



MEETING NOTICE & AGENDA

DATE: Thursday, December 16, 2021

TIME: 4:00 P.M.

PLACE: Yuba County Government Center
Board of Supervisors Chambers
915 Eighth Street
Marysville, California

I. **Call to Order & Roll Call**

Bains, Blaser, Buttacavoli, Fuhrer, Harris, Hudson (Vice-Chair), Micheli and Shaw (Chair)

II. **Public Business from the Floor**

Members of the public may address the Authority on items of interest that are within the Authority's jurisdiction and are not on the agenda for this meeting. Public comment regarding agenda items will be permitted as each agenda item is considered by the Board.

III. **Consent Calendar**

All matters listed under Consent Calendar are considered routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or public request specific items to be discussed or removed from the Consent Calendar for specific action.

- A. Minutes from the Regular Meeting of November 18, 2021. (Attachment)
- B. Disbursement List for November 2021. (Attachment)
- C. Monthly Performance Report for November 2021. (Attachment)

IV. **Reports**

- A. State Transit & Intercity Rail Capital Program (TIRCP) Grant Application.** Consider authorizing the submittal of a TIRCP funding application for the Next Generation Transit Facility project. (Attachment)

RECOMMENDATION: Authorize the Executive Director to sign and submit a 2022 TIRCP grant application as proposed.

- B. Legal Services Agreement Amendment.** Review and consideration of an amendment to the legal services agreement with Rich, Fudge, Bordsen & Galyean, Inc. a Professional Law Corporation. (Attachment)

RECOMMENDATION: Authorize execution of the legal services agreement amendment as proposed.

- C. Authorization to Fill the Vacant Program Analyst I/II Position.** (Attachment)

RECOMMENDATION: Authorize the Executive Director to fill the vacant Program Analyst I/II position as proposed.

D. Project & Program Updates.

1. COVID-19 Impact & Response
2. Regional Waste Management Authority (RWMA) Organizational Transition
3. Next Generation Transit Facility Project
4. Local & Rural Route Fare Free Service Schedule for the Christmas Holidays (December 20 – 31)

RECOMMENDATION: Information only.

V. Correspondence / Information

VI. Other Business

VII. Adjournment

**THE NEXT REGULAR MEETING IS SCHEDULED FOR THURSDAY, JANUARY 20, 2022
AT 4:00 P.M. IN THE YUBA COUNTY BOARD OF SUPERVISORS CHAMBERS**

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If you need assistance to attend the Yuba-Sutter Transit Board Meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Board, please contact the Yuba-Sutter Transit office at (530) 634-6880 or (TTY) 634-6889 at least 72 hours in advance so such aids or services can be arranged.

AGENDA ITEM III – A

YUBA-SUTTER TRANSIT AUTHORITY MEETING MINUTES NOVEMBER 18, 2021

I. Call to Order & Roll Call (4:02 pm)

Present: Bains, Buttacavoli, Fuhrer, Harris, Hudson, and Shaw (Chair)
Absent: Blaser and Micheli

II. Public Business from the Floor

None.

III. Consent Calendar

Director Bains made a motion to approve the consent calendar. Director Buttacavoli seconded the motion and it carried unanimously.

IV. Reports

A. Replacement Bus Purchase Authorization.

Martin introduced the request for authorization for the replacement of six light-duty buses including some pictures and video of the buses under consideration. There was an on-site demonstration of these vehicles in August, and they proved to be very passenger friendly. Yuba-Sutter Transit has a fleet of 16 medium duty buses that are used for both the Dial-a-Ride and rural route services. Ten of those buses are 2019 models and six are 2014 models. These buses are typically replaced on a seven-year schedule and at an average of nearly 190,000 miles on each they already well exceed their Federal useful life standard of five years or 150,000 miles.

Martin continued that staff has been searching since before the last purchase for a low floor bus model for these services to provide easier access for riders with wheelchairs and ambulatory challenges as the current buses have four steps and a wheelchair lift. The buses being considered have a manual ramp and they load at curb height. The biggest challenge of low floor buses is that they are more expensive. Based on the 2019 bid results, the FY 2022 budget assumed a cost of approximately \$95,000 per unit including all additional post-delivery costs. While costs have since increased substantially and these same buses would now be approximately \$120,000 per unit, each comparable low floor model will be approximately \$140,000. The proposed buses are configured for 12 passengers and could include up to 14 passengers if two jump seats are added to the design. During the demonstration, both drivers and passengers liked their design and ease of use. In addition, their small profile would fit very well with any future micro-transit application as well.

