



Wednesday, October 24, 2012

12:00 Noon

(Lunch Provided for Board Members)

**Kelly Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276**

NOTE: IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT SUNLINE AT (760) 343-3456. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE SUNLINE TO MAKE REASONABLE ACCOMMODATION TO ENSURE ACCESSIBILITY TO THIS MEETING.

THE CHAIR REQUESTS THAT ALL CELLULAR PHONES AND PAGERS BE TURNED OFF OR SET ON SILENT MODE FOR THE DURATION OF THE BOARD MEETING.

AGENDA TOPICS

RECOMMENDATION

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| <p>1. <u>Call to Order</u>
Chairman Robert A. Spiegel</p> <p>2. <u>Flag Salute</u></p> <p>3. <u>Roll Call</u></p> <p>4. <u>Presentations</u>
a) Employees of the Quarter (Naomi Nightingale)</p> <p>5. <u>Finalization of Agenda</u></p> <p>6. <u>Correspondence</u>
None.</p> <p>7. <u>Public Comments</u>
(NOTE: Those wishing to address the Board should complete a Public Comment Card and will be called upon to speak.)</p> | <p>Receive Comments</p> |
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NON AGENDA ITEMS

Anyone wishing to address the Board on items not on the agenda may do so at this time. Each presentation is limited to 3 minutes.

AGENDA ITEMS

Anyone wishing to address specific items on the agenda should notify the Chair at this time so those comments can be made at the appropriate time. Each presentation is limited to 3 minutes.

- 8. Board Member Comments **Receive Comments****
Any Board Member who wishes to speak may do so at this time.

----- **ACTION** -----

- 9. Consent Calendar **Approve****

All items on the Consent Calendar will be approved by one motion, and there will be no discussion of individual items unless a Boardmember requests a specific item be pulled from the calendar for separate discussion. The public may comment on any item.

- a) Minutes of the September 26, 2012 Board of Directors Meeting (Pages 1-12)
- b) Checks over \$1,000 for September, 2012 (Pages 13-15)
- c) Credit card statement for September, 2012 (Pages 16-18)
- d) Monthly Budget Report for June, 2012 (Page 19)
- e) Contract Report – nothing to report.
- f) SunDial Operational Notes for September, 2012 (Page 20)
- g) Ridership Report for September, 2012 (Pages 21-22)

- 10. 1st Reading of New Conflict of Interest Code **Approve****
(Jeffrey Goldfarb)

Request to the Board of Directors to approve the first reading of the attached Ordinance, which updates SunLine Transit Agency's Conflict of Interest Code. ([Ordinance and Code separate attachment](#)) (Page 23)

- 11. Brown Act Compliance Resolution (Jeffrey Goldfarb) **Approve****

Request to the Board of Directors to approve the attached Resolution affirming the Agency's commitment to open government and intent to comply with the Ralph M. Brown Act. (Pages 24-28)

- 12. Resolution-Board Members Discuss Certain Closed Session Items with City Council & City Attorneys (Jeffrey Goldfarb)** **Approve**
Recommend that the Board of Directors approve the attached Resolution authorizing Board Members to disclose certain limited circumstances items discussed in closed sessions to their City Councils or Board of Supervisors and to their respective City Attorneys or County Counsel. (Pages 29-33)
- 13. Resolution to Obtain Prop. 1B Funding (Joe Forgiarini)** **Approve**
Request to the Board to approve attached Resolution granting authorization to apply for Proposition 1B grant funding (Pages 34-37)
- 14. Approval of New ACCESS Advisory Committee Member (Apolonio Del Toro)** **Approve**
Request to the Board to approve new member of the ACCESS Advisory Committee. (Page 38)
- 15. Establishing Board Meeting Dates for 2013 (Carolyn Rude)** **Approve**
Request to the Board to approve Board meeting dates for 2013. (Pages 39-40)
- **DISCUSSION** -----
- 16. Closed Session Minutes (Jeffrey Goldfarb)** **Discussion**
Discuss request that the Board begin the practice of keeping minutes of closed sessions.
- 17. Use of Staff Resources By Board Members (Chairman Robert Spiegel)** **Discussion**
Discuss the use of staff resources by Board Members.
- 18. General Manager's Report (C. Mikel Oglesby)**
- 19. Next Meeting Date**
December 5, 2012
12 o'clock Noon – Kelly Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276
- 20. Adjourn**

MINUTES
SunLine Transit Agency
Board of Directors Meeting
September 26, 2012

A regular meeting of the SunLine Transit Agency Board of Directors was held at 12:00pm on Wednesday, September 26, 2012 in the Kelly Board Room at SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

1. Call to Order

The meeting was called to order at 12:00 p.m. by Chairman Robert Spiegel.

2. Flag Salute

Councilmember Bud England led all in a salute to our flag.

3. Roll Call

Completed.

Members Present

Robert Spiegel, Chairman, Mayor, City of Palm Desert
Yvonne Parks, Vice Chairman, Mayor, City of Desert Hot Springs
Bud England, Councilmember, City of Cathedral City
G. Dana Hobart, Councilmember, City of Rancho Mirage
Bill Powers, Mayor Pro Tem, City of Indian Wells
Don Adolph, Mayor, City of La Quinta
Glenn Miller, Mayor, City of Indio
Eduardo Garcia, Mayor, City of Coachella
John J. Benoit, Supervisor, County of Riverside

Members Absent

Rick Hutcheson, Councilmember, City of Palm Springs

Guests:

Kathleen Bennett, Resort Marketing
Jacob Alvarez, CVAG
Michal Brock, Yellow Cab
Bill Meyers, Yellow Cab
Mabu Hossein, Desert City Cab
Harry Incs, American Cab
Keith Matheny, The Desert Sun
Jesse Frescas Jr., Doug Wall Construction
Scott Russo, American Cab
Blake Goetz, Public
Ken Gregory, Public
James Braico, Public
John Haag, Arcadis
Elisa Freeman, Public
Kimberly Webb, Public

Staff:

C. Mikel Oglesby, General Manager
Jeffrey Goldfarb, Interim Legal Counsel
Carolyn Rude, Special Asst. to the General Manager/Clerk of the Board
Naomi Nightingale, Chief of Staff/EEO
Polo Del Toro, Director of Operations
Joe Forgiarini, Director of Transit Planning
Mike Morrow, Director of Maintenance
Jack Stevens, Director of Human Resources
Tommy Edwards, Contracting Officer Technical Representative
Rudy LeFlore, Procurement Consultant
Mannie Thomas, Manager of Operations and Safety Training
Manny Garcia, Operations Senior Supervisor
Michael Jones, Manager Taxicab Administration
Harman Singh, Assistant Taxi Cab Administrator I
Stephanie Buriel, Administrative Assistant
David Manriquez, Safety Specialist
Maribel Gagnon, Contract Specialist
Rick Barone, Procurement Officer
Francine DePalo, Senior Administrative Assistant
Diann Chumney, Desktop Publisher
Ivanna Samokish, Safety and Security
Anita Petke, Transit Planning Assistant
Robert Beigie, Maintenance Supervisor
Amy Heilman, Coin Counter
Karen Thomas, Senior Administrative Assistant
Joseph Friend, Sr. Information Technology System Analyst
Julian Barboza, SunDial Operator
Vincente Saucedo - Mechanic

4. Presentations

Director of Human Resources, Jack Stevens announced the "Employees of the Quarter" award winners for the 2nd quarter of 2012 for the period of April through June, 2012. They are as follows: Julio Barboza of the Operations Dept., Vincente Saucedo of the Maintenance Department and Joseph Friend of the Administration Dept. Robert Beigie of the Operations Dept. was presented with the "Supervisor of the Quarter" award. Chairman Spiegel and General Manager Mikel Oglesby acknowledged the employee's hard work and dedication; the Board gave them a round of applause.

Jacob Alvarez from CVAG and Blake Goetz provided a presentation on the Regional Earthquake Warning System; California Seismic Safety Commission – CREWS, Coachella Valley Early Warning System. Mr. Alvarez stated that the project was endorsed by each city, all three school districts, as well as various legislators and the Board of Supervisors. Currently there is a grant application with the California Emergency Management Association. A handout was provided with details of the program. A video was shown basically stating that the system will help protect 80,000 kids and staff in Valley schools. With early warning system, they will be in place before

the shaking begins. Mr. Alvarez stated that they were happy that SunLine joined in as the first transportation agency to be involved in this program. It was impactful to have these kinds of relationships. Mr. Goetz, project manager, provided information on the system and how it works. He stated that it is important to protect critical infrastructure such as fire departments, etc., in an earthquake. Mr. Goetz stated that SunLine is a critical asset. There is a need to have the buses in operation following an earthquake for recovery. In Phase 2 of the project, it would be very easy for a signal to be sent to the mobile data terminals in the buses, the police vehicles and the fire vehicles. That is the vision for the future. The buses would be able to pull over to the side of the road, the police could get out from underground parking, and the fire units could get safe for refuge. Mr. Goetz stated that this project is very exciting to so many people across California.

5. **Finalization of Agenda**

Legal Counsel, Jeffrey Goldfarb requested that Item #13 of the agenda be pulled; "Award of Contract for VOIP Phone System". The Agenda was approved with change.

6. **Correspondence**

None.

7. **Public Comments**

NON AGENDA ITEMS:

None.

AGENDA ITEMS:

None.

9. **Board Member Comments**

Councilmember Hobart asked the following: "I would ask that at the next meeting that we have on the agenda a motion for SunLine to continue to follow the Brown Act – provisions that have been suspended by the State. They are essentially the following: Preparation and posting at least 72 hours before a regular meeting of an agenda; inclusion on the agenda a brief general description of all items to be discussed in closed session; disclosure of each item to be discussed in closed session in an open meeting prior to any closed session; report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters set forth in closed session; provide copies to the public of certain closed session documents as set forth in Government Code Section 54957." Councilmember Hobart further stated: "We have a Resolution that permits Board members to discuss Closed Session items with the City Attorneys of their respective cities. The legislation was passed by the Assembly and the Senate and we shouldn't drop that. Mr. Goldfarb will know exactly what it is, but if there are any questions, you can call me." Chairman Spiegel asked Councilmember Hobart: "It would stay confidential even if you discuss it with your attorney?" Councilmember Hobart stated: "Right; you can talk to your own city to get information. He stated that right now, it is a Brown Act violation."

9. **Consent Calendar**

Mayor Miller moved for approval of the consent calendar. The motion was seconded by Mayor Pro Tem Powers and was approved by a unanimous vote.

10. **Award of Contract for Construction of Administration Building and Transit Hub**

General Manager, Mikel Oglesby addressed the Board requesting that the General Manager be given authority to execute a contract for construction of administration building and transit hub in the amount of \$10,725,000 to Doug Wall Construction Inc. He stated that this process was a low bid process. The low bidder submitted a flawed Buy America Certification. Board approval was requested subject to FTA's concurrence in substituting the flawed certification. FTA concurrence was denied. The next low responsive and responsible bidder is Doug Wall Construction Inc. The difference in the dollar amount between the first bid and Doug Wall is approximately \$92,000 higher. It is budgeted and the funds are in place. Councilmember England moved for approval of staff recommendation. The motion was seconded by Vice Chairman Parks and was approved by a unanimous vote, with an abstention of Mayor Garcia of Coachella.

11. **IBI Group- Amendment No. 2 Approval**

General Manager, Mikel Oglesby addressed the Board requesting that the General Manager be given authorization to negotiate and execute Amendment No. 2 for a value Not To Exceed \$257,098 with The IBI Group. The IBI Group is the group that was in charge of Phase 1, which is preliminary engineering. The natural next step is to have them deal with the Phase 2 construction portion of the project as they are the architect on record. Mayor Pro Tem Powers moved for approval of staff recommendation. The motion was seconded by Mayor Miller and was approved by a unanimous vote.

12. **Award of Contract for Microsoft Enterprise Agreement**

Chief of Staff, Naomi Nightingale addressed the Board requesting Board to grant authorization to the General Manager to approve award of a contract for a Microsoft Enterprise Agreement. The Agreement would allow the Agency to bundle Microsoft products that would otherwise be purchased individually. This saves approximately 15% over the three year period. The Agreement would also provide free upgrades as well. Mayor Miller moved for approval. The motion was seconded by Councilmember England and approved by a unanimous vote.

13. **Award of Contract for VOIP Phone System**

Item pulled from agenda.

14. **FY 2012/13 Short Range Transit Plan (S RTP) Amendment**

Director of Transit Planning, Joe Forgiarini addressed the Board requesting approval to amend the SunLine Transit Agency Short Range Transit Plan for FY 2012/13 to include an additional capital project for replacement and new solar panels. In August 2012, the Federal Transit Administration announced that SunLine was successful in obtaining a State of Good Repair grant for Section 5309 funding to replace existing

and install new solar panels at its Thousand Palms operating and maintenance division. The grant funds allocated to SunLine by the Federal Transit Administration are State of Good Repair funds under Section 5309. This funding is for completion of two tasks: 1) Replacement of existing life expired outdated solar panels and 2) Purchase and installation of new solar panels on top of the recently installed bus parking canopies. This capital project is located at SunLine's main Thousand Palms operating division. Total project cost is \$1.82 Million, with 80% of funding coming from the federal grant and the 20% match from state capital funding allocated to SunLine. Mayor Pro Tem Powers moved for approval. The motion was seconded by Vice Chairman Parks and approved by a unanimous vote.

15. Checks Policy # B-030403 Revision

Chief of Staff, Naomi Nightingale addressed the Board requesting approval of the revised Checks Policy# B-030403, pertaining to signature authority. The revision includes the addition of the position of Chief of Staff for check-signing authority on SunLine's behalf and under the list of reoccurring vendors changes the name of our bank from Union Bank of California to U.S. Bank. Mayor Miller moved for approval. The motion was seconded by Mayor Pro Tem Powers and approved by a unanimous vote.

16. Response to Rancho Mirage Resolution

Chairman Spiegel stated that this item is a request to the Board to approve the attached response to the City of Rancho Mirage Resolution # 2012-21 dated May 17, 2012. Mayor Miller asked that the item be received and filed. Councilmember Hobart seconded the motion. Councilmember England stated the following: "Rancho Mirage has obviously sent over a public document to SunLine and the rest of the world and to receive and file would basically be to receive and bury that document. I think that in taking a look at what Rancho Mirage has sent to us, it has a lot of inconsistencies. The document was crafted after a report by the Desert Sun; unfortunately the Desert Sun does not have all the pertinent information to provide a 100% accurate assessment to talk about what we did here and what we didn't do. And so for Rancho Mirage to create a public document on a report that was given by the Desert Sun is inappropriate. It paints the Board in bad light; it paints SunLine organization in a bad light; it paints what we do as a JPA body in a bad light. What it says is that we are unfair in our business practices. We are unfair with our employees. And to not be able to hand over a document that says we have done our research, we have gone back to make sure that we were not out of line – that we did things appropriately, to not be able to give that over to Rancho Mirage and say this is what we found - we are in receipt of what you gave us, this is what we did – we did our due diligence and we found that we were in accordance to all of the things that you said we weren't. Here is our document back. That is unfair to this organization. That is unfair to our employees. That is unfair to the Board of Directors that were here every single Board meeting to go through all of these negotiations that has taken place over the past three of four years. What it does, is it basically gives us the ability to hand that document back so there is a balance. Right now there is only one side of the equation and to receive and file is to bury that document and say we are in agreement with what Rancho Mirage said."

Mayor Garcia stated the following: "I would like to concur with Cathedral City and leave the direction given, which was to send the information back to Rancho Mirage as a response. I would like to make a counter motion." Chairman Spiegel state that we already have a motion on the floor.

Councilmember Hobart stated the following: "I would first respond by saying that Mr. England has not read enough of the subject matter. He hasn't talked about the issues that were raised by Rancho Mirage and which were before raised by me in letters that were sent and not responded to up until the end of March. I wrote the letter to each of you. I will read it: "

"On February 12, 2012, General Manager Oglesby authorized a last, best and final offer be given to the drivers' and maintenance workers' union. There had been no prior (open or closed session) meeting of the Board of Directors which discussed the subject of a last, best and final offer and there was no vote by the BOD authorizing such a final offer. There was no open or closed session related to labor negotiations at the Board's regular meeting held on January 25, 2012, just prior to the last, best and final offer. On February 29, 2012, the union voted to strike. The Board had no input on the last, best and final offer that led to the strike vote. On March 1, 2012, The Desert Sun reported the union's vote to strike and quoting Ms. Nightingale announced that SunLine had made its last, best and final offer. This was the first I and probably many Board members learned that a last, best and final offer had been made without board authorization. After learning that an unapproved offer had been made, I expressed concern to Mr. Oglesby (and to the Board) that this approach undermines the Board by disregarding our authority. Mr. Oglesby's March 6, 2012 response to my communication made it clear that that he alone would determine what was to be a last, best and final offer. He stated: "*During the prior negotiations of 2006-2009, there was a threat to strike at that time and I handled the situation until the issues were finalized, informing the Board in the same manner as I am doing during these negotiations. As General Manager, I authorize the Union offers and inform the Board should an issue arise.*" Instead of dealing directly with the usurpation issue, and by that I refer to Mr. Oglesby taking the authority from the Board, Mr. Oglesby has retained an attorney who only considered whether his usurpation of the Board's authority constituted a violation of the Meyers-Milias-Brown Act. The Rancho Mirage City Council's Resolution did not charge him with violating the MMBA. It was suggested that he "strictly comply" with the Act. The principal thrust of the Resolution was that Mr. Oglesby not make offers without first obtaining Board approval. As discussed below, a last, best and final offer has a distinctive and well-recognized meaning in labor law. It is separate and apart from the ordinary give and take, offer and counter offer of the ongoing negotiation process. Ms. Raileanu tells us, and that is the attorney that wrote the analysis for Mr. Oglesby, Ms. Raileanu tells us that even though Mr. Oglesby did not have the Board's express authority to make a last, best and final offer, it does not violate the MMBA because the Board retains a right to modify a last best and final offer made by a labor negotiator. That sidesteps the question. The MMBA does not identify a list of rules to be followed when a public agency such as SunLine is in labor negotiations with its employees. It does, however, establish one overarching rule: Negotiations must be conducted in "good faith." This means that decisions concerning the direction to be taken with respect to labor negotiations must be provided in compliance with the MMBA, which in part states: "*The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall*

meet and confer in good faith regarding wages, hours and other terms and conditions of employment with representatives of such recognized employee organizations.. "Ms. Raileanu discusses the MMBA, but carefully steers clear of discussing the last, best and final offer that is made without also informing the union that the last, best and final offer does not yet have the Board's stamp of approval. Without full disclosure, the union is misled into believing the offer is in fact the Agency's final offer. Since she carefully crafted her "analysis" to avoid discussing whether a failure to disclose the actual status of an alleged last, best and final offer and whether or not it constitutes good faith negotiations, so will I. The primary issue is Mr. Oglesby's view that he has unilateral authority to "authorize the Union offers and inform the Board *should an issue arise*". It is obvious that making an unauthorized last, best and final offer denies the Board an opportunity to have serious input regarding the details and amendments at the critical stage of negotiations. This process allows the Board to be maneuvered into a position that virtually requires the Board to ratify proposals whether or not we agree with them. That cannot be considered sound policy. We are on the Board for reasons beyond being a rubber stamp for the General Manager. On May 17, 2012, the City of Rancho Mirage adopted a Resolution urging good faith negotiations with the union and requesting that the General Manager take direction from the SunLine Board on all offers before they are made to SunLine Transit's bargaining unit employees- including any last, best and final offer. In response, the General Manager offers a four-page attorney analysis which amounts to little more than an argument attempting to justify a last, best and final offer being made without Board approval. As a Board member who represents a city that expects me to be part of the process of crafting offers and counter offers in labor negotiations, there is no rational justification for permitting the General Manager to usurp my role or your role. I seriously doubt that any council member on this Board has never experienced a similar situation where the labor negotiator advanced a last, best and final offer without prior council approval. A last, best and final offer has a distinctive and well-recognized meaning in labor law. It means management has declared an end to negotiations. It means take it or leave it. It means if you reject it, it can be imposed on you. It is not a term that is loosely used. Contrary to Mr. Oglesby's and Ms. Raileanu's view, a last, best and final offer is not comparable to routine offers made along the way. You might look at the documents and Government Code sections I am attaching to this letter which illustrate the significance of a last, best and final offer. The Board of Directors is now being asked to consider adopting the legal analysis written by Ms. Railaneu, which attempts to justify the Board's diminished authority in favor of the General Manager. Support of this effort announces to the larger community that you are in agreement with Mr. Oglesby's action to deprive the Board of its authority. Rather than sending the Raileanu letter to Rancho Mirage, a wiser policy would be for the General Manager to signal his acceptance of the principle that last, best and final offers are to be advanced only after the Board has approved them. I suggest the Board simply receive and file her report and let the matter die where it is. Otherwise, her letter and mine will doubtlessly find their way to the local media. Nobody benefits by keeping this dispute alive in its current form. Respectfully, Dana Hobart."

Councilmember England stated the following: "With respect to what Mr. Hobart was talking about, that's why we should send the letter over because it does specifically address what Rancho Mirage was trying to say to the Board of Directors. I believe it is an overreaching authority of Rancho Mirage to actually draft a document because if they can't get their message through their current Board member, then they need to re-look at what is working best for the City of Rancho Mirage. I would like to bring up also, that within the document that Mr. Hobart has given us via the internet, I want to

bring to the conclusion that while Mr. Hobart talks specifically about the Brown Act, that there is a perceived Brown Act violation of what Dana is trying to do. By sending this document, he is compelling each one of us as Board members at our home or at our leisure, where ever we open up our electronic document, he is compelling us through his conclusion, he is arguing his points and compelling us to come up with a policy, a decision, outside of this public arena. Until this moment in time, you are thinking about what is the right thing to do because of what it said inside the conclusion. That conclusion that you have given us, what your perspective is, you have given the reasons behind it – the rationale. I feel like I'm in a court room sitting in the jury box and also having to be a defender at the same time, without being able to address what you are saying. You (Councilmember Hobart) are a brilliant attorney. But to do this, you have given us your conclusion; you have given your direction and then now you are compelling us. And the compelling us part is that 'I suggest the Board simply receive and file her report and let the matter die where it is' - that is the compulsion to the rest of the Board to make a decision outside of the public arena." Councilmember Hobart stated: "I don't know what you think that has to do with the Brown Act. Absolutely nothing." Councilmember England stated: "Why are we holding this in a public arena when you e-mailed this to us?"

Mayor Miller stated the following: "With all due respect, Mr. England, my idea...I didn't open the document, so I didn't read any of that; I don't know what you are talking about. My idea of receive and file is...he is a joint member of the JPA. He represents Rancho Mirage. His documentation that he sent is his interpretation of what he did. I want the issue to die because it is his interpretation of what he feels, what happened there based on his representation of his City. As the City of Indio I am under a different opinion. I allowed him to have his opinion and moved on to receive and file so that it will go away. I am not opposed as to what was said here in this room. I don't think we violated any issues. That is his right as an independent member of this Board to say what he wanted to say. And that is why I said to receive and file."

Vice Chairman Parks stated the following: "I agree with you (*Mayor Miller*) up to a point. It is his right to be able to speak his thoughts on the issue. My issue is that he involved his entire City Council; not just him and points, as we all sit here. We can interpret and we can determine issues based on the facts before us. If he went outside of the Board to involve his entire City Council to reprimand this Board, I think it is only right for this Board to respond to that accusation."

Councilmember Hobart stated: "I would like to just make two points. One, I am not compelling us to set up a new policy. I am trying to get us to follow the law. That is all I am trying to get us to do. The law is for us to make last, best and final offers. I think that really is the policy imposed on us by law and I would like to see us follow it. Two, I involved the entire City Council because I had sent at least two, if not three e-mails to Mr. Garcia, to Mr. Oglesby and I got no responses. I got no personal responses. The only thing that came out was eventually on March 6th a statement from Mr. Oglesby to all of us saying that I made a request for information...something like that. And he responded with a quote that I included... here it is. March 6th saying that 'Hobart is asking questions. I am reluctant to respond via e-mail because my e-mails could be discoverable and talks continue with the union.' It wouldn't have been discoverable

any more than any other e-mail that I have sent. I only send it to Board members. I make sure that it is not a violation, but because I didn't get a response from anybody and I was pissed off that I am reading in the newspaper for the first time that we have made a last, best and final offer and so I figured I know how to get somebody's attention. I will bring it to the attention of our City Council. And that's why I did it."

Councilmember England stated: "I think that the remaining part of the document or e-mail that Dana was just articulating says that while I don't want to answer this via e-mail, I would be happy to meet with you on a personal level, person to person, we can dialogue over this instead of doing the internet. So that is on the bottom half of that document."

Chairman Spiegel stated the following: "Unfortunately, Mr. Hobart was accused of a Brown Act violation. That was with a different attorney and it was unfortunate. As a matter of fact, I made the motion with then Chairman Garcia to apologize and we all voted for that. I would like to set this thing behind us. I would like to move forward and that is the reason that I am in favor of just putting it to bed and moving on."

Mayor Adolph stated: "I am going to abstain until I hear what the Coachella Mayor has to say about an alternative."

Mayor Garcia stated: "We gave direction to put this document together collectively. The objective there was to respond to the Resolution by Rancho Mirage. I think it is only appropriate that we follow through with that response based on the comments that have been made by the City of Cathedral City. I think that is the closure to this particular discussion. The Chairman has pointed out that the previous attorney with the Executive Committee met to discuss the correspondence going back and forth by Mr. Hobart and questionable Brown Act violation. We as an Executive Committee did send out a notice to the Board and to Rancho Mirage based on legal advice. Currently, as it stands, I think we have rescinded that and given our apologies on that particular issue, but it seems to be not enough. I think putting closure to this issue is by taking action and sending the response to Rancho Mirage. So that is my motion on the floor."

Chairman Spiegel stated "There is a motion on the floor to receive and file this document. Chairman Spiegel asked for those Board Members who would like to receive and file to raise their hand. They are as follows: Yes vote: Chairman Spiegel, Palm Desert; Councilmember Dana Hobart, City of Rancho Mirage; Mayor Glenn Miller, City of Indio; Supervisor John Benoit; County of Riverside. Voting No: Vice Chairman Yvonne Parks; Mayor Don Adolph, City of La Quinta; Mayor Pro Tem Bill Powers, City of Indian Wells; Councilmember Bud England, City of Cathedral City; Mayor Eduardo Garcia, City of Coachella. Chairman Spiegel stated that four members of the nine present voted in favor and therefore, did not pass.

Mayor Garcia made a motion to send the prepared response to the City of Rancho Mirage. Vice Chairman Parks seconded the motion. Chairman Spiegel asked those Board members would like to send prepared response to the City of Rancho Mirage; the following voted in favor: Vice Chairman Yvonne Parks; Mayor Don Adolph, City of

La Quinta; Mayor Pro Tem Bill Powers, City of Indian Wells; Councilmember Bud England, City of Cathedral City; Mayor Eduardo Garcia, City of Coachella. Voting No: Chairman Spiegel, Councilmember Hobart, Mayor Miller, Supervisor Benoit. Motion passed by a 5-4 vote.

Mayor Miller asked who the cover letter would be coming from. SunLine Legal Counsel, Jeffrey Goldfarb stated: "In terms of the letter written by Ms. Raileanu, there should be an action on the part of the Board to waive these privileges of the letter because the letter... the communication from the attorney that was originally sent was confidential, so there should be a motion to waive the confidentiality." Councilmember Hobart stated: "On that point, Government Code Section 54957.5 states as follows:

"Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act... and shall be made available upon request without delay."

Councilmember Hobart further stated: "It doesn't apply to certain sections which are not applicable. This document is part of an agenda item that is not a privileged document. It is on an open council agenda and I believe that this section says that the document is not privileged. So don't think that we have to make a waiver.

Mayor Miller further stated: "City of Indio does not want to be a part of this tit for tat going back and forth. This is only going to get another response. I know Mr. Hobart way too well and he will not sit on this."

Councilmember Hobart further stated: "There are people running for reelection that are going to have recorded that they are not doing what the public expects them to do on this Board. And I don't think this should be out there, frankly. It is a disadvantage to those people. Does anybody here think for a second in Rancho Mirage that I care that Rancho Mirage gets a copy of that report that is so loaded with loopholes and fault lines? I couldn't care less. I just thought on the issue of a last, best and final offers and negotiating all of that, which is what brought this about, die now – everybody has had their piece. I walk away from it; you walk away from it. Frankly it doesn't bother me at all. I hate to see friends campaigning with this out there. I think it is much wiser to just put this thing to bed."

Mayor Parks stated the following: "You could put it to bed."

Legal Counsel, Jeffrey Goldfarb, stated: "I agree that the document does not be waived. It is a public document." Mayor Hobart stated: "It could have been distributed all the time. My document could have been distributed all the time. I chose not to do it to keep it within the body. No, I didn't give it to the newspaper person. I have given none of my documents to a newspaper person."

At 12:55 p.m. the Chairman announced that he would recess the SunLine Transit Agency Board of Directors meeting to call to order the SunLine Services Group Board of Directors Meeting and to then hold the joint closed session. Councilmember Hobart moved for approval. The motion was seconded by Supervisor Benoit and approved by a unanimous vote.

17. Closed Session

- a) Closed session to review the employee performance evaluation of the General Manager, pursuant to Government Code Section 54957 of the California Government Code.

At 2:00p.m. Chairman Spiegel called the SunLine Transit Agency Board of Directors Meeting back to order. Legal Counsel stated that the Closed Session was.

18. Establishment of General Manager Salary Adjustment & Performance Incentive

Chairman Spiegel announced that the General Manager, Mikel Oglesby will receive evaluation percentage of goals - 81.25%. Jeff Goldfarb stated: "The accomplishment of goals is at 81.25% that is the determination, then 81.25% multiplied by 7.5% = .0609%. Then multiply that by the current salary of \$187,345.60 results in an incentive award of \$11,409.35, reduced by taxes is \$7,416.08. There is an automatic increase as well in the contract – the current CPI is 1.52%."

