MISSION STATEMENT
Access Service 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.

7233 La Palmas Drive
Fontana, CA  92336

DISPOSITION

1. CALL TO ORDER

2. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS

3. CLOSED SESSION
   A) CONFERENCE WITH LEGAL COUNSEL: CAL. GOV. CODE §54956.9
      1. Anticipated Litigation: Gov. Code §54956.9 (b)
(i) Significant exposure to litigation pursuant to subdivision (b) of Gov. Code §54956.9

(ii) Initiation of Litigation pursuant to subdivision (c) of Gov. Code §54956.9

2. Pending Litigation:

   (b) a situation where, based on the advice of counsel taking into account “existing facts and circumstances” there exists a “significant exposure” to litigation;

4. SUPERIOR SERVICE AWARD

5. REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING ON SEPTEMBER 19, 2016 (page 5)

   [Staff Recommendation: Approve minutes as written.]

6. REPORT FROM EX-OFFICIO BOARD MEMBERS

7. GENERAL PUBLIC COMMENT

8. CONSENT CALENDAR

   a) Consideration to Extend Term and Increase Funds - Telecommunications Consulting Services Contract (AS-3419) (page 13)

   b) Consideration to Amend Scope of Work for Eligibility Determination Services Contract (AS-2441) (page 15)

   c) Consideration to Approve Severance Policy (page 17)

   d) Consideration to Approve Renewal of Agency Insurance Policies for 2016-2017 (page 21)

   e) Consideration to Approve Service Provider Scope of Work and Rate Changes - Emergency Operations (page 23)

   f) Consideration to Approve Equal Employment Opportunity (EEO) Plan (page 27)

   g) Consideration to Approve Title VI (Non-Discrimination) Plans (page 29)

   [Staff Recommendation: Approve Consent Calendar]
9. LANGUAGE LINE REVIEW

10. ELIGIBILITY DETERMINATIONS AND APPEALS PROCESS
    (page 33)
    [Staff Recommendation: Receive and File]

11. COMMERCE REAL ESTATE UPDATE

12. UPCOMING BOARD ITEMS (page 39)

13. INTERIM EXECUTIVE DIRECTOR’S REPORT

14. BOARD MEMBER COMMUNICATION

15. NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA
    DISCUSSION/POSSIBLE ACTION

16. ADJOURNMENT
    ACTION

Access Services does not discriminate on the basis of disability. Accordingly, Access Services seeks to ensure that individuals with disabilities will have an equal opportunity to participate in the range of Access Services events and programs by providing appropriate auxiliary aids and services for 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 the Board Members by staff or Board members at the meeting will simultaneously be made available to the public. Three opportunities are available for the public to address the Board during a Board meeting: (1) before 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 of the Board. Public comment is generally limited to three (3) minutes per speaker and the total time available for public comment may be limited at the discretion of the Chairperson. Persons whose speech is impaired such that they are unable to address the Board at a normal rate of speed may request 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 at the discretion of the Chair.

The Board of Directors will not and cannot respond during the meeting to matters raised under general public comment. Pursuant to provisions of the Brown Act governing these proceedings, no discussion or action may be taken on these matters unless they are listed on the agenda, or unless certain emergency of special circumstances exist. However, the Board may direct staff to investigate and/or schedule certain matters for consideration at a future Board of Directors Meeting and the staff may respond to all public comment in writing prior to the next Board meeting.

Alternative accessible formats available upon request.
1. CALL TO ORDER

Meeting called to order by Chair Nalini Ahuja at 12:05 p.m.

BOARD MEMBERS PRESENT REPRESENTING A QUORUM

Present: Chair Nalini Ahuja, Vice Chair Dolores Nason, Treasurer Kim Turner, Secretary Theresa DeVera, Directors Doran Barnes, Martin Gombert and John Troost. Ex-Officio’s CAC Chair, Chaplain Dov Cohen, TPAC Vice Chair, Linda Evans and Access Services Legal Counsel Jim Jones.

BOARD MEMBER(S) VIA TELECOMMUNICATION

Present Via Telecommunication: Director Angela Nwokike.

BOARD MEMBERS EXCUSED FROM THE MEETING

Not Present: Director Valerie Gibson.

2. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS

No public comments.

3. CLOSED SESSION REPORT

No reportable action was taken with respect to any pending or threatened litigation and potential initiation of litigation. The Board also met under code §54957 (b), Personnel Issues – investigation of public employee, no reportable action was taken with respect to this matter.
Access Services legal counsel, Jim Jones stated that all items on the agenda would be done by voice vote due to Director Nwokike’s telecommunication for this meeting.

4. **SUPERIOR SERVICE AWARD**

Superior Service Award Presentation:

MV Transportation Utility Specialist Charles Berger, Superior Service Award recipient for the month of June 2016.

5. **REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING ON AUGUST 22, 2016**

Approval of the minutes from the Board of Directors meeting held on Monday, August 22, 2016.

Motion made by Vice Chair Nason to approve the minutes as corrected, seconded by Treasurer Turner. Via Voice Vote all were in favor, motion passed.

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

Chaplain Dov Cohen, Chair of the Community Advisory Committee (CAC) informed the Board that the CAC was unable to complete their election of officers at their last meeting, so the process should be completed at the October 11, 2016 CAC meeting. He also thanked the Board for the opportunity of serving as the Ex-Officio of the Board and for allowing him to take the information back to the CAC for discussion. CAC Chair Cohen concluded his report by encouraging everyone to attend a CAC meeting in the future.

Linda Evans, Vice Chair of the Transportation Professional Advisory Committee (TPAC), provided a brief report on the TPAC meeting held on Thursday, September 8, 2016 where the following discussions took place. The Interim Executive Directors Report, provided by Andre Colaiace, the TPAC Officers Elections, an update on the new Eligibility Facility, an update on the “Where’s My Ride” app, Regional Performance Data, Eligibility Survey Results, Customer Service Transition Update and the CTSA Training Schedule for the upcoming year.
7. **GENERAL PUBLIC COMMENT**

Access Services Legal Counsel Jim Jones, went over the procedures for making public comment.

