possible breaches of the security of ACCESS Services networks, systems, or data to the SENIOR MANAGER, INFORMATION TECHNOLOGY. The Senior Manager, Information Technology will assess the situation, and minimally provide advice as to appropriate response and reporting.

The SENIOR MANAGER, INFORMATION TECHNOLOGY IS AUTHORIZED to assume leadership, responsibility, and control of responses to unauthorized access to ACCESS Services' information technology infrastructure, unauthorized disclosure of electronic information, and computer security breaches regardless of the ACCESS Services office involved. This authority will be exercised if it becomes clear that the department responding does not have the means to react appropriately and/or in a timely manner to a specific incident.

XLV. DEFINITIONS

ACCESS SERVICES INFORMATION TECHNOLOGY RESOURCES or SYSTEMS includes all ACCESS Services-owned computers, peripherals, and related equipment and software; voice communications infrastructure, peripherals, and related equipment and software; data communications infrastructure, peripherals, and related equipment and software; and all other associated tools, instruments, and facilities as well as cloud based computing resources. Included in this definition are office technologies; computing and electronic communication devices and services, including modems; electronic mail; phones; voice mail; facsimile machines, multimedia and hyper media equipment and related supporting devices or technologies. The components may be individually controlled (e.g., assigned to an employee) or shared single-user or multi-user, and they may be stand-alone or networked.

SECURITY BREACH -- any successful unauthorized access to an ACCESS Services computer or system or network.

ACCESS SERVICES-OWNED COMPUTING RESOURCES -- computer and computer-related equipment acquired and maintained all or in part by funds through ACCESS Services.

SYSTEMATIC UNSUCCESSFUL ATTEMPTS -- continual probes, scans, or login attempts, where the perpetrators obvious intent is to discover a vulnerability and inappropriately access that device.

RESPONSE COMMENSURATE WITH THE RISK TO OPERATIONS AND DATA - technician reaction to reported security vulnerability should directly correspond to the potential for damage to the local system (or adjacent systems) or inappropriate disclosure or modification of data.
1. Very High Risk - response should be immediate:
   1. Damage to the system or data is occurring, or
   2. Attempts to exploit the vulnerability on that system are occurring, or
   3. The vulnerability is currently being actively exploited against other similar technologies within the ACCESS Services; damage to systems and data is being experienced in those other incidents.

2. High Risk - response should be within 24 hours:
   1. The vulnerability is known to exist on the system;
   2. The exposure is currently being actively exploited against other similar technologies external to the ACCESS Services;
   3. Damage to systems and data is being experienced in those other incidents.

3. Medium Risk - response should be within 48 hours:
   1. The system is susceptible to the vulnerability given that the system is configured incorrectly;
   2. The exposure is currently being actively exploited against other similar technologies external to the ACCESS Services;
   3. There is some potential for damage to systems and data.

4. Low Risk - response should be within 72 hours:
   1. The system is susceptible to the vulnerability given that the system is configured incorrectly;
   2. The exposure is currently being actively exploited against other similar technologies external to the ACCESS Services;
   3. Damage to systems and data is possible but is not considered likely.

XLVI. PROCEDURE

The following are generalized goal-oriented requirements; some may have multiple methods or solutions. Attending to these is important for all systems, but is ABSOLUTELY CRITICAL for those systems that support vital business functions and/or host sensitive personal or agency information.

For a computer system to be managed securely, IT must:

1. Fully understand the sensitivity of the function or operation being supported by the system and the data being stored and/or manipulated on the system.
2. Not choose operating systems that are known as being difficult to maintain and secure.
Security of IT Resources Policy

3. Use technical tools to take an image of any freshly installed operating systems in order to speed recovery in the case of a system compromise.

4. Remove or disable unneeded services and software, especially those that are network-accessible.

5. Log activities on the system:
   a. Successful user logins, including the location from which the logins originated,
   b. Unsuccessful login attempts, including the location from which the attempts originated,
   c. Unsuccessful file access attempts, and
   d. Successful file accesses for files and databases containing sensitive information.

6. Disable or secure remote access from system-to-system.

7. Proactively seek out and apply vendor-supplied fixes necessary to repair security vulnerabilities, within a timeframe commensurate with the level of risk (i.e., within 24 hours for high-risk, with 48 hours for medium-risk, and within 72 hours for low-risk).

8. Encrypt stored sensitive data where possible to minimize disclosure if the system is compromised.

9. Encrypt sensitive data being transmitted to-and-from the system where possible to ensure the data is protected in transit.

10. Deploy encrypted communications methods (e.g., Secure Shell) for user access to the system and for access via privileged accounts (e.g., "root") from other than the console.

11. Technically limit access to local network addresses where possible (e.g., TCP Wrappers) given the function or process being supported.

12. Scan computers for security vulnerabilities using available technical tools:
    a. regularly, at least every 30 days to ensure new vulnerabilities are identified promptly,
    b. immediately after installation/configuration of a new system is completed,
    c. immediately after introduction of a new operating system or an upgrade to a current operating system, and
    d. immediately after installation or upgrade of networking or other system software.

13. Install and maintain anti-virus software on operating systems for which ACCESS Services has licensed such software, and maintain current virus pattern files.

14. Subscribe to vendor and other advisory services applicable to the operating environment being maintained.

15. Periodically visit technical web site to view current bulletins or to obtain recent security guides and other related material.
16. Provide access to only those persons who are otherwise eligible to use ACCESS Services technology resources, and require all users be identified and authenticated before access is allowed.

17. Limit access to needed services to only authorized persons.

18. Use different passwords for privileged accounts ("root", for example) on various systems being maintained by the same technician(s).

19. Perform day-to-day work as a non-privileged user and only use privileged accounts for tasks that require additional capabilities.

20. Ensure that all accounts require a password, and if technically possible, that there are automatic routines (dictionaries, pattern enforcers, etc.) that force the user to choose a good password initially and each time the password expires.

21. Implement a system such that all re-usable passwords are not sent over the network in clear-text, where technically possible.

22. Securely remove data from media once that data and/or device is no longer required, in order to prevent unauthorized disclosure of the data.

For cloud based computing resources, those resources have to be provided in the hosting environments that have been certified to be SSAE 16 and FISMA compliant. Both SSAE 16 and FISMA governs the client data security and client information control.

Intrusion attempts, security breaches, or other technical security incidents perpetrated against agency-owned computing or other information technology resources either attached to an ACCESS Services-operated telecommunications network or freestanding in an agency office must be reported to the SENIOR MANAGER, INFORMATION TECHNOLOGY. IT technicians must:

1. Report any successful security breaches in order to obtain assistance, advice, or (minimally) file in the central incident database.
2. Report any systematic unsuccessful attempts (e.g., login attempts, .probes. or .scans.).
3. Where feasible given the circumstances, reports should be sent as soon as the situation is detected; minimally the report should be sent as soon as possible thereafter.

Upon receiving a report of a security incident, Senior Manager, Information Technology will:

1. Ensure that appropriate information is collected and logged per applicable procedures.
2. Immediately assess actual or potential disclosure or inappropriate access to institutional or personal information.
3. Report the situation to the Senior Manager, Information Technology
4. Consult with and/or assign the incident to a network engineer or system engineer for further investigation as necessary.
5. Provide preliminary advice or comment to the functional technician as required.
6. Initiate steps to warn other ACCESS Services technicians if it appears that the situation has the potential to affect other agency systems as well.
7. Perform or assist in any subsequent investigation and/or perform computer forensics as required.

Upon receiving a report of a security incident, the Senior Manager, Information Technology will:

1. If circumstances dictate, contact the director/manager of the department involved.
2. If circumstances dictate, report and/or consult with Chief Operating Officer, Deputy Executive Director, Administration and Safety & Security department.
3. Ensure that appropriate records are filed.
4. Confirm actual or probable disclosure or inappropriate access to agency or personal information.
5. Invoke formal incident response procedures commensurate with the situation.

The functional technician managing a system that has been compromised is ultimately responsible for making the determination if the system will be only restored and operations resumed, or if pursuit of the perpetrator is feasible and appropriate based on possible continued effect on operations. Such investigation may be requested by law enforcement, and Legal Counsel must be consulted to see if any such request is legally binding before a contrary decision is made to only recover the system and restore the service.

In order to protect ACCESS Services data and systems, as well as to protect threatened systems external to the ACCESS Services, the Information Technology department may place limits or restrictions on technology services provided on or from any ACCESS Services-owned or -managed system and network.

- Limitations may be implemented through the use of policies, standards, and/or technical methods, and could include (but may not be limited to) usage eligibility rules, password requirements, or restricting or blocking certain protocols or use of certain applications known to cause security problems.
Restrictions may be deployed permanently based on continuing threat or risk after appropriate consultation with affected constituents, or they may be deployed temporarily, without prior coordination, in response to an immediate and serious threat.

Restrictions deployed temporarily will be removed when the risk is mitigated to an acceptable level.

