# AGENDA <br> SANTA CRUZ METRO BOARD OF DIRECTORS REGULAR MEETING OF AUGUST 9, 2013 8:30 AM 



Mission Statement: "To provide a public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost-effective, reliable, accessible, safe, clean and courteous transit service."

Director Margarita Alejo
Director Hilary Bryant
Director Dene Bustichi, Vice Chair
Director Daniel Dodge, Chair
Director Zach Friend
Director Ron Graves
Director Michelle Hinkle
Director Deborah Lane
Director John Leopold
Director Bruce McPherson
Director Lynn Robinson
Ex-Officio Director Donna Blitzer

City of Watsonville
City of Santa Cruz
City of Scotts Valley
City of Watsonville
County of Santa Cruz
City of Capitola
County of Santa Cruz
County of Santa Cruz
County of Santa Cruz
County of Santa Cruz
City of Santa Cruz
UC Santa Cruz

Leslie R. White, General Manager / Secretary of the Board Leslyn K. Syren, District Counsel

TITLE 6 - INTERPRETATION SERVICES / TÍTULO 6 - SERVICIOS DE TRADUCCIÓN Spanish language interpretation and Spanish language copies of the agenda packet are available on an as-needed basis. Please make advance arrangements with Tony Tapiz, Administrative Services Coordinator at 831-426-6080. Interpretación en español y traducciones en español del paquete de la agenda están disponibles sobre una base como-necesaria. Por favor, hacer arreglos por adelantado con Tony Tapiz, Coordinador de Servicios Administrativos al numero 831-426-6080.


AMERICANS WITH DISABILITIES ACT
The Board of Directors meets in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, or to access the agenda and the agenda packet (including a Spanish language copy of the agenda packet), should contact Tony Tapiz, Administrative Services Coordinator, at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting Santa Cruz METRO regarding special requirements to participate in the Board meeting. For information regarding this agenda or interpretation services, please call Santa Cruz METRO at 831-426-6080.

MEETING LOCATION:
SANTA CRUZ METRO - ADMIN OFFICE
110 VERNON STREET
SANTA CRUZ, CA
8:30 A.M.

## NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER

SECTION I: OPEN SESSION

1. CALL TO ORDER
2. ROLL CALL
3. ANNOUNCEMENTS
4. COMMUNICATIONS TO THE BOARD OF DIRECTORS

This time is set aside for Directors and members of the general public to address any item not on the Agenda which is within the subject matter jurisdiction of the Board. No action or discussion shall be taken on any item presented except that any Director may respond to statements made or questions asked, or may ask questions for clarification. All matters of an administrative nature will be referred to staff. All matters relating to Santa Cruz METRO will be noted in the minutes and may be scheduled for discussion at a future meeting or referred to staff for clarification and report. Any Director may place matters brought up under Oral and Written Communications on a future agenda. In accordance with District Resolution 69-2-1, speakers appearing at a Board meeting shall be limited to three minutes in his or her presentation. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation. When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.

4-1. CORRESPONDENCE REGARDING BUS SERVICE TO LA POSADA<br>Lotta Noise, Santa Cruz, California<br>4-2. CORRESPONDENCE REGARDING OBSTRUCTED BUS STOP AT SOUTHBOUND CABRILLO STOP<br>Michelle Tuttle, Aptos, California

5. LABOR ORGANIZATION COMMUNICATIONS
6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

## SANTA CRUZ METRO BOARD OF DIRECTORS

 REGULAR MEETING OF AUGUST 9, 2013
## CONSENT AGENDA

All items appearing on the Consent Agenda are recommended actions which are considered to be routine and will be acted upon as one motion. All items removed will be considered later in the agenda. The Board Chair will allow public input prior to the approval of the Consent Agenda items.

## 7-1. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH AIRTEC SERVICE FOR HEATING VENTILATION AND AIR CONDITIONING (HVAC) MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000

7-2. BUDGET STATUS REPORTS YEAR TO DATE AS OF MAY 31, 2013
7-3. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MAY 2013
7-4. CONSIDERATION OF METROBASE STATUS REPORT
7-5. CONSIDERATION OF RATIFYING PAYMENT MADE FOR RENEWAL OF LIABILITY AND VEHICLE PHYSICAL DAMAGE INSURANCE PROGRAM COVERAGE WITH CALTIP FOR FY14

7-6. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF PHILADELPHIA INSURANCE COMPANIES, \#13-0013; REJECT THE CLAIM OF DAVID W. REED, \#13-0011

7-7. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH CATTO'S GRAPHICS, INC. FOR PRINTING OF BUS STOP STICKERS IN AN AMOUNT NOT TO EXCEED \$10,000

7-8. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FLYERS ENERGY, LLC FOR OFF-SITE FUELING OF NONREVENUE VEHICLES IN AN AMOUNT NOT TO EXCEED \$40,000

## REGULAR AGENDA

8. CONSIDERATION OF ADOPTION OF SANTA CRUZ METRO'S AMENDED CONFLICT OF INTEREST CODE AND APPROVAL OF THE RESOLUTION CONFIRMING THIS ACTION Presented by Leslyn K. Syren, District Counsel
9. ORAL REPORT OF THE RECRUITMENT TASK FORCE Presented by Daniel Dodge, Chair
10. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION Presented by Leslyn K. Syren, District Counsel
11. COMMUNICATIONS REGARDING CLOSED SESSION

## AGENDA

## SANTA CRUZ METRO BOARD OF DIRECTORS <br> REGULAR MEETING OF AUGUST 9, 2013

## 12. ORAL ANNOUNCEMENT

The next regularly scheduled Board meeting will be held Friday, August 23, 2013 at 9:00 a.m. at the Scotts Valley City Council Chambers, 1 Civic Center Drive, Scotts Valley, California.

## SECTION II: CLOSED SESSION - Immediately following Open Session

1. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
(Pursuant to Government Code Section 54956.9(b)(3)(B)
Potential Cases: Two

## SECTION III: RECONVENE TO OPEN SESSION

13. REPORT OF CLOSED SESSION: District Counsel

## 14. ADJOURNMENT

Adjourn to the next Board of Directors meeting.
Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day. The agenda packet and materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Santa Cruz METRO Administrative Office (110 Vernon Street, Santa Cruz) during normal business hours. Such documents are also available on the Santa Cruz METRO website at www.scmtd.com subject to staff's ability to post the document before the meeting.
P. O. Bot 1013

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S.CM.T.D. Same 24t, 2013

Attr: forerning Board 920 Prific Avenue \#21
Santa Cmz, Coliftumia 95060
Gentlemen Wadios:
Re: La Posada Bus Sue.
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Board oflafectoo Metro C/O Adminitstratrion Services Coordinator:
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Re: Bus stop Cabrillo
South Bound Watson south Bound Watsonvile Tree obstruction of Handicapp directly accross Admitions $\frac{1}{5}$ Covered parking
This maple tree is pulling op the plates rooting into the gymnasium agrigation and causing conflict with the handicapp pull up as well as dropping sand fleas on the medical patients in transport. Please concider remove and replanting a smaller tree.

Michelle Turtle

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# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

DATE: August 9, 2013
TO: Board of Directors

FROM: Erron Alvey, Purchasing Manager

## SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH AIRTEC SERVICE FOR HEATING VENTILATION AND AIR CONDITIONING (HVAC) MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000

## I. RECOMMENDED ACTION

Authorize the General Manager to execute a contract renewal for a one-year contract extension with Airtec Service for heating ventilation and air conditioning (HVAC) maintenance services in an amount not to exceed $\mathbf{\$ 1 5 , 0 0 0}$.

## II. SUMMARY OF ISSUES

- Santa Cruz METRO has a contract with Airtec Service for heating ventilation and air conditioning (HVAC) maintenance services.
- This contract was established on October 14, 2011 for a one-year period with four optional one-year extensions.
- The current contract approved by the Board of Directors will expire on October 13, 2013.
- Airtec Service has requested a 2.5\% overall price increase for the new contract period. The contract allows a price increase less than or equal to the latest CPI for our area.
- Airtec Service has performed its duties very well under this contract and therefore, a one-year contract extension allowing the $2.5 \%$ increase in rates is recommended.