Rene Madera made public comment by commending the cab drivers for the good service they provided on her recent trips. She also stated that there were a few issues that she wanted to bring up; drivers still not approaching, a driver who smelled of alcohol, and very uncomfortable extended shared rides in taxis. Ms. Madera added that she did not mind the taxi rides but when a rider had back problems and needed to stretch out, it was impossible to do that in a taxicab.

Ms. Madera concluded her public comment by stating that along with being blind she now had a debilitating disability in her lower spine.

Access Services Project Administrator, Randy Johnson was assigned to assist Ms. Madera.

John Randall made public comment by thanking the Board for allowing him to address his concerns. He stated that he was a member of the San Gabriel/Pomona Valley Regional Center Board and an Access rider for over 15 years and during that 15 years he received good service and did not like to complain about anything but recently one of his drivers smelled of alcohol when he was buckling his seatbelt. He stated that this was a serious matter and he felt that Access staff should look into this before it was too late.

Mr. Randall concluded his public comment by stating that most of the drivers take pride in their job and know what they are doing and others need more training.

Access Services Deputy Executive Director of Operations & Safety Mike Greenwood, was assigned to assist Mr. Randall.

8. **CONSENT CALENDAR**

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

8-a Consideration to Reappoint Transportation Professionals Advisory Committee (TPAC) Members

8-b Consideration to Approve Telephone Interpreting Services Contract (AS-4022)

8-c Consideration to Approve Extension of Term and Increase of Funds - Agency Telephone System Maintenance Contract (AS-3032)
8-d Consideration to Award Contract for Passenger Opinion Survey Services (AS-4021)

8-e Consideration to Approve Agency Severance Policy

8-f Consideration to Assign Intelenex Contract to EMTEC for Enterprise Resource Services (AS-3753)

Treasurer Turner asked that Item 8-e be pulled for purposes of discussion.

**Motion made by Secretary DeVeरa to approve the remaining items, 8-a through 8-d and 8-f on the consent, Seconded by Director Troost. Via Voice Vote all were in favor, motion passed.**

Item 8-e, Treasurer Turner thanked Ms. Faye Moseley, Access Services Deputy Executive Director, Human Resources for codifying the policy. She stated that she found the previous severance policy to be inconsistent, subjective and the Board wanted to ensure that staff was moving in the right direction. She recommended that staff review other severance policies in transportation industry and bring this item back to the Board for consideration at a future Board meeting.

**Motion made by Treasurer Turner to table Item 8-e until the staff had explored other severance policies in the transportation industry and that there be flexibility in the policy, Seconded by Director Barnes. Via Voice Vote all were in favor, motion passed.**

9. **EXECUTIVE SEARCH AD HOC SUBCOMMITTEE STATUS REPORT**

Recommendation: The Board should consider defining the scope of the tasks to be undertaken by the Subcommittee and its authority. Some potential categories are as follows:

- Define position and desired attributes
- Recommend a procurement process for an Executive Search Firm
- Develop and recommend recruitment strategy
- Upon approval of a search firm, launch recruitment (advertise, post, etc.)
- Determine or recommend candidate screening and selection process
- Determine interview panel members and conduct in-person interviews with candidates

**Term for the Ad-Hoc Sub-committee:**

**Motion made by Treasurer Turner to initiate an Ad-Hoc Sub-Committee for six months from the date that the search firm for the Executive Director had
been identified, Seconded by Director Barnes. Via Roll Call Vote all were in favor, motion passed.

Procurement Authority for Search Firm:

Motion made by Director Barnes for the Ad-Hoc Sub-Committee to proceed with respect to the procurement of a search firm presuming that the cost fell within the authority of the Executive Director and if not the Ad-Hoc Sub-Committee would have the authority to authorize a negotiated procurement through the normal methods for a search firm for the Executive Director. Seconded by Treasurer Turner. Via Roll Call Vote all were in favor, motion passed.

10. **ADA PARATRANSIT ELIGIBILITY UPDATE**

Recommendation: Receive and File.

Chair Ahuja reminded the Board that this was an information item only and no action was needed.

11. **OVERVIEW OF FINANCIAL PROCESSES AND POLICIES**

Recommendation: Receive and File.

Chair Ahuja reminded the Board that this was an information item only and no action was needed.

12. **UPCOMING BOARD ITEMS**

Chair Ahuja reminded the Board that this was an information item only and no action was needed.

Secretary DeVera asked if staff could provide a presentation at the next Board of Directors on the Appeals and Denial process with the current evaluator. She stated that she felt that there were too many riders being denied service when they should not be. Access Services Director of Administration, F Scott Jewell replied that staff would schedule something for either October or December 2016.

Director Gombert also requested an electronic copy of the Comprehensive Operational Review RFP. Mr. Jewell replied that he would send a copy to him.

Vice Chair Nason stated that the Board approved the Telephone Interpreting Services Contract on the consent calendar but she did not recall ever receiving a report from the language line services that staff had done for the past three years.
She would like to see a report on the number of transactions, videos, transactions of documents, and the different languages requested. The information would be interesting to review. Mr. Jewell replied that staff would provide that information at next month’s Board meeting.

13. **INTERIM EXECUTIVE DIRECTOR’S REPORT**

Access Services Interim Executive Director, Andre Colaiace began his report by stating that the American Public Transportation Association (APTA) held their Annual conference in Los Angeles and was a great success. He congratulated Metro, Foothill Transit, and all of the other agencies that helped to make it a great success. Mr. Colaiace stated that Access was well represented. He also congratulated Director Barnes for assuming the APTA Chairmanship. Mr. Colaiace also announced that F Scott Jewell graduated from Leadership APTA and added that he was the fourth Director from Access that graduated from this program. Access staff members Faustino Salvador, Cynthia Perkins-Stevenson and Jessica Thompson received scholarships from APTA’s Scholarship Foundation. Access staff member Eric Haack participated in a session that discussed Access Services eligibility process and a national survey that Access conducted on eligibility practices. Mr. Colaiace stated that it was a two-person panel and the second person was from Metro.

