

access

BOARD OF DIRECTORS MEETING
MONDAY, AUGUST 24, 2009
11:00 A.M.

Los Angeles County MTA
One Gateway Plaza, 3rd Floor
729 Vignes Street, Los Angeles CA 90012

MISSION STATEMENT

*Access Services promotes access to all modes of
transportation
and provides quality ADA paratransit service
on behalf of public transit agencies in Los Angeles County.*

	<u>DISPOSITION</u>
1. CALL TO ORDER	ACTION
2. SUPERIOR SERVICE AWARDS	PRESENTATION
3. REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING OF JUNE 22, 2009 (page 5) [Staff Recommendation: Approve]	ACTION [Vote Required: majority of quorum by voice vote]
4. REPORT FROM EX-OFFICIO BOARD MEMBERS	INFORMATION
5. GENERAL PUBLIC COMMENT	INFORMATION

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| <p>6. CONSENT CALENDAR</p> <p>a. Approval of Overall Annual Disadvantaged Business Enterprise (DBE) Goal For Fiscal Year 2009/10 (page 13)</p> <p>b. Ratification of Line of Credit (page 16)</p> <p>c. Authorization of Funding For Back-Up Service Providers (page 18)</p> <p>d. Board Meeting Transcripts (page 20)</p> <p>e. Claims Handling Designations and Authorizations (page 21)</p> <p style="padding-left: 40px;">[Staff Recommendation: Approve Consent Calendar]</p> | <p>ACTION</p> <p>[Vote Required: majority of quorum by roll call]</p> |
| <p>7. APPROVAL TO INCREASE FUNDS AND EXTEND EASTERN AREA SERVICE CONTRACT: SAN GABRIEL TRANSIT (ASI-1928) (page 22)</p> <p style="padding-left: 40px;">[Staff Recommendation: Authorize additional funds be added to the current year (ending March 31, 2010) in the amount of \$923,204.00. Authorize \$24,741,482 in funds and an extension in the period of performance for one year, from April 1, 2010 through March 31, 2011. Also authorize a fixed per trip rate of \$25.93 and a fixed monthly rate of \$546,449.00 for this period. Authorize an increase in the fixed hourly rate for Certification service from \$28.37 to \$29.22 for the period April 1, 2009 through March 31, 2010 and from \$29.22 to \$30.09 for the period April 1, 2010 through March 31, 2011.]</p> | <p>ACTION</p> <p>[Vote Required: majority of quorum by roll call]</p> |
| <p>8. APPROVAL TO INCREASE FIXED HOURLY RATE FOR OVERFLOW SERVICE PROVIDER CONTRACT NO. ASI-2689 (page 24)</p> <p style="padding-left: 40px;">[Staff Recommendation: Authorize an additional \$10,646.00 in funds for the three-year base term of contract ASI-2689. Also, authorize a change in the per hour rate, effective July 1, 2009, as detailed in the item.]</p> | <p>ACTION</p> <p>[Vote Required: majority of quorum by roll call]</p> |
| <p>9. STATUS UPDATE ON SUCCESSION PLANNING (page 26)
[Staff Recommendation: Information Only]</p> | <p>INFORMATION/
PRESENTATION</p> |
| <p>10. CUSTOMER PERCEPTION PROGRAM UPDATE - MILES OF SMILES CAMPAIGN (page 34)</p> | <p>PRESENTATION</p> |
| <p>11. BOARD OFFICER ELECTION (page 35)</p> <p style="padding-left: 40px;">[Staff Recommendation: Elect officers to the Board of Directors as per the requirement of the Access Services Bylaws for approximately one-year term beginning</p> | <p>ACTION</p> <p>[Vote Required: majority of quorum by roll call]</p> |

August 24, 2009 and ending June 30, 2010 or the election of their successor, whichever last occurs.]

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| 12. | STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S
AUDIT RECOMMENDATIONS (page 40) | RECEIVE/ FILE |
| | [Staff Recommendation: Receive and file the attached status report on the implementation of the audit recommendations from the "Report on the Evaluation of the Paratransit Eligibility Process; Administration, Performance, and Management of Paratransit Operations; and Compliance with Memorandum of Understanding."] | |
| 13. | EXECUTIVE DIRECTOR'S REPORT | INFORMATION |
| 14. | BOARD MEMBER COMMUNICATION | INFORMATION |
| 15. | NEW BUSINESS SUBSEQUENT TO THE POSTING
OF THE AGENDA | DISCUSSION/
POSSIBLE ACTION |
| 16. | PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS | |
| 17. | CLOSED SESSION | DISCUSSION/
POSSIBLE ACTION |
| | A) CONFERENCE WITH LEGAL COUNSEL: CAL. GOV. CODE §54956.9 | |
| | I. <u>Existing Litigation</u> : Gov. Code §54956.9 (a) | |
| | (a) Johnice Jones v. Access Services BC400036 | |
| | II. <u>Anticipated Litigation</u> : 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 | |
| | B) <i>CALIFORNIA GOV. CODE §54957 - PERSONNEL ISSUES</i> | |
| 18. | 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 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: ASI 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 707 Wilshire Blvd., 9th Floor, Los Angeles California and on its website at <http://asila.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 agenda 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."](#)

**MINUTES
ACCESS SERVICES
BOARD MEETING
JUNE 22, 2009**

The Access Services Board of Directors meeting convened at 12:01 p.m. on Monday, June 22, 2009, in the third floor Board Room of the Los Angeles Metropolitan Transportation Authority (Metro) Building located at One Gateway Plaza in the City of Los Angeles. The presiding Board Member was Doran Barnes, Chairperson. Board Members present included: Dolores Nason, Vice Chair, Jan Heidt, Treasurer, Joyce Rooney, Secretary, Michael Greenwood, Kurt Hagen, Theresa De Vera, Jano Baghdanian, Ex-Officio's, Shawn Solomon and Jim Jones, Access Services Legal Counsel. Ex-Officio Joseph Stitcher was not in attendance.

Access Services' staff members present included: Shelly Verrinder, Donna Cisco, Kristine Helin, Araceli Camuy, F Scott Jewell, Evie Palicz, Erik Washington, Steve Chang, Luis Pacheco, Luis Garcia, David Foster, Linda Ross, Sean Frye, Andre Colaiace, Brian Selwyn, Kandy Kuo, Louis Burns, Alfredo Torales, Matthew Avancena, Geetu Banerjee and Arun Prem.

PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS

No public comments were heard regarding the closed session.

CLOSED SESSION REPORT

The Board met in Closed Session and reconvened the general portion of the meeting at 1:15 p.m. at which time Shawn Solomon, Chair of the CAC joined the general session. Chairperson Barnes asked Mr. Jones, Access Services Legal Counsel, to brief the audience on the outcome of the closed session.

Mr. Jones reported that the Board met in closed session and discussed the following pending litigation: Johnice Jones v. Access Services and San Gabriel Transit; no reportable action was taken by the Board with respect to this matter. The Board also discussed personnel issues.