Based on the assumed total price of \$960,000, this purchase would be funded with four different Federal grants and a local match of \$138,000 from available State Transit Assistance (STA) funds. Any purchase award decision would be conditional until the procurement process is approved by Caltrans and we have signed grant agreements.

Director Hudson asked at what point must the buses be replaced. Martin answered that there is no required date for replacement, but it becomes a cost factor for the repair and maintenance of buses as they age. All these buses will have over 200,000 miles by the time they are replaced. Director Hudson asked if the new buses would be diesel engines and if the buses are currently under smog regulations. Martin stated that all the buses are subject to the smog program and the new buses will be gasoline powered as there is no diesel option for this model. He noted that these lightweight vehicles will have V-6 engine and have been tested at around 12 miles per gallon compared to our existing Ford V-10 powered buses that get five or six miles to the gallon so the difference in fuel costs will more than make up for the difference in price over the life of the bus.

Director Fuhrer asked what happens to the surplus buses. Martin answered that they are sold through an online auction site. Director Fuhrer asked about the 2010 model buses. Martin answered that the 2010 buses are commuter buses with a longer useful life. Director Fuhrer asked why all the buses would be wheelchair accessible if only ten percent of riders need wheelchair access. Martin stated that all buses must be equipped with the same accessibility equipment, but wheelchair accessibility is not the only factor influencing the decision as low floor buses are better for anyone with ambulatory challenges and the Dial-A-Ride service during daytime hours is only for senior and disabled riders.

Director Buttacavoli asked why this purchase is not required to be electric vehicles. Martin stated that the current California zero-emission mandate will apply to vehicles with a GVW of over 14,000 pounds that are purchased after December 31, 2026, so these vehicles would not fall under that requirement at this time.

Director Shaw asked if there would be a possibility for some funding through ADA grants for these buses. Martin stated that since all buses must be ADA compliant by law, there are no grants for any additional cost. Director Shaw asked if the replacement buses be delivered by late summer if the inventory is available and Martin stated that this would most likely be the schedule if all of the funding is approved on a timely basis.

Renick House, General Manager for Storer Transit Systems at Yuba-Sutter Transit, stated that the Operations Team at their corporate office also tested and analyzed these buses and determined that they meet and exceed all standards. He noted that it provides a great riding experience, is attractive and that the maintenance team expects long term savings due to the design. The low floor and ramp will also eliminate a lot of safety issues for those with ambulatory challenges.

Director Bains made a motion to authorize the replacement of six 2014 model 16-passenger buses as proposed. Director Hudson seconded the motion and it carried unanimously.

B. First Quarter FY 2022 Budget Report.

Martin presented the budget update for the first quarter of FY 2022. Overall, expenditures are coming in at less than 25 percent of the amount budgeted due primarily to a reduction in the number of service hours being operated from what was budgeted. This resulted from the elimination of the Route 1 Express service and less than anticipated growth in Dial-a-Ride service demand as several programs that reopened in the spring have closed again. The reduction in service hours has helped as fuel and tire expenses are up significantly. Fare revenues are higher than budgeted, mostly due to the Oroville service.

There were no questions.

C. First Quarter Performance Report.

Martin presented the performance report for the first quarter of FY 2022. The numbers have improved significantly over the same period last fiscal year, but they started from very low numbers from the year before due to the pandemic. The farebox numbers are up primarily due to the Oroville Shuttle which included fares paid by the riders as well as the subsidy paid by the cannery.

There were no questions.

D. Project & Program Updates

1. COVID-19 Impacts & Response

Martin reported that October continued the recent year-over-year systemwide monthly ridership growth trend that started in July and really took off in August. On the major services in October, average weekday ridership was up 29 percent on the local fixed route service, 71 percent on the local Dial-a-Ride service, and 39 percent on the Sacramento Commuter service over October 2020.

While these are all encouraging numbers, they seemed to have plateaued and remain well below pre-pandemic levels as average weekday systemwide ridership is still just 48 percent of what it was in October 2019. Staff will be monitoring the numbers to see if this positive trend continues through the typically lower ridership holiday and winter months and into the spring budget season as we plan for FY 2023.

2. Unmet Transit Needs Hearing Results

The annual SACOG hearing was held on-line on November 9, 2021. Only one comment asking for more service for the City of Wheatland was received. Comments are still being accepted through November 22, 2021. SACOG staff acknowledged that other comments had been received prior to the hearing, but none were read into the record. All comments received will be reviewed by the local SSTAC on December 10th and presented to the SACOG board in January or February.

