



Wednesday, December 5, 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

1. **Call to Order**
Chairman Robert A. Spiegel
2. **Flag Salute**
3. **Roll Call**
4. **Presentations**
 - a) Employees of the Quarter (C. Mikel Oglesby)
 - b) Transit Agencies Mutual Assistance Project (C. Mikel Oglesby)
5. **Finalization of Agenda**
6. **Correspondence**
None.

7. Public Comments**Receive Comments**

(NOTE: Those wishing to address the Board should complete a Public Comment Card and will be called upon to speak.)

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 October 24, 2012 Board of Directors Meeting (Pages 1-9)
- b) Checks over \$1,000 for October, 2012 (Pages 10-12)
- c) Credit card statement for October, 2012 (Pages 13-15)
- d) Monthly Budget Report for July, August, September, 2012 (Pages 16-18)
- e) Contract Report – nothing to report.
- f) Ridership Report for October, 2012 (Pages 19-20)
- g) SunDial Operational Notes for October, 2012 (Page 21)

10. Second Reading of New Conflict of Interest Code (Jeffrey Goldfarb)**Approve**

Request to the Board of Directors to approve the second reading of the attached Ordinance, which updates SunLine Transit Agency's Conflict of Interest Code. ([Ordinance and Code separate attachment](#)) (Page 22)

11. Award of Contract for Trapeze Software – PLAN **Approve**
(Apolonio Del Toro)

Request to the Board of Directors to grant authorization to the General Manager to approve award of contract for a Trapeze software upgrade to Include PLAN module. (Page 23)

12. Video Surveillance Equipment Policy (C. Mikel Oglesby) **Approve**

Request to the Board to approve the attached Video Surveillance Equipment Policy #B-220212. (Pages 24-26)

----- **INFORMATION** -----

13. Revenue Vehicle Fleet Replacement **Information**
(Joe Forgiarini)

Report to the Board on capital planning for revenue vehicle fleet Replacement. (Pages 27-28)

14. Weighted Voting - Raw Data (C. Mikel Oglesby) **Information**

Information requested by Board Member G. Dana Hobart on the weighted voting process referred to in the SunLine Joint Powers Authority Agreement. (Page 29)

15. General Manager's Report (C. Mikel Oglesby)

16. Next Meeting Date

January 23, 2013
12 o'clock Noon – Kelly Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

17. Adjourn

MINUTES
SunLine Transit Agency
Board of Directors Meeting
October 24, 2012

A regular meeting of the SunLine Transit Agency Board of Directors was held at 12:00pm on Wednesday, October 24, 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 12:15 p.m. by Chairman Robert Spiegel. The Chairman asked for a moment of silence for Rancho Mirage Mayor Pro Tem Gordon Moller, who recently passed away.

2. Flag Salute

Councilmember G. Dana Hobart 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
Rick Hutcheson, Councilmember, City of Palm 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
John J. Benoit, Supervisor, County of Riverside

Members Absent

Eduardo Garcia, Mayor, City of Coachella

Guests:

Joe Pradetto, Riverside County
Elisa Freeman, Desert City Cab
Gadi Srulovitz, Yellow Cab
Michal Brock, Yellow Cab
Bill Meyer, Yellow Cab
Scott Russo, Legal Counsel, American Cab
Harry Incs, American Cab
Kimberly Webb, Public
Lisa Graff, Public

Staff:

C. Mikel Oglesby, General Manager
Jeffrey Goldfarb, Interim Legal Counsel
Carolyn Rude, Special Asst. to the General Manager/Clerk of the Board
Polo Del Toro, Director of Operations
Joe Forgiarini, Director of Transit Planning
Mike Morrow, Director of Maintenance
Tommy Edwards, Contracting Officer Technical Representative
Rudy LeFlore, Procurement Consultant
Mannie Thomas, Manager of Operations and Safety Training
Michael Jones, Manager Taxicab Administration
Harman Singh, Assistant Taxi Cab Administrator
Dave Robin, Asst. Taxi Cab Administrator II
Stephanie Buriel, Administrative Assistant
David Manriquez, Safety Specialist
Rick Barone, Procurement Officer
Francine DePalo, Senior Administrative Assistant
Ivanna Samokish, Safety and Security
Amy Heilman, Coin Counter
Karen Thomas, Senior Administrative Assistant

4. Presentations

None.

5. Finalization of Agenda

No changes were made.

6. Correspondence

None.

7. Public Comments**NON AGENDA ITEMS:**

None.

AGENDA ITEMS:

None.

8. Board Member Comments

None.

9. Consent Calendar

Mayor Adolph moved for approval of the consent calendar. The motion was seconded by Councilmember England and was approved by a unanimous vote with the exception of Councilmember Hutcheson abstaining item 9a, minutes of the September, 2012 Board meeting.

10. **1st Reading of New Conflict of Interest Code**

SunLine Legal Counsel, Jeffrey Goldfarb, addressed the Board stating: "Every two years the Agency is required by state law to revise a Conflict of Interest Code. He stated that often times, it just involves updating the names of the individuals who are required to be reporters under our local code, which is included in this revision. In addition, we have also revised Exhibit C because the State regulations that we adopt by reference have changed and since they were previously adopted as an exhibit, we have added a new copy of that which accurately reflects the gift limitations. Section 18730 has been amended increasing the gift limitation from \$390.00 to \$420.00." Supervisor Benoit moved for approval. The motion was seconded by Mayor Miller and approved by a unanimous vote.

11. **Brown Act Compliance Resolution**

SunLine Legal Counsel, Jeffrey Goldfarb addressed the Board stating: "I think that that as all of you may know as City Council members, back in January the legislature adopted its budget that resulted in certain provisions of the Brown Act be suspended for a period of two years or perhaps longer. This is a Resolution of the Board indicating that STA will continue to comply those provisions of the Brown Act that have been suspended." Supervisor Benoit moved for approval. The motion was seconded by Mayor Miller and was approved by a unanimous vote.

12. **Resolution – Board Members Discuss Certain Closed Session Items with City Council and City Attorneys**

SunLine Legal Counsel, Jeffrey Goldfarb, addressed the Board stating the following: "Under the Brown Act right now, you would as Board Members here would technically be prevented from discussing with your City Council, your City Attorney or with the City's alternate that would come in your place if you can't make it, any items that are discussed in Closed Session of the STA Board. The purpose of this Resolution is to take advantage of a provision that is incorporated into the Brown Act that would authorize JPA Board members to discuss with their City Councils in Closed Session, their City Attorneys, County Councils, County Board of Supervisors and their alternates, items that have been discussed in Closed Session of the STA Board when those items affect the liabilities of the local government entity, whether it is the city of the county, and when they can potentially affect the finances of the local government entity. It is something that you haven't legally had the ability to do in the past, so the idea is to give you the ability to do this through the adoption of this Resolution. There was a discussion of this with the members of the Taxi Committee." Mayor Parks stated the following: "My only concern is that it is difficult to be able for some people to define under this preview section of the code what can and cannot be taken out of closed session. I was initially against it; however, when the attorney defined section 54956.96 – if you read that section where the only information is 'if it actually affects the bottom line financially of your city'. Mr. Goldfarb read that section: "A member of the legislative body of a member local agency may disclose information obtained in a closed session, (and here is the operative language) that has a direct financial or liability implications for that local agency." Supervisor Benoit asked for an example of

what one might be. Mr. Goldfarb stated: "That's a great question. One of the things I had... although I think this has never happened to us in the past, if there is a situation where we (as SunLine) are going to incur some kind of a debt that can't be paid for by our current finances and in some situations, we would have to go back to the Cities to have some funds, and that would certainly be something that we would want to be able to take back to the City Council and say, look, this is what we are in the process of deciding, or this is what we have decided...this is what the discussion is about." Mayor Parks further stated: "Just as a matter of background, SunLine has never gone to the City with anything that was covered within their budget." Mr. Goldfarb stated: "The one situation where that application does not apply is if you want to talk to your alternate – if you are going to have an alternate appear for you at a meeting and there was a previous closed session, you have the ability to inform that alternate what the closed session was about."

Supervisor Benoit stated the following: "I have a comment. I was contacted by the Indian Wells City Council eight or ten years ago with regard to an incident occurring here at SunLine Transit Agency and that Councilmember had raised an issue that he could not go back and tell his own council what was going on. It has to do with a potential action with the then executive director. That is what led to this legislation. I was the author of the legislation of adding that section to the Brown Act and I remember distinctly with the opponents – there is always a huge push back with anything you do with the Brown Act – allow more to be done behind closed doors. There is a huge group up there that didn't want that to happen. They required us to take the language - it has a financial impact. The discussion at the time was that's just about anything we do would fit under that category. At the time, it was specifically if we let this manager go, there would be liability to the cities as members of the JPA, and the council member should be able to go back and report that to his/her entire council and the action taken that might result in that. That's a little bit of background – the definition at the time was meant to be very, very broad as far as what might be discussed in closed session and then discussed in closed session with the members." Mr. Goldfarb stated: "There has not been a single case that has resulted from this yet. At least not a single reported decision." Councilmember Hobart moved for approval. The motion was seconded by Supervisor Benoit and was approved by a unanimous vote.

13. Resolution to Obtain Prop. 1B Funding

Director of Transit Planning, Joe Forgiarini, addressed the Board requesting approval of a 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. Councilmember Hutcheson moved for approval. The motion was seconded by Mayor Pro Tem Powers and was approved by a unanimous vote.

14. Approval of New ACCESS Advisory Committee Member

Director of Operations, Apolonio Del Toro, addressed the Board requesting approval of a new member of the ACCESS Advisory Committee as approved and presented by the current members. 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. Lisa has worked with seniors for 25 years and is interested in bringing her knowledge to the Committee. Mayor Adolph moved for approval. The motion was seconded by Supervisor Benoit and was approved by a unanimous vote.

15. Establishing Board Meeting Dates for 2013

Clerk of the Board, Carolyn Rude, addressed the Board requesting approval of the proposed Board meeting dates for 2013. Mayor Pro Tem Powers moved for approval. The motion was seconded by Councilmember England and was approved by a unanimous vote.

16. Closed Session Minutes

SunLine Legal Counsel, Jeffrey Goldfarb, addressed the Board stating the following: "When the Board has closed sessions, minutes are not taken. So there is no official record of what occurs at a closed session. The Brown Act does not require that there be official minutes taken of closed sessions. A number of cities do, some don't. There is a suggestion that might be something the Board might consider doing. If the minutes are taken, under State law, those minutes remain confidential. They are not to be released to the public. The only time they would be released is if there would be an order of a judge after review of those minutes – that this is not an appropriate item to be considered at a closed session and it would therefore be released in that contest. It would add additional time of staff requirements in terms of keeping and preparing those minutes for purposes of the minute book." Chairman Spiegel stated that the City of Palm Desert records their closed session minutes. Chairman Spiegel asked how many cities record closed sessions. The cities represented and the County said they do not record minutes. Councilmember England stated: "The only thing that we take notes on (City of Cathedral City) is the attorney who takes notes." Mayor Hobart stated: "The incident that all of probably had at one point in time was if there was ever litigation against us in those closed session minutes were there, they may not serve us well." Chairman Spiegel stated that if the majority does not really care about them, they he has no problem with not taking them. The Board provided direction to staff to continue with past practice of not taking minutes during closed session.

17. Use of Staff Resources by Board Members

Chairman Robert Spiegel addressed the Board stating: "We have been getting a lot of questions from Board members on a lot of things that are requested; I just sent you (the Board) copies of the requests. Councilmember Hobart asked: "What is the issue?" Chairman Spiegel stated: "My issue is there is a lot of time that has to go into preparing the answers to these reports that keeps people away from their regular job." Councilmember Hobart stated: "Let me explain what he is talking about. I assume that everybody has seen the attachments to the e-mails received. On November 30th of last year, I sent out a 15 page memorandum that rebutted our then Legal Counsel with respect to the standing on the evidence and the law concerning American Cab and that issue that we faced at that point. Each of you received my report on November

30th and on December 1st, the lawyer and Mr. Garcia, Mr. Oglesby had conversations about essentially, what are we going to do with Hobart's report – how are we going deal with it. On December 5th, there was an illegal meeting held between four members, plus staff and legal counsel, that concluded that Hobart had violated the Brown Act. Subsequently, the Board apologized to me for that false charge that was made publicly and in a letter charging me with a number of violations. Later came the apology, but never an apology from the General Manager. The General Manager told me he had absolutely nothing to do with the decision of the so called Executive Committee to charge me with a Brown Act violation. I doubted the accuracy of that and so what I did is what is my right and entitlement to do, I had made a request for a lot of documents surrounding that event. I filed a public records act request that anybody in the world can file. I also made the request as a Board member. As a Board member, I am entitled to know as each of you are, I am entitled to know all of the details that surround any act or decision made by anyone connected with SunLine. I am in the process of getting those documents and apparently, Mr. Spiegel, I gather you are acting alone, I don't know, maybe you are acting because they suggested it to you." Chairman Spiegel stated: "All alone". Councilmember Hobart continued: "I say to you, it is a democratic process. It is the Board's entitlement to know who did what and said what. There are no secrets between us as Board members on anything that we have had by way of official or unofficial communication. I have gathered that information, as I said, is my right to do. I am assessing it presently and if you think that it takes up too much time for people who are our employees to dig out the data that is your entitlement to think that. But I can tell you from a legal perspective, I am entitled to it all. If somebody had – as far as I know, nobody has tried – to suppress anything and I'm sure through the guidance of our attorney who is independent and objective, he would tell you that I am entitled to everything I requested and while some of you may not think that the gravity of being charged with a Brown Act violation is much, I take it differently. I have every right to continue until I get to the bottom of it. That takes time. When I make a request for a series of e-mails or documents during a period of time, Carolyn, I suppose and other staff members here have to dig it out and go to the trouble of getting it. That is the price of democracy." Chairman Spiegel stated: "The only that I can say, Dana, is that I know you were upset and I can appreciate that. If you remember, I am the one who apologized for the Board to you for saying that you violated the Brown Act because we said that you did not violate it. I thought it was a done deal." Councilmember Hobart stated: "No it wasn't, Bob. It may have been a done deal for you, but it wasn't a done deal for me. That's the way it is." Mayor Parks stated: "From the tone in your comments (*referring to Councilmember Hobart*) I'm thinking that this may be a closed session item of potential litigation and I question whether or not we should be discussing this." Councilmember Hobart stated: "First if I may address that – I would submit that it is not. I haven't threaten to sue anybody and nobody has any reason to think I am going to sue anybody. I haven't even sued the attorney who gave the advice that was woefully lacking of accuracy." Legal Counsel, Jeffrey Goldfarb stated: "In the absence of some kind of a cognizable threat of litigation, particularly...." Mayor Parks further stated: "It just seems to me a process of bogging down staff and writing all this, if the end result isn't to develop some kind of case, it just doesn't...." Councilmember England stated: "Dana, why

would you do a public request act since you already are a Board member and you have everything accessible to you as a Board member?" Councilmember Hobart stated: "I did it jointly just in case anybody saw a distinction from one to the other. It doesn't change anything" Councilmember England stated: "The distinction is that you have a time limit on the public request act, but not as a Board member request. The second question – what is the end game?" Councilmember Hobart stated: "We will see." Councilmember England stated: "Well you have an idea – what is the end result." Councilmember Hobart stated: "We'll see." Councilmember England further stated: "Well that goes into what Yvonne said." Councilmember Hobart stated: "Does it?" Councilmember England stated: "I don't know – I'm asking you." Councilmember Hobart stated: "If you don't know, then that is not much evidence, is it." Councilmember England stated: "Okay. Then this should be a closed session item." Mayor Miller stated: "I disagree; I think we had an opportunity to put this to rest a long time ago and the vote was 5-4. So as a Board member of this organization, as part of the JPA, he has the right to ask like any member of the public has, to request this." Mayor Parks stated: "We are not saying he doesn't." Mayor Miller stated: "But then, I don't know, if he is asking for records, he hasn't come forward saying that he has any reason to sue. He can ask for records any time he wants. Anybody that asks for records is not - litigate as a possible lawsuit." Mayor Miller was asked about the 5-4 vote he referenced. Mayor Miller responded: "To not send a response to the City of Rancho Mirage." Mayor Parks stated: "That was something different. You mean in his anguish? He is saying if we have voted 5-4, this would not be an issue. That is totally different in my opinion." Councilmember Hobart stated: "I can tell you that this Board has no authority to change the rights of the City of Rancho Mirage or its delegate to get documents that I requested. I am entitled to them. Any one of you could do the same thing. I suggest that we just move on." Mayor Parks stated again: "What is the end?" Councilmember Hobart stated: "Time will tell, Yvonne. I'm sure your curiosity will sooner or later be satisfied."