Mr. Jones explained the right for public comment and how it could be exercised. He mentioned the general 3 minute limitation on public comment and that anyone who by reason of a specific disability which prevented them from speaking with normal rapidity and who wished to request an accommodation should so indicate on the speaker request form so that the Chairperson could consider and potentially grant additional time to make their statement.

REVIEW & APPROVAL OF THE MINUTES FROM THE BOARD MEETING OF JUNE 1, 2009

Motion: Director Nason moved approval of the June 1, 2009 meeting minutes.

Second: Director DeVera seconded the motion.

Discussion: None.

Vote: Via Voice Vote.

In Favor: Directors Rooney, Heidt, Hagen, Greenwood, Hallenberg, Nason, Baghdanian, and DeVera.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

REPORT FROM EX-OFFICIO BOARD MEMBERS

Shawn Solomon, Chair of the Community Advisory Committee (CAC), submitted his report. Access Services Senior Administrative Assistant, Kristine Helin read his report to the Board. He reported that although there was a newly constructed wheelchair ramp on the Wilshire side of the Access Services building the pick-up and drop-off location would continue to be on the 6th street side of the building.

He also reported that the ride time sub-committee discussed methods that could be used to improve and reduce shared ride times by utilizing the software that was currently being implemented by the Southern provider. He concluded his report by stating at the next CAC sub-committee meeting they would review the issue further.

SUPERIOR SERVICE AWARDS

Ms. Stephanie Rogers, a Call Taker for Global Paratransit Inc., was the recipient of the Superior Service Award for the month of April 2009. Mr. Juan Garcia, a Driver for MV Transportation, San Fernando Valley, was the recipient of the Superior Services Award for the month of May 2009.

GENERAL PUBLIC COMMENT

No public comments were heard regarding the general portion of this meeting.

CONSENT CALENDAR

Director Nason pulled Item 8-c (Authorization of ASI-1939 - Raycom/Mobile Relay Associates Contract Extension) for purposes of discussion.

Motion: Director Rooney moved approval of all other items on the consent calendar.

Second: Director Baghdanian seconded the motion.

Discussion: None.

Roll Call: Chairperson Barnes asked for a roll call.

In Favor: Directors Heidt, Hagen, Greenwood, Hallenberg, Nason, Baghdanian, DeVera and Rooney.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

DISCUSSION: *Item 8-c (Authorization of ASI-1939 - Raycom/Mobile Relay Associates Contract Extension)*

Director Nason asked why the vendor was requesting an increase above the 5 percent. She also asked shouldn't the additional cost be added to the next budget. Mr. Jewell replied that it was the second option year for this particular contract and as a standard practice with the option years, staff allows the contractor to request a CPI increase from the previous contract year. As for the previous contract year, they did not ask for an increase and this would be the first time they asked for an increase within the four years of the existing contract.

Director Nason replied that she understood the 5 percent but needed further clarification, was the contractor asking for the increase or was staff just putting the money out there. Mr. Jewell replied that the contractor requested the 5 percent increase.

Ms. Verrinder stated that Director Nason was talking about the \$50,000 for miscellaneous expenses. Mr. Jewell replied that there was additional funding of just over \$3,000 for the fiscal year that should cover incidentals not associated with the maintenance contract.

Motion: Director Rooney moved approval of Item 8-c on the consent calendar.

Second: Director Baghdanian seconded the motion.

Discussion: None.

Roll Call: Chairperson Barnes asked for a roll call.

In Favor: Directors Hagen, Greenwood, Hallenberg, Nason, Baghdanian, DeVera, Rooney and Heidt.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

APPROVAL OF PROPOSED BUDGET FOR FISCAL YEAR 2009/2010 REVISED

Access Services Director of Administration and Information Technology, F Scott Jewell provided a brief presentation on Access Services proposed budget for Fiscal Year 2009/2010.

Chairperson Barnes reminded the Board that the Ad Hoc Budget committee reviewed the budget, he asked Ms. Verrinder to update the Board on the deliberation that occurred and who the members were.

Ms. Verrinder informed the Board that the committee consisted of Directors Rooney, Greenwood and Director Hallenberg who was unable to attend the meeting due to health issues. Ms. Verrinder stated that the funding marks had been a moving target and there was a \$5 million shortfall in anticipated revenue from Metro.

She explained that Access Services and Metro were looking at alternative grant funds but staff may need to come back to the Board with a budget amendment at a later date.

Ms. Verrinder also stated that staff's decision to move forward with contracting OMC out during the graveyard shift was due to OMC receiving less than one call for the entire shift. It was not cost efficient to operate fully staffed and to pay for the air conditioning and heating for so few calls. Staff will contract out with one of our current contractors that have vehicles available in all of Access Services service areas. Staff was also in the process of merging the customer service department together with the operations monitoring center in order to maximize the utilization of staff.

Ms. Verrinder added that the final change would be to put the penalties and incentives on hold because the penalties and incentives actually cost Access Services approximately \$1 million a year. Staff discussed this with all the contractors and the status will be reviewed after the first quarter.

Board Questions &

Clarification: Director Baghdanian stated that the price of gasoline was estimated at \$2.53 a gallon and right now, the price was going up, he asked if the estimate of \$2.53 a gallon was a good idea.

Ms. Verrinder replied that Access Services contractors are eligible for \$0.06 per gallon rebate and some of the contractors have good fuel contracts where they are paying a little less than the pump price. She stated that the way Access Services budget was drafted staff backed in to the price per gallon based upon available funding. METRO understands the issue and every penny was allocated to price per gallon but it was an area of concern.

Director Baghdanian asked if the contractors had a provision to come back to Access Services if the gasoline prices started to increase. Ms. Verrinder replied that the contractors automatically have a quarterly adjustment on fuel and currently the contractors owe Access Services

money whereas before Access Services was paying out large sums of money to the contractors.

Motion: Director Nason moved approval of Item 9.

Second: Director DeVera seconded the motion.

Discussion: Director Baghdanian recommended that on a quarterly basis the Board receive updates from staff regarding the budget and how close they are to the projections.

Chairperson Barnes added that we are all living in challenging economic times and the transportation world was no different. As we have all witnessed over the last several months a number of indicators that could affect our business were possible, especially gas prices.

Vote: Via Voice Vote.

In Favor: Directors Greenwood, Hallenberg, Nason, Baghdanian, DeVera, Rooney, Heidt, and Hagen.

Opposed: None.

Abstention:None.

Pass/Fail: The motion carried.

CUSTOMER PERCEPTION PROJECT UPDATE

Access Services Acting Project Administrator, Luis Garcia provided a brief presentation on the customer perception project.

Chairperson Barnes reminded everyone that this was an information item only and no action was needed. He thanked Mr. Garcia for his presentation.

STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S AUDIT RECOMMENDATIONS

Chairperson Barnes stated that Item 14 was a standing agenda item related to the implementation of the recommendations in the OIG Audit.

