

MINUTES OF THE MAY 4, 2020 ZOOM TELECONFERENCE
LAVTA BOARD OF DIRECTORS SPECIAL MEETING

1. Call to Order and Pledge of Allegiance

Meeting was called to order by Board Chair David Haubert at 4:02pm.

Board Chair David Haubert informed the public that the Pledge of Allegiance took place prior to the meeting being broadcasted.

2. Roll Call of Members

Members Present

David Haubert – City of Dublin

Melissa Hernandez – City of Dublin (arrived at 4:03pm)

Scott Haggerty – County of Alameda

Jerry Pentin – City of Pleasanton

Karla Brown – City of Pleasanton

Bob Woerner – City of Livermore

Bob Coomber – City of Livermore

3. Meeting Open to Public

Staff informed Chair David Haubert that there were no public comments.

4. March Tri-Valley Accessible Advisory Committee Minutes

Chair Herb Hastings of the Tri-Valley Accessible Advisory Committee (TAAC) reported on the minutes of the March 4, 2020 TAAC meeting. Discussed at that meeting was the Go Dublin Program, TAAC Recruitment, Paratransit Plan Submission to ACTC for Measure B and BB funding, ParaTaxi Brochure, and the Free Fare Transit Program. Chair Herb Hastings informed the Board of Directors that the TAAC signed a letter of support for the Free Fare Program. Lastly, Chair Herb Hastings stated that Esther Waltz provided a January PAPCO Report and Staff reported on ongoing issues with Fixed Route and Dial-A-Ride services.

Staff informed Chair David Haubert that Teamsters Local 70 would like to provide public comment on Agenda Item 3.

Chair David Haubert allowed public comment from Teamsters Local 70, so the meeting moved back to Agenda Item 3.

3. Meeting Open to Public

Teamsters Local 70

Rich Fierro from Teamsters Local 70 informed the Board of Directors that he represents the bus drivers for LAVTA's Fixed Route. Rich Fierro thanked the Board of Directors, LAVTA Management, and MV Management for their leadership roles during these tough times and for taking care of the drivers in regards to financially and safety-wise. Rich Fierro stated that LAVTA has been a leader with safety provisions and disinfectant. Rich Fierro realizes LAVTA is trying to figure out what the best steps are going forward. Rich Fierro also thanked Board

Member Haggerty for “swinging the bat” for them to be on the MTC Blue Ribbon Committee meeting and some of the recommendations Teamsters Local 70 will be making is to have other transit agencies follow some of the things LAVTA has already done.

Board Member Scott Haggerty requested Rich Fierro call into the MTC meeting and make the same comments, since it would be helpful and appreciated. Rich Fierro informed he would need to know when the next meeting is and Board Member Scott Haggerty will have his staff member contact him.

5. Consent Agenda

Recommend approval of all items on Consent Agenda as follows:

A. Minutes of the May 4, 2020 Board of Directors meeting.

B. Treasurer’s Report for April 2020

The Board of Directors approved the April 2020 Treasurer’s Report.

C. Resolution Authorizing Investment of Livermore Amador Valley Transit Authority (LAVTA) Monies in the State of California Local Agency Investment Fund (LAIF)

The Board of Directors approved to adopt the attached Resolution 12-2020 reauthorizing investment of LAVTA monies in LAIF.

D. TAAC Recruitment for Terms Starting FY 2020/2021

The Board of Directors ratified the Tri-Valley Accessible Advisory Committee appointments as follows:

Appointed on July 1, 2020 for two-year term ending on June 30, 2022

- David Weir, City of Livermore, Member
- Judith LaMarre, City of Livermore, Member
- Michael Balero, City of Livermore, Alternate Member
- Jeffrey Jacobsen, City of Pleasanton, Alternate Member
- Connie Mack, City of Dublin, Member
- Donna Singer, City of Dublin, Alternate Member
- Herb Hastings, Alameda County, Member
- Kulwant Singh, Alameda County, Alternate Member
- Rachel Prater, Social Services, Member
- Amy Mauldin, Social Services, Member
- Diana Houghtaling, Social Services, Member
- Shay Roberson, Social Services, Alternate Member

E. Funding Agreement with Alameda County for Construction of Dublin/Pleasanton BART Parking Garage

The Board of Directors approved Resolution 13-2020, authorizing the Executive Director to execute a Funding Agreement with Alameda County to pass through Transit and Intercity Rail Capital Program funds for the construction of a new, multi-level parking structure at the Dublin/Pleasanton BART station on County-owned land.

F. Trapeze Maintenance Agreement

The Board of Directors approved and authorized the Executive Director to enter into contract with Trapeze Software Group, Inc for the purpose of a maintenance agreement for the term of 5 years beginning July 1, 2020.