Mayor Hobart stated the following: "I move that the Board, waive its privilege with respect to the five categories of criteria on which the bonus is being paid. Otherwise the people will think that the bonus is paid on an overall evaluation of Oglesby's performed during the course of the year when it is not. I do not think that there is anything that harms us in any way to tell the public what he did that related to the amount of bonus he gets. I believe that the public should know what the five goals are." Councilmember England stated: "We talk about those in open session all the time. We just established what his next year goals were." Councilmember Hobart stated: "I sent a letter to Mr. Oglesby and Mr. Goldfarb asking permission to discuss those goals. I had been asked by the Desert Sun and I couldn't say anything because up to now, these goals have been privileged as to closes session data." Jeffrey Goldfarb stated: "That was my understanding as well. I based that understanding on the idea that the process of an evaluation as well as the things in which you are evaluating somebody on are part of the evaluation process and are not public under the Brown Act. Now if that has previously been waived, I did not know that." Councilmember Hobart stated: "No, I'm asking you to waive that." Mr. Oglesby stated that the goals have not been made public. Councilmember Hobart further stated: "The California Constitution was changed just a few years ago, I have forgotten the year – additional sunshine. Part of it was codified in Government Code Section 6255. The Government Code Section 6255 puts it to us this way. 'The Agency (us) shall justify withholding any record by demonstrating that the record in question is exempt under expressed provisions of this chapter, or the public interest served by not disclosing the

record clearly outweighs the public interest served by disclosure of the record. I don't see any harm to the Agency to say what we are basing our incentive or bonus on. I do see harm to saying it is not on his overall job performance, but we can't tell you what it was – what the categories were. Why do we want to look like that? I just submit by waiving it – all that goes out is one page. Not our evaluation of it. It tells the public – If somebody asks you – I think the guy tried to do this or that and I don't think he deserved anything. And you can't even say what it was based on or what it wasn't based on?" Councilmember Hobart made a motion to release the goals. Supervisor Benoit seconded the motion. The motion was passed by the following vote: Yes: Chairman Spiegel, Mayor Adolph, Mayor Pro Tem Powers, Mayor Miller, Councilmember England, Councilmember Hobart, Mayor Garcia, Supervisor Benoit; No vote: Vice Chairman Parks. Motion carries.

Vice Chairman Parks moved to accept the incentive for the General Manager. The motion was seconded by Councilmember England. Yes: Chairman Spiegel, Vice Chairman Parks, Mayor Adolph, Mayor Pro Tem Powers, Councilmember England, Supervisor Benoit, Mayor Garcia; No: Mayor Miller, Councilmember Hobart.

Vice Chairman Parks moved to accept the CPI increase for the General Manager. The motion was seconded by Councilmember England. Mayor Hobart stated: "I would simply say the contract absolutely calls for it; we have no discretion so that is why I am going to support it." The motion approved by a unanimous vote.

19. **General Manager's Report**

No report.

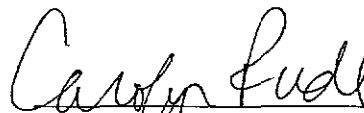
20. **Next Meeting Date**

October 24, 2012
12 o'clock Noon – Kelly Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

21. **Adjourn**

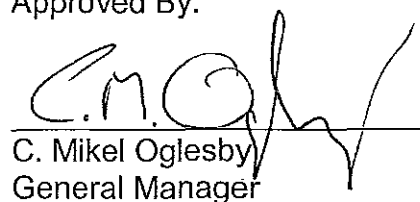
Chairman Spiegel adjourned the meeting at 2:10:p.m.

Respectfully Submitted,



Carolyn Rude
Clerk of the Board

Approved By:



C. Mikel Oglesby
General Manager

Date: 10/11/12

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
HEALTH NET	Group Health Ins Prem	655614	9/20/2012	\$205,335.72
COMPLETE COACH WORKS	WIP-Rehab 4 Busses R/C	655680	9/26/2012	\$143,918.08
U.S. BANK INSTITUTIONAL TRUST-	Pension Deposits	655765	9/28/2012	\$87,011.91
U.S. BANK INSTITUTIONAL TRUST-	Pension Deposits	655664	9/20/2012	\$86,762.67
SO CAL GAS CO.	Utilities	655652	9/20/2012	\$81,110.81
PERMA - Insurance	Gen Lib/WC	655642	9/20/2012	\$76,920.62
BAE SYSTEMS CONTROLS, INC.	Fuel Cell Bus	655498	9/7/2012	\$36,037.00
DESERT ALARM, INC.	WIP-E-VAC System	655681	9/26/2012	\$30,087.00
PEAVEY CORPORATION	Training Supplies	655521	9/7/2012	\$24,375.00
GOODYEAR TIRE & RUBBER COMPANY,	Bus Tire Lease	655718	9/28/2012	\$20,554.48
TECH DEPOT	Computer Equipment	655656	9/20/2012	\$18,812.53
IMPERIAL IRRIGATION DIST	Utilities	655625	9/20/2012	\$18,758.32
PETERSON HYDRAULICS, INC.	Inground Hoist Equipment	655643	9/20/2012	\$15,750.02
LEFLORE GROUP LLC, THE	Project Management	655558	9/12/2012	\$14,990.67
BUSTEX CORP.	WIP-Rehab 4 Busses R/C	655583	9/20/2012	\$12,390.01
CV PLASTICS, INC.	WIP-Bus Stop Shelters	655701	9/28/2012	\$11,169.54
HARTFORD LIFE	Employee Benefits	655721	9/28/2012	\$10,493.20
HARBOR DIESEL & EQUIPMENT INC.	Bus Repair parts	655556	9/12/2012	\$10,391.62
HARTFORD LIFE	Employee Benefits	655509	9/7/2012	\$10,311.49
CDW GOVERNMENT, INC	ITS Equipment	655693	9/28/2012	\$9,785.39
IMPERIAL IRRIGATION DIST	Utilities	655723	9/28/2012	\$8,647.02
AVAIL TECHNOLOGIES	ITS Implementation	655497	9/7/2012	\$8,000.00
GFI GENFARE	Farebox	655674	9/21/2012	\$7,693.35
WAAV, INC.	IT Supplies	655678	9/21/2012	\$7,595.04
COMSERCO, INC.	Radio and Bumper	655593	9/20/2012	\$7,097.75
TURBO IMAGES INC.	Decal/Logo Commuter Busses	655662	9/20/2012	\$6,607.54
ERIC COREY FREED	Zweig Education Center	655501	9/7/2012	\$6,140.55
TK SERVICES, INC.	Bus Repair Parts	655761	9/28/2012	\$6,115.78
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655548	9/12/2012	\$5,751.24
NEW FLYER	Bus Parts	655741	9/28/2012	\$5,420.69
G & K SERVICES	Uniform service	655607	9/20/2012	\$5,110.62
GRAVES & KING LLP	Insurance Losses	655507	9/7/2012	\$5,067.61
OFFICETEAM	Temporary Services	655640	9/20/2012	\$4,889.10
MOORE MAINTENANCE & JANITORIAL	Janitorial Services	655734	9/28/2012	\$4,678.00
ARCADIS U.S., INC.	Construction Managing	655577	9/20/2012	\$4,414.54
AMALGAMATED TRANSIT UNION	Union Dues	655685	9/28/2012	\$4,410.28
AMALGAMATED TRANSIT UNION	Union Dues	655576	9/20/2012	\$4,407.39
ZACHARY WAYNE JOHNSON	Directors Workshop	655670	9/20/2012	\$4,278.60
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655596	9/20/2012	\$4,253.06
STRICKLAND KENNY INC.	Lubricants & Oils	655533	9/7/2012	\$4,230.68
WESTFIELD, LLC	Commuter Link 220	655537	9/7/2012	\$3,600.00

SunLine Transit Agency
Checks \$1,000 and Over
For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
TELEPACIFIC COMMUNICATIONS	Telephone Service	655676	9/21/2012	\$3,414.06
TK SERVICES, INC.	Bus Repair Parts	655657	9/20/2012	\$3,411.14
WOODRUFF, SPRADLIN & SMART,	Legal Services	655679	9/21/2012	\$3,406.25
SAFETY-KLEEN CORPORATION	Solvent Tank Service	655563	9/12/2012	\$3,175.43
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655692	9/28/2012	\$2,985.96
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655584	9/20/2012	\$2,985.96
<u>ADRHYTHM ADVERTISING & DESIGN</u>	<u>Zweig Education Center</u>	<u>655671</u>	<u>9/21/2012</u>	<u>\$2,850.00</u>
OFFICETEAM	Temporary Services	655516	9/7/2012	\$2,811.51
<u>TOOLS UNLIMITED</u>	<u>Jump-Start System</u>	<u>655567</u>	<u>9/12/2012</u>	<u>\$2,790.00</u>
<u>ARCADIS U.S., INC.</u>	<u>Construction Managing</u>	<u>655496</u>	<u>9/7/2012</u>	<u>\$2,716.64</u>
PERMA - Insurance	Gen Lib/WC	655522	9/7/2012	\$2,538.90
<u>3FORM, INC.</u>	<u>Zweig Education Center</u>	<u>655574</u>	<u>9/20/2012</u>	<u>\$2,493.54</u>
STRICKLAND KENNY INC.	Lubricants & Oils	655653	9/20/2012	\$2,404.67
<u>COSTCO-HSBC BUSINESS SOLUTIONS</u>	<u>Div1 Driver Lounge Furniture</u>	<u>655594</u>	<u>9/20/2012</u>	<u>\$2,403.06</u>
VERIZON WIRELESS	Wireless Cell Service	655535	9/7/2012	\$2,354.90
NEW FLYER	Bus Parts	655560	9/12/2012	\$2,346.52
OFFICETEAM	Temporary Services	655745	9/28/2012	\$2,279.16
<u>EYE MED</u>	<u>Employee Benefits</u>	<u>655502</u>	<u>9/7/2012</u>	<u>\$2,261.60</u>
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655700	9/28/2012	\$2,220.41
ROMAINE ELECTRIC CORP.	Repair Parts	655529	9/7/2012	\$2,137.90
BURRTEC WASTE & RECYCLING	Facility Trash Removal	655581	9/20/2012	\$2,136.90
MAGELLAN BEHAVIORAL HEALTH	Employee Assistance	655731	9/28/2012	\$2,132.79
MTL INSURANCE COMPANY	Ins. For GM	655736	9/28/2012	\$2,051.76
<u>AVAIL TECHNOLOGIES</u>	<u>ITS Implementation</u>	<u>655578</u>	<u>9/20/2012</u>	<u>\$2,000.00</u>
<u>AUDIOVISIONS</u>	<u>Zweig Education Center</u>	<u>655686</u>	<u>9/28/2012</u>	<u>\$1,971.15</u>
GRAVES & KING LLP	Insurance Losses	655719	9/28/2012	\$1,942.73
SMARTDRIVE SYSTEMS, INC.	Security Equipment	655531	9/7/2012	\$1,929.03
NAPA AUTO PARTS	Vehicle Repair Parts	655635	9/20/2012	\$1,910.30
FLEET-NET CORPORATION	Software & Licenses (Sept)	655504	9/7/2012	\$1,770.00
FLEET-NET CORPORATION	Software & Licenses (Oct)	655713	9/28/2012	\$1,770.00
KAMINSKY PRODUCTIONS, INC	Marketing Consultants	655511	9/7/2012	\$1,750.00
ALLIEDBARTON SECURITY SERVICES	Security Services	655672	9/21/2012	\$1,749.16
TRANSIT PRODUCTS & SERVICES	Repair Parts	655568	9/12/2012	\$1,743.18
ALLIEDBARTON SECURITY SERVICES	Security Services	655494	9/7/2012	\$1,660.96
VERIZON	Communications	655666	9/20/2012	\$1,541.46
PACIFIC BRAKE & ALIGNMENT	Alignments	655517	9/7/2012	\$1,518.66
VALLEY OFFICE EQUIPMENT, INC.	Fax/Copier Supplies	655677	9/21/2012	\$1,516.48
CBS OUTDOOR INC.	Commuter Link 220	655591	9/20/2012	\$1,500.00
TRANSIT PRODUCTS & SERVICES	Repair Parts	655763	9/28/2012	\$1,396.88
CARQUEST OF THE DESERT	Repair Parts	655590	9/20/2012	\$1,385.50
RESORT MARKETING	Public Relations Mgmt	655528	9/7/2012	\$1,365.00
DESERT SUN PUBLISHING CO., THE	Public Notice Commuter Rte	655599	9/20/2012	\$1,324.00

**SunLine Transit Agency
Checks \$1,000 and Over
For the month of September 2012**

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
<u>CDW GOVERNMENT, INC</u>	<u>Software/Hardware</u>	<u>655592</u>	<u>9/20/2012</u>	<u>\$1,306.80</u>
RANCHO LAS PALMAS RESORT	Holiday Event Deposit	655526	9/7/2012	\$1,300.00
OFFICE DEPOT	Office Supplies	655561	9/12/2012	\$1,289.68
NEW FLYER	Bus Parts	655637	9/20/2012	\$1,275.81
GFI GENFARE	Farebox	655555	9/12/2012	\$1,273.02
HOME DEPOT CRD SRVS	Facility Maintenance	655623	9/20/2012	\$1,225.24
TOXGUARD FLUID	Coolant Recycling	655762	9/28/2012	\$1,092.08
OFFICE DEPOT	Office Supplies	655744	9/28/2012	\$1,082.70
TOTALFUNDS BY HASLER	Postage Supplies	655658	9/20/2012	\$1,055.11
GOODYEAR TIRE & RUBBER COMPANY,	Bus Tire Lease	655506	9/7/2012	\$1,010.14
DESERT ALARM, INC.	Security Services	655551	9/12/2012	\$1,000.00
Total of Checks Over \$1,000				\$1,148,339.05
Total of Checks Under \$1,000				\$49,952.65
Total of All Checks for the Month				\$1,198,291.70
Total Amount of Checks Prior Years Same Month				\$1,735,309.33



September Statement for activity from Aug. 23, 2012 through Sep. 20, 2012
 SUNLINE TRANSIT
 C MIKEL OGLESB

Inquiries: 1-866-552-8855
 BUS 13 Page 1 of 2

Your Visa® Business Card account at a glance ... Account

Activity Summary	
Previous Balance	\$2,570.79
Payments	\$2,570.79cR
Other Credits	\$0.00
Purchases	\$563.60
Balance Transfers	\$0.00
Advances	\$0.00
Other Debits	\$0.00
Past Due Amount	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$563.60
Credit Line	\$37,000.00
Available Credit	\$36,436.40
Statement Close Date	Sep. 20, 2012
Days in Billing Cycle	29

Payment Information	
New Balance	\$563.60
Minimum Payment Due (Current Month)	\$10.00
Minimum Payment Due (Past Due)	\$0.00
Total New Minimum Payment Due	\$10.00
Payment Due Date	Oct. 17, 2012
Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay up to a \$39.00 Late Fee and your APRs may be increased up to the Penalty APR of 28.99%.	

To reduce or avoid paying additional fees and interest charges on your purchase balance, pay the total new balance of \$563.60 by 10/17/12. Any cash balance or balance transfer balance will continue to accrue daily interest until the date your payment is received.

Transactions

Post Date	Trans Date	Ref. Nbr	Description of Transaction	Amount	Notation
Payments and Other Credits					
09/04	09/04		PAYMENT THANK YOU	\$2,570.79cR	-----
Purchases and Other Debits					
09/04	08/30	3016	SIMPLE TRUTHS LLC 800-900-3427 IL	\$192.00	-----
09/17	09/14	0232	SOUTHWEST5262467893406 DALLAS TX	\$296.60	-----
			OGLESBY/CHARLE 09/28/12		
			ONTARIO CAL TO SACRAMENTO		
			SACRAMENTO TO SEATTLE TACO		

Continued on Next Page

No payment is required, however please use coupon when making additional payments. CPN 000648533

0047985100448091310000010000000563601

Automatic Payment

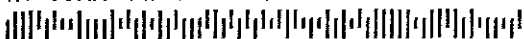
Your Account Number: 1

Your new full balance of \$563.60 will be automatically deducted from your account on 10/04/12.

To change your address or for Cardmember Service please call: 1-866-552-8855 **Every Hour! Every Day!**

000037099 1 MB 0.404 106481789598288 P

SUNLINE TRANSIT
 C MIKEL OGLESBY
 32505 HARRY OLIVER TRL
 THOUSAND PLMS CA 92276-3501





September Statement for activity from Aug. 23, 2012 through Sep. 20, 2012 Inquiries: 1-866-552-8855
 SUNLINE TRANSIT
 C MIKEL OGLESBY
 Page 2 of 2

Transactions

Post Date	Trans Date	Ref. Nbr	Description of Transaction	Amount	Notation
09/18	09/14	8302	ALASKA A10272113785407 SEATTLE WA OGLESBY/CHARLE 10/03/12 SEATTLE TACO TO PALMSPRINGS	\$75.00	-----

2012 Totals Year-to-Date	
Total Fees Charged in 2012	\$0.00
Total Interest Charged in 2012	\$0.00

Company Approval *(This area for use by your company)*

Signature/Approval: _____ Accounting Code: _____

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

** APR for current and future transactions.

Balance Type	Balance By Type	Balance Subject to Interest Rate	Variable	Interest Charge	Annual Percentage Rate	Expires with Statement	Interest Free Period
**BALANCE TRANSFER	\$0.00	\$0.00	YES	\$0.00	13.99%		NO
**PURCHASES	\$563.60	\$0.00	YES	\$0.00	13.99%		YES
**ADVANCES	\$0.00	\$0.00	YES	\$0.00	20.99%		NO

Important Messages

Your payment of \$563.60 will be automatically deducted from your bank account on 10/04/2012. Please refer to your AutoPay Terms and Conditions for further information regarding this account feature.

Receive Email Updates. Sign up for important updates and special offers for your credit card account to be delivered to your inbox. Provide your email address at email.myaccountaccess.com.

Save time and money by consolidating your debt into one monthly payment. Check your mail for a great offer or call Cardmember Service today for information on a great rate.

To contact us regarding your account.

- | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <p> By Telephone:
 <i>Every Hour! Every Day!</i>
 Voice: 1-866-552-8855
 TDD: 1-888-352-6455
 Fax: 1-866-807-9053</p> | <p> Send Inquiries to:
 Cardmember Service
 P.O. Box 6353
 Fargo, ND 58125-6353</p> | <p> Send Payments to:
 Cardmember Service
 P.O. Box 790408
 St. Louis, MO 63179-0408</p> | <p> Online
 visit our website:
 myaccountaccess.com</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|

Pacific Western Bank
SunLine Transit Agency Visa Credit Card Statement
Closing Date: September 20, 2012

Detail:

09/04/12	Simple Truths LLC	Educational books	\$ 192.00
09/17/12	Southwest Airlines	Airfare - Calif. Governor's ZEV Workshop – General Manager	\$ 296.60
09/18/12	Alaska Airlines	Airfare – APTA Annual Conf. – General Manager	\$ 75.00

Payments/Credits

09/04/12	Payment	\$2,570.79
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Note: All travel is included in the Board approved FY 2013 budget.

Statement of Activities
June 30, 2012

	Unaudited FY 10/11	Total FY 11/12 Budget	Current Month			Year to Date		
			Actual	Budget	Favorable (Unfavorable)	YTD Actual	YTD Budget	Favorable (Unfavorable)
Revenues:								
Passenger Fares	2,893,849	2,950,000	256,639	245,833	10,806	3,207,329	2,950,000	257,329
Advertising Revenue	27,024	25,000	200	2,083	(1,883)	25,378	25,000	378
Rebate for CNG Production	1,035,857	375,000	0	31,250	(31,250)	390,064	375,000	15,064
Interest Revenue	8,573	10,000	204	833	(629)	2,787	10,000	(7,213)
Outside Fueling Revenue (SunFuels)	219,868	180,137	41,493	15,011	26,482	312,943	180,137	132,806
Pass-Through Operating revenue	69,777	258,800	115,928	21,567	94,361	191,861	258,800	(66,939)
Other Operating Revenue	107,833	343,137	12,220	28,595	(16,375)	125,965	343,137	(217,172)
Grant Revenue	17,004,918	18,033,298	1,158,234	1,502,775	(344,541)	17,902,795	18,033,298	(130,503)
Total Operating Revenue	21,367,700	22,175,372	1,584,918	1,847,948	(263,029)	22,159,123	22,175,372	(16,250)
Expenses:								
SunFuels (10)	219,868	180,137	41,493	15,011	(26,482)	317,682	180,137	(137,545)
Operations-Fixed Route (11 & 12)	8,453,305	8,670,062	728,254	722,505	(5,749)	8,343,931	8,670,062	326,131
Operations-Dial-A-Ride (13 & 14)	2,232,339	2,450,562	244,997	204,214	(40,784)	2,594,847	2,450,562	(144,285)
Security (15)	514,549	458,833	18,521	38,236	19,715	355,553	458,833	103,280
Maintenance (21 & 22)	5,212,682	5,517,967	376,018	459,831	83,813	4,805,823	5,517,967	712,144
Facility Maintenance-T.P. (23)	567,807	573,218	53,185	47,768	(5,417)	576,686	573,218	(3,468)
Facility Maintenance-Indio (24)	81,905	83,472	9,224	6,956	(2,268)	69,703	83,472	13,769
Bus Stops/Shelters (25)	416,057	459,965	37,906	38,330	424	439,298	459,965	20,667
Marketing (31)	261,442	356,354	2,655	29,696	27,041	300,443	356,354	55,911
Human Resources (32)	451,763	407,998	62,405	34,000	(28,405)	399,621	407,998	8,377
General Administration (40)	1,032,497	1,483,415	178,795	123,618	(55,177)	1,780,423	1,483,415	(297,008)
Finance (41)	755,754	753,377	94,705	62,781	(31,924)	909,761	753,377	(156,384)
Information Technology (42)	289,135	367,125	27,491	30,594	3,103	279,727	367,125	87,398
Planning & Agency Development (49)	599,879	851,833	73,392	70,986	2,406	519,913	851,833	331,920
Total expenses	21,088,982	22,614,318	1,949,041	1,884,527	(59,703)	\$ 21,693,411	22,614,318	920,907
		(180,137)					(180,137)	
		(258,809)					(258,809)	
		22,175,372					22,175,372	

3rd Party Fuel Reimbursements

Pass Through NF/JARC



Complimentary Paratransit Service
Serving Persons with Disabilities Throughout the Coachella Valley

SunDial Operational Notes
September 2012

1. ON-TIME PERFORMANCE

<u>Last Year</u>	<u>This Year</u>	
86.9	90.2	Total trips carried in the on-time window
1,320	1,084	Total trips late during the month
10,082	10,861	Total trips

2. RIDERSHIP and MILEAGE

<u>Last Year</u>	<u>This Year</u>	
10,292	11,075	Total passengers for the month
88,042	90,435	Total miles traveled for the month

3. SAFETY

<u>Last Year</u>	<u>This Year</u>	
0	0	Total preventable collisions

4. RIDE-A-LONG & ONBOARD EVALUATIONS

<u>Last Year</u>	<u>This Year</u>	
2	0	Total Ride-a-Long Evaluations
5	4	Total Onboard Inspections
2	1	Total Safety Evaluations

5. DENIALS

<u>Last Year</u>	<u>This Year</u>	
0	0	Total Denied Trips

6. WHEELCHAIR BOARDINGS

<u>Last Year</u>	<u>This Year</u>	
1,350	1,545	Total Mobility Device Boarding's

cc: Mikel Oglesby, Carolyn Rude, Polo Del Toro, Mannie Thomas, Jim Rayl, Diane Beebe



**SunLine Transit Agency
Monthly Ridership Report
September - 2012**

FY
2012 & 2013

	Sep 2012	Sep 2011	Aug 2012	Month Var.	% Var.	FY 2013 YTD	FY 2012 YTD	YTD Var.	% Var.	Bikes		Wheelchairs	
										Monthly	YTD	Monthly	YTD
Fixed Route													
Line 14 DHS/PS	46,026	45,595	39,930	431	0.9%	123,238	119,751	3,487	2.9%	1,358	3,993	292	654
Line 15 DHS	8,805	8,775	7,014	30	0.3%	22,078	20,943	1,135	5.4%	117	298	30	96
Line 24 PS/CC	16,772	17,490	13,297	(718)	-4.1%	42,379	41,657	722	1.7%	367	1,243	98	300
Line 30 CC/PS	64,699	68,464	57,291	(3,765)	-5.5%	175,222	178,487	(3,265)	-1.8%	1,844	5,695	558	1,838
Line 32 PD/RM/TP/PS	21,487	20,868	18,649	619	3.0%	57,501	53,538	3,963	7.4%	1,046	2,898	183	544
Line 53 PD/IW	4,907	4,272	4,020	635	14.9%	12,499	10,155	2,344	23.1%	224	607	14	39
Line 70 LQ/BD	21,364	23,121	14,627	(1,757)	-7.6%	48,841	49,088	(247)	-0.5%	622	1,602	84	182
Line 80 Indio	12,696	20,358	12,170	(7,662)	-37.6%	35,323	55,155	(19,832)	-36.0%	115	520	109	363
Line 81 Indio	8,823		7,675	8,823	0.0%	23,537	-	23,537	0.0%	137	447	101	260
Line 90 Coachella/Indio	19,150	19,331	17,044	(181)	-0.9%	51,988	51,122	866	1.7%	396	1,310	150	520
Line 91 Cch/Th/Mecca	17,734	19,505	15,775	(1,771)	-9.1%	46,978	50,112	(3,134)	-6.3%	332	1,097	57	169
Line 111 PS/Indio	133,660	132,143	123,499	1,517	1.1%	370,377	369,266	1,111	0.3%	4,507	12,799	860	2,743
Line 220 PD to Riverside	764			764	0.0%	764	-	764	0.0%	10	10	9	9
Fixed route total	376,887	379,922	330,991	(3,035)	-0.8%	1,010,725	999,274	11,451	1.1%	11,075	32,519	2,545	7,717
Demand Response													
SunDial	11,075	10,292	10,973	783	7.6%	32,401	29,548	2,853	9.7%				
System total	387,962	390,214	341,964	(2,252)	-0.6%	1,043,126	1,028,822	14,304	1.4%				
	Sep. 2012	Sep. 2011											
Weekdays:	20	22											
Saturdays:	5	4											
Sundays:	5	4											
Total Days:	30	30											

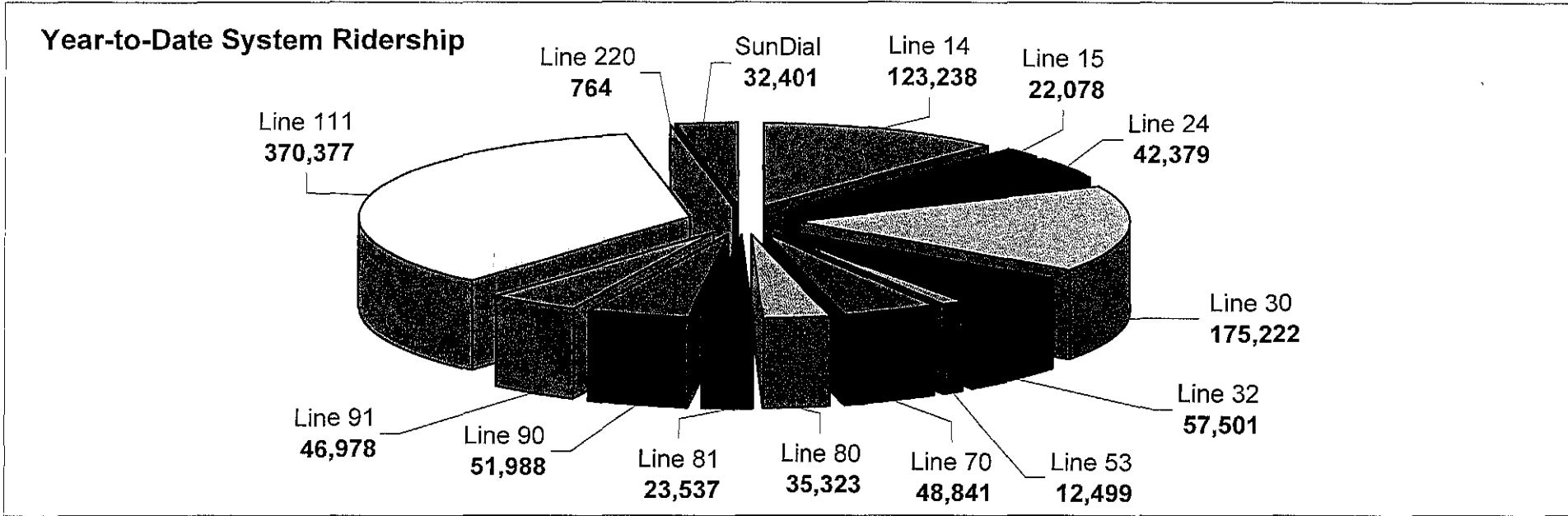
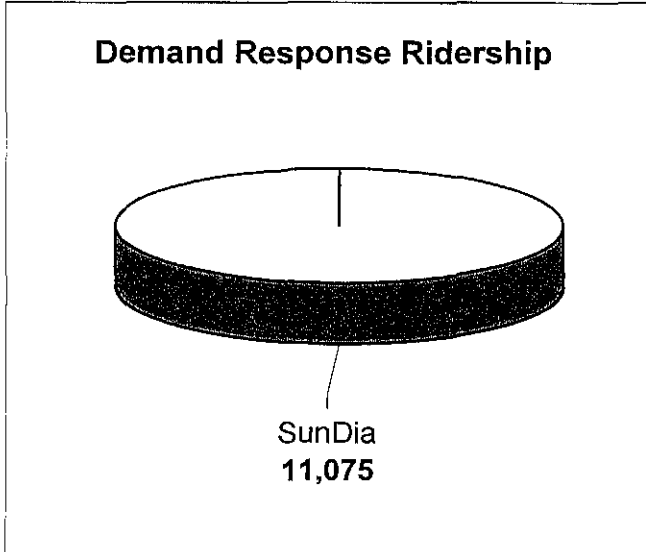
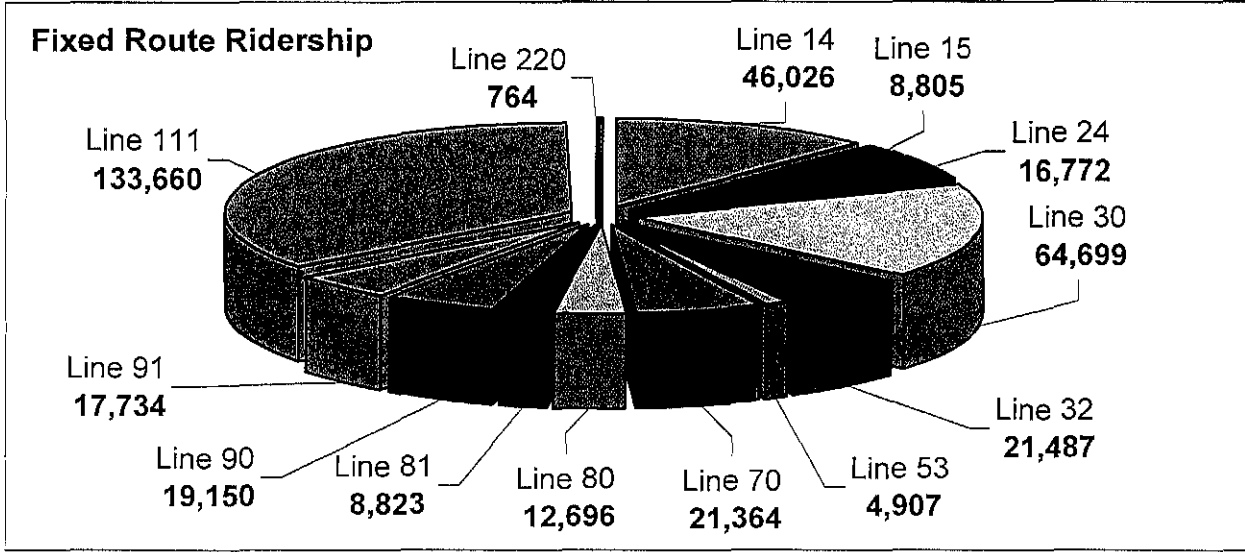
Please note:

Commuter Link 220 service was implemented on September 10, 2012.