Mr. Colaiace also reported that he participated in a mobility management panel and discussed how important taxis were to Access Services and whether other program such as Uber and Lyft could be used in the future to deliver ADA paratransit, which he felt would be a hot topic. Mr. Colaiace stated that Access Services was going to continue to participate in APTA conferences and Mr. Haack would participate with the various groups to ensure that there was good paratransit information moving forward. Mr. Colaiace concluded his report by stating that the staff was working internally on a scope of work for a Comprehensive Operational Review that would look into Access Services’ structure and operations. He stated that this was the final report requested by Metro which would complement the reports already completed on Eligibility and Customer Service.

14. **BOARD MEMBER COMMUNICATION**

CAC Chair Dov Cohen reminded the Board that on November 5th and 6th there was going to be a program with amazing guests for veterans and Veterans Day, which was also open to the public. He stated that the VA property has a thirteen hundred seat theater in West Los Angeles, so if anyone was interested they could contact him or go on seniorstarpower.org.
TPAC Vice Chair Linda Evans stated that she looked forward to her continuing support of this amazing Board and thanked them for the opportunity.

Director Barnes stated that it was a great honor to serve as chair of the American Public Transportation Association (APTA) and he was looking forward to a very exciting year. He stated that he often heard that APTA did not pay enough attention to paratransit issues and if there was ever a year to elevate Access profile, this would be the year to do so.

Treasurer Turner congratulated Director Barnes on his Chairmanship with APTA and stated that if there was anything she could do to assist him to let her know. She also commended and thanked Access staff for assisting with the National Federation of the Blind group. Treasurer Turner stated that she submitted a complaint on behalf of the group and staff did an excellent job with following up and meeting with the group on Friday, September 2, 2016 at Norman O Houston Park. She stated that the individuals were Michael Richardson with two of their members, the Access team which consisted of Interim Executive Director, Andre Colaiace, Louis Burns, Randy Johnson and Colin Obeso. They did an excellent job listening to their concerns, addressing their issues and coming up with some great solutions.

Vice Chair Nason also congratulated Director Barnes. She stated that he has worked very hard, studied, took courses and she did not know of anyone that was more deserving of the position.

Secretary DeVeria also congratulated Director Barnes for his appointment as APTA’s new Chair.

Director Troost also congratulated Director Barnes on his appointment as Chair of APTA and he also congratulated F Scott Jewell for completing the APTA Leadership Program. Director Troost reminded the Board that the Los Angeles County Commission on Disabilities was having their Annual Access Awards Luncheon on Monday, October 17, 2016 at the Omni Hotel in Downtown, Los Angeles.

Director Gombert also congratulated Director Barnes on his appointment as the Chair of APTA. He also congratulated F Scott Jewell for completing the APTA Leadership Program. Director Gombert stated that it was great to see so many of the Access Services staff at the APTA Annual Meeting.

Chair Ahuja stated that the Board would take Director Barnes up on his offer regarding getting Access profile out there because Access was looking for more support and funds. She congratulated Director Barnes on his appointment as Chair of APTA.
15. **NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA**

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

16. **ADJOURNMENT**

Motion made by Chair Ahuja, no second or voice vote was made. The meeting adjourned at 2:17 p.m.

Approval

Theresa DeVera, Secretary  
Date
ITEM 8-a

OCTOBER 17, 2016

TO: BOARD OF DIRECTORS

FROM: KEVIN LEE, MANAGER, ANALYTICS AND PROCESS OVERSIGHT
       MICHAEL PASCUAL, MANAGER, PROCUREMENTS AND CONTRACTS ADMINISTRATION

RE: CONSIDERATION TO EXTEND TERM AND INCREASE FUNDS - TELECOMMUNICATIONS CONSULTING SERVICES CONTRACT (AS-3419)

ISSUE:

Board approval is necessary to exercise the second option year of contract AS-3419 with The RTP Group for telecommunications consulting and services.

RECOMMENDATION:

Authorize an additional $120,000 in funds and an extension in the period of performance for one year from May 1, 2017 through April 30, 2018.

IMPACT ON BUDGET:

This action will result in an increase in the previously approved contract amount of $500,000 to $620,000, with no changes to the current rates of payment. The contract rates will be accommodated by the budget for FY 2016/2017 and FY 2017/2018.

ALTERNATIVES CONSIDERED:

No alternatives were considered. Staff is confident that the contractor has met the terms of the Contract and thus merits consideration for an extension of its term.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the Board, staff would be authorized, but not required, to negotiate and amend the written contract with the RTP Group for telecommunication consulting and services on terms and conditions set forth in the existing contract and modified as in this item proposed. Access Services would not be legally bound to the exercise of the extension period unless and until it is incorporated...
into a formal written amendment to the contract executed by all parties thereto and approved as to form by this entity’s legal counsel.

**BACKGROUND:**

The telecommunications consulting and services contract covers a range of tasks that ensures the stability of Access Services’ telecommunications and data network. These tasks include capacity planning, network optimization, and prefix updating of the toll-free 800 phone network as well as crisis/troubleshooting and consulting services. The RTP Group also provides wide area network and firewall configuration labor and consulting services.

The contract was competitively solicited and awarded to the RTP Group for a base three-year term in May 2013 and has five (5) one-year options available subject to Board approval.