In order to protect ACCESS Services data and systems, as well as to protect threatened systems external to the ACCESS Services, the Information Technology department may unilaterally choose to virtually isolate a specific ACCESS Services system from ACCESS Services internal or external networks, given:

1. Advance consultation with the appropriate departmental director, where practical and where circumstances warrant.
2. Information in-hand reasonably points to the system as having been compromised.
3. There is ongoing activity associated with the system that is causing or will cause damage to other ACCESS Services systems or data or to assets of other internal or external agencies, or where there is a medium-to-high risk of such damage occurring.
4. All reasonable attempts have been made to contact the responsible departmental management, or such contact has been made the departmental management is unable to or choose not to resolve the problem in a reasonable time.
5. Isolation is removed when the risk is mitigated to an acceptable level, or where loss of access or function caused by the isolation approaches or exceeds risk associated with the threat, as negotiated between the responsible departmental director and the Senior Manager, Information Technology.

Reports of security incidents should be sent to Senior Manager, Information Technology.

XLVII. EXCEPTIONS

Not Applicable.
XLVIII. PROVISIONS AND CONDITIONS

Not Applicable.

XLIX. RELATED DOCUMENTS

This policy has referenced to the following materials:

N. Privacy Act of 1974, as amended
O. Federal Information Security Management Act (FISMA)
P. California Office of Privacy Protection
Q. National Institute of Standards and Technology, Computer Security Resource Center, Cybersecurity Framework
R. American Institute of Certified Public Accountants Statements on Standards for Attestation Engagements (SSAE)

END OF POLICY

ATTACHMENTS

None
Access reserves the right, with or without notice prior notice, from time to time and in its sole discretion, to change, rescind or add to any policies, programs or practices described herein, other than the employment-at-will policy and the arbitration policy. The employment-at-will policy and/or the arbitration policy may only be changed by a fully executed written agreement between Access and the affected parties. Access will advise employees of material changes in its policies within a reasonable time.
FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE: CONSIDERATION TO EXTEND STATE ADVOCACY CONTRACT - JOE A. GONSAVES AND SON (AS-2796)

ISSUE:

The five-year contract with Joe A. Gonsalves and Son ("Gonsalves") for state advocacy services (AS-2796) expires on March 31, 2015. Board approval is required to renew the contract for another five-year term.

RECOMMENDATION:

Authorize a renewal of Contract No. AS-2796 for a period of five years, beginning April 1, 2015 until March 31, 2020 with no change in the rates of compensation. Gonsalves will continue to charge Access a $5,000 monthly retainer not to exceed $61,800 per year.

IMPACT ON BUDGET:

There are funds in the current year budget to pay for this extension and, if the extension is approved by the Board, funds will be included in the FY 2016 budget. The funding for these services comes from Prop C Discretionary Funds.

ALTERNATIVES CONSIDERED:

Staff has been pleased with the responsiveness and results during the contract and did not consider any alternatives.

Staff feels this decision is justified for the following reasons:

- Gonsalves has performed at an extremely high level during the term of this contract. The firm’s many accomplishments are outlined in the following section.
• Staff believes that bringing in a new advocate could negatively affect the agency’s efforts in Sacramento given that Gonsalves has developed an expertise and familiarity with Access Services and ADA paratransit.
• Gonsalves has agreed to keep its rate the same and staff has determined that the rate continues to be reasonable.

BACKGROUND:

Joe A. Gonsalves & Son was founded by Joe A. Gonsalves in 1975. Joe served as a member of the California State Assembly from 1962 through 1974. The firm is now run by his son, Anthony, and his grandsons, Jason and Paul. Access’ primary contact is Jason Gonsalves, who joined the firm in 1998.

Since they started working with Access, Gonsalves has had numerous accomplishments:

• In 2008, Gonsalves placed Access Services’ “public agency” proposal into an omnibus bill (SB 1124), which ultimately became law. This proposal clarified Access’ status under state law by codifying a recent court decision that concluded that Access is a “public entity.” This change has saved Access a substantial amount of money in litigation costs since the question of Access’ status under state law has now been put to rest.

• The following year, in 2009, Access was involved in a disagreement with the Department of Motor Vehicles about whether our vehicles were allowed to have Exempt License plates, which are available to public entities. (Exempt Plates have far lower fees than regular plates and also do not have to be renewed every year which reduces the administrative burden on Access.) In order to clarify the law and minimize confusion in the future, Gonsalves inserted some language that we had drafted into an omnibus bill, SB 734, which was signed into law. This change has saved Access tens of thousands of dollars annually in reduced DMV fees.

• In 2013, Gonsalves was instrumental in passing AB 971, authored by Assemblymember Cristina Garcia, which clarified that Access is allowed to legally review background checks conducted by its contractors to ensure the safety of Access customers. Before the change, the law was ambiguous about whether Access had the right to review contractor background checks.

• Throughout the term of the contract, Gonsalves has handled various issues with a number of state legislators, saving staff the cost in time and money of traveling to Sacramento.

• Gonsalves continues to monitor and track all legislation and regulations that may affect Access Services’ funding, administration, and/or operations. When an issue emerges, Gonsalves is able to effectively communicate Access’ views to the appropriate elected officials and their staff.
Gonsalves helped us look into the possibility of renting space from CALTRANS at their new building in downtown Los Angeles. It was ultimately determined that another state agency wanted to use the space.

Looking forward, staff will continue to work with Gonsalves on:

- Securing additional sources of funding for Access’ capital and operating needs as opportunities arise at the state level.
- Raising Access’ profile in Sacramento to ensure that state lawmakers are familiar with Access Services and understand the effects of state polices on ADA paratransit agencies like Access. For example, cuts to transportation funding for California’s regional centers has led to significantly increased demand for the services that Access provides.
- Legislation as needed to support Access’ operations.
- Responding quickly to any inquiries from state lawmakers and their staff.

**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 written contract with Joe A. Gonsalves and Son for consulting services on 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 and approved as to form by this entity’s legal counsel.
FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR OF PLANNING AND GOVERNMENTAL AFFAIRS

RE: CONSIDERATION TO APPROVE LOCAL ADVOCACY CONTRACT - DAVID GERSHWIN CONSULTING (AS-3867)

ISSUE:

The five-year contract with Cerrell Associates (“Cerrell”) for local advocacy and communications services (AS-2796) expires on April 30, 2015. Given that this contract was mainly performed by David Gershwin Consulting under a subcontract to Cerrell, staff is proposing to contract directly with Mr. Gershwin and his firm.

RECOMMENDATION:

Approve the award of a sole source consulting services contract (AS-3867) to David Gershwin Consulting for the period May 1, 2015 through April 30, 2020 with no change in the rates of compensation. The contract rate would be $4,500 per month in all five years of the contract.

IMPACT ON BUDGET:

There are funds in the current year budget to pay for this extension and, if the extension is approved by the Board, funds will be included in the FY 2016 budget. The funding for these services comes from Prop C Discretionary Funds.

ALTERNATIVES CONSIDERED:

Staff continues to be pleased with the responsiveness and results during the contract and did not consider any alternatives.

Staff feels this decision is justified for the following reasons:

- David Gershwin, who has been Access’ primary consultant under this contract, has performed at an extremely high level during the term of this contract. David’s many accomplishments are outlined in the following section.
• Staff believes that bringing in a new advocate could negatively affect the agency’s efforts locally given that Mr. Gershwin has developed an expertise and familiarity with Access Services and ADA paratransit.

• Mr. Gershwin has agreed to keep his rate the same and staff has determined that the rate continues to be reasonable.

BACKGROUND:

In 2010, Access entered into a contract with Cerrell Associates for local advocacy and communications/media relations services. Access Services’ main contact at Cerrell Associates was Mr. David Gershwin who, shortly after the start of this contract, started his own advocacy and communications firm, David Gershwin Consulting. Mr. Gershwin continued to work with Access under a subcontract to Cerrell Associates. At this time, staff believes it makes more sense to contract directly with Mr. Gershwin’s firm.

Mr. Gershwin has nearly two decades of experience in Los Angeles city politics and local government. He most recently served as Chief of Staff to now Mayor Eric Garcetti when the Mayor served as the President of the Los Angeles City Council. Before working with Mr. Garcetti, Mr. Gershwin served as Communications Director for then Council President Alex Padilla.

Staff has been pleased with the work of Mr. Gershwin over the last five years. He has helped improve the Agency’s relationship with local elected officials, particularly from the City of Los Angeles, and also helped with emergency preparedness and various media relations activities.

Mr. Gershwin’s accomplishments include the following:

Advocacy Efforts

• Mr. Gershwin has helped raise Access’ profile and establish a positive dialogue with Mayor Antonio Villaraigosa’s and now Mayor Garcetti’s office and the offices of Los Angeles City Councilmembers and other elected officials. We have had numerous meetings with elected officials and key staff members to help them learn more about Access Services and also to listen and respond to any concerns they may have about our agency. These meetings have led to a number of invitations to speak at constituent events and regional meetings such as the San Fernando Valley Council of Governments.

• One of the main topics of discussion over the last few years has been the importance of maintaining robust services for people with disabilities, specifically as it relates to transportation options beyond Access Services. The existence of City Ride (in Los Angeles) and other programs in other cities helps give people with disabilities other options and reduces demand on Access Services.
• On a number of occasions, Mr. Gershwin has helped Access staff work with local political offices and other entities on issues related to Access’ operations or the needs of specific Access customers. Most recently, at the request of an Access customer, Mr. Gershwin helped Access staff obtain a stand sign location at the Grove shopping center in Los Angeles. He is also helping facilitate discussions with the Farmer’s Market for the same purpose.

