

AGENDA
General Policy Committee Meeting
August 14, 2024
9:00 AM

Location

San Bernardino County Transportation Authority
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410

General Policy Committee Membership

Chair – Vice President

Rick Denison, Council Member
Town of Yucca Valley

President

Ray Marquez, Council Member
City of Chino Hills

Past President

Dawn Rowe, Supervisor
County of San Bernardino

West Valley Representatives

John Dutrey, Mayor
City of Montclair

Alan Wapner, Council Member
City of Ontario

Jesse Armendarez, Supervisor
County of San Bernardino

Mt./Desert Representatives

Debra Jones, Council Member
City of Victorville

Art Bishop, Mayor Pro Tem
Town of Apple Valley

East Valley Representatives

Frank Navarro, Mayor
City of Colton

Larry McCallon, Mayor Pro Tem
City of Highland

Helen Tran, Mayor
City of San Bernardino

Joe Baca, Jr., Supervisor
County of San Bernardino

**San Bernardino County Transportation Authority
San Bernardino Council of Governments**

AGENDA

General Policy Committee Meeting

August 14, 2024

9:00 AM

Location

SBCTA

First Floor Lobby Board Room

1170 W. 3rd Street, San Bernardino, CA 92410

Items listed on the agenda are intended to give notice to members of the public of a general description of matters to be discussed or acted upon. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional *“Meeting Procedures”* and agenda explanations are attached to the end of this agenda.

CALL TO ORDER

(Meeting Chaired by Rick Denison)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications - Mayra Alfaro

Public Comment

Brief Comments from the General Public

Note: Public Comment on items listed on this agenda will be allowed only during this committee meeting. No public comment will be allowed on committee items placed on the Consent Agenda at the Board of Directors meeting. If an item has substantially changed after consideration during the committee meeting, the item will be placed on Discussion for Board and public comment will be allowed.

Possible Conflict of Interest Issues

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

1. Information Relative to Possible Conflict of Interest

Pg. 10

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

This item is prepared monthly for review by Board and Committee members.

INFORMATIONAL ITEMS

Items listed are receive and file items and are expected to be routine and non-controversial. Unlike the Consent Calendar, items listed as Informational Items do not require a vote.

2. June and July 2024 Procurement Report

Pg. 11

Receive the June 2024 and July 2024 Procurement Report.

Presenter: Jeffery Hill

This item is not scheduled for review by any other policy committee or technical advisory committee.

3. Measure I Revenue

Pg. 18

Receive report on Measure I receipts for Measure I 2010-2040.

Presenter: Lisa Lazzar

This item is not scheduled for review by any other policy committee or technical advisory committee.

DISCUSSION ITEMS

Discussion - Administrative Matters

4. Additional Reports for Measure I Compliance Audits for Fiscal Year 2020/2021 and 2022/2023

Pg. 20

Review and make a finding that the City of Adelanto Measure I expenditures for Fiscal Year 2020/2021 and that the Town of Apple Valley, City of Needles and City of Rialto Measure I expenditures for Fiscal Year 2022/2023, are consistent with the provisions of the Measure I Expenditure Plan and Ordinance No. 04-01.

Presenter: Lisa Lazzar

This item is not scheduled for review by any other policy committee or technical advisory committee.

5. New Policy No. 10104-3 - Ergonomics Policy and Procedure

Pg. 114

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Policy No. 10104-3 – Ergonomics Policy and Procedure.

Presenter: Jennifer Joo

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy.

6. Revise Policy No. 10111 - Work Requirements, Leaves, and Absences

Pg. 117

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Approve revisions to SBCTA Policy No. 10111 – Work Requirements, Leaves, and Absences Policy.

B. Approve a Budget Amendment to increase Task No. 0154 – Fringe-Holiday in the amount of \$47,000.

Presenter: Colleen Franco

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy revisions.

Discussion - Air Quality/Traveler Services

7. Agreement No. 24-1003125 with the California Highway Patrol for Freeway Service Patrol

Pg. 163

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

Authorize the Executive Director, or his designee, to finalize and execute Agreement No. 24-1003125 with the California Highway Patrol (CHP) for a five-year term beginning November 1, 2024 through October 31, 2029, in the amount of \$3,063,952 for daily oversight of the state and locally funded Freeway Service Patrol (FSP) Program and FSP CHP oversight for construction activity which includes the FSP Express Lanes Project areas, subject to approval as to form by SBCTA General Counsel.

Presenter: Kelly Lynn

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

8. Amendment No. 1 to Contract No. 23-1002947 with Royal Coaches Auto Body & Towing

Pg. 178

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Amendment No. 1 to Contract No. 23-1002947 with Royal Coaches Auto Body & Towing to provide Construction Freeway Service Patrol (CFSP) “extra work” service on Beat No. 23, to increase the contract amount by \$541,398 for a new not-to-exceed amount of \$5,573,908, to be funded with Measure I Valley Freeway Program funds for CFSP service support in Program 40 Project Delivery.

Presenter: Rana Semaan

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

Discussion - Regional/Subregional Planning

9. San Bernardino County Transportation Authority Evacuation and Resilience Center Design Study Pg. 184

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Adopt Resolution No. 25-006, authorizing the Executive Director, or his designee, to negotiate and execute, subject to approval as to form by General Counsel, Contract No. 25-1003185, a Restricted Grant Agreement between SBCTA and the California Department of Transportation for SBCTA to receive an amount not-to-exceed \$725,000 for the development of the SBCTA Evacuation and Resilience Center Design (ERCD) Study.

B. Authorize the Executive Director, or his designee, to release Request for Proposals No. 25-1003186 for the development of the SBCTA ERCD Study.

C. Approve a budget amendment to the Fiscal Year 2024/2025 Budget, Task No. 0404, increasing the budget by \$725,000 to be funded by the Sustainable Transportation Planning Grant Program – Climate Adaptation Planning grant.

Presenter: Mairany Anaya

This item is not scheduled for review by any other policy committee or technical advisory committee. General Counsel has reviewed this item and the draft resolution.

Comments from Board Members

Brief Comments from Board Members

ADJOURNMENT

Additional Information

Attendance

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Acronym List

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Mission Statement

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The next General Policy Committee Meeting is scheduled for September 11, 2024.

Meeting Procedures and Rules of Conduct

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility & Language Assistance - The meeting facility is accessible to persons with disabilities. A designated area is reserved with a microphone that is ADA accessible for public speaking. A designated section is available for wheelchairs in the west side of the boardroom gallery. If assistive listening devices, other auxiliary aids or language assistance services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Service animals are permitted on SBCTA's premises. The ADA defines service animals as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work, or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Accesibilidad y asistencia en otros idiomas - Las personas con discapacidad pueden acceder a la sala de reuniones. Se reserva una zona designada con un micrófono accesible que cumple con los requisitos de la ADA para hablar en público. Una sección designada está disponible para sillas de ruedas en el lado oeste de la galería de la sala de reuniones. Si se necesitan dispositivos de ayuda auditiva, otras ayudas auxiliares o servicios de asistencia en otros idiomas para participar en la reunión pública, las solicitudes deben presentarse al Secretario de la Junta al menos tres (3) días hábiles antes de la fecha de la reunión de la Junta. Puede comunicarse con el Secretario llamando al (909) 884-8276 o enviando un correo electrónico a clerkoftheboard@gosbcta.com. La oficina se encuentra en 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Los animales de servicio están permitidos en las instalaciones de SBCTA. La ADA define a los animales de servicio como perros o caballos miniatura que son entrenados individualmente para hacer trabajo o realizar tareas para personas con discapacidades. Según la ADA, los animales de servicio deben tener un arnés o ser atados, a menos que estos dispositivos interfieran con el trabajo del animal de servicio, o que la discapacidad de la persona impida el uso de estos dispositivos. En ese caso, la persona debe mantener el control del animal a través de su voz, señales u otros controles efectivos.

Agendas – All agendas are posted at www.gosbcta.com/board/meetings-agendas/ at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3rd Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting.

Agenda Actions – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

Closed Session Agenda Items – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the President of the Board or Committee Chair (“President”) will announce the subject matter of the closed session. If reportable action is taken in closed session, the President shall report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item, except Board agenda items that were previously considered at a Policy Committee meeting where there was an opportunity for public comment. Individuals in attendance at SBCTA who desire to speak on an item may complete and turn in a "Request to Speak" form, specifying each item an individual wishes to speak on. Individuals may also indicate their desire to speak on an agenda item when the President asks for public comment. When recognized by the President, speakers should be prepared to step forward and announce their name for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The President or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Any individual who wishes to share written information with the Board may provide 35 copies to the Clerk of the Board for distribution. If providing written information for distribution to the Board, such information must be emailed to the Clerk of the Board, at clerkoftheboard@gosbcta.com, no later than 5:00 pm the day before the meeting in order to allow sufficient time to distribute the information. Information provided as public testimony is not read into the record by the Clerk. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda. Any consent item that is pulled for discussion shall be treated as a discussion item, allowing further public comment on those items.

Public Comment –An opportunity is also provided for members of the public to speak on any subject within the Board’s jurisdiction. Matters raised under “Public Comment” will not be acted upon at that meeting. See, “Public Testimony on an Item,” above.

Disruptive or Prohibited Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the President may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner.

Your cooperation is appreciated!

**General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Attendance.

- The President of the Board or Chair of a Policy Committee (Chair) has the option of taking attendance by Roll Call. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name.
- A Member/Alternate who arrives after attendance is taken shall announce his/her name prior to voting on any item.
- A Member/Alternate who wishes to leave the meeting after attendance is taken but before remaining items are voted on shall announce his/her name and that he/she is leaving the meeting.

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee. Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.
- Votes at teleconferenced meetings shall be by roll call, pursuant to the Brown Act, or, at any meeting, upon the demand of five official representatives present or at the discretion of the presiding officer.

The Vote as specified in the SBCTA Administrative Code and SANBAG Bylaws.

- Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the Alternate shall be entitled to vote. (Note that Alternates may vote only at meetings of the Board of Directors, Metro Valley Study Session and Mountain/Desert Policy Committee.)

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the Chair shall ask the maker of the original motion if he or she would like to amend the motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is voted upon first, and if it fails, then the original motion is considered.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a Member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively, and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time to time, circumstances may require deviation from general practice (but not from the Brown Act or agency policy).
- Deviation from general practice is at the discretion of the Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016

Revised June 7, 2023

Minute Action

AGENDA ITEM: 1

Date: August 14, 2024

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background:

In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
7	24-1003125	California Highway Patrol	None
8	23-1002947-01	Royal Coaches Auto Body & Towing <i>William Salazar</i>	None
9	25-1003185	California Department of Transportation	None

Financial Impact:

This item has no direct impact on the Budget.

Reviewed By:

This item is prepared monthly for review by Board and Committee members.

Responsible Staff:

Carrie Schindler, Deputy Executive Director

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 2

Date: August 14, 2024

Subject:

June and July 2024 Procurement Report

Recommendation:

Receive the June 2024 and July 2024 Procurement Report.

Background:

The Board of Directors adopted the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on January 4, 2023. The Board of Directors authorized the Executive Director, or his designee, to approve: a) contracts and purchase orders up to \$100,000; b) Contract Task Orders (CTO) up to \$500,000 and for CTOs originally \$500,000 or more, increasing the CTO amount up to \$250,000; c) amendments with a zero dollar value; d) amendments to exercise the option term if the option term was approved by the Board of Directors in the original contract; e) amendments that cumulatively do-not-exceed 50% of the original contract or purchase order value or \$100,000, whichever is less; f) amendments that do-not-exceed contingency amounts authorized by the Board of Directors; and g) release Request for Proposals (RFP), Request for Qualifications (RFQ), and Invitation for Bids (IFB) for proposed contracts from which funding has been approved and the solicitation has been listed in the Annual Budget, and are estimated not-to-exceed \$1,000,000.

The Board of Directors further authorized General Counsel to award and execute legal services contracts up to \$100,000 with outside counsel as needed, and authorized Department Directors to approve and execute Contingency Amendments that do-not-exceed contingency amounts authorized by the Board of Directors.

Lastly, the Board of Directors authorized CityCom Real Estate Services, Inc. (CityCom) to issue contracts and purchase orders.

Below is a summary of the actions taken by SBCTA authorized staff:

- Five new contracts were executed.
- Four contract amendments were executed.
- One CTO was executed.
- No CTO amendments were executed.
- Two contingency amendments were executed.
- Ten purchase orders were executed.
- One purchase order amendment was executed.
- No IFB's or RFP's were released.

Below is a summary of the actions taken by CityCom:

- No new contracts were executed.
- Two purchase orders were executed.

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

General Policy Committee Agenda Item

August 14, 2024

Page 2

A list of all Contracts and Purchase Orders that were executed by the Executive Director, Department Director, and/or General Counsel during the month of June and July 2024 are presented herein as Attachment A, all RFPs and IFBs are presented in Attachment B, and all CityCom's contracts and purchase orders are presented in Attachment C.

Financial Impact:

This item is consistent with the adopted Budget for Fiscal Year 2024/2025. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Jeffery Hill, Project Controls Analyst III

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Attachment A - 1

June and July 2024 Contract/Amendment/CTO Actions

Type	Contract Number	Amendment/CTO	Vendor Name	Contract Description	Original Amount	Prior Amendments	Current Amendment	Total Amount	Total On-Call Contract Amount*
New Agreement	24-1003152		Nossaman LLP	Legal services relating to the ONT Connector Project.	\$ 100,000.00	\$ -	\$ -	\$ 100,000.00	N/A
New Agreement	24-1003153		Southern California Shredding, Inc.	Paper shredding services.	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	N/A
New Agreement	24-1003174		Woodruff & Smart, APC	General Governmental legal services.	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	N/A
New Agreement	24-1003109		Kaplan Kirsch, LLP	On-Call legal services.	\$ 100,000.00	\$ -	\$ -	\$ 100,000.00	N/A
New Agreement	24-1003182		Donovan Bros. Golf, Inc.	Banquet Hall rental and catering services for December 13, 2024; December 12, 2025, and December 11, 2026.	\$ 33,943.92	\$ -	\$ -	\$ 33,943.92	N/A
Contract Amendment	20-1002389	1	Whistleblower Security, Inc.	To increase the not-to-exceed amount for subscription that allows employees the ability to report ethical concerns anonymously.	\$ 6,375.00	\$ -	\$ 493.82	\$ 6,868.82	N/A
Contract Amendment	23-1002949	1	Best Best & Krieger LLP	To increase contract amount for legal services relating to government operations.	\$ 5,000.00	\$ -	\$ 50,000.00	\$ 55,000.00	N/A
Contract Amendment	23-1002949	2	Best Best & Krieger LLP	To increase hourly billing rates and provide for annual escalation tied to Consumer Price Index (CPI), upon request and approval, for the duration of the contract period.	\$ 5,000.00	\$ 50,000.00	\$ -	\$ 55,000.00	N/A
Contract Amendment	21-1002447	2	DesertXpress Enterprises, LLC	Memorandum of Understanding Contract to extend the term of the agreement through July 6, 2025.	\$ -	\$ -	\$ -	\$ -	N/A
CTO	23-1002904	CTO No. 8	Mott MacDonald Group, Inc.	Engineering services for the Santa Fe Depot Bus Stop Improvement Project.	\$ 145,437.00	\$ -	\$ -	\$ 145,437.00	\$20,000,000.00 (available \$8,940,536.99)

*Total amount authorized for the associated on-call services bench which is typically shared with multiple vendors and controlled via contract task orders (CTO).

Attachment A - 2
June and July 2024 Contingency Released Actions

Contract No. & Contingency No.	Reason for Contingency Amendment (Include a Description of the Contingency Amendment)	Vendor Name	Original Contract Amount	Prior Amendments	Prior Contingencies	Current Contingencies	Amended Contract Amount
22-1002736 No. 1B	Additional project construction activity and support costs for Construction Freeway Service Patrol (CFSP) Support for I-10 Express Lanes Corridor Project for Beat No. 9.	Royal Coaches Auto Body & Towing	\$ 3,102,514.00	\$ -	\$ 510,000.00	\$ 26,604.12	\$ 3,639,118.12
22-1002727 No. 0A	Additional resources needed to meet project deadlines and additional coordination with Caltrans needed for the SR-210 Waterman Design Contract.	EXP U.S. Services, Inc.	\$ 644,666.32	\$ -	\$ -	\$ 64,466.63	\$ 709,132.95

Attachment A - 3

June and July 2024 Purchase Order and Purchase Order Amendment Actions

Type	PO No.	PO Posting Date	Vendor Name	Description of Services	Original Purchase Order Amount	Prior Amendments	Current Amendment	Total Purchase Order Amount
New PO	4002483	6/30/24	Inland Empire 66ers Baseball, Club San Bernardino	SB Connect Marketing.	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00
New PO	4002484	6/19/24	Golden Star Technology, Inc.	MS surfaces, docks and type covers.	\$ 21,045.71	\$ -	\$ -	\$ 21,045.71
New PO	4002485	6/19/24	Lock & Leave Storage	Lock & leave callbox storage.	\$ 5,808.00	\$ -	\$ -	\$ 5,808.00
New PO	4002490	6/18/24	AT&T Mobility	FSP GPS tracking units Fiscal Year 2025.	\$ 11,700.00	\$ -	\$ -	\$ 11,700.00
New PO	4002491	6/19/24	Verizon Wireless	Callbox cellular services Fiscal Year 2024-2025.	\$ 16,900.00	\$ -	\$ -	\$ 16,900.00
New PO	4002494	6/12/24	Copperfasten Technologies, Limited	SpamTitan Renewal.	\$ 8,800.00	\$ -	\$ -	\$ 8,800.00
New PO	4002498	6/25/24	Beauchamp, Paula	SBCTA representative at MVSG litigation proceedings.	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00
New PO	4002498	6/23/24	Calolympic Safety	160 FSP Driver Safety Vests.	\$ 10,440.00	\$ -	\$ -	\$ 10,440.00
New PO	4002509	7/31/24	CityCom Real Estate Services	SB Depot HVAC upgrade phase II capital improvement HVAC.	\$ 3,847.87	\$ -	\$ -	\$ 3,847.87
New PO	4002505	7/2/24	Fifth Asset, Inc.	Lease and subscription based info tech agreement software.	\$ 80,000.00			\$ 80,000.00
PO Amendment	4002393		Unitrend	Zero-cost purchase order extension to the existing backup systems.	\$ -	\$ -	\$ -	\$ -

Attachment B
June and July 2024 RFP's, RFQ's and IFB's

Release Date	RFP/RFQ/IFB No.	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
None				

Attachment C

June and July 2024 CityCom's Issued Purchase Orders/Contracts

PO/Contract No.	Vendor Name	Description of Services	Total Amount
PO No. SBCTA50108	Weatherite Corp.	Replace VFD controller for pump room cooler.	\$ 6,996.14
PO No. SBCTA50206	Jubilee Plumbing Inc.	Replace damaged water heater on 2nd floor.	\$ 3,825.00

Minute Action

AGENDA ITEM: 3

Date: August 14, 2024

Subject:

Measure I Revenue

Recommendation:

Receive report on Measure I receipts for Measure I 2010-2040.

Background:

Sales tax revenue collections for Measure I 2010 through 2040 began on April 1, 2010. Cumulative total receipts as of June 30, 2024, were \$2,507,416,626.

Included is a summary of the current Measure I receipts by quarter and cumulative total since its inception. The quarterly receipts represent sales tax collection from the previous quarter's taxable sales. For example, receipts for April through June represent sales tax collections from January through March.

Measure I revenue for the 2023/2024 Fiscal Year Budget was estimated to be \$257,000,000. Actual Measure I receipts for Fiscal Year 2023/2024 April through June are \$60,102,892, in comparison to \$60,936,812 received during the quarter ending June 2022/2023, with a decrease of 1.37% due to a decrease in consumer spending in the County.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

Entity: San Bernardino County Transportation Authority

Summary of SBCTA Measure I Receipts 2010-2040

Fiscal Year	July- September	October- December	January- March	April- June	Fiscal Year Total	Cumulative Total To Date
Receipts Prior to FY 2010/11						\$7,158,800
Fiscal Year 2010/11	28,188,907	29,207,950	28,808,766	29,397,456	115,603,079	\$122,761,879
Fiscal Year 2011/12	31,027,319	33,547,956	32,757,419	33,476,051	130,808,745	\$253,570,624
Fiscal Year 2012/13	34,279,449	35,076,980	34,336,570	34,309,171	138,002,171	\$391,572,794
Fiscal Year 2013/14	35,430,012	35,403,641	36,843,452	35,789,045	143,466,150	\$535,038,944
Fiscal Year 2014/15	37,253,007	38,007,716	38,225,122	37,132,591	150,618,437	\$685,657,380
Fiscal Year 2015/16	39,298,056	40,309,825	40,950,261	38,929,588	159,487,730	\$845,145,110
Fiscal Year 2016/17	41,123,141	40,742,242	41,465,217	39,801,939	163,132,539	\$1,008,277,649
Fiscal Year 2017/18	43,117,814	42,305,693	44,007,900	39,149,611	168,581,018	\$1,176,858,666
Fiscal Year 2018/19	41,560,927	49,358,825	46,035,191	43,531,556	180,486,500	\$1,357,345,167
Fiscal Year 2019/20	46,250,572	46,514,574	49,729,997	35,959,684	178,454,827	\$1,535,799,994
Fiscal Year 2020/21	48,366,423	51,588,776	52,728,566	56,391,035	209,074,800	\$1,744,874,794
Fiscal Year 2021/22	64,058,781	61,231,465	64,329,895	63,172,838	252,792,978	\$1,997,667,772
Fiscal Year 2022/23	64,538,748	66,271,275	66,140,449	60,936,812	257,887,284	\$2,255,555,056
Fiscal Year 2023/24	64,368,274	62,247,797	65,142,607	60,102,892	251,861,570	\$2,507,416,626
% Increase Over 22/23	-0.26%	-6.07%	-1.51%	-1.37%	-2.34%	

Attachment: MSI Receipts-PDF (10722 : Measure I Revenue - 4th Qtr 2023/2024)

Minute Action

AGENDA ITEM: 4

Date: August 14, 2024

Subject:

Additional Reports for Measure I Compliance Audits for Fiscal Year 2020/2021 and 2022/2023

Recommendation:

Review and make a finding that the City of Adelanto Measure I expenditures for Fiscal Year 2020/2021 and that the Town of Apple Valley, City of Needles and City of Rialto Measure I expenditures for Fiscal Year 2022/2023, are consistent with the provisions of the Measure I Expenditure Plan and Ordinance No. 04-01.

Background:

Each year San Bernardino County Transportation Authority (SBCTA) conducts an annual comprehensive financial audit of SBCTA and provides for audits of all local jurisdictions receiving Measure I (MSI) 2010-2040 Local Streets Program Funds, which are dedicated for transportation planning, design, construction, operation, and maintenance.

A financial examination is completed by an independent audit firm for activities during the previous Fiscal Year (FY), including internal control systems of checks and balances. The examination must encompass both project expenditures and projects for which funds were received but not expended. A listing of all projects comparing actual revenues and expenses to the MSI Five-Year Capital Improvement Plan (CIP) adopted by the local governing board and reported annually to SBCTA, must be included with any interest earned. The report shall also contain an examination of expenditures, a statement of revenue and expenses, and a balance sheet for each MSI 2010-2040 Local Streets Program Special Revenue fund.

SBCTA utilized on-call audit agreements with Conrad LLP and Crowe LLP (auditors) to conduct Compliance Audits of the MSI 2010-2040 Local Streets Program Funds for FY 2022/2023, and the City of Adelanto for FY 2020/2021. The auditors verified compliance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the SBCTA Local Streets Program that funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes, also known as Maintenance of Effort (MOE). The MOE base year level was determined based on the discretionary General Fund expenditures for transportation-related construction and maintenance activities in FY 2008/2009. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of MSI 2010-2040.

MSI 2010-2040 Local Streets Program Audit reports for the City of Adelanto for FY 2020/2021, and for the Town of Apple Valley, the City of Needles, and the City of Rialto for FY 2022/2023 have been provided to the Independent Taxpayer Oversight Committee via email for their review. The recommendation for this item is for the General Policy Committee to make a finding that MSI expenditures for the City of Adelanto for FY 2020/2021 and the Town of Apple Valley, the City of Needles, and the City of Rialto for FY 2022/2023 are consistent with the provisions of the MSI Expenditure Plan and Ordinance No. 04-01.

SBCTA has been withholding MSI 2010-2040 Local Streets Program revenue from the City of Adelanto as the reports for FY 2020/2021, FY 2021/2022, and FY 2022/2023 have been delayed. After the issuance of the FY 2020/2021 report, SBCTA released \$438,728.61 (plus interest) of the amount withheld.

Entity: San Bernardino County Transportation Authority

The audits resulted in the following findings:

City of Adelanto (City) for FY 2020/2021

- Management is responsible for ensuring financial activity is recorded accurately and on a timely basis. Bank reconciliations should be performed monthly, reviewed, and approved in a timely manner. During procedures over cash and investments, it was noted the City's bank reconciliation for June 2021 was not prepared until October 2023. The City did not perform a timely bank account reconciliation due to the City's lack of monthly closing procedures.

Corrective Action: The City has hired a team of accounting consultants to assist with monthly closing and other accounting services.

Management Letter:

- During the audit, it was noted that the MSI financial statements required multiple adjustments for the current and prior years. Additionally, the MSI final report for FY 2019/2020 did not agree with the MSI amounts reported on the Annual Comprehensive Financial Report (ACFR) for FY 2019/2020. The City should implement procedures to always reconcile the MSI financial statements and the ACFR to ensure they agree.

Corrective Action: The City acknowledges the deficiency and has hired an outside Certified Public Accountant (CPA) firm to assist with the reconciliation and review of all financial statements.

- During the audit, the auditors were made aware that the City management does not perform the following crucial activities:
 - Assess the risk that the City's financial statements might be materially misstated due to fraud, and that there are no controls in place to prevent and detect such occurrences.
 - Communicate to employees the importance of ethical behavior and appropriate business practices.
 - Comply with laws, regulations, and provisions of contracts, grant agreements, and City policies.

To address these deficiencies, it was recommended the City take the following actions:

- Risk Assessment and Fraud Prevention: Strengthen and implement procedures to assess the risk that could cause the financial statements to be materially misstated. This should include instituting robust controls to prevent and detect fraud. Regular risk assessments and updates to controls should be conducted to adapt to new and evolving risks.
- Ethical Behavior and Business Practices: Establish a formal process to communicate to employees the importance of ethical behavior and appropriate business practices. This could include regular training sessions, a code of conduct, and the implementation of a fraud hotline where employees can report unethical behavior anonymously.

- **Compliance with Laws and Regulations:** Ensure that all staff are educated on the laws, regulations, and provisions of contracts, grant agreements, and City policies applicable to their roles. Additionally, implement controls to ensure compliance with all applicable laws, regulations, and contractual provisions. Regular audits and compliance checks should be conducted to identify and address any areas of non-compliance promptly.

Corrective Action: 1) The City acknowledges the deficiency and has hired an outside CPA firm that will assist Management with the implementation and monitoring of strong prevention and detection of internal controls and procedures. 2) The City acknowledges the deficiency and will utilize the City's hired human resource firm to facilitate Ethical Behavior and Business Practices training with all City staff. 3) The City acknowledges the deficiency and has hired an outside CPA firm and a Municipal Financial Advisor that will remain as resources to the City, for a minimum of 12 months, to assist the City with future compliance.

Town of Apple Valley (Town) for FY 2022/2023

- Management is responsible for ensuring financial activity is recorded accurately and on a timely basis. Bank reconciliations should be performed monthly, reviewed, and approved in a timely manner. During procedures over cash and investments, it was noted the Town's bank reconciliation for June 2023 was not prepared until April 2024. The Town did not perform a timely bank reconciliation or interest allocation due to significant staffing losses just before the commencement of the FY 2022/2023 closing process. Additionally, the Town endured a forced bank transition during FY 2022/2023, as Union Bank merged with US Bank, and the Town was working diligently to sort out any residual issues resulting from this merger.

Corrective Action: With hiring efforts currently going on in Finance, bank reconciliations will be completed in a timely manner.

- The MSI Strategic Plan states that each local jurisdiction is required to annually adopt a Five-Year CIP which details the specific projects to be funded using MSI Local Pass-Through Funds. Expenditures of MSI Local Pass-Through Funds must be detailed in the Five-Year Capital Improvement Plan and adopted by resolution of the governing body.

The MSI Strategic Plan further states that the Five-Year CIP shall be the basis for the annual audit. For a project to be eligible for MSI funds, the project must be included in the current CIP. An amended CIP should be used in instances where projects are added to the CIP during the year. The Town utilized MSI monies to fund costs for certain projects and recorded all expenditures incurred on these projects in its MSI fund (Fund 2021). It was noted that the Townwide Parks Traffic Control Review project for \$38,751 was not included in the FY 2022/2023 Five-Year CIP approved by SBCTA.

Corrective Action: The Town's finance and engineering departments are committed to ensuring proper timely reporting of MSI funding. Both departments will work closely in the future to ensure all expenditures are accounted for and reported. The implementation of the Town's new financial management software will assist with ensuring invoices are coded correctly. In addition, staff will keep a record of forecasted MSI expenditures and compare them to actuals before preparing year-end reports.

General Policy Committee Agenda Item

August 14, 2024

Page 4

- Management is responsible for ensuring financial activity is recorded accurately and on a timely basis. Expenditures should be identified and recognized during the period incurred, and accruals posted to the general ledger when applicable.

Similarly, revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period. During procedures over accounts payable and related disbursements, it was noted that one disbursement for \$11,181, was related to the period April 30, 2023 through May 27, 2023, but was not recorded within FY 2022/2023. As a result, an adjustment was proposed to increase expenditure and related accounts payable, to include this disbursement in the activity of the fund. During the auditors testing of revenue, it was noted that the MSI allocation for March 2023 in the amount of \$255,084, which was received in May 2023, was not recorded within FY 2022/2023.

Corrective Action: Accrual of revenue and expenditures will be carefully identified and reviewed to post them in the correct period.

The audit for the City of Needles and the City of Rialto for FY 2022/2023 resulted in no findings.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Financial Statements

Fiscal Year Ended June 30, 2021

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Fiscal Year Ended June 30, 2021

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Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

INDEPENDENT AUDITOR'S REPORT

We have audited the accompanying financial statements of the Measure I Fund 1990-2010 and Measure I Fund 2010-2040 (Measure I Funds) of the City of Adelanto, California (the "City"), as of and for the year ended June 30, 2021, and the related notes to the financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Measure I Funds of the City, as of June 30, 2021, and the change in financial position of the Measure I Funds of the City for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matters

As discussed in Note 1, the financial statements present only the Measure I Funds of the City and do not purport to, and do not present fairly, the financial position of the City as of June 30, 2021, the changes in its financial position, or where applicable, its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the budgetary comparison information as listed in the table of contents be presented to supplement the financial statements. Such information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during our audit of the financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis for the Measure I Funds that accounting principles generally accepted in the United States of America requires to be presented to supplement the financial statements. Such missing information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting and for placing the financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this missing information.

Board of Directors
 San Bernardino County Transportation Authority
 San Bernardino, California

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statements of the Measure I Funds of the City. The Schedule of Status of Funds by Project, listed as supplemental data in the table of contents, is presented for purposes of additional analysis and are not a required part of the financial statements.

The Schedule of Allocations Received and Expended, by Project Year is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements for the Measure I Funds of the City. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Schedule of Allocations Received and Expended, by Project Year is fairly stated in all material respects in relation to the financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated June 11, 2024 on our consideration of the City's internal control over financial reporting for the Measure I Funds and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.



Lake Forest, California
 June 11, 2024

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Balance Sheets

June 30, 2021

	Measure I Fund <u>1990-2010</u>	Measure I Fund <u>2010-2040</u>
<u>Assets</u>		
Cash and investments (Note 3)	\$ 359,931	\$ 1,881,770
Due from other governments (Note 4)	-	303,350
Other receivables	<u>190</u>	<u>924</u>
Total assets	<u>\$ 360,121</u>	<u>\$ 2,186,044</u>
<u>Liabilities, Deferred Inflows of Resources and Fund Balance</u>		
Liabilities		
Accounts payable	\$ <u>-</u>	\$ <u>288</u>
Deferred Inflows of Resources		
Unavailable revenue	<u>-</u>	<u>303,350</u>
Fund balance - restricted	<u>360,121</u>	<u>1,882,406</u>
Liabilities, deferred inflows of resources and fund balance	<u>\$ 360,121</u>	<u>\$ 2,186,044</u>

See accompanying notes to financial statements

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Comparative Statement of Revenues, Expenditures,
and Changes in Fund Balance

Fiscal Year Ended June 30, 2021

	Measure I Fund <u>1990-2010</u>	Measure I Fund <u>2010-2040</u>
Revenues:		
Measure I sales tax	\$ -	\$ 790,849
Interest income	<u>1,358</u>	<u>6,749</u>
Total revenues	<u>1,358</u>	<u>797,598</u>
Expenditures:		
Current		
Administrative cost	93	169
Street maintenance projects	<u>-</u>	<u>20,218</u>
Total expenditures	<u>93</u>	<u>20,387</u>
Excess (deficiency) of revenues over (under) expenditures	<u>1,265</u>	<u>777,211</u>
Fund balance at beginning of year	<u>358,856</u>	<u>1,105,195</u>
Fund balance at end of year	<u>\$ 360,121</u>	<u>\$ 1,882,406</u>

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

See accompanying notes to financial statements

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Notes to Financial Statements

Fiscal Year Ended June 30, 2021

(1) **General Information**

Reporting Entity

The financial statements are intended to reflect the financial position and changes in financial position of the Measure I Fund 1990-2010 and Measure I Fund 2010-2040 (Measure I Funds) of the City of Adelanto, California (the "City") only. Accordingly, the financial statements do not purport to, and do not, present fairly the financial position of the City, as of June 30, 2021, and the changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Measure I

Measure I is the half-cent sales tax collected throughout San Bernardino County for transportation improvements. In 2004, San Bernardino County voters approved the extension of the Measure I sales tax through 2040. See Note 5 for a detailed description of the Measure.

(2) **Summary of Significant Accounting Policies**

The accounting policies of the Measure I Funds of the City conform to accounting policies generally accepted in the United States of America. The following is a summary of significant accounting policies.

Fund Accounting

The accounts of the City are organized on the basis of funds. A fund is defined as an independent fiscal and accounting entity wherein operations of each fund are accounted for in a separate set of self-balancing accounts that record resources, related benefits, and equity, segregated for the purpose of carrying out specific activities. The City accounts for the Measure I activities within its Measure I Special Revenue Fund.

Special revenue funds are used to account for the proceeds of revenue sources that are restricted or committed to expenditure for specified purposes.

Measurement Focus and Basis of Accounting

The special revenue funds of the City are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, revenues are available if they are collected within 60 days of the end of the fiscal period. Expenditures generally are recorded when a liability is incurred.

Operating statements of governmental funds present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current resources.

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Notes to Financial Statements

Fiscal Year Ended June 30, 2021

(2) **Summary of Significant Accounting Policies (Continued)**

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Revenue Recognition

Recognition of revenues arising from nonexchange transactions, which include revenues from taxes, certain grants, and contributions, is based on the primary characteristic from which the revenues are received by the City. For the City, funds received under Measure I possess the characteristic of a voluntary nonexchange transaction similar to a grant. Revenues under Measure I are recognized in the period when all eligibility requirements have been met.

Fund Balance

The components of the fund balances of governmental funds reflect the component classifications described below.

- Nonspendable Fund Balance – includes amounts that cannot be spent because they are either (a) not in spendable form, or (b) legally or contractually required to be maintained intact.
- Restricted Fund Balance – includes amounts that can be spent only for specific purposes stipulated by constitution, external resource providers, or through enabling legislation.
- Committed Fund Balance – includes amounts that can be used only for the specific purposes determined by a formal action of the City.
- Assigned Fund Balance – includes amounts that are intended to be used by the City for specific purposes, but do not meet the criteria to be classified as restricted or committed.
- Unassigned Fund Balance – includes any deficit fund balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

When restricted and unrestricted resources are available for expenditure for the same purpose, the City expends restricted resources before unrestricted resources. Within unrestricted resources, the fund balance is depleted in the order of committed, assigned, and unassigned.

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Notes to Financial Statements

Fiscal Year Ended June 30, 2021

(2) Summary of Significant Accounting Policies (Continued)

Maintenance of Effort

In accordance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the San Bernardino County Transportation Authority ("SBCTA"), Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes. The maintenance of effort ("MOE") base year level was determined based upon the discretionary General Fund expenditures for transportation-related construction and maintenance activities in fiscal year 2008/2009. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of Measure I 2010-2040. General Fund expenditures in excess of the MOE base year level will carry over to subsequent fiscal years and can be applied in a future year to offset the amount the local agency may need to meet the MOE requirement. The City's determined MOE base level is \$168,321.

Deferred Inflows of Resources

Deferred inflows of resources-unavailable revenues represent revenues earned during the period but unavailable to liquidate current liabilities. These amounts are deferred and recognized in the period that the amounts become available. Deferred inflows of resources in the financial statements represent amounts due from other governments at year-end, and not collected with a timeframe to finance current year expenditures.

(3) Cash and Investments

Cash and investments are pooled by the City to facilitate cash management and maximize investment opportunities and yields. Investment income resulting from this pooling is allocated to the respective funds including the Measure I Funds based upon the average cash balance. The investment policies and the risks related to cash and investments, applicable to the Measure I Funds, are those of the City and are disclosed in the City's basic financial statements. The City's basic financial statements can be obtained at City Hall.

The Measure I Funds' cash and investments are reported at fair value. The fair value measurements are based on the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. The Measure I Funds' deposits and withdrawals in the City Investment Pool are made on the basis of \$1 and not fair value. Accordingly, the Measure I Funds' investment in the City Investment Pool is measured based on uncategorized inputs not defined as Level 1, Level 2, or Level 3.

The Measure I Funds' cash and investments as of June 30, 2021, was \$359,931 and \$1,881,770 for the Measure I 1990-2010 and Measure I 2010-2040 Funds, respectively.

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Notes to Financial Statements

Fiscal Year Ended June 30, 2021

(4) Due from Other Governments

Receivables represent the Measure I sales tax revenues for the fiscal year received from SBCTA after June 30, 2021, in the amount of \$303,350 for the Measure I 2010-2040 Fund.

(5) Measure I Funds

The California State Legislature authorized county transportation authorities to enact local option sales tax measures for transportation improvements in the late 1980s, under provisions of Division 19 (commencing with Section 180000) of the Public Utilities Code. In November 1989, San Bernardino County voters approved passage of Measure I, authorizing SBCTA to impose a half-cent retail transactions and use tax applicable in the incorporated and unincorporated areas of the County of San Bernardino for the 20-year period between April 1, 1990 and March 31, 2010. SBCTA is authorized to administer the programs described in the Measure. Early in the second decade of Measure I, it became apparent that continuation of the half cent sales tax would be critical to maintaining funding for transportation in San Bernardino County. SBCTA member jurisdictions and transportation stakeholders worked to identify transportation needs, and an expenditure plan was developed to serve as a basis for the renewal of Measure I. Ordinance No. 04-01 was placed before voters in November 2004, and Measure I was renewed. The new Measure I extends the half cent sales tax for 30 years, from April 1, 2010 through March 31, 2040. The new Measure is referred to as Measure I 2010-2040 to distinguish it from the first Measure I. The City accounts for these funding sources in separate Funds which are referred to as Measure I Funds 1990-2010 and Measure I Funds 2010-2040 in these financial statements.

Revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plan.

Measure I 2010-2040 has a return-to-source provision that states that funds shall be allocated to subareas in accordance with the actual revenue collected in each subarea. After deduction of required Board of Equalization fees and authorized administrative costs, revenues generated in each subarea are to be expended on projects of direct benefit to that subarea. Revenues are accounted for separately for each subarea and then allocated to specified project categories in each subarea. These project categories are termed "programs" in the Strategic Plan. Decisions on how revenues are expended within the subareas are made by the SBCTA Board of Directors based upon recommendations of local subarea representatives. Other than the projects identified in the Cajon Pass Expenditure Plan, revenues generated within a subarea can be expended outside of that subarea only upon approval of two-thirds (2/3) of the jurisdictions within the affected subarea. A proportional share of projected state and federal transportation funds is to be reserved for use solely within the Valley subarea and individual Mountain/Desert (Colorado River, Morongo Basin, Mountains, North Desert and Victor Valley) subareas.

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Notes to Financial Statements

Fiscal Year Ended June 30, 2021

(5) **Measure I Funds (Continued)**

In the San Bernardino Valley subarea, Measure I 2010-2040 contains the following programs:

- Freeway Program
- Freeway Interchange Program
- Major Street Program
- Local Street Program
- Metrolink/Rail Program
- Express Bus/Bus Rapid Transit Program
- Senior and Disabled Transit Program
- Traffic Management Systems Program

In each of the Mountain/Desert subareas, Measure I 2010-2040 contains the following programs:

- Local Street Program
- Major Local Highway Program
- Senior and Disabled Transit Program

(6) **Restrictions**

Funds received pursuant to the Measure I Ordinance 04-01 and the Expenditure Plan, adopted by SBCTA relating to the expenditure of Measure I revenue may only be used for transportation improvement and traffic management programs authorized in the Measure I Five Year Capital Improvement Program.