## III. DISCUSSION

Santa Cruz METRO has a contract with Airtec Service for heating ventilation and air conditioning (HVAC) maintenance services that is due to expire on October 13, 2013. Over the past year, the quality of service provided by Airtec Service has been excellent. Airtec Service has reviewed the contract and requested a $2.5 \%$ pricing increase. The contract allows for a price increase which shall not exceed the annual percentage change in the Consumers Price Index for the San Francisco - Oakland - San Jose area in effect on the start of the new contract period. The current percentage of change in this area is $2.6 \%$.

Staff recommends that Santa Cruz METRO exercise the option for a one-year contract extension with Airtec Service for an amount not to exceed $\$ 15,000$. Staff further recommends that the Board of Directors authorize the General Manager to sign a one-year contract extension on behalf of Santa Cruz METRO. Robert Cotter, Maintenance Manager, will serve as the Contract Administrator and will ensure contract compliance.

## IV. FINANCIAL CONSIDERATIONS

This contract has a total not to exceed of $\$ 30,000$. Additional funds in an amount of $\$ 15,000$ are requested for approval at this time. The new contract total not to exceed would be $\$ 45,000$.

Funds to support this contract are included in the Facilities Maintenance FY14 Outside Repairs Buildings and Improvements budget.

## V. ATTACHMENTS

Attachment A: Renewal letter from Airtec Service
Attachment B: Contract Amendment with Airtec Service

# Attachment A 

June 28, 2013
Santa Cruz Metro
110 Vernon Street
Santa Cruz, CA 95060
Attn: Erron Alvey
Re: Intent to Extend HVAC Maintenance Services
Contract Number 12-09

Erron,
Airtec Service wishes to extend the maintenance agreement contract through October 2014. We have a collective bargaining labor rate increase effective July 1, 2013 through July 1,2014 . This is equal to $2.5 \%$ of pay package. We would like to request an increase of $2.5 \%$.

Please advise if this is acceptable.

Sincerely,



David Olson
President

## Attachment B

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT SECOND AMENDMENT TO CONTRACT NO. 12-09 <br> FOR HVAC MAINTENANCE SERVICES 

This Second Amendment to Contract No. 12-09 for HVAC Maintenance Services is made effective October 14, 2013 between the Santa Cruz Metropolitan Transit District, a political subdivision of the State of California ("Santa Cruz METRO"), and Airtec Service ("Contractor").

## I. RECITALS

1.1 Santa Cruz METRO and Contractor entered into a Contract for HVAC Maintenance Services ("Contract") on October 14, 2011.
1.2 The Contract allows for the extension upon mutual written consent.
1.3 Santa Cruz METRO and Contractor desire to amend the Contract to increase the compensation amount allowable for payment to Contractor.

Therefore, Santa Cruz METRO and Contractor amend the Contract as follows:
II. TERM
2.1 Article 4.01 is replaced in its entirety by the following:

The term of this Contract shall be from October 14, 2011 to October 13, 2014.
At the option of Santa Cruz METRO, this Contract may be renewed for two (2) additional one (1) year terms upon mutual written consent.

## III. COMPENSATION

3.1 Article 5.01 is amended to include the following language:

A price increase of $2.5 \%$ shall be effective as of October 14, 2013. Santa Cruz METRO shall compensate Contractor in an amount not to exceed $\$ 15,000$ under the terms of this Second Amendment.

The new Contract total not to exceed amount is $\$ 45,000$. Contractor understands and agrees that if he/she exceeds the $\$ 45,000$ maximum amount payable under this Contract, that it does so at its own risk.

## IV. REMAINING TERMS AND CONDITIONS

4.1 All other provisions of the Contract that are not affected by this amendment shall remain unchanged and in full force and effect.

## V. AUTHORITY

5.1 Article 7 is amended to include the following language:

Each party has full power to enter into and perform this Second Amendment to the Contract and the person signing this Second Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Second Amendment to the Contract, understands it, and agrees to be bound by it.

Signed on $\qquad$

Santa Cruz METRO -
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Leslie R. White
General Manager

Contractor -
AIRTEC SERVICE

By
David Olson
President

Approved as to Form:

Leslyn Syren
Santa Cruz METRO Counsel

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# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

DATE: August 9, 2013
TO: Board of Directors

FROM: Angela Aitken, Finance Manager

## SUBJECT: MONTHLY BUDGET STATUS REPORTS YEAR TO DATE AS OF MAY 31, 2013

## I. RECOMMENDED ACTION

That the Board of Directors accept and file the monthly budget status reports year to date as of May 31, 2013

## II. SUMMARY OF ISSUES

- Operating Revenues year to date as of May 31, 2013 were $\$ 397 \mathrm{~K}$ or $1 \%$ over the amount of revenue expected for the same period year to date.
- Consolidated Operating Expenses year to date as of May 31, 2013 were $\$ 376 \mathrm{~K}$ or $1 \%$ under budget.
- Capital Budget spending year to date through May 31, 2013 was $\$ 3,858 \mathrm{~K}$ or $11 \%$ of the Capital budget.


## III. DISCUSSION

An analysis of Santa Cruz METRO's budget status is prepared monthly in order to apprise the Board of Directors of Santa Cruz METRO's actual revenues, expenses and capital in relation to the adopted operating and capital budgets for the fiscal year. The attached revenue, expense and capital reports represent the status of Santa Cruz METRO’s FY13 operating and capital budgets versus actual expenditures year to date.

The fiscal year has elapsed 92\%.

## A. Operating Revenue

Operating Revenues year to date as of May 31, 2013 were $\$ 397 \mathrm{~K}$ or 1 \% over the amount budgeted. Revenue variances are primarily due to higher-than-anticipated Passenger Fares (Contract - Public Agency), Sales Tax Revenue, and Fuel Tax Credit.

- Passenger Fares are over budget due to higher-than-anticipated ridership on UCSC routes resulting in higher Fares-Contract revenue.
- Sales Tax Revenue is over budget due to higher-than-anticipated receipts year to date as of May 31, 2013.
- Fuel Tax Credit is over budget due to higher-than-anticipated receipt of retroactive tax credits for alternative fuel usage in calendar year 2012 (the last two quarters of FY12 and the three quarters of FY13).


## B. Consolidated Operating Expenses

Consolidated Operating Expenses year to date as of May 31, 2013 were $\$ 376 \mathrm{~K}$ or $1 \%$ under budget. Personnel Expenses, Casualty \& Liability, Purchased Transportation and Miscellaneous Expenses all contributed to the variance.

- Total Personnel Expenses are under budget due to vacant funded positions and extended leaves.
- Mobile Materials \& Supplies are over budget primarily due to higher than anticipated prices of fuel.
- Casualty \& Liability is under budget primarily due to fewer settlement costs than originally anticipated.
- Purchased Transportation is under budget due to newly hired Paratransit operators, which has lowered the need for outside services to meet Paratransit demand.
- Miscellaneous Expenses are under budget primarily due to Employee Training.


## C. Capital Budget

Capital Budget spending year to date through May 31, 2013 was $\$ 3,858 \mathrm{~K}$ or $11 \%$ of the total Capital Budget. Of this, $\$ 696 \mathrm{~K}$ has been spent on the Video Surveillance Project - CCTV (State1 B ) and $\$ 488 \mathrm{~K}$ has been spent on the Land Mobile Radio Project (State-1B).

The MetroBase Project spending consists of : \$1,818K spent on the MetroBase Project - FY11 Allocation Operations Bldg, $\$ 18 \mathrm{~K}$ spent on FY10 Allocation, and $\$ 412 \mathrm{~K}$ spent on the $2^{\text {nd }}$ LNG Tank.

## IV. FINANCIAL CONSIDERATIONS

As of May 31, 2013, there is an Operating loss (budget gap) of $\$ 3,765,898$. This budget gap signifies an unsustainable budget year to date.
Small Transit Intensive Cities (STIC) Funds, Funds from Carryover from Previous Years, State Operating Assistance (STA), and Operating Reserves will be used in the listed order to bridge the budget gap at the end of the fiscal year, when the final amount of the Operating income/loss for the year is determined.