The RTP Group has been providing telecommunications maintenance services for Access Services since 1994, and to date, its performance has been exemplary. RTP has consistently provided highly responsive and superior service to ensure that the Access telecommunication network functions reliably. It has been available 24 hours a day, 7 days a week to solve problems.
OCTOBER 17, 2016

TO: BOARD OF DIRECTORS

FROM: GEOFFREY OKAMOTO, MANAGER, ELIGIBILITY
       HECTOR RODRIGUEZ, DEPUTY EXECUTIVE DIRECTOR, FINANCE

RE: CONSIDERATION TO AMEND SCOPE OF WORK FOR ELIGIBILITY
    DETERMINATION SERVICES CONTRACT (AS-2441)

ISSUE:

Board approval is necessary to amend contract AS-2441 with C.A.R.E. Evaluators, LLC. for Eligibility Determination Services due to a change in the scope of work.

RECOMMENDATION:

Authorize a change in the Scope of Work to include the collection of Medi-Cal numbers and issuance dates at no cost to Access Services and authorize an addition to the indemnification section of the contract allowing for Access to indemnify the Contractor as it relates to the collection of Medi-Cal information.

IMPACT ON BUDGET:

None. The Contractor proposes to provide the service without any change in cost.

ALTERNATIVES CONSIDERED:

No alternatives were considered.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the Board, the staff would be authorized, but not required, to negotiate and amend the written contract with C.A.R.E. Evaluators, LLC, for Eligibility Determination services on terms and conditions set forth in the existing contract and modified as in this item proposed. Access Services would not be legally bound by the proposed changes in the Scope of Work unless and until it is incorporated into a formal written amendment to the contract executed by all parties thereto and approved as to form by this entity's legal counsel.
BACKGROUND:

The Eligibility Determination contract provides professional services necessary to conduct in-person transit evaluations, determine the functional ability of applicants with disabilities to use accessible fixed-route transit and make determinations as to the appropriate eligibility of persons to receive complementary ADA paratransit services.

Access Services may be entitled to request reimbursement from the federal government for individuals that receive Medi-Cal benefits. In order to do so, Access Services will need to ascertain which clients are receiving Medi-Cal benefits. One way to obtain individual Medi-Cal information is to solicit the information during the functional assessment test administered as part of the eligibility determination process.

C.A.R.E. Evaluators, LLC had agreed to collect the information and provide it to Access Services at no added cost. However, CARE has requested additional indemnification language related to this information. Access Legal Counsel has reviewed this language below and deemed it acceptable.

“Contractor, its subsidiaries and its directors, officers, agents and employees from and against any and all liability and expenses including defense costs and legal fees and claims for damages of any nature whatsoever, arising out of or in any way specifically related to the performance or lack of performance pertaining to the collection of Medi-Cal numbers and Medi-Cal issue dates in cases where unauthorized disclosure of Medi-Cal information occurs provided that Contractor exercises commercially reasonable methods to protect the confidentiality of Medi-Cal numbers and issuance dates.”
OCTOBER 17, 2016

TO: BOARD OF DIRECTORS

FROM: FAYE MOSELEY, DEPUTY EXECUTIVE DIRECTOR OF HUMAN RESOURCES

RE: CONSIDERATION TO APPROVE SEVERANCE POLICY

ISSUE:

At the September Board meeting, this item was requested to be brought back in order to include information on severance policies followed by peer transit agencies. That information is now included in the Background section of this item.

The recent transition of Access’ in-house Customer Service Department to an outside third party highlighted the need to formally codify a severance policy. Approval of this policy will define the severance methodology and provide an overview on how individual severance pay will be calculated.

RECOMMENDATION:

Approve the attached severance/transition policy.

IMPACT ON BUDGET:

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

BACKGROUND:

It is not mandatory under the Fair Labor Standards Act (FLSA) to provide a severance package to an employee at the time of separation/termination of employment, except under certain specific circumstances. However, there can be a mutual agreement between the employee and management regarding an amicable parting of ways, and a severance package can be agreed upon by both sides. If the company has a policy or a tradition of providing severance packages to employees under specific situations, it can enhance the company’s image as a fair employer. A severance package is a way
of telling the employees that the company cares for its employees. There must be a bond of mutual respect and concern even when the employer and employee have to part ways due to unavoidable circumstances. Such gestures have an underlying positive impact on issues such as employee loyalty and employee motivation levels, which are critical to the company's long-term productivity. In the past, Access has paid severance/transition to employees based upon business needs and budgetary allowances. The agency recently experienced its first reduction in force due to the outsourcing of the Customer Service Department.

**PEER AGENCY REVIEW:**
Access reviewed the following five local peer transit agency severance policy practices and the feedback is as follows:

**Culver City** - Does not have a formal severance policy. When they have paid out severance, it has been one week of pay and benefits for each year of service, regardless of level. The Redevelopment Group has a 6-week max payout on severance. Dispatchers have no payout on severance. The City Manager/City Attorney has a 9-month cap/max of severance pay and benefits.

**Foothill Transit** - Does not have a formal severance policy. No consistent formula is currently utilized. When severance has been offered, it has been based upon hours worked. (i.e. 16 weeks of severance offered for several years of service) and determined by the Board; no cap/maximum on severance payout.

**Long Beach Transit** - Does not have a formal severance policy. They have not had group lay-offs, reductions in force, etc. They have had isolated situations and have dealt with them on a case-by-case basis.

**Metrolink** - Provides a one month of severance pay without a signed release, regardless of level in organization or tenure. The Board has offered additional enhanced severance with a signed release. The enhanced severance includes the continued payment of the employee portion of healthcare during the severance period. The most that they have paid out is three months on the enhanced severance.