18. General Manager's Report

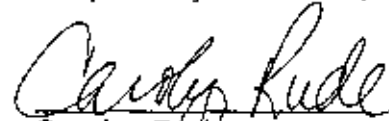
Mikel Oglesby stated that the Desert Sun had a positive article about SunLine Transit Agency... "Mayor Adolph stated: "It took two times to get it." Mr. Oglesby stated that he was talking about the article pertaining to the Administrative building. He stated the article said that the administrative building is creating jobs in the Valley – 80 construction workers at any given time. He stated that shows the fruits of labor by staff and the Board - the Board approved this project and more people will be working. In September, Mr. Oglesby was invited to participate as a speaker in the Governor's Summit on Zero Emission Vehicles in Sacramento. This is a result of the Governor's issuance of an executive order directing California Air Resources Board, the California Energy Commission and the California Public Utilities Commission, as well as other relevant agencies to work with the Plug-in Electric Vehicle Collaborative and the California Fuel Cell Partnership to establish benchmarks to help achieve milestones within the next 12 years, such as preparing the State's major metropolitan areas to accommodate zero emission vehicles and infrastructure to support up to one million vehicles. Given this Agency's involvement and experience in zero emission vehicles, Mr. Oglesby was asked to serve on a panel as the sole representative of hydrogen

vehicles for public transit. The information he provided was well received. As we look at these bench marks, our small transit agency has accomplished them all right here in the Coachella Valley. Mr. Oglesby informed the Board that once again, in support of the Great California ShakeOut that took place October 18th throughout the State, SunLine participated in the disaster drill. The drill was broken down into five "Phases of Action", which included all SunLine employees. The drill began with an alarm signaling staff to implement Phase 1 which is to drop, cover and hold, ultimately ending with all employees on site assembled in a bus, which is used as an optional shelter. In addition, drivers on routes participated by pulling over, assessing the damage, and providing a report. Mr. Oglesby thanked all staff who was involved in preparing and educating our employees and assisting the community during a disaster drill. Mr. Oglesby then stated that when Mr. Goldfarb first came on Board as permanent Legal Counsel, he gave him the Policies and Procedures that have been approved by the Board. The former attorney had looked at every policy and procedure and made some adjustments, including some requests from various Board members, on behavior and specific things. Mr. Oglesby stated that he held the book with changes because at the time there was some turmoil with individuals, and once she left, he handed it to Mr. Goldfarb. The policies and procedures are being reviewed and have been reviewed over the last few months and Mr. Oglesby anticipates that we will be coming to the Board – piece by piece, to attack the entire stack until we have a clean book with less or more policies depending on Mr. Goldfarb's thoughts. Mr. Oglesby stated that he hoped the Board enjoyed the tour of our new SunLine Learning Center. He stated that we are excited to share with the Valley residents and visitors, the knowledge and experience gained throughout the years of providing public transit using alternative fueled vehicles. On November 1st at 11:00am, SunLine will be hosting the dedication of the SunLine Learning Center. An invitation to the event has been provided to each Board Member and Mr. Oglesby hopes to see each of Board member at the event. Mr. Oglesby informed that Board that Wednesday, November 7th through Friday, November 9th, the California Transit Association will be holding its 47th Annual Fall Conference and Expo here in the Coachella Valley. SunLine Transit Agency serves as the co-host and staff has been working with the CTA to make this event a success. He stated that he is excited as he has been working on bringing the conference to the Valley for almost six years. The conference and expo is to be held at the Renaissance Palm Springs Hotel and the Palm Springs Convention Center. In addition to the many informative sessions by leaders in the transit industry, a tour of SunLine Learning Center will be provided to conference attendees on Wednesday, November 7th. This is a great opportunity to bring people to our Valley and experience all that we have to offer! Mr. Oglesby stated that once again, SunLine will hold the annual "Fill the Bus" charity food drive and is fast approaching. We will be collecting food on Thursday, November 15th from 7:00am to 5:00pm, and will again station three buses throughout the Valley - Ralphs located at Washington & 42 in Bermuda Dunes; Ralphs at the Smoke tree Village in Palm Springs and Stater Bros. located at Highway 111 & Washington in La Quinta. This year the recipients of the donations are Well in the Desert located in Palm Springs and the Fish Food Bank located in Coachella. Mr. Oglesby asked Board Members for any assistance from the cities and we appreciate the support.

- 19. **Next Meeting Date**
December 5, 2012
12 o'clock Noon – Kelly Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

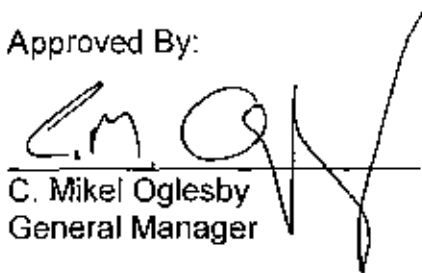
- 20. **Adjourn**
Chairman Spiegel adjourned the meeting at 12:50p.m.

Respectfully Submitted,



Carolyn Rude
Clerk of the Board

Approved By:


C. Mikel Oglesby
General Manager

Date: 11/21/12

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of October 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>BALLARD POWER SYSTEMS</u>	<u>Fuel Cell Bus 4&5</u>	<u>655926</u>	<u>10/23/2012</u>	<u>\$813,326.50</u>
HEALTH NET	Group Health Ins Prom	655993	10/26/2012	\$203,862.53
U.S. BANK INSTITUTIONAL TRUST-	Pension Deposits	655920	10/18/2012	\$87,198.48
U.S. BANK INSTITUTIONAL TRUST-	Pension Deposits	656050	10/26/2012	\$86,529.26
PERMA - Insurance	Gen Lib/WC	656026	10/26/2012	\$76,949.70
SO CAL GAS CO.	Utilities	656039	10/26/2012	\$71,475.94
IMPERIAL IRRIGATION DIST	Utilities	656007	10/26/2012	\$27,757.68
GOODYEAR TIRE,	Bus Tire Lease	655873	10/18/2012	\$20,387.96
<u>LEFLORE GROUP LLC, THE</u>	<u>Project Management</u>	<u>655811</u>	<u>10/5/2012</u>	<u>\$16,241.14</u>
<u>MOSS INC.</u>	<u>Learning Center</u>	<u>655882</u>	<u>10/18/2012</u>	<u>\$15,834.43</u>
TRAPEZE GROUP	Sundial Software Mtec	656049	10/26/2012	\$15,297.00
PERMA - Insurance	Gen Lib/WC	655818	10/5/2012	\$14,605.05
NAPA AUTO PARTS	Vehicle Repair Parts	655886	10/18/2012	\$10,230.43
<u>RRF CONSULTING</u>	<u>Perimeter Fencing</u>	<u>655898</u>	<u>10/18/2012</u>	<u>\$10,127.54</u>
<u>GRAPHITEK INTERACTIVE</u>	<u>Learning Center</u>	<u>655805</u>	<u>10/5/2012</u>	<u>\$10,000.00</u>
<u>COMSERCO, INC.</u>	<u>Replacement Supy Vehicles</u>	<u>655787</u>	<u>10/5/2012</u>	<u>\$9,425.73</u>
PRO FINANCIAL SERVICES	Finance Consultant	656027	10/26/2012	\$8,536.00
RUTAN & TUCKER, LLP	Legal fees	655901	10/18/2012	\$8,139.87
PRO FINANCIAL SERVICES	Finance Consultant	655897	10/18/2012	\$7,083.48
COLONIAL LIFE & ACCIDENT	Supplemental Insurance	655785	10/5/2012	\$6,468.31
METLIFE SBC	Dental Insurance	655813	10/5/2012	\$6,318.83
FLEET-NET CORPORATION	Software & Licenses	655865	10/18/2012	\$6,300.00
PRO FINANCIAL SERVICES	Finance Consultant	655819	10/5/2012	\$6,248.00
NAME WITHHELD	Claims Settlement	655829	10/9/2012	\$5,494.41
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655852	10/18/2012	\$5,368.34
G & K SERVICES	Uniform service	655800	10/5/2012	\$5,261.66
<u>IMPERIAL IRRIGATION DIST</u>	<u>Admin Bldg Fees</u>	<u>656006</u>	<u>10/26/2012</u>	<u>\$5,000.00</u>
VERIZON WIRELESS	Wireless Cell Service	656057	10/26/2012	\$4,939.42
MOORE MAINTENANCE	Janitorial Servs	656017	10/26/2012	\$4,678.00
GATEWAY COMPRESSION, INC.	Sun Fuel Parts	655872	10/18/2012	\$4,548.50
AMALGAMATED TRANSIT UNION	Union Dues	655934	10/26/2012	\$4,467.18
AMALGAMATED TRANSIT UNION	Union Dues	655834	10/18/2012	\$4,385.10
<u>ERIC COREY FREED</u>	<u>Learning Center</u>	<u>655861</u>	<u>10/18/2012</u>	<u>\$4,254.61</u>
<u>ARCADIS U.S., INC.</u>	<u>Construction Managng</u>	<u>655837</u>	<u>10/18/2012</u>	<u>\$4,074.96</u>
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655790	10/5/2012	\$3,718.35
STRICKLAND KENNY INC.	Lubricants & Oils	656040	10/26/2012	\$3,592.96
TELEPACIFIC COMMUNICATIONS	Telephone Service	656043	10/26/2012	\$3,399.70
AMERICAN CAB	Taxi Voucher Program	655835	10/18/2012	\$3,322.00
WOODRUFF, SPRADLIN & SMART,	Legal Services	655828	10/5/2012	\$3,145.66
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655943	10/26/2012	\$2,985.96
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655843	10/18/2012	\$2,985.96

SunLine Transit Agency
Checks \$1,000 and Over
For the month of October 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
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655955	10/26/2012	\$2,960.55
<u>FERGUSON ENTERPRISES, INC</u>	<u>WIP-CNG Line Rehab</u>	<u>655979</u>	<u>10/26/2012</u>	<u>\$2,846.37</u>
NEW FLYER	Bus Parts	656021	10/26/2012	\$2,838.32
TK SERVICES, INC.	Bus Repair Parts	655826	10/5/2012	\$2,836.18
OFFICETEAM	Temporary Services	655891	10/18/2012	\$2,722.81
<u>HOME DEPOT CRD SRVS</u>	<u>Facility Maintenance</u>	<u>656003</u>	<u>10/26/2012</u>	<u>\$2,558.58</u>
ALLIEDBARTON SECURITY SERVICES	Security Services	655933	10/26/2012	\$2,489.20
DESERT SUN PUBLISHING CO., THE	Public Notice	655857	10/18/2012	\$2,408.00
CREATIVE BUS SALES, INC.	Bus Repair Parts	655953	10/26/2012	\$2,368.99
TRANSIT PRODUCTS & SERVICES	Repair Parts	655916	10/18/2012	\$2,362.53
OFFICETEAM	Temporary Services	655817	10/5/2012	\$2,351.90
<u>EYE MED</u>	<u>Employee Benefits</u>	<u>655796</u>	<u>10/5/2012</u>	<u>\$2,286.52</u>
MORRIS DESERT MEDIA	Advertisement	655881	10/18/2012	\$2,265.00
BURRTEC WASTE & RECYCLING	Facility Trash Removal	655939	10/26/2012	\$2,250.10
RESORT MARKETING	Public Relations Mgmt	655822	10/5/2012	\$2,080.00
OFFICE DEPOT	Office Supplies	656024	10/26/2012	\$1,871.53
CARQUEST OF THE DESERT	Repair Parts	655848	10/18/2012	\$1,860.71
YELLOW CAB OF THE DESERT	Taxi Voucher Program	655925	10/18/2012	\$1,825.00
<u>INNOVATIVE SIGNS, INC.</u>	<u>Signage Learning Center</u>	<u>655876</u>	<u>10/18/2012</u>	<u>\$1,682.71</u>
NYHART COMPANY	Pension Consultant	655889	10/18/2012	\$1,673.46
CAL-TEST, INC.	D&A Onsite Testing	655844	10/18/2012	\$1,547.90
VERIZON	Communications	655827	10/5/2012	\$1,535.17
NEW FLYER	Bus Parts	655888	10/18/2012	\$1,514.63
GATEWAY COMPRESSION, INC.	Sun Fuel Parts	655801	10/5/2012	\$1,505.90
PLAZA TOWING, INC.	Towing Service	655896	10/18/2012	\$1,425.00
BLUWAYS USA, INC.	Fixed Rt Buses	655780	10/5/2012	\$1,414.50
PDC MACHINES, INC	Sun Fuel Parts	655895	10/18/2012	\$1,375.00
VALLEY OFFICE EQUIPMENT, INC.	Fax/Copier Supplies	656056	10/26/2012	\$1,332.01
PROMO DIRECT	Stationery for CTA	656028	10/26/2012	\$1,291.54
NEW FLYER	Bus Parts	655815	10/5/2012	\$1,252.65
SMART CHEMISTRY CORPORATION	Hydrogen Samples	656038	10/26/2012	\$1,250.00
SMARTDRIVE SYSTEMS, INC.	Security Equipment (Oct)	655907	10/18/2012	\$1,240.00
SMARTDRIVE SYSTEMS, INC.	Security Equipment (Sept)	655823	10/5/2012	\$1,240.00
ELMS EQUIPMENT RENTAL, INC.	Zones & Bus Stops	655795	10/5/2012	\$1,201.50
TRANSIT RESOURCES, INC.	Bus wheel chair parts	656048	10/26/2012	\$1,183.50
SOCO GROUP INC., THE	Repair Parts-CNG	655908	10/18/2012	\$1,157.18
COACHELLA VALLEY PRINTING GROUP,	Printing Supplies	655950	10/26/2012	\$1,143.54
FRANKLIN TRUCK PARTS, INC	Bus Repair Parts	655868	10/18/2012	\$1,136.05
GOODYEAR TIRE	Bus Tire Lease	655990	10/26/2012	\$1,119.51
TK SERVICES, INC.	Bus Repair Parts	655915	10/18/2012	\$1,116.18
ELLSWORTH TRUCK & AUTO	Repair Parts	655965	10/26/2012	\$1,104.49

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of October 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
OPW FUELING COMPONENTS	CNG/Hydrogen Station Parts	655892	10/18/2012	\$1,083.29
FIESTA FORD, INC.	Repair Parts/Support	655981	10/26/2012	\$1,048.99
TOTALFUNDS BY HASLER	Postage Supplies	656047	10/26/2012	\$1,000.00
DESERT ALARM, INC.	Security Services	655957	10/26/2012	\$1,000.00

Total of Checks Over \$1,000	\$1,691,723.65
Total of Checks Under \$1,000	\$58,741.16
Total of All Checks for the Month	\$1,750,464.81

Total Amount of Checks Prior Years Same Month \$1,498,279.84



October Statement for activity from Sep. 21, 2012 through Oct. 23, 2012
 SUNLINE TRANSIT
 C MIKEL OGLESBY

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

Your Visa® Business Card account at a glance Account

Activity Summary	
Previous Balance	\$563.60
Payments	\$563.60CR
Other Credits	\$0.00
Purchases	\$1,090.66
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	\$1,090.66
Credit Line	\$37,000.00
Available Credit	\$35,909.34
Statement Close Date	Oct. 23, 2012
Days in Billing Cycle	33

Payment Information	
New Balance	\$1,090.66
Minimum Payment Due (Current Month)	\$11.00
Minimum Payment Due (Past Due)	\$0.00
Total New Minimum Payment Due	\$11.00
Payment Due Date	Nov. 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 \$1,090.66 by 11/17/12. 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					
10/04	10/04		PAYMENT THANK YOU	\$563.60CR	-----
Purchases and Other Debits					
10/05	10/03	1538	SHERATON SEATTLE HOTEL SFA1 I.L.C WA..... 09/28/12	\$1,036.52	-----
10/22	10/21	8319	FOLIO: 03059866 COOL GLOW 888-909-4569 IX.....	\$54.14	-----

Continued on Next Page

No payment is required, however please use coupon when making additional payments. CPN 006648533

Automatic Payment

Your Account Number:

Your new full balance of \$1,090.66 will be automatically deducted from your account on 11/05/12.

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

SUNLINE TRANSIT
 C MIKEL OGLESBY
 32505 HARRY OLIVER TRI
 THOUSAND OAKS CA 92276-3501





October Statement for activity from Sep. 21, 2012 through Oct. 23, 2012
 SUNLINE TRANSIT
 C MIKEL OGLESBY

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

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	\$1,090.66	\$0.00	YES	\$0.00	13.99%		YES
**ADVANCES	\$0.00	\$0.00	YES	\$0.00	20.99%		NO

Important Messages

Your payment of \$1090.66 will be automatically deducted from your bank account on 11/05/2012. Please refer to your AutoPay Terms and Conditions for further information regarding this account feature.

New Statement Design Coming Soon! Simply stated, we are committed to keeping you informed with clear and useful information. We recently asked customers how we can enhance our statements and we listened. In the coming months, you will see a new statement design which is easier to read and use. Thank you for your business and your feedback.

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: 1-888-352-6465
 Fax: 1-866-807-9053

Send Inquiries to:
 Cardmember Service
 P.O. Box 6363
 Fargo, ND 58125-6363

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: October 23, 2012

Detail:

10/05/12	Sheraton Seattle Hotel	Accommodations – APTA Annual Conf. - General Manager	\$1,036.52
10/22/12	Cool Glow	Props for employee participants in P.D. Golf Cart Parade	\$ 54.14

Payments/Credits

10/04/12	Payment		\$563.60 CR
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Note: All travel is included in the Board approved FY 2013 budget.