Line 80 was separated into Lines 80 and 81 in January 2012. The percentage variances for Line 80 is calculating ridership before the routes were separated.

Issued: 10/9/2012

SunLine Transit Agency Monthly Ridership Report September - 2012



SunLine Transit Agency

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: SunLine Legal Counsel
RE: First Reading Conflict of Interest Code

Recommendation

Recommend that the Board of Directors approve the attached Ordinance for the 1st reading, which updates SunLine Transit Agency's Conflict of Interest Code.

Background

Every two years local public agencies are required to review their Conflict of Interest Codes. The attached Ordinance has been updated to include titles that have changed. The list of covered positions has been updated to reflect those changes. In addition the Agency's Conflict of Interest Code incorporates by reference and adds as Appendix "C" to the adopting ordinance Title 2, California Code of Regulations Section 18730, which contains the state mandated conflict of interest code provisions. Since the Board last adopted the Agency's conflict of interest code, Section 18730 has been amended increasing the gift limitation from \$390.00 to \$420.00. It is therefore necessary to adopt the new regulations by reference and include a new Appendix "C" to ordinance.

Fiscal Impact

None.


Jeffrey Goldfarb

SUNLINE TRANSIT AGENCY ORDINANCE NO. 12-1

AN ORDINANCE OF SUNLINE TRANSIT AGENCY AMENDING AND ADOPTING A
CONFLICT OF INTEREST CODE.

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Transit Agency ("SunLine") is a local government agency required by Government Code Section 87300 to promulgate a Conflict of Interest Code; and

WHEREAS, amendments to the Political Reform Act, Government Code sections 81000, et seq., have and foreseeably will require local agencies to amend their conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a provision at Title 2, section 18730 of the California Code of Regulations which sets forth the terms of a standard model conflict of interest code which may be incorporated by reference so as to constitute the adoption of a Conflict of Interest Code by SunLine; and

WHEREAS, the provisions of Title 2, section 18730 of the California Code of Regulations require the formulation of disclosure categories in addition to incorporation by reference of its terms.

NOW, THEREFORE, the Board of Directors of SunLine Transit Agency does hereby ordain as follows:

PART 1: That all previously adopted resolutions and ordinances approving various Conflict of Interest Codes for SunLine Transit Agency are hereby rescinded.

PART 2: That SunLine Transit Agency hereby adopts a Conflict of Interest Code as follows:

CONFLICT OF INTEREST CODE

A. Code Adopted. The terms of Title 2, section 18730 of the California Code of Regulations as presently constituted or amended by the FPPC are hereby incorporated by reference to operate, along with the balance of this Ordinance, as the Conflict of Interest Code for SunLine Transit Agency. A copy of said section 18730 effective as of the date of this ordinance is attached hereto as Appendix C. Appendix C along with the disclosure categories attached in Appendices A and B and the provisions of this Ordinance, constitute the Conflict of Interest Code of SunLine Transit Agency.

B. Filing. Pursuant to Title 2, section 18730(b)(4) of the California Code of Regulations, those employees designated in Appendix A shall file statements of economic interest with the Clerk of the Board to whom the Board of Directors of SunLine Transit Agency hereby delegates the authority to carry out the duties of filing officer.

C. Public Investments. Those persons who manage public investments will file statements of economic interests pursuant to Government Code section 87200 as required by the FPPC instead of being deemed to be designated by this Conflict of Interest Code.

D. Prohibition Concerning Prospective Employment. No SunLine employee shall make, participate in making, or otherwise use his or her official position to influence any governmental decision directly relating to any person with whom he or she is negotiating or has any arrangement concerning, prospective employment. For purposes of this Ordinance, the term "person" includes any natural person, corporation or other form of business entity and extends to any of its agents.

E. Federal Transit Administration Requirements. In addition to the Ethics Policy adopted by the Board of Directors, the following shall further apply as written standards of conduct applicable to SunLine's employees and Board of Directors:

1. No employee, officer, agent, immediate family member, or Board member of SunLine shall participate in the selection, award, or administration of a contract supported by FTA funds if a conflict of interest, real or apparent, would be involved.

2. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:

- (a) The employee, officer, agent, or Board member,
- (b) Any member of his/her immediate family,
- (c) His or her partner, or
- (d) An organization that employs, or is about to employ, any of the above.

3. SunLine's officers, employees, agents, or Board members shall neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

PART 3: SunLine shall certify to the passage and adoption of this ordinance and shall cause the same to be posted and published in the manner required by law.

PASSED, APPROVED AND ADOPTED by the Board of Directors of SunLine at a regular meeting held on the _____ day of _____, 2012.

Date: _____

Robert A. Spiegel
Chairman of the Board of Directors

Date: _____

C. Mikel Oglesby
General Manager

Date: _____

Carolyn Rude
Clerk of the Board

APPENDIX A

The following designated employees make or participate in the making of decisions, which may have a material effect on a financial interest:

<u>Designated Positions</u>	<u>Disclosure Category</u>
General Manager	I, II, III
Director of Finance	I, II, III
Director of Administration and Human Resources /EEO Officer	I, II, III
Chief of Staff	I, II, III
Director of Human Resources	I, II, III
Director of Operations	I, II, III
Director of Maintenance	I, II, III
Director of Planning	I, II, III
Alternative Fuels Manager	I, II, III
Purchasing Agent	I, II, III
Parts Room Supervisor	I, II, III
Parts Room Clerk	I, II, III
Procurement Officer	I, II, III
<u>Consultants Involved in Acquisition Process</u> ¹	I, II, III

Any other employee at the discretion of the General Manager

¹The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX B

CATEGORY NO. I: INTERESTS IN REAL PROPERTY

Category I relates to real property which is located in part or in whole in the jurisdiction of SunLine. As used in this section "jurisdiction" includes: (1) within the jurisdictional boundaries of SunLine Transit Agency ("SunLine"), (2) within two miles of the jurisdictional boundaries of SunLine, or (3) within two miles of land located outside of the jurisdictional boundaries of SunLine Transit Agency which is owned or used by SunLine.

Category I, "interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is two thousand dollars (\$2,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest of greater. The \$2,000 threshold referenced in this category applies to the value of the interest, not to the value of the property itself.

The terms "interest in real property" and "leasehold interest" does not include the interest of a tenant in a periodic tenancy of one month or less.

CATEGORY NO II:

PERSONAL INCOME

Category II relates to income. "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

(a) "Income," other than a gift, does not include income received from any source outside the jurisdiction of SunLine, not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this Code. For purposes of this category, "jurisdiction" is limited to the jurisdictional boundaries of SunLine and does not include any radius around it.

(b) "Income" also does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100 of the Government Code).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(A) The loan is secured by the principal residence of the employee; or

(B) The balance owed does not exceed ten thousand dollars (\$10,000).

(9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be

considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.

CATEGORY NO. III:

BUSINESS ENTITIES

Category III relates to business entities, including parents, subsidiaries or otherwise related business entities, which (1) have an interest in real property located in part or in whole within the jurisdictional boundaries of SunLine, within two miles thereof or within two miles of land owned or used by SunLine, (2) do business or plan to do business within the jurisdictional boundaries of SunLine or (3) have done business within the jurisdictional boundaries of SunLine at any time during the two years prior to the time that the disclosure statement of the relevant designated employee is filed. "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

Category III includes any investment in a business entity. Investment means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially a 10-percent interest or greater.

Category III includes the disclosure of any business position held by the filer. "Business position" means any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the date the statement is required to be filed.

APPENDIX C

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict-of-Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories

are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making

of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the

previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she

vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect,

distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any

governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

²See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In

addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).

11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative

5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).
31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).
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SunLine Transit Agency

DATE: October 24, 2012 **ACTION**

TO: Board of Directors

FROM: SunLine Legal Counsel

RE: Brown Act Compliance Resolution

Recommendation

Recommend that the Board of Directors approve the attached Resolution affirming the SunLine Transit Agency's commitment to open government and intent to comply with the Ralph M. Brown Act.

Background

The Brown Act is codified at Government Code section 54950 *et seq.* and imposes various requirements on local governments to insure that, with certain exceptions, governmental decisions are made in public. Among other things, the Brown Act requires meetings to be public and requires that agendas containing a brief description of the matters to be undertaken by the local government must be published at least seventy-two (72) hours in advance of the meeting. The Brown Act does allow closed sessions to occur, but only under certain limited circumstances.

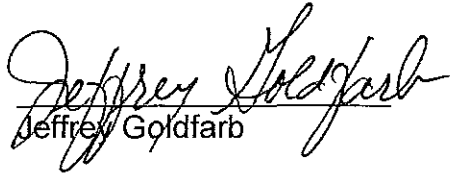
In June 2012, the Legislature adopted AB 1464 as an urgency statute. AB 1464 in part suspended various Brown Act requirements, including the following:

- (a) At least seventy-two (72) hours before a regular meeting, an agenda must be posted that contains a brief general description of each item of business to be transacted or discussed at the meeting (Gov. Code sec. 54954.2(a));
- (b) Inclusion on the agenda of a brief general description of all items to be discussed in closed session (Gov. Code sec. 54954.2(a));
- (c) Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session (Gov. Code sec. 54957.7(a)); and
- (d) Report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters (Gov. Code secs. 54957.1(a)(1)-(4), (6) and 54957.7(b)).

At the September 26 Board meeting, Board Member Hobart asked that the Board agendaize a discussion and possible adoption of a resolution which confirms the Board's intent to continue to comply with the Brown Act, notwithstanding the Legislature's suspension of the above provisions under AB 1464. The attached Resolution, if adopted, would confirm the Board's intent and direct that SunLine Transit Agency continue to comply with the Brown Act, notwithstanding the State Legislature's suspension of the aforementioned provisions. The Resolution would be effective immediately upon adoption.

Fiscal Impact

None.


Jeffrey Goldfarb

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SUNLINE TRANSIT AGENCY AFFIRMING THE
AGENCY'S COMMITMENT TO OPEN GOVERNMENT
AND INTENT TO COMPLY WITH THE RALPH M.
BROWN ACT**

WHEREAS, the Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) imposes various requirements on local government meetings including, but not limited to, the obligation to publish an agenda seventy-two (72) hours in advance of any meeting, and to announce the results of closed session matters; and

WHEREAS, in June, 2012, the Legislature adopted AB 1464 (Chapter No. 21 - June 27, 2012; Chaptered Statutes of 2012; Urgency Statute) which in part suspended portions of the Brown Act including, but not limited to, the provisions of Government Code Section 54954.2 which requires the legislative body of any local government to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting at least seventy-two (72) hours in advance; and

WHEREAS, the suspension notwithstanding, the Board of Directors of the SunLine Transit Agency (the "Agency") desires and intends, both for itself and for all other "Legislative Bodies" of the Agency, as that term is defined in the Brown Act, to continue complying with all provisions of the Brown Act.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUNLINE TRANSIT AGENCY HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Board of Directors confirms that the SunLine Transit Agency shall continue to comply with the Brown Act, notwithstanding the California State Legislature's suspension of various provisions contained within the Brown Act.

SECTION 2. In adopting this Resolution, the Board of Directors does not create a cause of action, either civil or equitable, for a violation of any portion of the Brown Act suspended by the Legislature, but rather simply affirms its intent and desire that the Agency continue to comply with all provisions of the Brown Act. Furthermore, the Agency's voluntary compliance with suspended provisions of the Brown Act shall not be construed to grant any rights or remedies related to any claim of non-compliance with suspended provisions of the Brown Act.

SECTION 3. The Clerk of the Board shall certify to the passage of this Resolution and enter the same in the Agency's Official Book of Resolutions.

PASSED AND ADOPTED this ____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Transit Agency

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Transit Agency, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 20__.

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SunLine Transit Agency

DATE: October 24, 2012 **ACTION**

TO: Board of Directors

FROM: SunLine Legal Counsel

RE: Resolution to Authorize Board Members to Disclose Certain Items Discussed in Closed Sessions to Their City Councils or Board of Supervisors

Recommendation

Recommend that the Board of Directors approve the attached Resolution authorizing Board Members to disclose certain limited circumstances items discussed in closed sessions to their City Councils or Board of Supervisors and to their respective City Attorneys or County Counsel.

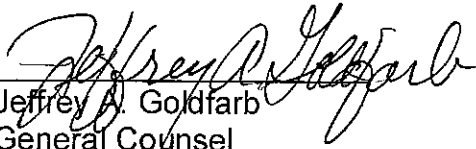
Background

The Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) requires all meetings of governmental bodies to be open to the public, with certain prescribed exceptions. Except as provided for in the Brown Act, all information received in a closed session by a member of the SunLine Transit Agency Board of Directors is and must remain confidential. Government Code Section 54956.96, however, authorizes the Board of Directors to adopt a resolution to permit its members to disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to legal counsel of that member's City or County and other Council Members or Supervisors of the member's City Council or Board of Supervisors present in a closed session. That same section also permits a member to disclose closed session communications with the member's alternate when that alternate will be attending a closed session of the Board in place of the regular member.

At the September 26, 2012 Board meeting, Board Member Hobart asked that the Board agendaize a discussion and possible adoption of a resolution which authorizes members to engage in the above referenced confidential communications as provided for in Government Code Section 54956.96.

Fiscal Impact

None.



Jeffrey A. Goldfarb
General Counsel

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SUNLINE TRANSIT AGENCY AUTHORIZING
MEMBERS OF THE BOARD OF DIRECTORS TO
DISCUSS CERTAIN CLOSED SESSION MATTERS WITH
THEIR RESPECTIVE CITY COUNCILS AND BOARD OF
SUPERVISORS IN A CLOSED SESSION**

WHEREAS, the Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) requires all meetings of governmental bodies to be open to the public, with certain prescribed exceptions; and

WHEREAS, except as provided below, all information received in a closed session by a member of the SunLine Transit Agency Board of Directors is confidential; and

WHEREAS, Government Code Section 54956.96 in part authorizes the Board of Directors to adopt this resolution to permit its members to disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to legal counsel of that member's City or County and other Council Members or Supervisors of the member's City Council or Board of Supervisors present in a closed session.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUNLINE TRANSIT AGENCY HEREBY RESOLVES AS FOLLOWS:

SECTION 1. A member of the Board of Directors may disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to the following individuals:

- (A) Legal counsel of that member's City or County for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member's City or County.
- (B) Other City Council Members or County Supervisors of the City or County present in a closed session of that City or County.
- (C) Any designated alternate member of the SunLine Transit Agency Board who will be attending a closed session of a properly noticed meeting of the SunLine Transit Agency in lieu of the regularly appointed member.

SECTION 2. The Clerk of the Board shall certify to the passage of this Resolution and enter the same in SunLine Transit Agency's Official Book of Resolutions.

PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Transit Agency

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Transit Agency, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20 __, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 20__.

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SunLine Transit Agency

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: Director of Transit Planning
RE: Resolution to Obtain Proposition 1B Grant Funding

Recommendation

Recommend that the Board of Directors approve the attached Resolution that grants authorization to the General Manager to direct the Planning staff to apply for Proposition 1B grant funding and obtain revenues for the new fiscal year.

Background

Each year the various funding agencies to which SunLine applies for either grants or formula funding require a Resolution from the Board of Directors authorizing the General Manager to act on behalf of the Agency in completing the necessary paperwork to obtain operating or capital funds. This Resolution relates to funding from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (Proposition 1B - State of California – FY 2012/13 funding). A previous Resolution approved at the June 2012 Board Meeting was for Federal funding grants.

Fiscal Implications

This Resolution is necessary to obtain capital funds made available during the FY2012/13 funding year for future agency capital needs.



Joseph Forgiarini



RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE FILING OF
AN APPLICATION WITH THE GOVERNOR'S
OFFICE OF HOMELAND FOR A GRANT UNDER
THE HIGHWAY SAFETY, TRAFFIC REDUCTION,
AIR QUALITY AND PORT SECURITY BOND ACT
(PROPOSITION 1B – FY2012/13 FUNDING)**

WHEREAS, the Governor is authorized to make grants for the California Transit Security Grant Program under the Transit System Safety, Security and Disaster Response Account, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicants, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the Governor's Office of Homeland Security in accord with the provision of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the California Transit Security Grant Program-California Transit Assistance Fund of 2006, as amended, the applicant gave an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the Governor's Office of Homeland Security requirements thereunder, and

WHEREAS, it is the goal of the applicant that minority business enterprises be utilized to the fullest extent possible in connection with this project, and that definite procedures shall be established and administered to ensure that minority business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SUNLINE TRANSIT AGENCY, THAT

- 1) The General Manager is authorized to execute and file an application on behalf of SunLine Transit Agency with the Governor's Office of Homeland Security to aid in the financing of planning and implementing transit security and safety capital projects, pursuant to Transit System Safety, Security and Disaster Response Account of 2006, as amended.
- 2) The General Manager is authorized to execute and file with such applications an assurance or any other document required by the Governor's Office of homeland Security effectuating the purposes of Title VI of the Civil Rights Act of 1964.
- 3) The General Manager is authorized to furnish such additional information as the Governor's Office of Homeland Security may require in connection with the application for the program of projects.

4) The General Manager is authorized to set forth and execute affirmative minority business policies in connection with the program of projects procurement needs.

5) The General Manager is authorized to execute grant agreements on behalf of SunLine Transit Agency with the Governor's Office of Homeland Security for aid in the financing of planning and implementing transit security and safety capital projects, pursuant to Transit System Safety, Security and Disaster Response Account of 2006.

PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Transit Agency

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Transit Agency, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 20__.

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SunLine Transit Agency

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: Director of Operations
RE: Approval of New ACCESS Advisory Committee Member

Recommended Action

Recommend that the Board of Directors approve new member of the ACCESS Advisory Committee as approved and presented by the current members.

Background

Currently seated members of the ACCESS Advisory Committee unanimously approved one new member as presented to the Committee by the Membership Subcommittee.

The recommended member is:

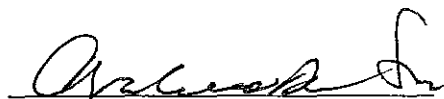
Lisa Graf, Business Development Representative for Country Villa Rancho Mirage.

There are no known conflicts of interest.

Lisa has worked with seniors for 25 years and is interested in bringing her knowledge of their needs to the Committee. Lisa also has children who ride the SunBus.

Fiscal Impact

None.



Apolonio Del Toro

SunLine Transit Agency

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: Clerk of the Board
RE: Establishing Board Meeting Dates for 2013

Recommendation

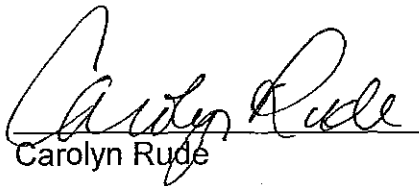
Recommend that the Board of Directors approve the Board meeting dates for 2013 as listed on the attached schedule.

Background

The attached schedule follows SunLine tradition of holding Board meetings on the 4th Wednesday of the month, with a few exceptions. We have combined the July & August meetings to be held on the last Wednesday in July, and have also combined the November & December meetings, holding it on the first Wednesday in December. There are no known conflicts.

Fiscal Implications

None.


Carolyn Rude

SunLine Transit Agency
BOARD MEETING SCHEDULE FOR 2013

January 23

February 27

March 27

April 24

May 22

June 26

July 31

September 25

October 23

December 4

NOTE: All Board Meetings are held at noon on the 4th Wednesday of the month unless changed by the Board. All meetings are held in the Kelly Board Room at the SunLine Transit Agency Thousand Palms headquarters. The majority of meetings are held on the 4th Wednesday of the month with a few exceptions. We have a combined meeting for July/August, which is held the last Wednesday in July, and a combined November/December meeting, which is held the first Wednesday in December.



**AGENDA
FINANCE COMMITTEE**

**October 24, 2012
11:15 a.m. – 11:45 a.m.**

**G.M. Conference Room
SunLine Transit Agency
Thousand Palms, CA**

1. Call to Order

2. Roll Call

3. Public Comments

4. Consent Calendar

- a) Transit checks over \$1,000 for September, 2012 (Pages 1-3)
- b) SSG/SRA checks over \$1,000 for September, 2012 (Page 4)
- c) Credit card statement September, 2012 (Pages 5-7)
- d) SunLine Transit Monthly Budget Reports for June, 2012 (Page 8)
- e) SSG/SRA Monthly Budget Report for June, 2012 (Page 9)
- f) Contract Report – nothing to report.

5. Resolution to Obtain Prop. 1B Funding (Joe Forgiarini)

Discuss request to the Board to approve attached Resolution granting authorization to apply for Proposition 1B grant funding (Pages 10-13)

Approve

6. Adjourn

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
HEALTH NET	Group Health Ins Prem	655614	9/20/2012	\$205,335.72
COMPLETE COACH WORKS	WIP-Rehab 4 Busses R/C	655680	9/26/2012	\$143,918.08
U.S. BANK INSTITUTIONAL TRUST-	Pension Deposits	655765	9/28/2012	\$87,011.91
U.S. BANK INSTITUTIONAL TRUST-	Pension Deposits	655664	9/20/2012	\$86,762.67
SO CAL GAS CO.	Utilities	655652	9/20/2012	\$81,110.81
PERMA - Insurance	Gen Lib/WC	655642	9/20/2012	\$76,920.62
BAE SYSTEMS CONTROLS, INC.	Fuel Cell Bus	655498	9/7/2012	\$36,037.00
DESERT ALARM, INC.	WIP-E-VAC System	655681	9/26/2012	\$30,087.00
PEAVEY CORPORATION	Training Supplies	655521	9/7/2012	\$24,375.00
GOODYEAR TIRE & RUBBER COMPANY,	Bus Tire Lease	655718	9/28/2012	\$20,554.48
TECH DEPOT	Computer Equipment	655656	9/20/2012	\$18,812.53
IMPERIAL IRRIGATION DIST	Utilities	655625	9/20/2012	\$18,758.32
PETERSON HYDRAULICS, INC.	Inground Hoist Equipment	655643	9/20/2012	\$15,750.02
LEFLORE GROUP LLC, THE	Project Management	655558	9/12/2012	\$14,990.67
BUSTEX CORP.	WIP-Rehab 4 Busses R/C	655583	9/20/2012	\$12,390.01
CV PLASTICS, INC.	WIP-Bus Stop Shelters	655701	9/28/2012	\$11,169.54
HARTFORD LIFE	Employee Benefits	655721	9/28/2012	\$10,493.20
HARBOR DIESEL & EQUIPMENT INC.	Bus Repair parts	655556	9/12/2012	\$10,391.62
HARTFORD LIFE	Employee Benefits	655509	9/7/2012	\$10,311.49
CDW GOVERNMENT, INC	ITS Equipment	655693	9/28/2012	\$9,785.39
IMPERIAL IRRIGATION DIST	Utilities	655723	9/28/2012	\$8,647.02
AVAIL TECHNOLOGIES	ITS Implementation	655497	9/7/2012	\$8,000.00
GFI GENFARE	Farebox	655674	9/21/2012	\$7,693.35
WAAV, INC.	IT Supplies	655678	9/21/2012	\$7,595.04
COMSERCO, INC.	Radio and Bumper	655593	9/20/2012	\$7,097.75
TURBO IMAGES INC.	Decal/Logo Commuter Busses	655662	9/20/2012	\$6,607.54
ERIC COREY FREED	Zweig Education Center	655501	9/7/2012	\$6,140.55
TK SERVICES, INC.	Bus Repair Parts	655761	9/28/2012	\$6,115.78
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655548	9/12/2012	\$5,751.24
NEW FLYER	Bus Parts	655741	9/28/2012	\$5,420.69
G & K SERVICES	Uniform service	655607	9/20/2012	\$5,110.62
GRAVES & KING LLP	Insurance Losses	655507	9/7/2012	\$5,067.61
OFFICETEAM	Temporary Services	655640	9/20/2012	\$4,889.10
MOORE MAINTENANCE & JANITORIAL	Janitorial Services	655734	9/28/2012	\$4,678.00
ARCADIS U.S., INC.	Construction Managing	655577	9/20/2012	\$4,414.54
AMALGAMATED TRANSIT UNION	Union Dues	655685	9/28/2012	\$4,410.28
AMALGAMATED TRANSIT UNION	Union Dues	655576	9/20/2012	\$4,407.39
ZACHARY WAYNE JOHNSON	Directors Workshop	655670	9/20/2012	\$4,278.60
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655596	9/20/2012	\$4,253.06
STRICKLAND KENNY INC.	Lubricants & Oils	655533	9/7/2012	\$4,230.68
WESTFIELD, LLC	Commuter Link 220	655537	9/7/2012	\$3,600.00

SunLine Transit Agency
Checks \$1,000 and Over
For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
TELEPACIFIC COMMUNICATIONS	Telephone Service	655676	9/21/2012	\$3,414.06
TK SERVICES, INC.	Bus Repair Parts	655657	9/20/2012	\$3,411.14
WOODRUFF, SPRADLIN & SMART, SAFETY-KLEEN CORPORATION	Legal Services	655679	9/21/2012	\$3,406.25
CALIFORNIA STATE DISBURSEMENT	Solvent Tank Service	655563	9/12/2012	\$3,175.43
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655692	9/28/2012	\$2,985.96
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655584	9/20/2012	\$2,985.96
<u>ADRHYTHM ADVERTISING & DESIGN</u>	<u>Zweig Education Center</u>	<u>655671</u>	<u>9/21/2012</u>	<u>\$2,850.00</u>
OFFICETEAM	Temporary Services	655516	9/7/2012	\$2,811.51
<u>TOOLS UNLIMITED</u>	<u>Jump-Start System</u>	<u>655567</u>	<u>9/12/2012</u>	<u>\$2,790.00</u>
<u>ARCADIS U.S., INC.</u>	<u>Construction Managing</u>	<u>655496</u>	<u>9/7/2012</u>	<u>\$2,716.64</u>
PERMA - Insurance	Gen Lib/WC	655522	9/7/2012	\$2,538.90
<u>3FORM, INC.</u>	<u>Zweig Education Center</u>	<u>655574</u>	<u>9/20/2012</u>	<u>\$2,493.54</u>
STRICKLAND KENNY INC.	Lubricants & Oils	655653	9/20/2012	\$2,404.67
<u>COSTCO-HSBC BUSINESS SOLUTIONS</u>	<u>Div1 Driver Lounge Furniture</u>	<u>655594</u>	<u>9/20/2012</u>	<u>\$2,403.06</u>
VERIZON WIRELESS	Wireless Cell Service	655535	9/7/2012	\$2,354.90
NEW FLYER	Bus Parts	655560	9/12/2012	\$2,346.52
OFFICETEAM	Temporary Services	655745	9/28/2012	\$2,279.16
<u>EYE MED</u>	<u>Employee Benefits</u>	<u>655502</u>	<u>9/7/2012</u>	<u>\$2,261.60</u>
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655700	9/28/2012	\$2,220.41
ROMAINE ELECTRIC CORP.	Repair Parts	655529	9/7/2012	\$2,137.90
BURRTEC WASTE & RECYCLING	Facility Trash Removal	655581	9/20/2012	\$2,136.90
MAGELLAN BEHAVIORAL HEALTH	Employee Assistance	655731	9/28/2012	\$2,132.79
MTL INSURANCE COMPANY	Ins. For GM	655736	9/28/2012	\$2,051.76
<u>AVAIL TECHNOLOGIES</u>	<u>ITS Implementation</u>	<u>655578</u>	<u>9/20/2012</u>	<u>\$2,000.00</u>
<u>AUDIOVISIONS</u>	<u>Zweig Education Center</u>	<u>655686</u>	<u>9/28/2012</u>	<u>\$1,971.15</u>
GRAVES & KING LLP	Insurance Losses	655719	9/28/2012	\$1,942.73
SMARTDRIVE SYSTEMS, INC.	Security Equipment	655531	9/7/2012	\$1,929.03
NAPA AUTO PARTS	Vehicle Repair Parts	655635	9/20/2012	\$1,910.30
FLEET-NET CORPORATION	Software & Licenses (Sept)	655504	9/7/2012	\$1,770.00
FLEET-NET CORPORATION	Software & Licenses (Oct)	655713	9/28/2012	\$1,770.00
KAMINSKY PRODUCTIONS, INC	Marketing Consultants	655511	9/7/2012	\$1,750.00
ALLIEDBARTON SECURITY SERVICES	Security Services	655672	9/21/2012	\$1,749.16
TRANSIT PRODUCTS & SERVICES	Repair Parts	655568	9/12/2012	\$1,743.18
ALLIEDBARTON SECURITY SERVICES	Security Services	655494	9/7/2012	\$1,660.96
VERIZON	Communications	655666	9/20/2012	\$1,541.46
PACIFIC BRAKE & ALIGNMENT	Alignments	655517	9/7/2012	\$1,518.66
VALLEY OFFICE EQUIPMENT, INC.	Fax/Copier Supplies	655677	9/21/2012	\$1,516.48
CBS OUTDOOR INC.	Commuter Link 220	655591	9/20/2012	\$1,500.00
TRANSIT PRODUCTS & SERVICES	Repair Parts	655763	9/28/2012	\$1,396.88
CARQUEST OF THE DESERT	Repair Parts	655590	9/20/2012	\$1,385.50
RESORT MARKETING	Public Relations Mgmt	655528	9/7/2012	\$1,365.00
DESERT SUN PUBLISHING CO., THE	Public Notice Commuter Rte	655599	9/20/2012	\$1,324.00

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
<u>CDW GOVERNMENT, INC</u>	<u>Software/Hardware</u>	<u>655592</u>	<u>9/20/2012</u>	<u>\$1,306.80</u>
RANCHO LAS PALMAS RESORT	Holiday Event Deposit	655526	9/7/2012	\$1,300.00
OFFICE DEPOT	Office Supplies	655561	9/12/2012	\$1,289.68
NEW FLYER	Bus Parts	655637	9/20/2012	\$1,275.81
GFI GENFARE	Farebox	655555	9/12/2012	\$1,273.02
HOME DEPOT CRD SRVS	Facility Maintenance	655623	9/20/2012	\$1,225.24
TOXGUARD FLUID	Coolant Recycling	655762	9/28/2012	\$1,092.08
OFFICE DEPOT	Office Supplies	655744	9/28/2012	\$1,082.70
TOTALFUNDS BY HASLER	Postage Supplies	655658	9/20/2012	\$1,055.11
GOODYEAR TIRE & RUBBER COMPANY,	Bus Tire Lease	655506	9/7/2012	\$1,010.14
DESERT ALARM, INC.	Security Services	655551	9/12/2012	\$1,000.00
Total of Checks Over \$1,000				\$1,148,339.05
Total of Checks Under \$1,000				\$49,952.65
Total of All Checks for the Month				\$1,198,291.70
Total Amount of Checks Prior Years Same Month				\$1,735,309.33

SunLine Regulatory Administration
Checks \$1,000 and Over
For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089583	9/20/2012	\$9,967.51
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089588	9/28/2012	\$9,815.43
CABCONNECT, INC.	Collection of DATA Reports	089578	9/20/2012	\$7,500.00

Total of Checks Over \$1,000	\$27,282.94
Total of Checks Under \$1,000	\$2,115.73
Total of All Checks for the Month	\$29,398.67

Total Amount of Checks Prior Years Same Month	\$38,811.46
------------------------------------------------------	--------------------



September Statement for activity from Aug. 23, 2012 through Sep. 20, 2012
 SUNLINE TRANSIT
 C MIKEL OGLESB'

Inquiries: 1-866-552-8855
 BUS 13 Page 1 of 2

Your Visa® Business Card account at a glance ... Account

Activity Summary	
Previous Balance	\$2,570.79
Payments	\$2,570.79cr
Other Credits	\$0.00
Purchases	\$563.60
Balance Transfers	\$0.00
Advances	\$0.00
Other Debits	\$0.00
Past Due Amount	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$563.60
Credit Line	\$37,000.00
Available Credit	\$36,436.40
Statement Close Date	Sep. 20, 2012
Days in Billing Cycle	29

Payment Information	
New Balance	\$563.60
Minimum Payment Due (Current Month)	\$10.00
Minimum Payment Due (Past Due)	\$0.00
Total New Minimum Payment Due	\$10.00
Payment Due Date	Oct. 17, 2012
Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay up to a \$39.00 Late Fee and your APRs may be increased up to the Penalty APR of 28.99%.	