**OCTA** - Provides severance based upon tenure as follows - less than 3 years = 2 weeks of severance; 3-5 years = 3 weeks; 5-10 years = 4 weeks; and 10+ years = 5 weeks. Also provides continuation of health coverage as follows - less than 3 years = 1 months of health coverage; 3-5 years = 2 months; 5-10 years = 3 months; and 10+ years = 4 months. Do not have a cap/maximum on severance payout. Will be reviewing their Severance Policy next year and most likely moving to a financial payout of 1 week for each year of service.
Access reserves the right, with or without 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 (hereinafter “the Company”) has adopted this Access Severance/Transition Policy to provide severance/transition pay under the circumstances described below to eligible employees (hereinafter "Eligible Employees") of Access Services.

II. ELIGIBILITY

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

III. POLICY

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

IV. PAYMENT AMOUNT

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

Based upon business need, economic conditions and budgetary constraints, the severance/transition pay will be one week for each year of service for non-exempt/hourly, full-time employees; and two weeks for each year of service for exempt/salaried, full-time employees. Applicable deductions will be withheld as required by federal and/or state requirements. The maximum severance/transition pay is six months and/or 26 weeks. Severance is calculated on base pay only. The Company reserves the right to elect to pay the severance payment in a lump sum or as a salary continuation (continue payments on scheduled biweekly paydays). The severance policy does not apply to any employee subject to an employment contract.
TO: BOARD OF DIRECTORS
FROM: HECTOR RODRIGUEZ, DEPUTY EXECUTIVE DIRECTOR, FINANCE
RE: CONSIDERATION TO APPROVE RENEWAL OF AGENCY INSURANCE POLICIES FOR 2016-2017

ISSUE:

Board approval is requested to purchase various Agency insurance policies for the policy year beginning November 1, 2016.

RECOMMENDATION:

Approve the purchase of various Agency insurance policies, including property, general liability, executive management liability and workers’ compensation insurance for a not to exceed amount of $600,000.

IMPACT ON BUDGET:

The approved budget for Fiscal Year 2016/17 includes the cost of these policies.

ALTERNATIVES CONSIDERED

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

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

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

BACKGROUND:

SullivanCurtisMonroe (SCM), Access’ insurance broker, is in the process of soliciting quotes for Property, Difference in Conditions, Crime, General Liability, Automobile - Staff Vehicles, Professional Liability, Executive Management Liability, and Cyber Liability. Upon Board approval, staff will authorize SCM to purchase the policies with
an effective date of no later than November 1, 2016, and December 1, 2016 for the Workers’ Compensation policy.
OCTOBER 17, 2016

TO: BOARD OF DIRECTORS

FROM: MIKE GREENWOOD, DEPUTY EXECUTIVE DIRECTOR, OPERATIONS & SAFETY

RE: CONSIDERATION TO APPROVE SERVICE PROVIDER SCOPE OF WORK AND RATE CHANGES - EMERGENCY OPERATIONS

____________________________

**ISSUE:**

Board approval is needed to approve scope of work changes for the transportation service contracts for emergency management training and for the reimbursement rate for providing emergency service transportation trips.

**RECOMMENDATION:**

Authorize staff to execute an amendment to incorporate changes to the scope-of-work and management training requirements and reimbursement rate in the scope of work for the following contracts and contractors:

<table>
<thead>
<tr>
<th>Contract</th>
<th>Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>AS-2364 (West/Central Region)</td>
<td>California Transit, Inc.</td>
</tr>
<tr>
<td>AS-2967 (Southern Region)</td>
<td>Global Paratransit, Inc.</td>
</tr>
<tr>
<td>AS-3341 (Northern Region)</td>
<td>MV Transportation</td>
</tr>
<tr>
<td>AS-3421 (Eastern Region)</td>
<td>San Gabriel Transit</td>
</tr>
</tbody>
</table>

**CURRENT RATE** | **PROPOSED RATE**
--- | ---
Per trip rate +20% | $50.00 per vehicle hour

**IMPACT ON BUDGET:**

For the four contracts under consideration, there will be no increase in the rates of compensation other than under the special circumstances arising out of a declared emergency. This action will not impact the FY17 budget or the total contract amounts of the respective contracts. In the event of a state or federal emergency, Access could be reimbursed by the California Office of Emergency Services or the Federal Emergency Management Agency.
ALTERNATIVES CONSIDERED:

None. The current contract language is outdated and does not provide a sufficient incentive to contractors to provide resources in an emergency. Furthermore, the current management training requirements are excessive. Only the Access contractors in the Los Angeles Basin area were included as that is where most (93%) of the agency’s vehicles are allocated.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the Board, staff will be authorized, but not required, to negotiate a written amendment to the existing contracts, upon terms that are no less favorable to Access than those proposed herein. Access would not be legally bound to the amendment proposed herein unless and until it is incorporated into a formal written agreement executed by all parties and approved as to form by this entity’s legal counsel.

BACKGROUND:

Following natural, technological or human-caused emergencies, local emergency management may request evacuation resources from Access. Access depends upon its service contractors to fulfill requested support to emergency response operations. Additionally, in some cases Access may request emergency assistance from one contractor to assist another contractor.

Each service contractor will keep adequate and separate records and will provide invoice(s) to Access for emergency services in a timely manner. The invoices for emergency services shall be billed at the rate of $50.00 per service hour. Such invoices will be provided in formats as may be required for reimbursement by the relevant emergency management agency. Requests will be vetted through Access’ Emergency Operations Center (EOC) and assigned by both resource availability and regional responsibility.

As emergency service can include a fair amount of deadhead and waiting time, a per hour rate is fairer and acts as an incentive to bring drivers in on overtime and not affect regular revenue service.

In support of needed emergency operations, each contract includes a provision that the contractor’s management team be trained in Incident Command System (ICS) practices and terminology. The development of Access’ EOC in recent years has allowed for a reduction in the contractor’s training requirements.

If approved, and depending on the contract, the contract amendment will replace language in the scope-of-work or a previous contract amendment. The scope of work changes are as follows:
Scope-of-work Requirements for Provider Emergency Preparedness Training and Response Assistance

Following natural, technological or human-caused emergencies, local emergency management may request evacuation resources from Access. Access in turn depends upon its service contractors to fulfill requested support to emergency response operations.