SunLine Transit Agency
Statement of Activities
July 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Revenues:							
Local Transportation Funds (171)	10,778,420	893,202	893,202	0	893,202	893,202	0
Measure A	4,500,000	375,000	375,000	0	375,000	375,000	0
F.A Section 5307	2,754,824	0	227,367	(227,067)	0	227,367	(227,067)
F.A Section 5311	264,356	0	22,047	(22,047)	0	22,047	(22,047)
F.A Section 5316	123,910	0	10,443	(10,443)	0	10,443	(10,443)
F.A Section 5317	107,951	0	8,496	(8,496)	0	8,496	(8,496)
Fare Box Revenue (Fixed Route)	3,070,000	185,660	255,833	(70,173)	185,660	255,833	(70,173)
Fare Box Revenue (Demand Response)	280,000	24,804	23,533	1,471	24,804	23,533	1,471
Taxi Vouchers	21,724	2,895	2,810	1,085	2,895	2,810	1,085
Interest and Other Revenue	470,218	31,695	39,165	(7,490)	31,695	39,165	(7,490)
Total Operating Revenue	22,276,993	1,513,256	1,856,416	(343,160)	1,513,256	1,856,416	(343,160)
Expenses:							
Salaries (10)	289,540	7,972	24,128	16,156	7,972	24,128	16,156
Operations-Fixed Route (11 & 12)	5,067,431	720,351	753,619	33,268	720,351	753,619	33,268
Operations-Dial-A-Ride (13 & 14)	2,478,564	211,745	206,547	(5,198)	211,745	206,547	(5,198)
Risk Management (15)	875,136	53,205	69,678	16,473	53,205	69,678	16,473
Maintenance (21 & 22)	4,713,527	299,770	392,794	93,024	299,770	392,794	93,024
Facility Maintenance-FLR (23)	598,413	24,948	49,568	24,920	24,948	49,868	24,920
Facility Maintenance-Indio (24)	66,623	2,201	3,552	3,351	2,201	3,552	3,351
Stops & Zones Maintenance (25)	464,297	37,547	38,697	1,144	37,547	38,697	1,144
Marketing (31)	320,961	18,272	26,747	8,475	18,272	26,747	8,475
Human Resources (32)	382,828	4,188	31,902	27,714	4,188	31,902	27,714
General Administration (40)	1,552,837	122,215	112,736	(9,479)	122,215	112,736	(9,479)
Finance (41)	915,398	73,518	78,783	5,265	73,518	78,783	5,265
Information Technology (42)	271,790	20,904	22,649	1,745	20,904	22,649	1,745
Planning & Agency Development (44)	488,651	41,095	49,721	(8,744)	41,095	49,721	(8,744)
Total Expenses	22,276,993	1,637,931	1,856,416	218,485	1,637,931	1,856,416	218,485

SunLine Transit Agency
Statement of Activities
August 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Revenues:							
Local Transportation Funds (LTF)	10,778,420	893,202	893,222	0	1,786,403	1,786,403	0
Measure A	4,500,000	375,000	375,000	0	750,000	750,000	0
FTA Section 5307	2,724,864	6,738	227,067	(220,329)	6,738	454,134	(447,396)
FTA Section 5311	261,566	0	22,047	(22,047)	0	44,094	(44,094)
FTA Section 5316	125,310	0	10,640	(10,640)	0	20,885	(20,885)
FTA Section 5317	102,891	0	8,498	(8,498)	0	16,992	(16,992)
Fare Box Revenue (Fixed Route)	3,070,000	172,819	255,893	(83,074)	358,480	511,667	(153,187)
Fare Box Revenue (Demand Response)	280,000	12,445	23,303	(10,858)	57,250	96,667	(39,417)
Taxi Vouchers	21,724	3,520	1,810	1,710	6,415	3,621	2,794
Interest and Other Revenue	470,218	24,770	39,183	(14,413)	56,465	78,370	(21,905)
Total Operating Revenue	22,276,993	1,455,494	1,856,416	(367,922)	3,001,751	3,712,832	(711,081)
Expenses:							
Salaries (10)	289,546	47,429	24,128	(23,301)	53,431	48,257	(7,184)
Operations-Fixed Route (11 & 12)	9,067,431	789,000	753,619	16,119	1,459,849	1,511,239	51,390
Operations-Dial-A-Ride (13 & 14)	2,478,560	139,018	206,547	(67,529)	450,762	413,093	(37,669)
Risk Management (15)	836,136	120,112	69,673	(50,439)	182,317	139,356	(42,961)
Maintenance (21 & 22)	4,713,527	425,801	392,794	(33,007)	725,571	785,388	60,017
Facility Maintenance-T.P. (23)	598,413	54,978	49,868	(5,110)	79,926	93,736	13,810
Facility Maintenance-Indiv (24)	66,623	5,857	5,532	(325)	8,058	11,104	3,046
Stops & Zones Maintenance (25)	464,297	26,602	38,691	12,089	61,150	77,283	16,233
Marketing (31)	320,961	39,748	28,747	(12,996)	58,015	53,494	(4,522)
Human Resources (32)	362,528	17,653	31,902	4,249	31,841	63,815	31,974
General Administration (40)	1,452,837	168,842	112,736	5,894	229,037	225,473	(3,564)
Finance (41)	345,398	77,581	78,783	1,202	151,098	157,566	6,468
Information Technology (42)	271,790	27,976	22,643	(5,327)	51,398	45,298	(6,100)
Planning & Agency Development (49)	488,551	66,823	43,721	(23,102)	169,917	81,442	(88,475)
Total Expenses	22,276,993	2,016,915	1,856,416	(160,499)	3,657,360	3,712,832	55,472

SunLine Transit Agency
Statement of Activities
September 30, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Revenues:							
Local Transportation Funds (LTF)	10,718,420	893,202	893,202	0	2,679,605	2,679,605	0
Measure A	4,500,000	375,000	375,000	0	1,125,000	1,125,000	0
FTA Section 5337	2,734,804	0	227,067	(227,067)	6,734	681,201	(674,465)
FTA Section 5301	264,566	0	22,047	(22,047)	0	66,142	(66,142)
FTA Section 5816	125,310	0	10,443	(10,443)	0	31,528	(31,528)
FTA Section 5317	131,951	0	8,496	(8,496)	0	23,488	(23,488)
Fare Box Revenue (Fixed Route)	3,170,000	229,771	255,800	(26,029)	586,251	767,500	(179,249)
Fare Box Revenue (Demand Response)	280,000	44,128	23,303	20,825	81,427	70,000	11,427
Taxi Vouchers	31,731	2,636	7,810	(5,174)	9,045	5,441	3,604
Interest and Other Revenue	470,218	26,473	39,185	(12,712)	82,936	117,585	(34,649)
Total Operating Revenue	22,276,993	1,571,239	1,656,416	(85,177)	4,573,004	5,569,246	(996,242)
Expenses:							
SunFuels (10)	269,540	16,458	24,728	(8,270)	71,859	72,385	(526)
Operations-Fixed Route (11 & 12)	9,062,430	746,187	755,519	(9,332)	2,306,037	2,266,858	39,179
Operations-Dial-A-Ride (13 & 14)	3,478,590	212,294	208,547	(3,747)	663,056	619,640	(43,416)
Risk Management (15)	836,136	58,042	69,678	(11,636)	240,358	209,034	(31,324)
Maintenance (21 & 22)	4,713,527	393,243	392,741	(502)	1,928,874	1,178,382	750,492
Facility Maintenance-T.P. (23)	598,475	31,349	49,538	(18,189)	111,474	149,004	(37,530)
Facility Maintenance-Indio (24)	66,623	6,803	5,552	(1,251)	14,861	16,656	(1,795)
Streets & Zones Maintenance (25)	464,297	29,940	38,691	(8,751)	94,090	116,074	(21,984)
Marketing (30)	320,861	18,622	26,747	(8,125)	76,687	80,240	(3,553)
Human Resources (32)	382,828	28,248	31,302	(3,054)	60,159	95,707	(35,548)
General Administration (39)	1,232,837	86,365	112,736	(26,371)	315,323	338,209	(22,886)
Finance (41)	945,398	71,983	78,783	(6,800)	223,053	236,350	(13,297)
Information Technology (42)	271,799	23,376	22,549	(827)	72,256	67,948	(4,308)
Planning & Agency Development (43)	488,651	63,537	49,721	(13,816)	173,455	122,163	(51,292)
Total Expenses	22,276,993	1,696,847	1,856,416	(159,569)	5,351,342	5,569,246	(217,904)



SunLine Transit Agency Monthly Ridership Report October - 2012

FY
2012 & 2013

Fixed Route		Oct 2012	Oct 2011	Sep 2012	Month Var.	% Var.	FY 2013 YTD	FY 2012 YTD	YTD Var.	% Var.	Bikes		Wheelchairs		
											Monthly	YTD	Monthly	YTD	
Line	Description														
14	DHS/PS	52,599	47,911	46,026	4,688	9.8%	175,837	167,662	8,175	4.9%	1,336	5,329	329	983	
15	DHS	10,429	9,169	8,805	1,260	13.7%	32,507	30,112	2,395	8.0%	120	418	30	126	
24	PS/CC	20,077	19,322	16,772	755	3.9%	62,456	60,979	1,477	2.4%	392	1,635	146	446	
30	CC/PS	75,159	72,520	64,699	2,639	3.6%	250,381	251,007	(626)	-0.2%	1,893	7,598	581	2,419	
32	PD/RM/TP/PS	26,931	22,319	21,487	4,612	20.7%	84,432	75,857	8,575	11.3%	1,207	4,105	181	725	
53	PD/IW	6,061	4,853	4,907	1,208	24.9%	18,560	15,008	3,552	23.7%	254	861	11	50	
70	LQ/BD	26,855	24,898	21,364	1,957	7.9%	75,696	73,986	1,710	2.3%	693	2,295	115	297	
80	Indio	14,142	21,919	12,696	(7,777)	-35.5%	49,465	77,074	(27,609)	-35.8%	114	634	120	483	
81	Indio	10,334		8,823	10,334	0.0%	33,871	-	33,871	0.0%	122	569	104	364	
90	Coachella/Indio	22,681	21,060	19,150	1,621	7.7%	74,669	72,182	2,487	3.4%	451	1,761	142	662	
91	Cch/Th/Mecca	22,049	21,352	17,734	697	3.3%	69,027	71,464	(2,437)	-3.4%	406	1,503	60	229	
111	PS/Indio	156,431	142,431	133,860	14,000	9.8%	526,808	511,697	15,111	3.0%	4,906	17,705	971	3,714	
220	PD to Riverside	1,551		764	1,551	0.0%	2,315	-	2,315	0.0%	29	39	9	18	
Fixed route total		445,299	407,754	376,887	37,545	9.2%	1,456,024	1,407,028	48,996	3.5%	11,923	44,442	2,799	10,516	
Demand Response															
SunDial		12,888	10,667	11,075	2,221	20.8%	45,289	40,215	5,074	12.6%					
System total		458,187	418,421	387,962	39,766	9.5%	1,501,313	1,447,243	54,070	3.7%					
		Oct. 2012	Oct. 2011												
Weekdays:		23	21												
Saturdays:		4	5												
Sundays:		4	5												
Total Days:		31	31												

Please note:

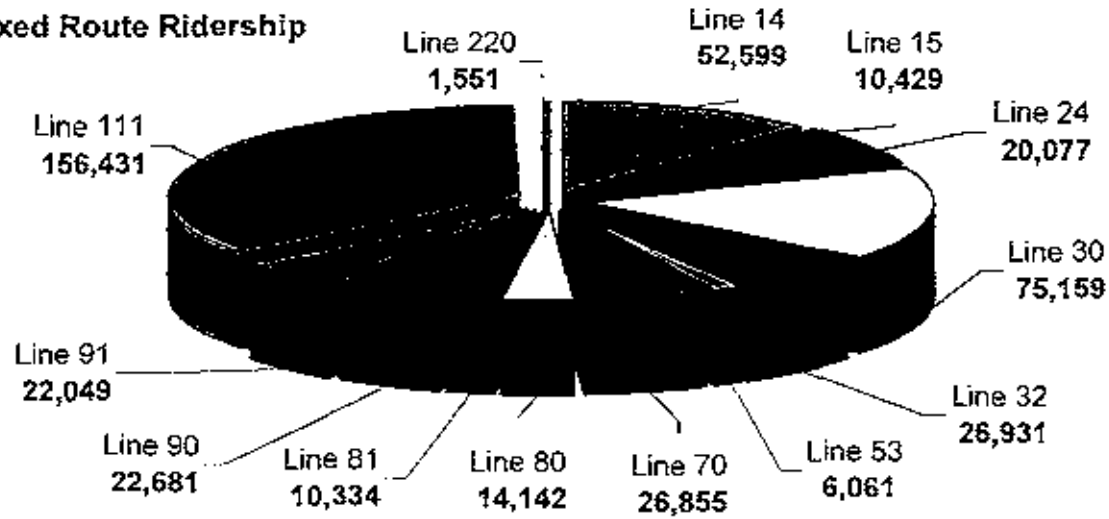
Commuter Link 220 service was implemented on September 10, 2012.

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.

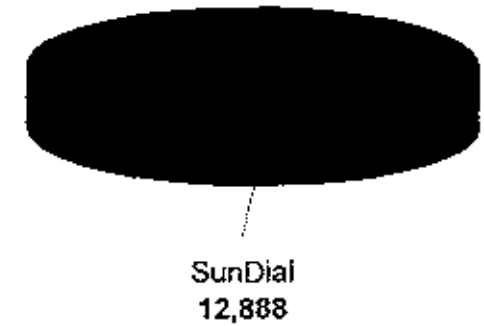
Issued: 11/5/2012

SunLine Transit Agency Monthly Ridership Report October - 2012

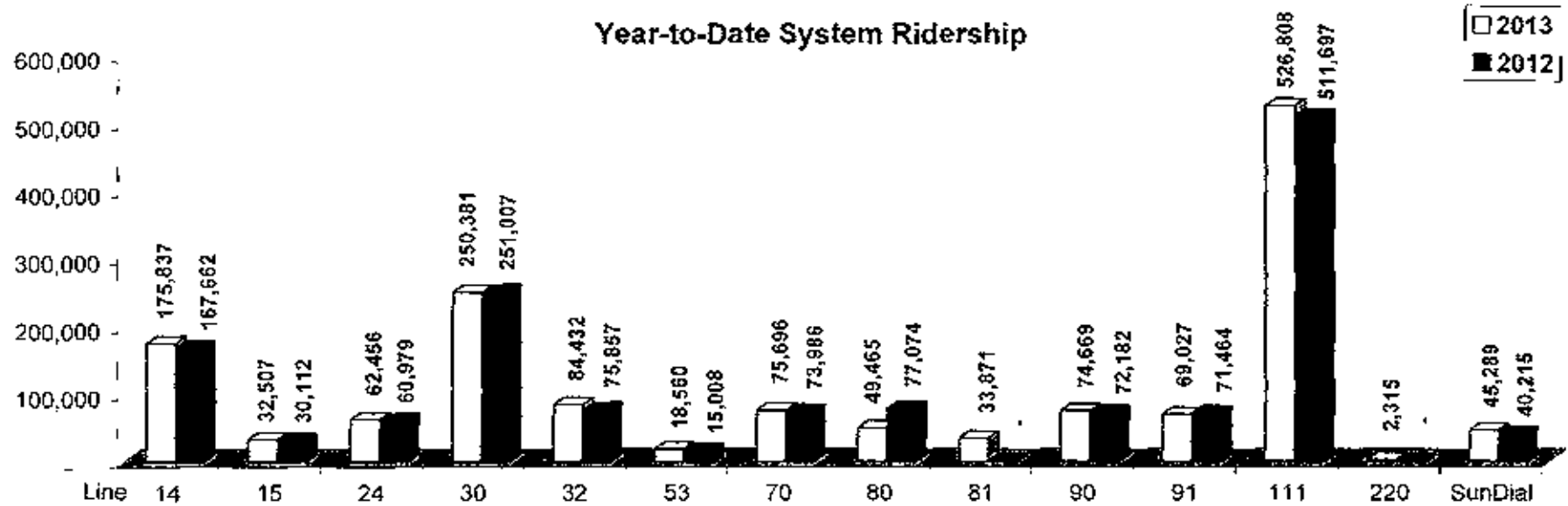
Fixed Route Ridership



Demand Response Ridership



Year-to-Date System Ridership





Complimentary Paratransit Service
Serving Persons with Disabilities Throughout the Coachella Valley

SunDial Operational Notes
October 2012

1. ON-TIME PERFORMANCE

<u>Last Year</u>	<u>This Year</u>	
87.7%	90.4%	Total trips carried in the on-time window
1,279	1,196	Total trips late during the month
10,421	11645	Total trips

2. RIDERSHIP and MILEAGE

<u>Last Year</u>	<u>This Year</u>	
10,667	12,888	Total passengers for the month
90,198	103,497	Total miles traveled for the month

3. SAFETY

<u>Last Year</u>	<u>This Year</u>	
1	0	Total preventable accidents

4. RIDE-A-LONG & ONBOARD EVALUATIONS

<u>Last Year</u>	<u>This Year</u>	
5	0	Total ride-a-long evaluations
8	0	Total onboard inspections
3	17	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>	
1,690	1,775	Total mobility device boarding's

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

SunLine Transit Agency

DATE: December 5, 2012 **ACTION**
TO: Board of Directors
FROM: SunLine Legal Counsel
RE: Second Reading Conflict of Interest Code

Recommendation

Recommend that the Board of Directors approve the attached Ordinance for the 2nd reading, which updates SunLine Transit Agency's Conflict of Interest Code.