Director DeVera stated that the CAC felt that paper was being wasted by printing the agenda with all the audit recommendations that have been completed. She asked if it was possible to only include the items that were not completed. Director Nason added by removing the recommendations that have been completed it would make it easier to see the ones that were still pending.

Ms. Verrinder replied that staff would look into the possibility with the City Commission on Disabilities who originally requested that all the recommendations be included.

Chairperson Barnes stated that the comprehensive list should be available possibly on the Access Services website as a link for individuals to view or print out a copy.

EXECUTIVE DIRECTORS' REPORT

Access Services Executive Director Shelly Verrinder reported that the total trips for the month of May increased slightly to 187,348 and on-time performance decreased from the standard of 91.0% to 89.0%. The average initial hold time and the cost per trip remained steady at 35 seconds and \$34.70 respectively.

Ms. Verrinder also reported that Access Services new insurance program went into effect yesterday, June 21, 2009. She went over a brief visual presentation with the Board explaining the different levels of coverage with each of the insurance providers, which added up to \$26 million worth of coverage. Ms. Verrinder added that staff was working diligently with CorVel, Access Services third party administrator, on training and the vehicle certifications. She also stated that the new insurance program information would be available in the July 2009 Board Box.

Ms. Verrinder mentioned that an issue with the scheduling software in the Southern region had come up a few times at the CAC and TPAC meetings. The software has individual rider/driver perimeters and overall system perimeters, which is how all the scheduling software worked. The difficult part with scheduling software was not just choosing the software in adjusting and playing with all the perimeters to set them correctly.

Unfortunately, the only way to adjust perimeters was by trial and error. Ms. Verrinder added that staff felt that Global Paratransit had done an excellent job and had been very patient working out issues with the perimeters. She added that Global Paratransit was the first contractor to move forward with the implementation and the next contractor would have a much easier time moving forward.

Ms. Verrinder concluded her report by recognizing Director Rooney. Ms. Verrinder stated that Joyce had been involved with Access Services since the beginning and had been a very valuable Board member. Director Rooney was willing to serve on any committee as a Board member or a non-board member. She focused not only on the Local Transit Operator perspective but also on the region and how ADA paratransit fit into the region. Director Rooney was presented a plaque to thank her for her two years of service on the Board of Directors as the Secretary. Director Rooney accepted the award and thanked everyone for the opportunity to serve on the Board.

BOARD MEMBER COMMUNICATION

Director Hallenberg announced that this would be his last meeting of the Board of Directors. He stated that he notified the Los Angeles County Independent Living Center that because of his declining health he was going to resign his seat on the Access Services Board of Directors. He stated that he enjoyed serving and thanked all the Directors for their kindness towards him.

Chairperson Barnes asked Director Hallenberg if he could attend the next meeting in August 2009 so the Board could properly thank him for his service. He also stated that Director Hallenberg had been a great asset to the organization not only as a Board member but as a member to many other committees.

Director Nason stated that she was going to miss Directors Rooney and Hallenberg. She added that it was a pleasure working with both of them and they were going to be very hard to replace.

Director Hagen stated with Directors Rooney and Hallenberg leaving in the same month was going to leave a large hole that was going to be very difficult to fill. He also added that he had some concerns regarding the upcoming fare change. He stated that riders have come to him within the past week, as well as a driver asking questions as to what was going on, how everyone was adjusting to the change and how were the drivers dealing with payments. Were there going to be coupon and coins?

Director Hagen stated that he was concerned because there seemed to be a lack of knowledge in the community as to the changes. Another thing that was mentioned by a driver was that it was his understanding that there were going to be flyers in the vehicles and he and other drivers had not received any. Director Hagen stated that he felt it was going to be a difficult time in the upcoming months as far as the transition goes and everyone needed to be aware of this.

Director DeVera stated that she was going to miss Director Rooney who taught her all of the acronyms in the transportation field. She added that she, Directors Rooney and Hallenberg served on the CAC Board Relationship sub-committee, which was one of the hardest things that they had to do, trying to balance disability with geographic locations. She wished Director Rooney the best of luck with her move to TPAC.

Director Baghdanian stated that he had worked with Director Rooney for the last ten years or maybe longer on many committees and local transit sub-committees. Director Rooney was always the one who would volunteer to Chair committees, which was a hard task to find someone to take on that responsibility along with the work that she does for the City of West Hollywood.

He added that Director Rooney was always professional, she reads up on all the material she is given and is always prepared and he has learned a lot from her. Director Baghdanian thanked Director Rooney for all her hard work with the Board of Director and the other committees they sat on and wished her the best of luck.

Mr. Solomon stated that he had the opportunity to work with both Directors Hallenberg and Rooney at the CAC and the Board of Directors. He stated that he was sorry to see them leave but wished them the best of luck.

Chairperson Barnes stated that it was the closing of one fiscal year and the beginning of the new fiscal year with new challenges, opportunities and in some cases new faces. He also announced that the regularly scheduled Board meeting for the month of July 2009 was canceled and the next Board of Directors meeting is scheduled for

August 24, 2009, he concluded his comment by wishing everyone a wonderful summer.

NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA

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

ADJOURNMENT

Motion: Director Rooney moved to adjourn the meeting.

Second: Director Nason seconded the motion.

Vote: Via Voice Vote.

Pass/Fail: All were in favor and the meeting adjourned at 2:10 p.m.

Approval

Theresa DeVera, Secretary

Date

AUGUST 14, 2009

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DIRECTOR OF GOVERNMENTAL SERVICES
GILBERT GARZA, GRANTS MANAGEMENT ADMINISTRATOR

RE: APPROVAL OF OVERALL ANNUAL DISADVANTAGED BUSINESS
ENTERPRISE (DBE) GOAL FOR FISCAL YEAR 2009/2010

ISSUE:

Development of Access Services Overall Annual DBE Goal for Federal Fiscal Year (FFY) 2009/2010 is required as a condition of federal financial assistance and Board approval is being requested.

RECOMMENDATION:

Staff recommends that the Board approve the Overall Annual DBE Goal of 3% for FFY 2009/2010, developed in conformance with revised Title 49 CFR Part 26 provisions; *Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation (DOT) Programs and New Policy Race Neutral Directives*, for submission to the funding operating administration, the Federal Transit Administration (FTA).

IMPACT ON BUDGET:

No impact on budget.

BACKGROUND:***DOT POLICY RACE NEUTRAL DIRECTIVES***

As a direct recipient of federal funds, Access Services has developed its Overall Annual Goal for DBE participation in its Federal Fiscal Year 2009/10 DOT-assisted contracts. In response to new policy race neutral directives issued by the Department of Transportation, Access will implement its DBE Overall Annual Goal race neutrally. In a wholly race-neutral program, the recipient does not set contract goals on any of its DOT-assisted contracts for which DBE subcontracting possibilities exist.

Therefore, effective April 24, 2006, Access has implemented a wholly race-neutral DBE program based upon the absence of readily available evidence of discrimination

or its effects on Access's marketplace to sufficiently support the use of race-conscious measures in the implementation of its DBE Program.