Approved: Haubert/Hernandez

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

6. 2020 Audit of LAVTA's Financial Statements

Staff introduced Mr. David Alvey of Maze and Associates, accountancy firm, who spoke to the Board of Directors about the requirement based on the Statement of Auditing Standards (SAS) No. 99 requirement and SAS No 114 which requires the auditor to communicate with those charged with governance. This included an overview of the planned scope and timing of the audit; representations Maze and Associates is requesting from LAVTA management; additional guidance on the forms and timing of communication and an evaluation of the adequacy of the two-way communication. Discussion included how the samples are chosen for testing. Mr. Alvey also inquired the Board of Directors regarding any potential for and occurrences of fraud.

This was an informational item for review and discussion.

7. Executive Director's Report

Executive Director Michael Tree informed the Board of Director that Fixed Route ridership dropped 90% going from 7,000 to 660 riders per day. The Fixed Route ridership has been increasing and we are now just under 1,000 rides per day as of the last week of May. Paratransit pre COVID-19 had 150 rides per day and dropped to 30 rides per day at the beginning of April. By end of April Paratransit was at 40 rides per day.

Executive Director Michael Tree provided LAVTA's COVID-19 Response and Action Plan (cleaning, Personal Protective Equipment (PPE), education and outreach, Bus Operator protection, maintain CDC guidance, monitoring demand, improve passenger technology, and alternative service.) Go Tri-Valley launched May 1, 2020 to assist with alternative transportation, during COVID-19.

Executive Director Michael Tree mentioned the Valley Link Project and that the Draft EIR/CEQA will be out for public comment in September. There is an MTC Allocation Request for \$46.8 million and ACTC opened a 45-day comment period regarding a requested amendment to Measure BB to include the Valley Link Project and to move the \$400 million from BART to Livermore project to the Valley Link Project. On valleylinkrail.com an economic impact study is available that shows 22,000 jobs will be created, during the

construction phase of the Valley Link Project.

Executive Director Michael Tree pointed out that the Marketing Department received a Silver Telly award for Valley Link video. LAVTA also received a Partner in Education Award from the Livermore Unified School District

Executive Director Michael Tree also highlighted the Shared Autonomous Vehicle (SAV) Project, homeless bus shelter issues, Atlantis Transit Facility design/build project, and Dublin Parking Garage Project.

Executive Director Michael Tree pointed out that Staff has been working with Thomas Wittmann from Nelson Nygaard on service scenarios. Lastly, Executive Director Michael Tree informed that staff was able to balance the FY20 Operating Budget, but to balance the FY21 Operating Budget it took both CARES Act 1 and 2 (\$5 million) tranches with reduced service to Saturday service level. If LAVTA does not receive any further state or federal stimulus funding and the economy is still suffering that mean FY22 will be very difficult.

The item was discussed by the Board of Directors and staff.

This was informational only.

8. FY2021 LAVTA Service Scenarios

Thomas Wittmann provided a PowerPoint presentation on LAVTA's Service Scenarios. The presentation covered the initial response and impacts, challenges to restoring service (funding, schools, regional travel demand, & retail demand shifting), and triggers for additional service. Thomas Wittmann described how LAVTA's service is operating in May 2020 with about 850 weekday boardings on mostly Route 10R, 30R, and 15. Thomas Wittmann detailed the three service scenarios for LAVTA: worst case, best case, and most likely. Thomas Wittman discussed the key considerations the scenarios were based on to look at sustainable service levels that match demand, coverage for those that don't have options, job access within the region, challenges of school service, and flexibility (ridership and budget data examined quarterly for changing trends.)

The item was discussed by the Board of Directors and staff. Executive Director Michael Tree informed that the Board of Directors will see a staff report the first month of each quarter on the performance of the system for comments and adjustment.

This was informational only.

9. Update on FY 2021 Operating and Capital Budget

Staff provided the Board of Directors an Update on FY 2021 Operating and Capital Budget. Staff explained that LAVTA created their own "most likely" scenario in terms of revenues and it is more conservative than MTC's projections. The Board of Directors did approve a FY 2021 Operating and Capital Budget and LAVTA will need an approval to revise the Capital Budget to add a few projects (Atlantis Facility, safety bus panels, and Real Time Automatic Passenger Counters). Staff indicated that LAVTA can keep the current Operating Budget in terms of what we requested from MTC and staff will bring back to the Board what is happening with revenues and expenses. On both the revenue and expense side it is a \$2.3 million decrease from the FY

2021 Budget the Board approved that's an 11% decrease and that is made possible, because LAVTA is using both tranches of the CARES Act. LAVTA is expecting \$5 million from the CARES Act in FY 2021 and did not use those funds in FY 2020, because LAVTA responded quickly to COVID-19 and that allowed some savings. Staff provided the Board of Directors the worst, best, and most likely budget scenarios and regardless of which scenario LAVTA chooses some money will come out of reserves for Capital Projects. The middle case scenario leaves LAVTA with \$18 million in reserves; however, it only leaves LAVTA with \$6 million (this amount is in line with the Board Policy to maintain 3-6 months in reserves) after taking money out for the bus purchase needed in a few years and money set aside for the Atlantis Project local match.