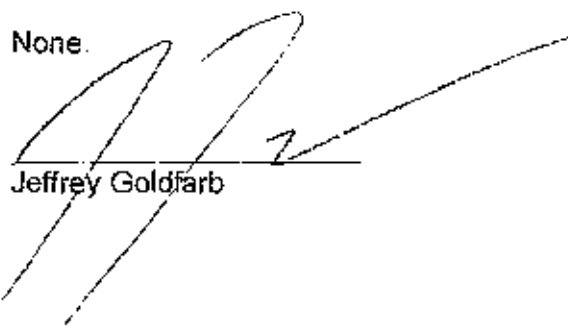
Background

At the October 24, 2012, the Board of Directors approved the first reading of the Conflict of Interest Code.

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. 2012-1

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 Process¹</u>	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 or 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 (c) (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)(B)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).

SunLine Transit Agency

DATE: December 5, 2012 **ACTION**
TO: Finance Committee
Board of Directors
FROM: Director of Operations
RE: Award of Contract for Trapeze Software PLAN

Recommended Action

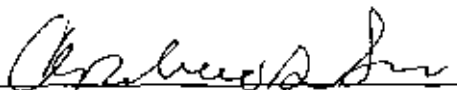
Recommend that the Board of Directors grant authorization to the General Manager to approve award of a contract for a Trapeze software upgrade to existing software to include the PLAN module upon review as to form and legality by Legal Counsel.

Background

A new Trapeze module PLAN will be implemented. This module will be incorporated with the SunLine ITS system and will be integrated with the APC system, the Fare Box system and will overlay GIS system Mapping and US Census data demographics to allow for enhanced service improvements. This module will also allow for improved data mining from the entire ITS system for the Planning Department, which will allow for improved service changes where warranted. The PLAN module also allows for Section 15 reporting to be completed every three years; next report to take place in 2013.

Financial Impact

SunLine's estimated cost for this new system is \$171,000. This contract is a sole source and will be paid using existing capital grant funding that is currently available.


Apolonio Del Toro

SunLine Transit Agency

DATE: December 5, 2012 **ACTION**
TO: Board of Directors
FROM: General Manager
RE: Video Surveillance Equipment Policy

Recommendation

Recommend that the Board of Directors approve the attached Video Surveillance Equipment Policy # B-220212 responsive to California Government Code § 53162 Requirements.

Background

SunLine purchases video surveillance equipment for public safety and security reasons. Video surveillance equipment is installed on SunLine's property as well as on its buses.

The California Government Code requires that this surveillance equipment possess the capabilities of storing video images for at least one year.

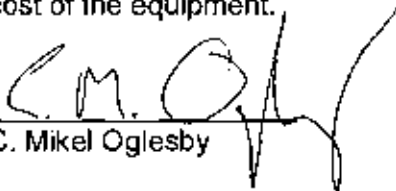
The law allows certain exceptions to this requirement:

- (1) The transit agency has made a diligent effort to identify a security system that is capable of storing recorded data for one year.
- (2) The transit agency determines that the technology to store recorded data in an economically and technologically feasible manner for one year is not available.
- (3) The transit agency purchases and installs the best available technology with respect to storage capacity that is both economically and technologically feasible at that time.

The attached policy establishes the Board Policy relative to the storage of video surveillance equipment. It also provides guidance to staff relative to this legal obligation.

Fiscal Implications

There is no immediate purchase under consideration that would provide a basis for a determination of a fiscal impact. However, as with all capital projects, any costs associated with compliance with the Government Code will be included in the estimated cost of the equipment.


C. Mikel Oglesby

VIDEO SURVEILLANCE EQUIPMENT POLICY

I. PURPOSE

The purpose of this document is to outline the policy and procedures regarding the retention of video surveillance equipment for SunLine Transit Agency (hereafter referred to as "SunLine").

II. POLICY

When installing new security systems, SunLine shall only purchase and install equipment capable of storing recorded images for at least one year, unless all of the following conditions apply:

(1) SunLine staff has made a diligent effort to identify a security system that is capable of storing recorded data for one year.

(2) SunLine staff determines that the technology to store recorded data in an economically and technologically feasible manner for one year is not available.

(3) SunLine purchases and installs the best available technology with respect to storage capacity that is both economically and technologically feasible at that time.

1. Scope

The provisions of this policy shall apply to the acquisition of video surveillance equipment and retention of video recorded images.

2. Objectives

SunLine's objectives shall be full compliance with California Government Code § 53162.

Video recordings or other recordings made by security systems operated as part of SunLine's transit system shall be retained for one year unless economic or technical conditions render the acquisition of the equipment necessary to accomplish such

storage infeasible. Notwithstanding the one-year basic retention requirement, the following specific retention requirements also apply:

(1) Prior to expiration of the then current storage capability of equipment on which any particular video is recorded, SunLine is placed on written notice that the video recording is evidence in any claim filed or any then pending litigation, in which case the video recordings or other recordings shall be preserved until the claim or the pending litigation is resolved.

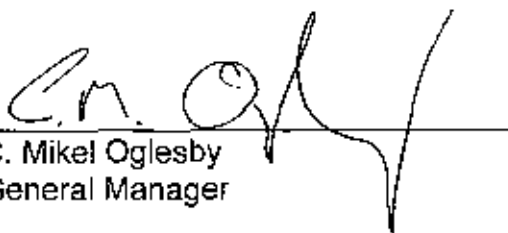
(2) Prior to expiration of the then current storage capability of equipment on which any particular video is recorded, sunLine becomes aware that the video recordings or other recordings recorded an event that was or is the subject of an incident report, in which case the video recordings or other recordings shall be preserved until the incident is resolved.

(3) The transit agency utilizes a security system that was purchased or installed prior to January 1, 2004, or that meets the requirements of subdivision (a), in which case the video recordings or other recordings shall be preserved for as long as the installed technology allows.

III. PROCEDURE

SunLine staff shall implement procedures that ensure compliance with this policy by the affected departments.

Approved:


C. Mikel Oglesby
General Manager

SunLine Transit Agency

DATE: December 5, 2012 **INFORMATION**
TO: Board of Directors
FROM: Director of Transit Planning
RE: Revenue Vehicle Fleet Replacement

Background

SunLine has a revenue vehicle fleet as follows:

- 66 fixed route CNG buses, delivered 2006 (15), 2008-2009 (51)
- 3 Hydrogen fuel cell buses, delivered 2004, 2008, 2011
- 31 SunDial paratransit vans, delivered 2008 (14), 2010 (4), 2012 (13)

Minimum vehicle lifespan (FTA ruling):

- Fixed Route: 12 years or 500,000 miles.
Based on current average mile per bus trends, the New Flyer fleet will reach 150,000 miles sooner than 12 years (Orion, El Dorado 12 years).
- Paratransit: 4 years or 150,000 miles.
SunLine vans usually reach 150,000 miles in three years, and are relatively expensive to maintain after reaching 150,000 miles.

Proposal

SunBus:

There are four key factors involved in planning for replacement of buses:

- SunLine had to make large bus purchases in 2006 (15) and 2008-2009 (51). Future purchases should be more evenly spread.
- Based on FTA minimum 12-year lifespan for standard urban buses, SunLine needs five or six new buses each year to replace all fixed route fleet and keep average age at six years. However, current mileage rates for the New Flyer fleet of 41 buses will see them reach 500,000 miles as early as 2015-2016. These buses would then be able to be replaced based on reaching FTA minimum fleet mileage rather than age.
- New bus orders need to request at least 10 to be attractive to the bus building industry, meaning a larger order needs to be placed every second year.
- At approximately \$500,000 per bus, fixed route fleet replacement is therefore \$5 million for each ten buses replaced.
- Existing fleet size includes significant growth capacity. Funding availability will determine if/when the full fleet will be required. Ongoing funding limitations will reduce fleet replacement needs.

Table 1 outlines planned replacement of 66 fixed route buses, commencing in FY2015/16.

Table 1 – SunBus CNG Fixed Route Fleet Replacement

Year	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Replace	10	10	10	11	8	7	10

The above replacement buses are yet to be funded:

- Annual costs of around \$5 million can only be partly (10%) addressed by the new annual FTA formula funding (Section 5339), but is decimated compared to past funding levels under discretionary Section 5309.
- State STA and PTMISEA funding are the most likely other options.

Note: The existing three hydrogen fuel cell buses are not included in the above table. These are experimental buses and will be replaced through new FTA clean fuel or other grant funding. There are two new fuel cell buses due in late 2013.

SunDial: Table 2 below outlines the proposed replacement of the SunDial paratransit van fleet (31 vehicles).

Table 2 – SunDial Paratransit Fleet Replacement

Year	2012-2013	2013-2014	2014-2015	2015-2016	2016 – 2017
Vans	15	3	11	11	11

- Grant funding is available for 15 paratransit vans, replacing all remaining 2008 vans and one 2010 van. This will occur in first half of 2013.
- Three more vans will need to be ordered in FY 2013/14 to replace the remaining 2010 vehicles.
- Fleet is likely to grow from 31 to at least 33 soon due to more ridership.
- In FY 2014/15 and beyond, SunLine will need to order 11 new vehicles to replace existing vans each year.
- Funding for this will most likely come from FTA Section 5307 formula funds as well as State match. Revised Section 5310 may also provide a stable funding source for some of this fleet.

This item is provided for Board for information.



Joe Forgiarini

SunLine Transit Agency

DATE: December 5, 2012 **INFORMATION**
TO: Board of Directors
FROM: General Manager
RE: Weighted Voting Raw Data

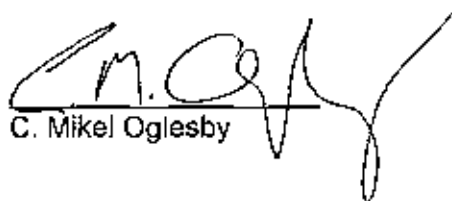
Background

Board Member G. Dana Hobart requested that General Manager C. Mikel Oglesby provide the raw data responding to the following question. "What is the number of each city's (and county's) requested "annual transit service hours" that have been budgeted for this fiscal year."

In responding to this request, staff reviewed the context that would have made such an analysis possible. The framework supporting this analysis is from the JPA, which apparently anticipated that transportation services in the Coachella Valley could have originated from a request for service hours from the member cities and the county, and commensurate funding for those requested service hours being provided by the member cities or the county. This framework would have supported the notion that the entity that paid the most money for its transit services received a greater weight in the decisions being made by the SunLine Board based on a greater financial commitment from that member city or the county.

SunLine receives funding for its operations primarily from state, federal, and local funds. The state funds come from Transportation Development Act funds in the form of Local Transportation Fund and State Transportation Assistance. These funds have a fare box recovery rate requirement associated with them. Federal funds are primarily from 49 USC 5307 Urbanized Area Formula Grants. These funds are allocated to SunLine as an Urbanized Area. Local funds consist primarily of Measure "A" funds allocated to the Coachella Valley as a region.

Regional funding requires regional planning relative to service hours provided by SunLine. The requested analysis would be anachronous with the operations of SunLine Transit Agency. Staff could find no substantive basis to support the requested analysis. Therefore, SunLine currently votes consistent with the one-entity funding scenario mentioned above, which is 1 vote per member. The General Manager would appreciate additional guidance from the Board on this matter.


C. Mikel Oglesby



**AGENDA
FINANCE COMMITTEE**

**December 5, 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 October, 2012 (Pages 1-3)
 - b) SSG/SRA checks over \$1,000 for October, 2012 (Page 4)
 - c) Credit card statement October, 2012 (Pages 5-7)
 - d) SunLine Transit Monthly Budget Reports for July, August, September, 2012 (Pages 8-10)
 - e) SSG/SRA Monthly Budget Report for July, August, September, 2012 (Pages 11-13)
 - f) Contract Report – nothing to report.
5. **Award of Contract for Trapeze Software PLAN** **Approval**
(Apolonio Del Toro)

Discuss request to the Board to grant authorization to the General Manager to approve award of contract for a Trapeze software upgrade to existing software to include the PLAN module. (Page 14)
6. **Adjourn**

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of October 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>BALLARD POWER SYSTEMS</u>	<u>Fuel Cell Bus 4&5</u>	<u>655926</u>	<u>10/23/2012</u>	<u>\$813,326.50</u>
<u>HEALTH NET</u>	<u>Group Health Ins Prem</u>	<u>655993</u>	<u>10/26/2012</u>	<u>\$203,862.53</u>
<u>U.S. BANK INSTITUTIONAL TRUST-</u>	<u>Pension Deposits</u>	<u>655920</u>	<u>10/18/2012</u>	<u>\$87,198.48</u>
<u>U.S. BANK INSTITUTIONAL TRUST-</u>	<u>Pension Deposits</u>	<u>656050</u>	<u>10/26/2012</u>	<u>\$86,529.26</u>
PERMA - Insurance	Gen Lib/WC	656026	10/26/2012	\$76,949.70
SO CAL GAS CO.	Utilities	656039	10/26/2012	\$71,475.94
IMPERIAL IRRIGATION DIST	Utilities	656007	10/26/2012	\$27,757.68
GOODYEAR TIRE,	Bus Tire Lease	655873	10/18/2012	\$20,387.96
<u>LEFLORE GROUP LLC, THE</u>	<u>Project Management</u>	<u>655811</u>	<u>10/5/2012</u>	<u>\$16,241.14</u>
<u>MOSS INC.</u>	<u>Learning Center</u>	<u>655882</u>	<u>10/18/2012</u>	<u>\$15,834.43</u>
TRAPEZE GROUP	Sundial Software Mtee	656049	10/26/2012	\$15,297.00
PERMA - Insurance	Gen Lib/WC	655818	10/5/2012	\$14,605.05
NAPA AUTO PARTS	Vehicle Repair Parts	655886	10/18/2012	\$10,230.43
<u>RRF CONSULTING</u>	<u>Perimeter Fencing</u>	<u>655898</u>	<u>10/18/2012</u>	<u>\$10,127.54</u>
<u>GRAPHTEK INTERACTIVE</u>	<u>Learning Center</u>	<u>655805</u>	<u>10/5/2012</u>	<u>\$10,000.00</u>
<u>COMSERCO, INC.</u>	<u>Replacement Supv Vehicles</u>	<u>655787</u>	<u>10/5/2012</u>	<u>\$9,425.73</u>
PRO FINANCIAL SERVICES	Finance Consultant	656027	10/26/2012	\$8,536.00
RUTAN & TUCKER, LLP	Legal fees	655901	10/18/2012	\$8,139.87
PRO FINANCIAL SERVICES	Finance Consultant	655897	10/18/2012	\$7,083.48
COLONIAL LIFE & ACCIDENT	Supplemental Insurance	655785	10/5/2012	\$6,468.31
<u>METLIFE SBC</u>	<u>Dental Insurance</u>	<u>655813</u>	<u>10/5/2012</u>	<u>\$6,318.83</u>
FLEET-NET CORPORATION	Software & Licenses	655865	10/18/2012	\$6,300.00
PRO FINANCIAL SERVICES	Finance Consultant	655819	10/5/2012	\$6,248.00
NAME WITHHELD	Claims Settlement	655829	10/9/2012	\$5,494.44
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655852	10/18/2012	\$5,368.34
G & K SERVICES	Uniform service	655800	10/5/2012	\$5,261.66
<u>IMPERIAL IRRIGATION DIST</u>	<u>Admin Bldg Fees</u>	<u>656006</u>	<u>10/26/2012</u>	<u>\$5,000.00</u>
VERIZON WIRELESS	Wireless Cell Service	656057	10/26/2012	\$4,939.42
MOORE MAINTENANCE	Janitorial Servs	656017	10/26/2012	\$4,678.00
GATEWAY COMPRESSION, INC.	Sun Fuel Parts	655872	10/18/2012	\$4,548.50
AMALGAMATED TRANSIT UNION	Union Dues	655934	10/26/2012	\$4,467.18
AMALGAMATED TRANSIT UNION	Union Dues	655834	10/18/2012	\$4,385.10
<u>ERIC COREY FREED</u>	<u>Learning Center</u>	<u>655861</u>	<u>10/18/2012</u>	<u>\$4,254.61</u>
<u>ARCADIS U.S., INC.</u>	<u>Construction Managng</u>	<u>655837</u>	<u>10/18/2012</u>	<u>\$4,074.96</u>
CUMMINS CAL PACIFIC, LLC	Bus Repair Parts	655790	10/5/2012	\$3,718.35
STRICKLAND KENNY INC.	Lubricants & Oils	656040	10/26/2012	\$3,592.96
TELEPACIFIC COMMUNICATIONS	Telephone Service	656043	10/26/2012	\$3,399.70
AMERICAN CAB	Taxi Voucher Program	655835	10/18/2012	\$3,322.00
WOODRUFF, SPRADLIN & SMART,	Legal Services	655828	10/5/2012	\$3,145.66
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655943	10/26/2012	\$2,985.96
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment	655843	10/18/2012	\$2,985.96