Attachment A: FY13 Operating Revenue \& Expenses Year to Date as of 5/31/13
Attachment B: $\quad$ FY13 Capital Budget Report for the month ending 5/31/13

Prepared by: Kristina Mihaylova, Sr. Financial Analyst
Date Prepared: July 25, 2013


## Attachment A



7-2.a2

## Attachment A



7-2.a3

$\begin{array}{lllllllllllllll}\text { Sales Tax Revenue } & \$ 15,398,805 & \$ 15,218,264 & \$ & 180,541 & 1 \% & \$ 14,356,853 & \$ 1,041,952 & 7 \%\end{array}$
$\begin{array}{lllllllllllllll}\text { Transp Dev Act（TDA）－Op Asst } & \$ 4,153,708 & \$ & 4,130,279 & \$ & 23,430 & 1 \% & \$ & 5,244,964 & \$(1,091,256) & -21 \%\end{array}$


## Attachment A



## Attachment A




## Attachment A






Services







## Attachment A


Consolidated Operating Expenses
Year to Date as of May 31， 2013
YTD Year Over Year Comparison

| FY12 | $\underline{\$ \mathrm{Var}} \quad \% \mathrm{Var}$ |
| :--- | :--- |


Year to Date

## Actual <br> Budget

| 504205 Freight Out | \＄ | 2，412 | \＄ | 2，337 | \＄ | 75 | 3\％ | \＄ | 2，199 | \＄ | 213 | 10\％ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 504211 Postage \＆Mailing | \＄ | 10，430 | \＄ | 11，871 | \＄ | $(1,441)$ | －12\％ | \＄ | 9，197 | \＄ | 1，232 | 13\％ |
| 504214 Promotional Items | \＄ | 1，249 | \＄ | 917 | \＄ | 333 | 36\％ | \＄ |  | \＄ | 1，249 | 100\％ |
| 504215 Printing | \＄ | 53，573 | \＄ | 97，845 | \＄ | $(44,273)$ | －45\％ | \＄ | 58，288 | \＄ | $(4,715)$ | －8\％ |
| 504217 Photo Supply／Processin | \＄ | 1，893 | \＄ | 2，842 | \＄ | （948） | －33\％ | \＄ | 1，586 | \＄ | 307 | 19\％ |
| 504311 Office Supplies | \＄ | 72，799 | \＄ | 63，236 | \＄ | 9，563 | 15\％ | \＄ | 70，906 | \＄ | 1，893 | 3\％ |
| 504315 Safety Supplies | \＄ | 29，450 | \＄ | 17，600 | \＄ | 11，851 | 67\％ | \＄ | 15，760 | \＄ | 13，690 | 87\％ |
| 504317 Cleaning Supplies | \＄ | 56，332 | \＄ | 44，183 | \＄ | 12，149 | 27\％ | \＄ | 41，185 | \＄ | 15，147 | 37\％ |
| 504409 Repair／Maint Supplies | \＄ | 104，933 | \＄ | 79，750 | \＄ | 25，183 | 32\％ | \＄ | 74，404 | \＄ | 30，528 | 41\％ |
| 504421 Non－Inventory Parts | \＄ | 14，106 | \＄ | 9，258 | \＄ | 4，848 | 52\％ | \＄ | 9，958 | \＄ | 4，148 | 42\％ |
| 504511 Small Tools | \＄ | 7，807 | \＄ | 8，158 | \＄ | （352） | －4\％ | \＄ | 4，737 | \＄ | 3，070 | 65\％ |
| 504515 Employee Tool Rplcmt | \＄ | 2，176 | \＄ | 2，796 | \＄ | （619） | －22\％ | \＄ | 504 | \＄ | 1，672 | 332\％ |
| Total Other Materials \＆Supplies－ | \＄ | 357，160 | \＄ | 340，793 | \＄ | 16，367 | 5\％ | \＄ | 288，725 | \＄ | 68，435 | 24\％ |



## Attachment A

Actual

Consolidated Operating Expenses
Year to Date as of May 31, 2013
Year to Date
Budget

 Total Leases \& Rentals

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## Attachment B



## Grant-Funded Projects

For the month ending - May 31, 2013

|  | YTD Actual |  | FY13 Budget |  | Remaining Budget |  | \% Spent YTD |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Grant-Funded Projects |  |  |  |  |  |  |  |
| MetroBase Project - FY11 Allocation Operations Bldg. (STIC, SAKATA, STA, PTMISEA) | \$ | 1,818,130 | \$ | 19,051,491 | \$ | 17,233,361 | 10\% |
| MetroBase Project - Operations Bldg. / Other (SLPP) | \$ | - | \$ | 5,800,000 | \$ | 5,800,000 | 0\% |
| MetroBase Project - FY10 Allocation (PTMISEA) | \$ | 18,178 | \$ | 1,206,992 | \$ | 1,188,814 | 2\% |
| State of Good Repair \#2-4 Buses, 42 MDCs (FTA, RES. RET. EARN. | \$ | - | \$ | 3,391,010 | \$ | 3,391,010 | 0\% |
| 2nd LNG Tank (MBUAPCD, PTMISEA) | \$ | 411,791 | \$ | 1,183,961 | \$ | 772,170 | 35\% |
| Video Surveillance Project - CCTV (STATE-1B) | \$ | 695,622 | \$ | 980,000 | \$ | 284,378 | 71\% |
| Land Mobile Radio Project - LMR (STATE-1B) | \$ | 488,474 | \$ | 788,500 | \$ | 300,026 | 62\% |
| Bus Stop Improvements (STIP) | \$ | 121,999 | \$ | 355,000 | \$ | 233,001 | 34\% |
| Non-Revenue Vehicle Replacement (MBUAPCD, STA) | \$ | 59,283 | \$ | 192,105 | \$ | 132,822 | 31\% |
| Pacific Station/MetroCenter - Conceptual Design (FTA, STA) | \$ | 1,980 | \$ | 60,000 | \$ | 58,020 | 3\% |
| State of Good Repair \#1-11 Buses (FTA, RES. RET. EARN.) | \$ | 58,626 | \$ | 58,626 | \$ | - | 100\% |
| Watsonville Transit Center - Conceptual Design (STA) | \$ | - | \$ | 30,000 | \$ | 30,000 | 0\% |
| Subtotal Grant Funded Projects | \$ | 3,674,083 | \$ | 33,097,685 | \$ | 29,423,602 | 11\% |
| IT Projects |  |  |  |  |  |  |  |
| Automated Purchasing System Software - Puridiom (STA) | \$ | - | \$ | 40,000 | \$ | 40,000 | 0\% |
| HR Software Upgrade - iVantage (STA) | \$ | 10,341 | \$ | 20,000 | \$ | 9,659 | 52\% |
| Replace "Plant" - Informix Database - Bus Stop Tracking System (STA) | \$ | - | \$ | 10,000 | \$ | 10,000 | 0\% |
| Subtotal IT Projects | \$ | 10,341 | \$ | 70,000 | \$ | 59,659 | 15\% |
| Facilities Repair \& Improvements |  |  |  |  |  |  |  |
| MetroCenter Repairs (RES. RET. EARN., STA) | \$ | 38,608 | \$ | 225,000 | \$ | 186,392 | 17\% |
| Bus Stop Repairs / Improvements (RES. RET. EARN.) | \$ | 11,216 | \$ | 175,000 | \$ | 163,784 | 6\% |
| WTC Renovations \& Repairs (STA) | \$ | 5,915 | \$ | 45,000 | \$ | 39,085 | 13\% |
| Repaint SVT (STA) | \$ | - | \$ | 45,000 | \$ | 45,000 | 0\% |
| Replace Portable Steam \& Sidewalk Cleaner WTC (STA) | \$ | 24,980 | \$ | 25,000 | \$ | 20 | 100\% |
| Heaters for Maintenance Facility (3) (STA) | \$ | 7,620 | \$ | 10,000 | \$ | 2,380 | 76\% |
| Heaters for Customer Service Booth - Pac Station (STA) | \$ | - | \$ | 7,500 | \$ | 7,500 | 0\% |
| Interactive White Board - ParaCruz (STA) | \$ | - | \$ | 3,500 | \$ | 3,500 | 0\% |
| Subtotal Facilities Repairs \& Improvements Projects | \$ | 88,339 | \$ | 536,000 | \$ | 447,661 | 16\% |

## Attachment B



## Attachment B

FY13
CAPITAL BUDGET
For the month ending - May 31, 2013
Remaining Budget \% Spent YTD
FY13 Budget

YTD Actual

30,184,604
$\left.\begin{array}{lllllll} & \begin{array}{c}\text { FY13 } \\ \text { CAPITAL BUDGET }\end{array} \\ \text { For the month ending - May 31, 2013 }\end{array}\right]$

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FRIEND，ZACHARIAH
GRAINGER
GRAVES，RON
HOSE SHOP，THE
$\wedge$ JONES，CHRISTINE M．
KELLY SERVICES，INC．
KIM FAMILY ENTERPRISES LLC
KIMBALL MIDWEST
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SANTA CRUZ ELECTRONICS, INC.
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# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

DATE: August 9, 2013
TO: Board of Directors

FROM: Frank L. Cheng, Project Manager \& I.T. Manager

## SUBJECT: CONSIDERATION OF METROBASE STATUS REPORT

## I. RECOMMENDED ACTION

That the Board of Directors accept and file the MetroBase Status Report.