To reduce or avoid paying additional fees and interest charges on your purchase balance, pay the total new balance of \$563.60 by 10/17/12. Any cash balance or balance transfer balance will continue to accrue daily interest until the date your payment is received.

Transactions

Post Date	Trans Date	Ref. Nbr	Description of Transaction	Amount	Notation
Payments and Other Credits					
09/04	09/04		PAYMENT THANK YOU	\$2,570.79cr	-----
Purchases and Other Debits					
09/04	08/30	3016	SIMPLE TRUTHS LLC 800-900-3427 IL	\$192.00	-----
09/17	09/14	0232	SOUTHWEST5262467893406 DALLAS TX	\$296.60	-----
			OGLESBY/CHARLE 09/28/12		
			ONTARIO CAL TO SACRAMENTO		
			SACRAMENTO TO SEATTLE TACO		

Continued on Next Page

No payment is required, however please use coupon when making additional payments. CPN 000648533

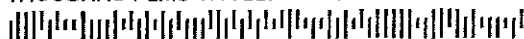
Automatic Payment

Your Account Number: _____
 Your new full balance of \$563.60 will be automatically deducted from your account on 10/04/12.

To change your address or for Cardmember Service please call: 1-866-552-8855 **Every Hour! Every Day!**

000037099 1 MB 0.404 106481789598288 P

SUNLINE TRANSIT
 C MIKEL OGLESBY
 32505 HARRY OLIVER TRL
 THOUSAND PLMS CA 92276-3501





September Statement for activity from Aug. 23, 2012 through Sep. 20, 2012
 SUNLINE TRANSIT
 C MIKEL OGLESBY

Inquiries: 1-866-552-8855
 Page 2 of 2

Transactions

Post Date	Trans Date	Ref. Nbr	Description of Transaction	Amount	Notation
09/18	09/14	8302	ALASKA AI0272113785407 SEATTLE WA OGLESBY/CHARLE 10/03/12 SEATTLE TACO TO PALMSPRINGS	\$75.00	-----

2012 Totals Year-to-Date	
Total Fees Charged in 2012	\$0.00
Total Interest Charged in 2012	\$0.00

Company Approval *(This area for use by your company)*

Signature/Approval: _____ Accounting Code: _____

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

** APR for current and future transactions.

Balance Type	Balance By Type	Balance Subject to Interest Rate	Variable	Interest Charge	Annual Percentage Rate	Expires with Statement	Interest Free Period
**BALANCE TRANSFER	\$0.00	\$0.00	YES	\$0.00	13.99%		NO
**PURCHASES	\$563.60	\$0.00	YES	\$0.00	13.99%		YES
**ADVANCES	\$0.00	\$0.00	YES	\$0.00	20.99%		NO


Important Messages


Your payment of \$563.60 will be automatically deducted from your bank account on 10/04/2012. Please refer to your AutoPay Terms and Conditions for further information regarding this account feature.

Receive Email Updates. Sign up for important updates and special offers for your credit card account to be delivered to your inbox. Provide your email address at email.myaccountaccess.com.


Save time and money by consolidating your debt into one monthly payment. Check your mail for a great offer or call Cardmember Service today for information on a great rate.

To contact us regarding your account..

 **By Telephone:**
Every Hour! Every Day!
 Voice: 1-866-552-8855
 TDD: 1-888-352-6455
 Fax: 1-866-807-9053

 **Send Inquiries to:**
 Cardmember Service
 P.O. Box 6353
 Fargo, ND 58125-6353

 **Send Payments to:**
 Cardmember Service
 P.O. Box 790408
 St. Louis, MO 63179-0408

 **Online**
 visit our website:
myaccountaccess.com

Pacific Western Bank
SunLine Transit Agency Visa Credit Card Statement
Closing Date: September 20, 2012

Detail:

09/04/12	Simple Truths LLC	Educational books	\$ 192.00
09/17/12	Southwest Airlines	Airfare - Calif. Governor's ZEV Workshop – General Manager	\$ 296.60
09/18/12	Alaska Airlines	Airfare – APTA Annual Conf. – General Manager	\$ 75.00

Payments/Credits

09/04/12	Payment	\$2,570.79
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Note: All travel is included in the Board approved FY 2013 budget.

Statement of Activities
June 30, 2012

	Unaudited FY 10/11	Total FY 11/12 Budget	Current Month			Year to Date		
			Actual	Budget	Favorable (Unfavorable)	YTD Actual	YTD Budget	Favorable (Unfavorable)
Revenues:								
Passenger Fares	2,893,849	2,950,000	256,639	245,833	10,806	3,207,329	2,950,000	257,329
Advertising Revenue	27,024	25,000	200	2,083	(1,883)	25,378	25,000	378
Rebate for CNG Production	1,035,857	375,000	0	31,250	(31,250)	390,064	375,000	15,064
Interest Revenue	8,573	10,000	204	833	(629)	2,787	10,000	(7,213)
Outside Fueling Revenue (SunFuels)	219,868	180,137	41,493	15,011	26,482	312,943	180,137	132,806
Pass-Through Operating revenue	69,777	258,800	115,928	21,567	94,361	191,861	258,800	(66,939)
Other Operating Revenue	107,833	343,137	12,220	28,595	(16,375)	125,965	343,137	(217,172)
Grant Revenue	17,004,918	18,033,298	1,158,234	1,502,775	(344,541)	17,902,795	18,033,298	(130,503)
Total Operating Revenue	21,367,700	22,175,372	1,584,918	1,847,948	(263,029)	22,159,123	22,175,372	(16,250)
Expenses:								
SunFuels (10)	219,868	180,137	41,493	15,011	(26,482)	317,682	180,137	(137,545)
Operations-Fixed Route (11 & 12)	8,453,305	8,670,062	728,254	722,505	(5,749)	8,343,931	8,670,062	326,131
Operations-Dial-A-Ride (13 & 14)	2,232,339	2,450,562	244,997	204,214	(40,784)	2,594,847	2,450,562	(144,285)
Security (15)	514,549	458,833	18,521	38,236	19,715	355,553	458,833	103,280
Maintenance (21 & 22)	5,212,682	5,517,967	376,018	459,831	83,813	4,805,823	5,517,967	712,144
Facility Maintenance-T.P. (23)	567,807	573,218	53,185	47,768	(5,417)	576,686	573,218	(3,468)
Facility Maintenance-Indio (24)	81,905	83,472	9,224	6,956	(2,268)	69,703	83,472	13,769
Bus Stops/Shelters (25)	416,057	459,965	37,906	38,330	424	439,298	459,965	20,667
Marketing (31)	261,442	356,354	2,655	29,696	27,041	300,443	356,354	55,911
Human Resources (32)	451,763	407,998	62,405	34,000	(28,405)	399,621	407,998	8,377
General Administration (40)	1,032,497	1,483,415	178,795	123,618	(55,177)	1,780,423	1,483,415	(297,008)
Finance (41)	755,754	753,377	94,705	62,781	(31,924)	909,761	753,377	(156,384)
Information Technology (42)	289,135	367,125	27,491	30,594	3,103	279,727	367,125	87,398
Planning & Agency Development (49)	599,879	851,833	73,392	70,986	2,406	519,913	851,833	331,920
Total expenses	21,088,982	22,614,318	1,949,041	1,884,527	(59,703)	\$ 21,693,411	22,614,318	920,907
		(180,137)					(180,137)	
		(258,809)					(258,809)	
		22,175,372					22,175,372	

3rd Party Fuel Reimbursements

Pass Through NF/JARC

SRA-- Taxi
Statement of Activities
June 30, 2012

	Unaudited FY 10/11	Total FY 11/12 Budget	Current Month			Year to Date		
			Actual	Budget	Favorable (Unfavorable)	Actual	Budget	Favorable (Unfavorable)
Revenue:								
Meter Readings	95,800	297,123	67,203	24,760	42,443	383,324	297,123	86,201
Revenue Fines	106,661	5,000	250	417	(167)	8,160	5,000	3,160
Vehicle Inspections	15,703	14,300	1,900	1,192	708	16,500	14,300	2,200
New Driver Permits	4,150	5,000	450	417	33	5,850	5,000	850
Driver Transfers	4,800	5,800	300	483	(183)	3,550	5,800	(2,250)
Driver Renewals	7,050	6,100	300	508	(208)	9,100	6,100	3,000
Driver Permit Reinstatement/Replacement	135	200	10	17	(7)	155	200	(45)
Vehicle Transfers	(50)	1,500	390	125	265	585	1,500	(915)
Vehicle Permits	82,828	78,000	1,634	6,500	(4,866)	92,950	78,000	14,950
Operator Shared Revenue Fee	195,135	0	0	0	0	3,492	0	3,492
Operator Application Fee	0	10,500	0	875	(875)	3,000	10,500	(7,500)
Interest	152	0	3	0	3	63	0	63
Other	47	25,629	92	2,136	(2,044)	289	25,629	(25,340)
Total revenue	\$ 512,411	\$ 449,152	\$ 72,532	\$ 37,429	\$ 35,102	\$ 527,018	\$ 449,152	\$ 77,866
Expenses:								
Salaries and wages	183,112	197,422	16,344	16,452	108	182,897	197,422	14,525
Fringe benefits	136,280	134,281	12,385	11,190	(1,195)	129,112	134,281	5,169
Services	91,182	100,800	30,160	8,400	(21,760)	132,470	100,800	(31,670)
Supplies and materials	5,793	4,500	357	375	18	6,177	4,500	(1,677)
Miscellaneous	17,903	12,150	1,203	1,012	(191)	22,843	12,150	(10,693)
Total expenses	\$ 434,270	\$ 449,153	\$ 60,450	\$ 37,429	\$ (23,021)	\$ 473,499	\$ 449,153	\$ (24,346)
Total Operating Surplus/Deficit	\$ 78,141	\$ (1)	\$ 12,082	\$ (0)	\$ 12,082	\$ 53,519	\$ (1)	\$ 53,520

Preliminary Statement Prior To Audit Field Work

SunLine Transit Agency

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: Director of Transit Planning
RE: Resolution to Obtain Proposition 1B Grant Funding

Recommendation

Recommend that the Board of Directors approve the attached Resolution that grants authorization to the General Manager to direct the Planning staff to apply for Proposition 1B grant funding and obtain revenues for the new fiscal year.

Background

Each year the various funding agencies to which SunLine applies for either grants or formula funding require a Resolution from the Board of Directors authorizing the General Manager to act on behalf of the Agency in completing the necessary paperwork to obtain operating or capital funds. This Resolution relates to funding from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (Proposition 1B - State of California – FY 2012/13 funding). A previous Resolution approved at the June 2012 Board Meeting was for Federal funding grants.

Fiscal Implications

This Resolution is necessary to obtain capital funds made available during the FY2012/13 funding year for future agency capital needs.



Joseph Forgiarini



RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE FILING OF
AN APPLICATION WITH THE GOVERNOR'S
OFFICE OF HOMELAND FOR A GRANT UNDER
THE HIGHWAY SAFETY, TRAFFIC REDUCTION,
AIR QUALITY AND PORT SECURITY BOND ACT
(PROPOSITION 1B – FY2012/13 FUNDING)**

WHEREAS, the Governor is authorized to make grants for the California Transit Security Grant Program under the Transit System Safety, Security and Disaster Response Account, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicants, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the Governor's Office of Homeland Security in accord with the provision of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the California Transit Security Grant Program-California Transit Assistance Fund of 2006, as amended, the applicant gave an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the Governor's Office of Homeland Security requirements thereunder, and

WHEREAS, it is the goal of the applicant that minority business enterprises be utilized to the fullest extent possible in connection with this project, and that definite procedures shall be established and administered to ensure that minority business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SUNLINE TRANSIT AGENCY, THAT

- 1) The General Manager is authorized to execute and file an application on behalf of SunLine Transit Agency with the Governor's Office of Homeland Security to aid in the financing of planning and implementing transit security and safety capital projects, pursuant to Transit System Safety, Security and Disaster Response Account of 2006, as amended.
- 2) The General Manager is authorized to execute and file with such applications an assurance or any other document required by the Governor's Office of homeland Security effectuating the purposes of Title VI of the Civil Rights Act of 1964.
- 3) The General Manager is authorized to furnish such additional information as the Governor's Office of Homeland Security may require in connection with the application for the program of projects.

4) The General Manager is authorized to set forth and execute affirmative minority business policies in connection with the program of projects procurement needs.

5) The General Manager is authorized to execute grant agreements on behalf of SunLine Transit Agency with the Governor's Office of Homeland Security for aid in the financing of planning and implementing transit security and safety capital projects, pursuant to Transit System Safety, Security and Disaster Response Account of 2006.

PASSED AND ADOPTED this ____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Transit Agency

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Transit Agency, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 20____.

Carolyn Rude
CLERK OF THE BOARD
SunLine Transit Agency

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SUNLINE SERVICES GROUP BOARD MEETING AGENDA

Wednesday, October 24, 2012
12:00 pm
Kelly Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

NOTE: IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT SUNLINE AT (760) 343-3456. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE SUNLINE TO MAKE REASONABLE ACCOMMODATION TO ENSURE ACCESSIBILITY TO THIS MEETING.

The Chair requests that all cellular phones and beepers be either turned off or set on silent mode for the duration of the Board Meeting.

AGENDA TOPICS

RECOMMENDATION

1. **Call to Order**
Chairman Robert A. Spiegel
2. **Roll Call**
3. **Finalization of Agenda**
4. **Presentations**
5. **Correspondence**
None.
6. **Public Comments**
(NOTE: Those wishing to address the Board should complete a Public Comment Card and will be called upon to speak.)

Receive Comments

NON AGENDA ITEMS

Anyone wishing to address the Board on items not on the agenda may do so at this time. Each presentation is limited to 3 minutes.

AGENDA ITEMS

Anyone wishing to address specific items on the agenda should notify the Chair at this time so those comments can be made at the appropriate time. Each presentation is limited to 3 minutes.

- 7. Board Member Comments **Receive Comments****
Any Board Member who wishes to speak may do so at this time.

----- **ACTION** -----

- 8. Consent Calendar **Approve****

All items on the Consent Calendar will be approved by one motion, and there will be no discussion of individual items unless a Boardmember requests a specific item be pulled from the calendar for separate discussion. The public may comment on any item.

- a) Minutes of the September 26, 2012 Board of Directors Meeting (Pages 1-6)
- b) SSG/SRA checks over \$1000 issued September, 2012 (Page 7)
- c) SSG/SRA Monthly Budget Reports June – August, 2012 (Page 8)
- d) Taxi Vehicle/Rides Analysis (Pages 9-10)

- 9. First Reading of SSG Revised Ordinance #2012-01 **Approve****
(Jeffrey Goldfarb)

Request to the Board to approve the first reading of the proposed (revised) SSG Ordinance #2012-01. ([Ordinance separate attachment](#)) (Pages 11-12)

- 10. Brown Act Compliance Resolution **Approve****
(Jeffrey Goldfarb)

Request to the Board of Directors to approve the attached Resolution affirming SunLine Services Group's commitment to open government and intent to comply with the Ralph M. Brown Act. (Pages 13-17)

- 11. Resolution-Board Members Discuss Certain Closed **Approve****
Session Items with City Council & City Attorneys
(Jeffrey Goldfarb)

Recommend that the Board of Directors approve the attached Resolution authorizing Board Members to disclose certain limited circumstances items discussed in closed sessions to their City Councils or Board of Supervisors and to their respective City Attorneys or County Counsel. (Pages 18-21)

- 12. Request to Move Taxi Regulation (Chairman Spiegel) Approve**
Request by Chairman Spiegel to the Board to move taxi regulation to CVAG.

----- DISCUSSION -----

- 13. Issuance of Temporary Taxi Permits Information**
(Naomi Nightingale)
Provide Board with an update on the issuance of temporary taxi Permits and request for non-temporary permits. (Page 22)

-
- 14. Closed Session**
Conference with legal counsel—existing litigation –Gov. Code Section 54956.9
(a) 2 cases:
1. American Cab LLC v. SunLine Services Group et al RCSC INC 1201334
2. American Cab v. SunLine Services Group; SunLine Transit Agency, et al.--
Case No. **CV12-05552 CW (OPx)**

- 15. Next Meeting Date**
December 5, 2012
12 o'clock Noon – Kelly Board Room

- 16. Adjourn**

MINUTES
SunLine Services Group
Board of Directors Meeting
September 26, 2012

A regular meeting of the SunLine Services Group Board of Directors was held on Wednesday, September 26, 2012 in the Kelly Board Room at SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

1. **Call to Order**

The meeting was called to order at p.m. by Chairman Robert Spiegel.

2. **Roll Call**

Completed.

Members Present

Robert Spiegel, Chairman, Mayor, City of Palm Desert
Yvonne Parks, Vice Chairman, Mayor, City of Desert Hot Springs
Bud England, Councilmember, City of Cathedral City
G. Dana Hobart, Councilmember, City of Rancho Mirage
Bill Powers, Mayor Pro Tem, City of Indian Wells
Don Adolph, Mayor, City of La Quinta
Glenn Miller, Mayor, City of Indio
Eduardo Garcia, Mayor, City of Coachella
John J. Benoit, Supervisor, County of Riverside

Members Absent

Rick Hutcheson, Councilmember, City of Palm Springs

Guests:

Kathleen Bennett, Resort Marketing
Jacob Alvarez, CVAG
Michal Brock, Yellow Cab
Bill Meyers, Yellow Cab
Mabu Hossein, Desert City Cab
Harry Incs, American Cab
Keith Matheny, The Desert Sun
Jesse Frescas Jr., Doug Wall Construction
Scott Russo, American Cab
Blake Goetz, Public
Ken Gregory, Public
James Braico, Public
John Haag, Arcadis
Elisa Freeman, Public
Kimberly Webb, Public

Staff:

C. Mikel Oglesby, General Manager
Jeffrey Goldfarb, Interim Legal Counsel
Carolyn Rude, Special Asst. to the General Manager/Clerk of the Board
Naomi Nightingale, Chief of Staff/EEO
Polo Del Toro, Director of Operations
Joe Forgiarini, Director of Transit Planning
Mike Morrow, Director of Maintenance
Jack Stevens, Director of Human Resources
Tommy Edwards, Contracting Officer Technical Representative
Rudy LeFlore, Procurement Consultant
Mannie Thomas, Manager of Operations and Safety Training
Manny Garcia, Operations Senior Supervisor
Michael Jones, Manager Taxicab Administration
Harman Singh, Assistant Taxi Cab Administrator I
Stephanie Buriel, Administrative Assistant
David Manriquez, Safety Specialist
Maribel Gagnon, Contract Specialist
Rick Barone, Procurement Officer
Francine DePalo, Senior Administrative Assistant
Diann Chumney, Desktop Publisher
Ivanna Samokish, Safety and Security
Anita Petke, Transit Planning Assistant
Robert Beigie, Maintenance Supervisor
Amy Heilman, Coin Counter
Karen Thomas, Senior Administrative Assistant
Joseph Friend, Sr. Information Technology System Analyst
Julian Barbos, SunDial Operator
Vincente Saucedo - Mechanic

3. Finalization of Agenda

Urgency item added concerning litigation. Legal Counsel, Jeffrey Goldfarb, stated that he recommends closed session items based on Government Section Code 54954.2. The need for the action came up after the posting of the agenda and there is immediate need to deal with it prior to the next meeting. The item will be identified simply as Closed Session, American Cab v. SunLine. Vice Chairman Parks moved to add the item to the agenda. Mayor Pro Tem Powers seconded the motion and was approved by a unanimous vote. Item becomes 9a, Closed Session.

4. Presentations

None.

5. Correspondence

None.

6. Public Comments

NON - AGENDA ITEMS

Bill Meyers – Yellow Cab of the Desert: “I just wanted to comment. Nothing about what is going on today, but something significant just happened in the last break. During a break, American Cab would stand in one place and Yellow Cab would stand in another place. We actually sat on the same bench. We communicated and that reminded me a thing that my dad used. It was a picture of two jack asses looking at a bail of hay just pulling at each other and neither one of them got to the bail of hay. One day a light bulb went off and they turned and looked at each other and they both when together and eat the bail of hay together. What we discussed is that probably what is good for American Cab is good for Yellow Cab. We might not agree on everything, but we can go forward in improving the industry and our businesses.”

Michal Brock, Yellow Cab of the Desert: “I just wanted to comment quickly that Yellow Cab of the Desert is requesting five permanent additional taxicab allocations that would bring us up to the same level as both Desert City Cab and American Cab. Yellow Cab of the Desert’s success has allotted us the money to move forward with reinvesting in the latest technology and we are getting bigger and there is a huge future ahead in our industry as it is improving. Please consider the request as you open up for discussion with the increase.”

Harry Incs, American Cab: “Like I said in the morning meeting, American Cab would like to request additional permits. The trips over the past year have increased dramatically - the number of calls – the number of trips – 104,000 over a two year period. It keeps going up and up. I have done some call analysis and I have noticed that the response times are going down. It is not evident because every month is a little different, but there is a trend going down. I was able to do with my numbers and I’m sure everyone’s numbers are the same. Over the weekend, we had a period in the evening between 8:00pm and 10:00pm it took about 4 minutes for the computer to find a taxi to assign an available cab. That is bad since we are still technically in the summer. When it gets busy, the numbers are going to get much worse. Tourism is up and can be confirmed by Mike Jones or CVAG. There is a need for more cabs on the road. American Cab would gladly take 10 or 20. If Yellow Cab wants 5 or 10, whatever they want. We will take what you give us.”

Scott Russo, American Cab: “One common goal is to get more cabs on the road. Mike Jones prepared a nice report that is in the Board packet today. It gives an analysis of year on year, all the rides. When there were four companies in 2009 – 2010, there were 104,000 less trips than there were this last year. There is roughly 50 less permanent permits, but quite a bit more trips. There are 81 trips more per car, per ride now than two years ago. That is just from the Visitor’s Authority. I was looking from a report from them and they say it is going to be a banner year. Bottom line, they need more cabs. The demand is there. Last March, you gave American Cab 10 cabs for a two month period for Coachella Festival. It is very difficult on the cab companies. They took them, but they didn’t even get them installed and on the road. They have to have the cars, the drivers, computers, etc. They need now new cabs for the season. You can’t do it for a two month period. They need it for the

season. What was discussed at the Taxi Committee meeting, Ms. Nightingale will be able to issue more temporary permits.”

James Braico, Citizen – “I am formally a taxicab operator here in the Coachella Valley for over 17 years. I am currently operating a limo and car service network here in the Valley and I am also the former General Manager of Classic Yellow Cab that operated here for almost 21 months. I have been reading here every month the problems and issues that are riddling the current franchise system and reading the minutes of all those meetings and I have concluded that the people that are in the current franchise environment that are getting raked over the coals are the drivers. One issue that keeps coming up is regulatory fees being too high. The math proves that the fees average about \$40 a week per cab. I don't think lowering or eliminating those fees will have any real impact on lease rates that are as high as \$1250 per week. Like lowering the lease rates \$20 a week is going to help anybody if the lease was even lowered at all had you eliminated those fees. Another issue is regulating the industry – there have been comments as to whether it is appropriate for SunLine to regulate the taxi industry when they are also the transit agency. I don't know if all the Board members know but your neighbors like Morongo Basic Transit Authority and Orange County, OCTA, they are both the transit agency and the taxi regulator. That seems rather common and doesn't make sense if you want to waste any more time on that issue – as if SunLine is doing something different than anybody else. In L.A., cabs are leased for about \$500 to \$600 a week; Orange County is about the same. In this area, the leases start at about \$500 and then sky rocket between \$700 to \$1300 a week. With companies claiming such high profits, this should prove that a 4th franchise is easily supported out here and you should consider the positive impact this would have for the drivers. Replacing CYC with a 4th franchise back in the ring would regulate the car pool vs. the drivers. In the current environment there are just drivers and not enough cars. So the drivers fear that if they don't pay whatever they tell me to pay, I may not have a car to drive. In some instances this is exactly what they are being told. This was not the case when you have four franchises. In an environment where you had enough cars available for the drivers, you got franchises that have 15% to 20% of their fleet parked. They are not calling out \$1300 leases. They are actually competing to get drivers in their seats which automatically regulates what they charge for their leases. I remember drivers telling me when Classic Yellow Cab had a \$400 lease rate in the summer, they were being told by other franchises – wait until CYC is gone, you are not going to believe what I am going to charge you. I think it is worth considering let the RFP out for informational purposes and see what you have available for bidders out there. It is my opinion that you can help stack the deck for the drivers in the future.”

Councilmember Hobart stated: “With respect to temporary permits that they were talking about, in the Taxi Committee, staff is going to be working with them to try and get those temporary permits out to them as quickly as possible. Everybody thinks that will be handled very fast and smoothly.

Kimberly Webb, Public: - "Select a driver from any franchise and they are going to tell you that this has been the worst summer yet – sitting hours and hours without a single dispatch from their respective companies. In August, as a result of two American Cab drivers scoring great single rides, coming from the east in the same week the following lease date rolls up and their lease was increased saying that the east is blowing up. As it turns out we still have drivers that are driving right now that have not paid their leases for the past few weeks. They are already behind. The reason why they are still working is that American Cab wants to dispute it in form, although they have 55 permits. They have the 55 permits, but about three weeks ago, I believe the correct number is they only had 43 in operations because they don't have the drivers. They are allowing these drivers that owe them money to continue to working. During the dead of the summer, American Cab increased leases on three occasions for a total of \$100. This is over the dead of summer they did this. Where are the provisions that were going to be set forth according to the last meeting that was going to be set forth at today's meeting? I see nothing on the agenda. A couple of things – American Cab is very nervous because there is just over a year before the Board will have the distinct ability and no doubt pleasure to send American Cab packing. You would think with this date of dismissal looming, American Cab would make every attempt to finally learn to play pretty in the sandbox. I have just been made aware that a contract established three or four years ago between American Cab and Techtrans, a contract personally catered on American Cab's behalf by Techtrans' then CEO, Craig Smatterman, and the now infamous Larry Slagle. Keep in mind Larry Slagle was supposed to be Classic Yellow Cab's liaison in CYC's failed negotiations with SunLine to maintain service here in the desert, when in fact he was in bed with American Cab. In spite of Techtrans' having sold their taxi operation last year, this contract with American Cab still requires Techtrans to cover legal fees. I am now being told that while counsel's monthly retainers is \$25,000, American Cab's contract requires Techtrans to commit up to \$30,000 per month for legal expenses. Whether this is paid on a monthly basis still, or has been settled in a lump sum is unknown to my source. While American Cab continues response to driver's painful pleas about the excessive lease fees was always 'we have large legal fees'. It's just a game of monopoly for American Cab. Using someone else's money without true financial consequences. Isn't that the way they have always run their operation? With no one at the top never earning the honest dollar. With American Cab's future looking bleak, and others are readily able to fill the void, you would assume there would be significant steps by American Cab to smooth things over. Instead, like an emotionally disturbed child, American Cab can only seek attention through disruptive behavior. It is unfortunate that American Cab will never learn to play well with others, so the continuation of endless lawsuits will continue. Just think – 13 months and you are gone."

AGENDA ITEMS:

None.

7. Board Member Comments

None.

8. Consent Calendar

Mayor Pro Tem Powers moved for approval of the consent calendar. The motion was seconded by Mayor Miller and was approved by a unanimous vote.

9. Second Reading of SSG Revised Ordinance #2012-01

Vice Chairman Parks stated that the Taxi Committee met and has asked the Board to continue this item until the next meeting so that the discussion relative to the insurance increase from \$1 million to \$2 million is researched and determined feasible or non feasible for the agencies that do provide the insurance. Vice Chairman Parks made a motion to continue agenda item to October Board meeting. Councilmember Hobart seconded the motion and was approved by a unanimous vote.

At 1:09pm, Chairman Spiegel moved into Closed Session.

9a. Closed Session – Added Urgency Item

Conference with legal counsel—existing litigation –Gov. Code Section 54956.9.
American Cab v. SunLine.

No reportable action.

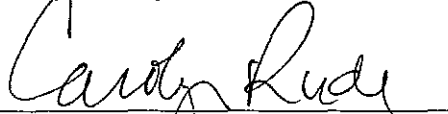
10. Next Meeting Date

Chairman Spiegel announced that the next regular meeting of the Board of Directors will be held October 24, 2012 at 12 noon – Kelly Board Room, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

11. Adjourn

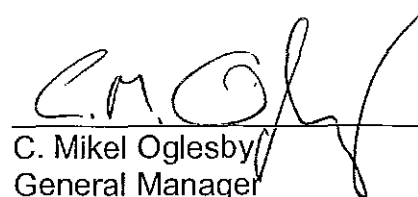
Vice Chairman Spiegel adjourned meeting at 2:00p.m.