• At the start of the contract, in conjunction with community members Daniel Garcia and Michael Arrigo and Board Member Theresa DeVera, Mr. Gershwin worked with key staff at Los Angeles International Airport (LAX) to advocate for and ultimately place stand signs with the Access logo at pickup points outside of baggage claim. This has helped significantly improve pick-ups for our customers at LAX.

Communications/Media Relations

• Mr. Gershwin has helped generate positive media coverage for Access events like the Access Roadeo. He also helps staff facilitate and prepare for interviews with various media outlets. Currently staff is working with a Korean news station on a profile of Access Services that will be shown in the Los Angeles and South Korean markets.

• He is also “on call” in the event of any emergencies and has drafted a number of press releases, most recently for the 2014 Colby Fire that advised the media about Access service suspensions in the affected areas.

• Mr. Gershwin has conducted media trainings with Executive staff that were well-received. The trainings looked at past coverage of Access and discussed how best to respond to future media inquiries. There are plans to hold additional trainings for both Access and contractor staff.

• Mr. Gershwin has also worked with staff during various Public Information Officer (PIO) emergency preparedness activities and tabletop exercises.

Going forward, staff will continue to work with Mr. Gershwin on:

• Continuing to raise the profile of Access Services with local elected officials and their staff to ensure they understand what Access Services does for their constituents and to address any issues of concern.

• Working with larger public and private entities as needed on issues of concern. Specifically, work to place stand signs at other regional destinations.

• Monitoring local government agendas throughout Los Angeles County for items that may affect Access Services and its customers.

• Holding additional media trainings with Access and contractor staff.
• Consulting with the Executive Director and other staff as needed to effectively respond to media inquiries or to generate positive press coverage of Access events or initiatives.

• Working on Public Information Officer (PIO) activities as needed as part of Access’ emergency preparedness activities.

• Helping staff implement a social media policy for the Agency.

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 written contract with David Gershwin Consulting for consulting services on 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 and approved as to form by this entity’s legal counsel.
FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE: CONSIDERATION TO APPROVE FORWARDING PROPOSED BY LAW CHANGES ON ACCESS ANNUAL REPORT TO ACCESS MEMBERSHIP

ISSUE:

Board action is needed to recommend proposed changes to the Amended and Restated By-Laws for Access Services to the Access Membership.

These changes relate to Article XI, which details requirements for the Agency’s Annual Report.

RECOMMENDATION:

Forward the proposed changes to the Access Membership for review.

IMPACT ON BUDGET:

None.

ALTERNATIVES CONSIDERED:

None.

BACKGROUND:

Article XI. states in part:

ARTICLE XI. ANNUAL REPORT

The Board shall cause an annual report to be sent to the members and directors within 120 days after the end of the agency’s fiscal year. That report shall contain the following information, in appropriate detail, for the fiscal year:

A. The assets and liabilities, including the trust funds, of the agency as of the end of the fiscal year.
B. The principal changes in assets and liabilities, including trust funds.

C. The revenue or receipts of the agency, both unrestricted and restricted to particular purposes.

D. The expenses or disbursements of the agency for both general and restricted purposes.

In recent years, because of timing issues related to the California Public Employees' Retirement System (CalPERS), staff has not received audited financial statements in time to meet the 120 day deadline for the Annual Report set out in the By-Laws.

In light of this, staff would like to recommend that the following by-law change be forwarded to the Access membership for review and action:

**ARTICLE XI. ANNUAL REPORT**

The Board shall cause an annual report to be sent to the members and directors annually within 120 days after the end of the agency's fiscal year—30 days after the receipt by Access Services from its outside auditors of its audited financial statements.
FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE: DISCUSSION OF AMENDING AGENCY BY-LAWS TO ALLOW FOR BOARD ALTERNATES

______________________________

ISSUE:

Director Levy has asked the Chair of the Board to agendize an item related to the composition of the Access Services Board of Directors specifically as it relates to having alternates for each Board member.

RECOMMENDATION:

Staff is looking to the Board of Directors for direction.

IMPACT ON BUDGET:

None.

ALTERNATIVES CONSIDERED:

None.

BACKGROUND:

Access Services is governed by a 9-member Board of Directors. While there are provisions in the by-laws for alternates for Member Agency Representatives at membership meetings, no such provisions exist for alternates for the Board of Directors at Board meetings.

It is not uncommon for transit agencies to allow alternates for Board members. However, a number of transit agencies, Metro being the most prominent, do not have alternates for Board members. In the past, Metro had alternates but decided to eliminate them.
There are several arguments in favor of this proposal:

- Having alternates reduces the likelihood that there will not be a quorum because, if a Boardmember is absent, the alternate can always step in.

- Ideally, alternates can serve as “understudies” for Boardmembers so that if a Boardmember were to be absent from a meeting or resign, someone with knowledge of the agency could step in easily. There is often a significant learning curve for a new Boardmember at any agency.

There are also arguments against this proposal:

- In Access’ case, attendance of Boardmembers has always been consistent and it has never been an issue to get a quorum for Board meetings. Therefore it could be argued that such a change is not necessary in Access’ case.

- While, ideally, alternates can serve as understudies to Boardmembers, in practice, alternates, particularly if they are only asked to serve sporadically, may not be as fully informed of the issues as the Boardmember.

- Access’ Boardmembers serve at the pleasure of their various appointing authorities. In theory, a Boardmember who is consistently absent could be replaced by the appointing authority at any time.

- Generally, the duties of a Boardmember may not be delegated. For this reason it is well settled case law that a director of a nonprofit public benefit corporation, such as Access, may not vote at a board meeting by proxy. Corp. Code §5211(c).
FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE: CONSIDERATION TO APPROVE FORWARDING PROPOSED BY-LAW CHANGES ON OFFICERS OF THE AGENCY TO THE ACCESS MEMBERSHIP

ISSUE:

Board action is needed to recommend proposed changes to the Amended and Restated By-Laws for Access Services to the Access Membership.

These changes relate to Article VII, which outlines the roles and responsibilities of the Officers of Access Services.

RECOMMENDATION:

Forward the proposed changes to the Access Membership for review.

IMPACT ON BUDGET:

None.

ALTERNATIVES CONSIDERED:

None.

BACKGROUND:

Article VII - Officers of the Agency refers and outlines the responsibilities of the Deputy Executive Director. Given that this title no longer exists and a similar role is fulfilled by the Chief Operating Officer, staff is recommending that the following changes be forward to the membership for review:
ARTICLE VII. OFFICERS OF THE AGENCY

A. Officers of the Agency.

The officers of the agency shall be a Chairperson, Vice Chairperson, Executive Director, Secretary and Treasurer. The agency may also have, at the Board's discretion, such other officers as may be appointed in accordance with this article of these bylaws. Any number of offices may be held by the same person, except that neither the Secretary nor the Treasurer may serve concurrently as Chairperson.

B. Election of Officers.

The officers of the agency, except those appointed under Article VII, Section C of these bylaws, shall be chosen annually by the Board and shall serve at the pleasure of the Board, subject to the rights, if any, of any officer under any contract of employment.

C. Other Officers.

The Board may appoint and may authorize the Executive Director to appoint any other officers that the corporation may require, including, without limitation, a Deputy Executive Director, Chief Operating Officer. Each officer so appointed shall have the title, hold office for the period, have the authority, and perform the duties specified in the bylaws or determined by the Board.

D. Removal of Officers.

Without prejudice to any rights or an officer under any contract of employment, any officer may be removed with or without cause by the Board and also, if the officer was not chosen by the Board, by any officer on whom the Board may confer that power of removal.

E. Resignation of Officers.

Any officer may resign at any time by giving written notice to the agency. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to the rights, if any, of the agency under any contract to which the officer is a party.

F. Vacancies in Office.

A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for regular appointments to that office, provided, however, that vacancies need not be filled on an annual basis.
G. Responsibilities of the Officers.

1. Chairperson of the Board:

The chairperson shall preside at meetings of the Board and at meetings of the members and shall exercise such other powers and duties as the Board of Directors shall assign from time to time. In the absence of an Executive Director or Deputy Executive Director Chief Operating Officer, the chairperson shall become the chief executive officer of the corporation and, subject to such supervisory powers as the Board may give to the chairperson of the Board, if any, and subject to the control of the Board, shall direct, supervise and control the agency's activities, affairs and officers until such time as an Executive Director is elected.

2. Vice Chairperson of the Board:

If the chairperson is absent or unable to perform the duties of the chair, the vice chairperson shall perform all of the duties of the chairperson. When so acting, the vice chairperson shall have the powers of and be subject to all the restrictions applied on the chairperson. The vice chairperson shall have such other powers and perform such other duties as the Board may prescribe.

3. Executive Director:

The Executive Director shall be the Chief Executive Officer of the agency and, subject to such limits as the Board may place on the supervisory powers of the Executive Director, if any, and subject to the control of the Board, shall direct, supervise and control the agency's day-to-day activities, affairs and non-board appointed officers.