(7) **Contingencies**

See the City's basic financial statements for disclosures related to contingencies including those relating to various legal actions, administrative proceedings, or claims in the ordinary course of operations.

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Notes to Financial Statements

Fiscal Year Ended June 30, 2021

(8) Budgetary Data

The City adopts an annual budget on a basis consistent with accounting principles generally accepted in the United States of America. The legal level of budgetary control is at the fund level.

Required Supplementary Information
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CITY OF ADELANTO, CALIFORNIA

Measure I 1990-2010 Fund

Schedule of Revenues, Expenditures
and Changes in Fund Balance - Budget and Actual

Fiscal Year Ended June 30, 2021

	Budget		Actual	Variance From Final Budget Favorable (Unfavorable)
	Original	Final		
Revenues:				
Interest income	\$ -	\$ -	\$ 1,358	\$ 1,358
Total revenues	-	-	1,358	1,358
Expenditures:				
Current				
Administrative cost	-	-	93	(93)
Total expenditures	-	-	93	(93)
Excess (deficiency) of revenues over (under) expenditures	\$ -	\$ -	1,265	\$ 1,265
Fund balance at beginning of year			358,856	
Fund balance at end of year			\$ 360,121	

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

CITY OF ADELANTO, CALIFORNIA

Measure I 2010-2040 Fund

Schedule of Revenues, Expenditures
and Changes in Fund Balance - Budget and Actual

Fiscal Year Ended June 30, 2021

	Budget		Actual	Variance From Final Budget Favorable (Unfavorable)
	Original	Final		
Revenues:				
Measure I sales tax	\$ 540,000	\$ 540,000	\$ 790,849	\$ 250,849
Interest income	-	-	6,749	6,749
Total revenues	<u>540,000</u>	<u>540,000</u>	<u>797,598</u>	<u>257,598</u>
Expenditures:				
Current				
Administrative cost	-	65,000	169	64,831
Street Maintenance projects	<u>250,000</u>	<u>250,000</u>	<u>20,218</u>	<u>229,782</u>
Total expenditures	<u>250,000</u>	<u>315,000</u>	<u>20,387</u>	<u>294,613</u>
Excess (deficiency) of revenues over (under) expenditures	<u>\$ 290,000</u>	<u>\$ 225,000</u>	777,211	<u>\$ 552,211</u>
Fund balance at beginning of year			<u>1,105,195</u>	
Fund balance at end of year			<u>\$ 1,882,406</u>	

Other Information
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CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Program Status: Comparison of 5 Year Plan Project Budget to Current Year Expenditures

Fiscal Year Ended June 30, 2021

The Measure I Five Year Capital Improvement Plan for local streets was adopted by Council Resolution No. 20-57. Of the funds allocated under the Measure I Five Year Capital Improvement Plan, the following programs were affected during the current fiscal year:

Local Projects	5-Year Plan	Current Fiscal	(Over)/Under
	Project Estimate	Year Expenditures	Estimate
Named Projects:			
City Wide Pavement Management System	\$ 725,000	\$ 16,241	\$ 708,759
City Wide Street landscaping, Signage & Striping and Pedestrian Maintenance	<u>700,000</u>	<u>4,239</u>	<u>695,761</u>
		<u>\$ 20,480</u>	
Total expenditures reported in the Measure I 1990-2010 Fund		\$ 93	
Total expenditures reported in the Measure I 2010-2040 Fund		<u>20,387</u>	
Total expenditures at June 30, 2021		<u>\$ 20,480</u>	

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Maintenance of Effort: Comparison of Base Level Amount to Annual Expenditures

Fiscal Year Ended June 30, 2021

The maintenance of effort base level amount was determined based upon fiscal year 2008/09 spending levels. Excess/(deficient) amounts are carried forward in accordance with the Measure I Strategic Plan. Actual amounts expended in relation to the base level amount in each year subsequent to the base year are as follows:

Fiscal Year Ending June 30,	General Fund		Excess/ (Deficiency)	Cumulative Excess/ (Deficiency)
	Street and Highway Funds Utilized	Base Level Amount		
2010	\$ 889,864	\$ (168,321)	\$ 721,543	\$ 721,543
2011	962,438	(168,321)	794,117	1,515,660
2012	1,023,984	(168,321)	855,663	2,371,323
2013	1,069,894	(168,321)	901,573	3,272,896
2014	1,123,626	(168,321)	955,305	4,228,201
2015	1,073,907	(168,321)	905,586	5,133,787
2016	1,040,610	(168,321)	872,289	6,006,076
2017	1,100,361	(168,321)	932,040	6,938,116
2018	1,652,271	(168,321)	1,483,950	8,422,066
2019	623,205	(168,321)	454,884	8,876,950
2020	494,212	(168,321)	325,891	9,202,841



Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN
AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Measure I Fund 1990-2010 and Measure I Fund 2010-2040 (Measure I Funds) of the City of Adelanto, California (the "City"), as of and for the year ended June 30, 2021, and the related notes to the financial statements, and have issued our report thereon dated June 11, 2024. Our report included an emphasis of matter stating that the financial statements of the Measure I Funds do not purport to, and do not, present fairly the financial position of the City as of June 30, 2021.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City's Measure I Fund financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify a certain deficiency in internal

Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

control, described in the accompanying schedule of findings and responses as item **2021-01** to be a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the financial statements of the Measure I Funds of the City are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including §6666 of Part 21 of the California Code of Regulations, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*, including §6666 of Part 21 of the California Code of Regulations.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Lake Forest, California
June 11, 2024

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Summary Schedule of Prior Audit Findings

Fiscal Year Ended June 30, 2021

**2021-01 Bank Account Reconciliation
Material Weakness*****Criteria:***

Management is responsible for ensuring financial activity is recorded accurately and on a timely basis. Bank account reconciliations should be performed monthly and reviewed and approved in a timely manner.

Condition:

During procedures over cash and investments, we noted the City's bank account reconciliation for June 2021 was not prepared until October 2023.

Cause:

The City did not perform a timely bank account reconciliation due to the City's lack of monthly closing procedures.

Effect:

The FY 2021 audit was delayed.

Recommendation:

We recommend that the City review the timing of its reconciliation procedures.

View of Responsible Officials:

The City agrees with the finding. The City has hired a team of accounting consultants in order to assist with monthly closing and other accounting services.

CITY OF ADELANTO, CALIFORNIA

Measure I Funds

Summary Schedule of Prior Audit Findings

Fiscal Year Ended June 30, 2021

The status of the prior year findings for fiscal year ended June 30, 2020, are below.

<u>Finding No.</u>	<u>Description</u>	<u>Status</u>
2020-001	Financial Closing and Reporting Controls	Implemented
2020-002	Stale Checks	Implemented
2020-003	Timeliness of Bank Account Reconciliation	Not Implemented, refer to Finding 2021-01



June 11, 2024

Mr. Jessie Flores
City of Adelanto
11600 Air Expressway
Adelanto, CA 92301

We have audited the financial statements of the Transportation Development Act ("TDA"), Article 8, Section 99400(a) Fund and Measure I Fund (collectively "Program Funds"), of the City of Adelanto ("City"), as of and for the year ended June 30, 2021, and have issued our report thereon dated June 11, 2024. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, Government Auditing Standards, certain provisions of laws, regulations, contracts, and grant agreements, including §6666 of Part 21 of the California Code of Regulations, as well as certain information related to the planned scope and timing of our audit. Professional standards also require we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City Program Funds are described in Note 2 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no significant estimates affecting the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as

Mr. Jessie Flores
City of Adelanto
California

a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated June 11, 2024.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Program Fund's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to budgetary comparison information, which is required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on Schedule of Allocations Received and Expended, by Project Year, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Mr. Jessie Flores
City of Adelanto
California

We were not engaged to report on the *Program Status: Comparison of 5 Year Plan Project Budget to Current Year Expenditures and Maintenance of Effort: Comparison of Base Level Amount to Annual Expenditures*, which accompany the financial statements but are not RSI. Such information has not been subjected to the audit procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

We identified the following matters involving accounting principles, internal control, and compliance with Federal Acquisition Regulation that came to the auditor's attention.

Deficiency 1: During the course of the audit, we noted that the TDA and MSI financials required multiple adjustments for the current and prior years. Additionally, the TDA and MSI final report for FY 2020 did not agree with the TDA and MSI amounts reported on the Annual Comprehensive Financial Report ("ACFR") for FY 2020.

Recommendation: The City should implement procedures to always reconcile the TDA and MSI financial statements and the ACFR prior to issuance of the final reports to ensure they agree.

Deficiency 2: During the course of the audit, we were made aware that the City management does not perform the following crucial activities:

1. Assess the risk that the City's financial statements might be materially misstated due to fraud, and there are no controls in place to prevent and detect such occurrences.
2. Communicate to employees the importance of ethical behavior and appropriate business practices.
3. Comply with laws, regulations, and provisions of contracts, grant agreements, and City policies.

Recommendation:

To address these deficiencies, we recommend the City take the following actions:

1. **Risk Assessment and Fraud Prevention:** Strengthen and implement procedures to assess the risk that could cause the financial statements to be materially misstated. This should include instituting robust controls to prevent and detect fraud. Regular risk assessments and updates to controls should be conducted to adapt to new and evolving risks.
2. **Ethical Behavior and Business Practices:** Establish a formal process to communicate to employees the importance of ethical behavior and appropriate business practices. This could include regular training sessions, a code of conduct, and the implementation of a fraud hotline where employees can report unethical behavior anonymously.
3. **Compliance with Laws and Regulations:** Ensure that all staff are educated on the laws, regulations, and provisions of contracts, grant agreements, and City policies applicable to their roles. Additionally, implement controls to ensure compliance with all applicable laws, regulations, and contractual provisions. Regular audits and compliance checks should be conducted to identify and address any areas of non-compliance promptly.

By taking these steps, the City can enhance the integrity and reliability of its financial reporting, foster a culture of ethical behavior, and ensure compliance with all relevant legal and contractual obligations.

Mr. Jessie Flores
City of Adelanto
California

Restriction on Use

This information is intended solely for the use of those charged with governance and management of the City and is not intended to be, and should not be, used by anyone other than these specified parties.

Best regards,

Conrad LLP

Lake Forest, CA
June 11, 2024

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Financial Statements

Fiscal Year Ended June 30, 2023

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Fiscal Year Ended June 30, 2023

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Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

INDEPENDENT AUDITOR'S REPORT

Opinion

We have audited the accompanying financial statements of the Measure I Fund of the Town of Apple Valley, California (Town), as of and for the year ended June 30, 2023, and the related notes to the financial statements, as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Measure I Fund of the Town, as of June 30, 2023, and the respective changes in financial position of the Measure I Fund of the Town for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities of the Audit of the Financial Statements section of our report. We are required to be independent of the Town and to meet our ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Emphasis of Matters

As discussed in Note 1, the financial statements present only the Measure I Fund of the Town and do not purport to, and do not present fairly, the financial position of the Town as of June 30, 2023, the changes in its financial position, or, where applicable, its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Measure I Fund of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the budgetary comparison information be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the

Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements of the Measure I Fund of the Town. The *Program Status: Comparison of 5 Year Plan Project Budget to Current Year Expenditures* listed as Other Information in the table of contents, are presented for purposes of additional analysis and are not a required part of the financial statements. The other information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated May 15, 2024 on our consideration of the Town's internal control over financial reporting for the Measure I Fund and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control over financial reporting and compliance.



Lake Forest, California
May 15, 2024

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Balance Sheet

Fiscal Year End June 30, 2023

Assets

Cash and investments (Note 3)	\$ 5,789,164
Taxes receivable (Note 4)	557,725
Due from other governments (Note 5)	<u>751,281</u>
Total assets	<u>\$ 7,098,170</u>

Liabilities, Deferred Inflows of Resources and Fund Balance

Liabilities

Accounts payable	<u>\$ 373,091</u>
------------------	-------------------

Deferred inflows of resources

Unavailable revenue (Note 6)	<u>778,505</u>
------------------------------	----------------

Fund balance - restricted	<u>5,946,574</u>
---------------------------	------------------

Liabilities, deferred inflows of resources and fund balance	<u>\$ 7,098,170</u>
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TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Statement of Revenues, Expenditures, and Change in Fund Balance

Fiscal Year Ended June 30, 2023

Revenues:

Measure I sales tax	\$ 2,852,922
Interest income	56,650
Intergovernmental (Note 8)	1,095,272
Refunds, reimbursements, and rebates (Note 9)	<u>210,904</u>

Total revenues	<u>4,215,748</u>
----------------	------------------

Expenditures:

Construction, maintenance, and engineering	<u>2,866,274</u>
--	------------------

Total expenditures	<u>2,866,274</u>
--------------------	------------------

Excess (deficiency) of revenues over (under) expenditures	1,349,474
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Fund balance at beginning of year	<u>4,597,100</u>
-----------------------------------	------------------

Fund balance at end of year	<u>\$ 5,946,574</u>
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TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(1) **General Information**

Reporting Entity

The financial statements are intended to reflect the financial position and changes in the financial position of the Measure I Fund of the Town of Apple Valley, California (Town) only. Accordingly, the financial statements do not purport to, and do not, present fairly the financial position of the Town, as of June 30, 2023, and the changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Measure I

Measure I is the half-cent sales tax collected throughout San Bernardino County for transportation improvements. In 2004, San Bernardino County voters approved the extension of the Measure I sales tax through 2040. See Note 4 for a detailed description of the Measure.

(2) **Summary of Significant Accounting Policies**

The accounting policies of the Measure I Fund of the Town conform to accounting policies generally accepted in the United States of America. The following is a summary of significant accounting policies.

Fund Accounting

The accounts of the Town are organized on the basis of funds. A fund is defined as an independent fiscal and accounting entity wherein operations of each fund are accounted for in a separate set of self-balancing accounts that record resources, related benefits, and equity, segregated for the purpose of carrying out specific activities. The Town accounts for Measure I activities within its Measure I Special Revenue Fund.

Special revenue funds are used to account for the proceeds of revenue sources that are restricted or committed to expenditure for specified purposes.

Measurement Focus and Basis of Accounting

The special revenue funds of the Town are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, revenues are available if they are collected within 60 days of the end of the fiscal period. Expenditures generally are recorded when a liability is incurred.

Operating statements of governmental funds present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current resources.

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(2) Summary of Significant Accounting Policies (Continued)

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Revenue Recognition

Recognition of revenues arising from nonexchange transactions, which include revenues from taxes, certain grants, and contributions, is based on the primary characteristic from which the revenues are received by the Town. For the Town, funds received under Measure I possess the characteristic of a voluntary nonexchange transaction similar to a grant. Revenues under Measure I are recognized in the period when all eligibility requirements have been met.

Deferred inflows of resources-unavailable revenues represent revenues earned during the period but unavailable to liquidate current liabilities. These amounts are deferred and recognized in the period that the amounts become available. Deferred inflows of resources in the financial statements represent amounts due from other governments at year-end, and not collected with a timeframe to finance current year expenditures.

Fund Balance

The components of the fund balances of governmental funds reflect the component classifications described below.

- Nonspendable Fund Balance – includes amounts that cannot be spent because they are either (a) not in spendable form, or (b) legally or contractually required to be maintained intact.
- Restricted Fund Balance – includes amounts that can be spent only for specific purposes stipulated by constitution, external resource providers, or through enabling legislation.
- Committed Fund Balance – includes amounts that can be used only for the specific purposes determined by a formal action of the Town.
- Assigned Fund Balance – includes amounts that are intended to be used by the Town for specific purposes, but do not meet the criteria to be classified as restricted or committed.

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(2) **Summary of Significant Accounting Policies (Continued)**

- Unassigned Fund Balance – includes any deficit fund balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

When restricted and unrestricted resources are available for expenditure for the same purpose, the Town expends restricted resources before unrestricted resources. Within unrestricted resources, the fund balance is depleted in the order of committed, assigned, and unassigned.

Maintenance of Effort

In accordance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the San Bernardino County Transportation Authority (SBCTA), Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes. The maintenance of effort (MOE) base year level was determined based upon the discretionary General Fund expenditures for transportation-related construction and maintenance activities in fiscal year 2008/2009. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of Measure I 2010-2040. General Fund expenditures in excess of the MOE base year level will carry over to subsequent fiscal years and can be applied in a future year to offset the amount the local agency may need to meet the MOE requirement. The Town's determined MOE base level is \$0.

Deferred Inflows of Resources

In addition to liabilities, the balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, unavailable revenues, represents revenues earned during the period but unavailable to liquidate current liabilities. These amounts are deferred and recognized in the period that the amounts become available.

(3) **Cash and Investments**

Cash and investments are pooled by the Town to facilitate cash management and maximize investment opportunities and yields. Investment income resulting from this pooling is allocated to the respective funds including the Measure I Fund based upon the average cash balance. The investment policies and the risks related to cash and investments applicable to the Measure I Fund, are those of the Town and are disclosed in the Town's basic financial statements. The Town's basic financial statements can be obtained at Town Hall.

The Measure I Fund's cash and investments are reported at fair value. The fair value measurements are based on the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(3) Cash and Investments (Continued)

inputs. The Measure I Fund's deposits and withdrawals in the Town Investment Pool are made on the basis of \$1 and not fair value. Accordingly, the Measure I Fund's investment in the Town Investment Pool is measured based on uncategorized inputs not defined as Level 1, Level 2, or Level 3.

The Measure I Fund's cash and investments as of June 30, 2023 was \$5,789,164.

(4) Taxes Receivable

The taxes receivable of \$557,725 represent Measure I sales tax revenues for the fiscal year received from SBCTA after June 30, 2023.

(5) Due from other Governments

Due from other governments in the amount of \$751,281 represents the grants received from California Department of Transportation (Caltrans) for the fiscal year received from SBCTA after June 30, 2023.

(6) Unavailable Revenue

Unavailable revenue in the amount of \$778,505 represents the following:

<u>Government Agency</u>	<u>Amount</u>
Caltrans	\$ 751,281
SBCTA	<u>27,224</u>
Total	<u>\$ 778,505</u>

(7) Measure I Fund

The California State Legislature authorized county transportation authorities to enact local option sales tax measures for transportation improvements in the late 1980s, under provisions of Division 19 (commencing with Section 180000) of the Public Utilities Code. In November 1989, San Bernardino County voters approved passage of Measure I, authorizing SBCTA to impose a half-cent retail transactions and use tax applicable in the incorporated and unincorporated areas of the County of San Bernardino for the 20-year period between April 1, 1990 and March 31, 2010. SBCTA is authorized to administer the programs described in the

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(7) **Measure I Fund (Continued)**

Measure. Early in the second decade of Measure I, it became apparent that continuation of the half cent sales tax would be critical to maintaining funding for transportation in San Bernardino County. SBCTA member jurisdictions and transportation stakeholders worked to identify transportation needs, and an expenditure plan was developed to serve as a basis for the renewal of Measure I. Ordinance No. 04-01 was placed before voters in November 2004, and Measure I was renewed. The new Measure I extends the half cent sales tax for 30 years, from April 1, 2010 through March 31, 2040. The new Measure is referred to as Measure I 2010-2040 to distinguish it from the first Measure I.

Revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plan.

Measure I 2010-2040 has a return-to-source provision that states that funds shall be allocated to subareas in accordance with the actual revenue collected in each subarea. After deduction of required Board of Equalization fees and authorized administrative costs, revenues generated in each subarea are to be expended on projects of direct benefit to that subarea. Revenues are accounted for separately for each subarea and then allocated to specified project categories in each subarea. These project categories are termed “programs” in the Strategic Plan. Decisions on how revenues are expended within the subareas are made by the SBCTA Board of Directors based upon recommendations of local subarea representatives. Other than the projects identified in the Cajon Pass Expenditure Plan, revenues generated within a subarea can be expended outside of that subarea only upon approval of two-thirds (2/3) of the jurisdictions within the affected subarea. A proportional share of projected state and federal transportation funds is to be reserved for use solely within the Valley subarea and individual Mountain/Desert (Colorado River, Morongo Basin, Mountains, North Desert and Victor Valley) subareas. In the San Bernardino Valley subarea, Measure I 2010-2040 contains the following programs:

- Freeway Program
- Freeway Interchange Program
- Major Street Program
- Local Street Program
- Metrolink/Rail Program
- Express Bus/Bus Rapid Transit Program
- Senior and Disabled Transit Program
- Traffic Management Systems Program

In each of the Mountain/Desert subareas, Measure I 2010-2040 contains the following programs:

- Local Street Program
- Major Local Highway Program
- Senior and Disabled Transit Program

TOWN OF APPLE VALLEY, CALIFORNIA**Measure I Fund****Notes to Financial Statements****Fiscal Year Ended June 30, 2023****(8) Intergovernmental Revenues**

The Town recorded intergovernmental revenue in the amount of \$1,095,272 in the Measure I Fund. This revenue is primarily attributed to grants from various agencies funding projects related to the Measure I program.

(9) Refunds, Reimbursements and Rebates

The Town recorded refunds, reimbursements, and rebates in the amount of \$210,904 in the Measure I Fund. This revenue is primarily attributed to grants from the California Department of Transportation related to projects recorded within the Measure I Fund.

(10) Restrictions

Funds received pursuant to the Measure I Ordinance 04-01 and the Expenditure Plan, adopted by SBCTA relating to the expenditure of Measure I revenue may only be used for transportation improvement and traffic management programs authorized in the Measure I Five Year Capital Improvement Program.

(11) Contingencies

See the Town's basic financial statements for disclosures related to contingencies including those relating to various legal actions, administrative proceedings, or claims in the ordinary course of operations.

(12) Budgetary Data

The Town adopts an annual budget on a basis consistent with accounting principles generally accepted in the United States of America. The legal level of budgetary control is at the fund level.

Required Supplementary Information
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TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Schedule of Revenues, Expenditures
and Changes in Fund Balance - Budget and Actual

Fiscal Year Ended June 30, 2023

	Budget		Actual	Variance From Final Budget Favorable (Unfavorable)
	Original	Final		
Revenues:				
Measure I sales tax	\$ 2,913,900	\$ 2,913,900	\$ 2,852,922	\$ (60,978)
Interest income	25,000	25,000	56,650	31,650
Intergovernmental (Note 8)	296,795	296,795	1,095,272	798,477
Refunds, reimbursements, and rebates (Note 9)	-	869,823	210,904	(658,919)
Total revenues	<u>3,235,695</u>	<u>4,105,518</u>	<u>4,215,748</u>	<u>110,230</u>
Expenditures:				
Construction, maintenance, and engineering	<u>3,482,462</u>	<u>3,698,783</u>	<u>2,866,274</u>	<u>832,509</u>
Total expenditures	<u>3,482,462</u>	<u>3,698,783</u>	<u>2,866,274</u>	<u>832,509</u>
Excess (deficiency) of revenues over (under) expenditures	<u>\$ (246,767)</u>	<u>\$ 406,735</u>	1,349,474	<u>\$ 942,739</u>
Fund balance at beginning of year			<u>4,597,100</u>	
Fund balance at end of year			<u>\$ 5,946,574</u>	

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

Other Information
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TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Program Status: Comparison of 5 Year Plan Project Budget to Current Year Expenditures

Fiscal Year Ended June 30, 2023

The Measure I Five Year Capital Improvement Plan for local streets was adopted by Council Resolution No. 2022-34 and the Amended Five-Year Capital Improvement Plan was adopted by Council Resolution No. 2023-31. Of the funds allocated under the Measure I Five Year Capital Improvement Plan, the following programs were affected during the current fiscal year:

Local Projects	5-Year Plan	Current Fiscal	(Over)/Under
	Project Estimate	Year Expenditures	
Apple Valley SR 18 Corridor Enhancement Plan	\$ 241,872	\$ 213,932	\$ 27,940
Bear Valley Bridge Rehabilitation (Mojave River Bridge)	5,847,010	1,207,951	4,639,059
Bear Valley Intersection Improvements	35,766	35,766	-
Central Road, from Bear Valley Road to Highway 18	2,091,333	102,515	1,988,818
Dale Evans Parkway at Waalew Road Realignment	19,649	19,649	-
Hwy 18 West End Widening Phase 2 (AV Rd to Tao Rd)	138,178	38,179	99,999
Navajo/Powhatten Road Signal	24,455	59,870	(35,415)
Paving Priorities	5,018,470	1,018,471	3,999,999
Traffic Control Device Deployment	4,177	4,177	-
Yucca Loma Elementary School Safe Routes to School Phase 2	760,105	113,105	647,000
Local Road Safety Plan (LRSP)*	-	13,908	(13,908)
Townwide Parks Traffic Control Review**	-	38,751	(38,751)
Total expenditures at June 30, 2023		<u>\$ 2,866,274</u>	

Notes:

*The Local Road Safety Plan (LRSP) is a listed project that was reduced to \$0 on the Town Amended CIP 2023-31. Towns can revise their 5 year estimates through a Town Council approved Amendment to their approved CIP.

** The Townwide Parks Traffic Control Review projects were not on the SBCTA approved amended Five-Year CIP, see Finding 2023 02.



Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN
AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Measure I Fund of the Town of Apple Valley, California (Town), as of and for the year ended June 30, 2023, and the related notes to the financial statements, and have issued our report thereon dated May 15, 2024. Our report included an emphasis of matter stating that the financial statements of the Measure I Funds do not purport to, and do not, present fairly the financial position of the Town as of June 30, 2023.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We identified certain deficiencies in internal control, described in the accompanying Schedule of Findings and Responses as items **2023-01, 2023-02, and 2023-03** that we consider to be material weaknesses.

Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the financial statements of the Measure I Fund of the Town are free from material misstatement, we performed tests of its compliance with requirements described in Measure I Ordinance ("Ordinance") as specified in the agreement between the Town and San Bernardino County Transportation Authority ("SBCTA") and certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matters that are required to be reported under Government Auditing Standards, including the requirements of the Ordinance as specified in the agreement between the Town and SBCTA and which are described in the accompanying schedule of findings and questioned costs as item **2023-02**.

Town of Apple Valley, California's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the Town's response to the findings identified in our audit and described in the accompanying schedule of findings and questioned costs. Town's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Lake Forest, California
May 15, 2024

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Schedule of Findings and Responses

Fiscal Year Ended June 30, 2023

2023-01 Bank Reconciliations Material Weakness

Criteria:

Management is responsible for ensuring financial activity is recorded accurately and on a timely basis. Bank reconciliations should be performed monthly and reviewed and approved in a timely manner.

Condition:

During procedures over cash and investments, we noted the Town's bank reconciliation for June 2023 was not prepared until April 2024. Further, the interest allocation to funds was not performed until April 2024.

Cause:

The Town did not perform a timely bank reconciliation or interest allocation due to significant staffing losses just prior to the commencement of the FY 2023 closing process. Additionally, the Town endured a forced bank transition during Q3/Q4 of fiscal year (FY) 2022/23, as Union Bank merged with US Bank, and the Town was working diligently to sort out any residual issues resulting from this merger.

Effect:

The audit was delayed.

Recommendation:

We recommend that the Town review the timing of its reconciliation procedures.

View of Responsible Officials:

In addition to staff turnovers, the Town's bank (Union Bank) merged with US Bank in May 2023. That merger created significant delay in performing and completing bank reconciliations, particularly during May and June of 2023. With hiring efforts currently going on in Finance, bank reconciliations will be completed in a timely manner.

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Schedule of Findings and Responses

Fiscal Year Ended June 30, 2023

2023-02 Expenditure Incurred on Projects Not Approved on the Five-Year CIP Material Weakness

Criteria:

The Measure I ("MSI") Strategic Plan states that each local jurisdiction is required to annually adopt a 5-

Year Capital Improvement Plan which details the specific projects to be funded using Measure I Local Pass-Through Funds. Expenditures of Measure I Local Pass-Through Funds must be detailed in the Five-Year Capital Improvement Plan and adopted by resolution of the governing body.

The Measure I Strategic Plan further states that the 5-Year Capital Improvement Plan shall be the basis for the annual audit. For a project to be eligible for Measure I funds, the project must be included in the current CIP. An amended CIP should be used in instances where projects are added to the CIP during the year.

Condition:

The Town utilized Measure I monies to fund costs for certain projects and recorded all expenditures incurred on these projects in its Measure I fund (Fund 2021). We noted Townwide Parks Traffic Control Review project in the amount of \$38,751 was not included on the FY 2022/23 Five-Year Capital Improvement Plan approved by SBCTA ("CIP").

Cause:

The Town failed to include a certain project in the approved CIP.

Effect:

Measure I resources were utilized for costs on a project that was not included in the current CIP.

Recommendation:

We recommend the Town enhance its procedures to ensure that projects that have activity are included in the current CIP. This can be achieved through submitting a revised CIP to SBCTA as necessary.

View of Responsible Officials:

This was overlooked during the Town's review of MSI I expenditures for the reporting period. The Town's finance and engineering departments are committed to ensuring proper timely reporting of MSI funding. Both departments will work closely in the future to ensure all expenditures are accounted for and reported. The implementation of the Town's new financial management software will assist with ensuring invoices are coded correctly. In addition, staff will keep a record of forecasted MSI expenditure and compare them to actuals prior to preparing yearend reports.

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Schedule of Findings and Responses

Fiscal Year Ended June 30, 2023

2023-03 Expenditure and Revenue Recorded in the Incorrect Period Material Weakness

Criteria:

Management is responsible for ensuring financial activity is recorded accurately and on a timely basis. Expenditures should be identified and recognized during the period incurred, and accruals posted to general ledger when applicable.

Similarly, revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period.

Condition:

During procedures over accounts payable and related disbursements, we noted one disbursement in the amount of \$11,181, which related to the period April 30, 2023 through May 27 2023, but was not recorded within FY 2022/23 of the general ledger. As a result, we proposed an adjustment to increase expenditure and related accounts payable, to include this disbursement in the activity of the fund.

During our testing of revenue, we noted that the Measure I allocation for March 2023 in the amount of \$255,084, which was received in May 2023 was not recorded within FY 2022/23 of the general ledger.

Cause:

The Town did not properly reflect the expenditures, or verify the cutoff, and revenues for the year.

Effect:

The adjustment was proposed and posted to the Town fund's financials statements to include the expenditure of \$11,181 accrual and revenue of \$255,084.

Recommendation:

We recommend that the Town enhance its closing process to ensure that expenditures, related accruals, and revenue are recorded in the proper fiscal year.

View of Responsible Officials:

The expenditure incurred was received after the cut-off time of processing payments for FY23. Nevertheless, the charge should have been accrued to the old FY, it was corrected based on recommendation from the auditor. The revenue was a unique situation that got overlooked, it was also corrected based on auditor's recommendation. Accrual of revenue and expenditure will be carefully identified and reviewed to post them in the correct period.

TOWN OF APPLE VALLEY, CALIFORNIA

Measure I Fund

Summary Schedule of Prior Audit Findings

Fiscal Year Ended June 30, 2023

The status of the prior year findings for fiscal year ended June 30, 2022, are below.

Finding No.	Description	Status
2022-001	Expenditure not accrued correctly.	Not Implemented, Refer to 2023-03
2022-002	Timeliness of bank account reconciliation	Not Implemented, Refer to 2023-01
2022-003	Restatement of beginning fund balance/financial statement preparation	Implemented.

**CITY OF NEEDLES, CALIFORNIA
MEASURE I FUND**

FINANCIAL STATEMENTS

June 30, 2023

CITY OF NEEDLES, CALIFORNIA
MEASURE I FUND
San Bernardino, California

FINANCIAL STATEMENTS
June 30, 2023

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INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of the Measure I Fund of the City of Needles, California (City), as of and for the year ended June 30, 2023, and the related notes to the financial statements, as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the financial position of the Measure I Fund of the City, as of June 30, 2023, and the changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Emphasis of Matter

As discussed in Note 1, the financial statements present only the Measure I Fund, a governmental fund, and do not purport to, and do not, present fairly the financial position of the City as of June 30, 2023, or the changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

(Continued)

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the budgetary comparison information as listed in the table of contents be presented to supplement the basic financial statements. Such information is the responsibility of management and although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

(Continued)

Additional Information

Management is responsible for the accompanying Program Status: Comparison of 5-Year Plan Project Budget to Current Year Expenditures and the Maintenance of Effort: Comparison of Base Level Amount to Annual Expenditures (the “additional information”), which is presented for purposes of additional analysis and is not a required part of the financial statements. Our opinion on the financial statements does not cover the additional information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the additional information and consider whether a material inconsistency exists between the additional information and the basic financial statements, or the additional information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the additional information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated February 26, 2024, on our consideration of the City’s internal control over financial reporting of the Measure I Fund and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City’s internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City’s internal control over financial reporting and compliance, as it relates to the Measure I Fund.


Crowe LLP

Los Angeles, California
February 26, 2024

CITY OF NEEDLES, CALIFORNIA
MEASURE I FUND
BALANCE SHEET
June 30, 2023

	<u>2023</u>
ASSETS	
Cash and investments	\$ 509,487
Receivables	
Taxes	<u>52,253</u>
 Total assets	 <u><u>\$ 561,740</u></u>
 DEFERRED INFLOWS OF RESOURCES AND FUND BALANCE	
Deferred inflows of resources	
Unavailable revenues	\$ 17,930
 Fund balance	
Restricted for transportation	<u>543,810</u>
 Total deferred inflows of resources and fund balance	 <u><u>\$ 561,740</u></u>

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

See notes to financial statements.

CITY OF NEEDLES, CALIFORNIA
 MEASURE I FUND
 STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
 Year ended June 30, 2023

	<u>2023</u>
Revenues	
Measure I sales tax	\$ 221,958
Other revenue	<u>13,125</u>
Total revenues	235,083
Expenditures	
Capital	
Maintenance	<u>-</u>
Net change in fund balance	235,083
Fund balance, beginning of year	<u>308,727</u>
Fund balance, end of year	<u><u>\$ 543,810</u></u>

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

See notes to financial statements.

CITY OF NEEDLES, CALIFORNIA
MEASURE I FUND
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

NOTE 1 – GENERAL INFORMATION

Reporting Entity: The financial statements are intended to reflect the financial position and changes in financial position of the Measure I Fund of the City of Needles, California (City) only. Accordingly, the financial statements do not purport to, and do not, present fairly the financial position of the City, as of June 30, 2023, and the changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Measure I: Measure I is the half-cent sales tax collected throughout San Bernardino County for transportation improvements. In 2004, San Bernardino County voters approved the extension of the Measure I sales tax through 2040. See Note 4 for a detailed description of the Measure.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Fund Accounting: The accounts of the City are organized on the basis of funds. A fund is defined as an independent fiscal and accounting entity wherein operations of each fund are accounted for in a separate set of self-balancing accounts that record resources, related benefits, and equity, segregated for the purpose of carrying out specific activities. The City accounts for the Measure I activities within its Measure I Special Revenue Fund.

Special revenue funds are used to account for the proceeds of revenue sources that are restricted or committed to expenditure for specified purposes.

Measurement Focus and Basis of Accounting: The special revenue funds of the City are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, revenues are available if they are collected within 60 days of the end of the fiscal period. Expenditures generally are recorded when a liability is incurred. Operating statements of governmental funds present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current resources.

Use of Estimates: The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Fund Balance: Fund balance is reported according to the following classifications: nonspendable, restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

(Continued)

CITY OF NEEDLES, CALIFORNIA
MEASURE I FUND
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Restricted fund balance represents amounts that can be spent only for specific purposes because of constitutional provisions or enabling legislation or because of constraints that are externally imposed by creditors, grantors, contributors, or the laws or regulations of other governments.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the City considers restricted funds to have been spent first.

Cash and Investments: Cash and investments are pooled by the City to facilitate cash management and maximize investment opportunities and yields. Investment income resulting from this pooling is allocated to the respective funds including the Measure I Fund based upon the average cash balance. The investment policies and the risks related to cash and investments, applicable to the Measure I Fund, are those of the City and are disclosed in the City's basic financial statements. The City's basic financial statements can be obtained at the City Administrative Office at 817 Third Street, Needles, California 92363.

The Measure I Fund's cash and investments are reported at fair value. The fair value measurements are based on the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. The Measure I Fund's deposits and withdrawals in the City Investment Pool are made on the basis of \$1 and not fair value. Accordingly, the Measure I Fund's investment in the City Investment Pool is measured based on uncategorized inputs not defined as Level 1, Level 2, or Level 3.

Maintenance of Effort: In accordance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the San Bernardino County Transportation Authority (SBCTA), Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes. The maintenance of effort (MOE) base year level was determined based upon the discretionary General Fund expenditures for transportation-related construction and maintenance activities in fiscal year 2008/2009. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of Measure I 2010-2040. General Fund expenditures in excess of the MOE base year level will carry over to subsequent fiscal years and can be applied in a future year to offset the amount the local agency may need to meet the MOE requirement. The City's determined MOE base level is \$426,582.

NOTE 3 – TAXES RECEIVABLE

Taxes receivable represents the Measure I sales tax revenues for the fiscal year received from SBCTA after June 30, 2023.

NOTE 4 – MEASURE I FUND

The California State Legislature authorized county transportation authorities to enact local option sales tax measures for transportation improvements in the late 1980s, under provisions of Division 19 (commencing with Section 180000) of the Public Utilities Code. In November 1989, San Bernardino County voters approved passage of Measure I, authorizing SBCTA to impose a half-cent retail transactions and use tax applicable in the incorporated and unincorporated areas of the County of San Bernardino for the 20-year period between April 1, 1990 and March 31, 2010. SBCTA is authorized to administer the programs described in the Measure.

(Continued)

CITY OF NEEDLES, CALIFORNIA
MEASURE I FUND
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

NOTE 4 – MEASURE I FUND (Continued)

Early in the second decade of Measure I, it became apparent that continuation of the half cent sales tax would be critical to maintaining funding for transportation in San Bernardino County. SBCTA member jurisdictions and transportation stakeholders worked to identify transportation needs, and an expenditure plan was developed to serve as a basis for the renewal of Measure I. Ordinance No. 04-01 was placed before voters in November 2004, and Measure I was renewed. The new Measure I extends the half cent sales tax for 30 years, from April 1, 2010 through March 31, 2040. The new Measure is referred to as Measure I 2010-2040 to distinguish it from the first Measure I.

Revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plan.

Measure I 2010-2040 has a return-to-source provision that states that funds shall be allocated to subareas in accordance with the actual revenue collected in each subarea. After deduction of required Board of Equalization fees and authorized administrative costs, revenues generated in each subarea are to be expended on projects of direct benefit to that subarea. Revenues are accounted for separately for each subarea and then allocated to specified project categories in each subarea. These project categories are termed “programs” in the Strategic Plan. Decisions on how revenues are expended within the subareas are made by the SBCTA Board of Directors based upon recommendations of local subarea representatives. Other than the projects identified in the Cajon Pass Expenditure Plan, revenues generated within a subarea can be expended outside of that subarea only upon approval of two-thirds (2/3) of the jurisdictions within the affected subarea. A proportional share of projected state and federal transportation funds is to be reserved for use solely within the Valley subarea and individual Mountain/Desert (Colorado River, Morongo Basin, Mountains, North Desert and Victor Valley) subareas. In the San Bernardino Valley subarea, Measure I 2010-2040 contains the following programs:

- Freeway Program
- Freeway Interchange Program
- Major Street Program
- Local Street Program
- Metrolink/Rail Program
- Express Bus/Bus Rapid Transit Program
- Senior and Disabled Transit Program
- Traffic Management Systems Program

In each of the Mountain/Desert subareas, Measure I 2010-2040 contains the following programs:

- Local Street Program
- Major Local Highway Program
- Senior and Disabled Transit Program

REQUIRED SUPPLEMENTARY INFORMATION

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CITY OF NEEDLES, CALIFORNIA
 MEASURE I FUND
 SCHEDULE OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE –
 BUDGET AND ACTUAL
 Year ended June 30, 2023

	<u>Original</u>	<u>Final</u>	<u>Actual</u>	Variance From Final Budget Positive (Negative)
Revenues				
Measure I sales tax	\$ 175,000	\$ 175,000	\$ 221,958	\$ 46,958
Other revenue	-	-	13,125	13,125
Total revenues	<u>175,000</u>	<u>175,000</u>	<u>235,083</u>	<u>60,083</u>
Expenditures				
Capital				
Maintenance	<u>450,000</u>	<u>450,000</u>	-	<u>450,000</u>
Net change in fund balance	(275,000)	(275,000)	235,083	510,083
Fund balance, beginning of year	<u>308,727</u>	<u>308,727</u>	<u>308,727</u>	-
Fund balance, end of year	<u>\$ 33,727</u>	<u>\$ 33,727</u>	<u>\$ 543,810</u>	<u>\$ 510,083</u>

See note to required supplementary information.

CITY OF NEEDLES, CALIFORNIA
MEASURE I FUND
NOTE TO REQUIRED SUPPLEMENTARY INFORMATION
Year ended June 30, 2023

NOTE 1 – BUDGETARY DATA

The City adopts an annual budget on a basis consistent with accounting principles generally accepted in the United States of America.