The application of race neutral measures is in direct response to the Ninth Circuit U.S. Court of Appeals decision in the Western States Paving Co. v. United States & Washington State Department of Transportation, whereby the FTA issued a NOTICE (guidance) (Docket No. FTA-2006-24063) on March 23, 2006 stipulating a Policy implementation and requests for comments to Public Transportation Providers regarding DOT's DBE Program. As such, each recipient is requested to do the following:

- If a recipient does not currently have sufficient evidence of discrimination or its effects, then the recipient would submit an all race-neutral overall DBE goal for FFY 2009/10.
- The recipient submission shall include a statement concerning the absence of adequate evidence of discrimination and its effects and a description of plans to either conduct a disparity/availability study or other appropriate evidence gathering process to determine the existence of discrimination or its effects on the recipient's marketplace.
- An action plan describing the study and timeline for its completion should also be included.

Based upon Access's review of the new policy requirements, Access has determined that it is not feasible to conduct its own independent disparity study. However, it is Access's understanding that the California Department of Transportation (Caltrans) and the Los Angeles County Metropolitan Transportation Authority (MTA) will be conducting disparity studies to assess the existence of discrimination or its effects in the corresponding marketplace. Caltrans' study is anticipated to be completed November 2009. Upon completion of the study, Access will review and utilize all relevant results in its application of future goal setting analysis.

Overall Annual DBE Goal

The recommended Overall Annual DBE Goal for Access's DOT-assisted contracting program for FFY 2009/2010 is 3%. The goal was established utilizing the federal two-step goal setting methodology as prescribed by regulation, and represents the level of DBE participation that could reasonably be expected on federal-aid contracts. The overall annual DBE goal for FFY 2009/10 is 1% higher than FFYs 2008/09, 2007/08, 2006/07, 2005/06 and 2004/2005. Based on the current data available, Access's current average goal attainment on its Specialized Transportation Service Providers contracts is consistent with the Overall Annual DBE Goal.

Access will utilize strictly race-neutral measures to foster DBE attainment, including unbundling of contracts, technical assistance, capital and bonding assistance, proactive, targeted outreach to all small businesses to increase its contracting base of capable and interested firms with potential for DBE certification. Such outreach

activities will include participation as an Exhibitor at large regional transportation-focused Outreach Events, Trade Fairs and Workshops, interfacing with Minority and Women Business Associations and Business Development Centers, and advertising in minority publications to provide DBEs and small businesses with current information of upcoming Access procurement and contracting possibilities.

As per FTA requirements a Public Notice advertising the FFY 2009/2010 Overall Annual DBE Goal for public comment was published on July 1, 2009. The 45 day comment period recently expired with no comments being received.

Board approval of the Overall Annual DBE Goal for FFY 2009/2010 is required to ensure compliance with Department of Transportation's funding agreements. Failure to do so will compromise Access's DOT financial assistance.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS
FROM: F SCOTT JEWELL, DIRECTOR OF ADMINISTRATION
RE: RATIFICATION OF LINE OF CREDIT

ISSUE:

Board approval is needed to ratify and approve a line of credit with Union Bank for an amount not to exceed \$6,000,000.00.

RECOMMENDATION:

Ratify and approve a line of credit with Union Bank for an amount not to exceed \$6,000,000.

IMPACT ON BUDGET:

The provision of securing a line of credit was included as part of the budget for FY2009/10. The quarterly fees are estimated at \$7,500.00.

ALTERNATIVES CONSIDERED:

None as the line of credit is necessary to maintain cash flow and legally obligated reserve levels.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the board, the staff would be authorized, but not required, to access a line of credit with Union Bank upon terms and conditions set forth and no less favorable to Access than those proposed above

BACKGROUND:

Access receives its primary funding from two source - FTA 5310 and Prop C local funds. As these grants are renewed on an annual basis in conjunction with the beginning of the fiscal year, a delay in their approval could cause serious cash flow issues for the agency. This year there have been significant delays with securing the MOU for the Prop C funds with Metro. Due to this issue, and a lack of a Board meeting in July, it was necessary for staff to inform the Board chair and move forward

on securing a line of credit with Union Bank. Proposition C funds from Metro were received and the line of credit has not been accessed.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS
FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS
RE: AUTHORIZATION OF FUNDING FOR BACK-UP SERVICE PROVIDERS

ISSUE:

The current agreements for Backup Response and Third Party providers expired June 30, 2009. Board authorization is required to extend and fund the multiple agreements for these services.

RECOMMENDATION:

Staff recommends that the Board authorize the extension and funding of the Regional Backup Response Agreement with transportation service providers and the Third Party Agreement with transportation providers at a cost not to exceed \$148,000.00 for FY2009/10.

IMPACT ON BUDGET:

The recommended Board action is consistent with the approved FY2009/10 budget.

ALTERNATIVES CONSIDERED:

In the past Access Services has operated back up response service through an account type system and purchase orders not to exceed \$24,999. Access Services experienced numerous problems with this system as it did not offer any contractual protections to Access Services nor performance standards for the rider. In addition, Access Services was not able to gather the required National Transportation Database (NTD) data. The current system for contracting these services was put into place by the Board four years ago and is working effectively.

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 agreements with the transportation providers for Backup Service upon terms and conditions set forth in the request for proposal and no less favorable to Access Services than those proposed above. Access Services would not be legally bound to the agreement

unless it is incorporated into a formal written document executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND:

The Backup Response System was designed to assist riders with immediate service needs, such as when a scheduled trip does not go as planned. Back up trips are considered above the ADA requirements and are considered premium service. There are currently seven (7) transportation providers that participate in the Access Services' Third Party Backup Response System.

The Third Party Backup Response System is coordinated through the Customer Support Center (CSC), which is staffed by Access personnel. Backup vehicle providers are usually licensed taxicab operators operating under the jurisdiction of a local municipality. Taxicabs and other private provider demand response services generally are insured only to the California minimum (100/300/50). The drivers are not trained as extensively as Access Paratransit certified drivers but the drivers have had a background check and pre-employment drug screening. Third party backup trips are an option that is given to a rider who has contacted the CSC regarding a late trip. If a rider prefers an Access Paratransit certified driver and vehicle, they may experience a longer wait. The decision on what type of vehicle is dispatched rests with the rider.

Regional back up response entails trips that are provided by a transportation service provider under contract to Access. In an effort to improve the quality of service provided, a transportation service provider may offer the rider the choice of using a non-certified vehicle and driver versus waiting for a certified vehicle to become available. The proposed agreement clearly delineates when a provider is authorized to offer the rider an option and the steps they must complete when doing so.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS
FROM: DONNA CISCO, EXECUTIVE ASSISTANT
RE: BOARD MEETING TRANSCRIPTS

ISSUE:

Over the course of the last year or so it has become practice to have a court reporter transcribe all Board meetings whether or not a request for this accommodation was received. Beginning in September 2009, per Board policy, a court reporter will only be provided if a request is submitted according to the established policy.