4. Deputy Executive Director Chief Operating Officer:

In the absence or disability of the Executive Director, the Deputy Executive Director Chief Operating Officer, if any, shall perform all the duties of the Executive Director, and when so acting shall have all the powers of, and be subject to all the restrictions upon the Executive Director. The Deputy Executive Director Chief Operating Officer shall have such other powers and perform such other duties as from time to time may be prescribed for them respectively by the Board of Directors, the Bylaws or the Executive Director.

5. Secretary:

   a. Book of Minutes:

The secretary shall keep, or cause to be kept, at the corporation's principal office or other such place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, of committees of the Board and of members'
meetings. The minutes of meetings shall include the time and place that the meeting was held, whether the meeting was annual, regular, or special, and, if special, how authorized, the notice given, the names of those present at Board and committee meetings, and the number of members present or represented at members meetings. The secretary shall keep or cause to be kept, at the principal office in California, a copy of the articles of incorporation and bylaws, as amended to date.

b. Membership Records:

The secretary shall keep or cause to be kept, at the agency’s principal office or at a place determined by resolution of the Board, a record of the agency’s members, showing each member’s name, address, and class of membership.

c. Notices, Seal and Other Duties:

The secretary shall give, or cause to be given, notice of all meetings of members, of the Board and of committees of the Board required by these bylaws to be given. The secretary shall keep the corporate seal in safe custody and shall have such other powers and perform such other duties as the Board or the bylaws may prescribe.

6. Treasurer:

a. Books of Account:

The treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the agency’s properties and transactions. The treasurer shall send or cause to be given to the members and directors such financial statements and reports as are required to be given by law, by these bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

b. Deposit and Disbursement of Money and Valuables:

The treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board may designate, shall disburse the corporation’s funds as the Board may order, shall render to the chairperson of the Board and the Board, when requested, an account of all transactions as treasurer and of the financial condition of the agency, and shall have such other powers and perform such other duties as the Board or the bylaws may prescribe.

c. Disbursement of Funds:

The following signatures shall be required on corporate checks:
(i) The Board of Directors may from time to time open an account or accounts with banks or other financial institutions and shall designate which officers or other designees shall have the authority to execute checks and other items for an on behalf of the agency.

(ii) The Treasurer shall disburse or cause to disburse the funds of the agency with such banks or the financial institutions as designated by the Board of Directors.

The Treasurer shall periodically review or cause to be reviewed the disbursements of funds to ensure that all disbursements are undertaken in a manner consistent with procedures established by or under the authority of the Board of Directors.
ITEM 13

FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE: DISCUSSION OF AMENDING AGENCY BY-LAWS TO ALLOW FOR A BOARD EXECUTIVE COMMITTEE

____________________________

ISSUE:

Director Levy has asked the Chair of the Board to agendize an item related to the composition of the Access Services Board of Directors specifically as it relates to allowing the Board to create an Executive Committee.

RECOMMENDATION:

Staff is looking to the Board of Directors for direction.

IMPACT ON BUDGET:

None.

ALTERNATIVES CONSIDERED:

None.

BACKGROUND:

Director Levy is proposing that the By-Laws be amended to allow the Board of Directors to create an Executive Committee, the function, and purpose of which would be established and changed from time to time by the Board.

The Access By-Laws provide for a 9-member Board of Directors. Every year, the Board elects a Chairperson, Vice Chairperson, Secretary and Treasurer all of whom have specific responsibilities under the By-Laws. There are currently no specific provisions in the By-Laws for creating an Executive Committee.
There are several arguments in favor of this proposal:

- Given the size and scope of Access Services, an Executive Committee of the Board could perform a number of different functions, including the setting of the monthly agenda and perhaps taking more in-depth look at particular issues. The idea would be to improve the governance of the agency by allowing certain Boardmembers to be more closely involved with the running of the agency. Many public entities have different committees (often with a defined scope) that take a first look at staff proposals before they are passed on to the full governing board.

There are also arguments against this proposal:

- The current Board structure is sufficient to provide oversight of the agency and no change is necessary. Board agendas are substantive, but not overwhelmingly so, and meetings usually conclude within their allotted time limit. Staff is not aware of any issues that have not been brought up to the Board because there has been insufficient time to address them at regularly scheduled Board meetings.

- Depending on how the Executive Committee is structured, it could usurp the power of the Chairperson. Currently, the Chairperson, in consultation with the Executive Director, sets the Board agenda. This Executive Committee could usurp that function.

- The Agency currently has standing committees to provide specific input such as CAC, TPAC, Compensation, Budget, and Audit.
ITEM 14

FEBRUARY 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE: CONSIDERATION TO APPROVE FORWARDING PROPOSED BY-LAW CHANGES ON MEMBERSHIP MEETINGS TO THE ACCESS MEMBERSHIP

ISSUE:

Board action is needed to recommend proposed changes to the Amended and Restated By-Laws for Access Services to the Access Membership.

These changes relate to Article V, which outlines how meetings of the Members should be conducted and for what purposes they can be convened.

RECOMMENDATION:

Forward the proposed changes to the Access Membership for review.

IMPACT ON BUDGET:

None.

ALTERNATIVES CONSIDERED:

None.

BACKGROUND:

Recently, Metro appointed director Levy objected to the calling of a special meeting of Access members by the Board for the purpose of informing and obtaining input and advice from Access members regarding the regional Triennial Review findings related to No Shows, Origin to Destination Service and Fares. In doing so Director Levy pointed out that Article V Section C of Access Bylaws limits the purposes for which membership meetings can be held to:

1. Review and advice for the Annual Plan Update,
2. Revision of these bylaws which shall require a majority of the members of two of the three classes of members present at the meeting voting affirmatively, and

3. Establishment of the nominating committees for the local and municipal board members elections.

   All other business activities shall be conducted by the Board of Directors.

To the extent that these provisions can be read as prohibiting the Board from calling a meeting of Members to inform and seek advice and/or consent from the membership, they are too restrictive.

Accordingly, it is proposed that Article V Section C of Access bylaws be amended by adding subsection 4 as follows:

C. Purposes of Meetings

Meetings of members shall be held for the following purposes only:

1. Review and advice for the Annual Plan Update,

2. Revision of these bylaws which shall require a majority of the members of two of the three classes of members present at the meeting voting affirmatively, and

3. Establishment of the nominating committees for the local and municipal board members elections.

4. If called by the Access Board or Chairman of the Board pursuant to Article V Sections D or E 1, informing and/or obtaining the advice and/or consent of the members on matters the Board elects to refer to them for such purpose.
ITEM 15

FEBRUARY 13, 2015

TO:BOARD OF DIRECTORS

FROM:ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE:CONSIDERATION TO APPROVE FORWARDING PROPOSED BY-LAW CHANGES ON MEMBER NOTIFICATION TO THE ACCESS MEMBERSHIP

ISSUE:

Board action is needed to recommend proposed changes to the Amended and Restated By-Laws for Access Services to the Access Membership.

These changes relate to Article V, which outlines how meetings of the Members should be conducted.

RECOMMENDATION:

Forward the proposed changes to the Access Membership for review.

IMPACT ON BUDGET:

None.

ALTERNATIVES CONSIDERED:

None.

BACKGROUND:

The purpose of this proposed amendment is to modernize the Access Bylaws regarding the manner of giving notice to members of membership meetings and conform them to the current provisions of Corporations Code §5511 while maintaining compliance with Brown Act requirements.

Currently Article V, Section F2 of the Access Bylaws provide:

F 2. Manner of Giving Notice:
Notice of any meeting of members shall be in writing and shall be given to each member at least 10 but no more than 90 days before the meeting date. The notice shall be given by first class mail, to each member entitled to vote at the address of that member appearing on the books of the corporation or at the address given by the member to the corporation for purposes of notice. Notice shall also be posted at the Corporation’s primary office at least 72 hours in advance of the Annual Meeting and 24 hours in advance of special meetings.

The following changes and additions to Section F 2 are proposed: such that it reads in its entirety as follows:

F 2. Manner of Giving Notice:

Notice of any meeting of members shall be in writing and shall be given to each member at least 10 but no more than 90 days before the meeting date.. Notice of a meeting of members or any report shall be given personally, by electronic transmission by the corporation as defined in §20 of the corporations Code or its successor, or by mail or other means of written communication, addressed to the member at the address of such member appearing on the books of the corporation or given by the member to the corporation for purpose of notice; or if no such address appears or is given, at the place where the principal office of the corporation is located or by publication at least once in a newspaper of general circulation in the county in which the principal office is located. If any notice or report addressed to a member at the address of such member appearing on the books of the corporation is returned to the corporation by the United States Postal Service marked to indicate that the United States Postal Service is unable to deliver the notice or report to the member at such address, all future notices or reports shall be deemed to have been duly given without further mailing if the same shall be available for the member upon written demand of the member at the principal office of the corporation for a period of one year from the date of the giving of the notice or report to all other members. Notice shall also be posted at the corporation’s primary office at least 72 hours in advance of the Annual Meeting and 24 hours in advance of special meetings.