Respectfully Submitted,



Carolyn Rude
Clerk of the Board

Approved by:



C. Mikel Oglesby
General Manager

Date: 10/11/12

SunLine Regulatory Administration
Checks \$1,000 and Over
For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089583	9/20/2012	\$9,967.51
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089588	9/28/2012	\$9,815.43
CABCONNECT, INC.	Collection of DATA Reports	089578	9/20/2012	\$7,500.00

Total of Checks Over \$1,000	\$27,282.94
Total of Checks Under \$1,000	\$2,115.73
Total of All Checks for the Month	\$29,398.67

Total Amount of Checks Prior Years Same Month	\$38,811.46
------------------------------------------------------	--------------------

SRA--l'axi
Statement of Activities
June 30, 2012

	Unaudited FY 10/11	Total FY 11/12 Budget	Current Month			Year to Date		
			Actual	Budget	Favorable (Unfavorable)	Actual	Budget	Favorable (Unfavorable)
Revenue:								
Meter Readings	95,800	297,123	67,203	24,760	42,443	383,324	297,123	86,201
Revenue Fines	106,661	5,000	250	417	(167)	8,160	5,000	3,160
Vehicle Inspections	15,703	14,300	1,900	1,192	708	16,500	14,300	2,200
New Driver Permits	4,150	5,000	450	417	33	5,850	5,000	850
Driver Transfers	4,800	5,800	300	483	(183)	3,550	5,800	(2,250)
Driver Renewals	7,050	6,100	300	508	(208)	9,100	6,100	3,000
Driver Permit Reinstatement/Replacement	135	200	10	17	(7)	155	200	(45)
Vehicle Transfers	(50)	1,500	390	125	265	585	1,500	(915)
Vehicle Permits	82,828	78,000	1,634	6,500	(4,866)	92,950	78,000	14,950
Operator Shared Revenue Fee	195,135	0	0	0	0	3,492	0	3,492
Operator Application Fee	0	10,500	0	875	(875)	3,000	10,500	(7,500)
Interest	152	0	3	0	3	63	0	63
Other	47	25,629	92	2,136	(2,044)	289	25,629	(25,340)
Total revenue	\$ 512,411	\$ 449,152	\$ 72,532	\$ 37,429	\$ 35,102	\$ 527,018	\$ 449,152	\$ 77,866
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Total Operating Surplus/Deficit	\$ 78,141	\$ (1)	\$ 12,082	\$ (0)	\$ 12,082	\$ 53,519	\$ (1)	\$ 53,520

Preliminary Statement Prior To Audit Field Work

TRIP vs. VEHICLE ANALYSIS

TRIP vs. VEHICLE ANALYSIS

	FY 04/05			FY 05/06			FY 06/07			FY 07/08			FY 08/09		
	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH
JUL	193	32,877	170	205	33,123	161	240	28,204	117	269	25,681	95	184	27,321	148
AUG	185	25,911	140	209	24,445	117	240	24,010	100	269	28,635	106	184	28,450	154
SEP	195	29,145	149	215	35,072	163	240	35,278	147	269	28,182	105	184	28,206	153
OCT	196	44,593	227	221	32,817	148	240	38,459	160	205	33,063	161	184	37,131	202
NOV	197	36,344	184	227	40,343	178	240	41,751	174	203	41,851	206	184	33,450	182
DEC	187	38,687	207	232	34,534	149	243	46,866	193	204	36,141	177	184	26,942	146
JAN	191	40,638	212	240	42,539	177	245	27,290	114	204	30,363	149	183	39,745	217
FEB	196	43,880	224	241	41,587	173	246	41,520	169	206	50,594	246	185	38,116	206
MAR	204	42,973	210	241	51,373	213	255	54,598	214	205	41,492	202	186	42,705	230
APR	206	53,980	262	241	50,791	211	269	46,823	174	205	44,697	218	186	59,997	323
MAY	204	38,698	190	240	42,916	179	271	43,593	161	205	49,071	239	186	41,175	221
JUN	203	33,348	164	240	34,427	143	271	35,711	132	183	26,819	147	186	38,696	208
TOTALS	2357	461,074	196	2752	463,967	169	3000	464,103	155	2627	436,589	166	2216	441,934	199

	FY 09/10			FY 10/11			FY 11/12			FY 12/13			FY 13/14		
	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH
JUL	170	26,487	156	151	31,211	207	125	30,391	243	132	33,019	250			
AUG	155	23,671	153	148	29,238	198	123	29,459	240	133	35,031	263			
SEP	158	29,239	185	150	31,807	212	131	34,446	263	131	38,754	296			
OCT	153	37,468	245	117	40,222	344	139	43,009	309						
NOV	153	40,466	264	126	40,494	321	144	44,173	307						
DEC	160	32,084	201	128	36,226	283	143	39,180	274						
JAN	155	38,276	247	133	45,232	340	152	45,048	296						
FEB	157	36,557	233	132	42,331	321	156	53,840	345						
MAR	159	44,219	278	138	48,942	355	158	62,962	398						
APR	167	57,645	345	141	60,821	431	170	71,576	421						
MAY	157	42,074	268	142	43,910	309	156	49,091	315						
JUN	156	29,940	192	120	31,088	259	140	39,190	280						
TOTALS	1900	438,126	231	1626	481,522	296	1737	542,365	312	396	106,804	270	0	0	#DIV/0!

	FY 04/05		FY 05/06		FY 06/07		FY 07/08		FY 08/09	
HIGHEST TRIPS	Apr	53,980	Mar	51,373	Mar	54,598	Feb	50,594	APR	59,997
LOWEST TRIPS	Aug	25,911	Aug	24,445	Aug	24,010	Jul	25,681	DEC	26,942
MOST VEHICLES	Apr	206	Apr	269	May	271	Jul	269	M, A, M	186
LEAST VEHICLES	Aug	185	Jul	205	Jul	240	Jun	183	JAN	183
MOST TRIPS/VEH	Apr	262	Mar	213	Mar	214	Feb	246	MAY	323
LEAST TRIPS/VEH	Aug	140	Aug	117	Aug	100	Jul	95	JULY	148
	FY 09/10		FY 10/11		FY 11/12		FY 12/13		FY 13/14	
HIGHEST TRIPS	APR	57,645	APR	60,821	APR	71,576	SEP	38,754		
LOWEST TRIPS	AUG	23,671	AUG	29,238	AUG	29,459	JUL	33,019		
MOST VEHICLES	JUL	170	JUL	151	APR	170	AUG	133		
LEAST VEHICLES	NOV	153	NOV	117	AUG	123	SEP	131		
MOST TRIPS/VEH	APR	345	APR	1004	APR	421	SEP	296		
LEAST TRIPS/VEH	AUG	153	AUG	198	AUG	240	JUL	250		

SunLine Services Group

DATE: October 24, 2012 **ACTION**

TO: Taxi Committee
Board of Directors

FROM: SunLine General Counsel

RE: First Reading of SSG Ordinance No. 2012-01

RECOMMENDATION

Recommend that the Board of Directors approve first reading of the proposed SSG Ordinance No. 2012-01 (revised) that will supersede all previous ordinances and amendments.

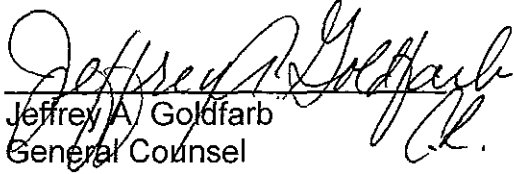
BACKGROUND

At its June 27, 2012 meeting, the SunLine Services Group Board of Directors introduced (first reading) Ordinance No. 2012-01, the ordinance relating to the operation and issuance of taxi franchises in the Coachella Valley. Pursuant to Government Code section 36934, an ordinance may not be passed within five (5) days of its introduction, except in certain circumstances which are not present here. If the Board passes the Ordinance at this meeting, it shall take effect in thirty (30) days pursuant to Government Code section 36937. A second reading was therefore had at the September 26 meeting. During the discussion, two franchisees noted that the requirement that franchisees increase their insurance coverage to Two Million Dollars (\$2,000,000) will result in a significant increase in their insurance premiums. As a result, the Taxi Committee recommended and the Board decided that:

1. The ordinance should be revised to reinstate the original One Million Dollar (\$1,000,000) minimum insurance;
2. The Ordinance should be resubmitted for first reading at the next meeting; and
3. Staff is directed to investigate the possibility of locating lower cost insurance for a Two Million Dollar (\$2,000,000) policy.

Fiscal Impact

Pursuant to Board direction, the Ordinance is presented in its revised form with the only change being that the minimum insurance requirement has been reduced from two million dollars (\$2,000,000) to one million dollars (\$1,000,000).


Jeffrey A. Goldfarb
General Counsel

SSG ORDINANCE NO. 2012-01

**AN ORDINANCE OF SUNLINE SERVICES GROUP
SUPERSEDING ORDINANCE NOS. 96-2, 99-1, 99-2, 00-2,
01-01, 07-03, AND 09-01**

WHEREAS, Government Code section 53075.5 requires every city and county to protect the public health, safety and welfare by adopting an ordinance concerning the provision of Taxicab services, to provide a policy for entry into the business of providing Taxicab services, to establish or require registration of rates for the provision of such services and for such other matters as determined by the legislative body; and,

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Service Group (“SSG”) desire to provide for the orderly, efficient, and safe operation of Taxicab services within the Coachella Valley; and,

WHEREAS, an implementation agreement has been entered into by the County of Riverside and those Coachella Valley cities whose signatures appear on that agreement authorizing SSG to regulate Taxicab transportation services within the jurisdictional boundaries of SSG; and,

WHEREAS, Government Code section 53069.4(a)(1) permits the legislative body of a local agency to make any violation of any ordinance enacted by the local agency subject to administrative fine or penalty; and,

WHEREAS, the powers provided under Government Code section 36091 which permit a city legislative body to impose fines, penalties and forfeitures for violations of its ordinances have, by joint powers agreement, been assigned to SSG as provided under Government Code section 6500, *et seq.*; and,

WHEREAS, SSG desires to reduce the administrative and legal costs associated with enforcement of ordinances adopted for the purpose of Taxicab regulation within the jurisdiction of SSG; and,

WHEREAS, the Board of Directors of SSG implemented a study commissioned to make recommendations to improve Taxicab transportation services which included implementation of a recommendation to award Franchise Agreements as a way to improve Taxicab services and to better regulate the service providers; and,

WHEREAS, the existing Ordinance must be amended to ensure consistency between the Ordinance and the Franchise system and to effectuate regulation of the Franchise system in accordance with the decision to implement the study.

NOW, THEREFORE, the Board of Directors of SSG DOES ORDAIN AS FOLLOWS:

PART 1: That SSG hereby adopts this Ordinance regulating Taxicabs within the jurisdiction of SSG, superseding and replacing Ordinance Nos. 96-2, 99-1, 99-2, 00-2, 01-01, 07-03, and 09-01.

This Ordinance shall include the following sections:

Section

- 1.010 Definitions
- 1.015 Delivery of Notices or Requests
- 1.020 Hotel Limousine — Exemption
- 1.030 Franchise Agreement — Required
- 1.040 Franchise Agreement — Term, Extension
- 1.050 Franchise — Insurance Required
- 1.060 Franchise — Color Scheme
- 1.065 Advertisements
- 1.070 Vehicle Inspection
- 1.080 Franchise — Minimum Requirements
- 1.090 Franchise Fee
- 1.090.5 Sale or Transfer of Assets, Interest or Membership in Franchisee or Transfer of Control of Franchisee
- 1.091 Taxicab Vehicle Permits
- 1.092 Transfer and Surrender of Vehicle Permits
- 1.095 Driver Permit — Required
- 1.100 Permits — Authority
- 1.110 Permits and Franchises - Denial, Revocation, Suspension or Termination
- 1.120 Appeal From License Denial Due to Criminal Conviction
- 1.125 Unauthorized Taxicab Services Prohibited
- 1.130 Rules, Regulations and Fees
- 1.140 Use of Toplight
- 1.150 Information Display
- 1.160 Identification Display
- 1.170 Route — Number of Passengers
- 1.180 Taximeter — Accuracy
- 1.190 Taximeter — Use
- 1.200 Taximeter — Misuse
- 1.210 Receipt for Fare
- 1.220 Street Stands
- 1.225 Exclusive Arrangements Between Franchises and Venues Concerning Taxicab Trips Prohibited
- 1.230 Operation by Other Than Franchisee
- 1.240 Rates
- 1.245 Surcharges
- 1.247 Obligation to Report Changes in Lease Rates and Other Pass Through
- 1.250 Enforcement
- 1.255 Penalties
- 1.256 Administrative Appeal Hearings - In General

- 1.257 RESERVED
- 1.258 RESERVED
- 1.259 Criminal Enforcement and Penalties
- 1.260 Airports
- 1.270 Severability
- 2.010 Scope
- 2.020 Definitions
- 2.030 Rules, Regulations & Fees
- 2.035 Mandatory Controlled Substance and Alcohol Testing Program
- 2.040 Tests Required
- 2.050 When Testing Required
- 2.060 Prohibited Conduct
- 2.070 Testing Procedures
- 2.080 Penalties
- 2.090 Rights of Appeal
- 2.100 Severability
- 3.010 Applicability
- 3.020 Enforcement Officer - Defined
- 3.030 Regulation - Defined
- 3.040 Administrative Citation
- 3.050 Amount of Fines
- 3.060 Payment of the Fine
- 3.070 Hearing Request
- 3.080 Advance Deposit Hardship Waiver
- 3.120 Late Payment Charges
- 3.130 Recovery of Administrative Citation Fines and Costs
- 3.140 Administrative Regulations

SECTION ONE

TAXI FRANCHISE ORDINANCE

Section 1.010 Definitions

As used in this section:

- A. “Base Rate” means the minimum charge to a customer regardless of time or mileage, being that rate which is programmed to show in the Taximeter when first activated.

- B. “Board” or “Board of Directors” means the Board of Directors of SunLine Services Group.

- C. “Chauffeured Limousine” means a motor vehicle used for the transportation of passengers for hire along public streets, not over a defined route, but a route under the control of the person hiring such a vehicle. A Chauffeured Limousine shall not bear any distinguishing

insignia or monogram or Toplights, and shall operate and be dispatched from a fixed location, and shall be hired by contract on a minimum hourly basis or a fixed point-to-point basis only.

- D. “Control Person” means any natural person, corporation, partnership, limited liability company, joint venture, association, trust or other organization, whether or not a legal entity, holding a Controlling Interest in a Franchise to provide Taxicab services and the lawful successors, transferees, or assignees of any such natural person, corporation, partnership, limited liability company, joint venture, association, trust or other organization.
- E. “Control” or “Controlling Interest” means control in whatever manner exercised, including, without limitation, control through ownership, management, debt instruments, or negative control, as the case may be, of the Franchisee or related Taxicab service or company. A rebuttable presumption of the existence of Control or a Controlling Interest shall arise from the beneficial ownership, directly or indirectly, by any natural person, corporation, partnership, limited liability company, joint venture, association, trust or other organization, whether or not a legal entity, or any group of such persons or entities acting in concert, of 25% or more of any class or series of equity securities, whether or not voting, of any natural person, corporation, partnership, limited liability company, joint venture, association, trust or other organization, whether or not a legal entity, or being a party to a management contract or similar agreement to manage the Franchisee or related Taxicab service or company, or any material portion thereof.
- F. “Days” means calendar days, except where otherwise referred to in this Ordinance. “Business days” means any days that the administrative offices of SSG are open for business. Any act required by the Ordinance of SSG which is due on a day which is not a business day shall be due on the next business day.
- G. “Driver” means an individual natural person who drives or is allowed to drive a Taxicab under the name of a Franchisee. This includes, but is not limited to: full time, regularly employed Drivers; casual, intermittent or occasional Drivers; leased Drivers and independent, Owner-operator contractors who are either directly employed by or under lease to a Franchisee or who operate a Taxicab at the direction of or with the consent of a Franchisee.
- H. “Driver Permit” means a permit issued by SSG authorizing a Driver to drive a Taxicab within the jurisdiction of SSG.
- I. “Employment” includes self-employment as an independent Driver within the meaning of Government Code section 53075.5.

- J. “Franchisee” means any person, firm, association, corporation, partnership or other entity that is granted a Franchise by the Board pursuant to the Ordinance of SSG and has entered into a duly executed Franchise Agreement with SSG.
- K. “Hourly Rate” means the charge made to a Taxicab passenger based on Taximeter calibration in instances in which the speed of the vehicle causes the Taximeter to switch from a Rate per Mile charge to a rate based on passenger time use of the vehicle.
- L. “Jurisdiction of SSG” means the area within the jurisdictional boundaries of the cities of Desert Hot Springs, Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, Coachella and the unincorporated area of Riverside County that is within the territorial boundaries of the Palm Springs and Desert Sands Unified School Districts and that portion of the Coachella Valley Unified School District located within Riverside County.
- M. “Owner” means the person or entity identified as the Owner of a Taxicab on the Certificate of Title issued by the California Department of Motor Vehicles (DMV).
- N. “Person” means natural persons, corporations, partnerships, limited liability companies, joint ventures, associations, trusts or other organizations, whether or not legal entities.
- O. “Rate per Mile” means the charge made to a Taxicab passenger calculated and based on distance traveled by the Taxicab vehicle.
- P. “Street” means any place commonly used for the purpose of public travel.
- Q. “Street Stand” means a portion of a street designated by a member city or the county within which the stand is located for the use, while awaiting employment, of any Taxicab, except for locations at which a stand is located within the boundaries of any airport.
- R. “SunLine Regulatory Administration” or “SRA” means the division of SSG charged with the duties, obligations and responsibilities of SSG to implement and enforce the Ordinance of SSG, any related ordinance and any regulations promulgated pursuant thereto as directed by the Board of SSG and the Taxicab Administrator. Unless otherwise specifically specified herein, references to “SSG” refer to and include SRA.
- S. “Surcharge” means the fee imposed by SSG to recover the costs of regulating Taxicabs and which is charged each time that a Taxicab is initially engaged for hire by a passenger.

- T. “Taxicab” means every automobile or motor-propelled vehicle, designed for carrying not more than eight persons, excluding the Driver, where the Driver’s seat may be separated from the passenger’s compartment by a glass or other partition, used for the transportation of passengers for hire over the public streets in the jurisdiction of SSG, and not over a defined route, irrespective of whether the operations extend beyond the boundary limits of the member entities of SSG, in circumstances where the vehicle is routed under the direction of the passenger or of the person hiring same.
- U. “Taxicab Administrator” means the General Manager of SSG or his/her designee. “Assistant Taxicab Administrator(s)” shall be those persons authorized by the Taxicab Administrator to perform or assist in the performance of the functions and powers of the Taxicab Administrator under the provisions of the Ordinance of SSG.
- V. “Taximeter” means a device that automatically calculates, at a predetermined rate or rates, and indicates the charge for hire of a vehicle, for distance traveled and waiting time.
- W. “Toplight” means an illuminated sign, permanently affixed to the top of a Taxicab, which bears the name of the Franchise on both the front and back and when illuminated clearly indicates whether or not the Taxicab is vacant and available for hire.
- X. “Vehicle Inspection Sticker” means the numbered sticker affixed to the lower left rear of the windshield of each Taxicab vehicle authorized to operate in the jurisdiction of SSG.
- Y. “Vehicle Permit” means both the Vehicle Inspection Sticker and the authority from SSG for a Taxicab vehicle to operate in the jurisdiction of SSG.

Section 1.015 Delivery of Notices or Requests

- A. All notices or requests referred to in the Ordinance of SSG which are due to SRA shall be delivered to the SRA Administrative Office. All notices or requests referred to in the Ordinance of SSG to any individual or Franchisee shall be delivered to the address of record for the individual or Franchisee.
- B. The address of record for a Franchisee shall be the address listed on the Franchise Agreement. Franchisees shall give notice in writing to SRA of any change in their business address, and delivery of notices or requests to the address provided by the Franchisee shall be presumed received by the Franchisee.
- C. Delivery of any notice or request under the Ordinance of SSG shall be effective as follows:

1. Immediately if given by personal delivery;
2. One day after delivery if delivered by an overnight delivery service; and,
3. Three days after delivery if delivered by U.S. mail.

Section 1.020 Hotel Limousine - Exemption

“Hotel Limousine” means a motor vehicle owned and operated exclusively by a Hotel. A “Hotel” is defined as any building or group of buildings or a portion thereof containing five (5) or more guest rooms used by five (5) or more guests for compensation. A Hotel Limousine is used for the sole purpose of providing transportation for Hotel guests. Hotel Limousines are exempt from the regulation of the Ordinance of SSG when operated in accordance with this section.

Section 1.030 Franchise Agreement - Required

- A. It is unlawful for any Person to operate, cause to be operated, to advertise or otherwise hold themselves out to the public in any fashion as a Franchisee without having first entered into a Franchise Agreement with SSG. Subject to the limitations of the Ordinance of SSG, the Board may, and is empowered to, grant to any qualified Person a nonexclusive Franchise to operate Taxicabs within the jurisdiction of SSG. Such Franchise shall be evidenced by a duly executed Franchise Agreement between the Franchisee and SSG. These Franchise Agreements may contain contractual provisions that are supplementary to and/or more restrictive than the provisions contained in the Ordinance of SSG. It is a violation of this Ordinance to operate a Franchise which is not in compliance with the terms and conditions of the Franchise Agreement. Franchisees will be required to provide a list of the Vehicle Identification Numbers (“VIN”) of the Taxicabs (“vehicle identification list”) which have passed the vehicle safety inspection required by the Ordinance of SSG and any amendments thereto.
- B. The Franchisee shall maintain with SSG a current list of all Drivers authorized to operate any vehicle on the required vehicle identification list. The Franchisee shall verbally report to SSG any additions or deletions to its list of Drivers within 24 hours of such addition or deletion.
- C. Franchisees are required to ensure that all Drivers operating a Taxicab listed on the required vehicle identification list are familiar with the provisions of the Ordinance of SSG as amended from time to time, with the Franchise Agreement as amended from time to time, and with all regulations adopted by SSG from time to time. Franchisees shall promptly notify their Drivers of any changes in the provisions of the above documents and direct their Drivers to implement the same.

- D. Regardless of whether there is an employment or other direct relationship between the Franchisee and the Driver, Franchisees shall ensure that all Drivers authorized to operate a Taxicab vehicle listed on the vehicle identification list comply with the provisions of the Ordinance of SSG as amended from time to time, the Franchise Agreement as amended from time to time, all requirements of state law, and with all regulations adopted to implement the Ordinance of SSG. The Franchisee shall not knowingly (or with reason to know) permit any Driver who is not in compliance with the provisions of the Ordinance of SSG as amended from time to time, the Franchise Agreement as amended from time to time, and all requirements of state law to operate any Taxicab listed on the vehicle identification list. This includes without limitation, the Driver operating hours requirements of section 6.11 of SSG's Taxicab Regulations.
- E. In the event that any Driver listed on the authorized Driver list on file with SSG has violated any provision of section 1.110, the Franchisee shall revoke all authority for the Driver to operate any vehicle on the vehicle identification list immediately upon written notification by the Taxicab Administrator of the suspension or revocation of the Driver's Driver Permit. The Franchisee may be temporarily suspended by the Taxicab Administrator in the event that a Franchisee fails to comply with this section and administrative penalties may be imposed in accordance with section 1.255.
- F. The Franchisee shall comply with all requirements concerning the mandatory controlled substances and alcohol testing program as set forth in the Ordinance of SSG.
- G. No Franchisee shall allow a person to drive a Taxicab using the Franchise's name unless that person has a valid Driver Permit issued by SSG which states that the Driver is affiliated with the Franchise.
- H. All Franchises granted pursuant to the Ordinance of SSG shall be nonexclusive and shall be subject to the terms and conditions specified in the Ordinance of SSG and any additional terms contained in a Franchise Agreement between the Franchisee and SSG. Such nonexclusive Franchises shall not be sold, leased, transferred, assigned or otherwise disposed of, either in whole or in part, whether by forced sale, merger, consolidation, bankruptcy, reorganization under bankruptcy laws or otherwise, without the prior written consent of SSG. The consent of SSG shall be subject to such terms and conditions as may prescribe, and may be denied in SSG's sole and absolute discretion. Any attempted sale, lease, transfer, assignment or other attempted disposition of a Franchise without the prior written consent of SSG shall render said Franchise null and void and shall result in immediate termination of the Franchise Agreement.

- I. The SRA reserves the right to issue additional Franchises. The Board awards Franchises after a public hearing.

Section 1.040 Franchise Agreement – Term, Extension

- A. The term of the Franchise shall be five (5) years. The term may be extended by SSG for an additional one (1) year after the initial five (5) year term (the “One Year Extension Period”) of the Franchise up to a total of ten (10) years at the sole discretion of SSG, subject to the provisions below. All Franchises sunset after ten (10) years and are thereafter void.
- B. The process for granting each One Year Extension Period shall be as follows:
 1. SSG may extend the term of a Franchise by written notice to the Franchisee no later than sixty (60) days before the Franchise expires.
 2. Each extension shall be for a term no longer than one (1) year. The determination to permit a Franchisee to continue operating under the Franchise for each One Year Extension Period shall rest exclusively with the Board. In making such determinations, the Board shall consider: the Franchisee’s history of operations; the Franchisee’s history of complaints, citations, suspensions, and warnings; whether and to what extent the Franchisee has met the average minimum rides per vehicle per day requirements; and whether extending the Franchise for an additional year serves the health, safety and welfare of the Coachella Valley.

Section 1.050 Franchise – Insurance Required

- A. Before any Franchise Agreement is entered into between a Franchisee and SSG, the Franchisee shall procure and maintain, at its cost, comprehensive general liability and property damage insurance, against all claims for injuries against persons or damages to property which may arise from or in connection with the operation of Taxicabs by the Franchisee, its agents, representatives, employees, Franchisees, or subcontractors and the Owner of the vehicle. The Franchisee shall also carry Workers’ Compensation Insurance in accordance with California Labor Code section 3700 or any other provision of the State of California Workers’ Compensation laws.
- B. The policies shall contain or be endorsed to contain the following provisions:
 1. General Liability and Automotive Liability Coverage:

- a. SSG, its member entities, their officers, officials, employees, and volunteers are to be covered as insureds for liability related to:
 - (i) Activities performed by or on behalf of the Franchisee;
 - (ii) Premises owned, occupied, or used by the Franchisee; and,
 - (iii) Automobiles owned or leased by the Franchisee.
- b. The coverage shall contain no special limitations on the scope of protection afforded to SSG, its member entities, their officers, officials, employees, agents, representatives, or volunteers.
- c. The Franchisee's insurance coverage shall be primary insurance as respects SSG, its member entities, their officers, officials, employees, agents, representatives, and volunteers. Any insurance or self-insurance maintained by SSG, its member entities, their officers, officials, employees, agents, representatives, or volunteers shall be in excess of the Franchisee's insurance and shall not contribute with it.
- d. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to SSG, its member entities, their officers, officials, employees, and agents.
- e. Franchisee's insurance shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability.

2. All Coverage:

- a. Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, or reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to SSG.
- b. Franchisee shall furnish SSG with a certificate of insurance and any applicable endorsements affecting the coverage required hereunder. The policies and endorsements are to be signed by a person authorized by that insurer to bind

coverage on its behalf. At SSG's option, endorsements and any certificates of insurance required by SSG shall be on forms provided or approved by SSG. All endorsements and certificates are to be received and approved by SSG prior to the operation of any Taxicab by the Franchisee in the jurisdiction of SSG. SSG reserves the right to require complete, certified copies of all insurance policies, including endorsements affecting the coverage required by the Ordinance of SSG, at any time and shall include, but not be limited to, the obligation to indemnify, hold harmless, release and defend SSG.

- c. Franchisee shall include all individual Drivers employed, retained by or subcontracted by Franchisee, agents, contractors, other sub-operators ("sub-operators") as may be permitted by SSG, as insureds under its policies or shall furnish separate certificates and endorsements for each sub-operator. All coverage for such sub-operators shall be subject to all of the requirements stated herein.
- d. The procuring of such insurance or the delivery of endorsements and certificates evidencing the same shall not be construed as a limitation of the Franchisee's obligation to indemnify, hold harmless, release and defend SSG, its member entities, their officers, officials, employees, agents, representatives, and volunteers from and against any and all liability, claims, suits, costs, expenses, fines, judgments, settlements, charges or penalties whatever, including reasonable attorneys fees, regardless of the merit or outcome of the same arising out of, or in any manner connected with, any or all of the operations or services authorized, conducted or permitted under a nonexclusive Franchise Agreement.
- e. The amount of insurance required hereunder shall be as follows:
 - (i) For injury or death in any one accident or occurrence, One Million Dollars (\$1,000,000);
 - (ii) For the injury or destruction of property in any one accident or occurrence, One Million Dollars (\$1,000,000);
 - (iii) For combined single limits of liability for primary bodily injury and primary property damage, One Million Dollars (\$1,000,000) and replenishment at

any time available coverage drops below \$1,000,000;

(iv) For Workers' Compensation Insurance, with the limits established and required by the State of California; and,

(v) For employer's liability, with limits of One Million Dollars (\$1,000,000).

f. It shall be the responsibility of all Franchisees to provide and maintain insurance coverage in compliance with the provisions of the Ordinance of SSG to cover each and every Driver that operates a vehicle as a Taxicab. The Franchisee shall further ensure that appropriate certificates of insurance reflecting coverage are on file with SRA at all times.

3. Sufficiency of Insurer. Insurance required by this section shall be satisfactory only if issued by companies having at least an A-Best Insurance Rating or equivalent and are admitted to do business in California. All applicants for the licensing of any Taxicab vehicle or for a Franchise are required to comply with this section prior to the issuance of any license or Franchise.

4. Penalties. Franchisees are responsible to ensure compliance with all of the foregoing insurance requirements and regulatory provisions related to such requirements. Responsibility on the part of the Franchisee includes ensuring that any vehicle Owner whose vehicle is operated under the Franchisee's name maintains insurance and provides SRA with proof of same at all times that each vehicle is operated. Failure to comply with the foregoing insurance requirements and/or regulations shall result in a summary suspension of the Vehicle Permit for any affected vehicle which will be presumed unfit and read as out of service. Failures to comply with the foregoing insurance requirements which affect the Franchise as a whole shall result in immediate summary suspension of the Franchise. Failure to comply with the foregoing insurance requirements three (3) times within a calendar year constitutes grounds for termination of the Franchise.

Section 1.060 Franchise – Color Scheme

A. All Taxicabs operating under a Franchise shall be of distinctive appearance such as is in common usage in this country for Taxicabs and shall have a standard monogram, insignia, or logo which is permanently

affixed to each vehicle and clearly indicates that the vehicle is offered for the use of transportation of passengers for hire.

- B. No Franchise shall be granted to any Person whose name, monogram, logo or insignia to be used on its Taxicabs is in conflict with, or imitates, any monogram, name, logo or insignia used by another Franchise within the jurisdiction of SSG in such a manner as to be misleading to, or which would tend to deceive or defraud, the public.
- C. No Franchise shall be entitled to utilize the name or telephone number of any previously operating Franchise unless the assuming Franchisee has paid all fines, permit and Franchise Fees, surcharges, administrative penalties due to SSG from the previous Franchisee, and otherwise complied with the requirements for issuance of a Franchise under the Ordinance of SSG. In any case where an administrative or other form of proceeding is pending against the previous Franchisee, no transfer of the name shall occur unless and until SRA is provided with adequate monetary assurance of payment of any anticipated monetary penalty. Assurance may be in the form of a bond or undertaking.