1. Emergency Preparedness Training

   a) The following preparations are required to respond to a request for Emergency Resources:

      i. The Contractor key staff will implement a key staff training program, focused on emergency operations, including, but not limited to: Incident Command System (ICS) ICS-100, ICS-200, ICS-700, ICS-702a (public information officer only), and any other ICS training deemed mutually necessary. Training must be completed within three months of being assigned a key staff role.

      ii. The Contractor will designate key staff to fill critical roles of the ICS Organization. The key positions are: Incident Commander, Public Information Officer, Safety Officer, Liaison Officer, Agency Representatives, Operations Section Chief, Planning Section Chief, Logistics Section Chief, and Finance/Administration Section Chief. In addition, the Contractor will identify persons who will act as alternate or backup personnel to these key ICS position in case of the absence of the primary.

      iii. Once key staff are identified, named to the key ICS Organization roles, and complete training, the Contractor will maintain current call down information which will include but not be limited to direct phone line and cell phone numbers, for use by Access during business hours, after hours, and on weekends/holidays for the purpose of alert notification and mobilization of resources.

      iv. The Contractor will provide appropriate staff training so as to maximize availability and capability of essential personnel to support operational continuity and respond to emergency service requests. Staff critical to support emergency services requests include but are not limited to drivers, call takers, dispatchers, mechanics, and any other staff that may be needed.

      v. Contractor must provide proof of completion of training to Access’ Project Administrator when requested.
2. Emergency Assistance Response

a) The following procedures are required in order to respond to a request for emergency resources:

i. In the event of a regional emergency requiring paratransit resources, Access will activate its Emergency Operations Center (EOC) to coordinate response activities.

ii. If it is anticipated that resources of the Contractor will be needed to support response activities, Access will notify the Contractor to activate its Incident Command Post (ICP) in order to coordinate response activities.

iii. Upon activation and throughout response to emergency situations, the Contractor ICP will advise the Access EOC regarding resource availability and resource limitations.

iv. The Contractor will leverage all available resources to support service continuity while also responding to emergency service requests, up to and including ongoing 24-hour operations.

v. The Contractor resources used during emergency response will remain under the control and authority of the Contractor.

vi. The Contractor will provide separate invoice(s) to Access for emergency services based on a rate of $50.00 per vehicle hour. Such invoices will be provided in formats as may be required for reimbursement by the Los Angeles Office of Emergency Management, the California Emergency Management Agency and/or the Federal Emergency Management Agency.

vii. All liability and responsibility for Contractor personnel and equipment remains under the authority of the Contractor per the terms and conditions of their contract with Access.
OCTOBER 17, 2016

TO: BOARD OF DIRECTORS
FROM: ERIC J. HAAK, STRATEGIC PLANNER
RE: CONSIDERATION TO APPROVE EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN

ISSUE:
Access Services must update its Equal Employment Opportunity (EEO) Plan once every three years. This EEO Plan examines Access’ current employee population to determine if women and/or minority employees are underrepresented in certain job categories and develops future goals for Access’ employee population to remove conditions of underrepresentation.

RECOMMENDATION:
Staff requests the Board approve the Equal Employment Opportunity Plan.

IMPACT ON BUDGET:
None

BACKGROUND:
Access Services is required to prepare an EEO Plan once every three years. The new EEO Plan will be effective from October 2016 to September 2019.

The proposed EEO Plan before the Board of Directors is written following the recently updated guidance of FTA Circular 4704.1A (going into effect, October 31, 2016) “Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients.”

The EEO Plan analyzes Access’ current employee population to determine if and where there may be tendencies of employment underutilization of women and/or minority employees in certain job categories.

If it is determined that underutilization exists, the EEO Plan sets forth goal and timetable guidelines for new employee hiring to remove areas of underutilization. These
guidelines are designed to be used as an additional factor to consider during the hiring process of employees, and to be used in conjunction with other factors during the interview process to ensure that Access hires the most qualified applicants for open positions.

A PDF copy of the EEO Plan can be located at the following web-link: http://accessla.org/about_us/publications.html - Board Meeting Attachments
OCTOBER 17, 2016

TO: BOARD OF DIRECTORS

FROM: ERIC J. HAACK, STRATEGIC PLANNER

RE: CONSIDERATION TO APPROVE TITLE VI (NON-DISCRIMINATION) PLANS

ISSUE:

Federal regulations require that Access Services update its Title VI Plan every three years and must receive Board approval for the following reports: (1) Title VI Report; (2) Public Participation Plan, and (3) Limited English Proficiency Plan.

RECOMMENDATION:

Staff requests the Board approve the Title VI Plan which encompasses the following reports:

1) Title VI Report;
2) Public Participation Plan; and
3) Limited English Proficiency Plan

IMPACT ON BUDGET:

None

BACKGROUND:

Title VI is a Federal law that was enacted to ensure that government-funded services provide such services to communities in a non-discriminatory manner. Specifically, “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (FTA C 4702.1B, II-1-2).

Following the guidance of FTA Circular 4702.1B (October, 2012) “Title VI Requirements and Guidelines for Federal Transit Administration Recipients,” Access Services is required to update its current Title VI reports in 2016. Also, per requirements set forth in FTA Circular 4702.1B, Access must have Board approval for
its Title VI documentation as part of the final submission of these reports to FTA’s Office of Civil Rights.

Access’ Title VI documentation is separated into three distinctive categories, which together make up Access’ Title VI required documents. Each of these separate reports is described below.

**Title VI Report**

The Title VI Report demonstrates that Access complies with the separate elements contained in FTA Circular 4702.1B.

a) Approval of Agency Title VI Policies by Access Board of Directors;

b) Notification of Customers of Protection Under Title VI;

c) Requirement to Develop Title VI Complaint Procedures and Complaint Form;

d) Requirement to Record and Report Transit-Related Title VI Investigations, Complaints and Lawsuits;

e) Requirement to Record Minority Representation on Planning and Advisory Boards;

f) Requirement to Monitor Subrecipients.