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of October 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
CUMMINS CAL PACIFIC, I.L.C	Bus Repair Parts	655955	10/26/2012	\$2,960.55
<u>FERGUSON ENTERPRISES, INC</u>	<u>WIP-CNG Line Rehub</u>	<u>655979</u>	<u>10/26/2012</u>	<u>\$2,846.37</u>
NEW FLYER	Bus Parts	656021	10/26/2012	\$2,838.32
TK SERVICES, INC.	Bus Repair Parts	655826	10/5/2012	\$2,836.18
OFFICETEAM	Temporary Services	655891	10/18/2012	\$2,722.81
<u>HOME DEPOT CRD SRVS</u>	<u>Facility Maintenance</u>	<u>656003</u>	<u>10/26/2012</u>	<u>\$2,558.58</u>
ALLIEDBARTON SECURITY SERVICES	Security Services	655933	10/26/2012	\$2,489.20
DESERT SUN PUBLISHING CO., THE	Public Notice	655857	10/18/2012	\$2,408.00
CREATIVE BUS SALES, INC.	Bus Repair Parts	655953	10/26/2012	\$2,368.99
TRANSIT PRODUCTS & SERVICES	Repair Parts	655916	10/18/2012	\$2,362.53
OFFICETEAM	Temporary Services	655817	10/5/2012	\$2,351.90
EYE MED	Employee Benefits	655796	10/5/2012	\$2,286.52
MORRIS DESERT MEDIA	Advertisement	655881	10/18/2012	\$2,265.00
BURRTEC WASTE & RECYCLING	Facility Trash Removal	655939	10/26/2012	\$2,250.10
RESORT MARKETING	Public Relations Mgmt	655822	10/5/2012	\$2,080.00
OFFICE DEPOT	Office Supplies	656024	10/26/2012	\$1,871.53
CARQUEST OF THE DESERT	Repair Parts	655848	10/18/2012	\$1,860.71
YELLOW CAB OF THE DESERT	Taxi Voucher Program	655925	10/18/2012	\$1,825.00
<u>INNOVATIVE SIGNS, INC.</u>	<u>Signage Learning Center</u>	<u>655876</u>	<u>10/18/2012</u>	<u>\$1,682.71</u>
NYHART COMPANY	Pension Consultant	655889	10/18/2012	\$1,673.46
CAL-TEST, INC.	D&A Onsite Testing	655844	10/18/2012	\$1,547.90
VERIZON	Communications	655827	10/5/2012	\$1,535.17
NEW FLYER	Bus Parts	655888	10/18/2012	\$1,514.63
GATEWAY COMPRESSION, INC.	Sun Fuel Parts	655801	10/5/2012	\$1,505.90
PLAZA TOWING, INC.	Towing Service	655896	10/18/2012	\$1,425.00
BLUWAYS USA, INC.	Fixed Rt Buses	655780	10/5/2012	\$1,414.50
PDC MACHINES, INC	Sun Fuel Parts	655895	10/18/2012	\$1,375.00
VALLEY OFFICE EQUIPMENT, INC.	Fax/Copier Supplies	656056	10/26/2012	\$1,332.01
PROMO DIRECT	Stationery for CTA	656028	10/26/2012	\$1,291.54
NEW FLYER	Bus Parts	655815	10/5/2012	\$1,252.65
SMART CHEMISTRY CORPORATION	Hydrogen Samples	656038	10/26/2012	\$1,250.00
SMARTDRIVE SYSTEMS, INC.	Security Equipment (Oct)	655907	10/18/2012	\$1,240.00
SMARTDRIVE SYSTEMS, INC.	Security Equipment (Sept)	655823	10/5/2012	\$1,240.00
ELMS EQUIPMENT RENTAL, INC.	Zones & Bus Stops	655795	10/5/2012	\$1,201.50
TRANSIT RESOURCES, INC.	Bus wheel chair parts	656048	10/26/2012	\$1,183.50
SOCO GROUP INC., THE	Repair Parts-CNG	655908	10/18/2012	\$1,157.18
COACHELLA VALLEY PRINTING GROUP,	Printing Supplies	655950	10/26/2012	\$1,143.54
FRANKLIN TRUCK PARTS, INC	Bus Repair Parts	655868	10/18/2012	\$1,136.05
GOODYEAR TIRE	Bus Tire Lease	655990	10/26/2012	\$1,119.51
TK SERVICES, INC.	Bus Repair Parts	655915	10/18/2012	\$1,116.18
ELLSWORTH TRUCK & AUTO	Repair Parts	655965	10/26/2012	\$1,104.49

SunLine Transit Agency
 Checks \$1,000 and Over
 For the month of October 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
OPW FUELING COMPONENTS	CNG/Hydrogen Station Parts	655892	10/18/2012	\$1,083.29
FIESTA FORD, INC.	Repair Parts/Support	655981	10/26/2012	\$1,048.99
TOTAL FUNDS BY HASLER	Postage Supplies	656047	10/26/2012	\$1,000.00
DESERT ALARM, INC.	Security Services	655957	10/26/2012	\$1,000.00

Total of Checks Over \$1,000	\$1,691,723.65
Total of Checks Under \$1,000	\$58,741.16
Total of All Checks for the Month	\$1,750,464.81

Total Amount of Checks Prior Years Same Month \$1,498,279.84

SunLine Regulatory Administration
Checks \$1,000 and Over
For the month of October 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	Operating Exp (Feb-Apr2012)	089595	10/18/2012	\$14,313.26
SUNLINE TRANSIT AGENCY	Operating Exp (Jul-Aug2012)	089597	10/18/2012	\$14,249.33
RUTAN & TUCKER, LLP	Legal fees	089590	10/5/2012	\$11,640.86
SUNLINE TRANSIT AGENCY	Operating Exp (May-Jun2012)	089596	10/18/2012	\$11,083.61
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089599	10/18/2012	\$9,967.51
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089603	10/26/2012	\$9,815.41
NAME WITHHELD	Insurance Loss Settlement	089605	10/26/2012	\$7,010.34
NAME WITHHELD	Insurance Loss Settlement	089604	10/26/2012	\$1,977.94
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089591	10/5/2012	\$1,712.48
Total of Checks Over \$1,000				\$81,770.74
Total of Checks Under \$1,000				\$2,731.23
Total of All Checks for the Month				\$84,501.97
Total Amount of Checks Prior Years Same Month				\$74,638.87



October Statement for activity from Sep. 21, 2012 through Oct. 23, 2012
 SUNLINE TRANSIT
 C MIKEL OGLESBY

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

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

Activity Summary	
Previous Balance	\$563.60
Payments	\$563.60CR
Other Credits	\$0.00
Purchases	\$1,090.66
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	\$1,090.66
Credit Line	\$37,000.00
Available Credit	\$35,909.34
Statement Close Date	Oct. 23, 2012
Days in Billing Cycle	33

Payment Information	
New Balance	\$1,090.66
Minimum Payment Due (Current Month)	\$11.00
Minimum Payment Due (Past Due)	\$0.00
Total New Minimum Payment Due	\$11.00
Payment Due Date	Nov. 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 \$1,090.66 by 11/17/12. 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					
10/04	10/04		PAYMENT THANK YOU	\$563.60CR	-----
Purchases and Other Debits					
10/05	10/03	1538	SHERATON SEATTLE HOTEL SEATTLE WA..... 09/28/12	\$1,036.52	-----
10/22	10/21	8319	COOL GLOW 888-909-4569 TX	\$54.14	-----

Continued on Next Page

No payment is required, however please use coupon when making additional payments. CPN 00066533

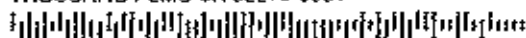
Automatic Payment

To change your address or for
 Cardmember Service please call:
 1-866-552-8856 **Every Hour! Every Day!**

Your Account Number:

Your new full balance of \$1,090.66
 will be automatically deducted from your
 account on 11/05/12.

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





October Statement for activity from Sep. 21, 2012 through Oct. 23, 2012
 SUNLINE TRANSIT
 C MIKEL OGLESBY |

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

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	\$1,090.66	\$0.00	YES	\$0.00	13.99%		YES
**ADVANCES	\$0.00	\$0.00	YES	\$0.00	20.99%		NO


Important Messages


Your payment of \$1090.66 will be automatically deducted from your bank account on 11/05/2012. Please refer to your AutoPay Terms and Conditions for further information regarding this account feature.

New Statement Design Coming Soon! Simply stated, we are committed to keeping you informed with clear and useful information. We recently asked customers how we can enhance our statements and we listened. In the coming months, you will see a new statement design which is easier to read and use. Thank you for your business and your feedback.


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: October 23, 2012

Detail:

10/05/12	Sheraton Seattle Hotel	Accommodations – APTA Annual Conf. - General Manager	\$1,036.52
10/22/12	Cool Glow	Props for employee participants in P.D. Golf Cart Parade	\$ 54.14

Payments/Credits

10/04/12	Payment		\$563.60 CR
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Note: All travel is included in the Board approved FY 2013 budget.

SunLine Transit Agency
Statement of Activities
July 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Revenues:							
Local Transportation Funds (17F)	10,754,426	893,202	893,202	0	893,202	893,202	0
Measure A	4,500,000	375,000	375,000	0	375,000	375,000	0
FVA Section 5307	2,724,804	0	227,067	(227,067)	0	227,067	(227,067)
FVA Section 5311	264,586	0	22,047	(22,047)	0	22,047	(22,047)
ETA Section 5316	125,310	0	10,443	(10,443)	0	10,443	(10,443)
FVA Section 5317	100,951	0	8,496	(8,496)	0	8,496	(8,496)
Fare Box Revenue (Fixed Route)	3,070,000	185,560	255,833	(70,273)	185,560	255,833	(70,273)
Fare Box Revenue (Demand Response)	280,000	24,804	23,333	1,471	24,804	23,333	1,471
Taxi Vouchers	21,724	2,895	2,810	85	2,895	2,810	85
Interest and Other Revenue	470,218	31,695	39,185	(7,490)	31,695	39,185	(7,490)
Total Operating Revenue	22,276,993	1,513,256	1,556,416	(343,160)	1,513,256	1,556,416	(343,160)
Expenses:							
SunFacts (10)	269,540	7,972	24,128	16,156	7,972	24,128	16,156
Operations-Fixed Route (11 & 12)	9,067,432	720,351	755,619	35,268	720,351	755,619	35,268
Operations-Dial-A-Ride (13 & 14)	2,478,560	211,745	206,547	(5,198)	211,745	206,547	(5,198)
Risk Management (15)	936,136	53,205	69,676	16,473	53,205	69,676	16,473
Maintenance (21 & 22)	4,710,527	299,770	392,794	93,024	299,770	392,794	93,024
Facility Maintenance-TJP (23)	596,415	24,548	49,868	24,920	24,548	49,868	24,920
Facility Maintenance-Indio (24)	86,623	2,301	5,552	3,251	2,301	5,552	3,251
Steps & Zones Maintenance (25)	464,297	37,547	38,691	1,144	37,547	38,691	1,144
Marketing (31)	320,561	18,272	26,747	8,475	18,272	26,747	8,475
Human Resources (32)	382,828	4,188	31,502	27,314	4,188	31,502	27,314
General Administration (40)	1,352,837	122,215	112,736	(9,479)	122,215	112,736	(9,479)
Finance (41)	945,398	73,518	78,783	5,265	73,518	78,783	5,265
Information Technology (42)	271,790	20,904	22,649	1,745	20,904	22,649	1,745
Planning & Agency Development (49)	488,651	41,095	40,721	(374)	41,095	40,721	(374)
Total Expenses	22,276,993	1,637,931	1,556,416	218,485	1,637,931	1,556,416	218,485

SunLine Transit Agency
Statement of Activities
August 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Revenues:							
Local Transportation Funds (LTF)	18,778,420	893,262	893,202	0	1,786,403	1,786,403	0
Measure A	4,500,000	375,000	375,000	0	750,000	750,000	0
FTA Section 5307	2,724,804	8,738	227,067	(220,329)	8,738	454,134	(447,396)
FTA Section 5311	264,586	0	22,147	(22,047)	0	44,094	(44,094)
FTA Section 5316	125,310	0	11,443	(11,443)	0	23,888	(23,888)
FTA Section 5317	101,951	0	8,496	(8,496)	0	16,992	(16,992)
Fare Box Revenue (Fixed Route)	3,070,000	172,814	255,973	(83,014)	153,480	511,667	(153,187)
Fare Box Revenue (Demand Response)	281,000	12,445	23,333	(10,888)	37,250	96,667	(59,417)
Taxi Vouchers	21,724	3,520	1,810	1,710	6,415	3,621	2,794
Interest and Other Revenue	470,218	26,773	39,185	(14,412)	56,465	78,370	(21,905)
Total Operating Revenue	22,276,993	1,455,494	1,856,416	(367,922)	3,001,753	3,712,832	(711,081)
Expenses:							
Fuel (10)	289,541	47,429	24,128	(23,301)	55,401	46,257	(9,144)
Operations-Fixed Route (11 & 12)	9,067,431	798,500	733,619	66,119	1,459,849	1,511,239	51,390
Operations-Dial-A-Ride (13 & 14)	2,478,560	399,018	206,547	(192,471)	430,762	413,093	(17,669)
Risk Management (15)	856,136	129,112	69,678	(59,434)	182,317	139,356	(42,961)
Maintenance (21 & 22)	4,713,527	425,801	592,794	(166,993)	725,571	785,388	60,017
Facility Maintenance-T.P. (23)	598,415	51,978	45,848	(6,110)	79,926	99,736	19,810
Facility Maintenance-Indio (24)	66,623	5,857	5,552	(305)	8,058	11,104	3,046
Stops & Zones Maintenance (25)	451,297	26,602	38,691	12,089	64,150	77,383	13,233
Marketing (31)	320,951	39,743	26,747	(12,996)	58,015	53,494	(4,521)
Human Resources (32)	382,828	27,658	31,902	4,249	31,541	63,803	31,962
General Administration (40)	1,352,837	105,842	112,736	6,894	229,037	225,473	(3,564)
Finance (41)	915,348	77,581	78,781	1,202	151,098	157,566	6,468
Information Technology (42)	271,790	27,976	22,649	(5,327)	51,398	45,298	(6,100)
Planning & Agency Development (49)	488,651	68,823	40,721	(28,102)	109,917	81,442	(28,475)
Total Expenses	22,276,993	2,016,915	1,856,416	(160,499)	3,657,360	3,712,832	55,472

SunLine Transit Agency
Statement of Activities
September 30, 2012

Description	FY 12/13 Total Budget	Year to Date					
		Current Month		FY 12/13			
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	YTD Budget	Favorable (Unfavorable)
Revenues:							
Local Transportation Funds (LTF)	10,715,423	893,302	893,302	0	2,679,005	2,679,005	0
Alaska A	4,500,000	375,000	375,000	0	1,125,000	1,125,000	0
TJA Section 5307	2,724,804	0	227,067	(227,067)	6,738	681,201	(674,463)
TJA Section 5311	264,566	0	22,637	(22,637)	0	66,142	(66,142)
TJA Section 5316	125,310	0	10,413	(10,413)	0	31,228	(31,818)
TJA Section 5317	141,931	0	8,456	(8,456)	0	25,458	(25,458)
Fare Box Revenue (Fixed Route)	3,070,400	239,771	255,833	(16,062)	588,251	767,503	(179,252)
Fare Box Revenue (Demand Response)	240,000	44,178	22,333	21,845	81,127	70,000	11,127
Taxi Vouchers	21,724	2,639	1,890	849	9,645	5,431	3,614
Interest and Other Revenue	470,218	26,422	36,185	(9,763)	82,838	117,555	(34,717)
Total Operating Revenue	22,276,993	1,571,254	1,856,416	(285,162)	4,573,004	5,569,248	(996,244)
Expenses:							
SunFuels (10)	249,540	46,458	24,128	2,670	71,859	72,885	526
Operations-Base Route (11 & 12)	9,000,431	736,187	736,614	432	2,206,087	2,266,838	60,751
Operations-Dial-A-Ride (13 & 14)	2,476,530	212,294	206,547	(5,747)	663,056	641,640	(11,416)
Risk Management (15)	336,134	38,342	69,578	(31,236)	240,338	209,034	(31,304)
Maintenance (21 & 22)	4,753,527	333,241	322,794	9,557	1,028,814	1,178,382	149,568
Facility Maintenance-T.F. (23)	598,415	31,549	49,868	(18,319)	171,474	149,604	21,870
Facility Maintenance-Invnt (24)	66,623	6,308	5,532	(776)	14,861	16,656	1,795
Stores & Zones Maintenance (25)	464,297	28,940	38,695	(8,755)	91,560	116,074	24,514
Marketing (31)	320,901	18,522	26,717	(8,195)	76,637	80,240	3,603
Human Resources (32)	392,828	28,248	31,932	(3,684)	60,089	95,717	35,628
General Administration (40)	1,352,837	86,565	12,736	26,177	315,323	338,209	22,886
Finance (41)	945,398	71,983	78,755	(6,772)	223,083	236,530	13,447
Information Technology (42)	277,790	25,375	22,649	(2,726)	72,256	67,548	(4,708)
Planning & Agency Development (49)	488,651	63,537	40,721	(22,816)	171,655	122,163	(49,492)
Total Expenses	22,276,993	1,696,847	1,856,416	159,569	3,551,292	5,569,248	217,956