Section 1.065 Advertisements

- A. Definition. For purposes of this Ordinance, “advertisement” means the dissemination in any newspaper, circular, form letter, brochure, business card, telephone directory (including the Yellow and/or white pages) or similar publication, display, sign, radio broadcast, telecast or by other electronic means, information designed to promote the use of a Franchisee’s services.
- B. No Franchisee, Driver or any other Person shall place or cause to be placed any advertisement which:
 - 1. is misleading to, or would tend to deceive or defraud the public;
 - 2. uses a name(s) other than the name(s) registered with SSG for which a valid Franchise has been issued without first obtaining written consent of SSG; or,
 - 3. uses a name, monogram, logo or insignia which is in conflict with or imitates any monogram, logo or insignia used by any other Person operating in the jurisdiction of SSG.
- C. All advertising placed or caused to be placed by a Franchisee or Driver, including all business cards, shall display the Franchisee’s predominant business telephone number.
- D. Due to the nature, frequency and duration of violations that may occur under this section, the Board of SSG hereby provides for imposition of

specific penalties for violations of this section or of any regulation adopted to implement it. The penalties to be imposed as provided hereunder are in addition to any other remedy available to SSG under sections 1.110, 1.250, 1.255, 1.256, or 1.259 of the Ordinance of SSG and are as follows:

1. A penalty in the amount of \$1,000 is hereby imposed for the first violation of this section.
 2. A penalty in the amount of \$1,000 is hereby imposed and the Franchise may be suspended for a period of up to thirty (30) days for a second violation of this section.
 3. A penalty in the amount of \$1,000 is hereby imposed and the Franchise may be terminated for a third violation of this section.
 4. The Taxicab Administrator, in his or her discretion, may reduce any penalty imposed by this section for a violation of this section.
- E. No Franchise shall be entitled to utilize the name or telephone number of any unlicensed entity, whether listed in the white pages or advertised in the Yellow pages of the telephone directory.

Section 1.070 Vehicle Inspection

- A. Prior to obtaining a Franchise, an applicant for a Franchise shall first present each vehicle to be used as a Taxicab to SSG for a vehicle safety and cosmetic inspection. SSG shall establish and publish vehicle safety inspection and cosmetic standards and procedures as a part of the regulations adopted in order to implement this Ordinance. Any vehicle(s) that a Franchisee proposes to add to its Franchise shall also be presented to SSG for successful completion of a vehicle safety and cosmetic inspection prior to operation as a Taxicab. The Taxicab Administrator shall maintain a list which reflects the VIN of each vehicle that successfully completes the vehicle safety inspection. A record of the VIN of each vehicle that fails the vehicle safety inspection shall be also be maintained by SSG.
- B. Prior to the commencement of any vehicle safety and cosmetic inspection, the Franchisee shall pay a vehicle safety inspection fee in an amount to be determined by resolution of the Board of Directors.
- C. Time for Vehicle Inspections: In addition to the initial vehicle safety and cosmetic inspection, each vehicle shall be required to pass additional inspections at the following times:
 1. Every six (6) months, beginning six (6) months from the date the vehicle is first licensed as a Taxicab;

2. After every incident resulting in cosmetic or greater damages as referred to in section G of this Ordinance; and,
 3. At any time upon written request by the Taxi Administrator.
- D. Failure to present a vehicle for inspection under this Ordinance within three (3) days of the date upon which a written request under section 1.070 C(3) is delivered, or within three (3) days after inspection is due under section 1.070 C(1) or C(2), shall result in issuance of a penalty in accordance with section 1.255. Further failure to present a vehicle for inspection under this Ordinance within ten (10) days of the date upon which a written request is delivered or inspection is due shall result in the vehicle being declared presumed unfit to operate as a Taxicab, an administrative citation shall be issued to that effect, and the vehicle shall be read out of service.
- E. Vehicles shall be permitted one (1) re-inspection upon the failure of any inspection. Any vehicle that fails a re-inspection shall be presumed to be unfit to operate as a Taxicab, shall be issued an administrative citation to that effect, and the vehicle shall be read out of service.
- F. The Franchisee may appeal the presumption of unfitness by written request for an informal review by the Taxicab Administrator. The decision of the Taxicab Administrator shall be final. Any person aggrieved by the Taxicab Administrator's decision under this section may obtain review of the administrative decision in accordance with the timelines and provisions of Government Code section 53069.4 and/or Code of Civil Procedure section 1094.5, *et seq.*
- G. It is unlawful to operate a Taxicab vehicle in an unsafe operating condition, including but not limited to a condition that violates the vehicle safety inspection standards of SSG. All Franchisees are responsible to ensure that their vehicles are maintained in a safe operating condition at all times that they are in service. An incident that results in any cosmetic or greater damage shall be reported to SRA no later than the business day following the date of the damage for SRA's inspection of the vehicle. For purposes of this section "cosmetic damage" means damage to the interior or exterior of the vehicle that does not necessarily affect the safe operation of the vehicle. "Greater damage" means all mechanical damage, as well as all damage that may affect the safe or reliable operation of the vehicle. SRA shall inspect the vehicle to determine if the vehicle may be operated pending repair of the damage.

Section 1.080 Franchise – Minimum Requirements

- A. Any Person wishing to apply for the issuance of a Franchise shall truthfully and fully complete a Proposal for Providing Franchise Taxicab

Services in the form prescribed by SSG and provide all supporting documentation for evaluation by SRA.

- B. The following minimum requirements apply to the issuance and maintenance of a Franchise. The Taxicab Administrator is authorized to adopt rules and regulations to implement the requirements which shall become effective upon review and approval by the Board of SSG:
1. Each Franchisee shall maintain and provide a year-round computerized dispatch system capable of providing performance reports as required by SRA.
 2. Each applicant for a Franchise shall maintain in service a number of vehicles no less than 75% nor more than 125% of the allocation of non-temporary Taxicab permits under its Franchise Agreement. The Franchisee shall continue to maintain ownership of the minimum number of vehicles as a condition to the continued validity of any Franchise. The minimum number of vehicles established by this section may be revised by SRA without amendment to this Ordinance.
 3. Each Franchisee shall have a principal place of business from which it conducts its activities as a Franchise, including the dispatch of Taxicabs required under subsection 1) above, and related activities. This requirement shall not be interpreted to require that all activities of a Franchisee be conducted from a single location. A Franchisee may have other locations in addition to its principal place of business where it conducts repair and maintenance, storage of vehicles or similar activities, so long as each activity conducted by the Franchisee is conducted from a location properly zoned for that activity by the local jurisdiction.
 4. The principal place of business and each other location from which a Franchisee conducts Taxicab activities shall be located within the jurisdiction of SSG.
 5. Each individual or entity holding any interest in the use of the Franchise name or otherwise participating in the Franchise system is required to truthfully complete a Proposal for Providing Franchise Taxicab Services, successfully complete a local and Department of Justice criminal background check, and provide such information as is required to evaluate the legitimacy of the Franchisee's business structure, qualifications, corporate stability, financial stability and capability.
 6. Each applicant for a Franchise shall have a registered fictitious business name with the County of Riverside to do business under

the name stated in the application proposal. For Taxicab registration purposes, the fictitious business name registration must be renewed at least once every five (5) years.

7. Each applicant for a Franchise shall provide SRA with a business plan and implementation schedule for acquisition of newer Taxicab vehicles, newer Taxicab technologies, including but not limited to computerized dispatch and GPS tracking of Taxicab vehicles, electronic processing of credit cards, and acquisition of at least two (2) wheelchair-accessible vehicles that meet federal standards.
 8. Each applicant for a Franchise shall truthfully supply information requested by SRA as to the Franchisee's experience in the Taxicab business, financial stability, quality of service, past number of trips per vehicle, and the anticipated ability to meet and maintain performance standards. SRA shall consider and evaluate such criteria in determining whether a Franchise should be issued, whether conditions should be imposed upon the Franchise and to determine the identity and number of vehicles to be initially operated under the Franchise, among others. A Franchise may be terminated or suspended by SRA if the Franchisee fails to meet and maintain any conditions imposed by SRA. Each applicant must also furnish all information required of an applicant by the most current RFP prepared by SRA.
 9. A Franchise applicant may appeal the imposition of any conditions imposed by the Taxicab Administrator to the Appeal Committee as provided under section 1.256 G and H.
 10. Additional requirements may be imposed pursuant to the Franchise Agreement.
- C. All Franchisees shall be required to certify to SRA's satisfaction at least every year that no less than an average of eight (8) dispatched and non-dispatched trips per day per each non-temporary Taxicab permitted vehicle per year are generated as provided for in the Franchise Agreement. Franchisees shall be responsible to maintain sufficient records to accurately verify the number of trips per vehicle at the request of SRA. SRA shall reduce the number of Vehicle Permits licensed to the Franchisee if the eight (8) trip minimum is not maintained. If a Franchisee is required to reduce the number of permitted vehicles, it shall be required to remove vehicles over five (5) model years of age first in the case of standard vehicles and over seven (7) model years of age in the case of approved alternative fueled vehicles, using the Environment Protection Agency's definition of an alternative fueled vehicle. SRA may terminate the Franchise Agreement if the number of licensed vehicles is reduced below the minimum number required by section 1.080 B.2.

- D. Franchisees shall at all times maintain accurate and complete accounts of all revenues and income arising out of its Taxicab operations, a list of vehicles in use, a list of all Drivers of the Franchise, any complaints by patrons, and any other information SRA may require to verify compliance with the Franchise Agreement and the Ordinance of SSG. The Franchisee's books, accounts and records pertaining to compliance with the Ordinance of SSG and the conditions of the Franchise Agreement shall at all reasonable times be open to inspection, examination and audit by the authorized officers, employees and agents of SSG. The refusal of a Franchisee to provide the required records for inspection shall be deemed a violation of the Ordinance of SSG and cause for termination of the Franchise Agreement. Any proprietary data provided to SSG shall be maintained confidential to the extent permitted by law.

Section 1.090 Franchise Fee

At the time a Franchise proposal is received, the proposer shall pay the Franchise Fee as established by resolution of the Board of Directors. Franchise Fees shall be due and payable in a manner and at a time established by the Board. The Board may establish a procedure for payment of the Franchise Fee in installments.

Section 1.090.5 Sale or Transfer of Assets, Interest or Membership in Franchisee or Transfer of Control of Franchisee

Unless prohibited by law, neither the Franchise nor any rights or obligations of the Franchisee or any Control Person in or pursuant to the Franchise, shall be transferred in part or as a whole, by assignment, trust, mortgage, lease, sublease, pledge or other hypothecation, and shall not be sold, transferred, leased, assigned, or disposed of in part or as a whole, either by forced sale, stock sale, asset sale, merger, consolidation, reorganization or otherwise, nor shall title thereto, either legal or equitable, or any right or interest therein, pass to or vest in any natural person, corporation, partnership, limited liability company, joint venture, association, trust or other organization, whether or not a legal entity, nor shall a transfer of Control of or a "Controlling Interest" (as defined in section 1.010) in the Franchisee or any "Control Person" (also as defined in section 1.010) or the Taxicab services occur, either by act of the Company, any Control Person, by operation of law or otherwise, in each case without the prior written consent of the Board, which consent shall be expressed by resolution and then only under conditions as may be therein prescribed. No Franchisee or Control Person shall enter into any management contract or other arrangement for the management of the Franchisee or Control Person, or sell or otherwise transfer any Controlling Interest in a Franchisee or any Control Person, or any material portion thereof, with or without the Franchise, without the prior written consent of the Board. Any natural person, corporation, partnership, limited liability company, joint venture, association, trust or other organization, whether or not a legal entity, proposing any of the above acts shall theretofore submit an application to SRA containing all information required of an applicant seeking the initial award of a

Franchise. SRA shall review the application under the same procedures used for initial issuance of a Franchise. Approval of the transfer will not be arbitrarily denied. Failure to obtain prior approval shall be grounds for revocation of the Franchise permit in addition to a public nuisance.

Section 1.091 Taxicab Vehicle Permits

It is unlawful for any Taxicab vehicle to operate in the jurisdiction of SSG without a properly issued SSG Vehicle Inspection Sticker affixed to the vehicle. Vehicle Inspection Stickers may be issued only to vehicles operating under a duly executed Franchise Agreement between the Franchisee and SSG. It is also unlawful to operate more vehicles than the total number of non-temporary Taxicab permits and then valid temporary Taxicab permits issued to the Franchisee.

Section 1.092 Transfer and Surrender of Vehicle Permits

- A. Vehicle Permits may be transferred between Franchisees by the Owner listed as the registered Owner of the vehicle on file with SSG, provided that the following conditions are satisfied:
1. The Franchisee to which the vehicle is to be transferred and the Owner of the vehicle request its transfer of SSG;
 2. The vehicle is presented to SSG for a Taximeter reading to distinguish its operations under the former Franchise from those under the Franchise to which the vehicle will be transferred;
 3. The vehicle meets all standards and qualifications of SSG for operation as a Taxicab vehicle in the jurisdiction of SSG;
 4. Transfer of the vehicle will not cause the Franchisee to exceed the maximum number of vehicles authorized by SSG; and,
 5. Payment is made to SSG of a Vehicle Permit Transfer Fee to cover the administrative costs of such transfer. The Board of Directors may establish by resolution the amount of any Vehicle Permit Transfer Fee.
- B. Any vehicle that has been taken out of service and which continues to bear a Toplight and the Taxicab signage required by section 1.160 of the Ordinance of SSG shall display SRA issued "Out of Service" signs as provided by regulation. The Toplight and Taxicab signage required by section 1.160 of the Ordinance of SSG shall be removed from the exterior of any vehicle that has been permanently taken out of service within fifteen (15) days of the date the vehicle was taken out of service.

- C. If a vehicle is permanently taken out of service with a balance due to SSG of the Vehicle Permit Fee for the year (July 1 to June 30), such Fee shall become immediately due and payable except in cases in which the vehicle is taken out of service due to damage or mechanical failure and is replaced by another vehicle within thirty (30) days. SSG shall pursue collection of the Vehicle Permit Fee from either the Franchisee and/or the Owner of the vehicle.

- D. If a Franchise is suspended or terminated, Vehicle Permits listed under the Franchise shall be suspended until the vehicle(s) are transferred to another existing Franchise. Owners of all vehicles with a suspended Vehicle Permit shall present vehicles to SSG for out of service Taximeter readings immediately upon suspension or termination of a Franchise or expiration, suspension or termination of the Vehicle Inspection Sticker. The Owner of the vehicle shall have thirty (30) days to register the vehicle with an existing Franchise. If the Owner fails to register the vehicle within such thirty (30) day period, the vehicle shall be presented to SSG for removal of the Vehicle Inspection Sticker (if such sticker has not already been surrendered) and the balance of the Vehicle Permit Fee owing to SSG for the vehicle shall be immediately due and payable. SSG shall pursue collection of the Vehicle Permit Fee from either the Franchisee or the Owner of the vehicle and no Vehicle Inspection Sticker shall be issued to the vehicle regardless of its ownership until the Vehicle Permit Fee owing to SSG shall have been paid.

Section 1.095 Driver Permit – Required

- A. It is unlawful for any person to drive a Taxicab without having first obtained a Driver Permit. A Driver Permit may be obtained from SSG as provided below. The Driver Permit shall state the Driver's name, California Driver's License number, date of issuance, and the name of the Franchisee with whom the Driver is employed within the meaning of Government Code section 53075.5. If the Franchisee and the Driver are the same person, he or she shall both apply for and obtain from SSG a Driver Permit and enter into a valid Franchise Agreement with SSG.

- B. An applicant for a Driver Permit shall complete an application form which shall contain the following information:
 - 1. Applicant's full name, residence address, and age;
 - 2. Applicant's last two previous residence addresses;
 - 3. A listing of all equivalent permits which have been issued to the applicant by any governmental agency;
 - 4. Applicant's height, weight, gender, and color of eyes and hair;

5. The number and expiration date of the applicant's California Driver's License;
6. All moving violations within the last three (3) years, including dates of violations and the jurisdiction where each violation occurred;
7. All criminal convictions, including dates of conviction and the court where the conviction was rendered;
8. Authorization for SSG, or its agents or employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant; and,
9. The name of the Franchisee with whom the applicant is employed or who has given the applicant an offer of employment within the meaning of Government Code section 53075.5.

C. At the time the applicant submits an application for a Driver Permit, the applicant shall do all of the following:

1. Provide SSG with an original current Department of Motor Vehicles ("DMV") print-out ("1-1-6") reflecting the past ten (10) year driving record of the applicant, if applicable. If the applicant has been licensed as a Driver in the State of California for less than ten (10) years, he or she shall provide original verified driving records from other jurisdiction(s) sufficient to reflect any convictions listed under section 1.110 hereof for the ten (10) year period prior to filing the application;
2. Be fingerprinted by SSG and provide SSG with two current 2" x 2" passport sized photographs of the applicant;
3. Submit to pre-permit/employment controlled substances testing as set forth in the Ordinance of SSG at a collection site certified to perform controlled substance testing pursuant to Part 40 (commencing with section 40.1) of Title 49 of the Code of Federal Regulations in or near the jurisdiction of SSG;
4. Pay the Driver Permit Fee as established by resolution of the Board of Directors to cover the administrative costs incurred by SSG in processing the application as required by this section. No Driver Permit application shall be processed without the payment of such Fee;
5. Submit the employment verification form which states the name of the Franchise with whom the applicant is employed or who has

given the applicant an offer of employment within the meaning of Government Code section 53075.5. The employment verification form will be supplied to the Franchisee by SSG; and,

6. Successfully pass a Driver test certifying familiarity with the Coachella Valley area, the provisions of the Ordinance of SSG and regulations adopted to implement it, and sufficient proficiency in the English language.
- D. A copy of the application for a Driver Permit, along with the DMV H-6 form or corresponding out of state driving record, shall be used to conduct a local criminal background check in the event a Department of Justice background check is not received within seven (7) working days. The applicant's application shall be denied in the event the check discloses conviction of an offense enumerated in section 1.110. In the event a local background check is conducted pending the Department of Justice report, a temporary permit will be issued if the local check of the applicant fails to disclose a conviction enumerated in section 1.110.
 - E. In the event of denial of a Driver Permit, the applicant may, within ten (10) days of notification of denial, apply to SSG for a hearing on the denial in accordance with the procedures set forth in section 1.256.
 - F. The applicant's fingerprints shall also be referred to the California Department of Justice electronically for a general criminal background check. If the results of a general criminal background check indicate that the applicant has been convicted of any criminal charge enumerated in section 1.110, the Taxicab Administrator shall immediately revoke any Driver Permit previously issued to the applicant.
 - G. In the event that drug testing of the applicant indicates the applicant's use of a controlled substance as defined by the Ordinance of SSG, the application shall be denied. The applicant may, within ten (10) days of notification of denial based on controlled substances testing results, apply to the Taxicab Administrator for a hearing and reconsideration of the application in accordance with the procedures set forth in the Ordinance of SSG and SSG rules and regulations concerning controlled substances and alcohol testing.
 - H. An applicant over the age of eighteen (18) years holding a valid California Driver's License is entitled to a Driver Permit provided that the following conditions are satisfied:
 1. The Department of Justice background check of the applicant fails to disclose a conviction enumerated in section 1.110;

2. The applicant tests negative for controlled substances as provided in the Ordinance of SSG;
 3. The applicant successfully completes the Driver certification requirements established by the Taxicab Administrator as authorized in section 1.095;
 4. The applicant is either employed by a Franchise or has been given an offer of employment from a Franchise within the meaning of Government Code section 53075.5;
 5. The Franchisee provides sufficient proof that the Driver is and will continue to be covered for all Taxicab operations by the insurance required under section 1.050 of the Ordinance of SSG; and,
 6. The Driver provides a copy of a valid California Driver's License. Drivers shall provide SSG with a copy of any replacement California Driver's License immediately upon its issuance. Drivers shall provide SSG with a copy of any renewal of their California Driver's License prior to expiration of the old license.
- I. The Driver Permit shall be valid for a period of one (1) year or until suspended, revoked or surrendered. Termination of the Driver's California Driver's License shall constitute grounds for revocation of the Driver Permit authorized hereunder.
- J. Termination of Employment. Upon termination of employment, within the meaning of Government Code section 53075.5, or upon termination of permission by the Franchisee to drive a Taxicab using the Franchisee's name, the Driver Permit shall become void. In such case, the Driver shall immediately return the Driver Permit to SSG. Upon return of the Driver Permit, the Driver may re-apply for a Driver Permit, provided that the Driver complies with the requirements for issuance of a Driver Permit under this section 1.095.
- K. Permit Renewal. Prior to the expiration of a Driver Permit, the Driver may apply to SSG for a renewal thereof for an additional year. A Driver shall be entitled to a one (1) year renewal of the Driver Permit provided that:
1. The Driver pays the Permit Renewal Fee;
 2. The Driver submits to Permit renewal controlled substances and alcohol testing as set forth in the Ordinance of SSG;
 3. The results of such testing indicate that the Driver has not been using a controlled substance as defined by the Ordinance of SSG;

4. The results of such testing indicate that the Driver has a breath concentration of less than 0.02% on an alcohol screening test; and,
5. The Driver has not been convicted of any crimes enumerated in section 1.110 during the preceding year.

The rights of appeal provided for by section 1.120 are available to a Driver in the event that renewal of his or her Driver Permit is denied based on the provisions of this section. However, where the renewal of the Driver Permit is denied based on a controlled substances and/or alcohol test result, the rights of appeal provided for by the Ordinance of SSG shall not be applicable.

Section 1.100 Permits – Authority

A. Board Authority:

1. The exclusive authority to determine the number of allocable non-temporary Taxicab permits.
2. The exclusive authority to allocate non-temporary Taxicab permits.
3. The exclusive authority to grant or deny any application or request for additional non-temporary Taxicab permits.

B. Taxicab Administrator or Designee Authority:

1. The authority to grant, or deny any application or request for a temporary Taxicab permit.
2. Subject to the appeal rights contained in this Ordinance, the authority to suspend or revoke any or all of the permits and/or approvals required by or authorized by the Ordinance of SSG when, in the exercise of reasonable discretion, he or she has determined that the applicant has or has not complied with all the provisions of the Ordinance of SSG relating to the granting of permits.
3. The authority to issue any warning letter provided for in this Ordinance unless this Ordinance otherwise provides.

Section 1.110 Permits and Franchises – Denial, Revocation, Suspension or Termination

- A. In addition to any other reason provided for in this Ordinance, a Permit or Franchise may be denied, suspended or revoked when it has been determined that the Applicant, Permittee or Franchisee:

- (i) Has not complied with the applicable provisions of this Ordinance; or,
- (ii) Has failed to cure any item listed in a sixty (60) day warning for failure to comply with any requirements of the Franchise Agreement issued by the Taxicab Administrator or designee; or,
- (iii) Has been issued three (3) sixty (60) day warnings of failure to comply with any requirements of the Franchise Agreement within a period of twelve (12) months; or,
- (iv) Has knowingly made a false statement of fact in an application for such permit or in a Proposal for Providing Franchise Taxicab Services; or,
- (v) Has charged rates other than those which the Permittee and/or Franchisee has on file with SSG; or,
- (vi) Has violated any of the rules and regulations of the Board of Directors or the Taxicab Administrator pertaining to the operation of Taxicabs; or,
- (vii) Has engaged in conduct or verbally threatens to engage in conduct which is dangerous or violent such that the safety of the traveling public, SSG employees or agents, Taxicab Drivers or Franchisees, or other persons, is implicated; or,
- (viii) Has engaged in argumentative or discourteous conduct toward the public, a passenger, other Taxicab Drivers or Franchisees or other persons while on call to provide Taxicab service or in the course of providing such service; or,
- (ix) Has engaged in conduct under any circumstances which, in the Taxicab Administrator's judgment, raises substantial justification to call for a hearing; or,
- (x) Has been convicted of any of the following crimes within the time frames set forth below, whether committed in the State of California or elsewhere. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of *nolo contendere*.
 - a. Any conviction, regardless of the time elapsed, in any state of any of the following or their equivalent: (i) any crime which requires the applicant to register as a sex offender under California Penal Code section 290, or (ii) any felony involving actual or threatened violence against persons,

including but not limited to, assault, battery, robbery or the use of a firearm or other weapon against a person.

- b. Any conviction (felony or misdemeanor) within the past seven (7) years of any crime involving theft or dishonesty, including but not limited to, burglary, theft, shoplifting or other crime related to fraud or intentional dishonesty.
- c. Any conviction (felony or misdemeanor) within the past seven (7) years of any crime involving the sale, possession or transportation of narcotics or other controlled substances.
- d. Any conviction (misdemeanor or felony) within the past three (3) years of any crime involving pandering or prostitution.

B. In addition to the crimes listed above, no Driver Permit shall be granted to an applicant who has been convicted of three (3) or more moving violations within three (3) years previous to submission of the application. Any Driver Permit previously granted shall be revoked for any permittee who has been convicted of three (3) or more moving violations within three (3) years. In the case of a conviction or plea of *nolo contendere* as to a violation related to driving under the influence of alcohol or drugs, an applicant shall not be disqualified if the conviction or plea is ten (10) years or more in age and no similar violation appears on the applicant's driving record for the intervening ten (10) year period.

C. In addition to the foregoing, a Driver Permit may be suspended, revoked or denied in the event that:

- (i) A Driver is involved in an accident due to a medical condition that prevents the Driver from safely operating a vehicle; or,
- (ii) A medical condition that prevents a Driver from safely operating a vehicle otherwise comes to SSG's attention. Any Driver whose Permit has been suspended, revoked or denied due to a prohibitive medical condition as described above, shall be entitled to a license upon certification by a medical doctor that the condition is correctable, has been corrected and will continue to be corrected; or,
- (iii) In addition to the above, any Driver Permit may be suspended or revoked for any crime which is substantially related to the qualifications, functions, or duties of a Driver which includes, but is not limited to, the following: reckless driving; wet reckless driving; murder; rape; vehicular manslaughter; a violation of California Vehicle Code sections 20001, 20002, or 20003 or any

corresponding substitute sections; robbery; a violation of California Penal Code section 314 or any corresponding substitute section; pandering; crimes related to the use, sale, possession, or transportation of narcotics or intoxicating liquors; assault; battery; or indecent exposure; or,

- (iv) In addition to the above, any Driver Permit may also be suspended for and during the period that the payment of any citation remains outstanding after all appeal periods have been exhausted.
- D. From the time of the revocation or suspension of a Driver Permit granted under the provisions of the Ordinance of SSG, it is unlawful for any person whose Driver Permit has been suspended or revoked to operate or drive a Taxicab within the jurisdiction of SSG until a new Driver Permit has been procured or the period of suspension has expired. It is also unlawful for any person to drive or operate within the jurisdiction of SSG any Taxicab included in a Franchisee's vehicle identification list during the period that a Franchise has been revoked, terminated or suspended
- E. In the event the Franchisee or Permittee appeals any denial, suspension, revocation or termination of a Franchise or Driver Permit issued under this Ordinance, the appeal procedures of section 1.256 shall apply. The Taxicab Administrator is authorized to adopt regulations establishing hearing procedures to implement these provisions, which shall become effective upon review and approval by the Board of SSG.

Section 1.120 Appeal from License Denial Due to Criminal Conviction

- A. With the exception of the conviction of a crime which requires registration as a sex offender under California Penal Code section 290, in any case where a Driver Permit is denied due to a criminal conviction under section 1.110 of the Ordinance of SSG, the applicant shall be entitled to apply the Driver Permit application fee towards the appeal fee from such denial under section 1.256. In the event that a Driver Permit is granted on such appeal, the applicant shall pay the Driver Permit fee in full prior to issuance of a license.
- B. In conducting an appeal to consider the issuance of a license denied due to a previous criminal conviction, the hearing officer shall consider the following criteria to determine if the applicant has demonstrated sufficient evidence of rehabilitation such that a permit should be issued:
 - (i) The nature and severity of the offense(s).
 - (ii) The total criminal record of the applicant.
 - (iii) The extent of time that has elapsed since commission of the offense(s).

- (iv) Whether the applicant has complied with any or all terms of parole, probation, restitution or any other sanctions imposed against the applicant in connection with the offense.
 - (v) Evidence of rehabilitation provided by the applicant.
 - (vi) Evidence of expungement proceedings pursuant to Penal Code section 1203.4.
- C. The hearing officer may impose conditions or restrictions upon the issuance of a license under these provisions, as determined within the discretion of the hearing officer, to ensure the safety of the traveling public.
- D. Nothing contained in this section should be construed to limit the admission and consideration of prior criminal history information in the event of a subsequent violation of the Ordinance of SSG by a Driver who is issued a license following a hearing as provided in this section.
- E. With respect to the conviction of a crime that requires the applicant to register as a sex offender under California Penal Code section 290, the Board of Directors finds that the California Legislature has determined that registration is required due to the repeated nature of commission of such crimes by those who have been convicted in the past (*People v. Castellanos* (1999) 21 Cal. 4th 785) and that the rehabilitation criteria set forth in sections A(i) through A(vi) above do not apply to such convictions. The Board further finds that crimes which trigger registration under Penal Code section 290 are particularly related to the disqualification of an individual to qualify for a Taxicab Driver Permit under the Ordinance of SSG and that no permit should be issued to such individuals.

Section 1.125 Unauthorized Taxicab Services Prohibited

- A. No person shall knowingly dispatch a vehicle or respond to a request for a ATaxi@, Acab@ or ATaxicab@ for pick-up within the jurisdiction of SSG unless the responding vehicle has a valid Taxicab Vehicle Permit, the Driver of such vehicle has a valid Taxicab Driver Permit, and the Taxicab is operated pursuant to a Franchise awarded by SSG.
- B. No vehicle shall be designated as a ATaxi@ or ATaxicab@ in any sign or advertising matter within the jurisdiction of SSG unless the vehicle has a valid Taxicab Vehicle Permit, the Driver of such vehicle has a valid Taxicab Driver Permit and the Taxicab is operated pursuant to a Franchise awarded by SSG.
- C. No person who drives or operates a Taxicab within the jurisdiction of SSG shall publish, advertise or broadcast in any manner, written or oral, a

telephone number either by itself or connected to a rotary or call forwarding system for Taxicab service, which is the same telephone number as that for other Taxicabs or vehicles for hire.