**Public Participation Plan**

The purpose of Access Services’ Public Participation Plan is to (a) illustrate how Access reaches out to its customers and to the larger disability community through Community Meetings and Outreach meetings; (b) how Access’ public outreach methods serve to educate minority as well as non-minority communities about the services Access offers to the public and (c) to develop recommendations going forward as to how Access could improve its outreach activities in order to continue to ensure that agency services are available to all persons irrespective of race or gender throughout the agency’s service area.

Access’ PPP highlights many of the new and on-going public outreach efforts conducted since the last PPP update.

1) Ongoing community outreach conducted by Access’ Customer Service, Mobility Management and Operations Departments;
2) Examples of Community Meetings conducted ahead of proposed Fare Changes.

3) Customer notification of upcoming meetings through Access Services’ website and directed mailings;

4) Access’ 2011/2012 Customer Satisfaction telephone survey;

**Limited English Proficiency Plan**

Access’ Limited English Proficiency Plan recognizes that there are many existing and potential Access customers who may not be proficient in English, but still need information about the services that Access provides to persons with disabilities. As per Federal guidance, Access must conduct a “four-factor analysis” and perform analyses of the population it serves as well as the overall community in Access’ service area.

The Limited English Proficiency Plan then presents features that Access offers in order to effectively communicate with its customers and members of the public about the services that Access provides.

Access’ LEP Plan provides information about the variety of services that Access provides to remove barriers to persons who may have limited proficiency in speaking or reading English. Among some of the services that Access provides for LEP persons discussed in the report are as follows:

1) Telephone interpreter services are available to be accessed by Access’ contracted call center staff; provider staff; Eligibility and Eligibility appeals staff. This allows persons to communicate effectively even if a language barrier would exist without the interpreter service;

2) Google Translate embedded feature on Access website. Information posted on the Access website can be viewed in English or through a Google Translate link on the Access website – can be translated into any of dozens of languages, including the text of Access’ Rider’s Guide;

3) Portable speaker phones are available at Access’ Eligibility Center. If a customer arrives at CARE and does not speak either English or Spanish and does not have a translator to assist them, an in-person evaluation can still be conducted easily. Through these portable speaker phones (i.e. cell phones), the evaluator and applicant can communicate through Access’ telephone interpreter service both in the evaluator’s office as well as out on the physical evaluation course;

4) Printed materials provided in English and Spanish. Access’ applications, Rider’s Guide, Community meeting announcements are provided in both English and
Spanish (the most common language spoken by Access customers as well as County residents next to English);

A PDF copy of Access Services’ Title VI, Public Participation Plan and Limited English Proficiency Plan can be downloaded at the following web link: [http://accessla.org/about_us/publications.html](http://accessla.org/about_us/publications.html) - Board Meeting Attachments
OCTOBER 17, 2016

TO: BOARD OF DIRECTORS

FROM: GEOFFREY OKAMOTO, MANAGER OF ELIGIBILITY
       DAVID FOSTER, PROJECT ADMINISTRATOR

RE: ELIGIBILITY DETERMINATIONS AND APPEALS PROCESS

ISSUE:

During the September 2016 Access Board of Directors meeting, Director De Vera requested that staff provide the Board with an overview of Access’ eligibility and appeals processes.

RECOMMENDATION:

Receive and file.

BACKGROUND:

Eligibility Category Overview

The eligibility categories that Access uses, as outlined in Access’ Eligibility and Appeals Policies and Procedures, are as follows:

- **Unrestricted** - granted to persons who appear to be unable to independently perform transit skills necessary to board, ride, disembark and navigate public fixed route. While they may be able to occasionally use regular transit, their overall transit skill functioning is limited which prevents them from effectively utilizing fixed rail and bus services.

- **Restricted** - granted to persons who appear to be able to independently perform transit skills necessary to board, ride, disembark and navigate public fixed route bus service, but are prevented from using public fixed route service due to a specific functional barrier.
- **Temporary** - granted to persons who appear to be unable to independently perform transit skills necessary to board, ride, disembark and navigate public fixed route services, but the condition or circumstance(s) leading to eligibility is reasonably expected to change within a specifically determined time frame of 18 months or less.

- **Not Eligible** - granted to persons who appear to be able to independently perform transit skills necessary to board, ride, disembark and navigate public fixed route services.

**FY 16 Eligibility Results**

The eligibility breakdown for FY16 for all categories is as follows:

![FY16 Eligibility Pie Chart]

In FY16, Access’ eligibility contractor, CARE Evaluators, conducted 71,890 evaluations which included both in-person and paper evaluations which are defined as follows:

- In Person evaluations include all new applicants as well as existing customers that are Unrestricted and indicate some change in condition as well as all Restricted and Temporary customers.

- Paper Evaluations have two components:
  - Recertification Application: The Recertification Application Form is required to be completed by every customer with Unrestricted eligibility, except those eligible for Auto Renewal. (Customers with Restricted and Temporary eligibility fill out this form but ultimately have an in-person evaluation.)
Auto Renewal: The Information Update Form is for those who have been assigned Auto Renewal. Auto Renewal is assigned to those individuals previously determined to be Unrestricted and who are 75 years or older.

**FY 16 Eligibility Trends**

In 2015, Access conducted an outside, independent review of its eligibility process, which suggested a number of improvements that were subsequently implemented to ensure that in-person functional assessments were fair and accurate. These improvements included:

- Implementing of more detailed questions, follow up questions and documentation regarding the applicants’ current travel modes, including fixed route transit use.

- A more functional assessment with an increased emphasis on applicants’ self-reported public transit use in conjunction with other factors identified during the evaluation process.