## II. SUMMARY OF ISSUES

- Judy K. Souza Operations Building
- Production Piles were driven in July and task is complete.
- Lewis C. Nelson working on pile caps and site layout for drainage.
- Second LNG tank Installation Project
- GP Strategies is working on the PLC device and programming.


## III. DISCUSSION

Judy K. Souza Operations Building
On April 16, 2013, Lewis C. Nelson \& Sons commenced the indicator pile driving. Notifications were sent to neighbors to inform them of the pile driving procedure and duration. The production piles began and completed in July.

## Second LNG tank Installation Project

On April 29, 2013, United Industries delivered the second LNG tank to the site and GP Strategies installed the second LNG tank on the Service \& Fueling Building. GP Strategies is working on the PLC controller \& programming in order to connect the second LNG tank and variable speed fan to the existing system without any disruption to fueling Santa Cruz METRO fleet. Installation estimated to be approximately two months.

Previous project status:

- Judy K. Souza Operations Building
- On April 16, 2013, Lewis C. Nelson \& Sons commenced the indicator pile driving.
- Pile driving will again commence and complete in July month.
- Second LNG tank Installation Project
- On April 29, 2013, United Industries delivered the second LNG tank to the site.
- On April 29, 2013, GP Strategies installed the second LNG tank on the Service \& Fueling Building.


## IV. FINANCIAL CONSIDERATIONS

Funds for the Judy K. Souza Operations Building component and the Second LNG tank Installation component of the MetroBase Project are available with the funds METRO has secured for the Project.

## V. ATTACHMENTS

Attachment A: None

Prepared By: Frank L. Cheng, Project Manager \& I.T. Manager

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: August 9, 2013
TO: Board of Directors
FROM: Angela Aitken, Finance Manager
SUBJECT: RATIFY PAYMENT MADE FOR RENEWAL OF LIABILITY AND VEHICLE PHYSICAL DAMAGE INSURANCE PROGRAM COVERAGE WITH CALTIP FOR FY14

## I. RECOMMENDED ACTION

That the Board of Directors ratify payment made to the California Transit Insurance Pool (CaITIP) in the amount of $\$ 454,256$ for participation in the FY14 liability and vehicle physical damage insurance coverage programs.

## II. SUMMARY OF ISSUES

- Santa Cruz METRO carries liability and vehicle physical damage insurance through CalTIP, a pool of California public transit properties established in 1987
- The Liability Program Contribution Deposit for FY14 is $\$ 383,403$ for Liability insurance, and includes $\$ 10$ million in excess coverage
- The Vehicle Physical Damage Program Contribution Deposit for FY14 is \$70,863 for vehicle physical damage insurance
- Estimates of these expenses were provided in the Final FY14 Budget adopted June 28, 2013
- Policy coverage begins on May 1, 2013 and ends on May 1, 2014, however, annual invoices are not sent out until July of each year. This year's invoices were received on July $2{ }^{\text {nd }}$ and the annual premium payment is due within 30 days of receipt of invoice, or by July 31, 2013. Since the amounts listed in the Final FY14 Budget were merely estimates, staff is informing the Board of Directors of the actual costs associated with this insurance coverage.


## III. DISCUSSION

Santa Cruz METRO has been a member of CalTIP since its inception in 1987. Each member agency has a representative on CalTIP's Board of Directors. Assistant Finance Manager Debbie Kinslow is the Santa Cruz METRO representative. Coverage limit is $\$ 20$ million for liability with a $\$ 250,000$ self-insured retention (SIR) / deductible per occurrence, and $\$ 20$ million for vehicle physical damage with a $\$ 5,000$ deductible.

The premium for Liability coverage for FY14 is $\$ 383,403$, an increase of $\$ 39,635$ or $11.5 \%$ from FY13, primarily due to an increase in the experience modification (ex mod) factor, which is a measure of whether the member's loss experience is better or worse than CalTIP's average. This increase can be partially attributed to an increase in the "loss rate per 1,000 miles." one of
the factors used to calculate the ex mod.

August 9, 2013
Board of Directors
Page 2

Vehicle Physical Damage coverage is for actual cash value (ACV) of the vehicle with a \$5,000 deductible. The premium for vehicle physical damage coverage for FY14 is $\$ 70,863$, a decrease of $\$ 9,389$ or $11.7 \%$ from FY13. This decrease can be attributed to a decrease in reported case reserves, and a slight increase in program net assets.

The net cost of this coverage has been very favorable to Santa Cruz METRO and the liability coverage includes errors and omissions coverage.

## IV. FINANCIAL CONSIDERATIONS

The above insurance cost is included in the Final FY14 Budget.

## V. ATTACHMENTS

## NONE

Prepared by Debbie Kinslow, Assistant Finance Manager
Date Prepared: July 3, 2013

## GOVERNMENT TORT CLAIM

## RECOMMENDED ACTION

## TO:

Board of Directors

FROM: District Counsel

RE: Claim of: Philadelphia Insurance Companies
Received: July 15, 2013 Claim \#: 13-0013
Date of Incident: 05/16/2013 Occurrence Report No.: MISC 13-06
In regard to the above-referenced Claim, this is to recommend that the Board of Directors take the following action:

1 1. Reject the claim entirely.
$\square$ 2. Deny the application to file a late claim.
$\square$ 3. Grant the application to file a late claim.
$\square$ 4. Reject the claim as untimely filed.
$\square \quad$ 5. Reject the claim as insufficient.
$\square \quad$ 6. Allow the claim in full.
$\square$ 7. Allow the claim in part, in the amount of \$ $\qquad$ and reject the balance.
By

Date: $\frac{7 / 26 / 12}{}$
DISTRICT COUNSEL


#### Abstract

I, Anthony Tapiz, do hereby attest that the above Claim was duly presented to and the recommendations were approved by the Santa Cruz Metropolitan Transit District's Board of Directors at the meeting of August 9, 2013.


By
Anthony Tapiz
RECORDING SECRETARY
$\qquad$ Date: $\qquad$

LS/lg
Attachments)


PO Box 950 Bala Cynwyd, PA 19004

Phone: 352-684-1366 Fax: 866-401-1475
www.phly.com


July $11^{\text {th }}, 2013$

Santa Cruz Metro Transit District
110 Vernon St.
Santa Cruz, CA 95060

## Attention: Liseth Guizar

| RE: | Our Claim Number | $:$ | 721812 |
| :--- | :--- | :--- | :--- |
|  | Our Policyholder | $:$ | Front St. Inc. |
|  | Date of Loss | $:$ | $05 / 16 / 2013$ |
|  | Your Claim Number | $:$ | N/A |
|  | Your Driver | $:$ | Gregory Hoffman |
|  | Total Damages Sustained | $:$ | $\$ 1,256.01$ (Includes Deductible) |

To Whom It May Concern:
Philadelphia Indemnity Insurance Company provides a business automobile policy for Front St. Inc.
Our investigation of the above captioned loss establishes your insured's responsibility for its occurrence. Please accept this as notice of our subrogation rights and respond promptly.

In the event we are unable to reach an amicable settlement in this matter, we will have no alternative but to commence legal action against your insured.

Sincerely,

Melissa Rogers Fordyce
Subrogation Examiner
352-684-1366
Fax (866)401-1475
Melissa.Rogers-Fordyce@phly.com

Philadelphia Insurance Company • Philadelphia Indemnity Insurance Company - Maguire Insurance Agency, Inc

## GOVERNMENT TORT CLAIM

## RECOMMENDED ACTION

TO
Board of Directors

FROM: District Counsel

RE: Claim of: Reed, David W. Received: 6/27/2013 Claim \#: 13-0011 Date of Incident: 1/23/2013 Occurrence Report No.: MISC 13-05

In regard to the above-referenced Claim, this is to recommend that the Board of Directors take the following action:

ख 1. Reject the claim entirely.
$\square \quad$ 2. Deny the application to file a late claim.
$\square$ 3. Grant the application to file a late claim.
$\square$ 4. Reject the claim as untimely filed.
$\square$ 5. Reject the claim as insufficient.
$\square$ 6. Allow the claim in full.
$\square$ 7. Allow the claim in part, in the amount of $\$$ $\qquad$ and reject the balance.