ADDITIONAL INFORMATION
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CITY OF NEEDLES, CALIFORNIA
 MEASURE I FUND
 PROGRAM STATUS: COMPARISON OF 5-YEAR PLAN PROJECT BUDGET
 TO CURRENT YEAR EXPENDITURES
 Year ended June 30, 2023

The Measure I Five-Year Capital Improvement Plan for local streets was adopted by Council Resolution No. 2022-61. Of the funds allocated under the Measure I Five-Year Capital Improvement Plan, the following programs were affected during the current fiscal year:

<u>Local Projects</u>	<u>5-Year Plan Project Estimate</u>	<u>Current Fiscal Year Expenditures</u>	<u>Under/(Over) Estimate</u>
Phase 4b Street Improvement Plan	\$ 700,000	\$ -	\$ 700,000
Phase 5 Street Improvements Plan	1,200,000	-	1,200,000
Total expenditures as of June 30, 2023		-	

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

CITY OF NEEDLES, CALIFORNIA
 MEASURE I FUND
 MAINTENANCE OF EFFORT: COMPARISON OF BASE LEVEL AMOUNT
 TO ANNUAL EXPENDITURES
 Year ended June 30, 2023

The maintenance of effort base level amount was determined based upon fiscal year 2008/09 spending levels. Excess/(deficient) amounts are carried forward in accordance with the Measure I Strategic Plan. Actual amounts expended in relation to the base level amount in each year subsequent to the base year are as follows:

<u>Fiscal Year Ending June 30,</u>	<u>Street and Highway Funds Utilized</u>	<u>Base Level Amount</u>	<u>Excess/ Deficiency</u>	<u>Under/(Over) Estimate</u>
2010	\$ 460,850	\$ (426,582)	\$ 34,268	34,268
2011	516,266	(426,582)	89,684	123,952
2012	668,106	(426,582)	241,524	365,476
2013	420,225	(426,582)	(6,357)	359,119
2014	508,641	(426,582)	82,059	441,178
2015	402,467	(426,582)	(24,115)	417,063
2016	393,132	(426,582)	(33,450)	383,613
2017	477,672	(426,582)	51,090	434,703
2018	424,265	(426,582)	(2,317)	432,386
2019	398,199	(426,582)	(28,383)	404,003
2020	1,007,403	(426,582)	580,821	984,824
2021	1,434,183	(426,582)	1,007,601	1,992,425
2022	1,932,339	(426,582)	1,505,757	3,498,182

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)



INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the Measure I Fund (Measure I Fund) of the City of Needles, California (City), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Measure I Fund's basic financial statements and have issued our report thereon dated February 26, 2024.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting of the Measure I Fund (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that have not been identified.

(Continued)

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the financial statements of the Measure I Fund of the City are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.


Crowe LLP

Los Angeles, California
February 26, 2024



INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH MEASURE I COMPLIANCE REQUIREMENTS AND REPORT ON INTERNAL CONTROL OVER COMPLIANCE

To the Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

Report on Compliance with the Measure I Ordinance

We have audited City of Needles' ("City") compliance with the types of compliance requirements described in Measure I Ordinance (the "Ordinance"), that could have a direct and material effect on the City's compliance with the Ordinance for the year ended June 30, 2023.

In our opinion, the City complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on its Ordinance for the year ended June 30, 2023.

Basis for Opinion on the Ordinance

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States (*Government Auditing Standards*); and the Ordinance. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the Ordinance.

(Continued)

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Ordinance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of the Ordinance.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Ordinance, we:

- exercise professional judgment and maintain professional skepticism throughout the audit.
- identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Ordinance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control Over Compliance


A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of the Ordinance on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of the Ordinance will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of the Ordinance that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

(Continued)

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Ordinance. Accordingly, this report is not suitable for any other purpose.


Crowe LLP

Los Angeles, California
February 26, 2024

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Financial Statements

Fiscal Year Ended June 30, 2023

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Fiscal Year Ended June 30, 2023

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Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

INDEPENDENT AUDITOR'S REPORT

Opinion

We have audited the accompanying financial statements of the Measure I Fund of the City of Rialto, California ("City"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Measure I Fund of the City, as of June 30, 2023, and the respective changes in financial position of the Measure I Fund of the City for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities of the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Emphasis of Matters

As discussed in Note 1, the financial statements present only the Measure I Fund of the City and do not purport to, and do not present fairly, the financial position of the City as of June 30, 2023, the changes in its financial position, or, where applicable, its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Measure I Fund of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the budgetary comparison information be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements.

Board of Directors
 San Bernardino County Transportation Authority
 San Bernardino, California

We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements of the Measure I Fund of the City. The *Program Status: Comparison of 5 Year Plan Project Budget to Current Year Expenditures* listed as Other Information in the table of contents, are presented for purposes of additional analysis and are not a required part of the financial statements. The other information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 11, 2024 on our consideration of the City's internal control over financial reporting for the Measure I Fund and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.



Lake Forest, California
 March 11, 2024

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Balance Sheets

June 30, 2023

Assets

Cash and investments (Note 3)	\$ 3,825,109
Receivables	
Taxes (Note 4)	<u>670,409</u>
Total assets	<u>\$ 4,495,518</u>

Liabilities, Deferred Inflows of Resources and Fund Balance

Liabilities

Accounts payable	\$ 407,316
Accrued payroll	<u>144</u>
Total liabilities	<u>407,460</u>

Deferred Inflows of Resources

Unavailable revenue (Note 5)	<u>233,032</u>
------------------------------	----------------

Fund balance - restricted	<u>3,855,026</u>
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Liabilities, deferred inflows of resources and fund balance	<u>\$ 4,495,518</u>
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See accompanying notes to financial statements

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Statement of Revenues, Expenditures,
and Changes in Fund Balance

Fiscal Year Ended June 30, 2023

Revenues:

Measure I sales tax	\$ 2,518,763
Interest income	<u>140,380</u>

Total revenues	<u>2,659,143</u>
----------------	------------------

Expenditures:

General government	<u>6,992,506</u>
--------------------	------------------

Total expenditures	<u>6,992,506</u>
--------------------	------------------

Excess (deficiency) of revenues over (under) expenditures	(4,333,363)
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Fund balance at beginning of year	<u>8,188,389</u>
-----------------------------------	------------------

Fund balance at end of year	<u><u>\$ 3,855,026</u></u>
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Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

See accompanying notes to financial statements

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(1) **General Information**

Reporting Entity

The financial statements are intended to reflect the financial position and changes in the financial position of the Measure I Fund of the City of Rialto, California (City) only. Accordingly, the financial statements do not purport to, and do not, present fairly the financial position of the City, as of June 30, 2023, and the changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Measure I

Measure I is the half-cent sales tax collected throughout San Bernardino County for transportation improvements. In 2004, San Bernardino County voters approved the extension of the Measure I sales tax through 2040. See Note 6 for a detailed description of the Measure.

(2) **Summary of Significant Accounting Policies**

The accounting policies of the Measure I Fund of the City conform to accounting policies generally accepted in the United States of America. The following is a summary of significant accounting policies.

Fund Accounting

The accounts of the City are organized on the basis of funds. A fund is defined as an independent fiscal and accounting entity wherein operations of each fund are accounted for in a separate set of self-balancing accounts that record resources, related benefits, and equity, segregated for the purpose of carrying out specific activities. The City accounts for the Measure I activities within its Measure I Special Revenue Fund.

Special revenue funds are used to account for the proceeds of revenue sources that are restricted or committed to expenditure for specified purposes.

Measurement Focus and Basis of Accounting

The special revenue funds of the City are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, revenues are available if they are collected within 60 days of the end of the fiscal period. Expenditures generally are recorded when a liability is incurred.

Operating statements of governmental funds present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current resources.

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(2) **Summary of Significant Accounting Policies (Continued)****Use of Estimates**

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, and disclosures at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Revenue Recognition

Recognition of revenues arising from nonexchange transactions, which include revenues from taxes, certain grants, and contributions, is based on the primary characteristic from which the revenues are received by the City. For the City, funds received under Measure I possess the characteristic of a voluntary nonexchange transaction similar to a grant. Revenues under Measure I are recognized in the period when all eligibility requirements have been met.

Deferred Inflows of Resources

Deferred inflows of resources-unavailable revenues represents revenues earned during the period but unavailable to liquidate current liabilities. These amounts are deferred and recognized in the period that the amounts become available. Deferred inflows of resources in the financial statements represent amounts due from other governments at year-end, and not collected within a timeframe to finance current year expenditures.

Fund Balance

The components of the fund balances of governmental funds reflect the component classifications described below.

- *Nonspendable Fund Balance* – includes amounts that cannot be spent because they are either (a) not in spendable form, or (b) legally or contractually required to be maintained intact.
- *Restricted Fund Balance* – includes amounts that can be spent only for specific purposes stipulated by constitution, external resource providers, or through enabling legislation.
- *Committed Fund Balance* – includes amounts that can be used only for the specific purposes determined by a formal action of the City.
- *Assigned Fund Balance* – includes amounts that are intended to be used by the City for specific purposes, but do not meet the criteria to be classified as restricted or committed.

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(2) **Summary of Significant Accounting Policies (Continued)**

- *Unassigned Fund Balance* – includes any deficit fund balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

When restricted and unrestricted resources are available for expenditure for the same purpose, the City expends restricted resources before unrestricted resources. Within unrestricted resources, the fund balance is depleted in the order of committed, assigned, and unassigned.

Maintenance of Effort

In accordance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the San Bernardino County Transportation Authority (“SBCTA”), Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes. The maintenance of effort (MOE) base year level was determined based upon the discretionary General Fund expenditures for transportation-related construction and maintenance activities in fiscal year 2008/2009. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of Measure I 2010-2040. General Fund expenditures in excess of the MOE base year level will carry over to subsequent fiscal years and can be applied in a future year to offset the amount the local agency may need to meet the MOE requirement. The City’s determined MOE base level is \$0.

(3) **Cash and Investments**

Cash and investments are pooled by the City to facilitate cash management and maximize investment opportunities and yields. Investment income resulting from this pooling is allocated to the respective funds including the Measure I Fund based upon the average cash balance. The investment policies and the risks related to cash and investments, applicable to the Measure I Fund, are those of the City and are disclosed in the City’s basic financial statements. The City’s basic financial statements can be obtained at City Hall.

The Measure I Fund’s cash and investments are reported at fair value. The fair value measurements are based on the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. The Measure I Fund’s deposits and withdrawals in the City Investment Pool are made on the basis of \$1 and not fair value. Accordingly, the Measure I Fund’s investment in the City Investment Pool is measured based on uncategorized inputs not defined as Level 1, Level 2, or Level 3.

The Measure I Fund’s cash and investments as of June 30, 2023 was \$3,825,109.

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(4) Taxes Receivable

Taxes receivable in the amount of \$670,409 represent the Measure I sales tax revenues for the fiscal year received from SBCTA after June 30, 2023.

(5) Unavailable Revenue

Unavailable revenue in the amount of \$233,032 represents amounts owed to the Measure I fund from SBCTA for the June 2023 payments received after the availability period.

(6) Measure I Fund

The California State Legislature authorized county transportation authorities to enact local option sales tax measures for transportation improvements in the late 1980s, under provisions of Division 19 (commencing with Section 180000) of the Public Utilities Code. In November 1989, San Bernardino County voters approved passage of Measure I, authorizing SBCTA to impose a half-cent retail transactions and use tax applicable in the incorporated and unincorporated areas of the County of San Bernardino for the 20-year period between April 1, 1990 and March 31, 2010. SBCTA is authorized to administer the programs described in the Measure.

Early in the second decade of Measure I, it became apparent that continuation of the half-cent sales tax would be critical to maintaining funding for transportation in San Bernardino County. SBCTA member jurisdictions and transportation stakeholders worked to identify transportation needs, and an expenditure plan was developed to serve as a basis for the renewal of Measure I. Ordinance No. 04-01 was placed before voters in November 2004, and Measure I was renewed. The new Measure I extends the half-cent sales tax for 30 years, from April 1, 2010 through March 31, 2040. The new Measure is referred to as Measure I 2010-2040 to distinguish it from the first Measure I.

Revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plan.

Measure I 2010-2040 has a return-to-source provision that states that funds shall be allocated to subareas in accordance with the actual revenue collected in each subarea. After deduction of required Board of Equalization fees and authorized administrative costs, revenues generated in each subarea are to be expended on projects of direct benefit to that subarea. Revenues are accounted for separately for each subarea and then allocated to specified project categories in each subarea. These project categories are termed "programs" in the Strategic Plan. Decisions on how revenues are expended within the subareas are made by the SBCTA Board of Directors based upon recommendations of local subarea representatives. Other than the projects identified in the Cajon Pass Expenditure Plan, revenues generated within a subarea can be expended outside of that subarea only upon approval of two-thirds (2/3) of the jurisdictions

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Notes to Financial Statements

Fiscal Year Ended June 30, 2023

(6) **Measure I Fund (Continued)**

within the affected subarea. A proportional share of projected state and federal transportation funds is to be reserved for use solely within the Valley subarea and individual Mountain/Desert (Colorado River, Morongo Basin, Mountains, North Desert and Victor Valley) subareas. In the San Bernardino Valley subarea, Measure I 2010-2040 contains the following programs:

- Freeway Program
- Freeway Interchange Program
- Major Street Program
- Local Street Program
- Metrolink/Rail Program
- Express Bus/Bus Rapid Transit Program
- Senior and Disabled Transit Program
- Traffic Management Systems Program

In each of the Mountain/Desert subareas, Measure I 2010-2040 contains the following programs:

- Local Street Program
- Major Local Highway Program
- Senior and Disabled Transit Program

(7) **Restrictions**

Funds received pursuant to the Measure I Ordinance 04-01 and the Expenditure Plan, adopted by SBCTA relating to the expenditure of Measure I revenue may only be used for transportation improvement and traffic management programs authorized in the Measure I Five Year Capital Improvement Program.

(8) **Contingencies**

See the City's basic financial statements for disclosures related to contingencies including those relating to various legal actions, administrative proceedings, or claims in the ordinary course of operations.

(9) **Budgetary Data**

The City adopts an annual budget on a basis consistent with accounting principles generally accepted in the United States of America. The legal level of budgetary control for the City is the Fund.

Required Supplementary Information
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CITY OF RIALTO, CALIFORNIA

Measure I Fund

Schedule of Revenues, Expenditures
and Changes in Fund Balance - Budget and Actual

Fiscal Year Ended June 30, 2023

	Budget		Actual	Variance From Final Budget Favorable (Unfavorable)
	Original	Final		
Revenues:				
Measure I sales tax	\$ 2,200,000	\$ 2,200,000	\$ 2,518,763	\$ 318,763
Interest income	<u>180,880</u>	<u>180,880</u>	<u>140,380</u>	<u>(40,500)</u>
Total revenues	<u>2,380,880</u>	<u>2,380,880</u>	<u>2,659,143</u>	<u>278,263</u>
Expenditures:				
General government	<u>2,136,220</u>	<u>10,365,492</u>	<u>6,992,506</u>	<u>3,372,986</u>
Total expenditures	<u>2,136,220</u>	<u>10,365,492</u>	<u>6,992,506</u>	<u>3,372,986</u>
Excess (deficiency) of revenues over (under) expenditures	<u>\$ 244,660</u>	<u>\$ (7,984,612)</u>	<u>(4,333,363)</u>	<u>\$ 3,651,249</u>
Fund balance at beginning of year			<u>8,188,389</u>	
Fund balance at end of year			<u>\$ 3,855,026</u>	

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

Other Information
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CITY OF RIALTO, CALIFORNIA

Measure I Fund

Program Status: Comparison of 5 Year Plan Project Budget to Current Year Expenditures

Fiscal Year Ended June 30, 2023

The Measure I Five Year Capital Improvement Plan for local streets was adopted by Council Resolution No. 7956. Of the funds allocated under the Measure I Five Year Capital Improvement Plan, the following programs were affected during the current fiscal year:

	5-Year Plan Project Estimate	Current Fiscal Year Expenditures	(Over)/Under Estimate
Local Projects			
SR2S-Cycle 10 Cedar Improvements	\$ 140,000	\$ 22,063	\$ 117,937
(HSIP7) Baseline Street Improvements (Medians)	94,001	11,676	82,325
(HSIP7) Class II Bike Lanes Merrill	2,488	11,168	(8,680)
City-Wide Speed Survey with Truck Counts	17,422	5,574	11,848
Street Overlay & Reconstruction Project- Riverside Avenue From I-10 to the Southern Boundary	4,877,295	5,133,317	(256,022)
Street Overlay Pepper Ave Joint Project with City Of San Bernardino (Lead) Street Pepper-Baseline/City Limits	1,287,769	11,089	1,276,680
ADA Transition Plan- Public Right of Way	350,000	324,361	25,639
Traffic Signal @ Ayala & Fitzgerald	200,000	23,654	176,346
Street Overlay & Reconstruction: Residential Community Road-Collector Street	200,000	84,623	115,377
Street Rehabilitation (Overlay) I-210 To Foothill	200,906	200,145	761
1193 W Merrill Avenue Widening	285,121	289,190	(4,069)
Merrill Avenue Safe Routes to School (SRTS) Improvements Project	815,564	76,528	739,036
Sycamore Avenue Safe Routes to School (SRTS) Project	457,616	100,177	357,439
Traffic Signal Installation: Willow/ San Bernardino Avenue	400,000	45,874	354,126
Traffic Signal Installation: Riverside Avenue/Senior Way	400,000	406,904	(6,904)
Pavement Management System Update	200,000	150,455	49,545
Categorical Projects			
Citywide Minor Street Improvements & Other Misc Costs (Grant Activities)	150,000	95,708	54,292
Total expenditures at June 30, 2023		<u>\$ 6,992,506</u>	

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)



Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN
AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Measure I Fund of the City of Rialto California ("City"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, and have issued our report thereon dated March 11, 2024. Our report included an emphasis of matter stating that the financial statements of the Measure I Funds do not purport to, and do not, present fairly the financial position of the City as of June 30, 2023.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Board of Directors
San Bernardino County Transportation Authority
San Bernardino, California

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the financial statements of the Measure I Fund of the City are free from material misstatement, we performed tests of its compliance with requirements described in Measure I Ordinance (the "Ordinance") certain provisions of laws, regulations, contracts, and grant agreements, including requirements of the Ordinance as specified in the agreement between the City and San Bernardino County Transportation Authority ("SBCTA"), noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards, including the requirements of the Ordinance as specified in the agreement between the City and SBCTA.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Lake Forest, California
March 11, 2024

CITY OF RIALTO, CALIFORNIA

Measure I Fund

Summary Schedule of Prior Audit Findings

Fiscal Year Ended June 30, 2023

Finding No.	Description	Status
2022-001	Restatement of Beginning Fund Balance	Implemented

Attachment: Combine MSI Reports - 4 agencies (10666 : MSI Compliance Audits for Fiscal Year 2020/2021 and 2022/2023)

Minute Action

AGENDA ITEM: 5

Date: August 14, 2024

Subject:

New Policy No. 10104-3 - Ergonomics Policy and Procedure

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Policy No. 10104-3 – Ergonomics Policy and Procedure.

Background:

Ergonomics is defined as the science of fitting a workplace to the user’s needs. Applying ergonomic principles can help minimize the risk of injuries in the workplace. The goal of the San Bernardino County Transportation Authority (SBCTA) Ergonomics Policy and Procedure is to reduce or eliminate work-related hazards that contribute to the development of workplace related injuries. SBCTA aims to be proactive in preventing ergonomic hazards and correcting them. An ergonomically sound work environment maximizes employee comfort while minimizing the risk of undue physical stress.

Approval of Policy No. 10104-3 – Ergonomics Policy and Procedure will provide a formal ergonomics policy and allow staff to work in safe working environments. It is intended to reduce the potential for injury and make tasks performed by employees as physically and environmentally safe as reasonably possible. In addition, this policy provides recommended ergonomic products to purchase based upon applicability, durability, cost, performance, availability, and ease of use.

Staff recommends the approval of this policy to provide guidelines for ergonomics policy, and procedural guidelines to assist departments, to ensure employees’ safety, reduce workers’ compensation costs, and increase efficiency and productivity.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy.

Responsible Staff:

Jennifer Joo, Management Analyst II

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

Entity: San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	10104-3
Adopted by the Board of Directors September 4, 2024	Revised	
Ergonomics Policy and Procedure	Revision No.	

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [References](#) | [Policy](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to provide employees with information on the San Bernardino County Transportation Authority (SBCTA) ergonomic guidelines, workstation evaluations, reporting, and training, and to provide agency-wide uniformity regarding workstation ergonomics.

II. REFERENCES

California Code of Regulations, Title 8, Section 5110
Employee Workstation Evaluation Request Form

III. POLICY

It is the policy of SBCTA to provide safe working conditions, a healthful work environment, and to promote continuing awareness of health and safety for employees at all levels within the agency.

IV. ROLES AND RESPONSIBILITIES

All new employees shall be provided training and information about ergonomic issues and good practices. Employees must report any ergonomic issues, symptoms, and hazards to their supervisor and Management Services. Management Services will take reasonable steps necessary to ensure employees have an appropriate ergonomic work environment. Employees are encouraged to review information and participate in education and training opportunities that will assist in contributing to a healthy work environment.

A. Department Managers/Supervisors

Supervisors are encouraged to provide employees with appropriate ergonomics training, reinforcement, and assistance. This can be accomplished as follows:

- 1) Promote a safe and healthy work environment.
- 2) Evaluate the work environment for proper ergonomic practices and conditions.
- 3) Promptly report all employee injuries and complaints to Management Services.
- 4) Provide employee with an Employee Workstation Evaluation Request form to complete for manager/supervisor's approval.
- 5) Submit request for ergonomic evaluation to Management Services in a timely manner.
- 6) Consult with Management Services for further assistance and recommendations.

B. Management Services

Management Services's mission is to reduce health, safety, and ergonomic risks to SBCTA. It is Management Services's responsibility to:

- 1) Review ergonomic regulations and requirements.
- 2) Coordinate and schedule ergonomic workstation evaluations to reduce potential injuries.
- 3) Provide training and education for employees, supervisors, and managers.
- 4) Evaluate workstations after an injury or complaint has occurred.
- 5) Provide consultative ergonomic assistance to Departments, as requested.
- 6) Ensure that all ergonomic tools, equipment and furniture are ordered from the agency's list of approved vendors.
- 7) When a department relocation is to occur, the Department Manager should consult with Management Services in the initial planning process to address options for ergonomic workstation designs and ergonomic accessories.

C. Employees

Employees are responsible for conducting themselves in accordance with this policy and program. Employees are responsible for the following:

- 1) Perform simple exercises and stretches according to training.
- 2) Actively participate in training as required, and apply the knowledge and skills acquired to actual jobs, tasks, processes, and work activities.
- 3) Immediately report any work-related injuries to manager/supervisor.
- 4) Complete the optional Employee Workstation Evaluation Request form and submit it to the supervisor for approval as needed.
- 5) Provide doctor recommendation for ergonomic modifications if requested by Management Services.
- 6) Take responsibility for personal health and safety.

***Ergonomic accessories will not be purchased without prior assessment, recommendation and approval from Management Services.**

IV. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	09/04/24

Minute Action

AGENDA ITEM: 6

Date: August 14, 2024

Subject:

Revise Policy No. 10111 - Work Requirements, Leaves, and Absences

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Approve revisions to SBCTA Policy No. 10111 – Work Requirements, Leaves, and Absences Policy.

B. Approve a Budget Amendment to increase Task No. 0154 – Fringe-Holiday in the amount of \$47,000.

Background:

This policy establishes standards related to work requirements, leaves, and absence practices of the San Bernardino County Transportation Authority. This revision is being presented to ensure compliance with all Federal, State, and Local leave laws and to clarify existing policy.

The policy document is attached and significant changes are summarized below. The changes are also noted in the Revision History found at the end of the policy.

- Revised Definitions Section IV of California Family Rights Act (CFRA) and Sick Leave to include “Designated Person.”
- Added definitions to Definitions Section IV for: Bereavement Leave, Designated Person, Reproductive Loss Event, and Reproductive Loss Leave.
- Revised Sick Leave section to comply with passing of Senate Bill (SB) 616 effective on January 1, 2024.
- Revised Administrative Leave and Holiday Leave to clarify payout of leave upon separation, retirement, or death of employee.
- Added Reproductive Loss Leave section to comply with passing of SB 848 effective on January 1, 2024.
- Clarified definitions under the Family Medical Leave Act section to clarify differences between Family and Medical Leave Act vs. CFRA regarding eligible family members.
- Added separate Bereavement Leave section to comply with Government Code Section 12945.7 and the amendments to CFRA regulations effective on January 1, 2023.
- Revised observed holiday listing to eliminate Columbus Day holiday observed on the second Monday in October and replaced with Juneteenth holiday observed on June 19th. It is the recommendation of staff that this holiday schedule modifications take effect in calendar year 2025. A budget amendment to increase Task No. 0154 Fringe-Holiday in the amount of \$47,000 is requested to accommodate the additional holiday in the fiscal year budget.

Financial Impact:

This item is not consistent with the adopted Budget for Fiscal Year 2024/2025. A budget amendment is required as described in Recommendation B and described in the Background section of this item.

Entity: San Bernardino County Transportation Authority

General Policy Committee Agenda Item
August 14, 2024
Page 2

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy revisions.

Responsible Staff:

Colleen Franco, Director of Management Services

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	10111
Adopted by the Board of Directors April 3, 1991	Revised	<u>04/03/19</u> <u>09/04/24</u>
Work Requirements, Leaves, and Absences	Revision No.	<u>1516</u>

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

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[Purpose](#) | [Authorization](#) | [References](#) | [Definitions](#) | [Work Standards](#) | [Vacation Leave](#) | [Sick Leave](#) | [Medical Emergency Leave](#) | [Administrative Leave](#) | [Holiday Leave](#) | [Pregnancy Disability Leave](#) | [Reproductive Loss Leave](#) | [Family Medical Leave](#) | [Blood Donor Leave](#) | [Jury Duty and Witness Leave](#) | [Leave for Victims of Domestic Violence, Sexual Assault, and Stalking](#) | [Military Leave](#) | [Special Leave](#) | [Unauthorized Absence](#) | [Paid Administrative Leave](#) | [School Related Leave](#) | [Bereavement Leave](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to establish standards for work requirements, leaves, and absences.

II. AUTHORIZATION

The Executive Director is authorized to implement and interpret this policy on behalf of the agency.

III. REFERENCES

Policy 10107, Compensation Administration
Policy 10110, Employment Status and Classification
Policy 10112, Retirement Medical Trust Fund
Policy 10120, Employee 9/80 Alternative Work Schedule Program
Policy 10122-1, Flexible Benefit Plan

IV. DEFINITIONS

Note: Refer to Policy 10110 for definitions of exempt, non-exempt, regular, and temporary employees.

Administrative Leave: Administrative leave is a leave of absence with pay earned as a condition of employment as a regular exempt employee and is granted to compensate for additional hours worked.

Bereavement Leave: An authorized absence from work for up to five days for eligible employees in the event of a death in their immediate family.

California Family Rights Act (CFRA): The State law governing an employee's right to an unpaid leave of absence for a serious health condition of the employee, child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or someone else related by blood or in a family-like relationship ("designated person") ~~or immediate family member~~ of the employee, the birth of a child to an employee, the care of a newborn by the employee, or the placement of a child with an employee in connection with adoption or foster care.

Designated Person: Pursuant to CFRA, a Designated Person is defined as an individual related to the employee by blood or whose association with the employee is equivalent to a family relationship. Employees requesting sick time or CFRA leave to care for a Designated Person must identify the designated person at the time of request for leave.

Fair Labor Standards Act (FLSA): The Federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting employees.

Family Medical Leave Act (FMLA): The Federal law governing employees' right of unpaid leave of absence ~~for birth or placement of an adoptive or foster child, care for a spouse, child, or parent to bond with a new child, care for an immediate family member~~ with a serious health condition, or to obtain treatment and otherwise recover from an employee's own serious health condition, for military family leave for the care of a covered servicemember with a serious injury or illness, or due to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent has been called up to active duty. The FMLA also provides guidelines regarding continuance of health care benefits during FMLA leave, if health care coverage is a benefit granted to the employee. FMLA also provides the guidelines for return to work status to the employee to the same or similar position.

Immediate Family Members: Defined as a relative of the employee to include the spouse, registered domestic partner, children (~~including~~ adopted, step~~children, foster children, or~~ legal wards, and children of a registered domestic partner), parents (~~including~~ adopted, stepparents, foster parents, and legal guardians of employee), ~~parent-in-law, grandchildren, mother, father, grandparents, grandchild, and siblings, brother, sister, and mother and father-in-law.~~

Medical Emergency Leave: Authorized absence from duty with pay due to emergency or catastrophic health conditions funded by the donation of sick leave from other SBCTA employees.

Military Leave: Military leave is defined as the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty for training (weekend drills), and full-time National Guard duty.

Normal Workday: The normal workday for full-time, regular employees not on an Alternative Work Schedule (AWS) will be 8-hours in a workday, Monday through Friday, excluding holidays. (refer to Policy 10120 for workday requirements for 9/80 AWS).

Pregnancy Disability Leave (PDL): Leave for an employee who is disabled because of pregnancy, childbirth, or related medical condition as defined by the Fair Employment and Housing Act. PDL is a right of employees regardless of time or status of employment. PDL also provides guidelines on return to work status for the employee to the same or similar position.

Reproductive Loss Leave: Leave to which an employee is entitled following a reproductive loss event.

Rest Periods: A time when the employee is still at work but relieved of duty for a paid ten-minute break for each four-hour period worked.

Sick Leave: An authorized paid absence from work: (1) for the diagnosis, care or treatment of an existing health condition of or preventive care for an employee; (2) to provide care or assistance to an -or his or her immediate family member or Designated Person with an illness, injury, or medical condition, including assisting in obtaining professional diagnosis or treatment of a medical condition or preventative care; (3) -Also, an authorized absence- for an employee who is a victim of domestic violence, sexual assault, or stalking for the purposes set forth in per Section XVI below; or (4) for Bereavement Leave as defined in this policy. VII below.

Vacation Leave: Vacation leave is a benefit, earned as a condition of employment as a regular employee, to leave of absence with pay for the recreation and well-being of the employee. Vacation leave may be used for Bereavement Leave as defined in this policy.

Work Week: For the purpose of this policy, "week" and "workweek" mean the employee's usual or normal work schedule constituting a 40-hour time period, Monday through Friday, excluding holidays. (Refer to Policy 10120 for the definition of Workday and Work Week for 9/80 AWS.)

V. WORK STANDARDS, WORK SCHEDULES, BREAK AND LUNCH PERIODS

A. Work Standards

1. **Regular Employees.** The Executive Director is authorized to modify the established workday as deemed appropriate to accommodate special circumstances. The supervisor determines the workday for regular part-time employees.

a. Each employee is responsible for documenting actual hours worked on his/her timesheet, on a daily basis.

b. Supervisors must consider minimum staffing requirements of the agency when approving leaves or absences for any employee.

2. **Temporary Employees.** Temporary employees are assigned a schedule by their supervisor that best suits the situation for which they were hired. Temporary employee work hours may fluctuate based on workload and project schedules and will be assigned a work schedule to meet the needs of the agency. Work performed as overtime or compensatory time by temporary employees will be paid according to SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

B. Work Requirements

1. **Exempt Employees.** Exempt employees are required to account for a minimum of 80 hours per pay period (including leave hours used as sick, vacation, administrative, or holiday leave). It is expected that exempt employees will work, on the average, more than 80 hours per pay period. Exempt employees may, subject to provisions of this policy, adjust their normal workday to accommodate work requirements, external demands, and travel schedules. Exempt employees may also be asked to modify their schedule, delay their vacation, or work extra hours to ensure the office is manned when circumstances warrant the additional work time.
2. **Non-Exempt Employees.** Non-exempt employee schedules may be changed to meet agency needs.

Any work performed beyond the employee's regular work day and/or as overtime or compensatory time requires pre-approval by the supervisor. Should overtime result from such work, it will be paid according to the SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

Employees earning compensatory time must use this accrual prior to taking vacation leave.

- C. **Break and Lunch Periods.** All employees are afforded lunch and break periods. Non-exempt employees scheduled to work six or more hours in a workday will be scheduled for a one-hour lunch period, for which wages will not be paid. Supervisors may reduce the lunch period to less than one hour, but no less than 30 minutes, due to workload demands. Each non-exempt employee scheduled to work for at least four hours is entitled to a 10-minute break for every four hours worked. Overtime will be calculated to include the 10-minute break but will not be calculated to include a lunch period.

VI. VACATION LEAVE

Employees in regular full-time positions accrue vacation leave as listed in Table 1. Part-time regular employees accrue vacation leave at a pro-rated rate depending on hours worked and based upon the accrual applicable to regular full-time employees. Once a regular part-time employee reaches the pro-rated accrual cap, they stop earning vacation.

Vacation Leave, Table 1

Length of Service from Benefit Date	Full Time	
	Annual Vacation Allowance	Maximum Unused Balance Allowed
- From start of hire through year four (from 0 to 8,320 service hours)	80 hours	160 hours
- From year five through year 9 (from over 8,320 to 18,720 service hours)	120 hours	240 hours
- Greater than nine years (over 18,720 service hours)	160 hours	320 hours

- A. Vacation leave accrues from first day of hire but is not available for use by employee until three months after hire or upon completion of a probationary period (if applicable), at the discretion of the supervisor.
- B. All accrued vacation leave will be paid upon retirement, separation, or death of the employee at his or her rate of pay at the time of retirement, separation, or death.
- C. Unless approved by the Executive Director, employees who resign, separate, or retire from service, or are terminated shall not be allowed to use vacation leave to extend their employment past the last date of work.

- D. The Executive Director is authorized to credit new employees with prior public service based upon previous employment for purposes of setting the vacation accrual rate. The Executive Director is also authorized to credit new employees for contract service with SBCTA for the purpose of establishing vacation accrual rate.
- E. Excess vacation leave may be converted to cash. The minimum amount of vacation leave that can be converted to cash is 40 hours.
1. Employees wishing to convert vacation leave to cash must state in writing (using the "Leave Cash-Out Election Agreement" form for the upcoming calendar year) to Finance before December 31st of each calendar year, the total amount of vacation hours to be earned in the next calendar year that the employee wishes to convert to cash. The employee's election is irrevocable.
 2. A ten percent penalty on leave cash-outs will be imposed for any cash-out that is not irrevocably elected in the prior calendar year. This requirement is mandated by the Internal Revenue Code.
 3. An employee may convert vacation leave to cash on a quarterly basis provided that a minimum of 40 hours for regular full-time employees or half the annual accrual for part-time employees of vacation leave has been used during the previous 12 months.
 4. Only vacation leave accrued in the current calendar year is eligible to be converted to cash without penalty.

VII. SICK LEAVE

A. Eligibility. Sick leave is granted to regular and temporary employees. ~~Sick leave is paid leave from work that may be used for the following purposes:~~

~~Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling.~~

~~For an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.~~

~~Bereavement due to the death of an immediate family member.~~

Sick leave is not intended to be used for taking time off for recreation, to be an earned right to time off from work, or for the convenience of resting for the day other than as authorized by this policy. An employee is limited to one Designated Person per 12-month period for paid sick leave. It is the responsibility of supervisors to ensure employees use sick leave for its intended purpose.

B. Sick Leave Accrual

1. **Regular Full-Time:** Employees in regular full-time positions accrue 96 hours of sick leave per year. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for authorized purposes. ~~valid reasons as identified in par. VII.B.~~ Accrued sick leave carries over from year to year.
2. **Regular Part-Time:** Employees in regular part-time positions accrue sick leave in an amount prorated to the lower number of hours they work per pay period in paid status. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for valid ~~reasons as identified in par. VII.B.~~ authorized purposes. Accrued sick leave carries over from year to year.
3. **Temporary:** Temporary employees accrue sick leave at the rate of one hour per every 30 hours worked, beginning on July 1, 2015, or if hired after July 1, 2015, beginning upon commencement of employment. Accrued and unused sick leave carries over to the following year of employment, but sick leave accruals may not total more than ~~4880~~ hours or ~~610~~ work days/shifts, whichever is greater. Sick leave accrues from first day of hire but is not available for use until the 90th day of employment.

C. Protected Sick Leave. For full-time and part-time employees who are not temporary, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this policy.

For temporary employees, up to ~~24-40~~ hours, or ~~three-five~~ days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any of the purposes stated in this policy. The year is measured beginning on July 1, 2015, or the employee's anniversary of hire date, whichever is later.

D. Sick Leave Request. To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave. Failure to request sick leave as required by this policy without good reason, may result in the employee being treated as absent without leave.

E. Unused Sick Leave. Converting Unused Sick Leave to Vacation: Employees who have accrued in excess of 500 hours of sick leave may convert the unused portion of sick leave in excess of 500 hours to vacation leave, on the basis of 50 percent, that is, two hours of sick leave for one hour of vacation leave.

F. Sick Leave Upon Separation

1. Payout of Unused Sick Leave Upon Retirement, Separation, or Death: Refer to Policy 10112.
2. If the employee is rehired within one year of the date of separation, the previously accrued and unused sick leave will be reinstated and the employee will be entitled to accrue additional paid sick leave upon rehiring.
3. Unless approved by the Executive Director (or, in the case of employees under contract with the Board of Directors, and the President or Vice President), employees who resign, separate, retire from service, or are terminated, will not be allowed to use sick leave to extend their employment past the last date of work.

G. Medical Certification

1. An employee must present to his/her supervisor a "back to work" letter from the doctor when he/she has been sick and has been absent from work and on sick leave for more than five workdays (40 sick leave hours), has been exposed to a communicable disease, or has been hospitalized. In such instances and at the discretion of the Executive Director, the employee may be required to undergo an examination by a doctor designated by SBCTA prior to resuming work to determine the medical and physical fitness of the employee to perform the duties of the position. These requirements ensure that the employee is well enough to return to work and to perform his/her normally assigned duties.
2. When an employee is absent from work due to a family illness, death, or other reason not related to the employee's own health and on sick leave for more than three workdays (more than 24 sick leave hours), the employee must provide a valid form of authorization to his/her supervisor with the reason for absence and the use of sick leave. Examples of valid forms of authorization are a doctor's note explaining why the employee's presence was required for an immediate family member's illness, documentation of the illness or death of an immediate family member, etc.
3. An employee with a limited duty notice from his/her doctor must provide the doctor's notice to his/her supervisor on the first day back to work for possible reassignment from normal duties.

H. Worker's Compensation Benefits. In lieu of Worker's Compensation benefits and sick leave, employees receive full salary for the first authorized 40 hours off work following an occupational injury or illness. Thereafter, accumulated sick or other types of leave may be used to supplement temporary disability compensation amounts.

VIII. MEDICAL EMERGENCY LEAVE

- A. This policy allows employees to donate sick leave to another employee, under prescribed circumstances. Medical Emergency Leave is allowable for emergency or catastrophic health conditions associated with eligible sick leave as specified in paragraphs VII.A & B.
- B. Medical Emergency Leave provides for authorized absence with pay for emergency or catastrophic health conditions funded by donations of sick leave from employees to another employee.
 - 1. Employees may, on a strictly voluntary and confidential basis, make an irrevocable pledge of sick leave to another employee approved for Medical Emergency Leave. Sick leave pledged by a donor will remain in the donor's balance until such time as it is used by the recipient. Unused pledges will be retained by the donor.
 - 2. Donor employees may pledge up to 40 hours per fiscal year provided a minimum balance of 80 sick leave hours is maintained.
 - 3. Sick leave may be pledged and used in increments of no less than 4 hours.
- C. Medical Emergency Leave shall be approved by the Executive Director, or his designee. An employee shall meet the following conditions to be considered eligible for approval of Medical Emergency Leave. The employee shall:
 - 1. Have regular employment status for 2080 continuous service hours.
 - 2. Have exhausted all available leave balances; i.e., sick, vacation, compensatory, and administrative leave.
 - 3. Produce a valid form of authorization related to the medical condition which requires sustained or repeated absences from duty, such as a doctor's note, documentation of illness, etc.
- D. An employee receiving workers' compensation benefits is not eligible for Medical Emergency Leave. An employee eligible for disability insurance and/or short-term disability must agree to integrate these benefits with sick leave donations.
- E. The cumulative Medical Emergency Leave pledged to any one employee shall not exceed 500 hours, except as authorized by the Executive Director.
- F. Medical Emergency Leave may only be used for the medical situation for which Medical Emergency Leave was approved.
- G. Hours pledged for Medical Emergency Leave shall be contributed at the donor's hourly base salary rate and be converted to the recipient's hourly base salary rate. The employee receiving Medical Emergency Leave donations will be taxed accordingly.
- H. The recipient of Medical Emergency Leave is not eligible for receipt of any accruals such as vacation, sick, holiday, administrative leave or retirement credit related to time taken as medical emergency leave.
- I. Names of donors, recipients, and associated information will be maintained in strict confidence and privacy rights will be upheld. Procedures relative to solicitation and administration will be established by the Executive Director.
- J. Privileges granted under Medical Emergency leave will be revoked at such time as the health condition for which Medical Emergency Leave was approved ceases to exist, as determined by the Executive Director.

IX. ADMINISTRATIVE LEAVE Exempt employees shall accrue 1.53 hours of administrative leave per pay period up to a maximum of 40 hours annually to compensate for additional hours worked throughout the year. A maximum of twice the annual award of administrative leave may be accrued by exempt personnel. This leave is separate from and in addition to any vacation or holiday leave granted to exempt employees.