- Expanded file auditing and quality assurance review processes to provide regular feedback and communication to the eligibility contractor regarding initial evaluations.

After these changes were implemented, a trend was noticed in the second half of FY 16 that showed an increase in determinations stating that individuals (mainly ambulatory) were not eligible for Access Services, mainly because they self-reported fixed-route use during the eligibility process and often self-reported that they wanted to obtain an Access ID card to use the fixed-route transit system free of charge.

In response to this trend, Access staff sought to further verify that the decisions being made by CARE Evaluators were fair and accurate. In addition to the regular random audits staff conducts, Access recently conducted a statistically valid review of eligibility files for the months of May, June and July 2016 to further assess the quality and accuracy of the evaluations conducted and found that the determinations made by CARE were appropriate based on the customers’ self-reported use of fixed route as well as other factors noted in the eligibility files.

However, this trend also pointed to the need to better educate potential Access customers about their transportation options before they made the decision to apply for Access Services. This goal is consistent with Access Services’ dual mandate as both a paratransit provider and a Consolidated Transportation Services Agency (CTSA), which is charged with ensuring customers are aware of the various transportation options available to them in Los Angeles County.
Going forward Access will be implementing the following initiatives:

- Access staff has been working with ALTA Resources, our customer service phone center provider, to develop a script that, when people call to ask for information about applying for Access Services, will now include a discussion of the various transportation options that are available in Los Angeles County. It is anticipated that this new script will go into effect on November 1st.

- In October, Access will be releasing a Request for Proposals (RFP) for eligibility services. This RFP proposes to hire an Eligibility and Mobility Evaluation Contractor (EMEC) whose role will be to not only provide fair and accurate evaluations of potential paratransit applicants but also to provide transportation options to potential customers during the eligibility process as well.

**Overview of Appeals Process**

The federal regulations for ADA paratransit require that applicants are offered an opportunity to appeal their determination in the event they are granted anything other than full eligibility for ADA paratransit. Applicants granted anything other than Unrestricted eligibility (i.e. Restricted, Temporary or Not Eligible) have the right to appeal. Those who wish to appeal have 60 days from the receipt of their determination letter to appeal the decision.

Access has had the same appeals process since its inception and our process is seen as a national model because of its reliance on medical and other qualified professionals to handle appeals cases. Moreover, most of our existing appeals specialists have been conducting appeals evaluations for more than 10 years and some for more than 20 years. This lack of turnover and longevity helps to provide consistency in the decision making process as our appeals specialists assess the appellants’ ability to board, ride and disembark bus and rail services. All appeals specialists must meet the following criteria before being selected to participate as part of Access Eligibility and Appeals Policies and Procedures:

1. Access shall contract with highly qualified specialists to evaluate appeals of eligibility determinations.
2. Contracted specialists will have a minimum of five years clinical, teaching, or direct experience working with persons with disabilities.
3. Contracted specialists shall have an appropriate degree and a valid license or certification in their professional specialty.
4. Contracted specialists shall have experience and qualifications appropriate for working with at least one of the following disability classifications:
   - Physical Disabilities
   - Medical Disabilities
   - Cognitive Disabilities
• Developmental Disabilities
• Visual Disabilities

Appellants are referred to specialist(s) by Access staff based on the information provided on the person’s appeal form, and more specifically, the reason(s) the appellant states why he/she is unable to use the bus or rail.

There are currently seven contractors providing appeals with four types of appeals providers:

• Medical Specialists
• Orientation & Mobility Specialists
• Physical Therapy Specialists
• Psychiatric Specialist

**Medical Specialists**
We currently have three medical appeals specialists, and the bulk of the appeal referrals are sent to the medical appeals specialists because most customers cite reasons directly related to their medical condition(s) in their appeal form that prevent them from using the bus or rail.

**Orientation & Mobility Specialists**
We currently have two Orientation & Mobility Specialists (O&M), both of whom have been providing appeals evaluations for Access since the inception of the service.

Most appellants referred to the O&Ms are those with some type of visual impairment or those who claim that environmental barriers prevent or interfere with their functional ability to use the bus or rail. The O&Ms, unlike the other appeals specialists that have offices where appeals are conducted, visit with the appellant at their residence or other agreed upon location out in the field to assess their ability to navigate the fixed route system.

**Physical Therapy Specialists**
Access currently has one Physical Therapy (PT) specialist. In most cases, appellants are referred to the PT specialist when they claim that they have difficulty walking, walking distances, or navigating hills. Additionally, appellants in both manual and power mobility devices who claim that their inability to maneuver their devices prevents them from using the bus would be referred to the PT specialist.
Psychiatric Specialist
Access currently has one specialist in psychological and cognitive conditions. As one would expect, most individuals referred to this specialist cite psychological or cognitive issues as the reason they lack or have limited functional ability to use the bus or rail.

Access contract oversight of the appeals specialists includes a number of activities. First, every appeals decision is reviewed by Access staff before being sent to the customer. The staff in the Eligibility department that conducts this quality assurance process has more than 50 years of combined experience and specific knowledge of the requirements for ADA paratransit eligibility, appeals and Access policies and procedures. Additionally, Access holds an Appeals Specialist meeting bi-annually with all of the appeals specialists to discuss issues and challenges related to the process, as well as any new guidance from the Federal Transit Administration.
OCTOBER 17, 2016

TO: BOARD OF DIRECTORS

FROM: F SCOTT J EWELL, DIRECTOR OF ADMINISTRATION

RE: UPCOMING BOARD ITEMS

ISSUE:

The following items are tentatively scheduled to be addressed by the Board through December 2016 at the regularly scheduled Board meetings.

November 14, 2016

Board Meeting - Metro

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<td>Consideration to Approve Access Administrative Facility Lease</td>
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<td>Consideration to Amend Service Provider Contracts (wage compression)</td>
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### November 28, 2016
**Annual Membership Meeting - California Endowment Center**

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### December 12, 2016
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