Notice given by electronic transmission by the corporation under this provision shall be valid only if it complies with Section 20 of the Corporations Code. Notwithstanding the foregoing, notice shall not be given by electronic transmission by the corporation under this subdivision after either of the following:

(1) The corporation is unable to deliver two consecutive notices to the member by that means.

(2) The inability to so deliver the notices to the member becomes known to the secretary, any assistant secretary, the transfer agent, or other person responsible for the giving of the notice.
ITEM 16

February 13, 2015

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR OF PLANNING AND GOVERNMENT AFFAIRS
       JACK GARATE, OPERATIONS ADMINISTRATOR

RE: CONSIDERATION TO APPROVE REVISIONS TO ACCESS SERVICES’ NO SHOW POLICY

ISSUE:

During the 2014 Federal Transit Administration (FTA) Triennial Review process, seven Los Angeles County transit agencies (Torrance Transit, Santa Monica’s Big Blue Bus, Antelope Valley Transit Authority, Santa Clarita, Culver City Bus, Foothill Transit and Los Angeles Metro) received a finding regarding Access Services’ no show and cancellation policies.

RECOMMENDATION:

1. Authorize staff to make the following changes to the no-show policy, effective April 1, 2015:
   - Customers who have five (5) or more no-shows or late cancellations during any single month may be subject to suspension if those no shows exceed 10% of their overall scheduled monthly trips;
   - A 10-day suspension will be given for first offenders followed by a 30-day suspension for every occurrence thereafter;
   - Cancellations for subscription trips will be regarded as no-shows when a customer cancels less than two (2) hours before the scheduled pick-up time;
   - Access will send a notification letter after each no-show starting with the second no-show in a month.

2. Authorize staff to undertake the following customer outreach plan:
   - Update the No-Show Policy on the accessla.org website.
   - Printed Rider’s Guides will have an insert of the revised no-show policy.
• Seat drops will be distributed and placed on all Access Services vehicles starting March 2, 2015.

• Customers who would be deemed eligible for suspension in the month of March will receive a notification of the revised no-show policy rather than be suspended.

**IMPACT ON BUDGET:**

Minimal. Staff believes the policy will continue to effectively mitigate no-shows by continuing to educating customers with the no-show notifications.

**BACKGROUND:**

As discussed above, a number of Los Angeles County transit agencies received a finding that Access’ no show and late cancellation policies were not compliant with new interpretations of federal rules.

The finding is as follows:

*Finding*

**Insufficient no-show policy**

Access Services’ written no-show policy does not take into account frequency of travel prior to suspension. Further, the written policy, which calls for suspending passengers for 10 days after the first occurrence, 30 days for a second occurrence, 60 days for a third occurrence and 90 days for a fourth occurrence of no-shows, does not meet the reasonableness requirement of 49 CFR 37.125(h). Additionally, Access Services treats subscription trips canceled after 10:00pm the night before as no-shows; FTA permits cancellations to be regarded as no-shows only if they are made within one to two hours of the pickup time provided to the passenger.

In formulating a revised policy, staff surveyed a number of transit agencies around the country to see what their no show policies are.

**Current No-Show Policy**

A customer who has six (6) or more no shows in a 60-day period may be suspended from using Access.

**Proposed Policy**

Customers who have five (5) or more no-shows or late cancellations during any single month may be subject to suspension if those no shows exceed 10% of their overall scheduled monthly trips.
<table>
<thead>
<tr>
<th>Finding</th>
<th>Current Policy</th>
<th>Proposed Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency of Travel</td>
<td>6 no-shows in 60 days</td>
<td>1) 5 or more no-shows in a calendar month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) Exceed 10% of total monthly trips</td>
</tr>
<tr>
<td>Length of Suspension</td>
<td>4 Tier Suspension (10, 30, 60, 90 days)</td>
<td>2 Tier Suspension (10, 30 days)</td>
</tr>
<tr>
<td>Subscription Trips</td>
<td>Cancel 10pm day before</td>
<td>Cancel two (2) hours before scheduled</td>
</tr>
<tr>
<td>(late cancellation)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Current and Proposed Customer Notification Policy**

Currently, customers are notified by mail when after they get their 2\textsuperscript{nd}, 4\textsuperscript{th}, 5\textsuperscript{th}, or any subsequent no-show in the previous 60 days.

The proposed no-show policy would send a notification letter after each no-show starting with the second no-show in a month. Customers will continue to have the right and opportunity to protest the assessment of any alleged no-show within fifteen (15) days from the date the notice was sent. Customers also have the right to appeal any suspension as a result of no-shows.

**Public Outreach**

Staff presented these recommendations at the QSS meeting on November 13, 2014. Staff also presented and received approval of these recommendations at the CAC meeting on November 18, 2014 and at the TPAC meeting on December 11, 2014.

In addition, staff presented these recommendations at the Access Services’ Membership informational gathering on December 16, 2014. Staff informed the members that a follow-up presentation, not requiring approval, would be conducted at both the CAC and TPAC before it was presented to the Board of Directors for approval. The follow-up presentations were conducted at the CAC meeting on January 13, 2015 and at the TPAC meeting on January 15, 2015. A final informational presentation was conducted at the CAC on February 10, 2015.

In January 2015, Access staff presented the proposal at community meetings in each of the six service areas. The community meeting feedback was positive.
No-Show Notification Letter

<<SentDate>>

<<CustomerName>><<C/O>>
<<Customer ID>>
<<Address>> <<Apt>>
<<City>>, <<State>> <<Zip>>

RE: Customer No-Show Notification

Dear <<Salutation>> <<LastName>>:

We are writing to inform you that a recent trip resulted in a No-Show. One of the following issues occurred with your last scheduled trip:

- You cancelled a trip less than two (2) hours before the scheduled pick-up time.
- The driver arrived within the 20-minute on-time window, waited 5- minutes, and was unable to locate you.

We encourage you to cancel your scheduled trips when you are unable to or no longer want to take the trip. When riders don’t show up for their scheduled rides, time and valuable resources are wasted that could have helped other riders get to their destinations. If a No-Show is due to circumstances beyond your control, you may request that it be removed from your record. You have fifteen (15) days from the date this letter was issued to contact Access Customer Service at 1-800-827-0829 or TTY 1-800-827-1359, Monday through Friday between 8am and 5pm.

We want to remind you that a customer may be suspended from using Access and lose their standing order reservations if they accumulate 5 or more no-shows within a calendar month and their no-shows exceed more than 10% of their overall trips taken within the same calendar month.
A review of your trips shows that, in the calendar month, you have the following No-Show trips.

<table>
<thead>
<tr>
<th>Scheduled Pick-Up Time</th>
<th>Pick-Up Address</th>
<th>Arrival Time</th>
<th>Cancel Time</th>
<th>No Show Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;ns1&gt;</td>
<td>&lt;ns1a&gt;</td>
<td>&lt;ns1b&gt;</td>
<td>&lt;ns1c&gt;</td>
<td>&lt;ns1d&gt;</td>
</tr>
<tr>
<td>&lt;ns2&gt;</td>
<td>&lt;ns2a&gt;</td>
<td>&lt;ns2b&gt;</td>
<td>&lt;ns2c&gt;</td>
<td>&lt;ns2d&gt;</td>
</tr>
<tr>
<td>&lt;ns3&gt;</td>
<td>&lt;ns3a&gt;</td>
<td>&lt;ns3b&gt;</td>
<td>&lt;ns3c&gt;</td>
<td>&lt;ns3d&gt;</td>
</tr>
<tr>
<td>&lt;ns4&gt;</td>
<td>&lt;ns4a&gt;</td>
<td>&lt;ns4b&gt;</td>
<td>&lt;ns4c&gt;</td>
<td>&lt;ns4d&gt;</td>
</tr>
<tr>
<td>&lt;ns5&gt;</td>
<td>&lt;ns5a&gt;</td>
<td>&lt;ns5b&gt;</td>
<td>&lt;ns5c&gt;</td>
<td>&lt;ns5d&gt;</td>
</tr>
</tbody>
</table>

If you would like to discuss or explain any of the No-Show trips listed above, please call Access Customer Service at 1-800-827-0829 or TTY 1-800-827-1359, Monday through Friday between 8am and 5pm.

Thank you in advance for helping to improve the efficiency and quality of our service.

Sincerely,

Access Services

127
Rider’s Guide Insert  
(Effective April 1, 2015)

Understanding ‘Rider No-Shows’: When riders don’t show up for their scheduled rides, time and valuable resources are wasted that could have helped other riders get to their destinations. If you are a No-Show, you will receive a written notice. A person who has five (5) or more no-shows in a calendar month and their no-shows exceed more than 10% of their overall trips taken within the same calendar month may be suspended from using Access.

The following situations are considered Rider No-Shows:
- When a customer cancels a trip less than two (2) hours before the scheduled pick-up time.
- When the driver arrives within the 20-minute on-time window, waits 5- minutes, and is unable to locate the customer at the scheduled pick-up.

The following situation is not considered a Rider No-Show:
- The driver arrives after your 20-minute pick-up window, and you call to cancel the trip.

If your failure to show up or cancel in time was not your fault, you may call Access Customer Service to explain what happened. You also have the right to appeal or dispute any No-Show decision.