3. Sikh Parade Parking Shuttle Results

The Sunday, November 7th service went smoothly as 233 vehicle service hours were operated with 22 local fixed route buses providing 415 round trips. While ridership was down a bit from 2019, buses still carried standing or near-standing loads nearly every trip. It is estimated that total ridership was between 20,000 to 25,000 boardings for the day. Martin expressed his thanks and appreciation to Storer General Manager Renick House and his team of 47 drivers and staff for a job well done.

4. Next Generation Transit Facility Project (Grant Awards & Submissions)

The award notification for the Regional Housing Authority grant which includes \$8.5 million for Yuba-Sutter Transit was expected on October 28, 2021, but the announcement has been delayed until January. However, grant scoring sheets that were released show the local application received a score of 79 out of a possible 85 points and will likely be funded.

While the RAISE grant awards have not officially been released, they are due Monday, November 22nd and early announcements have been released this week across the country by congressional representatives, so it is almost certain that Yuba-Sutter Transit's \$20 million application was not selected. The goal is to apply

again during the 2022 cycle when more funding is expected to be available with the signing this week of the Infrastructure Investments & Jobs Act (IIJA).

A new grant application is now being submitted by Program Planning Manager, Adam Hansen for \$14 million from the Federal Buses & Bus Facilities Grant Program. Award announcements are expected in the first quarter of 2022. This is also an annual program, and an increased level of funding should also be available in this program for the next cycle if we are unsuccessful in this cycle.

5. Free Service Schedule for Thanksgiving (November 22 – 27) & Christmas (December 20 – 31) Holidays

Yuba-Sutter Transit's local and rural routes will operate fare free during the upcoming holiday periods of November 22 – 27 and December 20 – 31. This is part of the ongoing ridership promotion program with lost fares being reimbursed with State Low Carbon Transit Operating Program (LCTOP) funding. Funding for this program, which began during the 2020 Christmas season and included the Yuba-Sutter Fair Week in June, is expected to be exhausted at the end of June 2022.

Off-Agenda Item

Federal Department of Labor (DOL) Ruling Regarding Transit Funding in California

Martin stated that late last week, the Department of Labor (DOL) reversed a 2019 determination regarding the impact of the 2013 PEPR legislation on an obscure labor protection provision of the Urban Mass Transportation Act of 1964. Labor protections were included in Section 13c of that Act to protect union employees when private transit operations were being taken over by public agencies. This decision would potentially hold-up federal funding for many California transit operators including Yuba-Sutter Transit just as so much new federal transit funding is being released. Yuba-Sutter Transit is a non-union operation, but our grants must be signed by the Sacramento Regional Transit District unions due to our operation in downtown Sacramento. Staff will be tracking this issue closely, but there may not be a resolution for months.

V. Correspondence/Information

None.

VI. Other Business

None.

VII. Adjournment

The meeting was adjourned at 4:41 p.m.

**THE NEXT REGULAR MEETING IS SCHEDULED FOR THURSDAY, DECEMBER 16, 2021 AT 4:00 PM
IN THE YUBA COUNTY BOARD OF SUPERVISORS CHAMBERS.**