SunLine Regulatory Agency
Statement of Activities
July 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	158,978	12,998	12,998	0	12,998	12,998	0
Revenues:							
Meter Readings	168,000	27,797	14,000	13,797	27,797	14,000	13,797
Revenue Fines	5,000	618	417	201	618	417	201
Vehicle Inspection Revenue	14,700	450	1,225	(775)	450	1,225	(775)
Vehicle Reinspection Revenue	500	0	42	(42)	0	42	(42)
New Driver Permit Revenue	3,000	500	417	83	500	417	83
Driver Transfer Revenue	3,200	130	267	(137)	130	267	(137)
Driver Renewal Revenue	10,150	300	871	(571)	300	871	(571)
Driver Permit Reinstatement/ Replacement	90	25	8	18	25	8	18
Vehicle Transfer Revenue	1,000	0	83	(83)	0	83	(83)
Vehicle Permit Revenue	84,000	1,000	7,000	(6,000)	1,000	7,000	(6,000)
Operator Application Fee	7,200	0	600	(600)	0	600	(600)
Interest Revenue	120	3	10	(7)	3	10	(7)
Total revenue	455,238	43,821	37,937	5,885	43,821	37,937	5,885
Expenses:							
Salaries and Wages	194,435	17,368	16,203	(1,165)	17,368	16,203	(1,165)
Fringe Benefits	137,918	4,964	11,493	6,529	4,964	11,493	6,529
Services	105,500	3,323	8,792	5,469	3,323	8,792	5,469
Supplies and Materials	4,500	1,216	375	(841)	1,216	375	(841)
Miscellaneous	12,885	2,300	1,074	(1,126)	2,200	1,074	(1,126)
Total Expenses	455,238	29,071	37,937	8,866	29,071	37,937	8,866
Total Operating Surplus/Deficit	0	14,750	0	14,750	14,750	0	14,750

SunLine Regulatory Agency
Statement of Activities
August 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	155,978	12,998	12,998	0	25,996	25,996	0
Revenues:							
Meter Readings	168,000	10,509	14,000	(3,491)	38,306	28,000	10,306
Revenue Fines	5,000	55	417	(362)	673	833	(160)
Vehicle Inspection Revenue	14,700	350	1,225	(875)	800	2,450	(1,650)
Vehicle Reinspection Revenue	500	0	42	(42)	0	83	(83)
New Driver Permit Revenue	5,000	250	417	(167)	750	833	(83)
Driver Transfer Revenue	5,200	0	267	(267)	130	533	(403)
Driver Renewal Revenue	10,450	600	871	(271)	900	1,742	(842)
Driver Permit Reinstatement/Replacement	90	10	9	3	35	15	20
Vehicle Transfer Revenue	1,000	0	83	(83)	0	167	(167)
Vehicle Permit Revenue	84,000	1,350	7,000	(5,650)	2,350	14,000	(11,650)
Operator Application Fee	7,200	0	600	(600)	0	1,200	(1,200)
Interest Revenue	120	3	10	(7)	7	20	(13)
Total revenue	455,238	26,125	37,937	(11,811)	69,947	75,573	(5,626)
Expenses:							
Salaries and Wages	194,435	17,452	16,203	(1,249)	34,820	32,406	(2,414)
Fringe Benefits	137,918	12,285	11,493	(792)	17,249	22,986	5,757
Services	105,500	811	8,792	7,981	4,134	17,583	13,449
Supplies and Materials	4,500	330	375	(45)	1,596	750	(846)
Miscellaneous	12,885	1,709	1,074	(635)	3,509	2,148	(1,361)
Total Expenses	455,238	32,637	37,937	5,300	61,708	75,873	14,165
Total Operating Surplus/Deficit	0	(6,512)	0	(6,512)	5,239	0	\$,239

SunLine Regulatory Agency
Statement of Activities
September 30, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	38,998	38,998	38,998	0	38,995	38,995	0
Revenues:							
Meter Readings	168,000	12,331	14,000	(2,469)	49,837	42,000	7,837
Revenue Fines	5,000	100	417	(317)	773	1,250	(477)
Vehicle Inspection Revenue	14,700	1,950	1,225	725	2,750	3,675	(925)
Vehicle Reinspection Revenue	500	0	42	(42)	0	125	(125)
New Driver Permit Revenue	5,000	230	417	(187)	1,000	1,250	(250)
Driver Transfer Revenue	3,200	150	267	(117)	280	800	(520)
Driver Renewal Revenue	10,450	1,400	871	529	2,300	2,613	(313)
Driver Permit Reinstatement/Replacement	90	15	8	8	50	23	28
Vehicle Transfer Revenue	1,000	0	83	(83)	0	250	(250)
Vehicle Permit Revenue	84,000	1,550	7,000	(5,450)	3,900	21,000	(17,100)
Operator Application Fee	7,200	0	600	(600)	0	1,800	(1,800)
Interest Revenue	120	3	10	(7)	10	30	(20)
Total revenue	455,238	29,947	37,937	(7,989)	99,895	113,810	(13,915)
Expenses:							
Salaries and Wages	194,435	13,306	16,203	697	50,326	48,609	(1,717)
Fringe Benefits	137,918	10,604	11,493	889	27,852	31,480	6,628
Services	105,500	19,437	8,792	(10,465)	23,591	26,375	2,784
Supplies and Materials	4,500	187	375	188	1,783	1,125	(658)
Miscellaneous	12,885	559	1,074	315	4,468	3,221	(1,247)
Total Expenses	455,238	46,313	37,937	(8,377)	108,020	113,810	5,790
Total Operating Surplus/Deficit	0	(16,366)	0	(16,366)	(\$,126)	0	(8,126)

SunLine Transit Agency

DATE: December 5, 2012 **ACTION**
TO: Finance Committee
Board of Directors
FROM: Director of Operations
RE: Award of Contract for Trapeze Software PLAN

Recommended Action

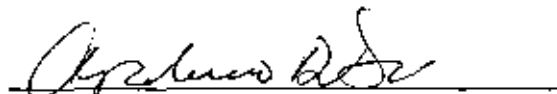
Recommend that the Board of Directors grant authorization to the General Manager to approve award of a contract for a Trapeze software upgrade to existing software to include the PLAN module upon review as to form and legality by Legal Counsel.

Background

A new Trapeze module PLAN will be implemented. This module will be incorporated with the SunLine ITS system and will be integrated with the APC system, the Fare Box system and will overlay GIS system Mapping and US Census data demographics to allow for enhanced service improvements. This module will also allow for improved data mining from the entire ITS system for the Planning Department, which will allow for improved service changes where warranted. The PLAN module also allows for Section 15 reporting to be completed every three years; next report to take place in 2013.

Financial Impact

SunLine's estimated cost for this new system is \$171,000. This contract is a sole source and will be paid using existing capital grant funding that is currently available.


Apolonio Del Toro

SUNLINE SERVICES GROUP BOARD MEETING AGENDA

Wednesday, December 5, 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 October 24, 2012 Board of Directors Meeting (Pages 1-11)
- b) SSG/SRA checks over \$1000 issued October, 2012 (Page 12)
- c) SSG/SRA Monthly Budget Reports July, August, September, 2012 (Pages 13-15)
- d) Taxi Vehicle/Rides Analysis (Pages 16-17)

- 9. Second Reading of SSG Revised Ordinance #2012-01 **Approve****
(Jeffrey Goldfarb)
Request to the Board to approve the second reading of the proposed (revised) SSG Ordinance #2012-01. ([Ordinance separate attachment](#)) (Pages 18-19)

----- **INFORMATION** -----

- 10. Taxi Study Update (C. Mikel Oglesby) **Information****
Update pertaining to taxi industry study as requested by Taxi Committee and Board of Directors. (Page 20)

- 11. Next Meeting Date**
January 23, 2013
12 o'clock Noon – Kelly Board Room

- 12. Adjourn**

MINUTES
SunLine Services Group
Board of Directors Meeting
October 24, 2012

A regular meeting of the SunLine Services Group Board of Directors was held on Wednesday, October 24, 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 12:50p.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
Rick Hutcheson, Councilmember, City of Palm 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
John J. Benoit, Supervisor, County of Riverside

Members Absent

Eduardo Garcia, Mayor, City of Coachella

Guests:

Joe Pradetto, Riverside County
Elisa Freeman, Desert City Cab
Gadi Srulovitz, Yellow Cab
Michal Brock, Yellow Cab
Bill Meyer, Yellow Cab
Scott Russo, Legal Counsel, American Cab
Harry Incs, American Cab
Kimberly Webb, Public
Lisa Graff, Public

Staff:

C. Mikel Oglesby, General Manager
Jeffrey Goldfarb, Legal Counsel
Carolyn Rude, Special Asst. to the General Manager/Clerk of the Board
Polo Del Toro, Director of Operations
Joe Forgiarini, Director of Transit Planning
Mike Morrow, Director of Maintenance
Tommy Edwards, Contracting Officer Technical Representative

Rudy LeFlore, Procurement Consultant
Mannie Thomas, Manager of Operations and Safety Training
Michael Jones, Manager Taxicab Administration
Harman Singh, Assistant Taxi Cab Administrator
Dave Robin, Asst. Taxi Cab Administrator II
Stephanie Buriel, Administrative Assistant
David Manriquez, Safety Specialist
Rick Barone, Procurement Officer
Francine DePalo, Senior Administrative Assistant
Ivanna Samokish, Safety and Security
Amy Heilman, Coin Counter
Karen Thomas, Senior Administrative Assistant

3. **Finalization of Agenda**

No changes to agenda.

4. **Presentations**

None.

5. **Correspondence**

None.

6. **Public Comments**

NON - AGENDA ITEMS

Kimberly Webb – stated the following: "I have been sharing with the Board for the past months, even greater than a year on certain subjects, and again further months down the road, information comes to you that I shared with you six, seven or eight months ago. Today was no doubt, another one of those examples. You found most of my information to be quite correct in spite of some sources who attempted to refute my information. About three months ago, the Board discussed putting caps on the taxi leases. It was my understanding at that meeting, that the next meeting they would actually be discussing that further. There was nothing on the agenda, nothing since. So it appears that it is sort of a hold and let's see what is going to happen and monitor the process. As previously reported, over the dead of the summer, American Cab increased their leases on their drivers by \$100. Last week, they increased again \$75 to their east Valley drivers, \$100 to their full Valley drivers and today their drivers had another lease increase. This is three just in the last few months. I ask the Board today to take issue - one of the things that the drivers have – there is some lack of action and the drivers are feeling very frustrated. They are planning a massive work stop across all franchises because they now feel that the Board is not really looking in their interest. They get their hopes up and then they are dashed. You were supposed to give them a reprieve over the summer with the SRA charges back up – drain up because of litigation thanks to American Cab once again. The guys are planning a massive walk out. They will take care of the personals, but they are basically going to drive through the airport just like they did in the 90s. They drove through – basically waved letting everyone know they are

available, but they didn't pick anybody up. This is why I asked earlier at the meeting that Mike Jones have direct contact with you. You are not getting the information because Ms. Nightingale has so many things on her plate – she is not bringing these actions to you. The drivers need you to hear them. Mike Jones talks to them all day long. He is your go-to man. We can stop this – like I already told Mike (Jones) about this – I told him I'm coming to the Board and I'm going to ask you to make directives. Something has to be done or the public will be negatively affected and this will cross the board.

AGENDA ITEMS:

Kimberly Webb – Agenda item# 12 – American Cab has vehemently stated that there is a conflict that exists as SunLine as the regulator. There has also been other information presented that has told just the opposite where entities comparable to yours works just fine with this. One of the members specific to CVAG, has spoken on record providing false and slanderous information without personally researching the same. I guess in many ways, they see as the only taxi franchise that is really pushing for this, and what I suspect it's because they have friends that sit on this Board and therefore they want a friend making decisions on their behalf - unlike maybe some of the contentious situations here with SunLine that has arisen. CVAG has a history of reaching out with their many tentacles and multiple entities and as a result, I question the quality of the structure that SunLine has spent so much time basically forging ahead and I think you guys are getting better and better as we get further into this. What I would like to do, since they are the only ones pushing for it, I would like the Board to direct staff to contact the other two franchises – Desert Cities and Yellow Cab of the Desert – and find out what their personal perspectives are. The cost of this will be significant for them to move the entity outside of SunLine, which we sort of overlap services and the charges are shared amongst various segments of SunLine. I wish they would ask for those because in the end, guess what...you think the franchise is going to absorb the cost? Of course not. They are going to do as they have always done in the past – they are going to pass it on to the driver.

Kimberly Webb – Agenda Item # 13 – "As previously discussed at the Committee meeting this morning, and I know that there has been lots of discussion about this – the increase of permits is a money generator for the franchises and only for the franchises at a definite detriment of the drivers and that includes all drivers of all franchises. The problem right now – I know that Mr. England at the Committee meeting stated that we have to make certain that we give them enough permits so that it is profitable for the franchises. But by increasing the profit for the franchises, increasing the permits is only detrimental because it floods the market that is currently out there. Again, this has been the worst year yet. Even in spite that we have already started preseason with all these clients coming into town. Cardiff and Lin Lines has increased their ridership. They are coming in by the droves taking hundreds of people out of the airport which used to be the taxi drivers who were transporting people. The other thing in reference to the issue that you guys just finished – taxi and buses have nothing to do with each other. I have never taken a

bus in the city. I have taken the taxi a lot. I did take a kids group so they could see what it was like to ride a bus and that was a great opportunity. The issuance of additional non-temporary permits will no doubt create a definite monopoly. We already know that one company, as discussed at the earlier meeting, is imploding and again I can tell you that it will not be here toward the end of the season. It is literally on its last leg. Of course you guys will be investigating that further. An RFP – my thing is we need three full functioning taxi services in the area. We need them across the board. We need to have control. When CYC was here, and a comment came up earlier at the Committee meeting about CYC renege on their contract and they took off. Problem is they had Larry Slagle in here negotiating on behalf of CYC. He was in fact in bed with American Cab literally and he was going to go to work for them. So you have a negotiator for American Cab negotiating for CYC. American Cab did not want CYC here. He basically stuck the spike right through their heart. I would like to see you guys not, obviously, issue any permanent – temporary as needed only. The other side of it is that you want to try and float Desert Cities – hold them to the permits that they currently have now which will force the other clients that need rides to go with Desert Cities and that will help support them.”

7. **Board Member Comments**

None.

8. **Consent Calendar**

Mayor Adolph moved for approval of the consent calendar. The motion was seconded by Councilmember England and was approved by a unanimous vote with the exception of Councilmember Hutcheson abstaining item 8a, minutes of the September, 2012 Board meeting.

9. **First Reading of SSG Revised Ordinance #2012-01**

Legal Counsel, Jeffrey Goldfarb, addressed the Board stating the following: “As you may recall at the last meeting, we came back with a second reading for the Taxi Ordinance (SSG Ordinance 2012-01) and at that point in time we were informed by two of the franchisees that the increase in the insurance bumped from \$1 million to \$2 million was going to have a significant impact on their costs because it was going to substantially increase the premiums. The direction back to us was to bring the Ordinance back with the \$1 million insurance level, which we have done and puts us back into a first reading. At the same time, staff has done some research to determine if it can find cheaper premiums and what we discovered is that the increase from \$1 million to \$2 million increases the premium about 45%; we have not been able to find anything cheaper. It is back to you exactly the same but for the change in the insurance.” Mayor Parks moved for approval. The motion was seconded by Councilmember England and approved by a unanimous vote.

10. **Brown Act Compliance Resolution**

Legal Counsel, Jeffrey Goldfarb, addressed the Board requesting approval of the Brown Act Compliance Resolution. He stated that as a separate independent governmental body, there should be a separate Resolution that relates to compliance with the Brown Act. Councilmember Hobart moved for approval. The

motion was seconded by Mayor Pro Tem Powers and approved by a unanimous vote.

11. **Resolution – Board members Discuss Certain Closed Session Items with City Council & City Attorneys**

Legal Counsel, Jeffrey Goldfarb, addressed the Board requested approval of the Resolution before the Board to take advantage of a provision that is incorporated into the Brown Act that would authorize JPA Board members to discuss with their City Councils in Closed Session, their City Attorneys, County Councils, County Board of Supervisors and their alternates, items that have been discussed in Closed Session of the STA Board when those items affect the liabilities of the local government entity and when they can potentially affect the finances of the local government agency. Councilmember Hobart moved for approval. The motion was seconded by Mayor Pro Tem Powers and approved by a unanimous vote.

12. **Request to Move Taxi Regulation**

Chairman Robert Spiegel, addressed the Board stating that he placed this item on the agenda as a request to move regulation from SunLine and stated the following: "There was a question by one of the Board members on financing this as a different entity. In your packet on page 8, you will see the actual year to date revenue paid by the taxicab companies is \$527,000 and expenses are \$473,000 and that includes salaries and wages for the people involved with taxi. I think there is enough to cover it. I think SunLine is in conflict with taxi. They drive people around just the way taxis do. I talked to CVAG and they have the facility there to house it. They don't want to take it over because nobody wants to take it over because of the problems. The only thing that is possible is to set up a separate JPA that would run by the cities and would not necessarily have to meet every month because there probably wouldn't be problems. They could maybe meet quarterly and they could use the CVAG Board room. If approved by the illustrious group, it would then go to the TAC Committee and if the TAC Committee approves it, it would then it would go to the Executive Committee of CVAG. If they approve it, then we would begin working on setting up another JPA. This whole process is going to take three to six months and I would like to see it get started."

Councilmember Hobart asked Chairman Spiegel: "What would be the motion that you are suggesting?" Chairman Spiegel stated: "That we ask CVAG, TAC and Executive Committee, to entertain position of taking a new JPA." Councilmember Hobart stated: "I will so move." Mayor Parks stated the following: "As a member of CVAG, anytime they take on anything it comes back on the back of the cities to finance. There could be a financial impact on the cities." Chairman Spiegel stated: "The cities don't pay any money into this (SunLine)." Councilmember England stated: "CVAG doesn't pay anything into this, but whenever CVAG runs anything..." Chairman Spiegel stated: "CVAG won't run it. It will be housed there because of its convenience – it's in the middle of the Valley - and they have the facilities. They have the room." Mayor Parks further asked: "Who is going to regulate and run it?" Chairman Spiegel stated: "That's a decision that has to be made after the agreement." They do have to be regulated by a JPA – the cities. Mayor Adolph

stated: "I already brought this to my city and they say no, they don't want anything to do with it." Councilmember Hobart stated: "Well they already have something to do with it; that's why you are here." Mayor Adolph stated: "They don't want to make them responsible. I am part of it, sure, because we represent – but as far as the City is concerned, Council says no we are not interested."