Cash out of administrative leave is subject to the same cash out ~~rules as restrictions as for~~ vacation leave while employed with SBCTA – see par. VI. All accrued administrative leave will be paid upon retirement.

separation, or death of the employee at his or her rate of pay at the time of retirement, separation, or death.

X. HOLIDAY LEAVE

Regular employees are eligible for holiday leave. Part-time employees will be granted a pro-rated amount for holiday leave per holiday. Holiday leave is intended to allow employees the opportunity to celebrate holidays. Authorized SBCTA holidays are expected to be taken on the day they are scheduled.

A. Holiday leave may not be cashed out while employed with SBCTA. All accrued Holiday leave will be paid upon retirement, separation, or death of the employee at this or her rate of pay at the time of retirement, separation, or death.

B. Holidays falling on Saturday or Sunday shall be observed on the respective Friday or Monday as established by SBCTA. Holidays occurring during vacation shall be charged as holiday leave. Employees in regular positions shall be entitled to the following days as holiday leave:

- New Year's Day - January 1
- Martin Luther King Day - Third Monday in January
- President's Day - Third Monday in February
- ~~Memorial Day - Last Monday in May~~
- Juneteenth – June 19
- Independence Day - July 4
- Labor Day - First Monday in September
- ~~Columbus Day – Second Monday in October~~
- Veterans Day - November 11
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve - December 24
- Christmas Day - December 25
- New Year's Eve - December 31

XI. PREGNANCY DISABILITY LEAVE

A. **Amount of Leave.** Employees who are temporarily disabled due to pregnancy, childbirth, or related medical conditions shall be eligible for unpaid Pregnancy Disability Leave (PDL) totaling up to the number of hours she would normally work within four months (one-third of a year or 17 1/3 weeks) in accordance with state law. For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on a 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro-rata or proportional amount of leave. There is no minimum time of employment to take this type of leave.

B. **Compensation and Benefits During Leave.** An employee on PDL must use any accrued sick leave for any portion of the leave for which state disability or short-term disability is not being paid. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the PDL. Otherwise, PDL is without pay. Pregnancy disability leaves are without pay. However, the employee must first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.

On an approved PDL, an employee may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. SBCTA may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act. Refer to Policy 10122-1.

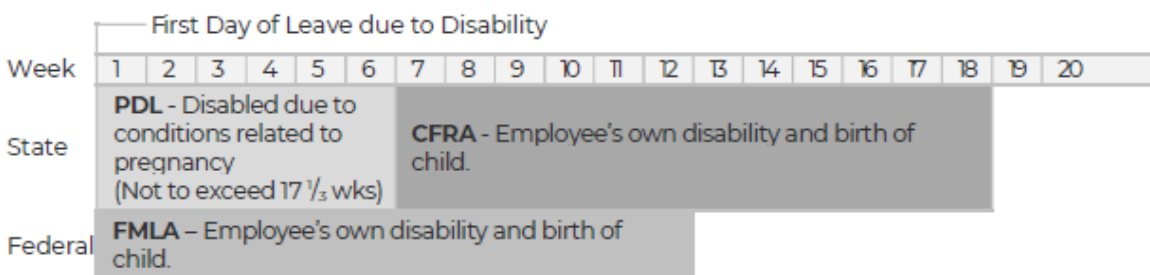
C. **Notification and Certification Requirements.** Requests for PDL must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing,

have an agreed-upon specific date of return, and be submitted to the ~~Deputy Executive~~ Director of Management Services.

The request for PDL leave must be supported by a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.

- D. Concurrent Use of Leave Entitlements.** With regard to PDL, FMLA leave will run concurrently with PDL. However, CFRA leave entitlement for baby bonding as a result of the birth of a child or to care for a newborn or the placement of a child in connection with adoption or foster care will commence once PDL has ended and will run concurrently with the remainder of any FMLA leave entitlement.

Following is an example of how PDL, FMLA, and CFRA may run concurrently:



- E. Paid Leave Accruals.** Paid leave accruals do not accrue while an employee is on unpaid pregnancy disability leave.

- EF. Employee Status During Leave.** The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

- FG. Reinstatement.** Upon the expiration of PDL pregnancy leave, the employee shall be reinstated in the same or similar job, so long as it was not eliminated for a legitimate business reason during the leave. If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, SBCTA will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

XII. REPRODUCTIVE LOSS LEAVE

- A. Employees Eligible for Leave.** Employees who have at least 30 days of service with SBCTA may take up to five (5) days of job-protected leave for a Reproductive Loss Event.

- B. Amount of Leave.** An employee may take up to five (5) days of Reproductive Loss Leave for a Reproductive Loss Event. If an employee experiences more than one Reproductive Loss Event within a 12-month period, the total amount of Reproductive Loss Leave shall not exceed 20 days within a 12-month period. Leave days do not need to be taken consecutively, but Reproductive Loss Leave must be completed within three (3) months of the Reproductive Loss Event or the end date of any other leave entitlement under CFRA or federal law which the employee is on or chooses to take prior to or immediately following the Reproductive Loss Event..

- C. Compensation During Leave.** An employee on Reproductive Loss Leave may choose to use accrued sick, vacation, or any other accrued paid time off during the leave. Otherwise, Reproductive Loss Leave is without pay.

XIII. FAMILY MEDICAL LEAVE

A. Statement of Policy. SBCTA provides family and medical care leave for eligible employees as required by state and federal law. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions. This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA").

B. Concurrent Running of FMLA and CFRA Leaves. Unless otherwise provided by law, SBCTA will run each employee's FMLA and CFRA leaves concurrently.

C. Definitions. For the purposes of Section XIII of this policy, the following definitions shall apply:

1. 12-Month Period: A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

2. Single 12-Month Period: A 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

3a. Child (FMLA): A child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or stepchild. A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.

3b. Child (CFRA): A child of any age, including biological, adopted, foster child, stepchild, a legal ward, a child of the employee's domestic partner, or a person to whom the employee stands in loco parentis.

4a. Parent (FMLA): The biological parent of an employee or an individual who stands or stood *in loco parentis* (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

4b. Parent (CFRA): A parent includes a biological, foster or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

5. Spouse (FMLA/CFRA): One of two persons to a lawfully recognized marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.

6. Domestic Partner (CFRA): Another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.

7. Designated Person (CFRA): A designated person is defined as an individual related to the employee by blood or whose association with the employee is equivalent to a family relationship. Employees requesting CFRA leave to care for a designated person must identify the designated person at the time of request for leave.

78. Serious Health Condition: An illness, injury impairment, or physical or mental condition that involves:

- a. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
- b. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- i. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and
- ii. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
- c. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave.
- d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.
- f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

89. Health Care Provider:

- a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
- b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
- c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- d. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- f. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

910. Covered Active Duty:

- a. In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
- b. In the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

101. Covered Servicemember:

- a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

142. Outpatient Status: With respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

123. Next of Kin of a Covered Servicemember: The nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

134. Serious Injury or Illness:

- a. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that a covered servicemember incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- b. In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

D. Reasons for Leave. Leave is only permitted for the reasons listed below.

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;

3a (FMLA). Leave to care for a child, parent, or spouse, ~~or domestic partner who has~~with a serious health condition;

3b (CFRA). Leave to care for a child of any age, spouse, partner, parent, grandparent, grandchild, sibling, or designated person with a serious health condition;

4. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;
5. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; or
6. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

E. Employees Eligible for Leave. Employees employed by SBCTA for at least 12 months and who have been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave are eligible for unpaid leave under the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

An employee is eligible for 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement if:

1. The employee has been employed by SBCTA for at least 12 months; and
2. The employee has been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

F. Amount of Leave. Eligible employees are entitled to a total of 12 workweeks of leave in a rolling 12-month period or 26 workweeks of leave in a rolling 12-month period in the case of leave for the care of a covered servicemember with a serious injury or illness. In calculating hours worked for the purposes of FMLA, only service hours are used (refer to Policy 10107 for definition of service hours).

G. Consecutive CFRA and PDL Leave. Family leave under the CFRA may be taken in addition to PDL, if the circumstances meet the criteria for both leaves. Refer to Section XI, Pregnancy Disability Leave, above for information on PDL. Refer to Policy 10122-1 for continuance of benefits.

H. Minimum Duration of Leave.

1. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
2. If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this policy is required.

I. Parents both Employed by SBCTA. If both parents of a child, adoptee, or foster child are employed by SBCTA and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period. If both parents of a covered servicemember are employed by SBCTA and are entitled to leave to care for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during the 12-month period. This limitation does not apply to any other type of leave under this policy.

J. Employee Benefits While on Leave.

1. **Group Health Insurance During Unpaid Leave.** Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by SBCTA's group health insurance for up to 12 weeks, or 6 pay periods, each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months, or 8 pay periods, each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, SBCTA will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).
2. **Benefit Plans Not Provided through SBCTA's Group Health Plan During Unpaid Leave Do Not Continue.** SBCTA does not pay for benefit plans that are not part of the group health plan for any employee on unpaid leave. As a result, employees will not continue to be covered under SBCTA's benefit plans that are not provided through the SBCTA's group health plans while the employee is on unpaid leave.
3. **Payment of Premiums.** Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Benefits Administrator will inform the employee whether the direct payments

for premiums should be paid to the carrier or to SBCTA via the Benefits Administrator, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while the employee is on leave.

4. **Recovery of Premium if the Employee Fails to Return from Leave.** If an employee fails to return to work after his or her leave entitlement has been exhausted or expires, SBCTA shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his or her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

5. Paid Leave Accruals. Paid leave accruals do not accrue while an employee is on unpaid family and medical care leave.

- K. **Substitution of Paid Accrued Leaves.** Although family and medical care leave is unpaid, an employee may elect and SBCTA will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.

1. **SBCTA's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave.** Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:
 - a. Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
 - b. An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.
2. **SBCTA's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves.** If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, SBCTA will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

3. **SBCTA's and Employee's Rights if an Employee Requests Accrued Leave without Mentioning FMLA or CFRA.** If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, SBCTA may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if SBCTA denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, SBCTA may require the employee to exhaust accrued leave as described above.

- L. **Employee Notice of Leave.** The employee must provide as much notification as possible when requesting FMLA/CFRA leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

- M. **Medical Certification / Recertification.** Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

1. **Employee's Own Serious Health Condition.** Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time

period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.

2. **Family Member Serious Health Condition.** Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

3. **Servicemember Serious Injury or Illness.** Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. SBCTA will verify the certification as permitted by the FMLA regulations.
4. **Qualifying Exigency.** The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the servicemember's active duty orders or other documentation issued by the military which indicates that the servicemember is on covered active duty or call to active duty status in a foreign country, and the dates of the servicemember's active duty service. A copy of the new active duty orders or similar documentation shall be provided to SBCTA if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different servicemember. SBCTA will verify the certification as permitted by the FMLA regulations.

- N. **Time to Provide a Medical Certification.** When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to SBCTA within the time frame requested by SBCTA (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

- O. **Consequences for Failure to Provide an Adequate or Timely Certification.** If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this policy, SBCTA may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

- P. **~~Deputy Executive Director's~~ Director of Management Services' Review of the Contents of Medical Certification for Employee's Own Serious Health Condition.**

1. **Complete and Sufficient.** The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the ~~Deputy Executive Director~~ Director of Management Services will give the employee written notice of the deficiencies and seven days to cure, unless a longer period

is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.

2. **Authentication and Clarification.** After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the ~~Deputy Executive Director~~ Director of Management Services may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The ~~Deputy Executive Director~~ Director of Management Services may not ask for additional information beyond that required on the certification form.

Q. Second and Third Medical Opinions for Employee's Own Serious Health Condition. If SBCTA has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, SBCTA may require a medical opinion of a second health care provider chosen and paid for by SBCTA. If the second opinion is different from the first, SBCTA may require the opinion of a third provider jointly approved by SBCTA and the employee, but paid for by SBCTA. The opinion of the third provider will be binding. SBCTA must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

R. Intermittent Leave or Leave on a Reduced Schedule. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. SBCTA may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

S. Reinstatement Upon Return From Leave.

1. **Reinstatement to Same or Equivalent Position.** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.
2. **Date of Reinstatement.** If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and SBCTA, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.
3. **Employee's Obligation to Periodically Report on His/Her Condition.** Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.
4. **Fitness for Duty Certification.** As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.
5. **Reinstatement of "Key Employees".** SBCTA may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the SBCTA within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of SBCTA, and the employee is

notified of SBCTA's intent to deny reinstatement on such basis at the time SBCTA determines that such injury would occur.

T. Required Forms. Employees must complete the applicable forms to receive family and medical care leave.

XIII. BLOOD DONOR LEAVE

With prior approval from the immediate supervisor, employees in regular positions may receive up to two hours off with pay for whole blood donations or four hours off for plasma (apheresis) donations.

XIV. JURY DUTY AND WITNESS LEAVE

A. Notice. Any employee, including a temporary employee, who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify his or her supervisor or department head as soon as possible.

B. Return to Work Requirement. Any employee who is released from jury service prior to the end of his or her scheduled work hours must report to work unless otherwise authorized by his or her supervisor.

C. Pay for Jury Duty and Witness Leave. Regular employees who are ordered to serve on jury duty receive their base pay for those hours of absence from work, provided the employee waives fees for jury duty service, other than mileage.

The time spent on jury duty is not work time for purposes of calculating overtime compensation.

D. Certification Requirement. Employees will provide Finance a "Jury Duty Certification" form at the end of the required jury duty to verify the service.

E. Regarding SBCTA Duties. Any employee, including a temporary employee, who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of his or her SBCTA job duties, must give his or her supervisor as much advance notice as is possible. SBCTA will determine whether the matter involves an event or transaction in the course of the employee's SBCTA job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time. SBCTA will offset the amount from pay the employee receives for witness fees.

F. Regarding Employee-Initiated Proceedings. Any employee, including a temporary employee, who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that he or she initiated, is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time.

G. Regarding Victim of Crime / Victim Family Member Court Attendance Leave. Any employee, including a temporary employee, who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides SBCTA a copy of the notice of the scheduled proceeding in advance. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, documentation from the district attorney, victim's rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used. An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.

H. Regarding Crime Victim/ Family Member Victims' Rights Proceedings Leave. Any employee, including a temporary employee, who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides SBCTA reasonable advance notice. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section

230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met. The leave is unpaid unless the employee elects to use accrued vacation or paid leave, or compensatory time.

XVI. LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. To Obtain Restraining Orders or Injunctive Relief.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or paid leave, or compensatory time.
- B. To Obtain Medical Attention, Counseling, or Safety Planning.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to attend to any of the following: obtaining medical attention or psychological counseling; obtaining services from a shelter, program or crisis center; or participating in safety planning or other actions to increase safety, if the employee provides advance notice of the employee's intention to take time off for these purposes. If advance notice is not feasible, the employee must provide any of the following to SBCTA within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or personal leave, or compensatory time.

XVII. MILITARY LEAVE

Military leave will be provided in accordance with state and federal law, including, but not limited to, California Military and Veterans Code Section 395 *et seq.*, and any amendment thereto, and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), codified at 38 U.S.C. Section 4301 *et seq.*

- A. Notice and Orders.** All employees shall provide advance notice of military service unless military necessity prevents the giving of notice or the giving of notice is impossible or unreasonable. Where available, a copy of military orders must accompany the request for leave.
- B. Temporary Military Leaves of Absence.** Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to a temporary military leave of absence for the purpose of active military training, encampment, naval cruises, special exercises, or like activity, provided that the period of ordered duty does not exceed one hundred eighty (180) calendar days, including time spent going to and returning from duty. While on paid status, an employee on temporary military leave shall receive the same vacation, administrative, holiday, sick leave, step advances employment, and reemployment privileges that the employee would have enjoyed had the employee not been absent, provided such employee has been employed by SBCTA for at least one (1) year immediately prior to the date such leave begins. In determining the one (1) year employment requirement, all time spent in recognized military service, active or temporary, shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one (1) year employment requirement shall be entitled to receive his/her regular salary or compensation, pursuant to par. XVI F. of this Policy.

C. Long Term Military Leaves of Absence (Active Duty). An employee who resigns or leaves his or her position to serve in the Armed Forces or is ordered to active duty in the Armed Forces shall have a right to return to his or her former classification upon serving written notice to the appointing authority, no later than ninety (90) days after completion of such service unless an exception applies pursuant to USERRA. Returning employees are subject to a physical/psychological examination.

If SBCTA has abolished the employee's former classification, then the employee shall be entitled to a classification with comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.

The right to return to a former classification shall include the right to be restored to such status as the employee would have if the employee had not been absent.

D. Inactive Duty. This Policy does not include an employee's attendance for inactive duty, commonly referred to as weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee may use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty may also use vacation leave, leave without pay, or make up the time. Employees cannot be required to use their accrued leave.

E. Uniformed Service Employment and Reemployment Rights Act of 1994. Eligible employees who are absent from their positions for service in the uniformed services are entitled to the reemployment and benefit rights as further described in USERRA. Specifically, a returning employee will receive restoration of original hire and benefit date, salary step, vacation accrual rate, administrative leave accrual rate, sick leave balance (unless the employee has received payment for unused sick leave in accordance with provisions contained herein), the retirement plan contribution rate, and retirement system contributions (provided the employee complies with any requirements established by the Retirement Board).

F. Compensation. Any employee meeting the requirements in Paragraphs XVI B and C, shall be entitled to receive his or her regular salary or compensation for the first thirty (30) calendar days of any such leave. Pay for such purposes shall not exceed thirty (30) days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays that fall within the thirty (30) calendar days.

G. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty. An employee who is a member of the Armed Services Reserve or National Guard and is called to active duty as a result of the activation of military reservists, and who are eligible to receive the thirty (30) calendar day military leave compensation shall receive the difference between his/her military pay (including wages, salary, specialty assignment, housing subsidy or any other form of compensation) and his/her base salary with SBCTA starting on the 31st calendar day of military leave. The difference in salary payments shall not continue beyond 365 calendar days. During this period, SBCTA would continue to contribute towards the medical and dental benefits of the employee, providing the employee and his/her dependents were covered under the medical and dental plans offered by SBCTA prior to being called to active duty. During the period of military service, the medical and dental plans provided by the military for the employee and dependents would be the primary payer.

H. Ten Days of Unpaid Spousal Leave. An employee whose legal spouse is a member of the Armed Services, National Guard, or Reserves, and is deployed during a period of military conflict, is entitled to ten days of unpaid leave, if the employee satisfies all the following:

1. Works 20 or more hours per week on average for SBCTA; and
2. Provides his or her department head with notice, within two business days of receiving official notice that the spouse will be deployed, of his or her intention to take the leave; and
3. Submits written documentation to the department head certifying that the spouse will be deployed during the time of the leave sought.

As used here, "period of military conflict" means a period of war declared by the U.S. Congress or a period of deployment pursuant to sections 12301 and 12302 of Title 10 of the U.S. Code or Title 32 of the U.S. Code.

XVII. SPECIAL LEAVE OF ABSENCE WITHOUT PAY

Unless authorized by law or an SBCTA policy, an employee is not entitled to a leave of absence without pay. Instead, only upon written request by the employee and at the discretion and approval of the Executive Director, may a regular employee be granted a leave of absence without pay. Special leave is subject to the needs of the agency.

A. Reasons for Special Leave of Absence:

1. Medically incapacitated to perform assigned duties.
2. Complete a relevant course of study that will enhance his or her value as an employee.
3. For any reason considered appropriate by the Executive Director.

B. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority. Employees taking a special leave of absence for reasons other than ~~a protected leave, Pregnancy Disability Leave, Family Medical Leave, or California Rights Act Leave~~ may be granted the right to return to their current position, but will be required to compensate the agency for costs related to continuance of their benefit plan during the absence. Refer to Policy 10122-1.

C. Unless required by law, vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave. During the period of authorized unpaid leave, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

XVIII. UNAUTHORIZED ABSENCE, ABUSE OF LEAVE, AND EXCESSIVE TARDINESS

A. Unauthorized Absence. Unauthorized absence from work is considered cause for dismissal.

Absence from work without permission for three consecutive days will be considered an automatic resignation.

B. Abuse of Leave. Abuse of leave is a claim of entitlement to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination. Should SBCTA suspect that there is an abuse of leave by an employee, the agency may require that the employee submit a physician's certificate to support the absence.

C. Excessive Tardiness. Excessive tardiness occurs when a non-exempt employee, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination.

XIX. PAID ADMINISTRATIVE LEAVE

SBCTA has the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Deputy Executive Director has determined that the employee's and/or SBCTA's best interests warrant the leave. The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

XXI. SCHOOL RELATED LEAVE

A. School or Licensed Day Care Activity Leave. Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands *in loco parentis* to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The leave is unpaid unless the employee uses vacation or compensatory time

off. The employee must provide documentation from the school or licensed child care facility as verification that the employee participated in school or child care facility activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for SBCTA at the same SBCTA work site, only the first parent requesting will be entitled to leave under this provision.

- B. Child Suspension Leave.** Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his or her supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

XXII. BEREAVEMENT LEAVE

A. Employees who have at least 30 days of service with SBCTA may take up to five (5) days of Bereavement Leave due to the death of an Immediate Family Member.

B. Eligible employees are entitled to a total of five (5) days off for each occurrence of loss. Leave must be completed within three months of the death of the Immediately Family Member, however the leave need not be taken on consecutive days. Employees must communicate the need to take Bereavement Leave with their immediate supervisor or with the Director of Management Services. If requested by SBCTA, the employee shall provide sufficient documentation of the death of the Immediate Family Member to their supervisor.

C. An employee on Bereavement Leave may choose to use accrued sick, vacation, or any other accrued paid time off during the leave. Otherwise, Bereavement Leave is without pay.

XXIII. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/03/91
1	<ul style="list-style-type: none"> - Added definitions to provide specific citation of State and Federal requirements, as well as to provide clarity for those interpreting SANBAG personnel policies. - Authorized the SANBAG Executive Director to interpret SANBAG policies to handle administrative interpretations. - Provided more specificity with respect to regular, part-time, and temporary employee work hours. Authorized the Executive Director to modify the established workday, as necessary. Expanded on the reporting of hours worked to reflect daily, actual hours worked and consideration of minimum agency requirements. Clarified differences between exempt and non-exempt work standards, as well as requirements related to payment of overtime and compensatory time off. Eliminated paid vacation, holiday, and sick from time worked for purposes of calculating overtime, as provided in the Fair Labor Standards Act. - Added provisions for part-time employee vacation accrual rates. Incorporated Internal Revenue Service requirements relative to declaration of cash outs and imposition of penalties. - Eliminated the ability to allocate Administrative Leave to the Cafeteria Plan. - Established holiday accrual rates for part-time employees. Eliminated the ability to cash out holiday time and established an expectation that holidays will be taken on the date specified. - Provided specific standards for use of sick leave, return to work orders, and examinations. Specified sick leave accrual rates for part-time employees. - Expanded the explanation of pregnancy disability, family medical, blood donor, jury duty, and military leaves to provide a better general description and references for those interpreting SANBAG personnel policies. - Expanded language to provide clarity for leave of absence and unauthorized absence. 	03/01/00
2	<ul style="list-style-type: none"> - Par. II. AUTHORIZATION: Moved from par. IV into its own paragraph. - Par. III. REFERENCES: Added reference to Policy 10110, Employment Status and Classification. - Par. IV. DEFINITIONS: Removed definitions for exempt, non-exempt, regular, and temporary employees since those terms are now defined in Policy 10110, where the terms properly belong. 	04/03/02

	<p>- Par. VIII. ADMINISTRATIVE LEAVE: Revised to change "A maximum of 80 hours of administrative leave may be accrued." to "A maximum of twice the annual award of administrative leave may be accrued." Also changed the cash out of administrative leave to be the same as for vacation leave.</p> <p>- Formatting changes made throughout policy to convert policy into current SANBAG policy format.</p>	
3	<p>Par. IV: Added Medical Emergency Leave definition.</p> <p>Par. VIII: Added new paragraph on Medical Emergency. Re-numbered subsequent paragraphs.</p>	09/04/02
4	<p>Par. III. REFERENCES: Added Policy 10122-1, Flexible Benefit Plan.</p> <p>Par. XI, second paragraph: Added reference to Policy 10122-1.</p> <p>Par. XII.A: Added reference to Policy 10122-1.</p> <p>Par. XVI.B: Added reference to Policy 10122-1.</p>	01/05/05
5	<p>Par. XI: Modified maximum pregnancy disability leave for eligible employees from 123 calendar days to four months in accordance with State law; corrected an error in the amount of time SANBAG will continue benefits for unpaid Pregnancy Disability Leave for up to six pay periods, rather than six weeks; requires written notice five days in advance of pregnancy disability leave, unless the commencement of leave was not foreseeable."</p> <p>Par. XVI.B: Edited to add "...for reasons other than Pregnancy Disability Leave, Family Medical Leave, or California Family Rights leave..."</p>	09/07/05
6	<p>Par. IV: Added definition for Military Leave.</p> <p>Par. XV. MILITARY LEAVE: Revised to reflect the USERRA (Uniformed Services Employment and Reemployment Rights Act) military leave benefits revised in December 2005.</p>	06/07/06
7	<p>Par. VI.A: Revised from "whichever is later" to "at the discretion of the supervisor". Note: Revised Policy 10110, Employment Status and Classification was approved by the Board on 6/4/03 to extend the probationary period from 1040 service hours to 2080 service hours. The change to this Policy 10111 enables the supervisor to allow a new employee to take vacation before the probationary period ends.</p>	09/13/06
8	<p>Par. III: Added Policy 10112, Retirement Medical Trust Fund</p> <p>Par VII.C.2: Revised to refer to Policy 0112, Retirement Medical Trust Fund – payout of unused sick leave upon retirement, separation, or death is now in Policy 10112.</p>	08/01/07
9	<p>Administrative change to correct minor error to the definition of Military Leave in par. IV.</p> <p>Is: Military leave is defined ... active duty for training, initial active duty for training (weekend drills), ... duty.</p> <p>Should be: Military leave is defined ... active duty for training, inactive duty for training (weekend drills), ... duty,</p>	08/27/08
10	<p>Policy Title: Changed from Work Hours, Leaves, and Absences to Work Requirements, Leaves, and Absences.</p> <p>Par. I: Changed purpose from "... establish standards for working hours ..." to " ... establish standards for work requirements..."</p> <p>Par. III: Added reference to Policy 10120, Employee Work Schedules.</p> <p>Par. IV: Revised Workday and Work Week definitions by referring to Policy 10120.</p> <p>Par. V.A.1: Deleted the first sentence on the normal workday.</p> <p>Par. V.A.1.a: Revised for clarity – changed from passive to active voice to emphasize employee responsibility.</p> <p>Par. V.B: Revised paragraph heading from "Work Schedule" to "Work Requirements".</p> <p>Par. V.B.1: Revised "SANBAG exempt employees will work, on the average, more than 40 hours per workweek..." to "... more than 80 hours per pay period..." due to 9/80 work schedule.</p> <p>Par. V.B.2: Revised second sentence for clarity.</p> <p>Par. VI.D: Added second paragraph for clarification of vacation accrual rates for employees credited with prior public service.</p>	11/05/08
11	<p>Par. IV. DEFINITIONS: Revised definition of FMLA to include new military family leave entitlement – see par. XII.G.</p> <p>Par. VI: Table 1, Vacation Leave – revised to replace pay periods with service hour levels, for clarification.</p> <p>Par. VI.D: Added paragraph to clarify the vacation accrual rate when credit for prior public service is authorized by the Executive Director – "credit for prior service and approval of an accrual rate which recognizes prior employment will not affect the requirement for specified years of SANBAG service prior to elevation to the next higher accrual rate."</p> <p>Par. XII. FAMILY MEDICAL LEAVE: Revised to add second sentence on "rolling 12-month period".</p> <p>Par. XII.G: Added new paragraph on Military Family Leave Entitlement. These are new military family leave entitlements enacted (effective January 16, 2009) under the National Defense Authorization Act for FY 2008.</p>	07/01/09

12	Par. XV.E. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty. Added new paragraph to Military Leave.	08/05/09
13	Par. IV: Revised Workday by removing specific 8-5pm schedule and reference 8-hour day M-F. Par. VII.C.A: Added Victim of domestic violence, sexual assault, or stalking. Par. VII.B: Separated accrual and usage by classification adding in new temporary classifications eligibility for sick leave accrual under the new Healthy Families Act of 2014. Par. VII.C.2: Revised to specify separated employee will have their sick leave accruals reinstated if the employee is rehired within a year of the date of separation as required under the Healthy Families Act of 2014.	06/03/15
14	Revised to be consistent with SB1305. Change approved by the Board on January 4, 2107, Agenda Item 6.	01/04/17
15	Par. IV: Revised; Par. V: Revised; Par. VI: Revised; Par. VII: Revised; Par. IX: Revised; Par. XI: Revised; Par. XII: Revised; Par. XIV: Revised; Par. XV: Added Leave for Victims of Domestic Violence, Sexual Assault and Stalking; Par. XVI: Revised to comply with California Military and Veterans Code Section 395 <i>et seq.</i> , and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. § 4301 <i>et seq.</i>); Par. XVII: Renumbered and Revised Special Leave of Absence Without Pay; Par. XVIII: Renumbered and revised to add Abuse of Leave and Excessive Tardiness; Par. XIX: Added Paid Administrative Leave; Par. XX: Added School Related Leave; Par. XXI: Renumbered. Change approved by the Board on April 3, 2019, Agenda Item 6.	04/03/19
<u>16</u>	<u>Revised to be consistent with AB 1041 (2022) and AB 1949 (2022).</u> <u>Par. IV. DEFINITIONS: Revised definitions to include Designated Person, Bereavement Leave and Reproductive Loss Leave to comply with passing of SB 848 (2023).</u> <u>Par. VII.A: Added Designated Person to list of approved Family Members and included limit of one designated person per 12-month period.</u> <u>Revised Par. VII to be consistent with SB 616 (2023).</u> <u>Par. VII.B.3: Revised sick leave accrual hours from 48 to 80 and accrual days from 6 to 10.</u> <u>Par. VII.C: Increased amount of paid sick leave for temporary employees from 24 to 40 hours and from 3 to 5 days.</u> <u>Par. IX: Revised; Par. XI.A: Revised: Added second sentence to clarify payout of leave upon separation.</u> <u>Par. X.B Eliminated Christopher Columbus Day and added Juneteenth holiday</u> <u>Par. XII: Added new paragraph on Reproductive Loss Leave. Re-numbered subsequent paragraphs</u> <u>Par. XXII: Added new paragraph on Bereavement Leave. Re-numbered subsequent paragraphs</u>	<u>09/04/24</u>

San Bernardino County Transportation Authority	Policy	10111
Adopted by the Board of Directors April 3, 1991	Revised	09/04/24
Work Requirements, Leaves, and Absences	Revision No.	16

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

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I. PURPOSE

The purpose of this policy is to establish standards for work requirements, leaves, and absences.

II. AUTHORIZATION

The Executive Director is authorized to implement and interpret this policy on behalf of the agency.

III. REFERENCES

Policy 10107, Compensation Administration
 Policy 10110, Employment Status and Classification
 Policy 10112, Retirement Medical Trust Fund
 Policy 10120, Employee 9/80 Alternative Work Schedule Program
 Policy 10122-1, Flexible Benefit Plan

IV. DEFINITIONS

Note: Refer to Policy 10110 for definitions of exempt, non-exempt, regular, and temporary employees.

Administrative Leave: Administrative leave is a leave of absence with pay earned as a condition of employment as a regular exempt employee and is granted to compensate for additional hours worked.

Bereavement Leave: An authorized absence from work for up to five days for eligible employees in the event of a death in their immediate family.

California Family Rights Act (CFRA): The State law governing an employee's right to an unpaid leave of absence for a serious health condition of the employee, child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or someone else related by blood or in a family-like relationship ("designated person") of the employee, the birth of a child to an employee, the care of a newborn by the employee, or the placement of a child with an employee in connection with adoption or foster care.

Designated Person: Pursuant to CFRA, a Designated Person is defined as an individual related to the employee by blood or whose association with the employee is equivalent to a family relationship. Employees requesting sick time or CFRA leave to care for a Designated Person must identify the designated person at the time of request for leave.

Fair Labor Standards Act (FLSA): The Federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting employees.

Family Medical Leave Act (FMLA): The Federal law governing employees' right of unpaid leave of absence for birth or placement of an adoptive or foster child, care for a spouse, child, or parent with a serious health condition, or to obtain treatment and otherwise recover from an employee's own serious

health condition, for military family leave for the care of a covered servicemember with a serious injury or illness, or due to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent has been called up to active duty. The FMLA also provides guidelines regarding continuance of health care benefits during FMLA leave, if health care coverage is a benefit granted to the employee. FMLA also provides the guidelines for return to work status to the employee to the same or similar position.

Immediate Family Members: Defined as a relative of the employee to include the spouse, registered domestic partner, children (including adopted, stepchildren, foster children, legal wards, and children of a registered domestic partner), parents (including adopted, stepparents, foster parents, and legal guardians of employee), parent-in-law, grandparents, grandchild, and siblings.

Medical Emergency Leave: Authorized absence from duty with pay due to emergency or catastrophic health conditions funded by the donation of sick leave from other SBCTA employees.

Military Leave: Military leave is defined as the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty for training (weekend drills), and full-time National Guard duty.

Normal Workday: The normal workday for full-time, regular employees not on an Alternative Work Schedule (AWS) will be 8-hours in a workday, Monday through Friday, excluding holidays. (refer to Policy 10120 for workday requirements for 9/80 AWS).

Pregnancy Disability Leave (PDL): Leave for an employee who is disabled because of pregnancy, childbirth, or related medical condition as defined by the Fair Employment and Housing Act. PDL is a right of employees regardless of time or status of employment. PDL also provides guidelines on return to work status for the employee to the same or similar position.

Reproductive Loss Leave: Leave to which an employee is entitled following a reproductive loss event.

Rest Periods: A time when the employee is still at work but relieved of duty for a paid ten-minute break for each four-hour period worked.

Sick Leave: An authorized paid absence from work: (1) for the diagnosis, care or treatment of an existing health condition of or preventive care for an employee; (2) to provide care or assistance to an Immediate Family Member or Designated Person with an illness, injury, or medical condition, including assisting in obtaining professional diagnosis or treatment of a medical condition or preventative care; (3) for an employee who is a victim of domestic violence, sexual assault, or stalking for the purposes set forth in Section XVI below; or (4) for Bereavement Leave as defined in this policy.

Vacation Leave: Vacation leave is a benefit, earned as a condition of employment as a regular employee, to leave of absence with pay for the recreation and well-being of the employee. Vacation leave may be used for Bereavement Leave as defined in this policy.

Work Week: For the purpose of this policy, "week" and "workweek" mean the employee's usual or normal work schedule constituting a 40-hour time period, Monday through Friday, excluding holidays. (Refer to Policy 10120 for the definition of Workday and Work Week for 9/80 AWS.)

V. WORK STANDARDS, WORK SCHEDULES, BREAK AND LUNCH PERIODS

A. Work Standards

1. **Regular Employees.** The Executive Director is authorized to modify the established workday as deemed appropriate to accommodate special circumstances. The supervisor determines the workday for regular part-time employees.
 - a. Each employee is responsible for documenting actual hours worked on his/her timesheet, on a daily basis.
 - b. Supervisors must consider minimum staffing requirements of the agency when approving leaves or absences for any employee.
2. **Temporary Employees.** Temporary employees are assigned a schedule by their supervisor that best suits the situation for which they were hired. Temporary employee work hours may fluctuate based on workload and project schedules and will be assigned a work schedule to meet the needs of the agency. Work performed as overtime or compensatory time by temporary employees will be

paid according to SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

B. Work Requirements

1. **Exempt Employees.** Exempt employees are required to account for a minimum of 80 hours per pay period (including leave hours used as sick, vacation, administrative, or holiday leave). It is expected that exempt employees will work, on the average, more than 80 hours per pay period. Exempt employees may, subject to provisions of this policy, adjust their normal workday to accommodate work requirements, external demands, and travel schedules. Exempt employees may also be asked to modify their schedule, delay their vacation, or work extra hours to ensure the office is manned when circumstances warrant the additional work time.

2. **Non-Exempt Employees.** Non-exempt employee schedules may be changed to meet agency needs.

Any work performed beyond the employee's regular work day and/or as overtime or compensatory time requires pre-approval by the supervisor. Should overtime result from such work, it will be paid according to the SBCTA policy on Compensatory Time Off/Overtime Pay. (Refer to Policy 10109 – Compensatory Time Off/Overtime Pay.)

Employees earning compensatory time must use this accrual prior to taking vacation leave.

C. **Break and Lunch Periods.** All employees are afforded lunch and break periods. Non-exempt employees scheduled to work six or more hours in a workday will be scheduled for a one-hour lunch period, for which wages will not be paid. Supervisors may reduce the lunch period to less than one hour, but no less than 30 minutes, due to workload demands. Each non-exempt employee scheduled to work for at least four hours is entitled to a 10-minute break for every four hours worked. Overtime will be calculated to include the 10-minute break but will not be calculated to include a lunch period.

VI. VACATION LEAVE

Employees in regular full-time positions accrue vacation leave as listed in Table 1. Part-time regular employees accrue vacation leave at a pro-rated rate depending on hours worked and based upon the accrual applicable to regular full-time employees. Once a regular part-time employee reaches the pro-rated accrual cap, they stop earning vacation.

Vacation Leave, Table 1

Length of Service from Benefit Date	Full Time	
	Annual Vacation Allowance	Maximum Unused Balance Allowed
- From start of hire through year four (from 0 to 8,320 service hours)	80 hours	160 hours
- From year five through year 9 (from over 8,320 to 18,720 service hours)	120 hours	240 hours
- Greater than nine years (over 18,720 service hours)	160 hours	320 hours

- Vacation leave accrues from first day of hire but is not available for use by employee until three months after hire or upon completion of a probationary period (if applicable), at the discretion of the supervisor.
- All accrued vacation leave will be paid upon retirement, separation, or death of the employee at his or her rate of pay at the time of retirement, separation, or death.
- Unless approved by the Executive Director, employees who resign, separate, or retire from service, or are terminated shall not be allowed to use vacation leave to extend their employment past the last date of work.
- The Executive Director is authorized to credit new employees with prior public service based upon previous employment for purposes of setting the vacation accrual rate. The Executive Director is also authorized to credit new employees for contract service with SBCTA for the purpose of establishing vacation accrual rate.

- E. Excess vacation leave may be converted to cash. The minimum amount of vacation leave that can be converted to cash is 40 hours.
1. Employees wishing to convert vacation leave to cash must state in writing (using the "Leave Cash-Out Election Agreement" form for the upcoming calendar year) to Finance before December 31st of each calendar year, the total amount of vacation hours to be earned in the next calendar year that the employee wishes to convert to cash. The employee's election is irrevocable.
 2. A ten percent penalty on leave cash-outs will be imposed for any cash-out that is not irrevocably elected in the prior calendar year. This requirement is mandated by the Internal Revenue Code.
 3. An employee may convert vacation leave to cash on a quarterly basis provided that a minimum of 40 hours for regular full-time employees or half the annual accrual for part-time employees of vacation leave has been used during the previous 12 months.
 4. Only vacation leave accrued in the current calendar year is eligible to be converted to cash without penalty.

VII. SICK LEAVE

A. Eligibility. Sick leave is granted to regular and temporary employees. Sick leave is not intended to be used for taking time off for recreation, to be an earned right to time off from work, or for the convenience of resting for the day other than as authorized by this policy. An employee is limited to one Designated Person per 12-month period for paid sick leave. It is the responsibility of supervisors to ensure employees use sick leave for its intended purpose.

B. Sick Leave Accrual

1. **Regular Full-Time:** Employees in regular full-time positions accrue 96 hours of sick leave per year. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for authorized purposes. Accrued sick leave carries over from year to year.
2. **Regular Part-Time:** Employees in regular part-time positions accrue sick leave in an amount prorated to the lower number of hours they work per pay period in paid status. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for valid authorized purposes. Accrued sick leave carries over from year to year.
3. **Temporary:** Temporary employees accrue sick leave at the rate of one hour per every 30 hours worked, beginning on July 1, 2015, or if hired after July 1, 2015, beginning upon commencement of employment. Accrued and unused sick leave carries over to the following year of employment, but sick leave accruals may not total more than 80 hours or 10 work days/shifts, whichever is greater. Sick leave accrues from first day of hire but is not available for use until the 90th day of employment.

C. Protected Sick Leave. For full-time and part-time employees who are not temporary, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated in this policy.

For temporary employees, up to 40 hours, or five days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any of the purposes stated in this policy. The year is measured beginning on July 1, 2015, or the employee's anniversary of hire date, whichever is later.

D. Sick Leave Request. To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave. Failure to request sick leave as required by this policy without good reason, may result in the employee being treated as absent without leave.

E. Unused Sick Leave. Converting Unused Sick Leave to Vacation: Employees who have accrued in excess of 500 hours of sick leave may convert the unused portion of sick leave in excess of 500 hours

to vacation leave, on the basis of 50 percent, that is, two hours of sick leave for one hour of vacation leave.