RECOMMENDATION:

Court reporters and other accommodations will be provided per Access Services policy as follows:

"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."

BACKGROUND:

Staff began providing a court reporter at the request of an Access Services rider who submitted the request in a timely manner per Access policy. A former member of the Access Services Board of Directors requested that a court reporter be present at all meetings even if a request for accommodation had not been made. To date there have been no requests from Board members, staff or legal counsel for copies of the transcript from a Board meeting. The total cost of this service for the average board meeting is \$620. It is staff's recommendation to discontinue the court reporter unless a request for accommodation has been received. The meetings will continue to be recorded via audio which are available upon request.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS
FROM: ANDRE COLAIACE, DIRECTOR OF GOVERNMENTAL SERVICES
RE: CLAIMS HANDLING DESIGNATIONS AND AUTHORIZATIONS

ISSUE:

As a public entity under the California Government Code, the Board must designate an Access employee as a "Clerk" to receive pre-litigation claims and also consider authorizing an Access employee (or employees) to settle claims against the Agency up to \$50,000.

RECOMMENDATION:

- 1) Designate the Director of Governmental Services as the "Clerk" under the California Government Code to receive pre-litigation claims;
- 2) Post the designation on the Agency website at www.asila.org;
- 3) Authorize the Executive Director and/or the Director of Governmental Services to settle claims against the Agency for up to \$50,000.

IMPACT ON BUDGET:

These recommendations will have no direct affect on the budget. The Board has already authorized funding in the budget related to Access Services' new insurance program.

ALTERNATIVES CONSIDERED:

No alternatives were considered.

BACKGROUND:

The California Government Code outlines specific requirements that public entities must comply with when handling claims. The Board's approval will bring the agency into compliance with California law.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS
FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS
RE: APPROVAL TO INCREASE FUNDS AND EXTEND EASTERN AREA
SERVICE CONTRACT: SAN GABRIEL TRANSIT (ASI-1928)

ISSUE:

Board approval is needed to increase funds and exercise the second option year of contract ASI-1928 with San Gabriel Transit (SGT) for specialized transportation services for both the Eastern Region and Certification.

RECOMMENDATION:

1. Authorize additional funds be added to the current year (ending March 31, 2010) in the amount of \$923,204.00. This action will result in an increase in the current contract amount of \$83,651,918.00 to \$84,575,122.00.
2. Authorize \$24,741,482 in funds and an extension in the period of performance for one year, from April 1, 2010 through March 31, 2011. This action will result in an increase in the contract amount of \$84,575,122.00 to \$109,316,604.00. Also authorize a fixed per trip rate of \$25.93 and a fixed monthly rate of \$546,449.00 for this period.
3. Authorize an increase in the fixed hourly rate for Certification service from \$28.37 to \$29.22 for the period April 1, 2009 through March 31, 2010 and from \$29.22 to \$30.09 for the period April 1, 2010 through March 31, 2011.

IMPACT ON BUDGET:

The rate increases proposed can be accommodated within the existing budget and will be covered by the proposed budget for FY2010/11.

ALTERNATIVES CONSIDERED:

Given the experience of and acceptable performance by SGT in fulfilling the terms of their contract, 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 the San Gabriel

Transit, Inc. for specialized transportation 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 revised terms or the extension period unless and until they are 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:

San Gabriel Transit (SGT) has been a service provider of ADA paratransit in Los Angeles County since its inception in 1991 under the auspices of the Los Angeles County Transportation Authority when the program was known as Metro Access.

SGT has historically been a consistent provider of safe, reliable and cost effective transportation for our customers and since the start of this contract in April 2006, SGT has made further strides in their operations, which has allowed them to meet and in many cases exceed our key performance standards.

During FY 08/09 for example, achieved the following performance statistics:

Performance Measures	Standard	Actual
On Time Performance	91%	92.88%
Late 4 Percentage	0.10%	0.08%
*Average Initial hold Time	2:00	:28
*Percentage on hold > 5 minutes	< 5%	0.89%

*YTD

During this option year, SGT will participate in the implementation of the Strategen-Adept Scheduling Software currently being implemented in the Southern Region.

The request for an additional \$923,204.00 for the current year of the contract (through March 31, 2010) is based on a level of growth in trips not foreseen at the time Board approval was sought at the October 2008 Board meeting. Based on its most recent forecast of trip activity in the Eastern region, HLB projects that SGT will provide 4.9% more trips during the current contract year than were projected at the time staff originally requested funding.

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 SGT for specialized transportation 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 revised terms or the extension period unless and until they are 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.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS

FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS

RE: APPROVAL TO INCREASE FIXED HOURLY RATE FOR OVERFLOW SERVICE PROVIDER CONTRACT NO. ASI-2689

ISSUE:

Board approval is requested for a change in the fixed hourly rates for the Overflow Services contract (ASI-2689) with MV Transportation (MVT).

RECOMMENDATION:

Authorize an additional \$10,646.00 in funds for the three-year base term of contract ASI-2689. This action will result in an increase in the previously approved contract amount of \$1,095,480.00 to \$1,106,126.00. Also, authorize a change in the per hour rate, effective July 1, 2009, as follows:

<u>Year</u>	<u>Current Hourly Rate</u>	<u>Proposed Hourly Rate</u>
7/1/09-6/30/10	\$38.55	\$39.13
7/1/10-6/30/11	\$39.62	\$40.02
7/1/11-6/30/12	\$43.55	\$43.75
7/1/12-6/30/13*	\$44.99	\$44.48
7/1/13-6/30/14*	\$45.83	\$45.61

*Option years

IMPACT ON BUDGET:

The proposed changes in the fixed hourly rate will be accommodated by the proposed budgets for FY 09-10 and subsequent out-years. The increase in the total rate of compensation for the base three year period over the current rate is less than 1%.

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 MVT for specialized transportation 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 revised terms or the extension period unless and until they are 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 Board approved the current rate schedule for Overflow service at its June 1, 2009 meeting. The proposed rates were based on the assumption that the provider would not be responsible for the purchase of any vehicle-related insurance. Subsequently, staff determined that each service provider should purchase Physical Damage coverage for all dedicated vehicles, of which MVT will have four (4). The proposed rate changes reflect the addition of Physical Damage insurance. The actual *reduction* in rates for each of the two option years reflects the reduction in insurance costs over time (due to the depreciation in the value of the vehicles), as well as the small reduction in both the general and administrative fee and profit in each of the contract years.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS
FROM: SHELLY VERRINDER, EXECUTIVE DIRECTOR
RE: STATUS UPDATE ON SUCCESSION PLANNING

ISSUE:

At the February 2009 meeting of the Board of Directors approval was granted to extend and increase funds for consultant services with Insight Strategies. This item and a presentation at the Board meeting will provide an update on the succession planning process.