Councilmember England stated: "I think we asked a couple of months ago – what the costs would be. Here is my concern – we have employees that are here that – I don't want to say co-mingle, but they are pulled out of their original SunLine position to oversee taxi without incurring a cost – split cost. So the General Manager of SunLine also oversees taxi. So what does that cost translate over to a new JPA, which is a stand-alone JPA? So it is going to have full time individuals staff it." Mr. Oglesby stated: "We do have full time employees, but I think the question is toward who would actually create the JPA. Would it be that Tom Kirk of CVAG, who is very qualified to do so – would he be in charge of creating a JPA? And then you would need employees." Councilmember England stated: "If that is the vision, then what Mayor Adolph and Mayor Parks are talking about is very apropos because now you are going to have a JPA run by CVAG because they are taking employees of CVAG that are going to do the same thing the General Manager is doing. Or you are going to have full time employees. So we don't know what the costs are because you are going to have a 'Naomi' that you are going to hire full time – her capacity. Right now you are not incurring that cost." Mr. Oglesby stated: "A taxi administrator, a manager and then you would need people – because it is 24 hour service. There are other ways to do it other than the way we do it. We talked about medallion. If CVAG takes it and does it a different way..." Councilmember England stated: "It's either going to cost the taxicab companies more to do business, which translates into – if you follow Kim Webb – that she is going to say that it's the drivers. I myself say that it's going to cost our visitors and the people that use it – it's going to cost them."

Councilmember Hobart stated: "One of the issues that has been a part of this – was arguably – a conflict interest and I have not examined it to the point that I have an opinion as to whether or not there is actually a conflict of interest regulating two forms of public transportation, but in the litigation does American Cab raise the issue of conflict of interest in any of their litigation against us?" Legal Counsel, Mr. Goldfarb, stated: "The Federal lawsuit and the complaint is a matter of public record so I can comment – in the Federal lawsuit, they have made the argument that it is an issue for SunLine Services Group to regulate taxis when SunLine Transit operates buses – I think their rationale is because SunLine Services Group will take actions that will ensure that SunLine Transit makes money off its bus operations to the detriment of the taxicab companies. That is, in essence what I think." Councilmember Hobart further stated: "I thought that was in the lawsuit. What is the harm of going to the next step of at least exploring – there is no final decision. What do we lose by just looking at some of the details that the Chairman raises and see whether it makes sense. If it doesn't make sense, then we haven't made a decision. Also, if we did get in on that lawsuit, it would be nice that we have something to point to that we are looking at. It seems like there is no loss to us." Mayor Pro Tem

Powers stated: "I agree with Dana on this. We don't know the costs yet; we don't know hardly anything about this other than the concept. I would recommend that we go forward with the concept and see what that entails – how many we need to hire, what the costs are, full on budget. Then we will know what to vote on."

Supervisor Benoit stated: "I had a chance to chat with a group about this thing. I tend to disagree. I think we have a situation where we have a Joint Powers Authority that is currently doing the job. Obviously the reason we had a Joint Powers Authority is individually cities have a power to regulate taxis rather than have nine cities doing it differently, they decided to put together a Joint Powers Authority. When you do that, you have to have members of each one of those cities representing the Joint Power Authority and it has to be an elective in attendance. So you are going to be doing a JPA separate from this one that is going to involve most of the same people that is going to a different place and different time to do the same work. So I think you have a very large amount of duplication of effort. And then the headline in the paper yesterday how much we are paying our executive director here – we are going to have to duplicate some staff positions that we don't have to do and that is one of the reasons it is here. I believe that there is a nexus between transportation whether it be a bus or taxi. They are both transportation related. They are not in direct competition. They are different types of transportation. But there are relationships there that are helpful and if you looked around today from a fresh point of view and say we are going to set up a JPA to regulate taxis, the logical place to look first would be at an agency that already has an existing JPA that is related to transportation in the Valley – that describes SunLine. I think there are some serious considerations and potential roadblocks and problems with this and it would create a lot of duplication. If we had problems here, it is not related, I believe, to the fact that the taxi discussions are held here. It is more related to the people that have been in the loop and involved with those things and you are going to have those same problems whether you are here or at CVAG – or anywhere else. We have spent a lot of time and money with new Counsel working on a taxi regulation and a complete redraft of our process. I think we should table this whole thing for a year and see how that works out before we spend a lot of time going down a different path."

Chairman Spiegel stated: "One of the reasons I brought this up is because we spend as much time on taxi as we do on buses. Our main job is buses. It is not taxi."

Mayor Miller stated: "I see both sides of this and I agree. I have been on this Board for almost two years and all we have done it to continue to discuss the taxi situation. We just had Ms. Webb talk to us about how they are going to go on strike – and does it seem true or not. How do we fix the problems that we have if we are not going to look at another JPA? This isn't working and obviously the taxicab industry she is talking about - overregulation. Or, you can tell me as the taxicab regulators that everything is fine, there are no problems. There has to be a nexus between the two then obviously then it makes sense to make it here. But we cannot also continue to have these issues on a daily basis when we are trying to look at

continuity in moving forward. We got sued by one cab company; we had one quit. We are talking about giving permits to things...there are a lot of issues. How do you solve these issues if you don't come up with another solution? Or, and you talk about that we are not paying anything now – but we are not worrying paying for it if when we didn't come up with enough money, we charged more money to the people. What is going to be the difference if it is a separate agency and this one? I think there needs to be some nexus between the two, but there also needs to be some continuity so we are not sitting here every day – drivers saying that they are not getting enough information – franchises saying they are not making enough money and then a combination of spending hours here discussing."

Mayor Pro Tem Powers stated: "We do not regulate Cardiff or Redlines and they deliver people all over the Valley. Why don't we see if they take the taxi?"

Mayor Parks stated: "The time I first started on this Taxi Committee up to today, we have come a long way. We have resolved a lot of disputes and a lot of the turmoil. This is nothing." Mayor Adolph stated: "I remember when the franchises began and how long it took us to get there. And now we have gotten there because that is what the cab companies wanted."

Councilmember Hutcheson stated: "I agree with Mayor Parks and the Supervisor. I think there is so much knowledge here and it does make sense to pause on this for a year to see if it is working or not working and then at the end of the day, I also believe it will come down to costs. I don't think at the end of the day it is going to go anywhere because of costs. I think we should pause for a year."

Supervisor Benoit made a motion to bring issue back of moving taxi in a year. Councilmember Hutcheson seconded the motion and was approved by a unanimous vote.

13. Issuance of Temporary Taxi Permits

General Manager, C. Mikel Oglesby, addressed the Board stating the following: "Per the suggestion of the Taxi Committee and the Board, staff went back and requested information from the taxi franchises pertaining to temporary permits. SRA awarded ten temporary permits to Yellow Cab of the Desert and thirteen temporary permits to American Cab based on their requests and supporting documentation. With that being said, if you took the total amount of temporary taxis and non-temporary taxis that have approved to date, the total number is 187 taxis on the road today. If you recall back in 2009 when we first moved forward with the franchises, the total amount of taxis that were allowed with four companies were 180. So we are roughly running the same service with the same amount of vehicles as we were back then with the three companies. That was done per the request of the Board. What took place during that process of getting the supporting documentation, the companies took it upon themselves to also request non-temporary, or as I like to refer to – permanent taxis. American Cab requested 20 permanent permits and Yellow Cab of the Desert has requested 13 permanent permits. This makes sense because they have invested in the temporaries and at

any given time the Board can pull those away, so they want permanent. Given the fact that staff doesn't have the ability to move forward with anything pertaining to this without the Board's suggestions or approvals, we basically decided to come back to you to get instruction on whether to move forward and do the appropriate analysis to prove that the vehicles are needed – I believe that can be done fairly quickly. And then if that is proven, the Board will have to decide whether it requires moving forward with an RFP or allocating the vehicles to the individuals that are requesting without creating a monopoly or anything against the Ordinance. That is the background and we are looking for your guidance."

Mayor Parks stated the following: "The Taxi Committee discussed this in length and I think the bottom line was that we do not have enough information to really make a decision on permanent additional cabs. We would want to stay with the temporaries those that were issued – the ten and the thirteen – and staff would then do an analysis of ridership and also take a look at the 3rd franchise. If they are not doing well and they go out of business - I don't know how we delicately find out if that is true or not, but you can probably determine that by the number of cabs from that particular franchise that comes through SRA for service." Mr. Oglesby stated: "It might be as simple as a phone call if it is that bad."

Councilmember Hobart stated: "We asked staff – Mike Jones – to get the names of some leading companies whom we would send an RFP if we wanted to have an objective analysis of whether we are better off with three (franchises) or four. If three – is that too close to a monopoly or is that fine, and to look into some of these other issues – get some expert opinion that is divorced from all of us – pure as the wind driven snow, we can all rely on. He (Mike Jones) was going to come back at the next meeting with some suggested companies and perhaps some idea of what that would cost us."

Mayor Adolph stated: "I can understand temporary because the need during the winter months is much higher than it would be during the summer months. So if it was permanent, these cabs would still be there sitting waiting for a customer to come during the summer and during the winter months of course they would be kept busy." Mr. Oglesby stated: "It would be up to the cab companies to manage that. I will tell you, in short, this is the second wave of requests for the temporaries. The first wave of requests was two years ago and they are still temporary and running right now."

Legal Counsel, Mr. Goldfarb stated: "They are required to with their regard to their non-temporary or what we are calling, permanent cabs, they are required to continue to operate a certain percentage of those. They cannot drop down below a certain percentage of their permanent cabs. The temporary cabs they can put on and off if they wish."

Mayor Miller stated: "In the study didn't it say between two or four (taxi) companies? I really think we need to look into this. One company left already because they said they wanted more cab permits to be able to make it feasible to make that kind of

investment. Do we want to bring in another one? I think that is where the study comes in to give on that circumstance. I am concerned personally for our Goldenvoice and their concerts. We have a lot of gypsy cabs there. A lot of people are coming using their personal cars to make money. If they can't do it – we need to look at other things. But we have the White Party and many events coming up and we need to make sure we have the proper amount of cabs ready to go. We just can't tell them a month before get ready for this event. Or, we need to bring some cabs in from the outside." Mayor Parks: "We have 187 cabs operating right now." Mayor Miller further stated: "Yes, and we have 240 operating at one time." Councilmember England stated: "That was an oversaturation. Nobody made money with that many cabs. If you take a look at the big picture, we are supposed to have three viable taxicab franchises. Right now we have a weak leak with Desert Cities. If you equally distribute them out – 60 cabs apiece – right now American Cab has exceeded that – they are at 70, if you out for a fourth taxicab franchise, I don't think that works mathematically. They are saying, and you have to listen to the taxicab franchise operators, that they need a little bit more in order to reach that critical point to where they are always going to be making money. When Dana Hobart spoke a few minutes ago about doing the study, we really need to find out what that number really is from an outside organization. If we look at having three and we bump the number up to 200 taxicabs, that is going to allow a few more temporaries out there on the street to handle Goldenvoice, the White Party and other events taking place. That gives them the ability to have 66.6 or 67 if we wanted to do that. But the critical point is what is Desert Cities doing and do they meet our RFP? If they don't meet our RFP, that is a separate discussion that will take place in the future, but we need to have that decision made ASAP because we are going to roll into next year very quickly." Chairman Spiegel stated: "I think we need to give direction to staff that they take a look at Desert Cities to see whether or not it is a viable company and we want a recommendation as to whether we go out for an RFP, or if there are only two cab companies, we divide among two cab companies. That is what we need to look at."

At 1:25pm, Chairman Spiegel moved into Closed Session. Legal Counsel announced the Closed Session items.

14. Closed Session

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)

At 1:33pm, Chairman Spiegel moved back into open session.

Legal Counsel, Mr. Goldfarb stated the following: "Closed Session item #1 – American Cab vs. SunLine Services Group RCSC INC 1201334. There has been a settlement in the case – a settlement amount for \$10,000 accepted by American Cab. That offer was made without prejudice and for the purposes of saving litigation costs because it would have cost more than \$10,000 for litigation. We are confident that we would have prevailed the case; however, we saved a substantial amount of

money." Councilmember Hobart asked: "Was ours a 9-90 offer?" Mr. Goldfarb stated, yes. Councilmember Hobart further stated: "If it was a 9-98 and they turned it down, from them on, they would be responsible for attorney fees and costs."

Supervisor Benoit asked that the General Manager make a brief comment on the comment about a potential strike and then get back with us when he hears further information. Mr. Oglesby stated the following: "At this time, I had discussions with staff and they did not bring that up as an issue, but I will look into this and report back to you. If there is an emergency, I will get back with you well before the next Board meeting."

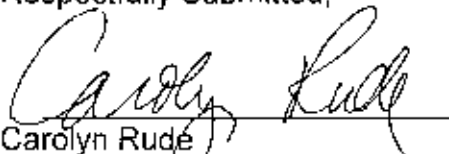
15. **Next Meeting Date**

Chairman Spiegel announced that the next regular meeting of the Board of Directors will be held December 5, 2012 at 12 noon – Kelly Board Room, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

16. **Adjourn**

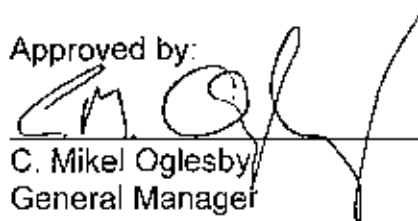
Vice Chairman Spiegel adjourned meeting at 1:34p.m.

Respectfully Submitted,



Carolyn Rude
Clerk of the Board

Approved by:



C. Mikel Oglesby
General Manager

Date: 11/21/12

SunLine Regulatory Administration

Checks \$1,000 and Over

For the month of October 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	Operating Exp (Feb-Apr2012)	089595	10/18/2012	\$14,313.26
SUNLINE TRANSIT AGENCY	Operating Exp (Jul-Aug2012)	089597	10/18/2012	\$14,249.33
RUTAN & TUCKER, LLP	Legal fees	089590	10/5/2012	\$11,640.86
SUNLINE TRANSIT AGENCY	Operating Exp (May-Jun2012)	089596	10/18/2012	\$11,083.61
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089599	10/18/2012	\$9,967.51
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089603	10/26/2012	\$9,815.41
NAME WITHHELD	Insurance Loss Settlement	089605	10/26/2012	\$7,010.34
NAME WITHHELD	Insurance Loss Settlement	089604	10/26/2012	\$1,977.94
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089591	10/5/2012	\$1,712.48
Total of Checks Over \$1,000				\$81,770.74
Total of Checks Under \$1,000				\$2,731.23
Total of All Checks for the Month				\$84,501.97
 Total Amount of Checks Prior Years Same Month				\$74,638.87

SunLine Regulatory Agency
Statement of Activities
July 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	155,978	12,998	12,998	0	12,998	12,998	0
Revenues:							
Water Readings	168,000	27,797	14,000	13,797	27,797	14,000	13,797
Revenue Fines	5,000	618	417	201	618	417	201
Vehicle Inspection Revenue	14,700	450	1,225	(775)	450	1,225	(775)
Vehicle Reinspection Revenue	500	0	42	(42)	0	42	(42)
New Driver Permit Revenue	5,000	500	417	83	500	417	83
Driver Transfer Revenue	3,200	130	267	(137)	130	267	(137)
Driver Renewal Revenue	10,450	300	871	(571)	300	871	(571)
Driver Permit Reinstatement/Replacement	90	25	8	18	25	8	18
Vehicle Transfer Revenue	1,300	0	83	(83)	0	83	(83)
Vehicle Permit Revenue	64,000	1,000	7,000	(6,000)	1,000	7,000	(6,000)
Operator Application Fee	7,200	0	600	(600)	0	600	(600)
Interest Revenue	120	3	10	(7)	3	10	(7)
Total revenue	455,238	43,821	37,937	5,885	43,821	37,937	5,885
Expenses:							
Salaries and Wages	194,435	17,368	16,203	(1,165)	17,368	16,203	(1,165)
Fringe Benefits	137,918	4,964	11,493	6,529	4,964	11,493	6,529
Services	105,500	3,323	8,792	5,469	3,323	8,792	5,469
Supplies and Materials	4,500	1,216	375	(841)	1,216	375	(841)
Miscellaneous	12,885	2,200	1,074	(1,126)	2,200	1,074	(1,126)
Total Expenses	455,238	29,071	37,937	8,866	29,071	37,937	8,866
Total Operating Surplus/Deficit	0	14,750	0	14,750	14,750	0	14,750