Date:


I, Anthony Tapiz, do hereby attest that the above Claim was duly presented to and the recommendations were approved by the Santa Cruz Metropolitan Transit District's Board of Directors at the meeting of August 9, 2013.

By $\qquad$
Anthony Tapiz
RECORDING SECRETARY

Date: $\qquad$

LS /lg
Attachments)
Santa Cruz Metropolitan Transit District
110 Vernon Street
Santa Cruz. CA 95060
CLAIM FOR DAMAGES
(Pursuant to Section 910 et Seq., Government Code)
Claim \# 13-0011
(To be completed by METRO staff)
Please Print or Type:
The name and post office address of the claimant:Claimant's Legal First Name:
$\qquad$Claimant's Legal Last Name:
$\square$ReedAddress to which notices are to be sent:
c/o Law Offices of Ralph W. Boroff,P.C
55 River Street, Suite 100
Telephone (Home): ..... Santa Cruz, CA 95060Telephone (Business/Cell): attorney: (831) 458-0502Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA), a new federal law thatbecame effective January 1, 2009, requires that the Santa Cruz Metropolitan Transit District report specificinformation about Medicare beneficiaries who have other insurance coverage. This reporting is to assist Centersfor Medicare and Medicaid Services and other insurance plans to properly coordinate payment of benefitsamong plans so that (your) claims are paid promptly and correctly. We are asking you to answer the followingquestions so that we may comply with this law.
Are you presently, or have you ever been, enrolled in Medicare Part A or B? Yes ..... or No 区
IF YES, please provide the following information:
Medicare Claim Number:
$\qquad$
Date of Birth:
Social Security Number:
$\qquad$


Gender: M or F

Claimant Name: David Reed

## CLAIM FOR DAMAGES

The date, place and other circumstances of the occurrence or transaction that gave rise to the claim asserted:
Date of Incident/Accident: January 23, 2013

Time of Incident/Accident: $\qquad$ 8:18 $\square \mathrm{AM} \square \mathrm{PM}$

Location of Incident/Accident
Street/City:

$$
\frac{\text { State Route } 1 \text { at intersection }}{\text { with Van Ness Avenue in City of Santa Cruz }}
$$

A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the at the time of presentation of the claim. Please state the known facts surrounding the loss and use additional paper if needed.

SEE ATTACHMENT

Claimant Name: David Reed

## CLAIM FOR DAMAGES

The name or names of the METRO employee or employees causing the injury, damage, or loss, if known:

Unknown.

If the claim totals less than $\$ 10,000$, the amount claimed as of the date of the presentation of the claim: $\qquad$

If the amount exceeds $\$ 10,000$, this claim would be: Less than $\$ 25,000$
[ More than
(Limited Civil Case) $\quad \$ 25,000$

Claimant:

Attorney or Representative:


Signature/Print Name Ralph W. Borơff

## Claimant Name: $\quad$ David Reed

## ATTACHMENT

Compound fracture of right leg and ankle with less severe soft tissue injuries to other anatomy.
The injuries were incurred as a result of a pedestrian versus motor vehicle accident occurring at the intersection of Van Ness and Mission Street in the City of Santa Cruz. Claimant had ridden a transit district vehicle to a stop near that intersection and alighted from the bus intending to cross Mission Street. District is negligent in having designed the stop such as to release passengers at the only intersection on Mission Street not either controlled by four way signal lights or active pedestrian present lighted cautionary crosswalks. The placement of the bus stop created an unreasonable risk of harm to claimant and others similarly situated. (Police Report attached as Exhibit A.)

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# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

DATE: August 9, 2013
TO: Board of Directors

FROM: Erron Alvey, Purchasing Manager
SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH CATTO'S GRAPHICS, INC. FOR PRINTING OF BUS STOP STICKERS IN AN AMOUNT NOT TO EXCEED \$10,000

## I. RECOMMENDED ACTION

Authorize the General Manager to execute a contract renewal for a one-year contract extension with Catto's Graphics, Inc. for printing of bus stop stickers in an amount not to exceed $\$ 10,000$.

## II. SUMMARY OF ISSUES

- Santa Cruz METRO has a contract with Catto’s Graphics, Inc. for printing of bus stop stickers.
- This contract was established on September 9, 2011 for a one-year period with four optional one-year extensions.
- The current contract approved by the Board of Directors will expire on September 8, 2013.
- Catto’s Graphics, Inc. has requested a small per-sticker pricing increase for the new contract period. A cost analysis was performed and the increase was found to be fair and reasonable.
- Catto’s Graphics, Inc. has performed its duties very well under this contract and therefore, a one-year contract extension with additional funding is recommended.


## III. DISCUSSION

Santa Cruz METRO has a contract with Catto’s Graphics, Inc. for printing of bus stop stickers that is due to expire on September 8, 2013. Over the past year, the quality of service provided by Catto's Graphics, Inc. has been excellent. Catto's Graphics, Inc. has reviewed the contract and requested a per-sticker pricing increase. The size of one type of sticker that Santa Cruz METRO has been ordering is larger than what the bid specifications had called for, are not a standard size, and not what Catto's bid was based on. A cost analysis was performed. In comparison with market pricing, past bids, and the cost of materials required to accommodate the odd sized sticker, the increase was found to be fair and reasonable.

Staff recommends that Santa Cruz METRO exercise the option for a one-year contract extension with Catto's Graphics, Inc. for an amount not to exceed $\$ 10,000$. Staff further recommends that the Board of Directors authorize the General Manager to sign a one-year contract extension on behalf of Santa Cruz METRO. Frank Cheng, Project and IT Manager, and Robert Cotter, Maintenance Manager, will serve as the Contract Administrators and will ensure contract compliance.

## IV. FINANCIAL CONSIDERATIONS

This contract has a total not to exceed of $\$ 27,000$. Additional funds in an amount of $\$ 10,000$ are requested for approval at this time. The new contract total not to exceed would be $\$ 37,000$.

Funds to support this contract are included in the Customer Service FY14 Printing budget.

## V. ATTACHMENTS

Attachment A: Renewal letter from Catto's Graphics, Inc.
Attachment B: Contract Amendment with Catto's Graphics, Inc.

## Attachment A

July 1, 2013

Erron Alvey<br>Purchasing Agent<br>Santa Cruz METRO<br>110 Vernon St<br>Santa Cruz, CA 95060

Re: Santa Cruz METRO Contract No. 12-03 for Printing of Bus Stop Stickers

## Dear Erron Alvey,

We would like to renew the contract as stated in your prior letter. All of the terms and conditions would remain the same except for the per-sticker pricing changes as shown in the attached estimate. The price changes are necessary because materials and costs have increased since the contract was initially agreed upon.

Please contact me with any questions. We appreciate your continued business! Sincerely,

Scott Catto
President
Catto's Graphics, Inc.


CATTロ＇S GRAPHICS，INC
ESTIMATE
111 DUBOIS STREET ：SANTA CRUZ，CA 950日0 831．논．9닐 • FAX 831．ㄴㄴㄴ．ه보

NEW ADDRESS： 111 Dubois Street－Santa Cruz，CA 95060

| Date | Estimate \＃ |
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## Attachment B

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT THIRD AMENDMENT TO CONTRACT NO. 12-03 FOR PRINTING OF BUS STOP STICKERS

This Third Amendment to Contract No. 12-03 for Printing of Bus Stop Stickers is made effective September 9, 2013 between the Santa Cruz Metropolitan Transit District, a political subdivision of the State of California ("Santa Cruz METRO"), and Catto's Graphics, Inc. ("Contractor").

## I. RECITALS

1.1 Santa Cruz METRO and Contractor entered into a Contract for Printing of Bus Stop Stickers ("Contract") on September 9, 2011.
1.2 The Contract allows for the extension upon mutual written consent.
1.3 Santa Cruz METRO and Contractor desire to amend the Contract to increase the compensation amount allowable for payment to Contractor.