F. Sick Leave Upon Separation

1. Payout of Unused Sick Leave Upon Retirement, Separation, or Death: Refer to Policy 10112.
2. If the employee is rehired within one year of the date of separation, the previously accrued and unused sick leave will be reinstated and the employee will be entitled to accrue additional paid sick leave upon rehiring.
3. Unless approved by the Executive Director (or, in the case of employees under contract with the Board of Directors, the President or Vice President), employees who resign, separate, retire from service, or are terminated, will not be allowed to use sick leave to extend their employment past the last date of work.

G. Medical Certification

1. An employee must present to his/her supervisor a "back to work" letter from the doctor when he/she has been sick and has been absent from work and on sick leave for more than five workdays (40 sick leave hours), has been exposed to a communicable disease, or has been hospitalized. In such instances and at the discretion of the Executive Director, the employee may be required to undergo an examination by a doctor designated by SBCTA prior to resuming work to determine the medical and physical fitness of the employee to perform the duties of the position. These requirements ensure that the employee is well enough to return to work and to perform his/her normally assigned duties.
2. When an employee is absent from work due to a family illness, death, or other reason not related to the employee's own health and on sick leave for more than three workdays (more than 24 sick leave hours), the employee must provide a valid form of authorization to his/her supervisor with the reason for absence and the use of sick leave. Examples of valid forms of authorization are a doctor's note explaining why the employee's presence was required for an immediate family member's illness, documentation of the illness or death of an immediate family member, etc.
3. An employee with a limited duty notice from his/her doctor must provide the doctor's notice to his/her supervisor on the first day back to work for possible reassignment from normal duties.

H. Worker's Compensation Benefits. In lieu of Worker's Compensation benefits and sick leave, employees receive full salary for the first authorized 40 hours off work following an occupational injury or illness. Thereafter, accumulated sick or other types of leave may be used to supplement temporary disability compensation amounts.

VIII. MEDICAL EMERGENCY LEAVE

- A. This policy allows employees to donate sick leave to another employee, under prescribed circumstances. Medical Emergency Leave is allowable for emergency or catastrophic health conditions associated with eligible sick leave as specified in paragraphs VII.A & B.
- B. Medical Emergency Leave provides for authorized absence with pay for emergency or catastrophic health conditions funded by donations of sick leave from employees to another employee.
 1. Employees may, on a strictly voluntary and confidential basis, make an irrevocable pledge of sick leave to another employee approved for Medical Emergency Leave. Sick leave pledged by a donor will remain in the donor's balance until such time as it is used by the recipient. Unused pledges will be retained by the donor.
 2. Donor employees may pledge up to 40 hours per fiscal year provided a minimum balance of 80 sick leave hours is maintained.
 3. Sick leave may be pledged and used in increments of no less than 4 hours.

- C. Medical Emergency Leave shall be approved by the Executive Director, or his designee. An employee shall meet the following conditions to be considered eligible for approval of Medical Emergency Leave. The employee shall:
1. Have regular employment status for 2080 continuous service hours.
 2. Have exhausted all available leave balances; i.e., sick, vacation, compensatory, and administrative leave.
 3. Produce a valid form of authorization related to the medical condition which requires sustained or repeated absences from duty, such as a doctor's note, documentation of illness, etc.
- D. An employee receiving workers' compensation benefits is not eligible for Medical Emergency Leave. An employee eligible for disability insurance and/or short-term disability must agree to integrate these benefits with sick leave donations.
- E. The cumulative Medical Emergency Leave pledged to any one employee shall not exceed 500 hours, except as authorized by the Executive Director.
- F. Medical Emergency Leave may only to be used for the medical situation for which Medical Emergency Leave was approved.
- G. Hours pledged for Medical Emergency Leave shall be contributed at the donor's hourly base salary rate and be converted to the recipient's hourly base salary rate. The employee receiving Medical Emergency Leave donations will be taxed accordingly.
- H. The recipient of Medical Emergency Leave is not eligible for receipt of any accruals such as vacation, sick, holiday, administrative leave or retirement credit related to time taken as medical emergency leave.
- I. Names of donors, recipients, and associated information will be maintained in strict confidence and privacy rights will be upheld. Procedures relative to solicitation and administration will be established by the Executive Director.
- J. Privileges granted under Medical Emergency leave will be revoked at such time as the health condition for which Medical Emergency Leave was approved ceases to exist, as determined by the Executive Director.

IX. ADMINISTRATIVE LEAVE Exempt employees shall accrue 1.53 hours of administrative leave per pay period up to a maximum of 40 hours annually to compensate for additional hours worked throughout the year. A maximum of twice the annual award of administrative leave may be accrued by exempt personnel. This leave is separate from and in addition to any vacation or holiday leave granted to exempt employees.

Cash out of administrative leave is subject to the same cash out rules as vacation leave while employed with SBCTA – see par. VI. All accrued administrative leave will be paid upon retirement, separation, or death of the employee at his or her rate of pay at the time of retirement, separation, or death.

X. HOLIDAY LEAVE

Regular employees are eligible for holiday leave. Part-time employees will be granted a pro-rated amount for holiday leave per holiday. Holiday leave is intended to allow employees the opportunity to celebrate holidays. Authorized SBCTA holidays are expected to be taken on the day they are scheduled.

A. Holiday leave may not be cashed out while employed with SBCTA. All accrued Holiday leave will be paid upon retirement, separation, or death of the employee at this or her rate of pay at the time of retirement, separation, or death.

B. Holidays falling on Saturday or Sunday shall be observed on the respective Friday or Monday as established by SBCTA. Holidays occurring during vacation shall be charged as holiday leave. Employees in regular positions shall be entitled to the following days as holiday leave:

- New Year's Day - January 1
- Martin Luther King Day - Third Monday in January

- President's Day - Third Monday in February
- Memorial Day - Last Monday in May
- Juneteenth – June 19
- Independence Day - July 4
- Labor Day - First Monday in September
- Veterans Day - November 11
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve - December 24
- Christmas Day - December 25
- New Year's Eve - December 31

XI. PREGNANCY DISABILITY LEAVE

A. Amount of Leave. Employees who are temporarily disabled due to pregnancy, childbirth, or related medical conditions shall be eligible for unpaid Pregnancy Disability Leave (PDL) totaling up to the number of hours she would normally work within four months (one-third of a year or 17 1/3 weeks) in accordance with state law. For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on a 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro-rata or proportional amount of leave. There is no minimum time of employment to take this type of leave.

B. Compensation and Benefits During Leave. An employee on PDL must use any accrued sick leave for any portion of the leave for which state disability or short-term disability is not being paid. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the PDL. Otherwise, PDL is without pay.

On an approved PDL, an employee may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. SBCTA may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act. Refer to Policy 10122-1.

C. Notification and Certification Requirements. Requests for PDL must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Director of Management Services.

The request for PDL leave must be supported by a written certification from the attending physician stating that: the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.

D. Concurrent Use of Leave Entitlements. With regard to PDL, FMLA leave will run concurrently with PDL. However, CFRA leave entitlement for baby bonding as a result of the birth of a child or to care for a newborn or the placement of a child in connection with adoption or foster care will commence once PDL has ended and will run concurrently with the remainder of any FMLA leave entitlement.

Following is an example of how PDL, FMLA, and CFRA may run concurrently:

	First Day of Leave due to Disability																			
Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
State	PDL - Disabled due to conditions related to pregnancy (Not to exceed 17 1/2 wks)						CFRA - Employee's own disability and birth of child.													
Federal	FMLA - Employee's own disability and birth of child.																			

E. Paid Leave Accruals. Paid leave accruals do not accrue while an employee is on unpaid pregnancy disability leave.

F. Employee Status During Leave. The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

G. Reinstatement. Upon the expiration of PDL, the employee shall be reinstated in the same or similar job, so long as it was not eliminated for a legitimate business reason during the leave.

If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, SBCTA will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

XII. REPRODUCTIVE LOSS LEAVE

- A. Employees Eligible for Leave.** Employees who have at least 30 days of service with SBCTA may take up to five (5) days of job-protected leave for a Reproductive Loss Event,
- B. Amount of Leave.** An employee may take up to five (5) days of Reproductive Loss Leave for a Reproductive Loss Event. If an employee experiences more than one Reproductive Loss Event within a 12-month period, the total amount of Reproductive Loss Leave shall not exceed 20 days within a 12-month period. Leave days do not need to be taken consecutively, but Reproductive Loss Leave must be completed within three (3) months of the Reproductive Loss Event or the end date of any other leave entitlement under CFRA or federal law which the employee is on or chooses to take prior to or immediately following the Reproductive Loss Event..
- C. Compensation During Leave.** An employee on Reproductive Loss Leave may choose to use accrued sick, vacation, or any other accrued paid time off during the leave. Otherwise, Reproductive Loss Leave is without pay.

XIII. FAMILY MEDICAL LEAVE

- A. Statement of Policy.** SBCTA provides family and medical care leave for eligible employees as required by state and federal law. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions. This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA").
- B. Concurrent Running of FMLA and CFRA Leaves.** Unless otherwise provided by law, SBCTA will run each employee's FMLA and CFRA leaves concurrently.
- C. Definitions.** For the purposes of Section XIII of this policy, the following definitions shall apply:
 - 1. 12-Month Period:** A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
 - 2. Single 12-Month Period:** A 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

- 3a. Child (FMLA):** A child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or stepchild. A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.
- 3b. Child (CFRA):** A child of any age, including biological, adopted, foster child, stepchild, a legal ward, a child of the employee's domestic partner, or a person to whom the employee stands *in loco parentis*.
- 4a. Parent (FMLA):** The biological parent of an employee or an individual who stands or stood *in loco parentis* (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- 4b. Parent (CFRA):** A parent includes a biological, foster or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood *in loco parentis* to the employee when the employee was a child.
- 5. Spouse (FMLA/CFRA):** One of two persons to a lawfully recognized marriage.
- 6. Domestic Partner (CFRA):** Another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- 7. Designated Person (CFRA):** A designated person is defined as an individual related to the employee by blood or whose association with the employee is equivalent to a family relationship. Employees requesting CFRA leave to care for a designated person must identify the designated person at the time of request for leave.
- 8. Serious Health Condition:** An illness, injury impairment, or physical or mental condition that involves:
- a. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
 - b. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - i. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and
 - ii. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - c. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave.

- d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
 - e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.
 - f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- 9. Health Care Provider:**
- a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
 - b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
 - c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
 - d. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
 - e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
 - f. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
- 10. Covered Active Duty:**
- a. In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
 - b. In the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.
- 11. Covered Servicemember:**
- a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - b. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- 12. Outpatient Status:** With respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

13. Next of Kin of a Covered Servicemember: The nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

14. Serious Injury or Illness:

- a. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that a covered servicemember incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- b. In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

D. Reasons for Leave. Leave is only permitted for the reasons listed below.

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
- 3a (FMLA). Leave to care for a child, parent, or spouse with a serious health condition;
- 3b (CFRA). Leave to care for a child of any age, spouse, partner, parent, grandparent, grandchild, sibling, or designated person with a serious health condition;
4. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;
5. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; or
6. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

E. Employees Eligible for Leave. Employees employed by SBCTA for at least 12 months and who have been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave are eligible for unpaid leave under the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

An employee is eligible for 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement if:

1. The employee has been employed by SBCTA for at least 12 months; and
2. The employee has been employed by SBCTA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

F. Amount of Leave. Eligible employees are entitled to a total of 12 workweeks of leave in a rolling 12-month period or 26 workweeks of leave in a rolling 12-month period in the case of leave for the care of a covered servicemember with a serious injury or illness. In calculating hours worked for the purposes of FMLA, only service hours are used (refer to Policy 10107 for definition of service hours).

G. Consecutive CFRA and PDL Leave. Family leave under the CFRA may be taken in addition to PDL, if the circumstances meet the criteria for both leaves. Refer to Section XI, Pregnancy Disability Leave, above for information on PDL. Refer to Policy 10122-1 for continuance of benefits.

H. Minimum Duration of Leave.

1. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
 2. If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this policy is required.
- I. Parents both Employed by SBCTA.** If both parents of a child, adoptee, or foster child are employed by SBCTA and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period. If both parents of a covered servicemember are employed by SBCTA and are entitled to leave to care for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during the 12-month period. This limitation does not apply to any other type of leave under this policy.
- J. Employee Benefits While on Leave.**
1. **Group Health Insurance During Unpaid Leave.** Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by SBCTA's group health insurance for up to 12 weeks, or 6 pay periods, each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months, or 8 pay periods, each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, SBCTA will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).
 2. **Benefit Plans Not Provided through SBCTA's Group Health Plan During Unpaid Leave Do Not Continue.** SBCTA does not pay for benefit plans that are not part of the group health plan for any employee on unpaid leave. As a result, employees will not continue to be covered under SBCTA's benefit plans that are not provided through the SBCTA's group health plans while the employee is on unpaid leave.
 3. **Payment of Premiums.** Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Benefits Administrator will inform the employee whether the direct payments for premiums should be paid to the carrier or to SBCTA via the Benefits Administrator, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while the employee is on leave.
 4. **Recovery of Premium if the Employee Fails to Return from Leave.** If an employee fails to return to work after his or her leave entitlement has been exhausted or expires, SBCTA shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his or her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.
 5. **Paid Leave Accruals.** Paid leave accruals do not accrue while an employee is on unpaid family and medical care leave.
- K. Substitution of Paid Accrued Leaves.** Although family and medical care leave is unpaid, an employee may elect and SBCTA will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.
1. **SBCTA's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave.** Employees must use and exhaust their accrued leaves concurrently with family

and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:

- a. Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
- b. An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.

2. SBCTA's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves. If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, SBCTA will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

3. SBCTA's and Employee's Rights if an Employee Requests Accrued Leave without Mentioning FMLA or CFRA. If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, SBCTA may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if SBCTA denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, SBCTA may require the employee to exhaust accrued leave as described above.

L. Employee Notice of Leave. The employee must provide as much notification as possible when requesting FMLA/CFRA leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

M. Medical Certification / Recertification. Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

- 1. Employee's Own Serious Health Condition.** Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.
- 2. Family Member Serious Health Condition.** Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

- 3. Servicemember Serious Injury or Illness.** Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or “next of kin” of the employee, must provide written certification from a health care provider regarding the injured servicemember’s serious injury or illness. SBCTA will verify the certification as permitted by the FMLA regulations.
- 4. Qualifying Exigency.** The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the servicemember’s active duty orders or other documentation issued by the military which indicates that the servicemember is on covered active duty or call to active duty status in a foreign country, and the dates of the servicemember’s active duty service. A copy of the new active duty orders or similar documentation shall be provided to SBCTA if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different servicemember. SBCTA will verify the certification as permitted by the FMLA regulations.
- N. Time to Provide a Medical Certification.** When an employee has provided at least 30 days’ notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to SBCTA within the time frame requested by SBCTA (which must allow at least 15 calendar days after the employer’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.
- O. Consequences for Failure to Provide an Adequate or Timely Certification.** If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this policy, SBCTA may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.
- P. Director of Management Services’ Review of the Contents of Medical Certification for Employee’s Own Serious Health Condition.**
- 1. Complete and Sufficient.** The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Director of Management Services will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee’s diligent, good faith efforts to address the deficiencies.
 - 2. Authentication and Clarification.** After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee’s own serious health condition, the Director of Management Services may contact the health care provider who provided the certification to clarify and/or authenticate the certification. “Authentication” means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. “Clarification” means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The Director of Management Services may not ask for additional information beyond that required on the certification form.
- Q. Second and Third Medical Opinions for Employee’s Own Serious Health Condition.** If SBCTA has a good faith, objective reason to doubt the validity of a certification for the employee’s serious health condition, SBCTA may require a medical opinion of a second health care provider chosen and paid for by SBCTA. If the second opinion is different from the first, SBCTA may require the opinion of a third provider jointly approved by SBCTA and the employee, but paid for by SBCTA. The opinion of the third provider will be binding. SBCTA must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

R. Intermittent Leave or Leave on a Reduced Schedule. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. SBCTA may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

S. Reinstatement Upon Return From Leave.

- 1. Reinstatement to Same or Equivalent Position.** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.
- 2. Date of Reinstatement.** If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and SBCTA, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.
- 3. Employee's Obligation to Periodically Report on His/Her Condition.** Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.
- 4. Fitness for Duty Certification.** As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.
- 5. Reinstatement of "Key Employees".** SBCTA may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the SBCTA within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of SBCTA, and the employee is notified of SBCTA's intent to deny reinstatement on such basis at the time SBCTA determines that such injury would occur.

T. Required Forms. Employees must complete the applicable forms to receive family and medical care leave.

XIV. BLOOD DONOR LEAVE

With prior approval from the immediate supervisor, employees in regular positions may receive up to two hours off with pay for whole blood donations or four hours off for plasma (apheresis) donations.

XV. JURY DUTY AND WITNESS LEAVE

- A. Notice.** Any employee, including a temporary employee, who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify his or her supervisor or department head as soon as possible.
- B. Return to Work Requirement.** Any employee who is released from jury service prior to the end of his or her scheduled work hours must report to work unless otherwise authorized by his or her supervisor.
- C. Pay for Jury Duty and Witness Leave.** Regular employees who are ordered to serve on jury duty receive their base pay for those hours of absence from work, provided the employee waives fees for jury duty service, other than mileage.

The time spent on jury duty is not work time for purposes of calculating overtime compensation.

- D. Certification Requirement.** Employees will provide Finance a “Jury Duty Certification” form at the end of the required jury duty to verify the service.
- E. Regarding SBCTA Duties.** Any employee, including a temporary employee, who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of his or her SBCTA job duties, must give his or her supervisor as much advance notice as is possible. SBCTA will determine whether the matter involves an event or transaction in the course of the employee’s SBCTA job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time. SBCTA will offset the amount from pay the employee receives for witness fees.
- F. Regarding Employee-Initiated Proceedings.** Any employee, including a temporary employee, who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that he or she initiated, is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time.
- G. Regarding Victim of Crime / Victim Family Member Court Attendance Leave.** Any employee, including a temporary employee, who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides SBCTA a copy of the notice of the scheduled proceeding in advance. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, documentation from the district attorney, victim’s rights office, or court / governing agency that shows that the judicial proceeding occurred when the leave was used. An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave is unpaid unless the employee elects to use accrued vacation, sick, or other paid leave, or compensatory time off.
- H. Regarding Crime Victim/ Family Member Victims’ Rights Proceedings Leave.** Any employee, including a temporary employee, who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides SBCTA reasonable advance notice. If advance notice is not feasible, the employee must provide SBCTA, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met. The leave is unpaid unless the employee elects to use accrued vacation or paid leave, or compensatory time.

XVI. LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. To Obtain Restraining Orders or Injunctive Relief.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or paid leave, or compensatory time.
- B. To Obtain Medical Attention, Counseling, or Safety Planning.** Any employee, including a temporary employee, who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to attend to any of the following: obtaining medical attention or psychological counseling; obtaining services from a shelter, program or crisis center; or participating in safety planning or other

actions to increase safety, if the employee provides advance notice of the employee's intention to take time off for these purposes. If advance notice is not feasible, the employee must provide any of the following to SBCTA within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use sick leave, accrued vacation or personal leave, or compensatory time.

XVII. MILITARY LEAVE

Military leave will be provided in accordance with state and federal law, including, but not limited to, California Military and Veterans Code Section 395 *et seq.*, and any amendment thereto, and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), codified at 38 U.S.C. Section 4301 *et seq.*

- A. Notice and Orders.** All employees shall provide advance notice of military service unless military necessity prevents the giving of notice or the giving of notice is impossible or unreasonable. Where available, a copy of military orders must accompany the request for leave.
- B. Temporary Military Leaves of Absence.** Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to a temporary military leave of absence for the purpose of active military training, encampment, naval cruises, special exercises, or like activity, provided that the period of ordered duty does not exceed one hundred eighty (180) calendar days, including time spent going to and returning from duty. While on paid status, an employee on temporary military leave shall receive the same vacation, administrative, holiday, sick leave, step advances employment, and reemployment privileges that the employee would have enjoyed had the employee not been absent, provided such employee has been employed by SBCTA for at least one (1) year immediately prior to the date such leave begins. In determining the one (1) year employment requirement, all time spent in recognized military service, active or temporary, shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one (1) year employment requirement shall be entitled to receive his/her regular salary or compensation, pursuant to par. XVI F. of this Policy.
- C. Long Term Military Leaves of Absence (Active Duty).** An employee who resigns or leaves his or her position to serve in the Armed Forces or is ordered to active duty in the Armed Forces shall have a right to return to his or her former classification upon serving written notice to the appointing authority, no later than ninety (90) days after completion of such service unless an exception applies pursuant to USERRA. Returning employees are subject to a physical/psychological examination.
- If SBCTA has abolished the employee's former classification, then the employee shall be entitled to a classification with comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.
- The right to return to a former classification shall include the right to be restored to such status as the employee would have if the employee had not been absent.
- D. Inactive Duty.** This Policy does not include an employee's attendance for inactive duty, commonly referred to as weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee may use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty may also use vacation leave, leave without pay, or make up the time. Employees cannot be required to use their accrued leave.
- E. Uniformed Service Employment and Reemployment Rights Act of 1994.** Eligible employees who are absent from their positions for service in the uniformed services are entitled to the reemployment

and benefit rights as further described in USERRA. Specifically, a returning employee will receive restoration of original hire and benefit date, salary step, vacation accrual rate, administrative leave accrual rate, sick leave balance (unless the employee has received payment for unused sick leave in accordance with provisions contained herein), the retirement plan contribution rate, and retirement system contributions (provided the employee complies with any requirements established by the Retirement Board).

- F. Compensation.** Any employee meeting the requirements in Paragraphs XVI B and C, shall be entitled to receive his or her regular salary or compensation for the first thirty (30) calendar days of any such leave. Pay for such purposes shall not exceed thirty (30) days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays that fall within the thirty (30) calendar days.
- G. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty.** An employee who is a member of the Armed Services Reserve or National Guard and is called to active duty as a result of the activation of military reservists, and who are eligible to receive the thirty (30) calendar day military leave compensation shall receive the difference between his/her military pay (including wages, salary, specialty assignment, housing subsidy or any other form of compensation) and his/her base salary with SBCTA starting on the 31st calendar day of military leave. The difference in salary payments shall not continue beyond 365 calendar days. During this period, SBCTA would continue to contribute towards the medical and dental benefits of the employee, providing the employee and his/her dependents were covered under the medical and dental plans offered by SBCTA prior to being called to active duty. During the period of military service, the medical and dental plans provided by the military for the employee and dependents would be the primary payer.
- H. Ten Days of Unpaid Spousal Leave.** An employee whose legal spouse is a member of the Armed Services, National Guard, or Reserves, and is deployed during a period of military conflict, is entitled to ten days of unpaid leave, if the employee satisfies all the following:
1. Works 20 or more hours per week on average for SBCTA; and
 2. Provides his or her department head with notice, within two business days of receiving official notice that the spouse will be deployed, of his or her intention to take the leave; and
 3. Submits written documentation to the department head certifying that the spouse will be deployed during the time of the leave sought.

As used here, "period of military conflict" means a period of war declared by the U.S. Congress or a period of deployment pursuant to sections 12301 and 12302 of Title 10 of the U.S. Code or Title 32 of the U.S. Code.

XVIII. SPECIAL LEAVE OF ABSENCE WITHOUT PAY

Unless authorized by law or an SBCTA policy, an employee is not entitled to a leave of absence without pay. Instead, only upon written request by the employee and at the discretion and approval of the Executive Director, may a regular employee be granted a leave of absence without pay. Special leave is subject to the needs of the agency.

A. Reasons for Special Leave of Absence:

1. Medically incapacitated to perform assigned duties.
2. Complete a relevant course of study that will enhance his or her value as an employee.
3. For any reason considered appropriate by the Executive Director.

B. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority. Employees taking a special leave of absence for reasons other than a protected leave may be granted the right to return to their current position, but will be required to compensate the agency for costs related to continuance of their benefit plan during the absence. Refer to Policy 10122-1.

C. Unless required by law, vacation leave credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an

employee on unpaid leave. During the period of authorized unpaid leave, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

XIX. UNAUTHORIZED ABSENCE, ABUSE OF LEAVE, AND EXCESSIVE TARDINESS

A. Unauthorized Absence. Unauthorized absence from work is considered cause for dismissal.

Absence from work without permission for three consecutive days will be considered an automatic resignation.

B. Abuse of Leave. Abuse of leave is a claim of entitlement to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination. Should SBCTA suspect that there is an abuse of leave by an employee, the agency may require that the employee submit a physician's certificate to support the absence.

C. Excessive Tardiness. Excessive tardiness occurs when a non-exempt employee, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination.

XX. PAID ADMINISTRATIVE LEAVE

SBCTA has the right to place an employee on leave with full pay for non-disciplinary reasons at any time when the Deputy Executive Director has determined that the employee's and/or SBCTA's best interests warrant the leave. The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

XXI. SCHOOL RELATED LEAVE

A. School or Licensed Day Care Activity Leave. Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands *in loco parentis* to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The leave is unpaid unless the employee uses vacation or compensatory time off. The employee must provide documentation from the school or licensed child care facility as verification that the employee participated in school or child care facility activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for SBCTA at the same SBCTA work site, only the first parent requesting will be entitled to leave under this provision.

B. Child Suspension Leave. Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his or her supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

XXII. BEREAVEMENT LEAVE

A. Employees who have at least 30 days of service with SBCTA may take up to five (5) days of Bereavement Leave due to the death of an Immediate Family Member.

B. Eligible employees are entitled to a total of five (5) days off for each occurrence of loss. Leave must be completed within three months of the death of the Immediately Family Member, however the leave need not be taken on consecutive days. Employees must communicate the need to take Bereavement Leave with their immediate supervisor or with the Director of

Management Services. If requested by SBCTA, the employee shall provide sufficient documentation of the death of the Immediate Family Member to their supervisor.

C. An employee on Bereavement Leave may choose to use accrued sick, vacation, or any other accrued paid time off during the leave. Otherwise, Bereavement Leave is without pay.

XXIII. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/03/91
1	<ul style="list-style-type: none"> - Added definitions to provide specific citation of State and Federal requirements, as well as to provide clarity for those interpreting SANBAG personnel policies. - Authorized the SANBAG Executive Director to interpret SANBAG policies to handle administrative interpretations. - Provided more specificity with respect to regular, part-time, and temporary employee work hours. Authorized the Executive Director to modify the established workday, as necessary. Expanded on the reporting of hours worked to reflect daily, actual hours worked and consideration of minimum agency requirements. Clarified differences between exempt and non-exempt work standards, as well as requirements related to payment of overtime and compensatory time off. Eliminated paid vacation, holiday, and sick from time worked for purposes of calculating overtime, as provided in the Fair Labor Standards Act. - Added provisions for part-time employee vacation accrual rates. Incorporated Internal Revenue Service requirements relative to declaration of cash outs and imposition of penalties. - Eliminated the ability to allocate Administrative Leave to the Cafeteria Plan. - Established holiday accrual rates for part-time employees. Eliminated the ability to cash out holiday time and established an expectation that holidays will be taken on the date specified. - Provided specific standards for use of sick leave, return to work orders, and examinations. Specified sick leave accrual rates for part-time employees. - Expanded the explanation of pregnancy disability, family medical, blood donor, jury duty, and military leaves to provide a better general description and references for those interpreting SANBAG personnel policies. - Expanded language to provide clarity for leave of absence and unauthorized absence. 	03/01/00
2	<ul style="list-style-type: none"> - Par. II. AUTHORIZATION: Moved from par. IV into its own paragraph. - Par. III. REFERENCES: Added reference to Policy 10110, Employment Status and Classification. - Par. IV. DEFINITIONS: Removed definitions for exempt, non-exempt, regular, and temporary employees since those terms are now defined in Policy 10110, where the terms properly belong. - Par. VIII. ADMINISTRATIVE LEAVE: Revised to change "A maximum of 80 hours of administrative leave may be accrued." to "A maximum of twice the annual award of administrative leave may be accrued." Also changed the cash out of administrative leave to be the same as for vacation leave. - Formatting changes made throughout policy to convert policy into current SANBAG policy format. 	04/03/02
3	<p>Par. IV: Added Medical Emergency Leave definition.</p> <p>Par. VIII: Added new paragraph on Medical Emergency. Re-numbered subsequent paragraphs.</p>	09/04/02
4	<p>Par. III. REFERENCES: Added Policy 10122-1, Flexible Benefit Plan.</p> <p>Par. XI, second paragraph: Added reference to Policy 10122-1.</p> <p>Par. XII.A: Added reference to Policy 10122-1.</p> <p>Par. XVI.B: Added reference to Policy 10122-1.</p>	01/05/05
5	<p>Par. XI: Modified maximum pregnancy disability leave for eligible employees from 123 calendar days to four months in accordance with State law; corrected an error in the amount of time SANBAG will continue benefits for unpaid Pregnancy Disability Leave for up to six pay periods, rather than six weeks; requires written notice five days in advance of pregnancy disability leave, unless the commencement of leave was not foreseeable."</p> <p>Par. XVI.B: Edited to add "...for reasons other than Pregnancy Disability Leave, Family Medical Leave, or California Family Rights leave..."</p>	09/07/05
6	<p>Par. IV: Added definition for Military Leave.</p> <p>Par. XV. MILITARY LEAVE: Revised to reflect the USERRA (Uniformed Services Employment and Reemployment Rights Act) military leave benefits revised in December 2005.</p>	06/07/06
7	<p>Par. VI.A: Revised from "whichever is later" to "at the discretion of the supervisor". Note: Revised Policy 10110, Employment Status and Classification was approved by the Board on 6/4/03 to extend the probationary period from 1040 service hours to 2080 service hours. The change to this Policy 10111 enables the supervisor to allow a new employee to take vacation before the probationary period ends.</p>	09/13/06
8	Par. III: Added Policy 10112, Retirement Medical Trust Fund	08/01/07

	Par VII.C.2: Revised to refer to Policy 0112, Retirement Medical Trust Fund – payout of unused sick leave upon retirement, separation, or death is now in Policy 10112.	
9	Administrative change to correct minor error to the definition of Military Leave in par. IV. Is: Military leave is defined ... active duty for training, initial active duty for training (weekend drills), ... duty. Should be: Military leave is defined ... active duty for training, inactive duty for training (weekend drills), ... duty.	08/27/08
10	Policy Title: Changed from Work Hours, Leaves, and Absences to Work Requirements, Leaves, and Absences. Par. I: Changed purpose from "... establish standards for working hours ..." to "... establish standards for work requirements...". Par. III: Added reference to Policy 10120, Employee Work Schedules. Par. IV: Revised Workday and Work Week definitions by referring to Policy 10120. Par. V.A.1: Deleted the first sentence on the normal workday. Par. V.A.1.a: Revised for clarity – changed from passive to active voice to emphasize employee responsibility. Par. V.B: Revised paragraph heading from "Work Schedule" to "Work Requirements". Par. V.B.1: Revised "SANBAG exempt employees will work, on the average, more than 40 hours per workweek..." to "... more than 80 hours per pay period..." due to 9/80 work schedule. Par. V.B.2: Revised second sentence for clarity. Par. VI.D: Added second paragraph for clarification of vacation accrual rates for employees credited with prior public service.	11/05/08
11	Par. IV. DEFINITIONS: Revised definition of FMLA to include new military family leave entitlement – see par. XII.G. Par. VI: Table 1, Vacation Leave – revised to replace pay periods with service hour levels, for clarification. Par. VI.D: Added paragraph to clarify the vacation accrual rate when credit for prior public service is authorized by the Executive Director – "credit for prior service and approval of an accrual rate which recognizes prior employment will not affect the requirement for specified years of SANBAG service prior to elevation to the next higher accrual rate." Par. XII. FAMILY MEDICAL LEAVE: Revised to add second sentence on "rolling 12-month period". Par. XII.G: Added new paragraph on Military Family Leave Entitlement. These are new military family leave entitlements enacted (effective January 16, 2009) under the National Defense Authorization Act for FY 2008.	07/01/09
12	Par. XV.E. Continuation of Wage and Benefits for Full-Time Employee Called to Active Duty. Added new paragraph to Military Leave.	08/05/09
13	Par. IV: Revised Workday by removing specific 8-5pm schedule and reference 8-hour day M-F. Par. VII.C.A: Added Victim of domestic violence, sexual assault, or stalking. Par. VII.B: Separated accrual and usage by classification adding in new temporary classifications eligibility for sick leave accrual under the new Healthy Families Act of 2014. Par. VII.C.2: Revised to specify separated employee will have their sick leave accruals reinstated if the employee is rehired within a year of the date of separation as required under the Healthy Families Act of 2014.	06/03/15
14	Revised to be consistent with SB1305. Change approved by the Board on January 4, 2107, Agenda Item 6.	01/04/17
15	Par. IV: Revised; Par. V: Revised; Par. VI: Revised; Par. VII: Revised; Par. IX: Revised; Par. XI: Revised; Par. XII: Revised; Par. XIV: Revised; Par. XV: Added Leave for Victims of Domestic Violence, Sexual Assault and Stalking; Par. XVI: Revised to comply with California Military and Veterans Code Section 395 <i>et seq.</i> , and the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. § 4301 <i>et seq.</i>); Par. XVII: Renumbered and Revised Special Leave of Absence Without Pay; Par. XVIII: Renumbered and revised to add Abuse of Leave and Excessive Tardiness; Par. XIX: Added Paid Administrative Leave; Par. XX: Added School Related Leave; Par. XXI: Renumbered. Change approved by the Board on April 3, 2019, Agenda Item 6.	04/03/19
16	Revised to be consistent with AB 1041 (2022) and AB 1949 (2022).. Par. IV. DEFINITIONS: Revised definitions to include Designated Person, Bereavement Leave and Reproductive Loss Leave to comply with passing of SB 848 (2023).	09/04/24

	<p>Par. VII.A: Added Designated Person to list of approved Family Members and included limit of one designated person per 12-month period.</p> <p>Revised Par. VII to be consistent with SB 616 (2023).</p> <p>Par. VII.B.3: Revised sick leave accrual hours from 48 to 80 and accrual days from 6 to 10.</p> <p>Par. VII.C: Increased amount of paid sick leave for temporary employees from 24 to 40 hours and from 3 to 5 days.</p> <p>Par. IX: Revised; Par. XI.A: Revised: Added second sentence to clarify payout of leave upon separation.</p> <p>Par. X.B Eliminated Christopher Columbus Day and added Juneteenth holiday</p> <p>Par. XII: Added new paragraph on Reproductive Loss Leave. Re-numbered subsequent paragraphs</p> <p>Par. XXII: Added new paragraph on Bereavement Leave. Re-numbered subsequent paragraphs</p>	
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DRAFT

Minute Action

AGENDA ITEM: 7

Date: August 14, 2024

Subject:

Agreement No. 24-1003125 with the California Highway Patrol for Freeway Service Patrol

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

Authorize the Executive Director, or his designee, to finalize and execute Agreement No. 24-1003125 with the California Highway Patrol (CHP) for a five-year term beginning November 1, 2024 through October 31, 2029, in the amount of \$3,063,952 for daily oversight of the state and locally funded Freeway Service Patrol (FSP) Program and FSP CHP oversight for construction activity which includes the FSP Express Lanes Project areas, subject to approval as to form by SBCTA General Counsel.

Background:

The Freeway Service Patrol (FSP) Program consists of a fleet of tow trucks roaming urban freeways for the purpose of assisting motorists with their disabled vehicles during peak commute periods. The stretch of highway in which the FSP driver patrols is referred to as a “Beat”. Over the years, the FSP Program has demonstrated many benefits including reductions in traffic delays, fuel consumption, vehicular emissions, and secondary traffic incidents. The San Bernardino FSP Program was implemented in January of 2006 and services 98 centerline miles of San Bernardino County freeways.

San Bernardino County Transportation Authority’s (SBCTA) current agreement with California Highway Patrol (CHP), Contract No. 21-1002547, which expires on October 31, 2024, provides a contract for officer field oversight of the FSP Program and for FSP construction support services, when needed. This new agreement will allow the FSP CHP officers to continue their field supervision of the FSP Program at the current level during the peak commute hours, as well as during the weekend service pilot, for five years (November 1, 2024 through October 31, 2029). Staff would like to note that this agreement includes an estimated \$300,000 reduction due to one-half of an FSP CHP officer position being funded by Senate Bill (SB) 1 funds through CHP’s current budget.

In addition to all regular FSP Program activities in the current agreement, this agreement will also cover supervision of construction FSP to provide support services for Express Lanes construction activity. The anticipated traffic due to the construction activity will require FSP presence to assist with the removal of disabled vehicles from the construction zone, thus ensuring the safety of the motoring public. At the conclusion of the construction FSP phase for the Express Lanes, the FSP CHP supervision will transition into field supervision of the Express Lanes Beat (when it is open to the motoring public), which will continue throughout the remainder of the term of this agreement. Staff may return to the Board of Directors for an amendment once all the details of FSP support services in the Express Lanes are determined.

Some of the duties that the FSP CHP provides under this agreement are as follows:

Entity: San Bernardino County Transportation Authority

Oversight Duties performed during FSP hours:

These are not all-inclusive.

- Provide constant, in-field, on-scene, program oversight on all types of FSP, regular peak periods, construction, and weekend service.
- Provide “real-time” decisions to incidents occurring in the field.
- Enforce program rules and guidelines through in-field supervision.
- Conduct all investigations with regard to equipment, personnel, damage, and concerns.
- Inspect tow trucks on a spot-check basis, as needed.
- Act as an FSP liaison between other governmental agencies, such as other CHP personnel, Caltrans, cities, counties, etc.
- Be available to the public for FSP questions/comments/concerns.
- Conduct bi-monthly or as-needed two-day, 10-hour certified FSP Driver training classes for the FSP Program.

Oversight Duties performed during non-FSP hours:

- Maintain driver files, records, etc., for all drivers.
- Conduct driver training classes.
- Conduct background checks, testing, fingerprinting, and certifications for new drivers.
- Preparation of training class materials (maps, codes, etc.).
- Maintaining the Standard Operating Procedures (SOP) manual.
- Tracking of extra truck time, fines, penalties, and certificates (Compliance of California (CA) Driver License, DL64, medical cards, Motor Carrier Permits, etc.).
- Attend various FSP-related required meetings and training (Technical Advisory Committee, quarterly drivers’ meetings, etc.).
- Maintenance of drop point maps includes changing local regulations.
- Monitoring of the Automatic Vehicle Locator (AVL) system, tablets, radios, and any other computer-related FSP equipment.
- Maintenance of required “field ready” equipment, such as backup tablets, radios, safety vests, brochures, survey forms, magnetic signs, etc.
- Tracking of drivers’ tenure and performance for driver recognition and rewards.
- Participate in the RFP process for new vendors, beats, etc.

Staff coordinated with the CHP to develop an estimate for the incremental CHP Officer and CHP Dispatcher time and corresponding costs needed to support general overtime. Staff also coordinated internally with the Express Lanes project team and CHP to determine the estimated costs for CHP Officer and CHP Dispatcher hours for the construction phase.

The CHP is an integral part of SBCTA’s FSP Program and has been a key component to the program’s success. An Inland CHP Lieutenant Commander provides direct supervision of the dedicated FSP Officers, and reviews and approves their reimbursed overtime expenses. Therefore, staff is recommending the approval of Agreement No. 24-1003125 to continue the program supervision of the FSP Program by the CHP.