**AGENDA ITEM III-B
YUBA-SUTTER TRANSIT
DISBURSEMENT LIST
MONTH OF NOVEMBER 2021**

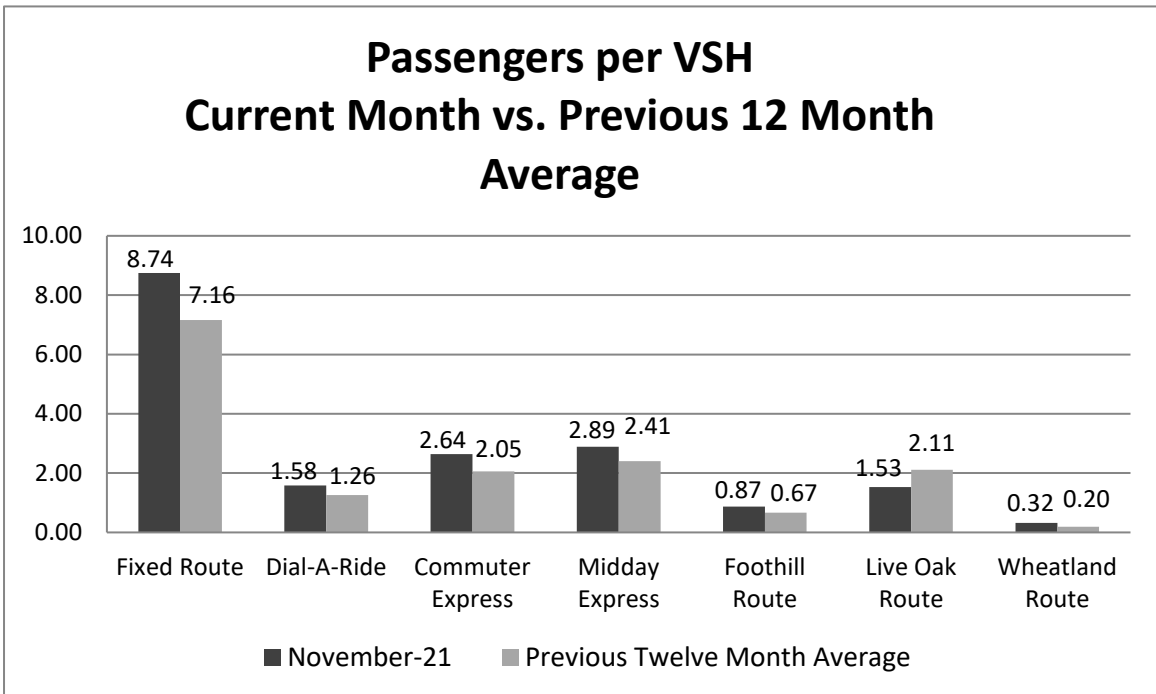
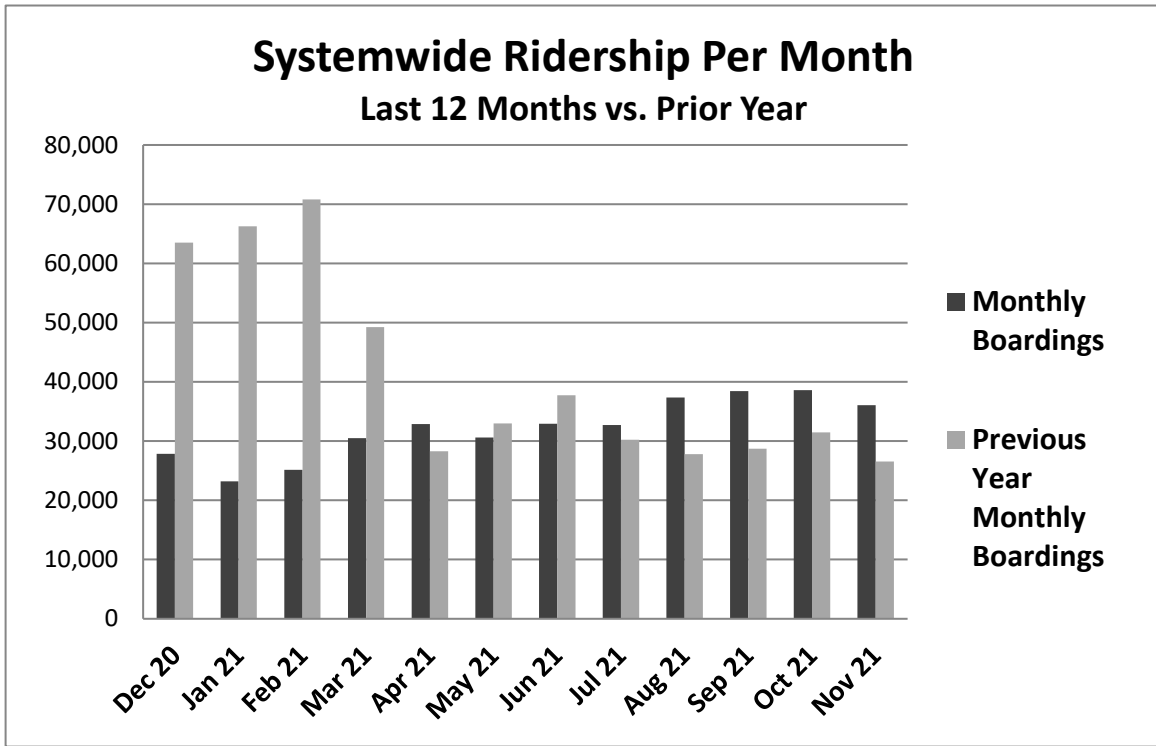
CHECK NO.	AMOUNT	VENDOR	PURPOSE
EFT	\$ 5,794.48	PERS HEALTH	HEALTH INSURANCE
EFT	\$ 3,286.20	PERS RETIREMENT	RETIREMENT PAYMENT (EMPLOYER SHARE)
EFT	\$ 600.00	CALPERS 457 PLAN	EMPLOYER CONTRIBUTION
EFT	\$ 36,307.18	PAYROLL	PAYROLL
EFT	\$ 1,356.33	PRINCIPAL MUTUAL LIFE INSURANCE	L/D/LTD INSURANCE
EFT	\$ 39.88	CALIFORNIA WATER SERVICE	FIRE SUPPRESSION - NOVEMBER 21
EFT	\$ 322.12	CALIFORNIA WATER SERVICE	WATER
EFT	\$ 50.00	BRAD HUDSON	BOARD MEETING 10/21/21
EFT	\$ 50.00	DAVID SHAW	BOARD MEETING 10/21/21
EFT	\$ 50.00	DON BLASER	BOARD MEETING 10/21/21
EFT	\$ 50.00	KARM BAINS	BOARD MEETING 10/21/21
EFT	\$ 50.00	SETH FUHRER	BOARD MEETING 10/21/21
EFT	\$ 50.00	BRAD HUDSON	BOARD MEETING 11/18/21
EFT	\$ 50.00	DAVID SHAW	BOARD MEETING 11/18/21
EFT	\$ 50.00	KARM BAINS	BOARD MEETING 11/18/21
EFT	\$ 50.00	SETH FUHRER	BOARD MEETING 11/18/21
EFT	\$ 3,484.58	PG&E	ELECTRIC 9/14/21 - 10/12/21
EFT	\$ 48.96	PG&E	ELECTRIC #2 OCTOBER 2021
EFT	\$ 138.33	PG&E	GAS OCTOBER 2021
EFT	\$ 3,104.37	PG&E	ELECTRIC 10/13/21 - 11/11/21
EFT	\$ 41.95	PG&E	ELECTRIC #2 NOVEMBER 2021
EFT	\$ 69.97	CARDMEMBER SERVICES	CREDIT CARD -SUBSCRIPTIONS & CHAMBER BREAKFAST
EFT	\$ 272.72	UTILITY MANAGEMENT SERVICES	SEWER
EFT	\$ 174.55	PRIMEPAY	PAYROLL FEES - OCTOBER 2021
EFT	\$ (2,531.64)	VOID 4IMPRINT	VOID PAYMENT FOR BRANDED ITEMS
EFT	\$ 173.24	ELAVON	MERCHANT SERVICE FEE - NOVEMBER
17762	\$ 525.00	ALL SEASONS TREE & TURF CARE	LANDSCAPING & WEED CONTROL AUG - OCT 2021
17763	\$ 50.00	BRUCE BUTTACAVOLI	BOARD MEETING 10/21/21
17764	\$ 800.00	CALIFORNIA HIGHWAY PATROL	2021 GPPV INSPECTIONS
17765	\$ 178.12	FRANCOTYP-POSTALIA INC	POSTAGE RENTAL 10/13/21 - 1/12/22
17766	\$ 25,376.66	HUNT & SONS INC	BUS FUEL - DYED DIESEL
17767	\$ 50.00	NICHOLAS MICHELI	BOARD MEETING 10/21/21
17768	\$ 1,100.00	RC JANITORIAL	JANITORIAL SERVICES OCTOBER 2021
17769	\$ 5,979.44	RAMOS OIL COMPANY	BUS FUEL - GAS
17770	\$ 981.72	SC FUELS	DEF FLUID