IMPACT ON THE BUDGET

This item will have no impact on the approved FY 09/10 budget.

ALTERNATIVES CONSIDERED

This is for information only so no alternatives were considered.

BACKGROUND

Insight Strategies began working with Access staff in April 2008 on developing key competencies for an employee of Access to be successful. The model was developed by identifying those behaviors that would lead to success with Access. The framework created included nine key factors that would induce desired behavior, with a tenth competency identified for individuals in supervisory roles. The outcomes that drove the development of the overall employee competencies included:

- Delivering reliable, high quality service
- Meeting and exceeding performance standards
- Meeting and exceeding ADA standards
- Consistency of measurement
- Nothing less than satisfactory work
- Professionalism, responsible, and civility

A draft competency model for the Executive Director was developed in the fall of 2008. There were several overlaps between the employee competency model and that applicable to the Executive Director. The desired outcomes identified for the Executive Director position include:

- Fiduciary - On budget, on track, prudent, in compliance with ADA
- Strategic Direction set and accomplished
- Organization accountable and measured to set goals
- Operational and managerial concerns addressed
- Advocates for disability communities

The last model to be developed will be that of the Director level. The Directors will begin working with ISI on completing the competency model for departmental Directors at Access.

The next step in the succession planning process will be to identify the leadership capacity and capabilities in all employees in order to develop an action plan for moving forward. This process has been incorporated into the Employee Performance Appraisal process for the six current department Directors as it pertains to the Executive Director position. The first part of the performance appraisal will be to discuss last year's performance and set goals for the coming year. The second half will be dedicated to identifying and discussing long-term development and a series of questions has been developed to guide a discussion on long term development, professional aspirations, and succession planning (identifying the desire and motivation to move up in the organization).

The overall direction of this process is to create leadership capacity and capability in all our employees and to create a pool of qualified leaders not only for Access but for the local transit community as well.

Access Services Employee Competencies

Below are the key competencies an employee of Access Services need in order to obtain the desired outcomes. This framework is made up of nine key competencies that drive behavior. A tenth competency has been identified for individuals in a supervisory role.



On the following page are the competencies with their definitions. The behavior anchors that define each of the competencies have been rank ordered in their presentation as such it would be understood that if you were performing the later behaviors you would be performing the former ones as well.

Attitude:

Treats all with respect. Speaks positively. Easily moves past disappointments. Gets along with co-workers. Forgives others' mistakes. Constructively criticizes. Encourages others as well as self. Doesn't complain when asked to do things. Customer focused. Confident in their ability. Politically adept

Job Knowledge / Skill:

Basic computer skills. Understands and follows instructions. Understands / complies with ASI policies and procedures. Good knowledge of ADA Guidelines. Consistent with reports and work turned in. Know the performance goals and how to measure and analyze them. Consistently sets challenging goals. Continually seeks educational opportunities.

Meets hold times (Call center only). Meets talk averages (Call center only). Speaks with a smile (Call center only).

Communication Skills:

Uses listening skills well. Open to different ideas. Not afraid to speak up and share ideas. Produces documents in well written English. Speaks clearly and concisely. Creates a dialogue with others. Able to communicate well with customers and team members. Is sensitive to person or environment. Will lead the discussion.

Time Management:

Prioritize work. Plans and meets deadlines. Doesn't waste time or resources. Organizes work and office. Uses time well. Has a sense of urgency.

Initiative:

Completes requested work without continual guidance. Anticipates needs. Initiates action. Requires little instruction. Persistent until task is done. Follows through until job is done. Internally motivated. Makes decisions and feels good implementing them.

Teamwork:

Offers / seeks assistance if needed. Helps others without being asked. Willing to help others to achieve team goals. Supports other's ideas. Is cross-trained on each other's work. Willing to share tools, tips, and knowledge. Is objective with new ideas. Offer positive feedback.

Critical Thinking:

Provides accurate information. Able to fill in the missing information. Thinks independently. Prioritizes which battles to fight. Knows when to “kick” something upstairs. Knows how to adapt to different circumstances. Able to analyze data/trends. Able to analyze a situation and report on it. Able to see solutions in a difficult situation.

Risk:

Embraces change when necessary. Willing to make changes for the better. Able to communicate when there is a problem. Will risk being wrong. Isn't afraid to bring in new ideas. Seeks out new challenges. Provides creative solutions. Admits that you don't know something/ Admits when he/she does not know something.

Accountable:

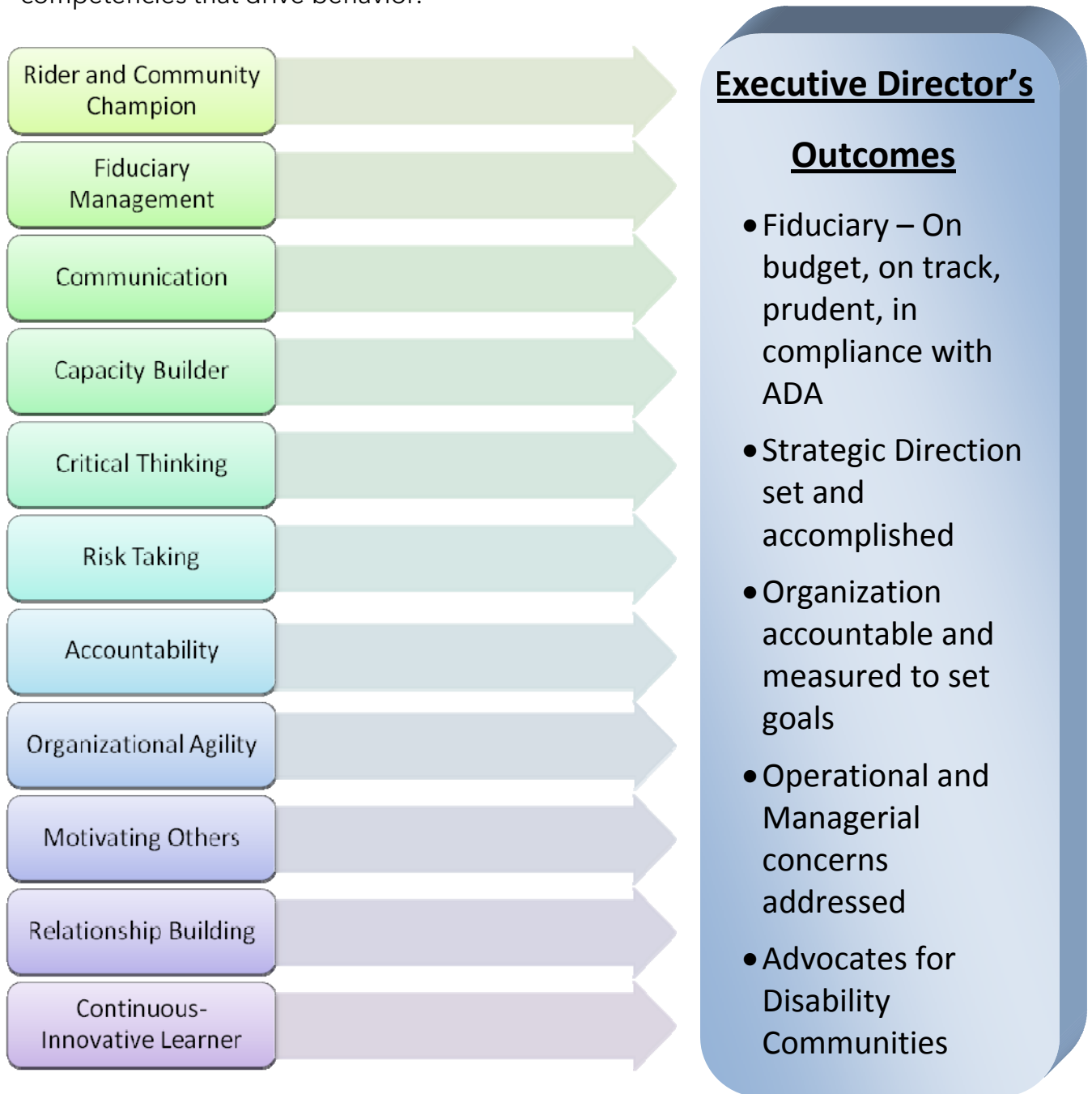
Does what they commit to doing. Accepts own mistakes with grace and humor. Takes ownership of assigned duties. Is accountable to their weakness as easily as their strengths. Brings solutions to the table just doesn't complain. Seeks help when needed, and knows his/her limitations.