Financial Impact:

This item is included in the adopted Budget for Fiscal Year 2024/2025 and is funded with local DMV Safe Funds, Measure I Valley Fund - Freeway Interchange, and Advance for I-10 Contract 1 Funds. The FSP Program Services are included in Program 15, Commuter and Motorist Assistance. The Construction Freeway Service Patrol services are included in Program 40,

General Policy Committee Agenda Item

August 14, 2024

Page 3

Project Delivery. The Express Lane Services are included in Program 70, Express Lanes Operations.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

Responsible Staff:

Kelly Lynn, Chief of Air Quality & Mobility Programs

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

San Bernardino County Transportation Authority

Contract Summary Sheet

7.a

General Contract Information

Contract No: 24-1003125 Amendment No.: _____

Contract Class: Payable Department: Air Quality and Mobility

Vendor No.: 00496 Vendor Name: CALIFORNIA HIGHWAY PATROL

Description: FREEWAY SERVICE PATROL OVERTIME AGREEMENT

List Any Related Contract Nos.: _____

Dollar Amount

Original Contract	\$	3,063,952.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	3,063,952.00	Total Contingency Value	\$	-
Total Dollar Authority (Contract Value and Contingency)				\$	3,063,952.00

Contract Authorization

Board of Directors _____ Date: 9/4/2024 _____ Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? Yes _____ N/A

State/Local _____ Freeway Service Patrol _____

Accounts Payable

Estimated Start Date: 11/1/2024 Expiration Date: 10/31/2029 Revised Expiration Date: _____

NHS: N/A QMP/QAP: N/A Prevailing Wage: N/A

							Total Contract Funding:		Total Contingency:	
	Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	
GL:	2810	15	0704	0000	52001	42212001		DMV SAFE	\$	3,063,952.00
GL:	4110	40	0820	0831	52001	41100000		MSI Valley Fwy	\$	-
GL:	4110	40	0820	0821	52001	41100000		MSI Valley Fwy	\$	-
GL:	7550	70	0750	0000	62610	44001090		Toll Revenue	\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-

Kelly Lynn

Steven Smith

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS [Revision 1] (10581 : Agreement No. 24-1003125 with the California Highway Patrol for Freeway Service Patrol)

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

STANDARD AGREEMENT

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER

24R061002

PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Department of California Highway Patrol (CHP)

CONTRACTOR NAME

San Bernardino County Transportation Authority (SBCTA)

2. The term of this Agreement is:

START DATE

11/01/2024

THROUGH END DATE

10/31/2029

3. The maximum amount of this Agreement is:

\$3,063,952.00 (Three Million Sixty-Three Thousand Nine Hundred Fifty-Two Dollars and Zero Cents)

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibits	Title	Page
Exhibit A	Scope of Work	4
Exhibit B	Budget Detail and Payment Provisions	1
Exhibit C	General Terms and Conditions	4
+ - Exhibit D	Special Terms and Conditions	1

Items shown with an asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto.**These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>***IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.****CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

San Bernardino County Transportation Authority (SBCTA)

CONTRACTOR BUSINESS ADDRESS

1170 West 3rd Street, 2nd Floor

CITY

San Bernadino

STATE

CA

ZIP

9241

PRINTED NAME OF PERSON SIGNING

Raymond W. Wolfe

TITLE

Executive Director

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

Department of California Highway Patrol (CHP)

CONTRACTING AGENCY ADDRESS

601 North 7th Street

CITY

Sacramento

STATE

CA

ZIP

9581

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)

Attachment: CHP Agreement (10581 : Agreement No. 24-1003125 with the California Highway Patrol for Freeway Service Patrol)

EXHIBIT A

AGREEMENT BETWEEN

STATE OF CALIFORNIA

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

AND

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

FOR FREEWAY SERVICE PATROL

THIS AGREEMENT is between the State of California acting by and through Department of California Highway Patrol (hereinafter referred to as CHP) and San Bernardino County Transportation Authority (herein referred to as SBCTA) and shall be effective upon approval by the Department of General Services (DGS), Office of Legal Services. Collectively, CHP and SBCTA may be referred to as the "Parties."

ARTICLE 1. GENERAL INFORMATION

- A. Section 2401 of the California Vehicle Code (CVC) states that the Commissioner of the CHP shall be made adequate provisions for patrol of the highways at all times of the day and night, which is interpreted to mean that the Commissioner is given broad discretion in determining the means of providing adequate patrol, including the use of Freeway Service Patrol (FSP) vehicles; and
- B. Under Section 2557 (d) of the Streets and Highways Code (S&H), SBCTA has the ability to provide funding for FSP on freeways within the San Bernardino County Area and SBCTA intends, by this Agreement, to provide funding for specified CHP activities relating to its FSP program as follows:

ARTICLE 2. CHP RESPONSIBILITIES

- A. All personnel providing services shall be state employees under the sole discretion, supervision, and regulation of CHP. Said personnel shall work out of the appropriate CHP facilities as designated by CHP. At no time shall any state employee assigned to the FSP program be considered employees, agents, officials, or volunteers of SBCTA.
- B. CHP shall provide invoices to SBCTA documenting incurred weekend oversight and weekday enhanced oversight of the FSP program, including date, staff name, brief description of overtime performed, and number of hours worked. Invoice details shall be itemized on a monthly basis.
- C. CHP shall deliver or mail invoices to SBCTA, as follows:

SBCTA
 Attention: Kelly Lynn, Program Manager
 1170 West Third Street, Second Floor
 San Bernardino, CA 92410-1715
 klynn@gosbcta.com

ARTICLE 3. SBCTA RESPONSIBILITIES

- A. The SBCTA agrees to reimburse CHP for FSP-related activities in accordance with Exhibit B. Upon receipt and verification of all costs described in the invoice, SBCTA agrees to make payment to CHP within thirty (30) days from receipt and approval of the CHP invoice. Maximum amount payable under this Agreement is Three Million Sixty-Three Thousand Nine Hundred Fifty-Two Dollars (\$3,063,952.00) subject to SBCTA's annual budget approval process.
- B. The SBCTA agrees to provide CHP with a resolution, motion, order, or ordinance of the governing body, which authorizes execution of this Agreement.

ARTICLE 4. PERIOD OF PERFORMANCE

The period of performance of this Agreement will be from November 1, 2024, through October 31, 2029.

ARTICLE 5. APPROVAL

This Agreement is of no force or effect until signed by the Parties and approved by Department of General Services, if required. The Parties may not commence performance until such approval has been obtained.

ARTICLE 6. AGENCY COORDINATORS

The agency coordinators for the purposes of this Agreement are:

SBCTA

Kelly Lynn, Program Manager
 1170 West Third Street, 2nd Floor
 San Bernardino, CA 92410-1715
 Telephone: (909) 884-8276
 Electronic mail: klynn@gosbcta.com

CHP

Denise Tapia, FSP Manager
 CHP, Research and Planning Section
 601 North 7th Street
 Sacramento, CA 95811
 Telephone: (916) 843-3351
 Electronic mail: dtapia@chp.ca.gov

ARTICLE 7. TERMINATION FOR CAUSE

- A. The FSP program is intended to be partially funded by SBCTA. If adequate funding does not become available for this program, performance hereunder may be immediately terminated by either party by written notice, and such termination shall not be deemed a breach of this Agreement.
- B. Should this Agreement be terminated under paragraph (A) of this section, SBCTA agrees to reimburse CHP for those reasonable costs incurred and associated with implementation of this Agreement up to the point of termination.

ARTICLE 8. AMENDMENTS

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the Parties, and approved as required. No oral understanding or additional agreement not incorporated into this Agreement is binding on any party.

ARTICLE 9. DISPUTES

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement that is not disposed of by mutual agreement of the Parties may be submitted to an independent arbitrator mutually agreed upon by CHP and SBCTA. If arbitration is pursued, CHP and SBCTA shall be equally responsible for the costs of the arbitrator but shall be otherwise individually responsible for their own costs and expenses related to the arbitration process. The arbitrator's decisions shall be non-binding and advisory only, and nothing herein shall prevent either party, at any time, from pursuing any other legal available course of action, including the filing of a lawsuit. Pending a final decision of a dispute hereunder, both parties shall proceed diligently with the performance of their duties under this Agreement, and such continued performance shall not constitute a waiver of any rights, legal or equitable, of either party relating to the dispute.

The Parties shall continue with the responsibilities under this Agreement during any dispute.

ARTICLE 10. INDEMNIFICATION

- A. To the extent permitted by law, SBCTA shall defend, indemnify, and save harmless CHP and all of CHP's appointees, directors, Commissioners, officers, and employees from and against any and all claims, suits, or actions for "injury" (as defined by Government Code [GOV] Section 810.8) caused by negligent or intentional acts or omissions of SBCTA, or SBCTA's officers, directors, commissioners, and employees, arising out of the performance of this Agreement.
- B. To the extent permitted by law, CHP shall defend, indemnify, and save harmless SBCTA and all of SBCTA's officers, directors, commissioners, and employees from and against any and all claims, suites, or actions for "injury" (as defined by Section 810.8 of the GOV) caused by the negligent or intentional acts or omissions of CHP, or CHPs appointees, directors, Commissioners, officers, or employees, arising out of the performance of this Agreement.
- C. Neither termination of this Agreement, nor completion of the acts to be performed under this Agreement, shall release any party from its obligation to indemnify as to any claims or cause of action asserted so long as the event(s) upon which such claim or cause of action is predicated shall have occurred subsequent to the effective date of this Agreement and prior to the effective date of termination or completion.

ARTICLE 11: AUDITS

- A. The Parties hereto shall be subject to the examination and audit of the state for a period of three (3) years after final payment under the contract. In addition, SBCTA and CHP may be subject to the examination and audit by representatives of either party. The examination and audit shall be confined to those matters connected with the performance of the contract including, but not limited to, the costs of administering the contract. The SBCTA and CHP agree to allow the auditor(s) access to such records, except for those

records deemed confidential per law, during normal business hours and to allow interviews of any employees who might reasonably have information related to such records (Section 8546.7 of the GOV, Public Contract Code Section 10115 et seq., California Code of Regulations Title 2, Section 1896). SBCTA and CHP agree to maintain such records for possible audit for a minimum of three (3) years after final payment.

ARTICLE 12: INDEPENDENT CONTRACTOR

The Parties, and the agents and employees of Parties, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of each other. This Agreement and any attachments or documents incorporated herein by inclusion of reference constitute the complete and entire agreement between CHP and SBCTA and supersede any prior representations, understandings, communications, commitments, agreements, or proposals, oral or written, for FSP.

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Department of California Highway Patrol (CHP)
and San Bernadino County Transportation Authority (SBCTA)
CHP Agreement #24R061002
SBCTA Agreement #24-1003125
Exhibit B, Page 1 of 1

EXHIBIT B
BUDGET DETAIL AND METHOD OF PAYMENT

1. The SBCTA agrees to reimburse CHP for the overtime costs incurred by CHP FSP sergeant, officers, dispatchers, and/or analyst for the purpose of duties that include, but are not limited to, overseeing and assisting with regular FSP program oversight and operations, extended weekday services, weekend services, regular and construction express lane services, investigating complaints from the public regarding an SBCTA FSP contractor or driver, performing all necessary driver's license and background checks on all SBCTA FSP operators, inspecting all SBCTA FSP contractor tow trucks on a periodic basis, overseeing SBCTA contractors' compliance with statutory and regulatory requirements, providing training to all SBCTA FSP contractors and drivers, and providing representation for the SBCTA FSP technical committee.
2. In consideration for the services contained herein, SBCTA agrees to reimburse the CHP upon receipt of an itemized invoice. The SBCTA agrees to reimburse the CHP for the actual hours worked by CHP officers (at the overtime rate, described below) at the time services are provided. The rates indicated in this Agreement are for estimate purpose only. It is understood by both parties that rate increases in salary and benefits are governed by collective bargaining agreements and/or statute and that no advance written notification is necessary prior to implementing the increased rates. In the event CHP is granted a rate increase, SBCTA agrees to pay the increased rate. The following information is the CHP officer overtime rate effective Fiscal Year 2023/24 until superseded:

CHP Sergeant \$130.37
CHP Officer \$107.16
CHP Analyst \$60.81
CHP Dispatch Supervisor \$63.16
CHP Dispatcher \$54.29

3. The maximum amount payable under this contract shall not exceed \$3,063,952.00. Amounts payable to the CHP by SBCTA for costs incurred pursuant to this Agreement may be utilized over several fiscal years and need not be utilized in a single fiscal year by the CHP, so long as the total amount payable under this Agreement is not exceeded. The estimated breakdown for each fiscal year of this contract is as follows:

FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
\$598,099.33	\$611,754.34	\$661,316.28	\$749,272.76	\$443,509.29
Total Contract Amount \$3,063,952.00				

General Terms and Conditions (GTC 04/2017)
EXHIBIT C

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
5. **TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.
6. **INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.
7. **RECYCLING CERTIFICATION:** The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
8. **NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of

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such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

9. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.
10. TIMELINESS: Time is of the essence in this Agreement.
11. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.
12. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
13. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.
 - a. The Government Code Chapter on Antitrust claims contains the following definitions:
 - 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
 - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
 - b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title,

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and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

- c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
 - d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.
14. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:
- a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
 - b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.
15. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.
16. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

17. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

- a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
- b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

18. LOSS LEADER: If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

Department of California Highway Patrol (CHP)
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CHP Agreement #24R061002
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Exhibit D, Page 1 of 1

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

Gifts, donations, or gratuities may not be accepted by CHP employees in their own behalf or on behalf of the Department, informal squad club, or other local funds.

DRAFT

Minute Action

AGENDA ITEM: 8

Date: August 14, 2024

Subject:

Amendment No. 1 to Contract No. 23-1002947 with Royal Coaches Auto Body & Towing

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Amendment No. 1 to Contract No. 23-1002947 with Royal Coaches Auto Body & Towing to provide Construction Freeway Service Patrol (CFSP) “extra work” service on Beat No. 23, to increase the contract amount by \$541,398 for a new not-to-exceed amount of \$5,573,908, to be funded with Measure I Valley Freeway Program funds for CFSP service support in Program 40 Project Delivery.

Background:

The Freeway Service Patrol (FSP) consists of a fleet of tow trucks patrolling urban freeways for the purpose of assisting motorists with their disabled vehicles during peak periods of congestion. The stretch of highway that the fleet patrols up and down is referred to as a “Beat.” The FSP Program is extremely beneficial to the motoring public by reducing the amount of time a motorist is in an unsafe condition in traffic lanes, reducing traffic delays, as well as decreasing fuel consumption, vehicular emissions and secondary incidents. San Bernardino County Transportation Authority (SBCTA) began its program in January 2006 and has eight separate Beats in operation, assisting more than 7,100 motorists each month.

FSP Beat 23 covers the following area:

1. Interstate 15 (I-15) Jurupa Street (Riverside County line) to Sierra Avenue.

Each SBCTA tow operator agreement contains a clause regarding Construction Freeway Service Patrol (CFSP) services. The goal of CFSP is to assist in construction zones outside of regular FSP hours or locations. The work is provided as “Extra Work” due to the uncertainty of the hours or changes in construction.

The CFSP project is to provide FSP support services related to SBCTA-led construction activity for the SBCTA Express Lanes construction projects. The need for I-15 Express Lanes FSP construction tow truck support services is anticipated from approximately the Fall/Winter of 2024 to the Fall/Winter of 2027, and the cost of those services is estimated based on that duration of the project. The hours of CFSP services are estimated to be approximately 7,200 hours for one construction support tow truck Monday through Friday during this estimated period of time. The construction support work is not guaranteed to the tow operator and can be stopped or modified anytime. Please note the construction support services for the Express Lane construction activity is 100 percent funded by Measure I Freeway Funds.

SBCTA staff reached out to Royal Coaches Auto Body & Towing, the current FSP contractor for Beat 23, and inquired whether it was willing and able to provide FSP construction support services for the I-15 Express Lanes construction project (the construction activity occurs entirely within the Beat 23 parameters). Royal Coaches confirmed that it would be able to provide the construction support as requested. Therefore, it was determined that Royal Coaches Auto Body & Towing had the appropriate resources to provide the SBCTA-led CFSP Express Lanes construction project with CFSP support services.

Entity: San Bernardino County Transportation Authority

General Policy Committee Agenda Item

August 14, 2024

Page 2

The “Extra Work” provision for the contract is listed below:

- Per Article 4, section 4.9 titled “Extra Work” in Contract No. 23-1002947, for FSP Beat No. 23 with Royal Coaches Auto Body & Towing; “Authorization for ‘Extra Work’ above \$25,000 must be issued by a written contingency amendment or contract amendment as applicable. All terms and conditions of this contract shall apply to any ‘Extra Work’ performed”.

Therefore, staff recommends the approval of the following amendment to provide CFSP support for the SBCTA Express Lanes project: Amendment No. 1 to Contract No. 23-1002947 with Royal Coaches Auto Body & Towing. The contract amendment and pricing information documents are attached as Exhibit B.1.

Financial Impact:

The item is included in the adopted Budget for Fiscal Year 2024/2025 and funded with 80% State FSP Funds and 20% DMV Safe Funds for regular FSP services in Program 15, Commuter and Motorist Assistance, and Measure I Valley Freeway Program funds for CFSP service support in Program 40, Project Delivery.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

Responsible Staff:

Rana Semaan, Management Analyst II

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

General Contract Information

Contract No: 23-1002947 Amendment No.: 1

Contract Class: Payable Department: Air Quality and Mobility

Vendor No.: 03251 Vendor Name: Royal Coaches Auto Body & Towing

Description: Freeway Service Patrol Beat No. 23

List Any Related Contract Nos.:

Dollar Amount							
Original Contract		\$	5,032,510.00	Original Contingency		\$	685,430.00
Prior Amendments		\$	-	Prior Amendments		\$	-
Prior Contingency Released		\$	-	Prior Contingency Released (-)		\$	-
Current Amendment		\$	541,398.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	5,573,908.00	Total Contingency Value		\$	685,430.00
	Total Dollar Authority (Contract Value and Contingency)					\$	6,259,338.00

Contract Authorization

Board of Directors Date: 9/4/2024 Committee Item #

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? No N/A

State/Local Professional Services (Non-A&E) N/A

Accounts Payable

Estimated Start Date:				9/1/2024		Expiration Date:				7/31/2029		Revised Expiration Date:					
NHS:				N/A		QMP/QAP:				N/A		Prevailing Wage:				N/A	
												Total Contract Funding:		Total Contingency:			
		Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name		\$	5,573,908.00		\$	685,430.00		
GL:	2820	15	0704	0000	52001	42213018			SHA			517,944.00			-		
GL:	2702	15	0704	0170	52001	42217714			FSP SB1			517,944.00			-		
GL:	2702	15	0704	0171	52001	42217714			FSP SB1			517,944.00			-		
GL:	2702	15	0704	0170	52001	42217716			FSP SB1			517,944.00			-		
GL:	2702	15	0704	0171	52001	42217716			FSP SB1			517,944.00			-		
GL:	2702	15	0704	0170	52001	42217718			FSP SB1			517,944.00			-		
GL:	2702	15	0704	0171	52001	42217718			FSP SB1			517,944.00			-		
GL:	2810	15	0704	0000	52001	42212001			SAFE			906,402.00			-		
GL:	4110	40	0820	0831	52001	41100000			CFSP MSI Fwy			500,500.00			685,430.00		
GL:												-			-		
GL:	4110	40	0820	0831	52001	41100000			CFSP MSI Fwy			541,398.00					
GL:												-			-		
GL:												-			-		
GL:												-			-		

Rana Semaan

Project Manager (Print Name)

Steve Smith

Task Manager (Print Name)

Additional Notes: This is budgeted for CFSP Express Lane Services

Attachment: CSS Beat 23 [Revision 1] (10683 : Amendment No. 1 to Contract No. 23-1002947 with Royal Coaches)

AMENDMENT NO. 1 TO CONTRACT 23-1002947**FOR****FREEWAY SERVICE PATROL BEAT 23****(ROYAL COACHES AUTO BODY & TOWING)**

This Amendment No. 1 to Contract 23-1002947 is made by and between the San Bernardino County Transportation Authority ("SBCTA") and Royal Coaches Auto Body & Towing, a California corporation ("CONTRACTOR").

RECITALS

- A. On January 4, 2024, SBCTA and CONTRACTOR entered into Agreement No. 23-1002947 ("CONTRACT") for the purpose of providing FSP Services along Beat 23; and
- B. SBCTA and CONTRACTOR now desire to amend the CONTRACT to increase the CONTRACT not-to-exceed value from \$5,032,510 to \$5,573,908 to provide SBCTA-led Construction Freeway Service Patrol (CFSP) support for Express Lanes construction projects, as requested by SBCTA pursuant to Article 4, SECTION 4.11, titled "CONSTRUCTION FSP."

NOW THEREFORE, in consideration of the above recitals and the terms and conditions contained herein, SBCTA and CONTRACTOR agree as follows:

- 1. Article 3, COMPENSATION, section 3.2 shall be deleted in its entirety and replaced with:

"The total Contract Not-To-Exceed Amount is Five Million, Five Hundred Seventy-Three Thousand, Nine Hundred Eight Dollars (\$5,573,908). All Work provided under this Contract is to be performed as set forth in Exhibit A "Scope of Work". The hourly labor rates identified in Exhibit B shall remain fixed for the term of this Contract and include CONTRACTOR's direct labor costs, indirect costs, and profit. SBCTA will not compensate CONTRACTOR for any expenses not shown in Exhibit B or agreed to and approved by SBCTA as required under this Contract."

Exhibit B to the CONTRACT is revised as shown in Exhibit B.1, attached to this Amendment No. 1 and incorporated herein.

- 2. The Recitals set forth above are incorporated herein by this reference.
- 3. Except as amended by this Amendment No. 1, all other provisions of the CONTRACT shall remain in full force and effect.
- 4. This Amendment No. 1 is effective upon execution by SBCTA.

-----SIGNATURES ARE ON THE FOLLOWING PAGE-----

**ROYAL COACHES AUTO
BODY & TOWING, a California
Corporation**

By: _____
William Salazar
President

Date: _____

By: _____
William Salazar
Secretary

Date: _____

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Ray Marquez
President, Board of Directors

Date: _____

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

CONCURRENCE:

By: _____
Alicia Bullock
Procurement Manager

Date: _____

Attachment: 23-1002947 Amendment (10683 : Amendment No. 1 to Contract No. 23-1002947 with Royal Coaches)

Exhibit B.1

Contract: 23-1002947

Compensation and Payment

Overview Contract No. 23-1002947 with Royal Coaches Auto Body & Towing for Beat 23

Beat 23 Term

NTP I: December 2023-July 31, 2024

NTP II: August 1, 2024-July 31, 2029

Two Primary FSP Tow Trucks plus one certified FSP Back Up Tow Truck is required

Beat 23 Term I-15 Express Lanes Construction Support estimated August 1, 2024 - July 31, 2029

NTP I December 2023- July 31, 2024						
PERIOD OF PERFORMANCE/ NTP I DELIVERABLES FSP Tow Truck Purchase, Mobilization, AVL and Radio installation, FSP Driver Training, Project ramp-up, and Tow Vehicle inspections	ESTIMATED BASELINE HOURS	ESTIMATED WEEKEND HOURS SUBJECT TO SBTA APPROVAL	7% MORE HOURS	ESTIMATED TOTAL HOURS	HOURLY RATE	NOT-TO EXCEED AMOUNT
December 2023- July 31, 2024	N/A	N/A	N/A	N/A	\$0.00	\$0

BEAT23- FSP SUPPORT I-15 EXPRESS LANES CONSTRUCTION SUPPORT COMPENSATION AND PAYMENT PROVISIONS			
August 1, 2024 through July 31, 2027 (ESTIMATED SCHEDULE)			
ONE TRUCK FOR CFSP SUPPORT			
NOT GUARANTEED AND SUBJECT TO SBCTA APPROVAL			
PERIOD OF PERFORMANCE/ NTP II DELIVERABLES FSP SUPPORT SERVICES	ESTIMATED TOTAL HOURS	HOURLY RATE	ESTIMATED NOT TO EXCEED AMOUNT FOR CFSP SUPPORT SERVICES 1 Truck
YEAR 1 -3 : I-15 EXPRESS LANES CONSTRUCTION SUPPORT / 1 PRIMARY TRUCK (8/1/24-7/31/27) ESTIMATED SCHEDULE * EXPRESS LANES CONSTRUCTION SUPPORT HOURS ARE NOT GUARANTEED AND SUBJECT TO PROJECT AVAILABILITY AND SBCTA APPROVAL*	7,286	\$143.00	\$1,041,898
WEEKEND HOURS, EXTRA WORK HOURS, CFSP SUPPORT HOURS AND CFSP SBCTA SUPPORT HOURS ARE NOT GUARANTEED AND SUBJECT TO SBCTA APPROVAL			

BEAT 23- FSP SERVICES FSP Tow Services COMPENSATION AND PAYMENT PROVISIONS NTP II August 1, 2024-July 31, 2029 Two Primary FSP Tow Trucks plus one certified FSP Back Up Tow Truck is required						
PERIOD OF PERFORMANCE/ NTP II DELIVERABLES FSP SUPPORT SERVICES	ESTIMATED BASELINE HOURS	ESTIMATED WEEKEND HOURS *Subject to SBCTA Approval*	7% MORE HOURS	ESTIMATED TOTAL HOURS (1 Truck)	HOURLY RATE	NOT-TO-EXCEED AMOUNT (TOTAL HOURS X HOURLY RATE) X 2 TRUCKS)
YEAR 1: FY 24/25-FY 25/26 (8/1/24-7/31/25)	2,116	765	202	3,083	\$143.00	\$881,738
YEAR 2: FY 25/26-FY 26/27 (8/1/25-7/31/26)	2,116	765	202	3,083	\$143.00	\$881,738
YEAR 3: FY 26/27-FY 27/28 (8/1/26-7/31/27)	2,116	765	202	3,083	\$143.00	\$881,738
YEAR 4: FY 27/28-FY 28/29 (8/1/27-7/31/28)	2,116	765	202	3,083	\$153.00	\$943,398
YEAR 5: FY 28/29-FY 29/30 (8/1/28-7/31/29)	2,116	765	202	3,083	\$153.00	\$943,398
Regular FSP Tow Services (10,580 hours is one truck) for Beat 23. The estimated hours for two Primary trucks is 10,580 x 2 =21,160.	10,580	3,825	1008	15,413		\$4,532,010
TOTAL CONTRACT 23-1002947 BEAT 23 NTP II (August 1, 2024- July 31, 2029) (I-15 EXPRESS LANES FSP SUPPORT + REGULAR FSP SERVICES)						\$5,573,908

NTP II YEAR 1-3 EXTRA TIME, NON PENALIZED DOWN TIME AND PENALIZED DOWN TIME PER MINUTE RATES <i>Extra Time: \$(2.38) per minute</i> <i>Non-Penalized Down Time: \$(2.38) per minute</i> <i>Penalized Down Time: \$(7.14) Per Minute</i>
NTP II YEAR 4-5 EXTRA TIME, NON PENALIZED DOWN TIME AND PENALIZED DOWN TIME PER MINUTE RATES <i>Extra Time: \$(2.55) per minute</i> <i>Non-Penalized Down Time: \$(2.55) per minute</i> <i>Penalized Down Time: \$(7.65) Per Minute</i>
WEEKEND HOURS, EXTRA WORK HOURS, CFSP CALTRANS SUPPORT HOURS AND CFSP I-15 EXPRESS LANES SUPPORT HOURS ARE NOT GUARANTEED AND SUBJECT TO SBCTA APPROVAL

Minute Action

AGENDA ITEM: 9

Date: August 14, 2024

Subject:

San Bernardino County Transportation Authority Evacuation and Resilience Center Design Study

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Adopt Resolution No. 25-006, authorizing the Executive Director, or his designee, to negotiate and execute, subject to approval as to form by General Counsel, Contract No. 25-1003185, a Restricted Grant Agreement between SBCTA and the California Department of Transportation for SBCTA to receive an amount not-to-exceed \$725,000 for the development of the SBCTA Evacuation and Resilience Center Design (ERCD) Study.

B. Authorize the Executive Director, or his designee, to release Request for Proposals No. 25-1003186 for the development of the SBCTA ERCD Study.

C. Approve a budget amendment to the Fiscal Year 2024/2025 Budget, Task No. 0404, increasing the budget by \$725,000 to be funded by the Sustainable Transportation Planning Grant Program – Climate Adaptation Planning grant.

Background:

San Bernardino County Transportation Authority (SBCTA) applied for a California Department of Transportation (Caltrans) Sustainable Transportation Planning Grant in January 2024. On July 9, 2024, SBCTA was awarded \$725,000 for the SBCTA Evacuation and Resilience Center Design (ERCD) Study. SBCTA has allocated \$101,250 for the required match portion of the grant, for a total project cost of \$826,250.

Caltrans is providing \$50 million statewide for their Sustainable Transportation Planning Grant program that supports local and regional identification of transportation-related climate vulnerabilities through project-level adaptation planning to improve transportation infrastructure.

In August 2023, SBCTA in partnership with the Western Riverside Council of Governments, was awarded \$1,500,000 through the same Caltrans grant program to fund an Emergency Evacuation Network Resilience (EENR) Study. The SBCTA Board of Directors received a presentation and approved a resolution to accept award funds on January 3, 2024. The EENR will assist individual agencies in identifying areas where their transportation network requires redundancy improvements to boost resilience and recommend specific infrastructure to help areas adapt to climate change in the future while prioritizing disadvantaged communities.

Project: The ERCD Study will build upon the EENR Study and will conduct local-level evacuation compliance assessments identifying residential communities in hazardous areas that lack at least two access routes for emergency use, as required by Senate Bill (SB) 99 and Assembly Bill (AB) 747 and will include a feasibility study evaluating strategies to improve access to and from these areas during climate-related emergencies. Additionally, locations for Resilience Centers equipped with micro-grids to temporarily provide shelter during climate-

Entity: San Bernardino County Transportation Authority

related incidents will be identified in these communities. Deliverables will include recommended strategies for evacuation access, redundancy, etc., on local transportation routes within the five selected pilot communities, preliminary concept drawings for new Resiliency Centers, and funding strategies for future implementation.

SB 99 requires jurisdictions to identify existing and new residential developments that do not have at least two emergency evacuation routes. The update of safety elements is triggered when a jurisdiction has to update their housing element, which by state law, had to be completed by October 2022.

AB 747 requires jurisdictions to identify evacuation routes and their capacity, safety, and viability under various emergency scenarios in the jurisdiction's safety element. The bill states that this must occur with the next update to a jurisdiction's Local Hazard Mitigation Plan (LHMP), or safety element if the jurisdiction does not have an LHMP, beginning January 1, 2022.

The ERCD and EENR also build upon the recently-completed Resilient Inland Empire (IE) county-level vulnerability assessments and adaptation strategies, funded by the 2017 SB 1 Caltrans Climate Adaptation Planning Grant Program. Resilient IE, led by WRCOG, was developed in collaboration with SBCTA to support regional and local efforts to prepare for and mitigate risks associated with climate adaptation on the region's transportation infrastructure. Resilient IE resulted in subregional vulnerability assessments, adaptation strategies, city-level climate-related transportation hazards and evacuation maps, and a regionally-tailored climate resilient transportation infrastructure guidebook.

Implementers: Although SBCTA and WRCOG have partnered on evacuation and climate related studies prior to the award of the ERCD Study, the ERCD is only for San Bernardino County and will be implemented by SBCTA. After approval by SBCTA's Board of Directors, a grant agreement will be executed, and staff will issue a Request for Proposals to enter into a contract with a consultant to complete the project work. The consultant will ensure coordination between SBCTA, jurisdictions, and stakeholders to complete the project.

Beneficiaries and Impact: Beneficiaries of this grant will include San Bernardino County jurisdictions, the five pilot communities, and the public. Jurisdictions will be provided with assessments and analysis that will help them to comply with SB 99 and AB 747, as well as recommendations for improved evacuation access and redundancy on local transportation routes. This will allow jurisdictions to plan adequately for their residents, particularly for disadvantaged communities.

Cost and Duration: SBCTA received an award amount of \$725,000 for the duration of the grant. Project work is expected to begin early 2025 and end in May 2027. A minimum 11.47% local match is required. SBCTA will contribute its local match (\$101,250) share through in-kind contributions (staff time) and a cash contribution. As of late July 2024, staff is still working with Caltrans to determine the final contribution split between in-kind and cash. The agreement will reflect the ultimate determination.

General Policy Committee Agenda Item

August 14, 2024

Page 3

Financial Impact:

This item is not consistent with the adopted Budget for Fiscal Year 2024/2025. A budget amendment to increase Task No. 0404 by \$725,000 through the Sustainable Transportation Planning Grant Program - Climate Adaptation Planning grant is included in this item and Recommendation C.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. General Counsel has reviewed this item and the draft resolution.

Responsible Staff:

Mairany Anaya, Management Analyst II

Approved
General Policy Committee
Date: August 14, 2024

Witnessed By:

San Bernardino County Transportation Authority

RESOLUTION NO. 25-006**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE SBCTA EVACUATION AND RESILIENCE CENTER DESIGN (ERCD) STUDY.**

WHEREAS, San Bernardino County Transportation Authority (SBCTA) is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation; and

WHEREAS, SBCTA has been successful in being awarded a State transportation planning grant in the amount of \$725,000; and

WHEREAS, SBCTA needs to execute a Restricted Grant Agreement with the California Department of Transportation before such funds can be claimed through the Transportation Planning Grant Programs; and

WHEREAS, SBCTA wishes to delegate authority to the SBCTA Executive Director to execute this agreement and any amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of SBCTA:

Section 1. The Executive Director, or designee, is authorized to execute a Restricted Grant Agreement and any amendments between SBCTA and the California Department of Transportation, necessary for the award of the State transportation planning grant to SBCTA in the amount of \$725,000.

Section 2. This Resolution is effective upon the date of its adoption.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Authority held on September 4, 2024.

Ray Marquez, Board President
San Bernardino County Transportation Authority

ATTEST:

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

Application Checklist

The following documents are required and must be submitted via Smartsheet in one single PDF document, not to exceed 25 MB. The Signature Page may be submitted separately if there are issues combining with the single PDF document. Keep the file name brief, as files are corrupted when file names are too long. Refer to the Grant Application Guide for additional information and/or samples. Failure to include any of the required documents will result in a reduced application score.

PDF documents should be submitted in their fillable PDF formats. The original file formats will be required upon grant award.

Required Application Documents	
(✓)	Ensure these items are completed prior to submitting to Caltrans via Smartsheet
	Application Cover Sheet (complete in Smartsheet and submit with single PDF document)
	Signature Page (Electronic signatures accepted; may submit as a separate file if there are issues with combining with single PDF document)
	Application Narrative
	Scope of Work
	Cost and Schedule
	Third Party In-Kind Valuation Plan (if applicable, required upon award)
	Map of Project Area
Supplemental Documentation (not required)	
	Graphics of Project Area (when applicable)
	Letter(s) of support
	Data



Sustainable Transportation Planning Grant Program

GRANT APPLICATION COVER SHEET

PART A. APPLICATION INFORMATION

FY 2024-25

Grant Category (select only one)**Climate Adaptation** (MPOs, RTPAs, Transit Agencies, Cities, Counties, Tribes, other Public Transportation Planning Entities)☒ 11.47% Local Match requirement (Not Applicable to Native American Tribal Governments)**Sustainable Communities** (MPOs with sub-applicant, RTPAs, Transit Agencies, Cities, Counties, Tribes, other Public Transportation Planning Entities)**Strategic Partnerships** (MPOs and RTPAs only)Sustainable Communities Competitive
(11.47% Local Match requirement)Strategic Partnerships (FHWA SPR Part I)
(20% Local Match requirement)Sustainable Communities Competitive Technical
(11.47% Local Match requirement)Strategic Partnerships Transit (FTA 5304)
(11.47% Local Match requirement)**Application Submittal Type** (more than one may be selected)**New****Prior Phases****Re-Submittal**☒ New
ApplicationContinuation of a prior project.
If so, list the Grant FY and project
title below.

Re-submittal from a prior grant cycle.

How many times has an application been
submitted for this project, including this one?

PART B. PROJECT INFORMATION

Project Title and Location

Project Title SBCTA Evacuation and Resilience Center Design Study

Project Location
(City) Multiple CitiesProject Location
(County) San Bernardino County**Funding Information**1. Is the applicant proposing to meet the minimum local match requirement or an over-match? Use the Match Calculator to determine the appropriate match. [Match Calculator](#) (posted online)☒ Minimum Local Match ☐ Over-Match

2. What is the source of Local Match funds being used?

(MPOs – Federal Toll Credits, PL, and FTA 5303 cannot be used to match Sustainable Communities Competitive or Adaptation Planning grants)☐ Local Transportation Funds ☐ Local Sales Tax ☐ Special Bond Measures☒ Other, specify:**Grant Funds
Requested****Local Match
(Cash)****Local Match
(In-Kind)****Total
Local Match****%
Local Match****Total
Project Cost**

\$725,000

\$101,250

\$ 0

\$101,250

12.25%

\$ 826,250



Sustainable Transportation Planning Grant Program

GRANT APPLICATION COVER SHEET

Project Description (3-5 Sentences Max.)

Insert Application Narrative:

1. Project Description

The San Bernardino County Transportation Authority (SBCTA) requests \$725,000 to hire an experienced consultant to develop an Evacuation and Resilience Center Design Study (Study) building upon the recently funded Caltrans Emergency Evacuation Network Resilience (EENR) Study and as a compliment to the IE Resilience Tool Kit. The Study will conduct local-level evacuation compliance assessments identifying residential communities in hazardous areas that lack at least two access routes for emergency use, and will include a feasibility study evaluating strategies to improve access to and from these areas during climate-related emergencies. Additionally, locations for new Resilience Centers equipped with microgrids (Centers) to temporarily provide shelter during climate-related events will be identified in these communities. Planning and prioritization of transportation projects is often simply too burdensome for these local agencies, which are already stretched thin with staffing and budgets. Deliverables will include 1) Recommended strategies for evacuation access, redundancy, etc., on local transportation routes within the five (5) selected pilot communities (See Exhibits 3-6); 2) Preliminary concept drawings (30% design) for new Resilience Centers; and 4) Funding strategies for future implementation.

Project Type

Choose the Project Type that best represents the focus of the proposed project. See Grant Application Guide for examples. Two max. may be selected.

- ☐ Active Transportation (Bicycle and Pedestrian)
- ☒ Climate Change (Infrastructure Adaptation, Vulnerability and Resiliency)
- ☐ Complete Streets (Multimodal specific type)
- ☐ Corridor (Local Streets or Highways)
- ☐ Freight/Goods Movement
- ☐ General Plan-Related (Circulation Element, Land Use Element, Specific Plan)
- ☐ Multimodal (Motorized and Active Transportation)
- ☐ Safety (Vision Zero, Safe Routes to Schools)
- ☐ Technical (Modeling, VMT Mitigation, ZEV Infrastructure, ZEB Transition, etc.)
- ☐ Transit (Bus, Light Rail, and Commuter Rail Service)
- ☐ Other, specify:

Underserved Community Definitions



Sustainable Transportation Planning Grant Program GRANT APPLICATION COVER SHEET

PART B. PROJECT INFORMATION (CONTINUED)

the underserved communities in the project

- ☐ Rural Communities of 50,000 or less and outside of urbanized areas
- ☐ Native American Tribal Governments
- ☐ Regionally/Locally Defined Underserved Communities
- ☐ At/Below 80% Assembly Bill 1550 (Gomez, Statutes of 2016)
- ☐ At/Above 75% California Department of Education, Free or Reduced Priced Meals Data
- ☒ At/Above 75% CalEnviroScreen Version 4.0
- ☐ At/Below 25% California Healthy Places Index



Sustainable Transportation Planning Grant Program

GRANT APPLICATION COVER SHEET

PART C. CONTACT INFORMATION*

	Primary Applicant	Sub-Applicant	Sub-Applicant
Organization (Legal name)	San Bernardino County Transportation Authority (SBCTA)		
Dept./Division	Planning		
Street Address	1170 W. 3 rd street		
City	San Bernardino		
Zip Code	92410		
Phone Number	909-884-8276		
Executive Director Name	Raymond Wolfe		
Title	Executive Director		
Executive Director E-mail	rwolfe@gosbcta.com		
Financial Manager Name	TBD		
Title	TBD		
Financial Manager E-mail	TBD		
Contact Person Name	Mairany Anaya		
Title	Management Analyst		
Contact Phone Number	909-884-8276		
Contact E-mail	manaya@gosbcta.com		

*Use additional pages if necessary.



Sustainable Transportation Planning Grant Program

GRANT APPLICATION COVER SHEET

PART D. COMPLIANT HOUSING ELEMENT

City/County Primary/Sub-Applicants for Sustainable Communities Grants	Yes	No
Does the City/County have a compliant Housing Element? If No, explain the current status:	X	
Has the City/County submitted Annual Progress Report to the California Department of Housing and Community Development for calendar years 2021 and 2022?	X	

PART E. OTHER FUNDING PROGRAMS

Applicants may leverage other program funds for this planning grant, as long as the activities are eligible.

	Yes	No	N/A
<p>Is the applicant applying for the Governor's Office of Planning and Research (OPR) Climate Adaptation Planning Grant Program? Applicants should not submit the same project application to both funding programs. However, applicants may propose to leverage funds from one funding program to another. For instance, an applicant with a large project may propose to fund one component with Caltrans funds and another with OPR funds. Applicants may also propose two entirely different projects to each funding program.</p> <p>If yes, identify the differences between each proposal and briefly summarize the leverage opportunity if awarded both Caltrans and OPR funding:</p> <p><i>*SBCTA applied for OPR funding, requesting funds to conduct ten microgrid feasibility studies in San Bernardino County, focusing on underserved areas. The goal is to enhance adaptability and cultivate energy resilience projects that are ready for implementation. This application was denied funding. The current Caltrans Climate Adaptation project will study local-level evacuation compliance assessments to identify residential developments in hazard areas that do not have at least two access roads for emergency use, as required by SB 99. Additionally, the Study will recommend how and where best to design new resilience centers equipped with microgrids in these areas to provide respite from emergency climate activities (extreme heat, drought, fires, floods).</i></p>		X	
Is the applicant applying for any other funding programs to complete this project? If yes, list them here:		X	



Sustainable Transportation Planning Grant Program

GRANT APPLICATION COVER SHEET

PART F. LEGISLATIVE INFORMATION

Use the following link to determine the appropriate legislative members in the Project area.

Search by address: <http://findyourrep.legislature.ca.gov/>

State Senator(s)		Assembly Member(s)	
District	Name	District	Name
23	Rosilicie Ochoa Bogh	45	James C. Ramos
12	Shannon Grove	47	Greg Wallis
25	Anthony J. Portantino	41	Chris R. Holden
31	Richard D. Roth	53	Freddie Rodriguez
		50	Eloise Gomez Reyes

PART G. LETTERS OF SUPPORT

List all letters of support received for the proposed project. Letters should be addressed to the applicant.