Therefore, Santa Cruz METRO and Contractor amend the Contract as follows:

## II. TERM

2.1 Article 4.01 is replaced in its entirety by the following:

The term of this Contract shall be from September 9, 2011 to September 8, 2014.
At the option of Santa Cruz METRO, this Contract may be renewed for two (2) additional one (1) year terms upon mutual written consent.

## III. COMPENSATION

3.1 Article 5.01 is amended to include the following language:

Santa Cruz METRO shall compensate Contractor in an amount not to exceed the rates agreed upon and set forth in Contractor's estimate dated July 1, 2013, Attachment A to this Amendment. Santa Cruz METRO shall compensate Contractor in an amount not to exceed $\$ 10,000$ under the terms of this Third Amendment

The new Contract total not to exceed amount is $\$ 37,000$. Contractor understands and agrees that if he/she exceeds the $\$ 37,000$ maximum amount payable under this Contract, that it does so at its own risk.

## IV. REMAINING TERMS AND CONDITIONS

4.1 All other provisions of the Contract that are not affected by this Amendment shall remain unchanged and in full force and effect.

## V. AUTHORITY

5.1 Article 7 is amended to include the following language:

Each party has full power to enter into and perform this Third Amendment to the Contract and the person signing this Third Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Third Amendment to the Contract, understands it, and agrees to be bound by it.

Signed on $\qquad$

Santa Cruz METRO -
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Leslie R. White
General Manager

Contractor -
CATTO'S GRAPHICS, INC.

By
Scott Catto
President

Approved as to Form:

Leslyn Syren
Santa Cruz METRO Counsel

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

DATE: August 9, 2013
TO: Board of Directors

FROM: Erron Alvey, Purchasing Manager

## SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FLYERS ENERGY, LLC FOR OFF-SITE FUELING OF NON-REVENUE VEHICLES IN AN AMOUNT NOT TO EXCEED \$40,000

## I. RECOMMENDED ACTION

Authorize the General Manager to execute a contract renewal for a five-month extension with Flyers Energy, LLC for off-site fueling of non-revenue vehicles in an amount not to exceed $\$ 40,000$.

## II. SUMMARY OF ISSUES

- Santa Cruz METRO has a contract with Flyers Energy, LLC for off-site fueling of non-revenue vehicles.
- This contract was established on October 1, 2008 for a three-year period with two optional one-year extensions, and provides for extension upon mutual written consent.
- The current contract approved by the Board of Directors will expire on September 30, 2013.
- Fleet Maintenance has recently taken over ParaCruz's fleet repairs and related management, including fueling, which is currently on its own contract with this same vendor. A five-month extension to the Fleet Maintenance contract term will bring it into alignment with the ParaCruz contract. Fueling for the entire combined fleet will then go out to bid for a new contract at the beginning of 2014.
- Flyers Energy, LLC has requested no modifications to the terms or conditions for the new contract period.
- Flyers Energy, LLC has performed its duties very well under this contract and therefore, a five-month contract extension with no modifications to the terms or conditions is recommended.


## III. DISCUSSION

Santa Cruz METRO has a contract with Flyers Energy, LLC for off-site fueling of non-revenue vehicles that is due to expire on September 30, 2013. Fleet Maintenance took over ParaCruz
fleet repairs and related management as of March 1, 2013, including fueling, which is currently on its own contract with Flyers Energy, LLC. A five-month extension to the Fleet Maintenance contract term will bring it into alignment with the ParaCruz contract, which expires on February 28, 2014. Fueling for the entire combined fleet will then go out to bid for one new contract at the beginning of 2014.

Over the past year the quality of service and online account management and reporting tools provided by Flyers Energy, LLC has been excellent. Flyers Energy, LLC has reviewed the contract and requested no modifications to the terms or conditions.

Staff recommends that Santa Cruz METRO extend the contract with Flyers Energy, LLC for an additional five-month period an amount not to exceed $\$ 40,000$. Staff further recommends that the Board of Directors authorize the General Manager to sign a five-month contract extension on behalf of Santa Cruz METRO. Robert Cotter, Maintenance Manager, will serve as the Contract Administrator and will ensure contract compliance.

## IV. FINANCIAL CONSIDERATIONS

This contract has a total not to exceed of $\$ 330,000$. Additional funds in an amount of $\$ 40,000$ are requested for approval at this time. The new contract total not to exceed would be $\$ 370,000$.

Funds to support this contract are included in the Fleet Maintenance FY14 Fuels and Lubricants Non-Revenue Vehicle budget.

## V. ATTACHMENTS

## Attachment A: Renewal letter from Flyers Energy, LLC

Attachment B: Contract Amendment with Flyers Energy, LLC

## Attachment A

Santa Cruz METRO
Erron Alvey
110 Veron Street
Santa Cruz, CA 95060

RE: Santa Cruz METRO Contract No. 09-03 for Off-site Fueling of Non-Revenue Vehicles

Erron,
Flyers Energy, LLC would like to extend the referenced contract (09-03) through February 28, 2014. The extension would not require any modifications to the terms or conditions of the current contract.


## Attachment B

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT THIRD AMENDMENT TO CONTRACT NO. 09-03 FOR OFF-SITE REFUELING OF NON-REVENUE VEHICLES

This Third Amendment to Contract No. 09-03 for Off-Site Refueling of Non-Revenue Vehicles is made effective October 1, 2013 between the Santa Cruz Metropolitan Transit District, a political subdivision of the State of California ("Santa Cruz METRO"), and Flyers Energy, LLC ("Contractor").

## I. RECITALS

1.1 Santa Cruz METRO and Contractor entered into a Contract for Off-Site Refueling of Non-Revenue Vehicles ("Contract") on October 1, 2008.
1.2 The Contract allows for the extension upon mutual written consent.
1.3 Santa Cruz METRO and Contractor desire to amend the Contract to increase the compensation amount allowable for payment to Contractor.

Therefore, Santa Cruz METRO and Contractor amend the Contract as follows:

## II. TERM

2.1 Article 3.02 is replaced in its entirety by the following:

The term of this Contract shall be from October 1, 2008 to February 28, 2014.
Santa Cruz METRO and Contractor may extend the term of this Contract at any time for any reason upon mutual written consent.

## III. COMPENSATION

3.1 Article 4.01 is amended to include the following language:

Santa Cruz METRO shall compensate Contractor in an amount not to exceed $\$ 40,000$ under the terms of this Third Amendment.

The new Contract total not to exceed amount is $\$ 370,000$. Contractor understands and agrees that if he/she exceeds the $\$ 370,000$ maximum amount payable under this Contract, that it does so at its own risk.

## IV. REMAINING TERMS AND CONDITIONS

4.1 All other provisions of the Contract that are not affected by this amendment shall remain unchanged and in full force and effect.

## V. AUTHORITY

5.1 Article 7 is amended to include the following language:

Each party has full power to enter into and perform this Third Amendment to the Contract and the person signing this Third Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Third Amendment to the Contract, understands it, and agrees to be bound by it.

Signed on $\qquad$

Santa Cruz METRO -
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Leslie R. White
General Manager

Contractor -
FLYERS ENERGY, LLC

By
Rick Teske
General Manager

Approved as to Form:

Leslyn Syren
Santa Cruz METRO Counsel

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# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

STAFF REPORT

DATE: August 9, 2013
TO: Board of Directors
FROM: Leslyn K. Syren, District Counsel

## SUBJECT: CONSIDERATION OF ADOPTION OF SANTA CRUZ METRO'S AMENDED CONFLICT OF INTEREST CODE AND APPROVAL OF THE RESOLUTION CONFIRMING THIS ACTION

## I. RECOMMENDED ACTION

Adopt Santa Cruz METRO's Amended Conflict of Interest Code for Designated Officials, Employees, Members and Consultants (AR-1025) and Approve the Resolution Adopting the Amended Code.

## II. SUMMARY OF ISSUES

- Every agency, including all local government agencies and special districts are required by Government Code $\S 87300$ to adopt and promulgate a Conflict of Interest Code.
- The Code was amended to include new positions that were created and to include positions whose duties had recently changed.
- The Code was amended to include deadlines for filing Statements of Economic Interest.
- Santa Cruz METRO accepted comments on its amended Conflict of Interest Code from June 14, 2013 through August 8, 2013.
- Santa Cruz METRO Managers and Staff have reviewed the amended Code and are requesting that the Board adopt the amended Code and approve the attached Resolution.