- D. No person who drives or operates a Taxicab within the jurisdiction of SSG shall use a name that imitates a name used by another person or Franchise who drives or operates a Taxicab in such a manner as to be misleading or tend to confuse or defraud the public.
- E. The Taxicab Administrator or his/her designee, following a hearing, or if the use of the Taxicab by Franchisee constitutes an immediate threat to the health and safety of the public prior to a hearing, provided a post-impoundment hearing is held soon thereafter, is authorized to impound and retain possession of any vehicle used in violation of the Ordinance of SSG until such time as the provisions of Government Code section 53075.9, as it may be amended from time to time, are satisfied.
- F. Any person operating or dispatching a vehicle in violation of this section is subject to citation.
- G. In addition to any other penalties provided by the Ordinance of SSG, following a hearing pursuant to section 1.256, if a violation of this Ordinance of SSG is found, fines may be imposed as follows:
 - 1. Five Thousand Dollars (\$5,000) for each violation; and,
 - 2. An amount sufficient to cover the reasonable expense of investigation incurred by SSG.

Section 1.130 Rules, Regulations and Fees

- A. The Taxicab Administrator shall promulgate regulations to implement the Ordinance of SSG which shall become effective upon review and approval by the Board of SSG.
- B. The Board of Directors shall have the authority to adopt a schedule of fees to be charged to any applicant, permittee or prospective permittee in connection with activities of SSG under the Ordinance of SSG.

Section 1.140 Use of Toplight

- A. Each Taxicab shall have permanently affixed to the top of the Taxicab an operable Toplight. The lights of the Toplight shall be connected to the Taximeter so that the Toplight clearly indicates when the Taximeter is in operation.

Section 1.150 Information Display

- A. Every Taxicab shall display an information card in full view of the passenger compartment. The information card, which shall be approved by the Taxicab Administrator, shall bear the Owner's name or the corporate or fictitious name under which the Owner operates, the business address and telephone number of the Owner, the Franchisee's name or the fictitious name under which the Franchisee operates, the business address and telephone number of the Franchisee, and the rates, including any surcharges, to be charged for the vehicle.
- B. In addition to the information card, every Taxicab shall display a rate card in full view of all passengers. The rate card shall state all of the following: a) the maximum hourly, base, per mile or other rate set by SSG; and, b) the Hourly Rate, the Rate per Mile and the Base Rate or other rate charged by the Franchisee.
- C. The information contained in both the information and rate cards shall be printed in type not smaller than twelve (12) point font.

Section 1.160 Identification Display

In addition to the posted rate, every Taxicab shall have conspicuously displayed on both sides of the vehicle the name of the Franchise, or the Corporate or fictitious name under which the Franchisee operates, the Franchisee's (or company's) telephone number, and the cab or vehicle number.

Section 1.170 Route -- Number of Passengers

- A. Every Driver who is engaged to carry passengers shall take the most direct route possible that will carry the passengers safely and expeditiously to their destinations, unless otherwise directed by a passenger. A Driver shall not refuse a dispatch call or other request for Taxicab service unless the Driver has a legitimate fear for his or her safety or is otherwise engaged by a passenger.
- B. When a Taxicab is engaged, the person engaging the Taxicab shall have the exclusive right to the full and complete use of the passenger compartment, and it shall be unlawful for the Driver to solicit or carry additional passengers unless authorized by the person engaging the Taxicab.
- C. The Driver of a Taxicab may transport two or more passengers who voluntarily agree to share the vehicle from the same pickup point to one discharge point. A passenger who first engages a Taxicab has the exclusive right to conveyance therein to his/her desired destination and the Driver may not solicit additional passengers without the express permission of the first passenger.

- D. For the purposes of this subsection, the term “adult passengers” is defined as a person age thirteen (13) years or older. The number of adult passengers which may be carried in a Taxicab shall be limited to the seating capacity of the vehicle as specified by the manufacturer. The number of passengers consisting of adults plus children (age twelve (12) years or less) which may be carried in a Taxicab shall be limited to adult seating capacity of the vehicle as specified by the manufacturer plus one. No person shall be carried in a Taxicab who is required to share in any way the seating space occupied by another, nor shall any person be carried who is required to occupy a space in or on the Taxicab which is not a seat.

- E. In no event shall the number of passengers carried interfere with compliance with, and the Franchisee and the Driver shall comply with, Vehicle Code sections 27315 and 27360 and any subsequently enacted state law concerning the use of seat belts and child passenger seat restraints.

Section 1.180 Taximeter – Accuracy

- A. It shall be the duty of every Franchisee to at all times keep the Taximeter registered with SSG for use in each vehicle accurate. Only one Taximeter shall be used in each vehicle and it shall be permanently affixed and calibrated solely to the rate posted on the exterior of the vehicle and registered with SSG. It shall be certified as to its accuracy for operation in the vehicle in which it is registered by the County of Riverside in accordance with County requirements and a certificate to that effect shall be kept available for inspection in the Taxicab. The Taximeter shall be subject to inspection from time to time by SRA, by any peace officer or by any employee of the Riverside County Department of Weights and Measures. SRA is authorized, in its discretion, or upon information received from any peace officer, or upon the complaint of any person, to investigate the Taximeter and to remove or cause to be removed from the streets of the jurisdiction of SSG any Taxicab upon discovery of a faulty or inaccurate Taximeter, until the Taximeter has been correctly adjusted and evidence of its accuracy has been presented to the Taxicab Administrator.

- B. It is unlawful to install a Taximeter onto a vehicle, other than the vehicle to which it is registered with SSG, without complying with the following:
 - 1. Presentation of the Taximeter for a final out of service reading concurrent with its removal from the previous vehicle;
 - 2. Calibration and certification of the Taximeter for use in the vehicle to which it is to be transferred;

3. Registration with SSG of the Taximeter with the corresponding vehicle to which it is to be transferred; and,
4. Presentation of the vehicle and Taximeter for an initial Taximeter reading prior to operation of the vehicle to which the Taximeter has been transferred.

Section 1.190 Taximeter – Use

All Taxicabs must base their charges on Taximeters. All Taximeters shall be placed so that the reading dial showing the amount to be charged is well lighted and readily discernable by the passenger(s) riding in the Taxicab. Nothing contained in this section shall be construed to prohibit a Taxicab from charging a discounted rate from that appearing on the Taximeter; however, the Taximeter must have been engaged during the entire trip up to the time of its conclusion.

Section 1.200 Taximeter – Misuse

- A. It is unlawful for any Driver, while carrying one or more passengers, to:
 1. fail to activate the Taximeter as if the Taxicab is not employed; or,
 2. fail to deactivate the Taximeter at the termination of each and every service; or,
 3. activate the Taximeter when the Taxicab is not either actually carrying one or more passengers, except that the Driver may activate the Taximeter in the event that he or she has been engaged to carry baggage or run an errand.
- B. It is unlawful for any Driver, upon initial engagement of a Taxicab for service by a passenger(s), to fail to activate the trip counter of the Taximeter so as to cause the Taximeter to register a Surcharge.

Section 1.210 Receipt for Fare

It is unlawful for the Driver, upon receiving full payment of a fare, to refuse to give a receipt upon the request of any passenger making the payment.

Section 1.220 Street Stands

Each of the member cities and the county shall have the power of decision as to whether Street Stands may be located within its boundaries and if so their location or locations. The following provisions shall apply to any Street Stand:

- A. Taxicabs may stand while awaiting employment at any properly approved Street Stand in accordance with the requirements of this Ordinance and such regulations as may be adopted by SSG.

- B. No more than three Taxicabs may be engaged in standing at a Street Stand at any one time.
- C. While at a Street Stand, a Taxicab shall not ordinarily have its engine running unless necessary to control the interior temperature of the Taxicab, and then only to the extent necessary.

Section 1.225 Exclusive Arrangements Between Franchises and Venues Concerning Taxicab Trips Prohibited

No Franchisee nor representative of a Franchisee, including any Driver or agent acting on behalf of a Franchisee, shall make arrangements in exchange for compensation for exclusive or preferential service rights with any venue, business establishment or public transportation facility within the jurisdiction of SSG which generates Taxicab transportation service trips.

Section 1.230 Operation by Other Than Franchisee

No Taxicab operated under a Franchise shall be operated by anyone but an employee or independent contractor of a Franchisee duly licensed and permitted to drive a Taxicab.

Section 1.240 Rates

- A. The Board of Directors, by resolution, shall establish, and thereafter may modify, increase, or decrease, the maximum rates to be charged for the transportation of Taxicab passengers.
- B. No Taxicab operating in the jurisdiction of SSG may charge a rate in excess of any maximum rate established by SSG. Maximum rates may be adjusted annually by resolution of the Board of Directors.
- C. Franchisee may charge a rate that is less than the maximum rate set by SSG. Only one base, hourly, mileage or other rate may be charged by a Franchisee and such rates shall be uniform for all vehicles operated under a Franchise regardless of the location of the trip origination or destination within the jurisdiction of SSG.
- D. Every Taxicab shall clearly display on the exterior of the vehicle the Base Rate, the rate charged per mile for its usage, the Hourly Rate and any additional rate charged by an airport or other jurisdiction.

Section 1.245 Surcharges

- A. A "Surcharge" is hereby imposed by SSG to recover the costs of administration and enforcement of the Ordinance of SSG.

- B. When a Taxicab is initially engaged for service by a passenger or passengers, a Surcharge shall be and hereby is imposed as a part of the fare of the vehicle in accordance with the regulations adopted pursuant to this Ordinance.
- C. No Taxicab shall be operated within the jurisdiction of SSG unless it is equipped with a Taximeter with a properly functioning trip counter that registers the total number of times that the Taxicab is initially engaged for hire. SSG shall provide a seal for each Taximeter to ensure against tampering with the trip counter. All Taxicabs must be presented to SSG for periodic readings of the Taximeter trip counter for the purpose of determining the number of times that the Taxicab has been engaged for hire and the amount of Surcharge associated therewith. Surcharges shall be billed to the Franchisee.
- D. The Board of Directors, by resolution, shall establish, and thereafter may modify, increase, or decrease the Surcharge to be charged for the transportation of Taxicab passengers as needed to recover the costs of administration and enforcement of this Ordinance.
- E. At least annually, the Board of Directors shall review the amount of Surcharge to be charged for the transportation of Taxicab passengers for the purpose of modifying, increasing, or decreasing the Surcharge needed to recover the costs of administration and enforcement of this Ordinance.
- F. In the event that a Franchisee fails to present all of the vehicles operated under the Franchise for periodic readings to SSG, the Franchise shall be suspended and a penalty of Fifty Dollars (\$50) per day per vehicle operated under the Franchise is hereby imposed. The Taxicab Administrator may, in his or her discretion, reduce the amount of any penalties imposed under this section.
- G. In the event that Franchisee fails to pay all Surcharges within thirty (30) days after delivery of the bill, the Franchise shall be suspended and a penalty of Fifty Dollars (\$50) per day per vehicle operated under the Franchise is hereby imposed. The Taxicab Administrator may, in his or her discretion, reduce the amount of any penalty imposed under this section.

Section 1.247 Obligation to Report Changes in Lease Rates and Other Pass-Through Charges

All Franchisees shall report any change in lease rate, insurance, charge, Surcharge or other pass-through fee a Franchisee charges (“Pass-Through Charges”) to one or more of its Taxicab Drivers within five (5) days of the imposition of the fee. Such Pass-Through Charges expressly include but are not limited to Taxicab lease

rates charged to Drivers, Taxicab insurance rates, Taxicab maintenance costs, fuel costs, and all other costs or charges passed on to the Taxicab Driver.

Section 1.250 Enforcement

- A. Any violation of one or more of the provisions of the Ordinance of SSG shall constitute a public nuisance that may be remedied by injunction.
- B. SSG shall be entitled to recover all attorneys fees and costs incurred in the filing or prosecution of any action brought to enforce the provisions of the Ordinance of SSG or the regulations promulgated pursuant thereto.

Section 1.255 Penalties

- A. Except as otherwise specifically provided in the Ordinance of SSG, a civil penalty of One Hundred Dollars (\$100) is hereby imposed for each separate violation of the Ordinance of SSG or of any regulation adopted to implement it on a per vehicle per day basis. If the violation is continuing in nature, the civil penalty shall be One Hundred Dollars (\$100) per vehicle per day for each day during which the violation continues.
- B. A civil penalty of One Thousand Dollars (\$1,000) is hereby imposed for the following:
 - 1. Failure to present any vehicle for the vehicle safety inspections required under section 1.070 on or before the date upon which the inspection is due;
 - 2. Tampering with any Riverside County Weights & Measures or SSG applied Taximeter seal;
 - 3. Failing to present a vehicle to SSG for inspection of the Taximeter trip counter prior to taking the vehicle out of service in accordance with the regulations adopted pursuant to the Ordinance of SSG;
 - 4. Returning a vehicle to service without first presenting the vehicle to SSG for inspection of the Taximeter trip counter in accordance with the regulations adopted pursuant to the Ordinance of SSG;
 - 5. Any failure to comply with the provisions of section 1.180 B. related to the transfer of Taximeters from one vehicle to another.
- C. The civil penalties provided for herein may be recovered in any action brought to enforce the Ordinance of SSG and the regulations adopted to implement it.
- D. The penalties provided under subsection A above shall be increased to Two Hundred Dollars (\$200) for a second violation of the Ordinance of

SSG within a year and shall be increased to Five Hundred Dollars (\$500) for a third violation of the Ordinance of SSG within a year. A violation of any provision of the Ordinance of SSG which provides for a One Thousand Dollar (\$1,000) penalty shall be counted as a violation to determine if any subsequent violation within a year is a second or third violation as provided under this subsection.

Section 1.256 Administrative Appeal Hearings – In General

Any person aggrieved by any determination under section 1.110, section 3.070, or any other provision of the Ordinance of SSG shall be entitled to appeal that decision as provided for herein.

- A. A request for hearing must be made within ten (10) days following delivery of notice of the decision which is challenged by delivering the request for hearing at the administrative offices of SSG together with:
 - (i) An advance deposit of any fine or a notice of request for an Advance Deposit Hardship Waiver pursuant to section 3.080; and,
 - (ii) Payment of an Appeal Fee as established by resolution of the Board of Directors.

- B. Upon satisfaction of the foregoing, SRA shall set a hearing within thirty (30) days of delivery of the request for hearing, or as soon thereafter as reasonably practical. The General Manager of SSG shall appoint a hearing officer.
 - (i) If the appeal is of: (1) a decision to deny, suspend, revoke or terminate a permit or franchise; or (2) an administrative fine or penalty imposed pursuant to an administrative citation in excess of Two Thousand Dollars (\$2,000), the General Manager shall refer the matter to a retired judge or an administrative law judge with the California State Office of Administrative Law Judges unless the parties agree otherwise.
 - (ii) If the appeal is of a decision to impose a(n) administrative fine(s) or penalty(ies) pursuant to an administrative citation whose total is less than Two Thousand Dollars (\$2,000), the General Manager of SSG shall refer the matter to an agency employee who shall serve as the hearing officer. The employee shall not have any communication with the Taxi Administrator regarding the case unless the defendant is present. Nor shall the employee/hearing officer have had any input into the decision being appealed.

- C. SSG shall notify the appealing party of the time and date for the hearing, which notice shall be delivered at least fifteen (15) days prior to the hearing.

- D. The hearing officer shall conduct an administrative hearing which allows SRA and the appealing party to be represented by an attorney, to present evidence related to the alleged violations, to cross-examine witnesses who have testified, and to argue their positions. The administrative hearing shall be informal and technical rules of evidence, including but not limited to the hearsay rule, shall not apply. Oral testimony received at the hearing shall be taken only on oath, affirmation, or penalty of perjury. The right to cross-examine witnesses shall not preclude the introduction and consideration of written statements whether made under oath or not. The proceedings shall be recorded or otherwise preserved. It is the intent of SSG that hearing officers allow wide latitude in introduction of evidence and the holdings and discussions concerning informality of hearings and relaxed rules of evidence set forth in *Mohilef v. Janovici* (1986) 56 Cal.App.4th 310 apply to the fullest extent to all hearings conducted under this and any other Ordinance of SSG.
- E. If the appealing party fails to appear, the hearing officer may conduct the hearing in the party's absence and/or may render a decision to dismiss the matter.
- F. After consideration of the evidence presented by all parties, the hearing officer shall render a written decision which sets forth a statement of the case, any relevant findings of fact to support the decision, and administrative enforcement order. If the hearing officer finds one or more of the alleged violations has been committed, he or she may suspend, revoke, or terminate any permit or franchise and/or impose administrative monetary penalties in accordance with the limits set forth in the Ordinance of SSG. In determining whether to suspend or revoke any permit or franchise or to impose administrative monetary penalties, the hearing officer shall take into consideration the gravity of the violation, the entire record of the party requesting the hearing, and the harm threatened to the public by the violation.
- G. The decision of the hearing officer shall be final and the party requesting the hearing shall be notified in writing of the decision of the hearing officer. Such decision shall be delivered within fifteen (15) days from the date the hearing is concluded.
- H. Any review of a decision by the hearing officer brought pursuant to an administrative citation shall be governed by the provisions of Government Code section 53069.4. Review of any other final decision under this Ordinance shall be governed by Code of Civil Procedure section 1094.5, *et seq.*

Section 1.259 **Criminal Enforcement and Penalties**

- A. As an alternative to the provisions of the Ordinance of SSG authorizing enforcement and imposition of monetary penalties through civil actions or administrative proceedings, criminal enforcement may be pursued by SSG at the discretion of the Taxicab Administrator.
- B. Violations of the Ordinance of SSG shall constitute a misdemeanor.
- C. RESERVED
- D. Every misdemeanor violation shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000) or imprisonment not exceeding six (6) months.
- E. Prosecution of a violation under this section shall not prevent SSG from pursuit of other appropriate civil or administrative remedies.

Section 1.260 **Airports**

Nothing in this Ordinance shall prevent Palm Springs Regional Airport or any other publicly owned airport from regulation of Taxicab access or from charging access/permit fees.

Section 1.270 **Severability**

If any section, subsection, sentence, clause or phrase of the Ordinance of SSG is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance of SSG. The Board of Directors of SSG hereby declares that it would have passed this Ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, sentences or phrases may be declared invalid or unconstitutional.

SECTION TWO

DRUG AND ALCOHOL TESTING

Section 2.010 **Scope**

All applicants for a Driver Permit and all licensed Drivers shall submit to and comply with the Ordinance of SSG concerning controlled substances and alcohol testing. Franchisees are responsible for the compliance both of themselves and of their Drivers, officers, employees, and agents, consortia and/or contractors with the requirements of this program.

Section 2.020 Definitions

The definitions set forth in section 1.010, as may be amended from time to time, are hereby incorporated by reference into this Ordinance. In addition, as used in this section:

- A. “Alcohol” shall mean the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

- B. “Controlled substances” shall mean cocaine, opiates, amphetamines and phencyclidine and any and all other substances listed in Part 21 (commencing with section 1308.11) of Title 49 of the Code of Federal Regulations, as now enacted or as may be subsequently amended.

- C. “Refuse to Submit” (to a test authorized by the Ordinance of SSG) includes that the Driver (a) fails to keep an appointment to submit to controlled substances and/or alcohol testing as required by the Ordinance of SSG without a valid explanation; (b) fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the Ordinance of SSG; (c) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the Ordinance of SSG; or (d) engages in conduct that clearly obstructs the testing process.

- D. “SunLine Supervisor” shall mean an SSG operations supervisor trained to detect whether or not reasonable suspicion exists to require a Driver to submit to controlled substances and/or alcohol testing as provided in the Ordinance of SSG.

Section 2.030 Rules, Regulations and Fees

- A. The Taxicab Administrator shall promulgate regulations to implement the Ordinance of SSG, which shall become effective upon review and approval by the Board of SSG.

- B. The Board of Directors shall have the authority to adopt a schedule of fees to be charged to any applicant, permittee or prospective permittee in connection with the activities of SSG under this Ordinance.

Section 2.035 Mandatory Controlled Substance and Alcohol Testing Program

Each Franchisee shall maintain a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations and California Government Code section 53075.5. In

addition, each Franchisee shall maintain a written drug and alcohol policy meeting SSG requirements and proof that the Franchisee has implemented a drug and alcohol certification program covering all of its Drivers which meets all of the following requirements:

- A. A contract with a program administrator and authorized lab certified by the U.S. Department of Transportation;
- B. Procedures and components conforming to Part 40 of Title 49 of the Code of Federal Regulations for issuance of permits and permit renewal;
- C. Procedures and components conforming to Part 40 of Title 49 of the Code of Federal Regulations for rehabilitation, return-to-duty and follow-up testing;
- D. Procedures and components for random testing following the U.S. Department of Transportation guidelines, and additional tests as required following accidents, rehabilitation, return-to-service, and other circumstances providing reasonable suspicion to test;
- E. Monthly reports of the random testing component shall be filed with SSG by the program administrator no later than the twentieth (20th) day following the end of the previous monthly reporting period; and,
- F. The Franchisee's and the program administrator's records shall be made available to Taxicab Administrator upon request.

Section 2.040 Tests Required

All Drivers and all Driver applicants shall be required to submit to the following tests:

- A. Pre-Permit/Employment Testing. As a condition to the issuance of a Driver Permit, the Driver shall undergo testing for controlled substances. A Driver Permit will not be issued to an applicant unless the applicant tests negative for controlled substances. This section shall apply in those cases where a Driver re-applies for a new Driver Permit pursuant to section 1.095.J of the Ordinance of SSG, except the Driver shall also undergo testing for alcohol as provided in subsection B below.
- B. Permit Renewal Testing. As a condition to renewal of a Driver Permit, the Driver shall undergo testing for controlled substances and alcohol. A Driver Permit will not be renewed unless the Driver tests negative for controlled substances and alcohol. A negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02%. No Franchisee shall allow a Driver to operate a Taxicab unless the Driver has received a controlled substances and alcohol test indicating a verified negative result. A certified test in another jurisdiction submitted

in support of an application to renew a permit by SSG shall be accepted as meeting the requirements of SSG if the Driver has not tested positive subsequent to a negative result.

- C. Random Testing. All Drivers shall be subject to a random test for controlled substances and/or alcohol in accordance with SSG rules and regulations concerning random testing and Part 21 (commencing with section 40.1) of the Code of Federal Regulations, as now enacted or as may be subsequently amended. "Random test" shall mean a controlled substances and/or alcohol test performed on not more than 48 hours notice based upon the random selection of a Driver from among the pool of then currently licensed Drivers.

- D. Reasonable Suspicion Testing. "Reasonable suspicion testing" means a controlled substances and/or alcohol test performed when there is a good faith belief, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Driver, that indicate that the Driver is under the influence of controlled substances and/or alcohol or has violated one or more of the prohibitions contained in section 2.060 of the Ordinance of SSG. For purposes of this section, reasonable suspicion shall exist only after a SunLine Supervisor or Franchisee has considered the facts and/or evidence in the particular case and agrees that they constitute a finding of reasonable suspicion. After it has been confirmed in writing by the SunLine Supervisor or Franchisee, the facts and/or evidence upon which the reasonable suspicion is based shall be documented in writing. A copy of this writing shall be given to the Driver. In the event that reasonable suspicion testing is performed, the Driver Permit for the Driver so suspected shall be immediately suspended until the results are received and accepted by SSG.

Section 2.050 When Testing Required

In addition to requirements for controlled substances and/or alcohol testing as a condition for issuance and renewal of a Driver Permit under section 1.095 and this Ordinance, all Drivers are subject to the following controlled substances and/or alcohol tests upon occurrence of the following events:

- A. Random Testing. All Drivers shall submit to a random controlled substances and/or alcohol test upon not more than 48 hours notice as provided by SunLine rules and regulations.

- B. Reasonable Suspicion Testing. Drivers shall immediately be subject to controlled substances and/or alcohol testing when there is a reasonable suspicion that the Driver is under the influence of controlled substances and/or alcohol or has violated one or more of the prohibitions contained in section 2.060 of the Ordinance of SSG.

Section 2.060 Prohibited Conduct

- A. No Driver shall operate a Taxicab while having an alcohol concentration of 0.02% or greater. No Franchisee having actual knowledge that a Driver has an alcohol concentration of 0.02% or greater shall permit the Driver to operate or continue to operate a Taxicab.
- B. No Driver shall operate a Taxicab while the Driver shall have in his or her possession or on his or her person, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed. No Franchisee having actual knowledge that a Driver possesses an open container of alcohol in his or her possession or on his or her person may permit the Driver to operate or continue to operate a Taxicab.
- C. No Driver shall consume alcohol while operating a Taxicab. No Franchisee having actual knowledge that a Driver is consuming alcohol while operating a Taxicab shall permit the Driver to operate or continue to operate a Taxicab.
- D. No Driver shall operate a Taxicab within four (4) hours after using alcohol. No Franchisee having actual knowledge that a Driver has used alcohol within four (4) hours shall permit a Driver to operate or continue to operate a Taxicab.
- E. No Driver shall refuse to submit to a controlled substances test and/or alcohol test authorized by the Ordinance of SSG. No Franchisee shall permit a Driver who refuses to submit to such tests to operate or continue to operate a Taxicab.
- F. No Driver shall operate a Taxicab when the Driver uses any controlled substances, except when the use is pursuant to the instructions of a physician who has advised the Driver in writing that the substances do not adversely affect the Driver's ability to safely operate a Taxicab. No Franchisee having actual knowledge that a Driver has used any controlled substances shall permit the Driver to operate or continue to operate a Taxicab. A Franchisee may require the Driver to notify the Franchisee of any therapeutic use of a controlled substance.
- G. No Driver shall operate a Taxicab if the Driver tests positive for controlled substances after submitting to one of the tests authorized by the Ordinance of SSG. No Franchisee having actual knowledge that a Driver has tested positive for controlled substances shall permit the Driver to operate or continue to operate a Taxicab.
- H. Any Franchisee having actual knowledge that a Driver has violated one or more of the above prohibitions shall immediately notify SSG of the violation.

Section 2.070 Testing Procedures

- A. Notice. Franchisee or its program administrator shall provide notice to all Drivers of the requirement that a Driver submit to a controlled substances and/or alcohol test as provided by this Ordinance in accordance with SSG rules and regulations concerning controlled substances and alcohol testing.

- B. Procedures. The Driver shall show a valid California Driver's License at the time and place of testing. Procedures for the tests authorized by the Ordinance of SSG are set forth in SSG rules and regulations concerning controlled substances and alcohol testing and shall be conducted in accordance with the standards and procedures set forth in Part 40 (commencing with section 40.1) of Title 49 of the Code of Federal Regulations, as now enacted or subsequently amended.

- C. A Driver shall only be tested for alcohol pursuant to the Ordinance of SSG at such times as the Driver is driving a Taxicab, just before a Driver is scheduled to drive a Taxicab, or just after the Driver has ceased driving a Taxicab.

- D. Reporting of Test Results. In the case of a self-employed independent Driver, within the meaning of Government Code section 53075.5, the test results shall be reported directly to SSG who shall notify the Franchisee. In all other cases, the test results shall be reported to the Franchisee who has employed or made an offer of employment to the Driver within the meaning of Government Code section 53075.5. The Franchisee shall immediately notify SSG of the results. Failure of a Franchisee to notify SSG of the results of a positive controlled substances and/or alcohol test shall result in the imposition of a monetary penalty in the amount of One Thousand Dollars (\$1,000) and suspension of the Franchise for a period of thirty (30) days. The Taxicab Administrator may, in his or her discretion, reduce the amount of any penalty imposed under this section.

- E. Confidentiality of Test Results. Results of all tests provided for in this Ordinance are confidential and shall not be released without the written consent of the Driver, except as provided in this Ordinance or as otherwise provided by law.

Section 2.080 Penalties

- A. Drivers. Any applicant for a Driver Permit who tests positive for controlled substances shall be denied a Driver Permit. The Driver Permit of any licensed Driver who tests positive for controlled substances and/or alcohol on any permit renewal random or reasonable suspicion test shall be revoked. Except as provided above, a Driver shall be subject to the same enforcement procedures and penalties set forth in sections 1.250

through 1.259, as may be amended from time to time, for any violation of the Ordinance of SSG.

- B. Franchisees. In addition to the specific provisions of this Ordinance, any Franchisee who violates the Ordinance of SSG shall be subject to the same enforcement procedures and penalties set forth in sections 1.250 through 1.259, as may be amended from time to time.

Section 2.090 Rights of Appeal

- A. Where an applicant has been denied a Driver Permit on the basis of a positive test result for controlled substances and/or alcohol, the applicant may request a hearing and reconsideration of the denial in accordance with section 1.256 of the Ordinance of SSG and the SSG rules and regulations, as they may be amended from time to time.
- B. Where a Driver Permit has been revoked on the basis of a positive test result for controlled substances and/or alcohol, the Driver may request a hearing and reconsideration of the denial in accordance with section 1.256 of the Ordinance of SSG and the SSG rules and regulations, as they may be amended from time to time.

Section 2.100 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of SSG hereby declares that it would have passed this Ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, sentences or phrases may be declared invalid or unconstitutional.

SECTION THREE

ADMINISTRATIVE CITATIONS

Section 3.010 Applicability

- A. This section provides for administrative citations which are in addition to all other legal remedies, criminal or civil, which may be pursued by SSG to address any violation of the Ordinance adopted by SSG for the purpose of regulating Taxicabs and regulations adopted to implement them.
- B. Use of this section shall be at the sole discretion of the Taxicab Administrator of SSG or his/her designee.

Section 3.020 Enforcement Officer – Defined

For purposes of the section, “enforcement officer” shall mean the Taxicab Administrator, any Assistant Taxicab Administrator, SSG employee or agent of SSG designated by the Taxicab Administrator with the authority to enforce any provision of the Ordinance of SSG and regulations pertaining to the regulation of Taxicabs in the jurisdiction of SSG.

Section 3.030 Regulation – Defined

For purposes of this section, “regulation” shall mean and include the Ordinance of SSG, as presently adopted or amended, and any regulation adopted by or on behalf of SSG that pertains to such Ordinance or otherwise applies to the regulation of Taxicab transportation services by SSG within the jurisdiction of SSG.

Section 3.040 Administrative Citation

- A. Whenever an enforcement officer charged with the enforcement of any regulation determines that a violation has occurred, the enforcement officer shall have the authority to issue an administrative citation to any Person responsible for the violation. In instances in which a Driver is cited for a violation, the Franchisee may also be cited pursuant to section 1.030.D.
- B. Each administrative citation shall contain the following information:
 - 1. The date of the violation;
 - 2. The address or a definite description of the location where the violation occurred;
 - 3. The section of the regulation violated and a description of the violation;
 - 4. The amount of the fine for the violation;
 - 5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - 6. An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;
 - 7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and,

8. The name and signature of the citing enforcement officer.

Section 3.050 Amount of Fines

- A. The amount of the fines for code violations imposed pursuant to the Ordinance of SSG shall be set forth in the schedule of fines established by resolution of SSG.
- B. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person within twelve (12) months from the date of an administrative citation.
- C. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.