Standing Order Rides

Canceling Your Standing Order: If you must cancel your Standing Order trip, please call the reservation number at least two (2) hours before your scheduled pick-up. Otherwise you will be counted as a No-Show.

You may cancel a Standing Order ride for as many as 30 days in a row. Once you have reached the 31st day, the Standing Order for that ride will be permanently canceled.
Revised No-Show Policy Seat Drop  
(Effective April 1, 2015)

What is a No-Show?  
A No-Show occurs when:
- The driver arrives within the 20 minute on-time window, waits 5 minutes, and is unable to locate the customer at the scheduled pick-up;
- A customer cancels a trip less than two (2) hours before the scheduled pick-up time.

A customer may be suspended when:
1. A customer accumulates five (5) or more no-shows in a calendar month, and
2. The total number of no-shows exceeds ten (10%) percent of the total monthly trips completed.

Notification of a No-Show:  
Customers will be sent a notification letter after the 2\textsuperscript{nd} No Show reminding them of the No-Show Policy that may result in his/her Access privileges being suspended, and informing them of the total number of no-shows that they have accumulated within the calendar month.

Example A:
- A customer takes twenty (20) trips in the month and five (5) of them are no-shows;
- No Show rate equals twenty-five (25%) percent;
- A customer may be suspended from using Access.

Can a No-Show be contested?  
You may contest a no-show when a no-show or late cancellation is due to circumstances beyond your control.  You have fifteen days from the receipt of any notice to appeal a No Show or possible suspension.

Example B:
- A customer takes seventy (70) trips in the month and seven (7) of them are no-shows;
- No Show rate equals ten (10%) percent;
- The customer will not be suspended from Access Services.
February 13, 2015

TO: BOARD OF DIRECTORS

FROM: SHELLY VERRINDER, EXECUTIVE DIRECTOR ANDRE COLAIACI, DEPUTY EXECUTIVE DIRECTOR OF PLANNING AND GOVERNMENTAL AFFAIRS

RE: CONSIDERATION TO APPROVE FORWARDING DRAFT ORIGIN TO DESTINATION POLICY FOR PUBLIC HEARING AND ADVISORY COMMITTEE INPUT

ISSUE:

Staff has been working with the Origin to Destination Ad Hoc Working Group on developing a policy on Origin to Destination.

Staff would like preliminary feedback from the Board at this time on this proposal (attached).

The proposal will then be presented at the following:

- Public Hearing March 9, 2015
- Community Advisory Committee (CAC) March 10, 2015
- Transportation Professionals Advisory Committee (TPAC) March 12, 2015

In addition, staff will also present the proposal at the March meetings of the Bus Operations Subcommittee (BOS), the Local Transit Systems Subcommittee (LTSS), the Los Angeles County General Manager’s Group and the March meetings of the City and County Commissions on Disabilities.

A final proposal will be brought to the Board in March and then to the Members at the Access Annual meeting in April.

RECOMMENDATION:

Approve the draft policy to be distributed to the Community Advisory Committee, Transportation Professionals Advisory Committees, Public Hearing, and various community and transportation committees for input and discussion.
IMPACT ON BUDGET:

Unknown at this time. After consulting with other transit agencies around the country, staff believes that previous cost projections as developed by HDR are too speculative and the region would benefit from a more in-depth study of the costs of this service. Given that other transit agencies have made the transition from a pure curb-to-curb system to an “origin to destination” system, there is now enough data to come to a reasonably accurate cost estimate. However, given the Agency’s goal to implement this service by July 1, 2015 HDR may only be able to give an estimate for our initial funding request for FY 15-16. A poll of 20,000 eligible Access riders will be conducted during the week of February 17th to get an understanding of the interest in beyond the curb service and what percentage of riders may use the new service.

BACKGROUND:

Every year, the Federal Transit Administration (FTA) conducts Triennial Reviews of certain transit agencies who receive federal funds to ensure they are complying with various federal laws and regulations. During the 2013 and 2014 Triennial Review cycles and, in the case of Access, the 2013 State Management Review cycle, the FTA found that Access did not provide “Origin to Destination” service to its customers. While Access has always operated a curb-to-curb, paratransit system and its FTA approved paratransit plan provides for that form of service, the FTA now maintains that service must be provided beyond the curb for passengers whose disabilities may require such assistance in order to reach their destination or leave their point of origin.

Currently, Access Services and 10 Access Services member agencies (Gardena Bus Lines, Long Beach Transit, Beach Cities Transit, Torrance Transit, Santa Monica’s Big Blue Bus, Antelope Valley Transit Authority, Santa Clarita Transit, Culver City Bus, Foothill Transit, and Metro) have received a FTA finding that Access is not providing Origin to Destination service.

Given this, it has been necessary for the region to once again have a dialogue regarding curb-to-curb versus origin-to-destination and then follow a public participation process. The last time the region discussed significant changes to Access’ service model was in 2002 and 2003 when it was decided to move from a same day service model to a next day service model. At that time, an ad hoc group was created and staff believes it was a constructive way for all the stakeholders to come to an agreement on how to make major changes to the Los Angeles County paratransit system.

In January and February, there have been three meetings of the Ad Hoc Working Group on Origin to Destination. This group, comprised of customers, advocates, contractors and member agency representatives, has had excellent discussions about how this new service should be implemented.
The main discussions have centered on the following:

- While the group unanimously approved the concept about having the driver maintain the vehicle in her or her line of sight, there was debate about how far the driver should be allowed to go from the vehicle. Access staff believes that 60 feet is a reasonable distance given that it allows assistance beyond the curb to most doors while still keeping the driver close enough to the vehicle to respond to any issues involving other customers who have been left on the vehicle. San Diego has implemented a 60-foot distance for their Origin to Destination policy and their staff report that it is working well operationally.

- There was also debate within the group about whether Access should have an eligibility process to determine whether an individual is eligible for Origin to Destination Service. Some participants felt the service should be available to every customer and that very few other transit agencies around the country make customers go through an eligibility process to receive this additional service.

- Access staff believes that the 2005 Department of Transportation guidance on this issue clearly allows transit agencies to use an eligibility process to determine whether an individual is eligible for Origin to Destination service and makes clear that not every Complementary ADA Paratransit rider will be eligible for the service. Staff has confirmed its understanding verbally with Federal Transit Administration officials.

- Staff believes that utilizing an eligibility process will help guarantee that only those individuals who truly need this service on a regular or occasional basis are eligible. Furthermore, in accordance with the 2005 DOT Guidance, any customer will still be able to request this additional assistance during their trip and our contractors will make their best efforts to accommodate them.
ORIGIN-TO-DESTINATION POLICY

The basic mode of transportation for Access ADA paratransit is curb-to-curb service. Under appropriate circumstances, Access will provide assistance beyond the curb to some customers or at some locations. Access intends to market this service as “Beyond the Curb” service (also known as Origin-to-Destination Service) to differentiate it from the baseline ADA paratransit service.

Although we will provide additional assistance beyond the curb, it is important to remember that Access is not a medical transportation service. If a customer’s medical condition prevents them from independently navigating public transit systems such as Access Services, we strongly recommend that a Personal Care Assistant accompany the customer. Personal Care Assistants do not have to pay a fare on Access Services.

Eligibility
Customers who require Beyond the Curb service regularly, or occasionally, must be found eligible for the service during the eligibility process. For new Access applicants, customers will be evaluated for Beyond the Curb service during the initial eligibility process.

Current customers can apply for Beyond the Curb service by calling Customer Service and requesting an application. The application form will be reviewed by an Access eligibility contractor. On occasion, after submitting the paper application, the customer may be asked to go to the eligibility center to be evaluated in person for Beyond the Curb service. Current customers will receive a grace period to use Beyond the Curb service while their application is being reviewed and can, during this period, merely request it during the trip reservation process.

Eligibility will be based upon whether or not the rider is, because of their disability, prevented from using the curb-to-curb paratransit system for a ride they wish to take.

Operations
Eligible customers can request Beyond the Curb service during reservations. Contractors will make their best effort to accommodate requests not made during reservations (e.g. on the vehicle) by any customer, whether eligible or not eligible. Access cannot fulfill requests that fundamentally alter the nature of the service (e.g. door through door service).

The safety of our customers and our drivers is of primary importance and Access will not provide Beyond the Curb service if the driver feels that it is unsafe. While providing assistance beyond the curb, drivers must maintain visual contact of the vehicle at all times and must be able to park and secure the vehicle safely (e.g. no
parking on red curbs, no double parking). This service does not change Access’ current policy related to alleys, driveways, and gated communities. The driver will NOT:

- Leave the vehicle beyond 60 feet;
- Enter any doors or gates;
- Assist with packages that exceed our current package policy;
- Assist beyond the ground level of any building or apartment;
- Enter any private residence or buildings.

In order to continue to provide efficient service to all of our customers, Access asks that customers continue to meet the driver outside of their residence or building. Per current policy, the driver will dwell for no more than five (5) minutes once arriving at a pick-up or drop-off location.
JANUARY 2, 2015

TO: BOARD OF DIRECTORS

FROM: MATHEW AVANCENA, MANAGER OF PLANNING AND COORDINATION

RE: STATUS UPDATE ON METRO’S REVIEW OF ACCESS SERVICES

ISSUE:

In June 2013, the Metro Board of Directors authorized an independent review of Access Services. The final report contained 13 findings which resulted in 12 recommendations including Access’ Management Response to the recommendations. To date, nine of the recommendations have been closed.