## III. DISCUSSION

The Political Reform Act (the PRA) controls conflicts of interests of public officials through disclosure of financial interests and prohibitions on participation in the making of decisions in which the official knows or has reasons to know he or she has a financial interest. The PRA's standards are found in California Government Code Sections 81000 et seq. The Fair Political Practices Commission (FPPC) has also adopted regulations implementing the PRA, see Title 2 of the California Code of Regulations Section 18109 et. seq., and issues formal opinions and advice letters on the application of the PRA to particular situations. The FPPC maintains a website at www.fppc.ca.gov which contains the PRA regulations, opinions and advice letter summaries.

In accordance with the PRA, all government agencies must adopt and promulgate a Conflict of Interest Code. This code must be amended when circumstances change, such as when new positions are created or duties of existing positions change. The code must be consistent with the
minimum requirements of the PRA. Such Conflict of Interest Code has the force of law and any violation of the Conflict of Interest Code by a designated employee shall be deemed a violation of Government Code §87300, et seq.

Since the last amendment to Santa Cruz METRO’s Conflict of Interest Code in 2008, several new positions have been added. As a result, the Code has been amended to include those positions whose duties of the position makes their inclusion in the Code appropriate. Affected Managers and Employees were provided the appropriate Notice and a copy of the amended Code on June 21, 2013.

METRO's amended Conflict of Interest Code (Attachment A) and supporting information regarding METRO's Conflict of Interest Code were available for public inspection at METRO's Administrative Offices, 110 Vernon Street, Santa Cruz, CA 95060 from June 14, 2013 through August 8, 2013. During this time, Santa Cruz METRO did not receive any public comments on its proposed amended Code.

Staff recommends that the Board adopt the Amended Conflict of Interest Code and approve the Resolution Adopting the Amended Conflict of Interest Code (Attachment B).

## IV. FINANCIAL CONSIDERATIONS

None at this time.

## V. ATTACHMENTS

Attachment A: Santa Cruz METRO’s Amended Conflict of Interest Code (AR-1025)
Attachment B: Resolution Adopting the Amended Conflict of Interest Code

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

| Regulation Number: | AR-1025 |
| :---: | :---: |
| Computer Title: | conflict.int |
| Effective Date: | December 15, 2006 |
| Pages: | $\underline{6} 4$ |
| TITLE: | CONFLICT OF INTEREST CODE FOR DESIGNATED OFFICIALS, EMPLOYEES, MEMBERS AND CONSULTANTS |
| Procedure History |  |
| NEW POLICY | SUMMARY OF POLICY APPROVED |
| 12-15-06 | Consolidation of Policies and requirements into regulation format and specific use of required language, including designated positions including Senior Account Technician, and disclosure categories. |
| 12-19-08 | Amending list of designated positions in Appendix A. |
| 8-9-13 | Addition of deadlines for providing |
|  | Statements and amend the list of designated positions in Appendix A. |

## I. POLICY

1.01 The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission (FPPC) has adopted a regulation, Article 2 of the California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code. The terms of Article 2 of the California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission (FPPC) are hereby incorporated by reference and, all officials, employees, members and consultants designated herein and disclosure categories set forth herein, constitute the Conflict of Interest Code of the Santa Cruz Metropolitan Transit District (METRO).
1.02 Designated Officials, Employees, Members and Consultants shall file Statements of Economic Interests (Form 700) with the METRO at its Administrative Offices located at 370 Encinal Street, Suite 100110 Vernon Street, Santa Cruz, California 95060 on forms prescribed by the FPPC and supplied by the METRO no later than April $1^{\text {st }}$ of each year, at the times specified in- (Title 2_of the California Code of Regulations, Section 18730). Such forms can be obtained from METRO’s Administrative Services Coordinator.
1.021.03 Designated Officials, Employees, Members and Consultants assuming positions after the April 1 ${ }^{\text {st }}$ deadline of this code shall file Statements of Economic Interests (Form 700) within thirty (30) days after assuming the designated positions with METRO's Administrative Services Coordinator.--
1.031.04 METRO will retain the completed Form 700s prepared by all designated officials, employees, members and consultants. METRO will make the Form 700s available for public inspection and reproduction upon request.
1.05 Designated Officials, Employees, Members and Consultants violating any provision of this regulation are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. Additionally, any violation may subject a METRO employee to disciplinary action up to and including employment termination.
1.041.06 In the event that the Conflict of Interest Code is amended, all newly designated officials, employees, members and consultants added to Appendix A, shall provide Santa Cruz METRO with an Economic Statement (Form 700) within thirty (30) days after adoption of the amended Code. Such forms shall be submitted to METRO's Administrative Services Coordinator.

## II. DESIGNATED POSITIONS

2.01 The persons holding positions listed in Appendix A are designated Officials, Employees, Members or Consultants for purposes of METRO's Conflict of Interest Code. It has been determined that these persons through their METRO employment position or their status as a METRO Official, Member or Consultant make or participate in the making of governmental decisions which may foreseeably have a material effect on economic or financial interests of their own or others.
2.02 METRO Officials, Employees and Members listed in Appendix A shall complete their Form 700s pursuant to the Disclosure Category set forth in Appendix A.
| 2.03 Designated Consultants listed in Appendix A shall disclose pursuant to the broadest disclosure category (Category 1) unless METRO’s General Manager determines in writing that a particular Consultant, although holding a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

### 2.04 All persons who leave designated positions shall file Statements of Economic Interest (Form 700) within thirty (30) days after leaving office with METRO's Administrative Services Coordinator.

2.042.05 An individual holding one of the positions listed in Appendix A may contact the Fair Political Practices Commission for assistance or written advice regarding their filing
obligations if he/she believes that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200 and as a result the individual holding such position is required to complete a Statement of Economic Interest (Form 700).

## III. DISCLOSURE CATEGORIES (Form 700):

### 3.01 Disclosure Categories are the following:

## Full Disclosure-Category 1:

All interests in real property located within the jurisdiction, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

## Full Disclosure (excluding interest in real property)-Category 2:

All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments.

## Interests in Real Property-Category 3

All interests in real property located in the jurisdiction.

## General Contracting Categories-Category 4

a) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the METRO.
b) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee's department or area of authority.

## Grant/Service Providers/Agencies that Oversee Programs-Category 5

a) A designated employee in this category must report all investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the METRO.
b) All investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to offer or provide consulting, rehabilitative or educational services concerning the prevention, treatment or rehabilitation of persons suffering from (alcohol related problems/drug abuse).

Policy and Regulation
Page 4 of 6

## IV. DISQUALIFICATION

4.01 No designated individual shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material
| financial effect, distinguishable fromorm its effect on the public generally, on the official or a member of his or her immediate family in violation of 2 Cal. Code of Regs. Section 18730.
4.02 No designated employee shall be prevented from making or participating in making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.
4.024.03 If a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Policy and Regulation
Page 5 of 6
Appendix A
Position

| Santa Cruz METRO Directors | Category 1 |
| :---: | :---: |
| Secretary/General Manager | Category 1 |
| District Counsel | Category 1 |
| Assistant General Manager | Category 1 |
| Maintenance Manager | Category 1 |
| Finance Manager | Category 1 |
| Assistant Finance Manager | Category 1 |
| Project Manager | Category 1 |
| Purchasing Manager | Category 4a |
| Purchasing Agent | Category 4a |
| Purchasing Assistant | Category 4a |
| Senior Accoumt Technician (Purchasing Department Only) | Gategory 4a |
| Designated-Consultants Designated by ContractWho meet the Requirements Herein | Category 1 |
| Human Resources Manager | Category 4b |
| Assistant Human Resources Manager | Category 4b |
| Information Technology Manager/ Project Manager | Category 14b |
| $\frac{\text { Assistant Manager of Information }}{\text { Technology Services }}$ | Category 4b |
| Database Administrator/Senior Database <br> Administrator | Category 4b |
| Paratransit Superintendent | Category 4b |