The item was discussed by the Board of Directors and staff.

The Board of Directors approved the revised Capital Budget for FY2021.

Approved: Haubert/Haggerty

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

10. LAVTA Annual Salary Band Review

Staff provided the LAVTA Annual Salary Band Review to the Board of Directors. Staff recommended to change the salary band by the CPI which is 1.1% and this does not guarantee employees a raise, since that is based on merit. LAVTA removed the Senior Capital Project Specialist position and replaced it with a Senior Operations Specialist position to assist with the Fixed Route contract.

The item was discussed by the Board of Directors and staff. Director Scott Haggerty recommended Executive Director Michael Tree to think through giving raises, due to furloughing employees. Executive Director Michael Tree responded that his perception is no raises with the recognition of what is happening at other member agencies. Chair David Haubert echoed Director Scott Haggerty's concern and requested LAVTA to have clear dialog often that can be understood with feedback from employees so they have a voice and to be on the same page.

The Board of Directors approved Resolution 15-2020 adjusting the salary bands for LAVTA positions.

Approved: Haubert/Brown

Aye: Pentin, Brown, Haggerty, Coomber, Haubert, Hernandez

No: Woerner

Abstain: None

Absent: None

11. Resolution in Support of Allocation Request for FY 17-18 Funding through the State Low Carbon Transit Operations Program (LCTOP)

Staff informed the Board of Directors that the Resolution is required for LAVTA to request

approval of this project from Caltrans. The action today is to authorize the creation of a new project (Fare Free Rides) with Caltrans using a prior year allocation of funding that LAVTA already received. Staff informed that using the old LCTOP money first can backfill lost fare revenue incurred, since going Fare Free at the beginning of Shelter-in-Place orders. Staff also explained that the LCTOP money will free up some of our operating capacity in FY21, as we wish to attract riders back to our system using Fare Free Rides as an incentive. The total amount of funding available including interest is \$328,664k. The TAAC also provided a letter of support that was included as an attachment to the staff report.

The Board of Directors approved Resolution 17-2020 in support of an LCTOP allocation request to Caltrans for the Fare Free Rides program. This resolution is required to request allocations for this funding from Caltrans.

Approved: Haggerty/Pentin

Aye: Pentin, Brown, Woerner, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

12. Bus Exterior Advertising Contract – Amend Option Year 1 Terms

Staff provided a brief overview of the existing Bus Exterior Advertising Contract with Lamar Transit Advertising. Currently, Lamar Transit Advertising pays us a minimum annual guarantee of \$95k or 50% of sales, whichever is higher. In the last three years LAVTA has received checks for about \$130k. Staff informed that sales are currently difficult and the average monthly advertisement sales for Lamar have dropped dramatically. Staff explained that another component that goes into developing a revenue contract proposal is the amount of bus service (vehicles) on the street and LAVTA has about 30% of what we previously had. Staff informed the Board that Lamar Transit Advertising requested LAVTA amend the first option year to remove the minimum annual guarantee, due to the current situation.

The item was discussed by the Board of Directors and staff.

The Board of Directors approved an amendment to the first option year of our contract with Lamar Transit Advertising for the sale and installation of exterior bus advertising to remove the minimum annual guarantee and maintain the 50 percent split of net sales.

Approved: Haubert/Hernandez

Aye: Pentin, Brown, Woerner, Coomber, Haubert, Hernandez

No: Haggerty

Abstain: None

Absent: None

13. Election of LAVTA Chair and Vice Chair

The Board nominated and elected a LAVTA Board Chair and Vice Chair for FY21 in accordance with the agency's bylaws.

A motion was made by Director Scott Haggerty to select the following as the LAVTA Board Chair and Vice Chair FY 2021:

Chair – Bob Woerner
Vice Chair – Jerry Pentin

Approved: Haggerty/Haubert
Aye: Pentin, Brown, Woerner, Haggerty, Coomber, Haubert, Hernandez
No: None
Abstain: None
Absent: None

14. Matters Initiated by the Board of Directors

None.

15. Next Meeting Date is Scheduled for: July 6, 2020

16. Adjournment

Meeting adjourned at 5:35pm.