Recommendations # 7, 10 and 11 which address recommendations related to 1) industry best practices, 2) the feasibility of centralized reservation and; 3) alternatives to the current service delivery model will be studied in a series of upcoming comprehensive operational reviews (COR) of Access Services. These reviews will be performed by outside consulting firms. The RFPs for Customer Service and Eligibility was issued in November 2014 and awarded on January 2015. The review of the Operational Policies and Procedures is still being developed and expected to be completed in the near future.

The findings and associated recommendations are detailed in the Metro Staff Report and Final Review located on www.accessla.org.

Access staff will be updating the Board on a monthly basis on progress on implementing the remaining recommendations that are still open.

RECOMMENDATION:

Receive and File.
STATUS REPORT ON THE IMPLEMENTATION OF THE AUDIT RECOMMENDATIONS

Recommendation #1 - CLOSED in August 2014
Access Services staff should present its future customer service survey to Access Services’ Advisory Committees and Metro's Civil Rights for review and input, make additional improvements to the survey procurement and sampling plan, and establish a more formal follow-up process.

Jan - 14 The report was discussed and placed under Receive and File by the Metro Subcommittees with the understanding that an independent survey and a series of Town Hall meeting with Access customers will be conducted over the next few months. Access received a letter from the audit firm conducting the outreach on March 5, 2014.

April - 14 The consulting firm retained by Metro MASD (Bazilio Cobb and Associates) started conducting phone customer surveys the week of April 14th. The town hall meetings are scheduled to take place on May 5th, 6th and 7th. Access will close this recommendation at the conclusion of the town hall meetings.

May - 14 The phone customer surveys have been completed and results are being tabulated. The Town Hall meetings were completed as scheduled. A final report of the survey responses will be shared with the Board in June/July 2014.

June - 14 The final report on the phone survey responses and town hall meetings is scheduled to be presented at the June 2014 Metro Board of Directors meeting. A presentation to the Access Board of Directors is scheduled for August 2014.

August-14 Staff is scheduled to present the phone survey results at the August 2014 Board meeting along with an action plan to address issues identified in the survey. Staff would like to close this recommendation at the end of August.

CLOSED in August 2014

Recommendation #2 - CLOSED in February 2014:
Access Services should refine their ridership demand projections to provide more accurate estimates of demand by service area.

Jan - 14 Access has already implemented this recommendation. The consulting firm that conducts Access’ ADA paratransit demand forecasting (HDR Engineering, Inc.) already incorporates a multi-regional forecasting model to provide more accurate ridership projections.

CLOSED
Recommendation #3 - CLOSED in August 2014

Access Services should consider screening potential travel training clients to recruit high-use Access Services riders and/or riders who may be best able to utilize fixed route services.

| Jan - 14 | Access has already begun contacting customers who take frequent, short trips to see if they would be interested in Travel Training. |
| April - 14 | Access’ Travel Training contractor Mobility Management Partners (MMP) has already contacted high use riders to offer them travel training. To date over 202 customers were called and offered training. As this effort is on-going, Access will close this recommendation at the end of April. |
| May - 14 | CLOSED |
| June - 14 | Director Levy asked to re-open this recommendation pending additional data on high use riders who have been contacted and offered Travel Training. Access Services provided MMP with a list of the highest volume of “short trip” users during the month of September 2013. A short trip was defined as less than two miles one-way. The list contained a total of 2,894 users. Out of the riders on this list, the number of short trips taken per month ranged as follows: |

<table>
<thead>
<tr>
<th>Number of Short Trips</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 or more trips</td>
<td>202</td>
<td>7%</td>
</tr>
<tr>
<td>7 - 11 trips</td>
<td>235</td>
<td>8%</td>
</tr>
<tr>
<td>6 trips or less</td>
<td>2,457</td>
<td>85%</td>
</tr>
</tbody>
</table>

Between November 2013 and February 2014 MMP attempted to contact the 202 highest users of short trips to present the travel training program. The results were as follows:

<table>
<thead>
<tr>
<th>Contact Results</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No response</td>
<td>107</td>
<td>53%</td>
</tr>
<tr>
<td>Not interested - medical concerns</td>
<td>53</td>
<td>26%</td>
</tr>
<tr>
<td>Not interested - no reason given</td>
<td>26</td>
<td>13%</td>
</tr>
<tr>
<td>Interested</td>
<td>8</td>
<td>4%</td>
</tr>
<tr>
<td>Maybe later</td>
<td>6</td>
<td>3%</td>
</tr>
<tr>
<td>Have already been trained</td>
<td>2</td>
<td>1%</td>
</tr>
</tbody>
</table>
Two attempts were made by leaving messages and no return call was received.

Applications were provided for the 8 riders showing interest in the program, and to date none have resulted in assessments and/or trainings. Access will ask MMP to further evaluate the list and continue to make calls to the 8% of riders who have taken between 7-11 trips.

<table>
<thead>
<tr>
<th>August-14</th>
<th>As time allows, Access and MMP staff will call the remaining high use riders from the original list and offer them travel training. Since staff would like to make this a continuous component of the Travel Training program, staff would like to close this recommendation going forward.</th>
</tr>
</thead>
</table>

**Closed in August 2014**

**Recommendation #4 - Closed in August 2014:**

Access Services should consider using the Transit Evaluation Center to offer more cost effective trainings to a larger group of participants.

| Jan-14 | Access will be undertaking a review of this recommendation in the near future. |
| April-14 | Access will be discussing group travel training sessions with its contractor and will include funding in the FY 2015 budget. |
| May-14 | Staff has contacted its travel training contractor to discuss cost options for group travel training. Staff has included funding in the FY 2015 budget. |
| June-14 | Staff has budgeted funds in the proposed FY 2015 budget for group travel training. |
| August-14 | Staff has budgeted funds in the FY 2015 budget for group travel training. Staff will work with the contractor to start group travel training sessions no later than Fall 2014. Therefore, staff would like to close this recommendation going forward. |

**Closed in August 2014**
**Recommendation #5 - CLOSED in August 2014:**

Access Services should require a more accurate and reliable evaluation of the Travel Training Program.

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan - 14</td>
<td>Access will be undertaking a review of this recommendation in the near future.</td>
</tr>
<tr>
<td>April - 14</td>
<td>Access will be working with its travel training contractor to develop a methodology to demonstrate the overall effectiveness of the travel training program in diverting riders from Access to fixed route transportation.</td>
</tr>
<tr>
<td>May - 14</td>
<td>The travel training contractor has developed and presented a proposed methodology to demonstrate the cost savings of the travel training program. Staff will review the proposed methodology and other cost/benefit models utilized in the industry.</td>
</tr>
<tr>
<td>June-14</td>
<td>Since there is no universally accepted formula to determine cost savings, it is common for other agencies that offer travel training programs to adopt different approaches to determine cost savings. Access Services has approached Easter Seals Project Action for assistance on best practices on evaluating Travel Training Programs.</td>
</tr>
</tbody>
</table>

The methodology is based on a number of assumptions:

MMP performs follow-up interviews with clients at one week, one month, two months and six months after the training program is completed. During these interviews, participants are asked how many one-way trips they have taken on public transit instead of using Access Services during the time since they completed their training.

Based on follow-up with participants who have recently completed the program, riders who have been trained are using fixed route transit for an average of 7 one-way trips per month. These are believed to be conservative numbers.

Had these same riders not been trained, they would have used Access Services to take the same seven (7) one-way trips.

The average cost savings per trip diverted to fixed route is $31.33 (the difference between the average cost per trip on fixed route and the average cost per trip on Access).

Based on these assumptions, the Access Travel Training Program provides training to 250 individuals per year, or 21 trainings per month on the average. The cost per training is approximately $2,000, resulting in a monthly cost of roughly $42,000 to maintain the program. It is important to note that savings are cumulative, in that as more individuals are trained, the number of trips...
diverted monthly continues to grow. For example, after one month of training, 21 individuals have been trained and 147 trips are being diverted to fixed route on a monthly basis. After 12 months of training, 250 individuals have been trained and 1,750 trips monthly are being diverted to fixed route, and so on.

After one full year, the ongoing monthly savings resulting from the program has increased to $54,828 ($31.33 x 1,750). Offset by the monthly cost of $42,000, this now shows a net savings of $12,828 per month moving forward. These savings continue to grow as more individuals are trained, resulting in over $5.6 million in cumulative savings by the completion of the 5th year of the project, or an average savings of $1.1 million per year. These are net savings after accounting for the cost of the program.

| August-14 | Staff has approached Easter Seals Project Action (ESPA) for assistance on best practices on evaluating Travel Training Programs. ESPA staff indicated that MMP’s methodology to project cost-benefit is common among agencies that offer these programs. ESPA staff also suggests reviewing actual fixed route trip data to validate customer travel usage. Based on ESPA and Director Levy’s suggestion, Access has reviewed TAP data on customers who have been through the travel training program. Based on an analysis of customer TAP data from July 2013 through May 2014, customers’ fixed route usage confirms MMP’s methodology to demonstrate the cost savings of the travel training program. A summary of this effort is contained in the August 2014 Board Box.