Supervisory skills:

Keeps employees informed of their progress. Regularly meets with employees to discuss performance. Makes commendations when necessary. Communicates to employee when not meeting expectancy levels “in advance” of failure. Acknowledges employees as resources to help organizations reach its goals.

Access Services Executive Director Competencies

Below are the key competencies the Executive Director of Access Services needs in order to obtain the desired outcomes. This framework is made up of 11 key competencies that drive behavior.



On the following page are the competencies with their definitions. The behavior anchors that define each of the competencies have been rank ordered in their presentation as such it would be understood that if you were performing the later behaviors you would be performing the former ones as well.

Rider and Community Champion:

Develops , promotes and sustains the effective delivery of services to riders, staff, and partners. Leads initiatives that create a positive, customer- focused culture that results in high levels of stakeholder satisfaction. Acts as an advocate for the ADA community. Lobbies for funding, rulings, and opportunities to provide quality services to ridership.

Fiduciary Management:

Exercises sound financial judgment from a strategic perspective. Anticipates changing economic conditions and understands the interrelationships of multiple, financial factors. Addresses fiscal challenges through effective contingency planning. Sets and manages budget. Effectively balances and shares resources. (i.e. human, technology and money.) Actively seeks new methods for achieving cost savings or producing revenue.

Communication Skills:

Uses listening skills paying attention to the verbals and nonverbal communication. Is sensitive to person or environment and adapts style as needed. Champions consistent and respectful, two-way communication efforts with riders, staff, partners and community groups. Develops innovative methods to promote and sustain effective communication across the organization. Uses communication process to influence others. Able to address any audience, size or makeup.

Capacity Builder:

Utilizes contemporary principles of strategic planning. Develops meaningful outcomes and effective performance measures. Creates alignment between the Board's strategic initiatives, political guidelines, and organization goals. Effectively executes business strategy. Envisions new challenges and plans appropriately.

Critical Thinking:

Ensures that processes are utilized to drive desired results and sustain momentum. Able to define problems, direct staff to solve, and interpret analysis for effective decisions. Leads effective problem solving efforts and encourages new ideas. Builds capacity through convergent and divergent thinking practices. Grasps complexities and perceives relationships among problems and issues.

Risk Taker:

Anticipates change, quickly adapts to new circumstances and effectively manages transitions. Embraces change when necessary. Willing to make changes for the better. Able to communicate when there is a problem. Will risk being wrong. Isn't afraid to bring in new ideas. Seeks out new challenges. Provides creative solutions .

Admits that you don't know something/ Admits when he/she does not know something.

Accountability:

Holds self and employees accountable for high levels of performance. Does what he/she commits to doing. Accepts own mistakes with grace and humor. Leads others and holds self accountable for generating new ideas that contribute to cost-savings, increased efficiency or improved effectiveness. Delegates responsibility to the appropriate level. Delivers on commitments, deadlines and schedules. Demonstrates a sense of personal accountability for achieving results. Accepts responsibility for actions and decisions.

Organizational Agility:

Knowledgeable about how business, nonprofits, and governments work. Knows how to get things done both through formal channels and the informal network. Understands the origin and reasoning behind key policies, practices, and procedures. Understands the cultures of organizations

Motivating Others:

Creates a climate in which people want to do their best. Assess each person's passion and use it to get the best out of him/her. Invites input from each person and shares ownership and visibility. Acknowledges contributions and celebrates success. Is someone people like working for and with.

Relationship Building:

Presents self in a manner that evokes trust in others. Approachable by all staff levels, Board Members, elected officials, and riders. Adapts responses to situation and person keeping it in a positive light. Keeps people focused on the "big picture." Builds and maintains relationships to ensure adequate funding and knowledge of changes to laws.

Continuous-Innovative Leader:

Advances job competence and expertise by modeling desired behaviors. Continually seeks out learning activities that enhance skills, knowledge and abilities. Effectively applies new knowledge and skills. Inspires others to learn. Creates a climate that inspires staff, on all levels, to work at their highest potential. Values diversity and ensures that diversity concepts are translated into everyday practices. Is non-defensive, open to feedback and receptive to learning new ideas. Displays a high degree of emotional intelligence. Leads groups to achieve maximum levels of team effectiveness.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS

FROM: DAVID FOSTER, PROJECT ADMINISTRATOR

RE: CUSTOMER PERCEPTION PROGRAM UPDATE - MILES OF SMILES CAMPAIGN

Access is striving to enhance the customer service provided during our customers' ride experience! That experience begins with a call to the reservations center to book a next-day trip and ends when the driver arrives at the customer's destination. We want our customers to know what to expect from the call center operators and drivers in terms of customer service.

So, this fall ASI is kicking off a new campaign called Miles of Smiles! Our hope is that by recognizing call center operators and drivers for good customer service skills that behavior will be emulated others.

Our mission statement is:

Miles of Smiles is a simple set of strategies to enhance the customer service aspect of an already outstanding safe, reliable and cost effective ADA paratransit system

Goals:

- Enhanced customer service experience for our customers when interacting with reservations staff
- Enhanced customer service experience for our customers when interacting with drivers

Tactics:

- Dissemination of strategies to key stakeholders (customers, drivers, reservations staff)
- Enforcement of strategies through positive reinforcement conducted through employee recognition
- Measurement of success through customer commendations and customer surveys

At the August Board of Directors meeting a presentation will be made to provide a brief overview of the *Miles of Smiles* campaign.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS
FROM: JAMES JONES, ACCESS SERVICES LEGAL COUNSEL
RE: BOARD OFFICER ELECTION

ISSUE:

It is necessary to elect new officers of the Board for Fiscal Year 2009-2010. Attached you will find Bylaw Article VII - Officers of the Corporation which details each officer's responsibilities and duties on the Board.