Section 3.060 Payment of the Fine

- A. The fine shall be paid to SSG within thirty (30) days from the date of the administrative citation.
- B. If the fine is challenged by an administrative hearing as set forth in section 1.256 and the hearing officer determines that the administrative citation shall be upheld, then the fine amount on deposit with SSG shall be retained by SSG.
- C. If after a hearing under section 1.256 the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an Advance Deposit Hardship Waiver, the fine shall be due within thirty (30) days of the date the decision of the hearing officer is deposited in the mail. Failure to pay the fine within such period shall result in the suspension of the Driver Permit of the Driver until such time as payment is made.
- D. If after a hearing under section 1.256 the hearing officer determines that the administrative citation should be canceled and the fine was deposited with SSG, then SSG shall promptly refund the amount of the deposited fine, together with interest at the rate of 5% per annum for the period of time that the fine amount was held by SSG.
- E. Payment of a fine under the Ordinance of SSG shall not excuse or discharge any continuation or repeated occurrence of the regulatory violation that is the subject of the administrative citation.

Section 3.070 Hearing Request

Any recipient of an administrative citation may contest that there was a regulatory violation or that he or she is the responsible party in accordance with the procedures set forth in section 1.256.

Section 3.080 Advance Deposit Hardship Waiver

- A. Any Person or Franchise who intends to request a hearing to contest that there was a regulatory violation or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in section 3.070.A may file a request for an Advance Deposit Hardship Waiver.
- B. The request shall be filed with the SRA on an Advance Deposit Hardship Waiver application form, available from the SRA, within ten (10) days of the date of the administrative citation.
- C. The requirement of depositing the full amount of the fine as described in section 3.060.A shall be stayed unless or until the Taxicab Administrator or Assistant Taxicab Administrator makes a determination not to issue the Advance Deposit Hardship Waiver.
- D. The Taxicab Administrator or Assistant Taxicab Administrator may waive the requirement of an advance deposit set forth in section 3.060.A and issue the Advance Deposit Hardship Waiver only if the cited party submits a sworn affidavit, together with any supporting documents or materials demonstrating to the satisfaction of the Taxicab Administrator or Assistant Taxicab Administrator the person's actual financial inability to deposit with SSG the full amount of the fine in advance of the hearing.

Section 3.120 Late Payment Charges

Any person who fails to pay to SSG any fine imposed pursuant to the provisions of the Ordinance of SSG on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines. In addition, the permit of the Driver involved may be suspended pending payment.

Section 3.130 Recovery of Administrative Citation Fines and Costs

SSG may collect any past due administrative citation fine or late payment charge by use of all available legal means. SSG also may recover its collection costs, including any attorneys fees.

Section 3.140 Administrative Regulations

The Taxicab Administrator shall promulgate regulations to implement the Ordinance of SSG, which shall become effective upon review and approval by the Board of SSG.

PART 2: This Ordinance shall take effect thirty (30) days from the date of its adoption.

PART 3: SunLine Services Group shall certify to the passage and adoption of this Ordinance 2012-01 and shall cause the same to be posted and published in the manner required by law.

PASSED, APPROVED AND ADOPTED by the Board of Directors of SunLine Services Group at a regular meeting held on the ____ day of _____, 2012.

Date: _____

Robert Spiegel
Chairman of the Board of Directors

Date: _____

C. Mikel Oglesby
General Manager

Date: _____

Carolyn Rude
Clerk of the Board

SunLine Services Group

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: SunLine Legal Counsel
RE: Brown Act Compliance Resolution

Recommendation

Recommend that the Board of Directors approve the attached Resolution affirming SunLine Services Group's commitment to open government and intent to comply with the Ralph M. Brown Act.

Background

The Brown Act is codified at Government Code section 54950 *et seq.* and imposes various requirements on local governments to insure that, with certain exceptions, governmental decisions are made in public. Among other things, the Brown Act requires meetings to be public and requires that agendas containing a brief description of the matters to be undertaken by the local government must be published at least seventy-two (72) hours in advance of the meeting. The Brown Act does allow closed sessions to occur, but only under certain limited circumstances.

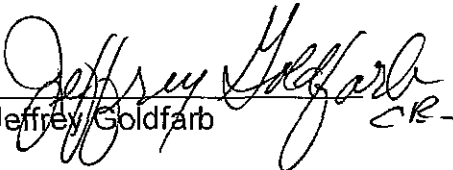
In June 2012, the Legislature adopted AB 1464 as an urgency statute. AB 1464 in part suspended various Brown Act requirements, including the following:

- (a) At least seventy-two (72) hours before a regular meeting, an agenda must be posted that contains a brief general description of each item of business to be transacted or discussed at the meeting (Gov. Code sec. 54954.2(a));
- (b) Inclusion on the agenda of a brief general description of all items to be discussed in closed session (Gov. Code sec. 54954.2(a));
- (c) Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session (Gov. Code sec. 54957.7(a)); and
- (d) Report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters (Gov. Code secs. 54957.1(a)(1)-(4), (6) and 54957.7(b)).

At the September 26, 2012 Board meeting, Board Member Hobart asked that the Board agendaize a discussion and possible adoption of a resolution which confirms the Board's intent to continue to comply with the Brown Act, notwithstanding the Legislature's suspension of the above provisions under AB 1464. The attached Resolution, if adopted, would confirm the Board's intent and direct that SunLine Transit Agency continue to comply with the Brown Act, notwithstanding the State Legislature's suspension of the aforementioned provisions. The Resolution would be effective immediately upon adoption.

Fiscal Impact

None.


Jeffrey Goldfarb CR-

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SUNLINE SERVICES GROUP AFFIRMING THE
SUNLINE SERVICES GROUPS' COMMITMENT TO OPEN
GOVERNMENT AND INTENT TO COMPLY WITH THE
RALPH M. BROWN ACT**

WHEREAS, the Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) imposes various requirements on local government meetings including, but not limited to, the obligation to publish an agenda seventy-two (72) hours in advance of any meeting, and to announce the results of closed session matters; and

WHEREAS, in June, 2012, the Legislature adopted AB 1464 (Chapter No. 21 - June 27, 2012; Chaptered Statutes of 2012; Urgency Statute) which in part suspended portions of the Brown Act including, but not limited to, the provisions of Government Code Section 54954.2 which requires the legislative body of any local government to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting at least seventy-two (72) hours in advance; and

WHEREAS, the suspension notwithstanding, the Board of Directors of the SunLine Services Group desires and intends, both for itself and for all other "Legislative Bodies" of the SunLine Services Group, as that term is defined in the Brown Act, to continue complying with all provisions of the Brown Act.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUNLINE SERVICES GROUP HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Board of Directors confirms that the SunLine Services Group shall continue to comply with the Brown Act, notwithstanding the California State Legislature's suspension of various provisions contained within the Brown Act.

SECTION 2. In adopting this Resolution, the Board of Directors does not create a cause of action, either civil or equitable, for a violation of any portion of the Brown Act suspended by the Legislature, but rather simply affirms its intent and desire that the SunLine Services Group continue to comply with all provisions of the Brown Act. Furthermore, SunLine Services Group's voluntary compliance with suspended provisions of the Brown Act shall not be construed to grant any rights or remedies related to any claim of non-compliance with suspended provisions of the Brown Act.

SECTION 3. The Clerk of the Board shall certify to the passage of this Resolution and enter the same in SunLine Services Group's Official Book of Resolutions.

PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Services Group

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Services Group, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 20__.

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SunLine Services Group

DATE: October 24, 2012 **ACTION**

TO: Board of Directors

FROM: SunLine Legal Counsel

RE: Resolution to Authorize Board Members to Disclose Certain Items Discussed in Closed Sessions to Their City Councils or Board of Supervisors

Recommendation

Recommend that the Board of Directors approve the attached Resolution authorizing Board Members to disclose certain limited circumstances items discussed in closed sessions to their City Councils or Board of Supervisors and to their respective City Attorneys or County Counsel.

Background

The Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) requires all meetings of governmental bodies to be open to the public, with certain prescribed exceptions. Except as provided for in the Brown Act, all information received in a closed session by a member of the SunLine Services Group Board of Directors is and must remain confidential. Government Code Section 54956.96, however, authorizes the Board of Directors to adopt a resolution to permit its members to disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to legal counsel of that member's City or County and other Council Members or Supervisors of the member's City Council or Board of Supervisors present in a closed session. That same section also permits a member to disclose closed session communications with the member's alternate when that alternate will be attending a closed session of the Board in place of the regular member.

At the September 26, 2012 Board meeting, Board Member Hobart asked that the Board agendize a discussion and possible adoption of a resolution which authorizes members to engage in the above referenced confidential communications as provided for in Government Code Section 54956.96.

Fiscal Impact

None.


Jeffrey A. Goldfarb

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SUNLINE SERVICES GROUP AUTHORIZING
MEMBERS OF THE BOARD OF DIRECTORS TO
DISCUSS CERTAIN CLOSED SESSION MATTERS WITH
THEIR RESPECTIVE CITY COUNCILS AND BOARD OF
SUPERVISORS IN A CLOSED SESSION**

WHEREAS, the Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) requires all meetings of governmental bodies to be open to the public, with certain prescribed exceptions; and

WHEREAS, except as provided below, all information received in a closed session by a member of the SunLine Services Group Board of Directors is confidential; and

WHEREAS, Government Code Section 54956.96 authorizes the Board of Directors to adopt this resolution to permit its members to disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to legal counsel of that member's City or County and other Council Members or Supervisors of the member's City Council or Board of Supervisors present in a closed session.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUNLINE SERVICES GROUP HEREBY RESOLVES AS FOLLOWS:

SECTION 1. A member of the Board of Directors may disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to the following individuals:

- (A) Legal counsel of that member's City or County for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member's City or County.
- (B) Other City Council members or County Supervisors of the City or County present in a closed session of that City or County.
- (C) Any designated alternate member of the SunLine Services Group Board who will be attending a closed session of a properly noticed meeting of the SunLine Services Group in lieu of the regularly appointed member.

SECTION 2. The Clerk of the Board shall certify to the passage of this Resolution and enter the same in SunLine Services Group's Official Book of Resolutions.

PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Services Group

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Services Group, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 20__.

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SunLine Services Group

DATE: October 24, 2012 **DISCUSSION**

TO: Taxi Committee
Board of Directors

FROM: Chief of Staff/Taxi Administrator

RE: DISCUSSION OF AWARD OF NON-TEMPORARY PERMITS

Background

- SRA has awarded 10 temporary permits to Yellow Cab of the Desert and 13 temporary permits to American Cab based on their requests and supporting documentation.
- American Cab has requested 20 non-temporary permits and Yellow Cab of the Desert has requested 13 non-temporary permits.
- If awarded, the additional 23 non-temporary permits would be nearly half of the 50 non-temporary permits left by Classic Yellow Cab's departure from the Valley.
- The issue of allocating additional non-temporary permits of this quantity or the issuance of an RFP calls for a policy decision by the Board of Directors.

If the Board decides to allocate the remaining non-temporary permits, staff will then come back to the Board with a recommendation regarding the correct number of non-temporary permits to allocate. If the Board decides an RFP is the direction, staff will begin that process.


Naomi Nightingale



**AGENDA
TAXI COMMITTEE MEETING**

**October 24, 2012
10:30am – 11:15am**

**Board Room
SunLine Transit Agency
Thousand Palms, CA**

(Public Comments will be accepted on each Agenda item upon the conclusion of the staff report on that item. Public comments on non-agendized items will be accepted during the Public comments section. Comments may be limited to 3 minutes in length. Please notify the Committee Chair if you wish to comment.)

1. **Call to Order**
2. **Roll Call**
3. **Confirmation of Agenda**
4. **Public Comments** **Receive Comments**
Anyone wishing to address the Taxi Committee on items not on the Agenda should do so at this time. Each presentation is limited to three minutes.

----- **ACTION** -----

5. **Consent Calendar**
 - a) SSG/SRA checks over \$1000 issued for September, 2012 (Page 1)
 - b) SSG/SRA Monthly Budget Report June, 2012 (Page 2)
 - c) Taxi Vehicle/Rides Analysis (Pages 3-4)
6. **First Reading of SSG Ordinance #2012-01** **Approve**
(Jeffrey Goldfarb)
Discuss request to the Board to approve the first reading of the proposed (revised) SSG Ordinance #2012-01. (Pages 5-6) ([Ordinance separate attachment](#))
7. **Brown Act Compliance Resolution (Jeffrey Goldfarb)** **Approve**
Discuss request to the Board to approve the attached Resolution affirming SunLine Services Group's commitment to open government and intent to comply with the Ralph M. Brown Act. (Pages 7-11)

8. **Resolution-Board Members Discuss Certain Closed Session Items with City Council & City Attorneys (Jeffrey Goldfarb)** **Approve**
Recommend that the Board of Directors approve the attached Resolution authorizing Board Members to disclose certain limited circumstances items discussed in closed sessions to their City Councils or Board of Supervisors and to their respective City Attorneys or County Counsel. (Pages 12-15)

----- **DISCUSSION** -----

9. **Issuance of Temporary Taxi Permits (Naomi Nightingale)** **Information**
Provide Board with an update on the issuance of temporary taxi Permits and request for non-temporary permits. (Page 16)
10. **Closed Session**
Conference with legal counsel—existing litigation –Gov. Code Section 54956.9
(a) 2 cases:
1. American Cab LLC v. SunLine Services Group et al RCSC INC 1201334
2. American Cab v. SunLine Services Group; SunLine Transit Agency, et al.--
Case No. **CV12-05552 CW (OPx)**
11. **Adjourn**

SunLine Regulatory Administration
 Checks \$1,000 and Over
 For the month of September 2012

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Name	Description	Check #	Check	Amount
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089583	9/20/2012	\$9,967.51
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089588	9/28/2012	\$9,815.43
CABCONNECT, INC.	Collection of DATA Reports	089578	9/20/2012	\$7,500.00

Total of Checks Over \$1,000	\$27,282.94
Total of Checks Under \$1,000	\$2,115.73
Total of All Checks for the Month	\$29,398.67

Total Amount of Checks Prior Years Same Month	\$38,811.46
------------------------------------------------------	--------------------

SRA-- Taxi
Statement of Activities
June 30, 2012

	Unaudited FY 10/11	Total FY 11/12 Budget	Current Month			Year to Date		
			Actual	Budget	Favorable (Unfavorable)	Actual	Budget	Favorable (Unfavorable)
Revenue:								
Meter Readings	95,800	297,123	67,203	24,760	42,443	383,324	297,123	86,201
Revenue Fines	106,661	5,000	250	417	(167)	8,160	5,000	3,160
Vehicle Inspections	15,703	14,300	1,900	1,192	708	16,500	14,300	2,200
New Driver Permits	4,150	5,000	450	417	33	5,850	5,000	850
Driver Transfers	4,800	5,800	300	483	(183)	3,550	5,800	(2,250)
Driver Renewals	7,050	6,100	300	508	(208)	9,100	6,100	3,000
Driver Permit Reinstatement/Replacement	135	200	10	17	(7)	155	200	(45)
Vehicle Transfers	(50)	1,500	390	125	265	585	1,500	(915)
Vehicle Permits	82,828	78,000	1,634	6,500	(4,866)	92,950	78,000	14,950
Operator Shared Revenue Fee	195,135	0	0	0	0	3,492	0	3,492
Operator Application Fee	0	10,500	0	875	(875)	3,000	10,500	(7,500)
Interest	152	0	3	0	3	63	0	63
Other	47	25,629	92	2,136	(2,044)	289	25,629	(25,340)
Total revenue	\$ 512,411	\$ 449,152	\$ 72,532	\$ 37,429	\$ 35,102	\$ 527,018	\$ 449,152	\$ 77,866
Expenses:								
Salaries and wages	183,112	197,422	16,344	16,452	108	182,897	197,422	14,525
Fringe benefits	136,280	134,281	12,385	11,190	(1,195)	129,112	134,281	5,169
Services	91,182	100,800	30,160	8,400	(21,760)	132,470	100,800	(31,670)
Supplies and materials	5,793	4,500	357	375	18	6,177	4,500	(1,677)
Miscellaneous	17,903	12,150	1,203	1,012	(191)	22,843	12,150	(10,693)
Total expenses	\$ 434,270	\$ 449,153	\$ 60,450	\$ 37,429	\$ (23,021)	\$ 473,499	\$ 449,153	\$ (24,346)
Total Operating Surplus/Deficit	\$ 78,141	\$ (1)	\$ 12,082	\$ (0)	\$ 12,082	\$ 53,519	\$ (1)	\$ 53,520

Preliminary Statement Prior To Audit Field Work

TRIP vs. VEHICLE ANALYSIS

TRIP vs. VEHICLE ANALYSIS

	FY 04/05			FY 05/06			FY 06/07			FY 07/08			FY 08/09		
	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH
JUL	193	32,877	170	205	33,123	161	240	28,204	117	269	25,681	95	184	27,321	148
AUG	185	25,911	140	209	24,445	117	240	24,010	100	269	28,635	106	184	28,450	154
SEP	195	29,145	149	215	35,072	163	240	35,278	147	269	28,182	105	184	28,206	153
OCT	196	44,593	227	221	32,817	148	240	38,459	160	205	33,063	161	184	37,131	202
NOV	197	36,344	184	227	40,343	178	240	41,751	174	203	41,851	206	184	33,450	182
DEC	187	38,687	207	232	34,534	149	243	46,866	193	204	36,141	177	184	26,942	146
JAN	191	40,638	212	240	42,539	177	245	27,290	114	204	30,363	149	183	39,745	217
FEB	196	43,880	224	241	41,587	173	246	41,520	169	206	50,594	246	185	38,116	206
MAR	204	42,973	210	241	51,373	213	255	54,598	214	205	41,492	202	186	42,705	230
APR	206	53,980	262	241	50,791	211	269	46,823	174	205	44,697	218	186	59,997	323
MAY	204	38,698	190	240	42,916	179	271	43,593	161	205	49,071	239	186	41,175	221
JUN	203	33,348	164	240	34,427	143	271	35,711	132	183	26,819	147	186	38,696	208
TOTALS	2357	461,074	196	2752	463,967	169	3000	464,103	155	2627	436,589	166	2216	441,934	199
	FY 09/10			FY 10/11			FY 11/12			FY 12/13			FY 13/14		
	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH	CABS	TRIPS	TRIP/VEH
JUL	170	26,487	156	151	31,211	207	125	30,391	243	132	33,019	250			
AUG	155	23,671	153	148	29,238	198	123	29,459	240	133	35,031	263			
SEP	158	29,239	185	150	31,807	212	131	34,446	263	131	38,754	296			
OCT	153	37,468	245	117	40,222	344	139	43,009	309						
NOV	153	40,466	264	126	40,494	321	144	44,173	307						
DEC	160	32,084	201	128	36,226	283	143	39,180	274						
JAN	155	38,276	247	133	45,232	340	152	45,048	296						
FEB	157	36,557	233	132	42,331	321	156	53,840	345						
MAR	159	44,219	278	138	48,942	355	158	62,962	398						
APR	167	57,645	345	141	60,821	431	170	71,576	421						
MAY	157	42,074	268	142	43,910	309	156	49,091	315						
JUN	156	29,940	192	120	31,088	259	140	39,190	280						
TOTALS	1900	438,126	231	1626	481,522	296	1737	542,365	312	396	106,804	270	0	0	#DIV/0!

	FY 04/05		FY 05/06		FY 06/07		FY 07/08		FY 08/09	
HIGHEST TRIPS	Apr	53,980	Mar	51,373	Mar	54,598	Feb	50,594	APR	59,997
LOWEST TRIPS	Aug	25,911	Aug	24,445	Aug	24,010	Jul	25,681	DEC	26,942
MOST VEHICLES	Apr	206	Apr	269	May	271	Jul	269	M, A, M	186
LEAST VEHICLES	Aug	185	Jul	205	Jul	240	Jun	183	JAN	183
MOST TRIPS/VEH	Apr	262	Mar	213	Mar	214	Feb	246	MAY	323
LEAST TRIPS/VEH	Aug	140	Aug	117	Aug	100	Jul	95	JULY	148
	FY 09/10		FY 10/11		FY 11/12		FY 12/13		FY 13/14	
HIGHEST TRIPS	APR	57,645	APR	60,821	APR	71,576	SEP	38,754		
LOWEST TRIPS	AUG	23,671	AUG	29,238	AUG	29,459	JUL	33,019		
MOST VEHICLES	JUL	170	JUL	151	APR	170	AUG	133		
LEAST VEHICLES	NOV	153	NOV	117	AUG	123	SEP	131		
MOST TRIPS/VEH	APR	345	APR	1004	APR	421	SEP	296		
LEAST TRIPS/VEH	AUG	153	AUG	198	AUG	240	JUL	250		

SunLine Services Group

DATE: October 24, 2012 **ACTION**

TO: Taxi Committee
Board of Directors

FROM: SunLine General Counsel

RE: First Reading of SSG Ordinance No. 2012-01

RECOMMENDATION

Recommend that the Board of Directors approve first reading of the proposed SSG Ordinance No. 2012-01 (revised) that will supersede all previous ordinances and amendments.

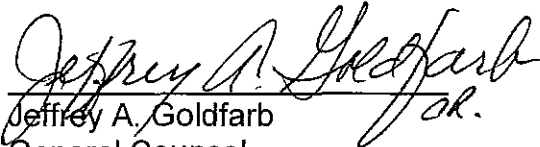
BACKGROUND

At its June 27, 2012 meeting, the SunLine Services Group Board of Directors introduced (first reading) Ordinance No. 2012-01, the ordinance relating to the operation and issuance of taxi franchises in the Coachella Valley. Pursuant to Government Code section 36934, an ordinance may not be passed within five (5) days of its introduction, except in certain circumstances which are not present here. If the Board passes the Ordinance at this meeting, it shall take effect in thirty (30) days pursuant to Government Code section 36937. A second reading was therefore had at the September 26 meeting. During the discussion, two franchisees noted that the requirement that franchisees increase their insurance coverage to Two Million Dollars (\$2,000,000) will result in a significant increase in their insurance premiums. As a result, the Taxi Committee recommended and the Board decided that:

1. The ordinance should be revised to reinstate the original One Million Dollar (\$1,000,000) minimum insurance;
2. The Ordinance should be resubmitted for first reading at the next meeting; and
3. Staff is directed to investigate the possibility of locating lower cost insurance for a Two Million Dollar (\$2,000,000) policy.

Fiscal Impact

Pursuant to Board direction, the Ordinance is presented in its revised form with the only change being that the minimum insurance requirement has been reduced from two million dollars (\$2,000,000) to one million dollars (\$1,000,000).


Jeffrey A. Goldfarb
General Counsel

SunLine Services Group

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: SunLine Legal Counsel
RE: Brown Act Compliance Resolution

Recommendation

Recommend that the Board of Directors approve the attached Resolution affirming SunLine Services Group's commitment to open government and intent to comply with the Ralph M. Brown Act.

Background

The Brown Act is codified at Government Code section 54950 *et seq.* and imposes various requirements on local governments to insure that, with certain exceptions, governmental decisions are made in public. Among other things, the Brown Act requires meetings to be public and requires that agendas containing a brief description of the matters to be undertaken by the local government must be published at least seventy-two (72) hours in advance of the meeting. The Brown Act does allow closed sessions to occur, but only under certain limited circumstances.

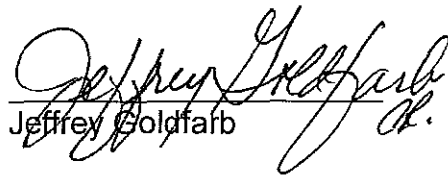
In June 2012, the Legislature adopted AB 1464 as an urgency statute. AB 1464 in part suspended various Brown Act requirements, including the following:

- (a) At least seventy-two (72) hours before a regular meeting, an agenda must be posted that contains a brief general description of each item of business to be transacted or discussed at the meeting (Gov. Code sec. 54954.2(a));
- (b) Inclusion on the agenda of a brief general description of all items to be discussed in closed session (Gov. Code sec. 54954.2(a));
- (c) Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session (Gov. Code sec. 54957.7(a)); and
- (d) Report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters (Gov. Code secs. 54957.1(a)(1)-(4), (6) and 54957.7(b)).

At the September 26, 2012 Board meeting, Board Member Hobart asked that the Board agendaize a discussion and possible adoption of a resolution which confirms the Board's intent to continue to comply with the Brown Act, notwithstanding the Legislature's suspension of the above provisions under AB 1464. The attached Resolution, if adopted, would confirm the Board's intent and direct that SunLine Transit Agency continue to comply with the Brown Act, notwithstanding the State Legislature's suspension of the aforementioned provisions. The Resolution would be effective immediately upon adoption.

Fiscal Impact

None.


Jeffrey Goldfarb

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SUNLINE SERVICES GROUP AFFIRMING THE
SUNLINE SERVICES GROUPS' COMMITMENT TO OPEN
GOVERNMENT AND INTENT TO COMPLY WITH THE
RALPH M. BROWN ACT**

WHEREAS, the Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) imposes various requirements on local government meetings including, but not limited to, the obligation to publish an agenda seventy-two (72) hours in advance of any meeting, and to announce the results of closed session matters; and

WHEREAS, in June, 2012, the Legislature adopted AB 1464 (Chapter No. 21 - June 27, 2012; Chaptered Statutes of 2012; Urgency Statute) which in part suspended portions of the Brown Act including, but not limited to, the provisions of Government Code Section 54954.2 which requires the legislative body of any local government to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting at least seventy-two (72) hours in advance; and

WHEREAS, the suspension notwithstanding, the Board of Directors of the SunLine Services Group desires and intends, both for itself and for all other "Legislative Bodies" of the SunLine Services Group, as that term is defined in the Brown Act, to continue complying with all provisions of the Brown Act.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUNLINE SERVICES GROUP HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Board of Directors confirms that the SunLine Services Group shall continue to comply with the Brown Act, notwithstanding the California State Legislature's suspension of various provisions contained within the Brown Act.

SECTION 2. In adopting this Resolution, the Board of Directors does not create a cause of action, either civil or equitable, for a violation of any portion of the Brown Act suspended by the Legislature, but rather simply affirms its intent and desire that the SunLine Services Group continue to comply with all provisions of the Brown Act. Furthermore, SunLine Services Group's voluntary compliance with suspended provisions of the Brown Act shall not be construed to grant any rights or remedies related to any claim of non-compliance with suspended provisions of the Brown Act.

SECTION 3. The Clerk of the Board shall certify to the passage of this Resolution and enter the same in SunLine Services Group's Official Book of Resolutions.

PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Services Group

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Services Group, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____,
20__.

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SunLine Services Group

DATE: October 24, 2012 **ACTION**
TO: Board of Directors
FROM: SunLine Legal Counsel
**RE: Resolution to Authorize Board Members to Disclose Certain Items
Discussed in Closed Sessions to Their City Councils or Board of
Supervisors**

Recommendation

Recommend that the Board of Directors approve the attached Resolution authorizing Board Members to disclose certain limited circumstances items discussed in closed sessions to their City Councils or Board of Supervisors and to their respective City Attorneys or County Counsel.

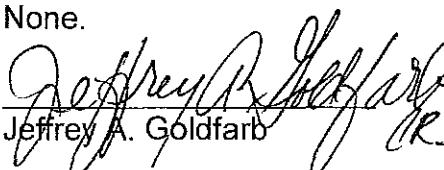
Background

The Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) requires all meetings of governmental bodies to be open to the public, with certain prescribed exceptions. Except as provided for in the Brown Act, all information received in a closed session by a member of the SunLine Services Group Board of Directors is and must remain confidential. Government Code Section 54956.96, however, authorizes the Board of Directors to adopt a resolution to permit its members to disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to legal counsel of that member's City or County and other Council Members or Supervisors of the member's City Council or Board of Supervisors present in a closed session. That same section also permits a member to disclose closed session communications with the member's alternate when that alternate will be attending a closed session of the Board in place of the regular member.

At the September 26, 2012 Board meeting, Board Member Hobart asked that the Board agendaize a discussion and possible adoption of a resolution which authorizes members to engage in the above referenced confidential communications as provided for in Government Code Section 54956.96.

Fiscal Impact

None.


Jeffrey A. Goldfarb

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUNLINE SERVICES GROUP AUTHORIZING MEMBERS OF THE BOARD OF DIRECTORS TO DISCUSS CERTAIN CLOSED SESSION MATTERS WITH THEIR RESPECTIVE CITY COUNCILS AND BOARD OF SUPERVISORS IN A CLOSED SESSION

WHEREAS, the Ralph M. Brown Act (the "Brown Act," Government Code § 54950, *et seq.*) requires all meetings of governmental bodies to be open to the public, with certain prescribed exceptions; and

WHEREAS, except as provided below, all information received in a closed session by a member of the SunLine Services Group Board of Directors is confidential; and

WHEREAS, Government Code Section 54956.96 authorizes the Board of Directors to adopt this resolution to permit its members to disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to legal counsel of that member's City or County and other Council Members or Supervisors of the member's City Council or Board of Supervisors present in a closed session.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUNLINE SERVICES GROUP HEREBY RESOLVES AS FOLLOWS:

SECTION 1. A member of the Board of Directors may disclose information obtained in a closed session that has direct financial or liability implications for that member's City or County to the following individuals:

- (A) Legal counsel of that member's City or County for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member's City or County.
- (B) Other City Council members or County Supervisors of the City or County present in a closed session of that City or County.
- (C) Any designated alternate member of the SunLine Services Group Board who will be attending a closed session of a properly noticed meeting of the SunLine Services Group in lieu of the regularly appointed member.

SECTION 2. The Clerk of the Board shall certify to the passage of this Resolution and enter the same in SunLine Services Group's Official Book of Resolutions.

PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

Robert A. Spiegel
CHAIRMAN of the Board
SunLine Services Group

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, CAROLYN RUDE, Clerk of the Board of Directors of the SunLine Services Group, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____,
20__.

Carolyn Rude
CLERK OF THE BOARD
SunLine Services Group

APPROVED AS TO FORM:

General Counsel
Jeffrey Goldfarb

SunLine Services Group

DATE: October 24, 2012 **DISCUSSION**

TO: Taxi Committee
Board of Directors

FROM: Chief of Staff/Taxi Administrator

RE: DISCUSSION OF AWARD OF NON-TEMPORARY PERMITS

Background

- SRA has awarded 10 temporary permits to Yellow Cab of the Desert and 13 temporary permits to American Cab based on their requests and supporting documentation.
- American Cab has requested 20 non-temporary permits and Yellow Cab of the Desert has requested 13 non-temporary permits.
- If awarded, the additional 23 non-temporary permits would be nearly half of the 50 non-temporary permits left by Classic Yellow Cab's departure from the Valley.
- The issue of allocating additional non-temporary permits of this quantity or the issuance of an RFP calls for a policy decision by the Board of Directors.

If the Board decides to allocate the remaining non-temporary permits, staff will then come back to the Board with a recommendation regarding the correct number of non-temporary permits to allocate. If the Board decides an RFP is the direction, staff will begin that process.


Naomi Nightingale