17771	\$ 1,350.00	SEE IT GONE JUNK REMOVAL	INITIAL TRASH CLEAN UP AT 6035 AVONDALE AVE
17772	\$ 4,377.44	SMART MARKETING & PUBLIC AFFAIRS	PRINTING & FOLDING BROCHURES
17773	\$ 466,822.80	STORER TRANSIT SYSTEMS	CONTRACT SERVICES & VEHICLES INSURANCE 9/21
17774	\$ 450.00	STREAMLINE	WEBSITE SERVICES NOV 2021
17775	\$ 1,559.16	T-MOBILE	WIFI SERVICE ON BUSES SEPT 2021
17776	\$ 785.00	TECHNOLOGY UNLIMITED	ANNUAL SERVICE AGREEMENT FOR COIN SORTER
17777	\$ 2,892.85	TEHAMA TIRE SERVICE	TUBES/TIRES
17778	\$ 272.79	TIAA COMMERCIAL FINANCE INC	COPIER LEASE OCT 2021
17779	\$ 400.00	ACTION FENCING	REMOVE & REPLACE DAMAGED SIGN & POST
17780	\$ 239.43	ADVANCED DOCUMENTS CONCEPTS	COPY MACHINE CHARGES OCT 2021
17781	\$ 2,990.00	AECOM TECHNICAL SERVICES INC	BUS & BUS FACILITIES GRANT CONSULT 10/11 - 10/22
17782	\$ 1,750.00	ALLIANT NETWORKING SERVICES INC	IT SERVICES DECEMBER 2021
17783	\$ 50.00	BRUCE BUTTACAVOLI	BOARD MEETING 11/18/21
17784	\$ 780.00	CAL ACT	2022 MEMBERSHIP RENEWAL FEE
17785	\$ 370.13	COMCAST BUSINESS	TELEPHONE SERVICES NOV 2021
17786	\$ 316.61	COMCAST BUSINESS	INTERNET SERVICES NOV 2021
17787	\$ 243.56	JOHN BURGER HEATING & AIR COND INC	HEATING & AIR DIAGNOSTIC FEE
17788	\$ 587.58	LANDA & SONS GLASS INC	6 PIECES OF CUT PLEXIGLASS
17789	\$ 1,059.77	QuEST	MAINTENANCE OF BUS STOPS/SHELTERS
17790	\$ 541.09	QUILL CORPORATION	JANITORIAL & OFFICE SUPPLIES
17791	\$ 3,519.96	RAMOS OIL COMPANY	BUS FUEL - GAS
17792	\$ 7,884.00	REI	AVL ANNUAL RENEWAL FEE 1/1/22 - 12/31/22
17793	\$ 26,039.20	SC FUELS	BUS FUEL - DYED DIESEL
17794	\$ 50.00	SHELBY'S PEST CONTROL	PEST CONTROL SERVICES - OCT 21
17795	\$ 50.00	SHON HARRIS	BOARD MEETING 11/18/21
17796	\$ 540.95	STANLEY SECURITY SOLUTIONS INC	SECURITY SERVICES DEC 2021
17797	\$ 261.04	STAPLES CREDIT PLAN	OFFICE SUPPLIES - CALENDARS & RECEIPT BOOKS
17798	\$ 25.73	STORER TRANSIT SYSTEMS	HDMI CABLE FOR TRAINING ROOM
17798	\$ 2,057.68	STORER TRANSIT SYSTEMS	COVID-19 SUPPLIES: DISINFECTANT SOLUTION
17799	\$ 1,482.14	TEHAMA TIRE SERVICE	TUBES/TIRES
	\$ 617,923.07		
LAIF TRANSFERS			
	\$ 1,000,000.00	TRANSFER FROM CHECKING TO LAIF	