RECOMMENDATION:

Elect officers to the Board of Directors as per the requirement of the Access Services Bylaws for approximately one-year term beginning August 24, 2009 and ending June 30, 2010 or the election of their successor, whichever last occurs. The nominees are:

Slate of Officers:

Chairperson:	Dolores Nason
Vice Chair:	Jano Baghdanian
Secretary:	Theresa May DeVera
Treasurer:	Joseph Stitcher
Executive Director:	Shelly Verrinder

ARTICLE VII. OFFICERS OF THE CORPORATION

A. Officers of the Corporation.

The officers of the corporation shall be a Chairperson, Vice Chairperson, Executive Director, Secretary and Treasurer. The corporation 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 corporation, 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. 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 corporation. 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 corporation 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, 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 corporation'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 corporation 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 corporation's day-to-day activities, affairs and non-board appointed officers.

4. Deputy Executive Director:

In the absence or disability of the Executive Director, the Deputy Executive Director, 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 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 corporation's principal office or at a place determined by resolution of the Board, a record of the corporation'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 corporation'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 corporation, 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 corporation.
- (ii) The Treasurer shall disburse or cause to disburse the funds of the corporation 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.

AUGUST 14, 2009

TO: BOARD OF DIRECTORS

FROM: STEVE CHANG, DIRECTOR OF CONTRACT SERVICES

RE: STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S AUDIT
RECOMMENDATIONS

ISSUE:

The audit of Access Services Incorporated conducted on behalf of the Metro Office of Inspector General (OIG) in FY 07 - 08 confirmed Access Services system design and operational compliance with the ADA and funding requirements and the general satisfaction of Access Services riders with that service. The audit contained no negative findings, but the auditors did make sixteen recommendations and the audit report contains Access Services affirmative responses to these recommendations.

This item comprises the monthly update for August 2009. Of the sixteen recommendations, twelve have been completed.

RECOMMENDATION:

Receive and file the attached status report on the implementation of the audit recommendations from the "Report on the Evaluation of the Paratransit Eligibility Process; Administration, Performance, and Management of Paratransit Operations; and Compliance with Memorandum of Understanding."

BACKGROUND:

At the recommendation of the Board of Directors the Status Report only contains updates on the four open audit recommendations. A complete status report on all sixteen recommendations can be found on the Access Services website at www.asila.org.

STATUS REPORT ON THE IMPLEMENTATION OF THE AUDIT RECOMMENDATIONS

Recommendation 3

ASI should evaluate the process for informing individuals who complete the eligibility evaluations of their right to appeal and the process on how to make an appeal.

Apr - 08	ASI will re-evaluate the eligibility determination packet with the help of TPAC and CAC to ensure that appeal information is presented in a manner most likely to be understood by applicants. Staff is anticipating a new brochure to be available in July of 2008.
May - 08	ASI will work with communications professionals and small focus groups to re-evaluate the eligibility determination packet. This will be implemented in July 2008.
Jun - 08	No update to report.
July - 08	On July 17, 2008, the QSS reviewed recommended changes to the eligibility fact sheets. New information sheets detailing the eligibility and appeal process are being formatted by Metro Design Center and will be available in September 2008. Per ASI Policy, alternative accessible formats will be available upon request.
Aug - 08	The formatted fact sheets are expected to be ready for distribution in the near future.
Feb -08	The Board of Directors approved a new identity program for Access Paratransit at their February 2009 meeting. Metro Design Center will begin work on finalizing these new information sheets. The new sheets are expected to be distributed in April 2009.
May -09	The eligibility and appeal information sheets consisted of four different parts. The four parts have been condensed and simplified into one user friendly document. Metro Design is currently finalizing the language and the layout. It is expected that the finalized document will be distributed in the Summer of 2009.
Aug - 09	The final proof of the new eligibility information guide was completed in early August 2009. After the final layout changes have been completed the guide will be sent to print.

Recommendation 6

ASI should evaluate whether the service providers are using the most efficient methodology for scheduling vehicles and drivers and whether there are opportunities to shift resources from low demand to peak demand periods.

Apr - 08	Prior to the audit in January 2006, ASI retained the services of the IBI Group to perform a Needs Analysis on ASI's Access Paratransit service. The recommendations from the analysis were presented to the Access Services Board
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	of Directors in March 2007. One of the principal recommendations was the design and implementation of a centralized reservation/scheduling software to be used by all of ASI providers. The Board approved the award for that reservation/scheduling software in November 2007. The first phase of the implementation of this recommendation is scheduled to begin in August 2008. The implementation of the first service region, with phase--in to other regions as contracts renew, is scheduled for fall of 2008.
May - 08	The centralized reservation/scheduling software will be implemented within the first service region in September 2008 and will be phased in by region as contracts are renewed. Staff is anticipating system wide implementation will be completed in 2010.
Jun - 08	A notice to proceed was issued to the software contractor on June 9, 2008 and a kick off meeting was held with Global Paratransit.
July - 08	The project team has begun the implementation period for the software installation in the Southern Region. As the system is implemented relevant ride statistics such as travel times, will be reported monthly in the Operations Report contained in the Board Box.
Aug - 08	No status update to report.
Feb - 09	Due to beta testing and related infrastructure issues the implementation of the new software has taken longer than expected. The first phase of implementation will begin in the Southern Region in Spring 2009.
May - 09	Implementation began in the Southern Region. The contractor is working to fine tune all of the scheduling parameters within the software and things are moving accordingly.
Aug - 09	The service quality in the Southern Region has stabilized. A modification of the software that's related to the scheduling of stand-by trips and pick-up times being changed has been completed and installed. The next region scheduled for implementation is MV Transit in the San Fernando Valley in early 2010.

Recommendation 8

ASI should evaluate the scheduling system to minimize or eliminate circuitous routing of share rides and to ensure that the routing/dispatching methodology minimizes wait times and trip times.

See Recommendation 6 above.

Recommendation 11

ASI should reinforce to paratransit applicants and riders that the primary purpose of using Access Paratransit Services is that the individual is unable to use the regular bus and rail service.

Apr - 08	ASI will work with TPAC and CAC to ensure that information on eligibility is consistent with the recommendation and presented in a manner most likely to be understood by applicants. Staff is anticipating new brochures to be available in July of 2008.
May - 08	Staff is anticipating new brochures to be available in July of 2008.
Jun - 08	No update to report.
July - 08	In addition to the information sheets discussed in Recommendation 3, the new eligibility center's transit theme and presentation should reinforce the connection between Access Paratransit and regular bus and rail service.
Aug - 08	See item 3 above.
Aug - 09	With the issuance of the new eligibility information guide this item will be closed.