SunLine Regulatory Agency
Statement of Activities
August 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	155,978	12,998	12,998	0	25,996	25,996	0
Revenues:							
Meter Readings	188,000	19,509	14,300	(3,491)	38,506	28,000	10,306
Revenue Fines	5,000	55	417	(362)	673	833	(160)
Vehicle Inspection Revenue	14,700	350	1,225	(875)	800	2,450	(1,650)
Vehicle Reinspection Revenue	500	0	42	(42)	0	80	(80)
New Driver Permit Revenue	5,000	250	417	(167)	750	833	(83)
Driver Transfer Revenue	3,200	0	267	(267)	130	333	(403)
Driver Renewal Revenue	10,450	600	871	(271)	900	1,742	(842)
Driver Permit Reinstatement/ Replacement	90	10	8	3	38	15	23
Vehicle Transfer Revenue	1,300	0	83	(83)	0	167	(167)
Vehicle Permit Revenue	84,000	1,350	7,000	(5,650)	2,350	14,000	(11,650)
Operator Application Fee	7,100	0	600	(600)	0	1,200	(1,200)
Interest Revenue	120	3	10	(7)	7	20	(13)
Total revenue	455,238	26,125	37,937	(11,811)	69,947	75,873	(5,926)
Expenses:							
Salaries and Wages	194,435	17,452	16,300	(1,245)	34,820	32,406	(2,414)
Fringe Benefits	137,918	12,285	11,493	(792)	17,249	22,956	5,737
Services	103,500	821	8,792	7,981	4,104	17,583	13,449
Supplies and Materials	4,500	387	375	(12)	1,596	750	(846)
Miscellaneous	12,885	1,709	1,074	(635)	3,909	2,148	(1,762)
Total Expenses	455,238	32,637	37,937	5,300	61,708	75,873	14,165
Total Operating Surplus/Deficit	0	(6,512)	0	(6,512)	8,239	0	8,239

SunLine Regulatory Agency
Statement of Activities
September 30, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	155,978	12,995	12,995	0	38,995	38,995	0
Revenues:							
Meter Readings	168,000	11,531	14,000	(2,469)	49,537	42,000	7,537
Revenue Fees	5,000	100	417	(317)	773	1,250	(477)
Vehicle Inspection Revenue	14,700	1,550	1,325	725	2,750	3,675	(925)
Vehicle Reinspection Revenue	500	0	42	(42)	0	125	(125)
New Driver Permit Revenue	5,000	250	417	(167)	1,000	1,250	(250)
Driver Transfer Revenue	3,200	150	267	(117)	280	500	(320)
Driver Renewal Revenue	10,450	1,400	571	529	2,300	2,613	(313)
Driver Permit Reinstatement/Replacement	90	15	8	8	30	23	26
Vehicle Transfer Revenue	1,900	0	83	(83)	0	250	(250)
Vehicle Permit Revenue	84,000	1,550	2,900	(3,450)	3,900	21,000	(17,100)
Operator Application Fee	2,200	0	600	(600)	0	1,500	(1,500)
Interest Revenue	120	5	10	(7)	10	30	(20)
Total revenue	455,238	29,947	37,937	(7,989)	99,895	113,810	(13,915)
Expenses:							
Salaries and Wages	194,435	15,506	16,203	697	50,326	48,509	(1,717)
Fringe Benefits	127,918	20,604	12,493	889	27,852	34,480	6,628
Services	105,500	19,457	8,792	(10,665)	23,591	26,375	2,784
Supplies and Materials	4,500	187	373	186	1,753	1,125	(658)
Miscellaneous	12,885	559	1,074	515	4,468	3,227	(1,247)
Total Expenses	455,238	46,313	37,937	(8,377)	103,020	113,810	5,790
Total Operating Surplus/Deficit	0	(16,366)	0	(16,366)	(8,126)	0	(8,126)

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	126	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	149	45,301	304			
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	45,043	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	545	152,105	279	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 206	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	OCT 45,301	
LOWEST TRIPS	AUG 23,671	AUG 29,238	AUG 29,459	JUL 33,019	
MOST VEHICLES	JUL 170	JUL 151	APR 170	OCT 149	
LEAST VEHICLES	NOV 153	NOV 117	AUG 123	SEP 131	
MOST TRIPS/VEH	APR 345	APR 1004	APR 421	OCT 304	
LEAST TRIPS/VEH	AUG 153	AUG 198	AUG 240	JUL 250	

SunLine Services Group

DATE: December 5, 2012 **ACTION**
TO: Taxi Committee
Board of Directors
FROM: SunLine General Counsel
RE: Second Reading of SSG Ordinance No. 2012-01

RECOMMENDATION

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

BACKGROUND

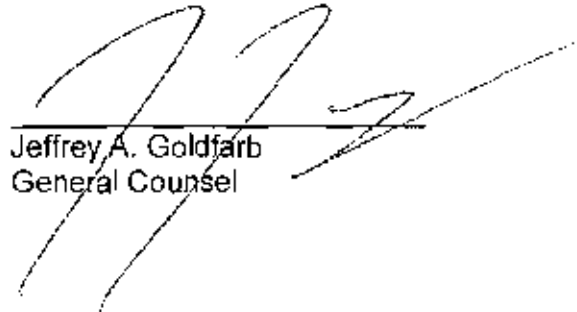
At the October 24, 2012 Board meeting, the SunLine Services Group approved the first reading of the proposed SSG Ordinance No. 2012-01.

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 SSC'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 Franchisee, 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 Surchage.

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 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: December 5, 2012 **INFORMATION**

TO: Taxi Committee
Board of Directors

FROM: General Manager

RE: Taxi Study Update

Background

At the October 24, 2012 Board Meeting, the Taxi Committee provided detailed guidance regarding the need for additional information to assist the Board of Directors in making informed decisions relative to the allocation of unallocated non-temporary taxi permits and the possible need for an RFP for an additional franchise.

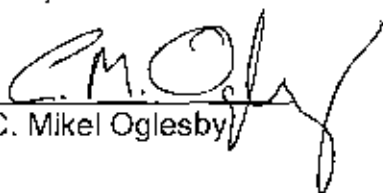
The Board requested that:

1. Staff provide a listing of independent firms with the capability of providing a study to answer specific questions provided by the Board.
2. Staff contract with an independent firm to provide the study.
3. Staff provide a financial assessment of Desert City Cab in order to determine their ability to perform as an ongoing taxi franchise.

This information provides an update on the status of these items. Here is the update:

1. Staff has provided the Taxi Committee with the draft questions to be answered by the independent firm in advance to make sure the study is responsive to the inquiries of the Board.
2. Staff has provided the Taxi Committee with a list of the independent firms recommended for this engagement.
3. Staff will initiate the RFP process once the list of questions is confirmed.
4. Staff will be contracting with a CPA firm to conduct the financial analysis of Desert City Cab within the next week.

Staff will keep the Board informed as staff pursues these actions to provide the Board of Directors with the necessary information to assist with the allocation of non-temporary taxi permits.


C. Mikel Oglesby



**AGENDA
TAXI COMMITTEE MEETING**

**December 5, 2012
10:00am – 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 October, 2012 (Page 1)
 - b) SSG/SRA Monthly Budget Report July, August, September, 2012 (Pages 2-4)
 - c) Taxi Vehicle/Rides Analysis (Pages 5-6)
6. **Second Reading of SSG Ordinance #2012-01** **Approve**
(Jeffrey Goldfarb)
Discuss request to the Board to approve the second reading of the proposed (revised) SSG Ordinance #2012-01. (Pages 7-8) ([Ordinance separate attachment](#))

----- **INFORMATION** -----

7. **Taxi Study Update (C. Mikel Oglesby)** **Information**
Update pertaining to taxi industry study as requested by Taxi Committee and Board of Directors. (Page 9)
8. **Adjourn**

SunLine Regulatory Administration

Checks \$1,000 and Over

For the month of October 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	Operating Exp (Feb-Apr2012)	089595	10/18/2012	\$14,313.26
SUNLINE TRANSIT AGENCY	Operating Exp (Jul-Aug2012)	089597	10/18/2012	\$14,249.33
RUTAN & TUCKER, LLP	Legal fees	089590	10/5/2012	\$11,640.86
SUNLINE TRANSIT AGENCY	Operating Exp (May-Jun2012)	089596	10/18/2012	\$11,083.61
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089599	10/18/2012	\$9,967.51
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089603	10/26/2012	\$9,815.41
NAME WITHHELD	Insurance Loss Settlement	089605	10/26/2012	\$7,010.34
NAME WITHHELD	Insurance Loss Settlement	089604	10/26/2012	\$1,977.94
SUNLINE TRANSIT AGENCY	Payroll Liabilities Expense	089591	10/5/2012	\$1,712.48
Total of Checks Over \$1,000				\$81,770.74
Total of Checks Under \$1,000				\$2,731.23
Total of All Checks for the Month				\$84,501.97
Total Amount of Checks Prior Years Same Month				\$74,638.87

SunLine Regulatory Agency
Statement of Activities
July 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	153,978	12,998	12,998	0	12,998	12,998	0
Revenues:							
Meter Readings	168,000	27,797	14,000	13,797	27,797	14,000	13,797
Revenue Fines	3,000	618	417	201	618	417	201
Vehicle Inspection Revenue	14,700	450	1,225	(775)	450	1,225	(775)
Vehicle Reinspection Revenue	500	0	42	(42)	0	42	(42)
New Driver Permit Revenue	5,000	300	417	83	500	417	83
Driver Transfer Revenue	3,200	130	267	(137)	130	267	(137)
Driver Renewal Revenue	10,450	300	871	(571)	300	871	(571)
Driver Permit Reinstatement/Replacement	50	25	8	18	25	8	18
Vehicle Transfer Revenue	1,000	0	83	(83)	0	83	(83)
Vehicle Permit Revenue	84,000	1,000	7,000	(6,000)	1,000	7,000	(6,000)
Operator Application Fee	7,200	0	600	(600)	0	600	(600)
Interest Revenue	120	3	10	(7)	3	10	(7)
Total revenue	453,238	43,321	37,937	5,885	43,821	37,937	5,885
Expenses:							
Salaries and Wages	194,435	17,368	16,203	(1,165)	17,368	16,203	(1,165)
Fringe Benefits	137,918	4,964	11,493	6,529	4,964	11,493	6,529
Services	103,500	3,323	8,792	5,469	3,323	8,792	5,469
Supplies and Materials	4,500	1,216	375	(841)	1,216	375	(841)
Miscellaneous	12,885	2,200	1,074	(1,126)	2,200	1,074	(1,126)
Total Expenses	453,238	29,071	37,937	8,866	29,071	37,937	8,866
Total Operating Surplus/Deficit	0	14,750	0	14,750	14,750	0	14,750

SunLine Regulatory Agency
Statement of Activities
August 31, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	155,978	12,998	12,998	0	25,996	25,996	0
Revenues:							
Meter Readings	166,000	10,509	14,000	(3,491)	38,306	28,000	10,306
Revenue Fines	5,000	35	417	(382)	678	833	(160)
Vehicle Inspection Revenue	14,700	350	1,225	(875)	800	2,450	(1,650)
Vehicle Reinspection Revenue	500	0	42	(42)	0	83	(83)
New Driver Permit Revenue	5,000	250	417	(167)	750	833	(83)
Driver Transfer Revenue	3,200	0	267	(267)	150	533	(403)
Driver Renewal Revenue	10,450	600	871	(271)	900	1,712	(842)
Driver Permit Reinstatement/Replacement	90	10	8	3	55	15	20
Vehicle Transfer Revenue	1,000	0	83	(83)	0	167	(167)
Vehicle Permit Revenue	84,000	1,350	7,000	(5,650)	2,350	14,000	(11,650)
Operator Application Fee	7,200	0	600	(600)	0	1,200	(1,200)
Interest Revenue	120	3	10	(7)	7	20	(23)
Total revenue	455,238	26,125	37,937	(11,811)	69,947	75,873	(5,926)
Expenses:							
Salaries and Wages	194,435	17,432	16,203	(1,249)	34,820	32,406	(2,414)
Fringe Benefits	137,918	12,285	11,493	(792)	17,249	22,986	5,737
Services	105,500	811	8,792	7,981	4,134	17,583	13,449
Supplies and Materials	4,500	380	375	(5)	1,596	750	(846)
Miscellaneous	12,885	1,709	1,074	(635)	3,909	2,148	(1,762)
Total Expenses	455,238	32,637	37,937	5,300	61,708	75,873	14,165
Total Operating Surplus/Deficit	0	(6,512)	0	(6,512)	8,239	0	8,239

SunLine Regulatory Agency
Statement of Activities
September 30, 2012

Description	FY 12/13 Total Budget	Current Month			Year to Date		
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 12/13 YTD Budget	Favorable (Unfavorable)
Budget Carryover	155,978	12,998	12,998	0	38,995	38,995	0
Revenues:							
Meter Readings	168,000	11,531	14,000	(2,469)	49,837	42,000	7,837
Revenue Fines	5,000	100	417	(317)	773	1,250	(477)
Vehicle Inspection Revenue	14,700	1,950	1,225	725	2,750	3,675	(925)
Vehicle Reinspection Revenue	500	0	42	(42)	0	125	(125)
New Driver Permit Revenue	5,000	250	417	(167)	1,000	1,250	(250)
Driver Transfer Revenue	3,200	150	267	(117)	280	800	(520)
Driver Renewal Revenue	10,450	1,400	871	529	2,300	2,613	(513)
Driver Permit Reinstatement/Replacement	90	15	8	8	50	23	28
Vehicle Transfer Revenue	1,000	0	85	(85)	0	250	(250)
Vehicle Permit Revenue	84,000	1,550	7,000	(5,450)	3,900	21,000	(17,100)
Operator Application Fee	7,200	0	600	(600)	0	1,800	(1,800)
Interest Revenue	120	3	10	(7)	10	30	(20)
Total revenue	455,238	29,947	37,937	(7,989)	99,895	113,810	(13,915)
Expenses:							
Salaries and Wages	194,435	15,506	16,203	697	50,326	48,609	(1,717)
Fringe Benefits	137,918	10,904	11,693	889	27,852	34,480	6,628
Services	105,500	29,437	8,792	(10,665)	23,591	26,375	2,784
Supplies and Materials	6,500	187	375	188	1,783	1,125	(658)
Miscellaneous	12,885	559	1,074	515	4,468	3,221	(1,247)
Total Expenses	455,238	46,313	37,937	(8,377)	108,020	113,810	5,790
Total Operating Surplus/Deficit	0	(16,366)	0	(16,366)	(8,126)	0	(8,126)

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	149	45,301	304			
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	545	152,105	279	0	01 #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	OCT 45,301	
LOWEST TRIPS	AUG 23,671	AUG 29,238	AUG 29,459	JUL 33,019	
MOST VEHICLES	JUL 170	JUL 151	APR 170	OCT 149	
LEAST VEHICLES	NOV 153	NOV 117	AUG 123	SEP 131	
MOST TRIPS/VEH	APR 345	APR 1004	APR 421	OCT 304	
LEAST TRIPS/VEH	AUG 153	AUG 198	AUG 240	JUL 250	

SunLine Services Group

DATE: December 5, 2012 **ACTION**

TO: Taxi Committee
Board of Directors

FROM: SunLine General Counsel

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

RECOMMENDATION

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

BACKGROUND

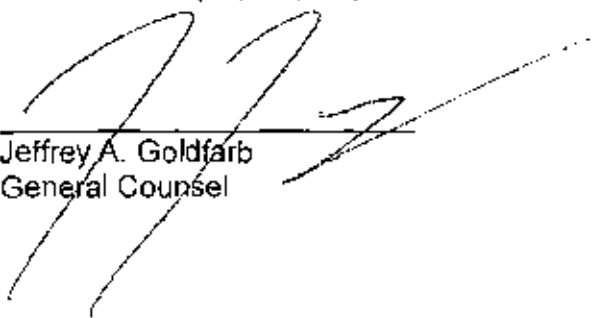
At the October 24, 2012 Board meeting, the SunLine Services Group approved the first reading of the proposed SSG Ordinance No. 2012-01.

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: December 5, 2012

INFORMATION

TO: Taxi Committee
Board of Directors

FROM: General Manager

RE: Taxi Study Update

Background

At the October 24, 2012 Board Meeting, the Taxi Committee provided detailed guidance regarding the need for additional information to assist the Board of Directors in making informed decisions relative to the allocation of unallocated non-temporary taxi permits and the possible need for an RFP for an additional franchise.

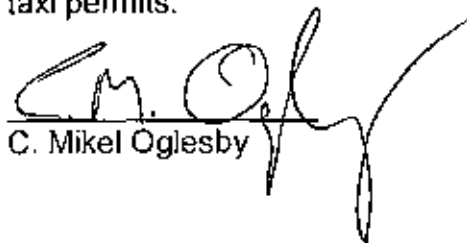
The Board requested that:

1. Staff provide a listing of independent firms with the capability of providing a study to answer specific questions provided by the Board.
2. Staff contract with an independent firm to provide the study.
3. Staff provide a financial assessment of Desert City Cab in order to determine their ability to perform as an ongoing taxi franchise.

This information provides an update on the status of these items. Here is the update:

1. Staff has provided the Taxi Committee with the draft questions to be answered by the independent firm in advance to make sure the study is responsive to the inquiries of the Board.
2. Staff has provided the Taxi Committee with a list of the independent firms recommended for this engagement.
3. Staff will initiate the RFP process once the list of questions is confirmed.
4. Staff will be contracting with a CPA firm to conduct the financial analysis of Desert City Cab within the next week.

Staff will keep the Board informed as staff pursues these actions to provide the Board of Directors with the necessary information to assist with the allocation of non-temporary taxi permits.


C. Mikel Oglesby