AGENDA ITEM III - C

NOVEMBER 2021 PERFORMANCE REPORT

Ridership:	November-21	Previous Twelve Month Average	Fiscal YTD	Previous Fiscal YTD
Fixed Route	31,402	27,486	157,336	127,050
Dial-A-Ride	2,274	1,726	11,578	7,559
Commuter Express	1,767	1,442	9,029	7,137
Midday Express	419	361	2,083	1,686
Foothill Route	69	55	294	464
Live Oak Route	108	153	756	858
Wheatland Route	14	8	60	21
Oroville Route	0	0	1,975	0
Total Ridership:	36,053	31,230	183,111	144,775
Vehicle Service Hours:				
Fixed Route	3,591.71	3,840.05	18,340.39	19,977.92
Dial-A-Ride	1,439.94	1,370.67	7,206.83	7,548.28
Commuter Express	669.12	702.33	3,599.73	3,524.49
Midday Express	145.09	149.82	774.01	748.54
Foothill Route	79.18	82.34	416.02	379.85
Live Oak Route	70.78	72.46	359.57	373.54
Wheatland Route	43.92	41.74	222.69	210.66
Oroville Route	0.00	0.00	427.39	0.00
Total VSH's:	6,039.74	6,259.40	31,346.63	32,763.28
Passengers Per Hour:				
Fixed Route	8.74	7.16	8.58	6.36
Dial-A-Ride	1.58	1.26	1.61	1.00
Commuter Express	2.64	2.05	2.51	2.02
Midday Express	2.89	2.41	2.69	2.25
Foothill Route	0.87	0.67	0.71	1.22
Live Oak Route	1.53	2.11	2.10	2.30
Wheatland Route	0.32	0.20	0.27	0.10
Oroville Route	0.00	0.00	4.62	0.00
Total Passengers Per VSH:	5.97	4.99	5.84	4.42

NOVEMBER 2021 PERFORMANCE REPORT



AGENDA ITEM IV – A
STAFF REPORT

**STATE TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM (TIRCP)
GRANT APPLICATION**

On November 19, 2021, the California State Transportation Agency (CalSTA) released a call for projects for the 2022 Transit and Intercity Rail Capital Program (TIRCP). This program is potentially a significant funding source for the Next Generation Transit Facility. The program was created by Senate Bill (SB) 862 and modified by SB 9, to provide grants from the Greenhouse Gas Reduction Fund to fund transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems, and bus and ferry transit systems. The program's goal is to significantly reduce greenhouse gases emissions by reducing vehicle miles traveled and congestion. The current call for projects, which will update the five-year program for 2022 through 2027, is for \$100 million for the first three years with additional funds projected to be added to the last two years depending on the level of proceeds from the auction of greenhouse gas allowances. Applications are due March 3, 2022.

