

**MINUTES OF THE DECEMBER 6, 2021 ZOOM TELECONFERENCE**  
**LAVTA BOARD OF DIRECTORS MEETING**

**1. Call to Order**

Meeting was called to order by Board Chair Karla Brown at 4:00pm.

**2. Roll Call of Members**

[David Haubert, from County of Alameda, arrived during Roll Call of Members.]

**Members Present**

Jean Josey – City of Dublin

Melissa Hernandez – City of Dublin

Karla Brown – City of Pleasanton

Kathy Narum – City of Pleasanton

Bob Woerner (Alternate) – City of Livermore

Brittini Kiick – City of Livermore

David Haubert – County of Alameda (arrived at 4:01pm)

**Members Absent**

Gina Bonanno – City of Livermore

**3. Meeting Open to Public**

No comments.

**4. November Tri-Valley Accessible Advisory Committee Minutes**

Chair Herb Hastings of the Tri-Valley Accessible Advisory Committee (TAAC) reported on the minutes of the November 3, 2021 TAAC Zoom teleconference meeting. Chair Herb Hastings informed that he now provides the TAAC a “Chair Report” at every meeting. Chair Herb Hastings and Shawn Costello have been working with staff on driver sensitivity training. Discussed at the TAAC meeting were the Dial-A-Ride customer satisfaction survey, PAPCO report, and service updates and concerns.

**5. Consent Agenda**

**Recommend approval of all items on Consent Agenda as follows:**

A. **Minutes of the November 1, 2021 Board of Directors meeting and November 22, 2021 Special Board of Directors meeting.**

B. **Treasurer’s Report for October 2021**

The Board of Directors approved the LAVTA Treasurer’s Report for October 2021.

C. **Adoption of a Resolution Declaring that Agency Meetings Will Continue to Be Held Via Teleconference**

The Board of Directors adopted Resolution 37-2021 declaring that LAVTA meetings will continue to be held via teleconference.

Approved: Woerner/Narum

Aye: Woerner, Brown, Josey, Hernandez, Haubert, Kiick, Narum

No: None

Abstain: None

Absent: Bonanno

## **6. Staff Proposed Revision to Adopted Fare Increase Timeline**

Staff reported that due to the COVID-19 pandemic LAVTA is proposing to postpone increasing fares for Senior and Disabled Monthly Pass from \$22 to \$25 and Dial-A-Ride tickets from \$3.75 to \$4.00 until January 1, 2023. If LAVTA has full ridership the financial impact is \$400 per month.

The Board of Directors approved a second revised implementation date for two fare increase categories previously approved for implementation on January 1, 2021 and delayed the implementation of these proposed changes to January 1, 2023.

Approved: Josey/Hernandez

Aye: Woerner, Brown, Josey, Hernandez, Haubert, Kiick, Narum

No: None

Abstain: None

Absent: Bonanno

## **7. Update on Potential Delays in Receipt of Federal Grant Funds Due to Dispute Regarding Implementation of California's Pension Reform Law**

Legal Counsel Michael Conneran reported on a legal dispute under Section 13(c) of the Federal Transit Act that is threatening to hold up the issuance of federal grants for transit agencies in California. He noted that every federal grant needs a signoff from the U.S. Department of Labor (DOL), to indicate that the grant won't adversely affect workers at the agency receiving the grant. Legal Counsel Michael Conneran provided an example of how benefits under 13(c) are typically used when a worker is adversely affected by a federal grant. Legal Counsel Michael Conneran stated that he feels it is less appropriate to apply this provision with regard to a state law that limits pension benefits. However, when the state decided to implement the Public Employees' Pension Reform Act (PEPRA) to reduce some of the liabilities of agencies for retirement benefits, certain labor unions raised objections under 13(c), which blocked grants until a court rejected the claims. With the new administration, the unions have reasserted this objection and the Department of Labor has sided with the unions and is holding up grants for California transit agencies. Legal Counsel Michael Conneran included a letter from the Governor of California to the Secretary of Labor, objecting to this action. The matter is now before a federal judge in Sacramento. He explained that this is an important issue that legal counsel is watching closely for all of its transit clients. Legal Counsel Michael Conneran noted that the good news is PEPRA does not affect any union that is related to LAVTA and that during the prior dispute, LAVTA's grants were not affected. So, while this situation is a significant concern within the state, LAVTA (and Valley Link, which has no union either) may not be directly affected by it.

Legal Counsel took questions and comments from the Board of Directors.

This was informational only.

## **8. Amended and Restated Employment Agreement with Executive Director**

Legal Counsel Michael Conneran reported that there was concern at the Board of Directors meeting on November 1, 2021 regarding the amount of deferred compensation that Executive Director Michael Tree could receive through the 457 plan. At the November 1, 2021 meeting, it was declared that Executive Director Michael Tree's compensation was uncertain, so it could approve a contract in December that would begin on the first of that month. Legal Counsel Michael Conneran informed the board that he had consolidated all of the prior contract amendments into a single amended and restated contract, which he recommended for approval. Legal Counsel Michael Conneran reported that staff had checked the amount of deferred compensation previously discussed at the November 1, 2021 Board of Directors meeting and that Executive Director Michael Tree was permitted to receive this amount.

The Board of Directors approved Amended and Restated Employment Agreement with Executive Director. Resolution 38-2021.

Approved: Narum/Hernandez

Aye: Woerner, Brown, Josey, Hernandez, Haubert, Kiick, Narum

No: None

Abstain: None

Absent: Bonanno

## **9. Executive Director's Report**

Executive Director Michael Tree requested Director of Planning and Marketing Tony McCaulay to provide an update on the ridership, toy drive, Angie's Way, and parades.

Director of Planning and Marketing Tony McCaulay informed that ridership was at 3,400-3,500 on most weekdays, but the week of Thanksgiving we were down about 1,000 riders per day due to school tripper routes not running. Director of Planning and Marketing Tony McCaulay reminded the Board that pre-pandemic LAVTA had triple digit numbers for six months and we were carrying 7,500 - 8,000 passengers a day.

Director of Planning and Marketing Tony McCaulay announced that LAVTA received 14 new bicycles, \$8,300 in cash from the Richmond Rod and Gun Club, and many other donations for the Toy Drive with KKIQ Mel McKay. All toys were donated to Toys for Tots and the Livermore-Pleasanton Fire Department will distribute them within the Tri-Valley.

Director of Planning and Marketing Tony McCaulay acknowledged the transportation mask mandate was due to expire on January 18, 2021, but has been extended to mid-March. LAVTA will change all the bus signs and ordered an additional supply of 3-ply surgical masks.

Director of Planning and Marketing Tony McCaulay also highlighted NBC Bay Area reporter Garvin Thomas segment "Bay Area Proud." There was a four-minute segment on Angie Navarro, featuring Terry Givens, and LAVTA's Angie's Way dedication sign.

**10. Matters Initiated by the Board of Directors**

Board Member Brittini Kiick gave appreciation to LAVTA's Dial-A-Ride drivers for being very professional and awesome.

Vice Chair David Haubert gave appreciation for Executive Director Michael Tree for going out of his way to assist Shawn Costello on Thanksgiving.

Chair Karla Brown requested to agendaize information on the CCCTA and LAVTA Paratransit Pilot Program.

**11. Next Meeting Date is Scheduled for: January 10, 2022**

**12. Adjournment**

Meeting adjourned at 4:40pm.