Name/Agency	Name/Agency
Kome Ajise, Executive Director SCAG	
Shannon Dicus, Sheriff-Coroner San Bernardino Sheriff's Department	
Erin Rogers, CEO/General Manager Omnitrans	
Crystal Ruiz, I-REN Executive Committee Chair	
Josh Dugas, Director San Bernardino Department of Public Health	
Additional Letters to be added as they are signed.	



Sustainable Transportation Planning Grant Program

GRANT APPLICATION SIGNATURE PAGE

If selected for funding, the information contained in this application will become the foundation of the contract with Caltrans.

To the best of my knowledge, all information contained in this application is true and correct. If awarded a grant with Caltrans, I agree that I will adhere to the program guidelines.

Applicant			
Authorized Official (Applicant)			
Print Full Name			
Title			
Signature		Date	
Sub-Applicant(s)*			
Authorized Official (Sub-Applicant)			
Print Full Name			
Title			
Signature		Date	
Authorized Official (Sub-Applicant)			
Print Full Name			
Title			
Signature		Date	
Authorized Official (Sub-Applicant)			
Print Full Name			
Title			
Signature		Date	

*Use additional pages if necessary.



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

PART G. APPLICATION NARRATIVE

FY 2024-25

Project Information

Organization (legal name)	
Project Title	
Project Area Boundaries	
Project Timeframe (Start and End Dates):	

Application Narrative

1. Project Description (5 points)

Briefly summarize project in a clear and concise manner, including why the project is necessary, major deliverables, desired outcomes, parties involved, and alignment with relevant local, regional, and/or State planning efforts. **3-5 sentences maximum; Do not exceed the space provided.**



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

2A. Project Justification (10 points)

- Describe the problem or deficiencies the project is attempting to address, including the climate adaptation need and any other priority needs, as well as how the project will address the identified problems or deficiencies
- Describe the impact of not funding the project
- Describe the public benefits
- **Do not exceed the space provided**



Sustainable Transportation Planning Grant Program
CLIMATE ADAPTATION PLANNING - GRANT APPLICATION
NARRATIVE

2A. Project Justification (continued)



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

2B. Underserved Communities Justification (5 points)

The tools in the Grant Application Guide, Appendix A, are intended to help applicants define an underserved community.

- Explain how the project area or portions of the project area benefit underserved communities, including Tribal, local, regional, and rural communities as applicable
- Explain how the proposed project addresses the needs of the communities and how they will benefit from the proposed project, including if the communities informed the scope of the project
- Cite data sources, the tools used, and include a comparison to the statewide thresholds that are established in each tool
- **Do not exceed the space provided**



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

2C. Underserved Communities Engagement (5 points)

See Grant Application Guide, Appendix A. for best practices in community engagement

- Describe how the proposed project will engage underserved communities and how the effort was informed by engagement with underserved communities, including Tribal, local, regional, and rural communities as applicable
 - Include specific outreach methods for involving underserved communities
- Describe how underserved communities will continue to be engaged during the next phases after the proposed planning project is complete, including implementation
- **Do not exceed the space provided**

3. Grant Specific Objectives (Total 40 points)

Integrate the following Grant Program Considerations (Grant Application Guide, Chapter 1.2) in the responses for 3A-D below, as applicable:

- Caltrans Strategic Plan
- California Transportation Plan (CTP)
- Modal Plans that Support the CTP
- Title VI and Environmental Justice
- Climate Action Plan for Transportation Infrastructure
- California Adaptation Strategy
- Master Plan for Aging



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

3A. Grant Specific Objectives; climate risk and adaptation (15 points)

- Explain how the project identifies and assesses climate change impact risks to multimodal transportation infrastructure vulnerabilities to climate change impacts in the project area
- Explain how the project will identify adaptation strategies and specific actions to remedy identified climate related vulnerabilities. Projects and plans should describe short-, medium-, and long-term strategies that will address the overall risk for the entire service life of the asset or capital project using the best available science and guidance.
- Articulate how the project will advance the planning of specific climate adaptation projects, such as developing a cost estimate, pursuing a technical feasibility study for adaptation options, or developing a conceptual design (up to 30%)
- When applicable, explain how the project includes economic analysis and/or cost-benefit analysis of identified adaptation strategy or strategies
- **Do not exceed the space provided**



Sustainable Transportation Planning Grant Program
CLIMATE ADAPTATION PLANNING - GRANT APPLICATION
NARRATIVE

3A. Grant Specific Objectives; climate risk and adaptation (continued)



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

3B. Grant Specific Objectives; co-benefits (10 points)

- Identify co-benefits of the adaptation work, such as benefits to public health, natural ecosystems, air quality, social equity, the economy, or reductions in greenhouse gas (GHG) emissions.
 - If reductions in GHG emissions are identified as a co-benefit, explain how the project advances transportation related GHG emission reductions specifically through different project types/strategies (e.g., mode shift, demand management, accessibility, etc.)
- Describe if and how nature-based solutions will be integrated into the proposed project
- Describe how adaptation needs of environmental resources in proximity to the transportation system such as coastal resources like tidal marsh or beaches, wildlife connectivity, wetlands, or fish passage needs are considered in the proposed project (if applicable)
- **Do not exceed the space provided**



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

3C. Grant Specific Objectives; partnerships and stakeholder process (10 points)

- Explain how the project demonstrates on-going collaboration and partnerships between sectors and jurisdictions, and across levels of government at a regional scale
- Explain if the project also includes collaboration and partnerships with diverse external stakeholders such as businesses, non-governmental agencies, federal, state, or local agencies, community-based organizations, and community residents
- Explain how the project includes a multistakeholder process that provides an opportunity for meaningful community engagement from communities potentially impacted by any project identified or developed as part of the planning grant

Do not exceed the space provided



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

3D. Grant Specific Objectives; alignment with other plans and State Goals (10 points)

- Explain how the project is consistent with priorities, goals, and actions of the California State Adaptation Strategy, follows State guidance on adaptation planning, and is consistent with any applicable local/regional resilience planning.
- Articulate if the project will identify ways to incorporate transportation-related climate adaptation needs into existing transportation plans, specifically how the project will lead to the identification and development of capital projects that can be programmed as part of local or regional plans
- Explain how the project is in alignment with or augments existing plans, including climate action/adaptation plans, hazard mitigation plans, safety elements of general plans, resilience improvement plans, and/or Coastal Act/Certified Local Coastal Program plans
- Explain how the proposed project addresses public access and Complete Streets needs
- **Do not exceed the space provided**



Sustainable Transportation Planning Grant Program

CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

4. Project Management (Total 30 points)

See Scope of Work and Cost and Schedule samples and checklists for requirements (Grant Application Guide, Appendix B), also available on the Caltrans grants website:

<https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/regional-and-community-planning/sustainable-transportation-planning-grants>

4A. Scope of Work (15 points)

4B. Cost and Schedule (15 points)

Scope of Work Checklist

The Scope of Work (SOW) is the official description of the work that is to be completed during the contract. Tasks 1-6 outlined in the SOW are for illustrative purposes only.

Applications with missing components will be at a competitive disadvantage. Please use this checklist to make sure your Scope of Work is complete.

Scope of Work Checklist	
(✓)	Ensure these items are completed prior to submitting to Caltrans
X	Use the Fiscal Year 2024-25 template provided
X	Include the activities discussed in the grant application
X	List all tasks using the same title as stated in the Project Cost and Schedule
X	Include task numbers in accurate and proper sequencing, consistent with the Cost and Schedule
X	Exclude sub-task numbers; only include sub-headings
X	Exclude tasks for project management and/or staff/consultant coordination; these activities should be spread among relevant tasks
X	Include a thorough Introduction to describe relevant background, related planning efforts, the project and project area demographics, including a description of the underserved community involved with the project, if applicable
X	Include a thorough and accurate narrative description of each task
X	Task 01 is a required task. It must be titled "Project Administration", it cannot exceed 5% of the grant award amount, and only the grantee and sub-recipient(s) can charge against this Task. This Task must only include the following activities and deliverables: <ul style="list-style-type: none"> • Caltrans and grantee Project kick-off meeting at the start of the grant • Invoicing and quarterly reporting to Caltrans • DBE Reporting (federal grants only)
X	Include Task 02 for the procurement of a consultant (if needed). This task is for the <u>grantee and sub-recipient(s) only</u> .
X	Include detailed public participation and services to diverse communities in the Public Outreach Task (excluding technical projects)
X	Identify public outreach strategies in a manner that provides flexibility and allows for a diverse range of outreach methods (both in-person and on-line), excluding technical projects
X	Include a Task(s) for a Draft and Final product. The draft plan must include an opportunity for the public to provide feedback (excluding technical projects).
X	Include a summary of next steps your agency will take towards implementing the project in the Final Product
X	List achievable project deliverables for each Task
X	EXCLUDE environmental, complex design, engineering work, and other ineligible activities outlined in the Grant Application Guide

SCOPE OF WORK

Project Information	
Grant Category	Climate Change
Grant Fiscal Year	2024/2025
Project Title	SBCTA Evacuation and Resilience Center Design Study
Organization (Legal name)	San Bernardino County Transportation Authority

Disclaimer

Agency commits to the Scope of Work below. Any changes will need to be approved by Caltrans prior to initiating any Scope of Work change or amendment.

Introduction

The San Bernardino County Transportation Authority (SBCTA) requests \$725,000 to hire an experienced consultant to develop an Evacuation and Resilience Center Design Study (Study) building upon the recently funded Caltrans Emergency Evacuation Network Resilience (EENR) Study and as a compliment to the IE Resilient Tool Kit. The Study will conduct local-level evacuation compliance assessments identifying residential communities in hazardous areas that lack at least two access roads for emergency use, as required by Senate Bill 99 (SB 99) and Assembly Bill (AB 747), and will include a feasibility study evaluating strategies to improve access to and from these areas during climate-related emergencies. Additionally, locations for new Resilience Centers (Centers) equipped with microgrids to temporarily provide shelter during climate-related events will be identified in these communities. Conceptual drawings of the Center (30% design) will be completed.

The Study will use results of the recently completed 2020 Resilient IE Study ([Resilient IE | WRCOG, CA](#)), previously funded by the 2017 SB 1 Caltrans Climate Adaptation Planning Grant Program. The Resilient IE Study resulted in a Transportation Toolkit that provides data on the risk from climate-related hazards along with tools/resources for developing and implementing climate adaptation and resilience strategies to reduce these risks. The Toolkit specifically addresses the anticipated increasing risks and impacts of climate-related hazards on the inland areas of Southern California.

The Evacuation and Climate Resilience Center Design Study will provide additional planning resources from the IE Resilient Tool Kit and EENR Study for extreme weather events by focusing on:

- Identifying communities with inadequate evacuation ingress/egress;
- Evacuation planning and scenario analyses;
- Conducting a feasibility study of alternative evacuation strategies, including Class I bike lanes constructed with sufficient width and support to accommodate vehicles for emergency evacuations; and
- Planning and designing conceptual drawings of new resilience centers equipped with microgrids in vulnerable evacuation corridors.

Background

Current projections show that the region will most likely experience some of the most severe climate-induced effects in Southern California. A February 5, 2023, Washington Post article stated, “California’s mountain snowpack is the largest it’s been in decades, thanks to a barrage of atmospheric rivers in late December into January. The snow is a boon for the state’s water supply but could also pose a flood risk as the season progresses.” The San Bernardino County Resilience Strategy Plan highlighted strategies to protect the most vulnerable communities, including “identifying ways for individuals with restricted mobility to reach cooling centers and resilience hubs, ensure shelters are available during highly hazardous events, and integrating climate change adaptation into transportation plans.”

To address these anticipated impacts, some agencies in the region have already begun resilience planning efforts. San Bernardino County completed a regional vulnerability assessment for unincorporated areas of the County in 2018 and prepared draft adaptation and resilience strategies to address these vulnerabilities.

The recently completed Resilient IE Toolkit specifically focused on the following elements:

- **Section 1, Introduction:** Describes the project background, the preceding planning projects leading up to its inception, its funding sources, and the legal frameworks that have shaped its development.
- **Section 2, Vulnerability Assessment:** Features vulnerability assessments produced for San Bernardino County subregions, lists the major findings from the analysis for the region and explains the methodology used to prepare the vulnerability assessments.
- **Section 3, Evacuation and Transportation Route Hazard Mapping:** Discusses the purpose, approach, and data summary of the Evacuation Route Mapping tool.
- **Section 4, Adaptation Strategies:** Contains regional adaptation strategies to address the major vulnerabilities in the SBCTA subregions and help support a consistent adaptation approach across jurisdictions.
- **Section 5, Climate Resilient Transportation Infrastructure Guidebook:** Summarizes the Guidebook’s purpose and its contents and contains a link to access the document electronically.
- **Section 6, Resilience Template:** Contains the model strategies that communities can use as a foundation to build their own adaptation approach. This section also contains the Implementation Handbook, which shows jurisdictions how to incorporate model strategies into their planning documents, such as their safety, housing, and environmental justice elements; capital improvement plans; and other relevant local government planning documents that pertain to adaptation and resilience.

As noted earlier, this Study (the subject of this application) will build upon the Resilient IE *Section 3, Evacuation and Transportation Route Hazard Mapping*, by conducting local-level evacuation compliance assessments (SB 99) and a high-level evacuation route capacity, safety, and viability analysis (AB 747) for up to 25 member agencies within SBCTA’s jurisdictions. **This Study will help vulnerable communities identify routes that can be modified to include buffered bike lanes able to accommodate extra egress lanes or other methods of expanding capacity during evacuation scenarios. It will also help agencies determine how to improve the evacuation network during those events. The Study will also identify locations for new Resilience Centers.**

Disadvantaged Communities

San Bernardino County has a significant number of Disadvantaged Communities (DACs) within their jurisdictions. San Bernardino County is the largest county in the United States by area (20,105 square miles) and the 12th most populous. It contains roughly 2.1 million residents and 630,000

enrolled students across 24 cities/towns and 33 school districts of highly diverse character. A significant proportion of San Bernardino County residents live in community areas considered disadvantaged. Approximately 650,000 county residents and 170,000 students live in locales ranked by the CalEnviroScreen 4.0 as among the top 10% most disadvantaged communities statewide. The County's Community Vital Signs (CVS) initiative measured the proportion of county residents less than 18 years of age living in poverty as 26.1%, slightly higher than the California statewide average of 22.8%.

Please see Exhibit 2 - CalEnviroScreen 4.0 map.

San Bernardino County remains one of the fastest-growing areas in California and the United States. As fires rage and floods inundate areas of California, causing fatality numbers to rise, it is a reminder of the extreme impact climate change can have on SBCTA's residents. Low-income and vulnerable populations can suffer the worst in these disasters, experiencing the longest paths to recovery. The proposed project aims to level the playing field among SBCTA's jurisdictions and provide the best, easy-to-use, quality information to help achieve resilience in our member agencies.

Project Stakeholders

As with the Resilient IE project, SBCTA will continue SBCTA's collaboration and partnerships between sectors and jurisdictions across levels of government at a regional scale as well as tribal communities within San Bernardino and West Riverside Counties. SBCTA will leverage existing contacts with tribal communities to solicit input on the project and obtain feedback. Multiple stakeholders will be involved in the planning effort, providing input through quarterly Technical Advisory Committee (TAC) meetings during the 30-month planning process. In addition to Caltrans and the SBCTA local member cities, project stakeholders will include the following:

- **Southern California Association of Governments (SCAG).** An association of local governments that convene as a forum to address regional issues encompasses six counties and 191 cities;
- **Omnitrans.** The public transit agency serving the San Bernardino Valley;
- **San Bernardino County Department of Public Health (DPH).** Providing relevant data and collaboration with the County;
- **San Bernardino Sheriff's Department (SBSD).** SBSB serves over 2.1 million residents, with eight county and 14 contract patrol stations; and
- **I-REN.** A coalition of SBCOG, CVAG, and WRCOG, representing 52 cities, 78 unincorporated county areas and 17 tribes.

AWAITING SUPPORT LETTERS:

- **San Bernardino County Fire Chiefs' Association (SBCFCA).** A consortium of fire departments that collaborate together regularly to discuss local issues and strategies;
- **Inland Southern California Climate Collaborative (ISC3).** A diverse, cross-sectoral network of agencies, organizations, companies, and institutions working together to advance equitable solutions to create a resilient and thriving Inland Southern California in the face of climate change;

Please see the attached Support Letters.

Quarterly meetings will be held for the member cities and tribal communities within San Bernardino County as well as the TAC and other interested stakeholders. Virtual breakout rooms will be used to engage stakeholders at a more personal level. Project updates will also be posted on the SBCTA website and social media to encourage additional input. Community engagement advertising materials will be bilingual in English and Spanish, which will help engage hard-to-reach populations. However, not everyone has access to these platforms, so

SBCTA will also consider in-person meetings at selected jurisdictions to ensure that a better representation of disadvantaged community input is obtained.

As mentioned previously, a consultant will be hired to guide the comprehensive planning process. The consultant will be involved with the following activities:

- **Task 1 – Technical Advisory Committee/Stakeholder and Public Outreach.** Confirm advisory groups; Schedule and host meetings; Host webinars with cities, stakeholders, and the public; Provide project updates on SBCTA websites and social media.
- **Task 2 – Planning and Design Assessment.** identify communities within San Bernardino County in high-hazard areas lacking multiple ingress/egress routes for emergencies and to analyze the evacuation time of these single-access communities, including a capacity-enhancing component.
- **Task 3 – Additional Infrastructure Resiliency Assessment.** Identify communities where climate resilience centers with microgrid technology may be beneficial and adaptable for climate emergency situations.
- **Task 4 – Development of Draft and Final Studies.** Present draft Study to the advisory groups and other stakeholders; Incorporate edits and present second version to the two advisory groups and stakeholders; Post to websites for public feedback; Incorporate edits/comments into Final Study.
- **Task 5 - Board Review/Approval.** Present the Final Study to the SBCTA Board for final adoption.

More detailed task descriptions are provided in the Summary of Project task section below.

Overall Project Objectives

Identification of resilient transportation system vulnerabilities and climate-related risks to existing resilient transportation infrastructure is paramount to SBCTA. The overarching goal of this Study is to provide planning actions at local and sub-regional levels to advance climate change adaptation efforts for resiliency infrastructure, especially in vulnerable communities, building on the EENR Study and IE Resilient Tool Kit.

A variety of events can require an evacuation within areas of San Bernardino County. These events could be caused by nature, including wildfires, floods, and geological or seismic events, while others can be caused by human-initiated events such as utility failures, infrastructure failures, or other factors (such as civil unrest and airplane or vehicular crashes). With climate change increasing drought conditions and weather events throughout the state, it is prudent to review the capacity of the evacuation system (e.g., the capacity of the evacuation roadways) to assist with planning for these events. Additionally, recent events like the Camp Fire in Paradise, California (discussed below), reinforce the notion to better prepare for rapid evacuations during these types of events.

This proposed Study will build upon the EENR Study and the IE Resilient Tool Kit by:

- Helping local agencies to identify the most vulnerable communities where evacuations would occur (e.g., those with the least amount of redundant access and those areas furthest from evacuation centers);
- Determining the amount of time needed to facilitate an evacuation; and
- Developing strategies to improve emergency egress during these events, helping to promote sustainability and resilience for even the most vulnerable residents.

This Study provides a detailed look at the evacuation system and resources for residents affected by emergency climate activities and focuses on estimating the time needed to evacuate. The

results are intended to provide information to help inform jurisdictions in addition to meeting the requirements associated with two recent California legislative bills:

- **Senate Bill 99 (2019) - Residential Developments and Evacuation Routes.** SB 99 requires city or county governments to identify in their safety element residential developments that do not have at least two emergency evacuation routes. This requirement applies when jurisdictions next update their housing element.¹ The 2018 wildfire season eclipsed 2017 as



the most destructive and deadliest year for wildfires in California. The Mendocino Complex Fire alone burned 459,123 acres to become the largest fire in California history. Even more devastating, the Camp Fire in November 2018 became California's most destructive and deadliest wildfire, which decimated the Town of Paradise, killing 86 people and destroying nearly 19,000 structures. One reason the Camp Fire was so deadly was that the Town of Paradise lacked adequate evacuation

routes to simultaneously allow residents to leave and public safety personnel to enter. Modern development practices require adequate ingress and egress to new developments, but existing developments that weren't built to those standards occur throughout the state. SB 99 ensures that cities and counties identify residential developments in any hazard area, including fire hazard severity zones, that lack this basic safety precaution in their general plans.

- **Assembly Bill 747 (2019) - Evacuation Route Capacity and Safety.** AB 747 requires jurisdictions to identify evacuation routes and their capacity, safety, and viability under various emergency scenarios in the jurisdiction's safety element. The bill states that this must occur with the next update to a jurisdiction's Local Hazard Mitigation Plan (LHMP) (or safety element if the jurisdiction does not have an LHMP) beginning January 1, 2022. The jurisdiction may use its LHMP or emergency operations plan to comply with this law by incorporating descriptions of the evacuation routes' capacity, safety, and viability into those documents, provided that the jurisdiction's safety element references the document.²

The Town of Paradise provides a tragic example of the importance of evacuation route capacity. In 2015, Skyway Boulevard, one of the main outbound roads, underwent lane reduction from a four to a two-lane road. During the Camp Fire, residents were forced to evacuate southbound via Skyway Boulevard. By 10am that day, evacuees were forced to abandon their vehicles and proceed on foot. The 2018 Camp Fire resulted in 86 civilian casualties; the deadliest in California history. AB 747 will help save lives by requiring local governments to preemptively plan their evacuation route capacity needs under a range of emergency scenarios.



There are areas that SBCTA would like to explore as part of this effort: 1) identify five areas in San Bernardino County where the transportation network needs redundancy improvements to improve resilience; 2) examine how to make the transportation system more resilient by adding infrastructure to adapt to climate change in the future; 3) conduct a feasibility study to evaluate constructing Class 1 bike lanes and other capacity expanding

¹ Full text of SB 99 (2019): http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=2019202005B99

² Full text of AB 747 (2019): https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB747

options, to be used as access roads during emergency climate incidents; and 4) plan for new Resiliency Centers along routes in these vulnerable communities.

The key considerations for SBCTA when reviewing network redundancy improvements to enhance resiliency are:

- Improved emergency access during evacuations; and
- Identification of new or existing facilities that may be used for resilience efforts that could be upgraded to assist during evacuation events.

This Study is consistent with multiple state and regional plans, including:

- **Caltrans 2020-2024 Strategic Plan** as the Plan aims to “Strengthen our capability to withstand and recover from the impacts from climate change” by engaging the most vulnerable communities to inform development and implementation of Climate Action activities.
- **California Transportation Plan (CTP) 2050**, Goal 2 “Preserve the Multimodal Transportation System,” and Policy 3 “Adapt the transportation system to reduce impacts from climate change.”
- **2021 California State Adaptation Strategy** as this project will help improve resilience, which is a state of readiness to face climate risks, within disadvantaged and vulnerable communities.
- **Connect SoCal 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)**, especially as it pertains to climate adaptation and resilience of the transportation network.

Summary of Project Tasks

Task 01: Project Administration

Upon project award, SBCTA will coordinate a project kick-off meeting with Caltrans to discuss grant procedures and project expectations including invoicing, quarterly reporting and all other relevant project information (i.e., scope, consultant type, and stakeholders). SBCTA will highlight and determine scope refinements.

As the project progresses, SBCTA will prepare and submit invoice packages, quarterly reports, and a final close-out report in accordance with Caltrans' requirements. Invoice packages and reports will be based upon completion of project phases as identified in the grant contract and include project expenditures to-date.

Task Deliverables
Project kick-off meeting at the start of the program with Caltrans and SBCTA; Invoicing and quarterly reporting to Caltrans

Task 02: Consultant Procurement

SBCTA will procure an experienced consultant, consistent with state and federal requirements, Local Assistance Procedures Manual for procuring non-Architectural and Engineering

Consultants, the Grant Application Guide, Regional Planning Handbook, and the executed grant contract between Caltrans and SBCTA.

SBCTA will develop a draft scope of work and initial Request for Proposal (RFP) which will include Tasks 1- 5 of this Scope of Work for Caltrans' Review. SBCTA will then refine the RFP and gain approval from SBCTA Board of Directors and Caltrans.

SBCTA and Caltrans will review and determine the most qualified consultant, with SBCTA awarding the contract to a selected consultant.

A project kick-off meeting will be scheduled with the consultant and stakeholders to discuss the proposed Study and establish tasks and timeline in accordance with Caltrans grant requirements. The Consultant will finalize the outline of an action plan for SBCTA staff approval.

Task Deliverables
<ul style="list-style-type: none"> • Meeting agenda, participant list, meeting notes, list of action items; • Draft Scope of Work and Request for Proposal (RFP); • Final RFP; • Review and ranking of qualifications by SBCTA staff/Caltrans; • Executed consultant contract; • Meeting agenda, participant list, meeting notes, list of action items, and action plan.

Task 1: Technical Advisory Committee, Stakeholder and Public Outreach

SBCTA/Consultant will confirm advisory group participation from stakeholders, city managers, engineers and any planning staff and other community-based organizations (CBOs) from vulnerable communities. Two groups will be confirmed: 1) a Core Technical Working Group; and 2) a larger Stakeholder Group that may include targeted underserved cities, the County, Emergency Responders, and other high-level stakeholders. This Stakeholder Group will be involved in the decision-making process from the start - ensuring that the process used to develop the Study and resulting priorities/projects are created and implemented in such a way that gives legitimate decision-making power to the most impacted, underserved communities including tribal communities. Additionally, SBCTA is committed to engaging with tribal communities within San Bernardino and Western Riverside counties and will also be a key part of the outreach. SBCTA will leverage existing contacts with tribal communities to solicit input on the project and obtain feedback.

SBCTA and the Consultant will schedule and host **8-10 quarterly advisory group meetings**. Separately, SBCTA and the Consultant will advertise and host **six interactive (or in-person) workshops with jurisdictions, stakeholders, and interested members of the public** to provide informational updates and solicit input. SBCTA and Consultant will also provide regular project updates on the SBCTA website and social media. SBCTA will also solicit commentary from viewers on various elements of the project.

Virtual breakout rooms will be used to engage stakeholders at a more personal level. Project updates will also be posted on the SBCTA website and social media to encourage additional input. Community engagement materials will be in English and Spanish, which will help to engage hard-to-reach populations. The engagement strategy will be discussed at the very outset of the project, documented in an Outreach Plan, and integrated with the technical work.

Engagement of **disadvantaged communities** and tribal communities will be a key part of the outreach. The consultant will specifically reach out to key stakeholders to determine if certain underserved communities would benefit from this planning effort. The consultant can then provide

a summary of existing community feedback to the Stakeholder Group to ground truth and ensure community priorities are fully captured.

Task Deliverables
<ul style="list-style-type: none"> Confirmed list of core technical group and larger stakeholder group members; Outreach plan; Meeting agendas, participant lists, comments, summaries; Webinar meeting schedule, agendas, participant lists (including DAC participation), and follow-up comments from stakeholders and public;

Task 2: Planning and Design Assessment

SBCTA/Consultant will develop a study in five communities within San Bernardino County in high-hazard areas lacking multiple ingress/egress routes for emergencies and will analyze the evacuation time of these single-access communities, including a capacity-enhancing component. The Consultant will focus on the five high hazard areas of the county where vehicle access is problematic and where emergency accessibility is challenging, such as high fire zones and other hazardous areas.

SBCTA/Consultant will review information of isolated communities in high fire or flooding zones selecting areas to serve as pilot projects for the Study. After gaining input from emergency services personnel and the public, SBCTA will identify up-to five pilot locations to focus on. Based on available accessibility maps several key areas that have limited accessibility have been preliminarily identified (See Exhibits 4-7).

Two key considerations for the selection of pilot areas include:

- Areas with single access roads between two and seven miles long; and
- Roads identified by Statewide SB 99 CalFire Hazard Severity Zones as very high or high hazard.

The consultant and project team will work with the community to develop strategies to improve access without increasing vehicle capacity. These may include:

- An enhanced Class I bikeway parallel to the existing roadway that could be used to serve for ingress to these communities during an evacuation while, at the same time, using the existing ingress lane on a two-lane road as a contra-flow egress lane (e.g. doubling outbound capacity during an evacuation while maintaining access for emergency responders).
- Modification of the roadway to include buffered bike lanes or a two-way cycle track that would be constructed with sufficient width that they could be used to accommodate an extra egress lane during an evacuation.
- Other treatments that would generally improve the communities' ability to evacuate during an emergency.

A feasibility study will be completed to evaluate the evacuation strategies.

Once SBCTA/Consultant completes the planning and design assessment, local cities in the County can adopt and implement the results for their jurisdiction's needs.

Task Deliverables
<ul style="list-style-type: none"> Maps identifying very high or high hazard severity zones Summary of analysis of high fire zones and single access roads

- Identification of potential pilot study areas
- Feasibility Study for evacuation strategies

Task 3: Additional Infrastructure Resiliency Assessment

The Consultant will conduct an additional infrastructure resiliency assessment to evaluate and identify communities where Climate Resilience Centers with microgrid may be beneficial to shelter evacuees from an emergency event, whether manmade or climate-related. The microgrids will allow the resilience center to operate off the grid and provide shelter for several hours or days until emergency response is dispatched and can provide assistance.

The consultant, with input from SBCTA and stakeholders, will prepare no more than 30% complete conceptual designs for the resilience center. Key constraints will be identified (e.g., agency coordination requirements, right of way concerns, environmental constraints, etc.) for consideration for planning-level cost estimates. The cost estimates will be sufficient enough to support grant applications for the implementation of the projects.

The consultant will work with SBCTA and their grant-writing experts to discuss potential funding strategies for these projects. Additionally, the consultant shall summarize the results of the previous activities into a project deliverable for SBCTA. The Consultant shall work with SBCTA on the format for the deliverable, as it may take the form of a story map or a traditional report deliverable.

Task Deliverables

- Identified potential locations for resilience centers
- Conceptual designs for resilience centers (30% design)
- Report or story map summarizing conceptual project designs, cost estimates, and funding strategies.

Task 4: Draft and Final Studies

Data and results from the Planning and Design Assessment and the Additional Infrastructure Resiliency Assessment will be compiled into draft and final Study reports.

The Consultant will incorporate SBCTA staffs' comments as applicable and prepare a revised Draft Study for stakeholder and general public review. The Study will be in a format that is compatible for uploading to SBCTA's website and used individually as needed. A request for public comments will be advertised through various media. At the end of the public comment period, the Consultant will compile all comments and prepare responses. This response to comments document will be made available for public access on SBCTA's website for 30-60 days. The Consultant will incorporate stakeholder and public comments into the Final Study report, as applicable, and will prepare the Final Study in formatted, electronic form. The Final Study report will credit FHWA, FTA, or Caltrans' financial participation on the cover and title page, and will be submitted to the Caltrans district office in an ADA accessible electronic copy.

The reports may be drafted in an "eStudy" format. For SBCTA, an eStudy is similar to a standalone website, where the contents of the Study can be viewed using an array of digital devices and follows design standards so that Studies' content is visually appealing, interactive, and meets web accessibility requirements (WCAG 2.0).

Task Deliverables

- Draft Study
- Final Study

- Technical Appendices
- Public Review – list of comments/responses

Task 5: Board Review/Approval

The Final Study Plan will be scheduled on SBTA's calendars/agendas for final adoption. SBCTA staff and the Consultant will prepare a summary report of the Final Study and present this to the SBCTA Board at the scheduled Board meeting. If any critical issues are raised, The Consultant will respond and resolve these issues, so Study adoption can be finalized by the Board.

Next Steps

Once the Studies are complete and adopted, SBCTA will notify lead agencies regarding the next steps for prioritized projects. In some cases, the lead will be SBCTA or local jurisdictions. Some of the progress will be dependent upon competitive funding from the state, and potential funding sources will be identified. The goal will be to start implementing evacuation strategies that help protect the lives of residents in the most disadvantaged neighborhoods as well as for all residents.

Task Deliverables

- Final Adopted Study (published) that include a summary of the next steps towards implementation, credits Caltrans on the cover or title page, submitted to Caltrans in an ADA-accessible electronic copy.

California Department of Transportation
Sustainable Transportation Planning Grant Program
COST AND SCHEDULE

Grant Category	Climate Change																											
Grant Fiscal Year	FY 2024-25																											
Project Title	SBCTA Evacuation and Resilience Center Design Study																											
Organization (Legal name)	San Bernardino County Transportation Authority																											
Disclaimers	Agency commits to the Cost and Schedule below. Any changes will need to be approved by Caltrans prior to initiating any Cost and Schedule change or amendment. Use only whole dollars in the financial information fields. No rounding up or down and no cents. Use the Local Match Calculator to ensure that grant and local match amounts are correct: Local Match Calculator (posted on-line)																											
Reimbursements/ Invoicing	Does your agency plan to request reimbursement for indirect costs? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the estimated indirect cost rate? _____ Does your agency plan to use the Tapered Match approach for invoicing purposes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																											
Task #	Task Title	Grant Amount*	Estimated Local Cash Match*	Estimated Local In-Kind Match*	Estimated Total Project Cost*	FY 2024/25					FY 2025/26					FY 2026/27												
						J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M
01	Project Administration (no more than 5% of total grant funds)	\$0	\$36,250	\$0	\$36,250																							
02	Consultant Procurement	\$0	\$10,000	\$0	\$10,000																							
1	Technical Advisory Committee, Stakeholder and Public Outreach	\$75,000	\$10,000	\$0	\$85,000																							
2	Planning and Design Assessment	\$350,000	\$15,000	\$0	\$365,000																							
3	Additional Infrastructure Resiliency Assessment	\$200,000	\$10,000	\$0	\$210,000																							
4	Development of Draft and Final Studies	\$50,000	\$10,000	\$0	\$60,000																							
5	Board Review/Approval	\$50,000	\$10,000	\$0	\$60,000																							
Totals		\$725,000	\$101,250	\$0	\$826,250																							



Sustainable Transportation Planning Grant Program

**San Bernardino County Transportation Authority
SBCTA Evacuation and Resilience Center Design Study**

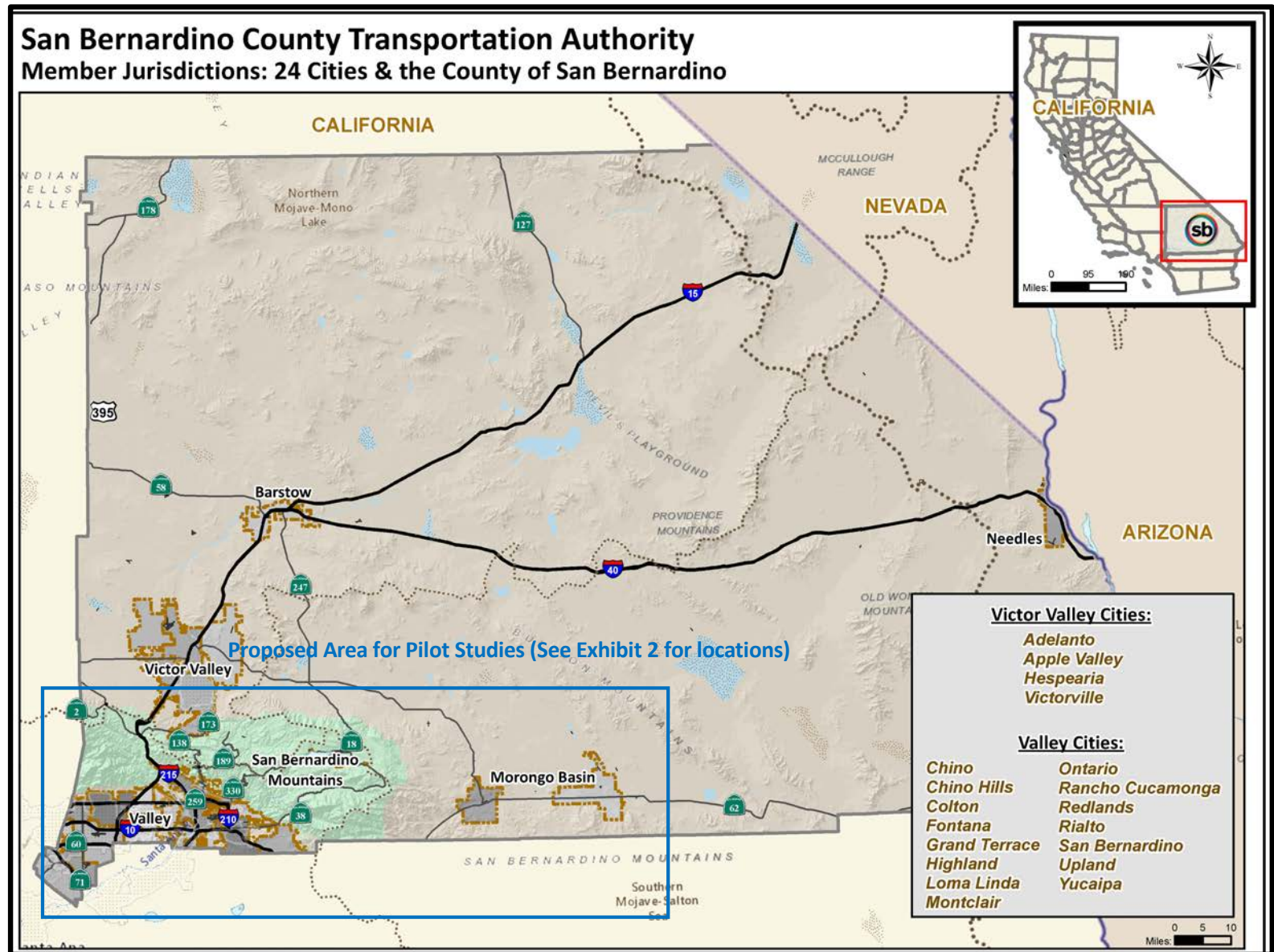
PROJECT MAPS



Sustainable Transportation Planning Grant Program

San Bernardino County Transportation Authority
Project Area

San Bernardino County is the largest county in the United States by area at over 20,000 square miles and is the 12th most populous. It is located in the northeastern portion of Southern California and boasts a wide variety of urban and rural settings. The County contains roughly 2.1 million residents and 630,000 enrolled students across 24 cities/towns and 33 school districts of highly diverse character. The majority of the County's residents reside in an area covering 450 square miles in the southwest section of the County adjacent to Riverside and Los Angeles Counties.