The TIRCP program objectives include:

1. Reduce emissions of greenhouse gases,
2. Expand and improve transit service to increase ridership,
3. Integrate the rail service of the state's various rail operations, including integration with the high-speed rail system; and,
4. Improve transit safety.

As part of the application process Caltrans, in collaboration with CalSTA, is offering expanded technical assistance prior to the submittal of an application to support agencies in their effort to submit applications in line with program objectives. For this purpose, staff will be meeting with the TIRCP grant administrative staff at 1:00 pm on Friday, December 12. This consultation meeting will help determine if the Next Generation Transit Facility project might be a good fit for this program. The results of that consultation will be reported at the Board meeting. In 2020, 45 projects were submitted of which 17 were funded (38%). Six of the 17 funded projects included the purchase of zero emission buses.

Based on an evaluation of past grant awards, the need for significant funding to complete the critical facility project, and Yuba-Sutter Transit's compelling story, staff expects to request between \$10 and \$15 million in federal funding from this program to fund a major portion of the design and construction of the Next Generation Transit Facility. If it is determined during the December 10th consultation that the facility project fits within the funding parameters, staff will again ask AECOM to assist with the application building on what they have done for the last two major facility grant applications.

Staff will be prepared to discuss this grant program and the grant application in more detail at the meeting.

RECOMMENDATION: Authorize the Executive Director to sign and submit a 2022 TIRCP grant application as proposed.

STAFF REPORT IV – B

LEGAL SERVICES AGREEMENT AMENDMENT

Since January 1, 1999, Yuba-Sutter Transit has contracted with the law firm of Rich, Fuidge, Bordsen & Galyean, Inc. for legal services. The related engagement agreement also includes legal services for the Regional Waste Management Authority (RWMA) as the two agencies have long shared administrative staff. Due to the pending establishment of independent RWMA administrative staff in early 2022, this shared legal services arrangement is no longer practical for either agency.

Attached for Board review and consideration is a proposed amendment to the existing legal services agreement specifically noting the removal of the RWMA from the agreement. The RWMA Board of Directors will be considering a new separate legal services agreement with the same firm at their December 16th meeting. Also included in the proposed amendment is an increase in rates for services rendered to \$200 per hour for basic services and \$225 per hour for specific contested matters such as litigation. The existing rates were last increased in April 2007 and the same rates are being proposed for the new RWMA legal services agreement. If approved as recommended, the amendment would become effective on January 1, 2022.

Staff will be prepared to discuss this issue in detail at the meeting.

RECOMMENDATION: Authorize execution of the legal services agreement amendment as proposed.

AMENDMENT TO AGREEMENT FOR LEGAL SERVICES

THIS AMENDMENT (“Amendment”) is made and entered into effective January 1, 2022, by and between the **YUBA-SUTTER TRANSIT AUTHORITY**, a joint powers agency acting by and through its duly constituted governing Board of Directors hereinafter referred to as “YSTA” and **RICH, FUIDGE, BORDSEN & GALYEAN, INC.**, a Professional Law Corporation, hereinafter referred to as “Attorneys”.

RECITALS

The parties previously entered into that certain “Agreement for Legal Services” effective January 1, 1999 (the “Original Agreement”). The Original Agreement contemplated, inter alia, in paragraph 2 thereof that the Attorneys would also provide services for the Regional Waste Management Authority (“RWMA”).

Under the Original Agreement, attorneys worked on the basis of a quarterly retainer and would submit a single billing to YSTA (including work done for RWMA) who then in turn would allocate to RWMA its portion of the fees for legal services.

Historically the YSTA and the RWMA have the same administrative staff.

Since the time of the Original Agreement there have been numerous changes to the laws relating to solid waste such that RWMA has recently amended its Joint Powers Authority Agreement and in the year 2022 RWMA will become a stand-alone agency and will have its own administrative staff.

In light of the foregoing recitals, it is no longer practical or convenient for YSTA to contract for legal services on behalf of both itself and RWMA.