Policy and Regulation
Page 6 of 6

| Position | Assigned Disclosure Category |
| :---: | :---: |
| Assistant Paratransit Superintendent | Category 4b |
| Manager of Operations | Category 4b |
| Fixed Route Superintendent | Category 4b |
| Fleet Maintenance Supervisor | Category 4b |
| Financial Analyst <br> Senior Financial Analyst | Category 4b |
| Accountant I | Category 4b |
| Accountant II | Category 4b |
| Grants/Legislative Analyst | Category 4b |
| $\xrightarrow{\text { Claims Investigator I }}$ | Category 4b |

# BEFORE THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

Resolution No. $\qquad$
On the Motion of Director:
Duly Seconded by Director:
The Following Resolution is Adopted: $\qquad$

## ADOPTION OF AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires the Santa Cruz Metropolitan Transit District (District), a local public agency, to adopt a Conflict of Interest Code; and

WHEREAS, on April 16, 1999, the District adopted an Ethics Code which included a Conflict of Interest Code; and

WHEREAS, this body has determined that it wishes to update its Conflict of Interest Code and make it a single document for Directors, Employees and Consultants;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, that it hereby resolves, determines and orders as follows:

1. The Conflict of Interest Code previously adopted is hereby rescinded.
2. The Conflict of Interest Code attached and labeled "Exhibit A" is hereby adopted, including appendices labeled:
a. "Appendix A", Designated Positions and Assigned Disclosure Category.
3. Any future filings required of Directors, employees, or consultants by the Political Reform Act shall be consistent with the Conflict of Interest Code adopted by this resolution.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz Metropolitan Transit District on August $\qquad$ , 2013, by the following vote:

AYES: DIRECTORS -
NOES: DIRECTORS -

# ATTACHMENT B 

ABSENT: DIRECTORS -

DANIEL DODGE
Chairperson

## ATTEST:

LESLIE WHITE
General Manager

APPROVED AS TO FORM:

LESLYN K. SYREN
District Counsel

EXHIBIT A, SANTA CRUZ METROPOLITAN TRANSIT DISTRICT RESOLUTION NO. $\qquad$
CONFLICT OF INTEREST CODE FOR DESIGNATED OFFICIALS, EMPLOYEES, MEMBERS AND CONSULTANTS (AR-1025)
(Attached)
8.b3

# ATTACHMENT B SANTA CRUZ METROPOLITAN TRANSIT DISTRICT 

Regulation Number: AR-1025
Computer Title: conflict.int
Effective Date: December 15, 2006
Pages: 6
TITLE:

## CONFLICT OF INTEREST CODE FOR DESIGNATED OFFICIALS, EMPLOYEES, MEMBERS AND CONSULTANTS

| Procedure History |  |  |
| :--- | :--- | :---: |
| NEW POLICY | SUMMARY OF POLICY |  |
| 12-15-06 | Consolidation of Policies and requirements <br> into regulation format and specific use of <br> required language, including designated <br> positions including Senior Account <br> Technician, and disclosure categories. | APPROVED |
|  | Amending list of designated positions in <br> Appendix A. |  |
| 12-19-08 | Addition of deadlines for providing <br> Statements and amend the list of designated <br> positions in Appendix A. | J.B. |
|  |  |  |

## I. POLICY

1.01 The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission (FPPC) has adopted a regulation, Article 2 of the California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code. The terms of Article 2 of the California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission (FPPC) are hereby incorporated by reference and, all officials, employees, members and consultants designated herein and disclosure categories set forth herein, constitute the Conflict of Interest Code of the Santa Cruz Metropolitan Transit District (METRO).
1.02 Designated Officials, Employees, Members and Consultants shall file Statements of Economic Interests (Form 700) with the METRO at its Administrative Offices located at110 Vernon Street, Santa Cruz, California 95060 on forms prescribed by the FPPC and supplied by the METRO no later than April ${ }^{\text {st }}$ of each year, (Title 2 of the California Code of Regulations, Section 18730). Such forms can be obtained from METRO’s Administrative Services Coordinator.

## ATTACHMENT B

1.03 Designated Officials, Employees, Members and Consultants assuming positions after the April $1^{\text {st }}$ deadline of this code shall file Statements of Economic Interests (Form 700) within thirty (30) days after assuming the designated positions with METRO's Administrative Services Coordinator.
1.04 METRO will retain the completed Form 700s prepared by all designated officials, employees, members and consultants. METRO will make the Form 700s available for public inspection and reproduction upon request.
1.05 Designated Officials, Employees, Members and Consultants violating any provision of this regulation are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. Additionally, any violation may subject a METRO employee to disciplinary action up to and including employment termination.
1.06 In the event that the Conflict of Interest Code is amended, all newly designated officials, employees, members and consultants added to Appendix A, shall provide Santa Cruz METRO with an Economic Statement (Form 700) within thirty (30) days after adoption of the amended Code. Such forms shall be submitted to METRO's Administrative Services Coordinator.

## II. DESIGNATED POSITIONS

2.01 The persons holding positions listed in Appendix A are designated Officials, Employees, Members or Consultants for purposes of METRO's Conflict of Interest Code. It has been determined that these persons through their METRO employment position or their status as a METRO Official, Member or Consultant make or participate in the making of governmental decisions which may foreseeably have a material effect on economic or financial interests of their own or others.
2.02 METRO Officials, Employees and Members listed in Appendix A shall complete their Form 700s pursuant to the Disclosure Category set forth in Appendix A.
2.03 Designated Consultants listed in Appendix A shall disclose pursuant to the broadest disclosure category (Category 1) unless METRO’s General Manager determines in writing that a particular Consultant, although holding a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.
2.04 All persons who leave designated positions shall file Statements of Economic Interest (Form 700) within thirty (30) days after leaving office with METRO's Administrative Services Coordinator.
2.05 An individual holding one of the positions listed in Appendix A may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if he/she believes that their position has been categorized incorrectly. The

## ATTACHMENT B

Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200 and as a result the individual holding such position is required to complete a Statement of Economic Interest (Form 700).

## III. DISCLOSURE CATEGORIES (Form 700):

### 3.01 Disclosure Categories are the following:

## Full Disclosure-Category 1:

All interests in real property located within the jurisdiction, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

## Full Disclosure (excluding interest in real property)-Category 2:

All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments.

## Interests in Real Property-Category 3

All interests in real property located in the jurisdiction.

## General Contracting Categories-Category 4

a) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the METRO.
b) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee's department or area of authority.

## Grant/Service Providers/Agencies that Oversee Programs-Category 5

a) A designated employee in this category must report all investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the METRO.
b) All investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to offer or provide consulting, rehabilitative or educational services concerning the prevention, treatment or rehabilitation of persons suffering from (alcohol related problems/drug abuse).

## IV. DISQUALIFICATION

4.01 No designated individual shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which

## ATTACHMENT B

he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family in violation of 2 Cal. Code of Regs. Section 18730.
4.02 No designated employee shall be prevented from making or participating in making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.
4.03 If a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

## ATTACHMENT B

## Appendix A

| Position | Assigned Disclosure Category |
| :---: | :---: |
| Santa Cruz METRO Directors | Category 1 |
| Secretary/General Manager | Category 1 |
| District Counsel | Category 1 |
| Assistant General Manager | Category 1 |
| Maintenance Manager | Category 1 |
| Finance Manager | Category 1 |
| Assistant Finance Manager | Category 1 |
| Project Manager | Category 1 |
| Purchasing Manager | Category 4a |
| Purchasing Agent | Category 4a |
| Purchasing Assistant | Category 4a |
| Consultants Designated by Contract | Category 1 |
| Human Resources Manager | Category 4b |
| Assistant Human Resources Manager | Category 4b |
| Information Technology Manager/ Project Manager | Category 1 |
| Assistant Manager of Information Technology Services | Category 4b |
| Database Administrator/Senior Database Administrator | Category 4b |
| Paratransit Superintendent | Category 4b |

8.68

## ATTACHMENT B

Position

| Assistant Paratransit Superintendent | Category 4b |
| :---: | :---: |
| Manager of Operations | Category 4b |
| Fixed Route Superintendent | Category 4b |
| Fleet Maintenance Supervisor | Category 4b |
| Financial Analyst <br> Senior Financial Analyst | Category 4b |
| Accountant I | Category 4b |
| Accountant II | Category 4b |
| Grants/Legislative Analyst | Category 4b |
| Claims Investigator I |  |
| Claims Investigator II | Category 4b |

8.b9


[^0]:    ** does not include Depreciation, W/C IBNR adjustments, and GASB OPEB Liability expense