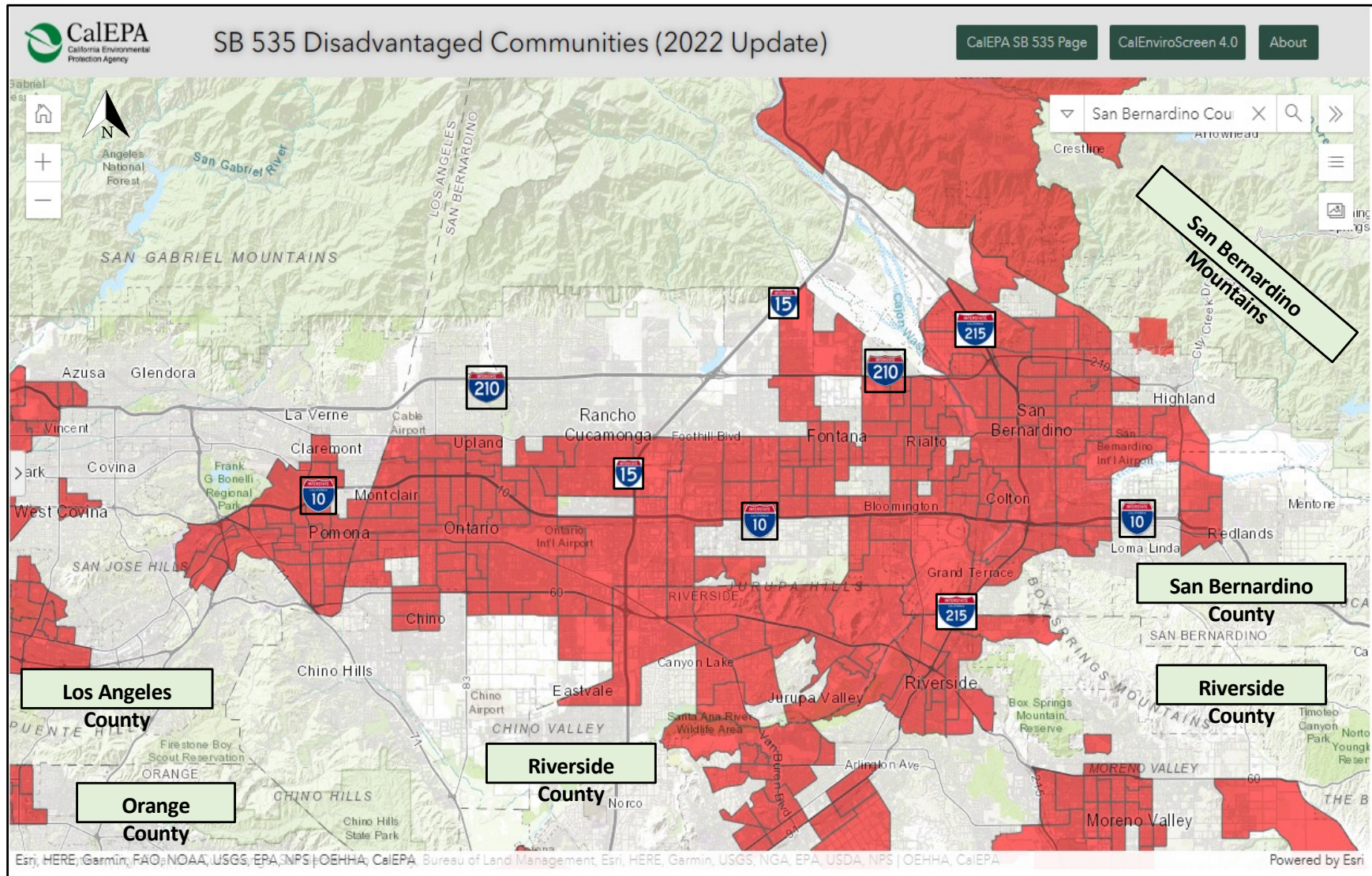




Sustainable Transportation Planning Grant Program

San Bernardino County Transportation Authority

Disadvantaged Communities – Southwestern San Bernardino County

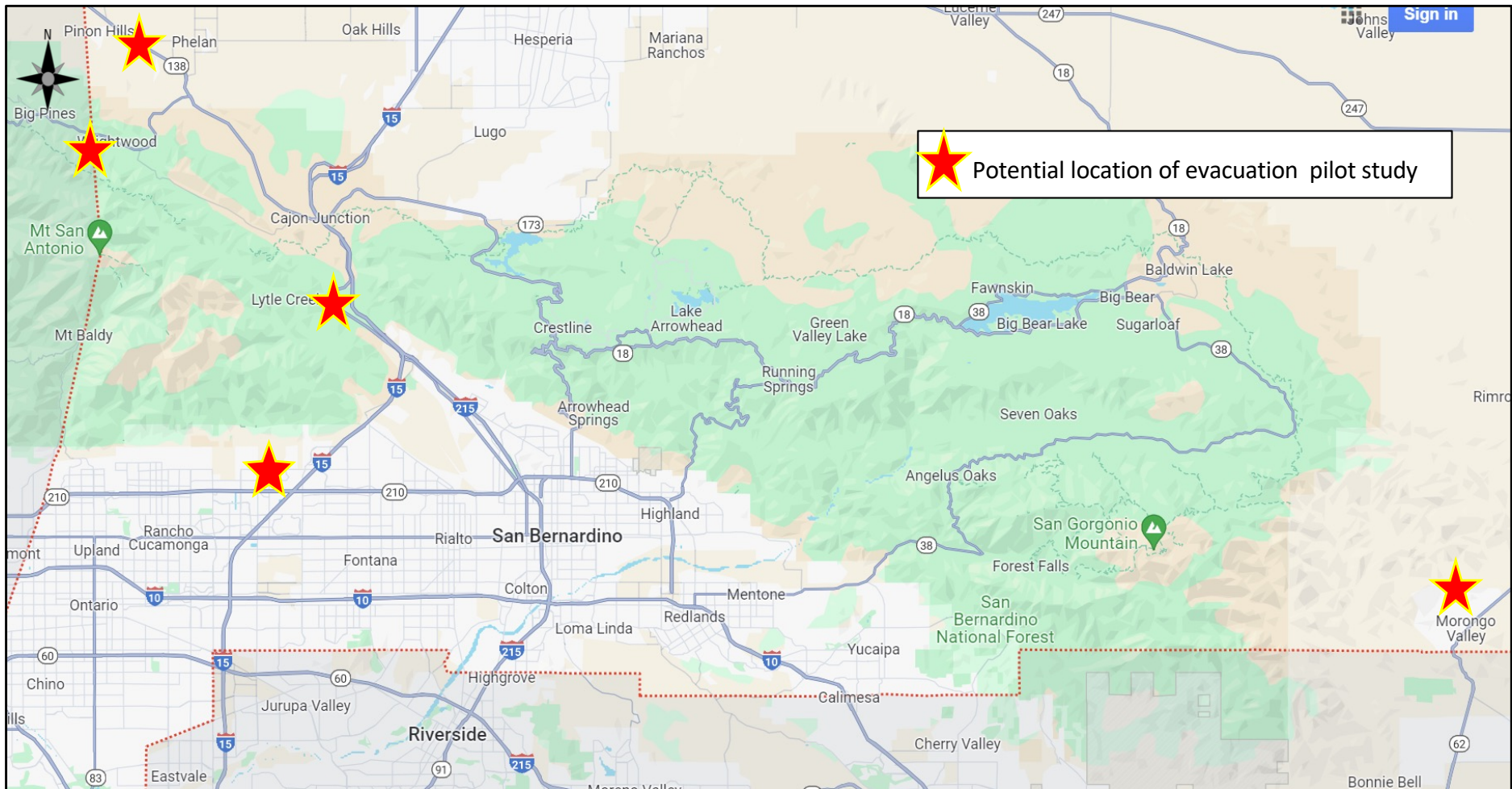


Approximately 650,000 county residents and 170,000 students live in locales ranked by the CalEnviroScreen 4.0 as among the top 10% most disadvantaged communities statewide. This map shows the disadvantaged communities in the most populated area (southwest corner) of the County.



Sustainable Transportation Planning Grant Program

San Bernardino County Transportation Authority
Project Area – Proposed Pilot Study Locations



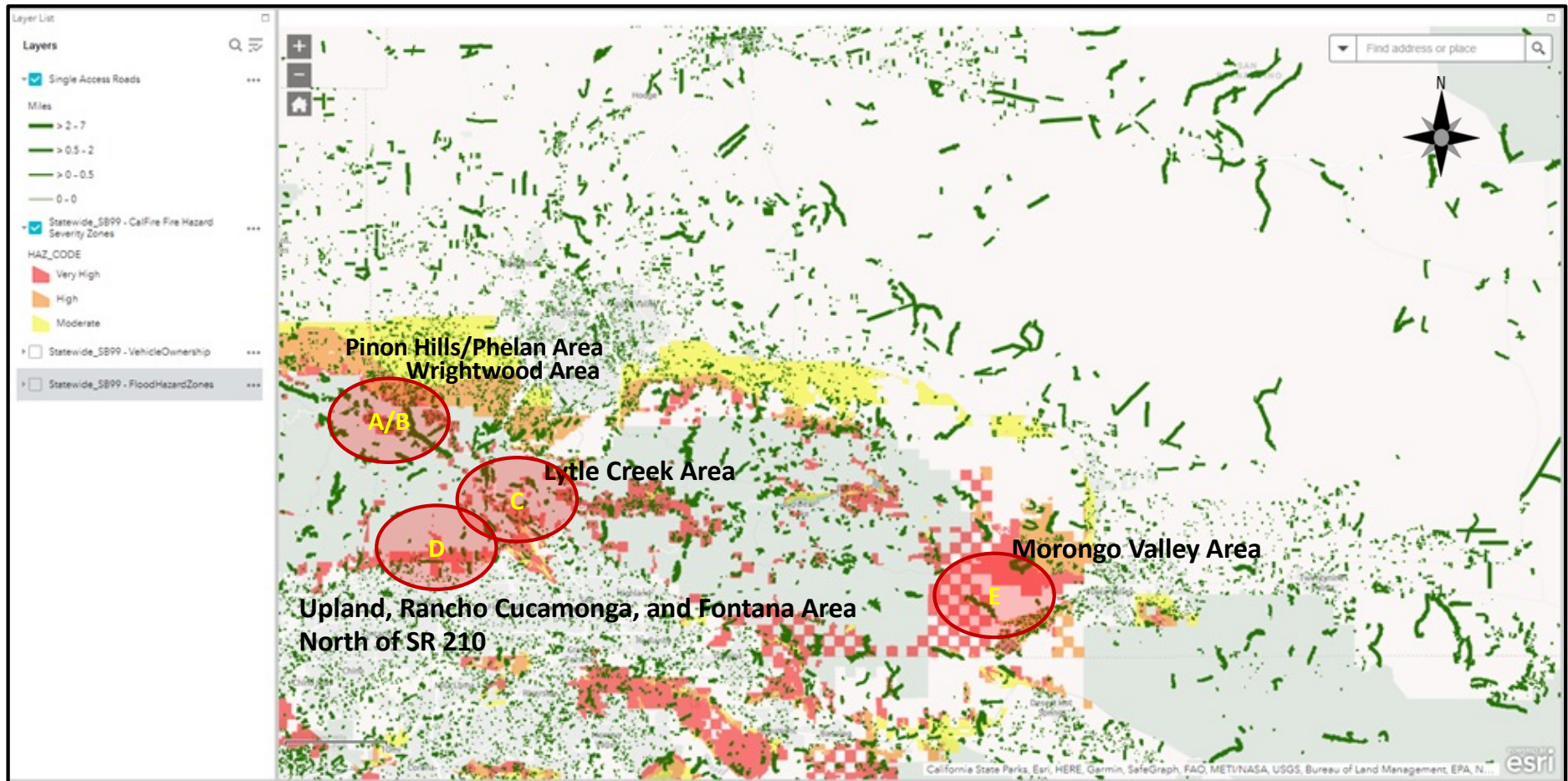
Based on existing accessibility information for high-hazard communities, five key areas having limited accessibility have been preliminarily identified as pilot study areas, including Pinon Hills/Phelan Area, Wrightwood Area, Lytle Creek Area, Upland, Rancho Cucamonga, and Fontana Area north of State Route 210, and Morongo Valley Area. Individual area location maps are provided as Exhibits 5 through 7 on the following pages.



Sustainable Transportation Planning Grant Program

San Bernardino County Transportation Authority

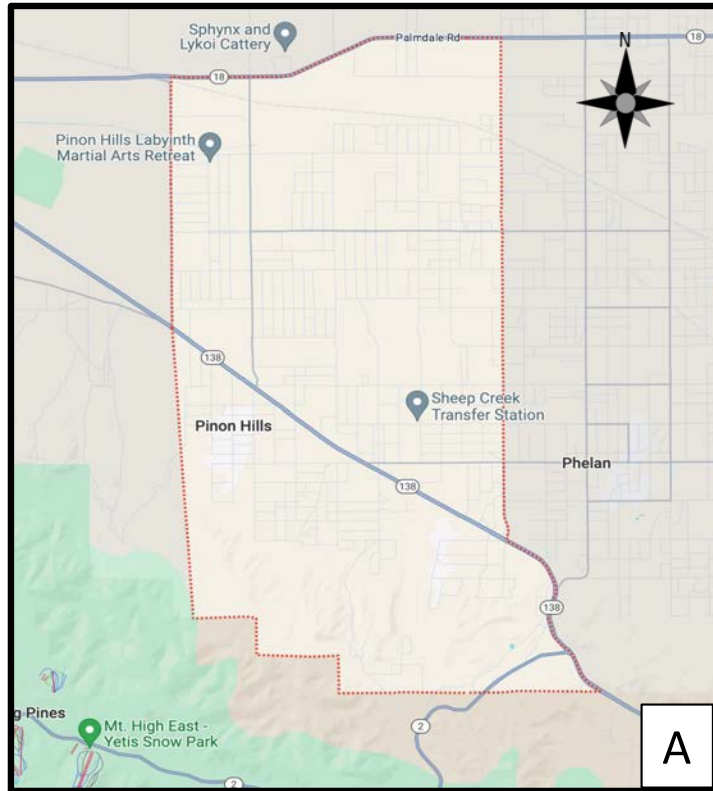
Accessibility and CalFire Hazard Severity Map - San Bernardino County





Sustainable Transportation Planning Grant Program

San Bernardino County Transportation Authority
Preliminary Pilot Study Area - Pinon Hills/Phelan Area



A. Piñon Hills is a census-designated place in San Bernardino County near the Los Angeles County line. It is located along Pearblossom Highway, 28 miles east of Palmdale, and 15 miles west of the Cajon Pass where Pearblossom Highway meets Interstate 15. The population was 6,937 per the 2020 census.

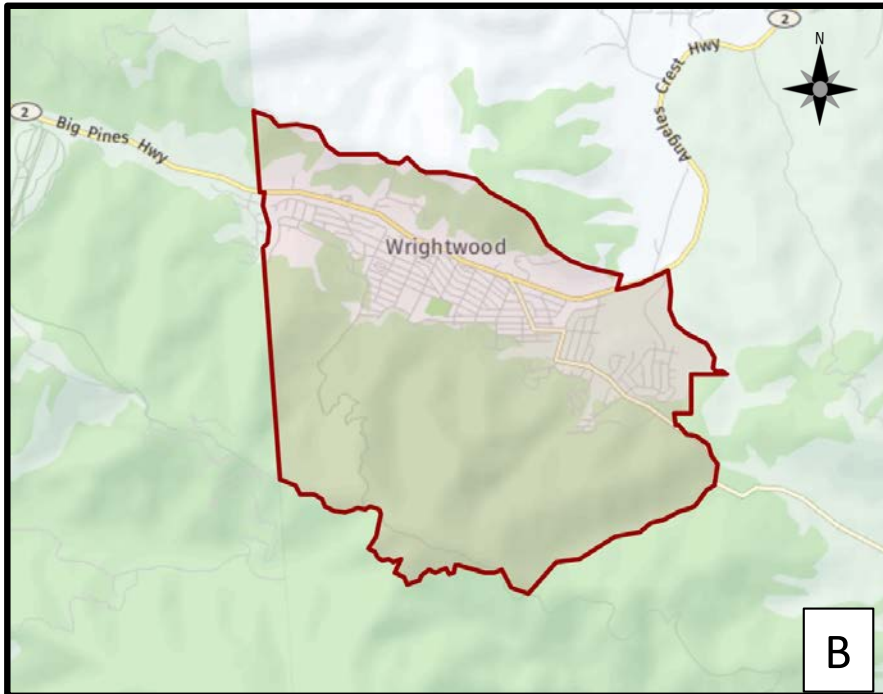


A. Phelan is an unincorporated community and census-designated place in San Bernardino County in the Victor Valley of the Mojave Desert, north of the San Gabriel Mountains. The population was 14,304 per the 2010 census.

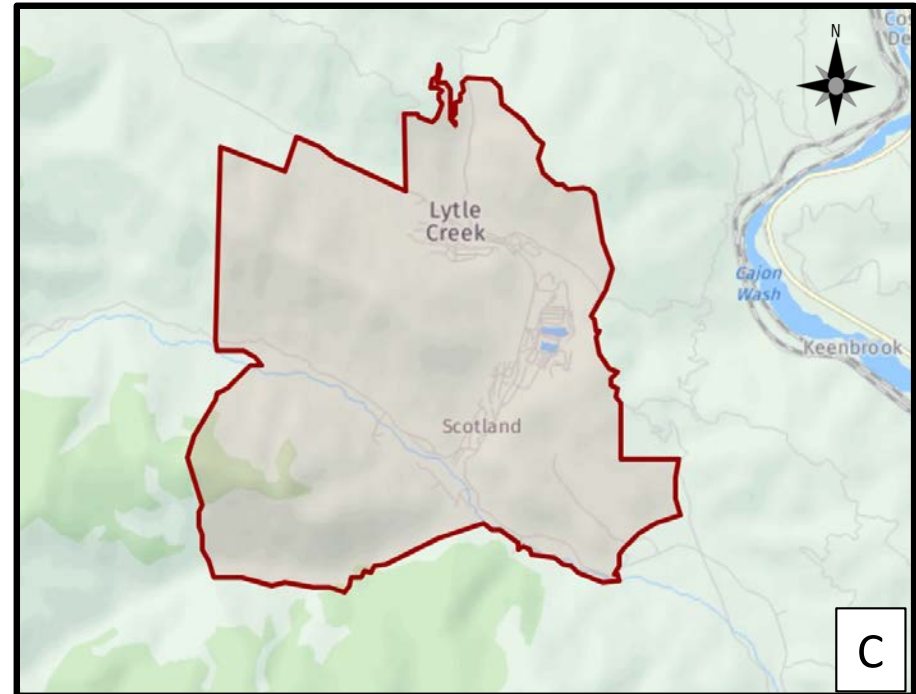


Sustainable Transportation Planning Grant Program

San Bernardino County Transportation Authority
Preliminary Pilot Study Area – Wrightwood Area and Lytle Creek Area



B. Wrightwood is a census-designated place in San Bernardino County, California. It sits at an elevation of 6,000 feet. The population was 4,525 per the 2010 census, up from the population of 3,837 per the 2000 census. Wrightwood is 77 miles northeast of Los Angeles and is on the Pacific Crest Trail.



C. Lytle Creek is a census-designated place in the San Gabriel Mountains, within San Bernardino County. It is about 16 miles northwest of downtown San Bernardino and 10 miles from the cities of Fontana and Rialto. The population was 656 per the 2020 census.

Exhibit 6

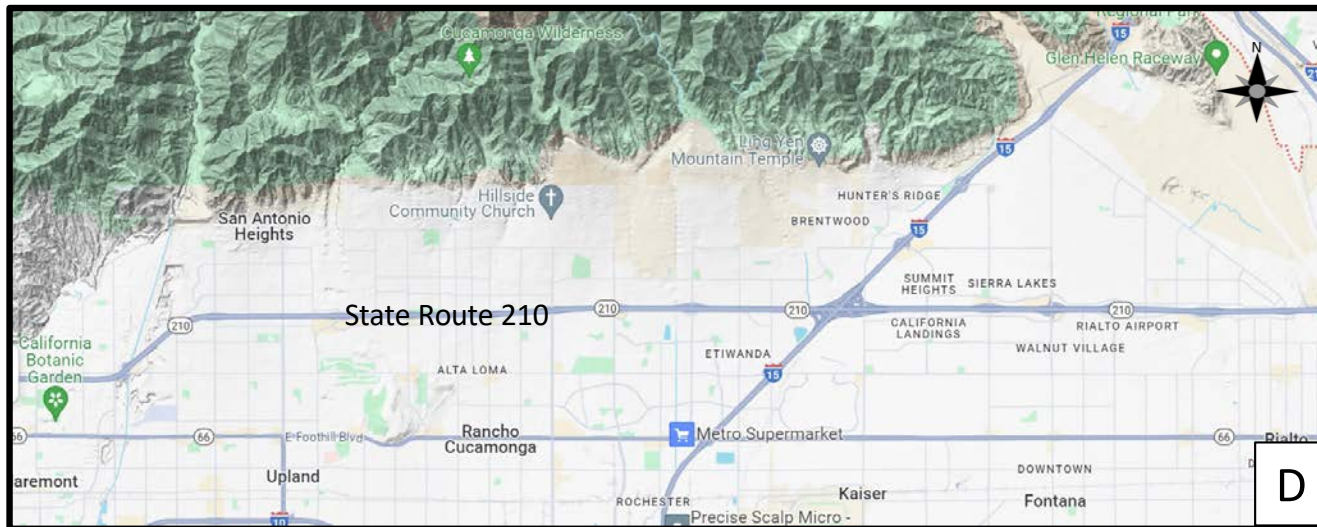


Sustainable Transportation Planning Grant Program

San Bernardino County Transportation Authority

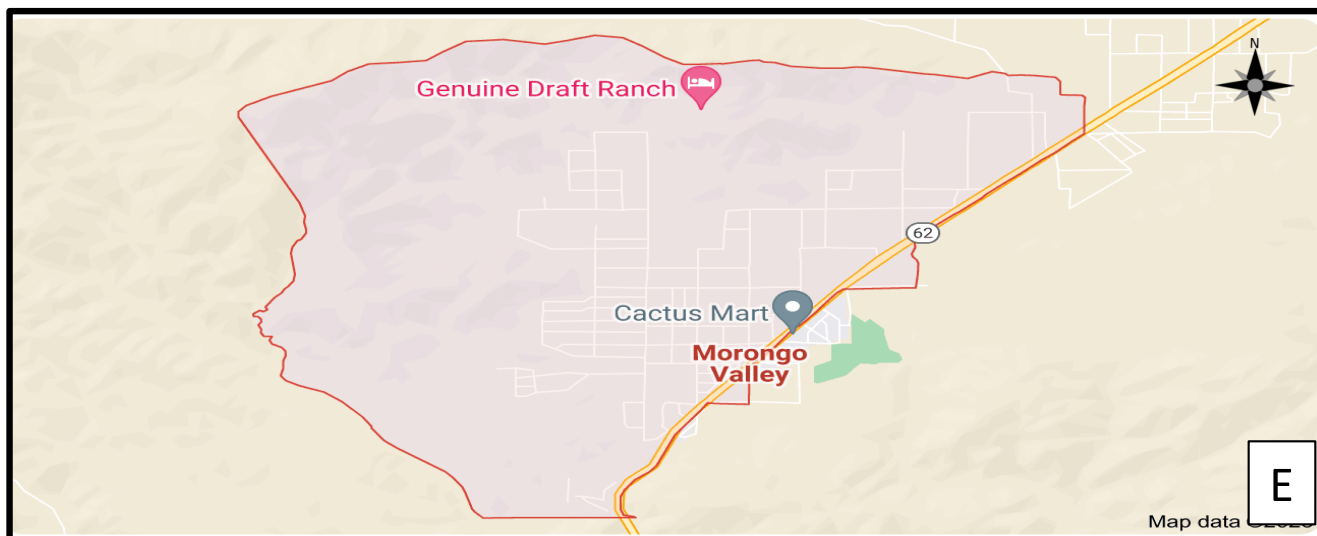
Preliminary Pilot Study Area

Upland, Rancho Cucamonga, and Fontana Area North of SR-210 and Morongo Valley Area



D. The cities of Upland, Rancho Cucamonga, and Fontana are located just south of the foothills of the San Gabriel Mountains and Angeles National Forest in San Bernardino County, California. These cities are about 30 to 46 miles east of downtown Los Angeles.

As of the 2020 Census, Upland had a population of 79,040; Rancho Cucamonga's population was 175,142 and Fontana's population was 212,704. Smaller communities within these cities north of State Route 210 and close to the foothills are within a high fire hazard area per the Statewide SB99 CalFire Hazard Severity Zone mapping (see Exhibit 4)



E. Morongo Valley is a census-designated place on State Route 62 in San Bernardino County, California. The population was 3,552 per the 2010 census, up from 1,929 per the 2000 census. The town is bordered by Yucca Valley, California.



iren.gov

January 9, 2024

Dr. Raymond Wolfe
Executive Director
San Bernardino County Transportation Authority (SBCTA)
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715

Re: **SBCTA Evacuation Planning and Resilient Center Design Study
Caltrans Sustainable Transportation Planning Grant Program**

Dear Mr. Wolfe

I am writing to express the Inland Regional Energy Network's (I-REN) support for San Bernardino County Transportation Authority's (SBCTA) application to the Caltrans Sustainable Transportation Climate Adaptation Planning Grant Program. Through these grant funds, SBCTA will work with a qualified consultant to develop an Evacuation Planning and Resilience Center Design Study to design active transportation facilities and Resilience Centers in residential areas that can also serve for emergency use.

Initiated in 2019, I-REN is a coalition of three councils of government, the Western Riverside Council of Governments (WRCOG), the Coachella Valley Association of Governments (CVAG), and the San Bernardino Council of Governments (SBCOG), encompassing San Bernardino County, Riverside County, and all the jurisdictions within the region. Together, I-REN represents 52 cities, 78 unincorporated county areas and 17 tribes, approximately 11 percent of California's population. I-REN connects residents, businesses, and local government to a wide range of energy efficiency resources to increase energy savings and equitable access throughout San Bernardino and Riverside counties.

Historically, the Inland Empire has faced challenges in receiving equitable opportunities to participate in energy efficiency and advanced energy. The Study will allow for SBCTA and its member agencies to be better prepared to withstand and adapt to the impact of climate change. I-REN fully supports the SBCTA's Evacuation Planning and Resilient Center Design Study grant application and will assist in the development of the Study as needed.

Sincerely,

DocuSigned by:

C1340EDAAAF1494...

Mayor Pro Tem, Crystal Ruiz, City of San Jacinto
I-REN Executive Committee Chair

We are a network of partners, including the Coachella Valley Association of Governments, the San Bernardino Council of Governments, and the Western Riverside Council of Governments, formed to serve the cities and communities of our region.





1700 W. Fifth St
San Bernardino, CA 92411
909-379-7100
www.omnitrans.org

January 4, 2024

Mr. Raymond Wolfe
Executive Director
San Bernardino County Transportation Authority (SBCTA)
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715

Subject: SBCTA Evacuation Planning and Resilient Center Design Study

Dear Mr. Wolfe:

On behalf of Omnitrans, I write in support of the San Bernardino County Transportation Authority's (SBCTA) application to the Caltrans Sustainable Transportation Planning Grant Program to develop an Evacuation Planning and Resilient Center Design Study (Study). The intent of the Study is to build upon the recently funded Evacuation Network Resilience (EENR) Study and the Energy Resilience Implementation Plan.

Omnitrans is the public transit agency serving the San Bernardino Valley, providing safe, reliable, affordable, and environmentally responsible transportation. We currently operate local and express bus routes, sbX bus rapid transit service, and Access, a paratransit service for the disabled. Established in 1976 through a joint-powers agreement, Omnitrans carries approximately 11 million passengers each year (pre-pandemic number) throughout our 480-square-mile service area, covering 15 cities and portions of the unincorporated areas of San Bernardino County. Major destinations within the Omnitrans service area include transportation centers, medical centers, educational facilities, shopping malls, business parks, and community centers.

The proposed Evacuation Planning and Resilient Center Design Study is needed now more than ever. The impacts of climate change need to be evaluated so that we can better respond to a variety of emergency evacuation scenarios on our transportation network, especially in vulnerable communities where residents rely on public transportation. Omnitrans is happy to participate in an advisory capacity for this planning effort – for more information, please feel free to contact Chief Strategy and Planning Officer Jeremiah Bryant at Jeremiah.bryant@omnitrans.org or (909) 379-7252.

Sincerely,


Erin Rogers
CEO/General Manager



Public Health Administration

Joshua Dugas, MBA, RE
Director

Jennifer Osorio, RE
Assistant Director

Janki Patel, M
Assistant Director

Michael A. Sequeira, M
Health Officer

Mr. Raymond Wolfe
Executive Director
San Bernardino County Transportation Authority (SBCTA)
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715

RE: **Caltrans Climate Adaptation Transportation Planning Grant –
SBCTA Emergency Evacuation Planning and Design Study**

Dear Mr. Wolfe:

The County of San Bernardino Department of Public Health (DPH) is writing to express our commitment to the San Bernardino County Transportation Authority (SBCTA) application to the Caltrans Sustainable Transportation Planning Grant Program to develop an Emergency Evacuation Planning and Design Study. This Study will focus on emergency evacuation routes for hazard areas that do not have more than two access points and design for resilience centers to be used during an evacuation.

A key aspect of this effort will build upon SBCTA's recently funded Emergency Evacuation Network Resilience Study that will include conducting local-level evacuation compliance assessments (required by Senate Bill 99) and a high-level evacuation route capacity, safety, and viability analysis (required by Assembly Bill 747).

DPH will work with SBCTA to provide relevant data that illustrates the level of transit dependency among communities we serve (e.g., those who depend on public transit or bus vouchers; and current health reports, which include age and rates of disease and disability among the population, etc.), which will help the team identify San Bernardino County communities most vulnerable to climate change impacts.

San Bernardino County's agencies, including DPH and SBCTA, have a history of collaboration, as demonstrated in the San Bernardino County Community Transportation Plan, which exemplifies the idea that all sectors are interrelated and must work in concert for collective action. DPH is happy to participate in an advisory capacity with SBCTA to help develop this important Study. Through this and past efforts, San Bernardino County jurisdictions have been, and will continue to be, leaders in promoting sustainability. Together with SBCTA and other community stakeholders, we look forward to providing valuable input and continuing this progress.

Sincerely,


Josh Dugas
Director

BOARD OF SUPERVISORS

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Luther Snoke

Packet Pg. 229



SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700
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January 9, 2024

Mr. Raymond Wolfe
Executive Director
San Bernardino County Transportation Authority (SBCTA)
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715

RE: SCAG Support for the San Bernardino County Transportation Authority's Caltrans Sustainable Transportation Planning Grant Program Application – Evacuation Planning and Resilient Center Design Study

Dear Mr. Wolfe:

On behalf of the Southern California Association of Governments (SCAG), I am pleased to submit this letter of support for the San Bernardino County Transportation Authority (SBCTA)'s application to the Caltrans Sustainable Transportation Climate Adaptation Planning Grant Program for their Evacuation Planning and Resilient Center Design Study. As required by SB 99, SBCTA's Plan studies isolated local-level evacuation compliance assessments and the design of resilience centers to serve these areas.

SBCTA serves over 20 local jurisdictions within the SCAG region, many of which have high concentrations of low-income or disadvantaged households. Planning and prioritization of transportation projects is often too burdensome for these local agencies, which are already stretched thin.

The study builds on "Resilient I.E.," a project that received funding from Caltrans to similarly support regional efforts mitigating risks associated with climate adaptation on the region's transportation infrastructure. As part of Resilient I.E., five project components were completed, including:

1. A newly established regional climate collaborative – the Inland Southern California Climate Collaborative (ISC3) – to advance local, equitable, and resilient climate-adaptation solutions;
2. Subregional vulnerability assessments and adaptation strategies;

3. City-level climate-related transportation hazards and evacuation maps;
4. A regionally tailored climate-resilient transportation infrastructure guidebook; and
5. A template regional climate adaptation and resiliency element.

This new study will build upon Resilient IE component #3 (above), the recently funded Emergency Evacuation Network Resilience (EENR) Study through Caltrans, and the Energy Resilience Implementation Plan through the Regional Early Action Planning (REAP).

As a project consistent with the policies and goals set forth in Connect SoCal, the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), we support and respectfully request full and fair consideration of their grant application. If you have any questions, please do not hesitate to contact Mr. Lyle Janicek, Senior Regional Planner, at (213) 630-1966 or email at janicek@scag.ca.gov.

Sincerely,



Kome Ajise
Executive Director



SHANNON D. DICUS, SHERIFF - CORONER

January 4, 2024

Mr. Raymond Wolfe
Executive Director
San Bernardino County Transportation Authority (SBCTA)
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715

Subject: SBCTA Evacuation Planning and Resilient Center Design Study

Dear Mr. Wolfe:

It is my pleasure to provide this letter of support on behalf of the San Bernardino County Sheriff's Department for the San Bernardino County Transportation Authority's (SBCTA) application to the Caltrans Sustainable Transportation Planning Grant Program to develop an Evacuation Planning and Resilient Center Design Study (Study). The Study will build upon the recently funded Emergency Network Resilience Study (funded by Caltrans).

The San Bernardino County Sheriff's Department is the law enforcement agency for the largest geographical county in the nation. The department serves over 2.1 million residents, with 8 county and 14 contract patrol stations, and over 4,200 employees to ensure the quality and safety of those we serve. The Sheriff's Department mission is to provide collaborative law enforcement solutions that meet the needs of our communities and partners by delivering quality professional services.

The proposed Study is essential to help ensure that our fire departments and emergency services personnel can better respond to emergency evacuation scenarios, especially in vulnerable communities where residents may have limited capacity to evacuate. The Sheriff's Department would be happy to participate in an advisory capacity for this planning effort to ensure a broad, proactive outreach among many stakeholders.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shannon Dicus".

Shannon Dicus, Sheriff-Coroner

California Department of Transportation

DIVISION OF TRANSPORTATION PLANNING
P.O. BOX 942873, MS-32 SACRAMENTO, CA 94273-0001
(916) 261-3326 | TTY 711
www.dot.ca.gov



July 9, 2024

SENT VIA E-MAIL

On behalf of the California Department of Transportation (Caltrans), Division of Transportation Planning, we are pleased to congratulate you on your Sustainable Transportation Planning Grant award.

Sustainable Transportation Planning Grant Program						
Grant Award Fiscal Year	24-25	Grant Category	Climate Adaptation Planning		Grant Fund Source	SHA-CAP
Project Title	SBCTA Evacuation and Resilience Center Design Study					
Grantee/Agency	San Bernardino County Transportation Authority					
Executive Director	Raymond Wolfe					
Grantee/Agency Contact	Mairany Anaya					
Sub-Recipient(s)						
Caltrans District Contact(s)	Ricky Rivers					
Caltrans District Contact(s) E-mail	ricky.rivers@dot.ca.gov					
Grant Award	Local Match (Cash)	Local Match (In-Kind)	Total Local Match	% Local Match	Total Project Cost	
\$725,000	\$101,250	NA	\$101,250	12.25%	\$826,250	
Conditions of Award Due to Caltrans		Grant Expiration Date		Final Invoice Due		
8/16/24		6/30/27		8/29/27		
* The final contractually agreed upon Local Match and Fund Source are located on the Grant Application Cover Sheet and Project Cost and Schedule. Any change in Local Match that increases/decreases the Total Project Cost must be approved by Caltrans and may require a Formal Amendment. Each invoice must include the contractual/agreed upon local match % - any deviation to this amount requires an approved Tapered Local Match Amendment prior to invoice submittal. Any change to the Local Match Fund Source requires prior Caltrans approval and an Administrative Amendment.						

Attachment: ERCD Study Caltrans Award Letter (10769 : SBCTA Evacuation and Resilience Center Design Study Caltrans Grant Award)

Next Steps

1. The Caltrans District Grant Manager will schedule a Conditional Award Meeting with your agency soon.
 - The attached specific and general conditions and project revisions necessary to accept grant funding will be discussed at this meeting.
2. The required conditions must be submitted to the Caltrans District Grant Manager no later than the date listed in the table above.
 - Failure to satisfy these conditions will result in the forfeiture of grant funds.
3. The Caltrans District Grant Manager will review and approve all items required to fulfill the attached specific and general conditions.
4. Once the required conditions are met and the agreement is executed, the Caltrans District Grant Manager will:
 - Send a Notice to Proceed letter (for MPO/RTPAs, this will happen after the OWP/OWPA formal amendment is processed). *Grant work cannot begin until the Notice to Proceed letter is received by your agency.*
 - Coordinate and schedule a grant kick-off meeting with your agency.

If you have questions concerning your Conditional Grant Award, please reach out to your Caltrans District contact listed in the table above.

Sincerely,



ERIN THOMPSON
 Chief, Office of Regional and Community Planning

Attachments:
 Specific and General Conditions

Sustainable Transportation Planning Grant Program

Grant Award Specific and General Conditions

Specific Conditions

If Specific Conditions have been identified for this grant, they will be listed below. Please make all necessary revisions to the Grant Application Cover Sheet, Scope of Work (SOW), and/or the Cost and Schedule, and complete the right column to indicate where the specific conditions were addressed.

Specific Conditions	Conditions Addressed List Document, Section & Page(s)
1. Clarify responsibility of work, duplication efforts, and defining the need and source for the resiliency center.	
2. Include some level of public involvement, outreach, and engagement.	
3. Resiliency center needs to be defined.	
4. SOW Tasks 2 and 3 do not meet the 11.47% minimum threshold.	
5. Confirm that Task 5 in the Scope of Work is 6-months and \$50,000.	
6. Task 02 in the Scope of Work is 3 months during the holiday season, consider extending to account for delays	
7. Identify the authorized signer(s) and email address(s) for the grant agreement that will be routed via Adobe Acrobat Sign	

Specific Conditions	Conditions Addressed List Document, Section & Page(s)

General Conditions

Please review the General Conditions below and complete them, as necessary. Most of these items are outlined in the Grant Application Guide, Ch. 6 and Appendix B.

- **Board Resolution** – A current (less than one year old) Local Board Resolution, signed by the governing board that includes the grant project title and job title of the person authorized to enter into a contract with Caltrans, is required to be submitted to Caltrans by September 13, 2024.
- **Government Entity Taxpayer ID Form** is now required in place of the previously required STD-204. It is required by Caltrans Accounting to ensure payments are sent to the correct recipient and address.
- **Generative Artificial Intelligence (GenAI) Disclosure (STD 1000)** is a new form now required by Caltrans for all contract submittals. The Solicitation Number field can be left blank.
- **Scope of Work (SOW) and Project Cost and Schedule** (Refer to Grant Application Guide, Appendix B Checklists) These are frequently missed requirements:
 - Project Management stand-alone tasks, staff and/or consultant coordination are not allowed. Project Management activities must be charged to the tasks in which they are accrued.
 - Include tasks for a kick-off meeting with Caltrans, invoicing, quarterly reporting, and Board adoption or acceptance.
 - Ensure the deliverable for the consultant procurement task includes: Request for Proposal (RFP), executed consultant contract, and a copy of your agency's procurement procedures.
 - The earliest project start date is November 4, 2024, with an end date of June 30, 2027. The Project Cost and Schedule will need be updated to reflect your proposed start date. At least one task must extend to the grant expiration date on June 30, 2027.
 - Indirect Costs - For Local Government Agencies requesting to bill for indirect costs: Indirect costs must be identified in the SOW and Project Cost and Schedule, and the indirect cost rate included at the bottom of the Project Cost and Schedule.
- **Grant Application Cover Sheet and Project Cost and Schedule**
 - Ensure the grant award, local match, and total project costs are consistent with the award letter amounts.
- **Grant Application Cover Sheet** - Must identify the specific source of cash and in-kind local match funds; and must identify the agency providing the local match.
 - If your agency is using staff time as a cash match, the application cover sheet must identify the source of local match funds for staff time (e.g., General Fund).
 - Direct grantee staff time is not an allowable in-kind match and must be identified as cash match.
- **Third Party In-Kind Valuation Plan, if applicable** - Third-party in-kind contributions consist of goods and services donated from outside the grantee's agency (e.g., printing, facilities, interpreters, equipment, advertising, staff time, and other goods or services). If utilizing third-party in-kind contributions to satisfy the local match requirement:
 - Ensure in-kind contribution information is identified on the Grant Application Cover Sheet and Project Cost and Schedule.
 - To clarify, sub-recipient staff time, if reimbursed, is considered cash match. If donating their time, it is considered in-kind.

- Submit a Third-Party In-kind Valuation Plan. The district can provide a copy of the valuation plan checklist and template.
- **Ensure Consistency** - All changes made to the Grant Application Cover Sheet, SOW, and Project Cost and Schedule are made consistently in all documents.

Grant Administrative Requirements

Refer to the Grant Application Guide, Ch. 6, and the Restricted Grant Agreement boilerplate for a detailed overview of the Grant Administrative Requirements that must be adhered to over the life of the project. In summary:

- **Third Party Contracts** - Competitive consultant procurement, i.e., Request for Proposals (RFP) is required for all grant projects.
 - If there is a consultant on-board, ensure the process to procure the consultant was a competitive process (documentation must be provided to Caltrans); the grant work must have been part of the original RFP.
 - If using an on-call consultant list, the process for establishing the list must be competitive and less than five years old (documentation must be provided to Caltrans)
 - If the consultant helped to prepare the Project Scope of Work or grant application, they shall not be considered in the consultant procurement.
- **Quarterly Reporting** – Quarterly Progress Reports (a narrative of completed project activities) are submitted on a quarterly basis.
- **Invoicing and Financial Requirements** –
 - Maintain a proper accounting system (MS Excel is unacceptable).
 - Request for Reimbursements/invoices (RFRs) at least quarterly, but no more than monthly.
 - One-time, lump sum invoices are not allowed.
 - If requesting reimbursement of indirect costs, a copy of the ICAP/ICRP acceptance letter must be submitted with the first invoice.
 - Local match commitments must be satisfied with every RFR/invoice, including any local match amount above the minimum amount. If you are unable to meet this commitment, coordinate with your district Contract Manager.
 - All work must be completed by June 30, 2027.
 - Final RFR/invoice and the final product are due no later than August 29, 2027.
 - The final RFR/invoice will not be processed without the final product.
 - An Indirect Cost Allocation Plan/Indirect Cost Rate Proposal (ICAP/ICRP) must be submitted each year to the Inspector General Independent Office of Audits and Investigations for approval. Instructions for submitting an ICAP/ICRP are available at the following webpage: <https://ig.dot.ca.gov/resources>
- **Grant Amendments** - Proposed changes to the Grant Application Cover Sheet, SOW, and Project Cost and Schedule (e.g., local match amount, fund source, movement of funds) will require an Amendment and Caltrans approval. Please contact Caltrans for guidance on this process.

Additional Information

GENERAL POLICY COMMITTEE ATTENDANCE RECORD – 2024

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Dawn Rowe Board of Supervisors				X		X						
Curt Hagman Board of Supervisors		X	X	X	X	X						
Joe Baca, Jr. Board of Supervisors			X	X	X	X						
Paul Cook Board of Supervisors		X	X	X		X						
Jesse Armendarez Board of Supervisors												
Art Bishop Town of Apple Valley		X	X	X	X	X						
Ray Marquez City of Chino Hills		X	X	X	X	X						
Frank Navarro City of Colton		X	X	X	X	X						
Acquanetta Warren City of Fontana			X	X	X							
Larry McCallon City of Highland		X	X	X		X						
John Dutrey City of Montclair												
Alan Wapner City of Ontario					X							
Helen Tran, Mayor City of San Bernardino												
Debra Jones City of Victorville			X	X								
Rick Denison Town of Yucca Valley		X	X	X	X	X						

X = Member attended meeting.
Shaded box = No meeting.

* = Alternate member attended meeting.

Empty box = Member did not attend meeting.

Crossed out box = Not a Board Member at the time.

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist Board Members and partners as they participate in deliberations at Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. Staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

Acronym List

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments



MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019