IN WITNESS WHEREOF, the parties agree as follows:

SECTION 1 Incorporation of Recitals

The foregoing recitals are not merely recitals but are contractual in nature and are incorporated into this Amendment.

SECTION 2 Amendment of Original Agreement

Paragraph 2 of the Original Agreement is deleted. From and after the effective date of this Amendment attorneys shall provide services directly to YSTA and its billings will reflect matters only pertaining to YSTA. Any billings involving RWMA will be pursuant to a separate agreement.

Paragraph 3 of the Original Agreement is amended such that on and after the effective date of this Amendment, Attorneys will bill YSTA monthly for services rendered. There shall be no guaranteed retainer. Attorneys will bill for their services by the hour and YSTA agrees to pay and compensate Attorneys on an hourly basis at the rate of \$200.00 per hour for services rendered pursuant to Paragraph 3 of the Original Agreement and, to the extent there are contested matters (such as litigation and services embodied within Paragraph 4 of the Original Agreement) YSTA shall compensate its Attorneys at the rate of \$225.00. In the future, upon no less than sixty (60) days advance notice to YSTA, Attorneys may adjust the rates to be charged as specified above.

With respect to Paragraph 6 of the Original Agreement, the same shall be modified such that the reference to the "Basic Quarterly Retainer" shall instead encompass the Attorneys' monthly billings for services rendered.

SECTION 3
Remainder of Original Agreement to Remain Unchanged

With the exception of those matters set forth in Section 2 above (wherein this Amendment modifies the Original Agreement), the remainder of the provisions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date set forth below.

Date: _____

YUBA-SUTTER TRANSIT AUTHORITY

BY: _____

ATTEST:

Clerk

Date: _____

RICH, FUIDGE, BORDSEN & GALYEAN,
INC.

BY: _____
BRANT J. BORDSEN

STAFF REPORT IV – C

AUTHORIZATION TO FILL THE VACANT PROGRAM ANALYST I/II POSITION

Ms. Amy White, Yuba-Sutter Transit's Program Analyst since February 22, 2019, recently announced that she has accepted an Assistant Planner position with the Butte County Association of Governments (BCAG) in Chico. Her last day of work will be Friday, January 14, 2022. The Program Analyst I/II entry level professional position is one of just five Yuba-Sutter Transit employees. Pursuant to Section 6.02 (Filling Vacant Positions) of the Yuba-Sutter Transit Personnel Manual, staff is now requesting authorization to immediately begin the process of filling the pending staff vacancy. This position was originally authorized by the Board of Directors in 2017 and no changes to the current job description or salary scale are being requested.

To address this vacancy, staff approached the incumbent Administrative Assistant, Ms. Janet Frye, to determine if she were interested in being promoted to the Program Analyst position and she has agreed to do so if offered the opportunity. Janet has been with Yuba-Sutter Transit since March 18, 2019 (just a month less than Amy). She was a finalist for the then vacant Program Analyst position that was ultimately filled by Amy and was then offered the Administrative Assistant position that became available during the recruitment process. Janet has been an exceptional employee; meets or exceeds the minimum requirements for the Program Analyst position; has demonstrated the capacity to grow and take on new challenges; and is more than capable of performing in this new position.

Based on these factors and pursuant to Section 12.02.05 (Movement to a Higher Classification) of the Personnel Manual, staff is recommending that Janet be promoted to Step A of the Program Analyst II position effective January 1, 2022. The budget impact of this promotion is negligible as the incumbent Program Analyst would be receiving this same salary effective March 1, 2022, if she were not resigning. With Board authorization to proceed with this promotion as proposed, staff intends to take this opportunity to revisit the job description and salary scale for the Administrative Assistant position before recruiting for that vacancy. Any recommended changes that might result from this process would be brought back to the Board for consideration as early as the January 20th meeting.

For all past staff openings, Yuba-Sutter Transit has contracted with the Human Resource Departments of either Yuba or Sutter Counties on a time and materials basis to guide the recruiting and hiring process along with assisting as necessary with the setting of job descriptions and salary scales. In the last five years, Yuba County supported the hiring for two positions in 2017 while Sutter County supported the recruitment for the incumbent Program Analyst in 2019. Prior to the December 16th Board meeting, staff will have discussed the availability and capacity of the local jurisdiction Human Resource departments to again assist in this process. Assuming Board authorization at the January meeting to begin recruitment for the Administrative Assistant position and a favorable outcome to that process, staff hopes to again be at full staffing levels by or before April 1, 2022.

Staff will be prepared to discuss this issue in detail at the meeting.

RECOMMENDATION: Authorize the Executive Director to fill the vacant Program Analyst I/II position as proposed.