Moving forward, Access will continue to compare MMP’s survey results with actual TAP data. Access will provide this information on an annual basis in the Board Box. Therefore, staff would like to close this recommendation. |

CLOSED in August 2014
**Recommendation #6 - CLOSED in September 2014:**

Access Services should evaluate whether the current fleet mix for contract providers is optimal to balance the need for Access Services vehicles with the desire to maximize fuel efficiency.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan - 14</td>
<td>Access Services is continuously reviewing its fleet mix and will continue to do so. The Access fleet is comprised of Access owned vehicles, contractor owned vehicles and taxicabs. Staff presented a vehicle formula for Access owned vehicles to the CAC and TPAC in March. The formula is expected to be presented to the Board for consideration in April 2014.</td>
</tr>
<tr>
<td>April - 14</td>
<td>Staff is working with the transportation service providers on the base assumptions used to drive the vehicle allocation formula. A revised formula and vehicle service plan will be presented to TPAC and CAC in May 2014.</td>
</tr>
<tr>
<td>May - 14</td>
<td>The vehicle allocation formula has been presented to CAC and TPAC. Staff is still in the process of finalizing the formula. Depending upon modifications the formula may need to go back to the CAC and TPAC. Currently, the formula is expected to be presented to the Board for consideration in June 2014.</td>
</tr>
<tr>
<td>June - 14</td>
<td>Access staff has met with each transportation service contractor to review their fleet needs and inventory. The results of these meetings generated the vehicle acquisitions proposed for FY 14/15 and the distribution of vehicles from the fleet build for FY 13/14. Staff will now work with the transportation service providers to refine the vehicle allocation formula. The formula will then be presented to CAC and TPAC for additional input. After CAC and TPAC's review staff will present the formula to the Board for consideration.</td>
</tr>
<tr>
<td>August - 14</td>
<td>The revised formula was presented at the August CAC and TPAC meeting. If there is Board approval at the August Board meeting staff will close this recommendation going forward.</td>
</tr>
<tr>
<td>September - 14</td>
<td>The revised formula was scheduled to be presented at the August CAC meeting but the meeting ran over time. Staff will present the item at the September CAC meeting. If there is Board approval at the September Board meeting staff will close this recommendation going forward.</td>
</tr>
</tbody>
</table>

|          | CLOSED in September 2014 |
**Recommendation #7:**

Access Services should review industry best practices for controlling and containing costs strategies identified from the literature, research and best practices survey responses and determine the feasibility of implementing them for Access Services.

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan - 14</td>
<td>Access Services believes that there is no perfect or ideal way to deliver service to a region as large as L.A. County. Each operating model has its pros and cons. While it is apparent in terms of service quality and overall cost (in a national context) that our service model functions well, it is also important to look at other options. Access Services will look at including funds in its FY 14-15 budget to further study the issues brought up in Recommendations 10 and 11.</td>
</tr>
<tr>
<td>May - 14</td>
<td>Hold for FY 14/15 Budget Approval</td>
</tr>
<tr>
<td>August - 14</td>
<td>Staff has budgeted funds in the proposed FY 2015 budget for a consultant to further study the issue. The RFP/RFQ will be released this month and anticipate work to begin in October 2014.</td>
</tr>
<tr>
<td>September - 14</td>
<td>The RFP/RFQ is scheduled to be released in October 2014.</td>
</tr>
<tr>
<td>November - 14</td>
<td>The RFP for the Comprehensive Operational Review was presented at the October CAC and TPAC meeting for review and comment. It was determined that the RFP should be broken down into specialized areas. The RFPs for Customer Service and Eligibility will be issued in November 2014 and the consulting contract will be brought back for consideration at the January or February 2015 Board of Directors meeting.</td>
</tr>
<tr>
<td>January - 15</td>
<td>The RFPs for Customer Service and Eligibility was issued in November 2014 and will be awarded in January 2015.</td>
</tr>
<tr>
<td>February - 15</td>
<td>The RFPs for Customer Service and Eligibility was issued in November 2014 and awarded in January 2015. The consultants are expected to start work in February 2015.</td>
</tr>
</tbody>
</table>
**Recommendation #8: CLOSED in February 2014:**

Access Services should conduct a process review of its call center functions with a focus on ensuring that hold times are brought within the established standards. Additionally, Access Services should report quarterly to their Board on OMC and CSC call hold time improvements until it is able to meet its internal standard.

<table>
<thead>
<tr>
<th>Jan - 14</th>
<th>The Access Board of Directors approved revised call standards on December 2, 2013. The call standards will ensure that calls to OMC and CSC are served promptly. Call center performance will be published monthly in our Board Box report.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CLOSED</td>
</tr>
</tbody>
</table>

**Recommendation #9 – CLOSED in August 2014:**

Access Services should review current ADA services provided beyond the minimum required levels and services provided that are not required by the ADA and assess the costs and benefits of continuing these services.

<table>
<thead>
<tr>
<th>Jan - 14</th>
<th>Staff will be presenting a list of ADA services provided beyond the minimums to QSS, CAC, and TPAC for review. Any recommendations will be forwarded to the Access Board for consideration.</th>
</tr>
</thead>
<tbody>
<tr>
<td>April - 14</td>
<td>Staff is developing a list of services provided beyond the minimum ADA and plans to present to CAC and TPAC in May/June.</td>
</tr>
<tr>
<td>May - 14</td>
<td>Staff will present this item to the CAC and TPAC in June.</td>
</tr>
<tr>
<td>June-14</td>
<td>Staff presented a list of ADA services and the associated costs and benefits for discussion at the June 2014 CAC and TPAC meeting. Both Committees are supportive of the services that are currently provided and are not in favor of any changes or modifications.</td>
</tr>
<tr>
<td>August-14</td>
<td>Staff already presented a list of ADA services at the June 2014 CAC and TPAC meeting. Therefore, staff would like to close this recommendation.</td>
</tr>
<tr>
<td></td>
<td>CLOSED in August 2014</td>
</tr>
</tbody>
</table>
**Recommendation #10:**
Access Services should evaluate whether centralizing the reservations and/or routing function would lead to greater system efficiency.

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan - 14</td>
<td>Access Services believes that there is no perfect or ideal way to deliver service to a region as large as L.A. County. Each operating model has its pros and cons. While it is apparent in terms of service quality and overall cost (in a national context) that our service model functions well, it is also important to look at other options. Access Services will look at including funds in its FY 14-15 budget to further study the issues brought up in Recommendation 7, 10 and 11.</td>
</tr>
<tr>
<td>April - 14</td>
<td>Hold for FY 14/15 Budget Approval.</td>
</tr>
<tr>
<td>May - 14</td>
<td>Hold for FY 14/15 Budget Approval.</td>
</tr>
<tr>
<td>June - 14</td>
<td>Staff has budgeted funds in the proposed FY 2015 budget for a consultant to further study the issue.</td>
</tr>
<tr>
<td>August - 14</td>
<td>The RFP/RFQ will be released this month and anticipate work to begin in October 2014.</td>
</tr>
<tr>
<td>September - 14</td>
<td>The RFP/RFQ is scheduled to be released in October 2014.</td>
</tr>
<tr>
<td>November - 14</td>
<td>The RFP for the Comprehensive Operational Review related to Operations is still in development. Staff expects to issue the RFP in the near future.</td>
</tr>
<tr>
<td>January - 15</td>
<td>The RFP for the Comprehensive Operational Review related to Operations is still in development. Staff expects to issue the RFP in the near future.</td>
</tr>
<tr>
<td>February - 15</td>
<td>The RFP for the Comprehensive Operational Review related to Operations is in development. Staff expects to issue the RFP after the completion of the Eligibility and Customer Service Reviews.</td>
</tr>
</tbody>
</table>

**Recommendation #11:**
Access Services should develop a long-term service strategy that considers alternatives to the current model including a County-wide model that utilizes a larger bench of contractors.

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan - 14</td>
<td>Access Services believes that there is no perfect or ideal way to deliver service to a region as large as L.A. County. Each operating model has its pros and cons. While it is apparent in terms of service quality and overall cost (in a national context) that our service model functions well, it is also important to look at other options. Access Services will include funds in its FY 14-15 budget to further study the issues brought up in Recommendation 7, 10 and 11.</td>
</tr>
<tr>
<td>April - 14</td>
<td>Hold for FY 14/15 Budget Approval.</td>
</tr>
</tbody>
</table>
**Recommendation #12: CLOSED in February 2014:**

Access Services should consider working with Metro Geographic Information Systems (GIS) services to acquire the necessary software and to revise the current service area maps to reflect actual walking distance from the fixed route service. Service changes should be implemented over time to minimize impact on current clients.

**January - 14**

Access Services disagrees with this recommendation as it has no legal basis. Access Service believes that the service area requirement makes it all but clear that the distance is measured as the crow flies by use of diagrams that literally draw a ¼ mile line on either side of the fixed route and a circle with a ¼ mile radius at the terminus of a fixed route.

**CLOSED BY METRO**