



**Wednesday, May 22, 2013**

**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 Spiegel
2. **Flag Salute**
3. **Roll Call**
4. **Presentations**
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 April 24, 2013 Board of Directors Meeting (Pages 1-7)
- b) Checks over \$1,000 for March, 2013 (Pages 8-9)
- c) Credit card statement for April, 2013 (Pages 10-13)
- d) Monthly Budget Reports for February, March, April 2013 (Provided at next meeting)
- e) Contract Report, April, 2013. (Page 14)
- f) Ridership Report for April, 2013 (Pages 15-16)
- g) SunDial Operational Notes for April, 2013 (Page 17)

**10. Change Order for LEED Verifications to IBI  
**(C. Mikel Oglesby)******Approve**

Request to the Board to approve the issuance of a change order to the IBI contract to hire independent LEED evaluator for the Administration Building. (Page 18)

- 11. Modification to Ballard Contract for Support of the Fuel Cell Bus (Tommy Edwards) **Approve****  
Request to the Board approve modification to Ballard Contract to extend warranty on the AT Fuel Cell Bus. (Page 19)
- 12. Resolution Updating Signatories on Bank Accounts (C. Mikel Oglesby) **Approve****  
Request to the Board to approve the attached Resolution updating bank signature cards to reflect removal of previous Director of Finance and addition of Chief of Staff. (Pages 20-22)
- 13. Approval of Contract with CMG (C. Mikel Oglesby) **Approve****  
Request to the Board to Negotiate and Execute a contract with CMG for Accounting related services. (Page 23)
- 14. Execution of Water District Easement (C. Mikel Oglesby) **Approve****  
Request to the Board to authorize the General Manager to execute the grant of an easement with the Coachella Valley Water District for the Administrative Building and Transit Hub project. (Page 24)
- 15. Litigation Committee Bylaws (G. Dana Hobart) **Approve****  
Request to the Board by Board Member Hobart for approval of the attached proposed Litigation Committee Bylaws. (Pages 25-27)
- 16. Appoint a Nominating Committee for Board Officers (Chairman Robert Spiegel) **Approve****
- 17. Legal Counsel's Proposal for Contract Modification (Jeff Goldfarb) **Approve****  
Discussion of legal counsel invoices and request to the Board for a contract modification for Legal Counsel billing. (Pages 28-30)

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

- 18. Bus Service Request for Shadow Hills, Sun City and Desert Eagle, DHS (Chairman Robert Spiegel) **Discussion****  
Discuss requests of bus service from residents of Shadow Hills, Sun City and Desert Eagle, DHS.
- 19. Discuss Time Schedule for Committees (Councilmember G. Dana Hobart) **Discussion****

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**20. General Manager's Report (C. Mikel Oglesby)**

**21. Next Meeting Date**

June 26, 2013  
12 o'clock Noon – Kelly Board Room  
32-505 Harry Oliver Trail  
Thousand Palms, CA 92276

**22. Closed Session**

- a) Closed session – Conference with Legal Counsel—Existing Litigation Subdivision (a) of Section 54956.9) S.I.T.O v. SunLine Transit Agency et. Al., United States District court, Eastern Division, case No. ED CV 12-01084VAP (OPx).
- b) Closed Session – Conference with Legal Counsel- LIABILITY CLAIMS pursuant to subdivision (b)(3)(C) of Government Code Section 54956.9 – Claimant: Gilmar Chacon; Agency Claimed Against: SunLine Transit Agency.
- c) Closed Session – Conference with Legal Counsel- LIABILITY CLAIMS pursuant to subdivision (b)(3)(C) of Government Code Section 54956.9 – Claimant: William and Ursula Fox; Agency Claimed Against: SunLine Transit Agency.
- d) Closed Session – Conference with labor negotiators Government Code Sec. 54957.6: Designated Representatives: The Ad Hoc Committee (Robert A. Spiegel, Yvonne Parks, G. Dana Hobart, Don Adolph, Glenn Miller) Unrepresented Employee: General Manager.
- e) Closed Session - Gov. Code Sec. 54957 - PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE"
- f) Closed Session - Gov. code sec. 54956.9 - CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION - Significant expose to litigation pursuant to subdivision (b)(1) (3 potential cases)

**23. Adjourn**

**MINUTES**  
**SunLine Transit Agency**  
**Board of Directors Meeting**  
**April 24, 2013**

A regular meeting of the SunLine Transit Agency Board of Directors was held at 12:00pm on Wednesday, April 24, 2013 in the Kelly Board Room at SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

1. **Call to Order**

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

2. **Flag Salute**

Mayor Eduardo Garcia led all in a salute to our flag.

3. **Roll Call**

Completed.

**Members Present**

Robert Spiegel, Chairman, Councilmember, City of Palm Desert  
Yvonne Parks, Vice Chairman, Mayor, City of Desert Hot Springs  
Rick Hutcheson, Councilmember, City of Palm Springs  
G. Dana Hobart, Councilmember, City of Rancho Mirage  
Douglas Hanson, Councilmember, City of Indian Wells  
Kristy Franklin, Mayor Pro Tem, City of La Quinta  
Glenn Miller, Councilmember, City of Indio  
Eduardo Garcia, Mayor, City of Coachella

**Members Absent**

Greg Pettis, Councilmember, City of Cathedral City  
John J. Benoit, Supervisor, County of Riverside

**Guests:**

Kathleen Bennett, Resort Marketing  
Barrett Newkirk, The Desert Sun  
Bill Meyers, Yellow Cab of the Desert  
Michael Brock, Yellow Cab of the Desert  
Mabu Hossein, Desert City Cab  
Harry Incs, American Cab  
Phyllis Tunis, Public  
Barbara Rodin, Public  
Mark Triplett, Public

**Staff:**

C. Mikel Oglesby, General Manager  
Jeffrey Goldfarb, Legal Counsel  
Carolyn Rude, Special Asst. to the General Manager/Clerk of the Board  
Naomi Nightingale, Chief of Staff

Polo Del Toro, Director of Operations  
Joe Forgiarini, Director of Transit Planning  
Mike Morrow, Director of Maintenance  
Don Bradburn, Director of Human Resources  
Brenda Walker, Director of Finance  
Tommy Edwards, Contracting Officer Technical Representative  
Rudy LeFlore, Procurement Consultant  
Mannie Thomas, Manager of Operations and Safety Training  
Manny Garcia, Senior Supervisor, Operations  
Rick Barone, Procurement Officer  
Michael Jones, Manager Taxicab Administration  
Stephanie Buriel, Senior Administrative Assistant  
Anita Petke, Transit Planning Assistant  
Karen Thomas, Senior Administrative Assistant  
Francine DePalo, Administrative Assistant  
David Manriquez, Facility Maintenance Assistant  
Joseph Friend, Senior IT & Systems Analyst  
Vanessa Mora, Desktop Support Technician  
Karen Thomas, Senior Administrative Assistant  
Amy Heilman, Coin Counter

4. **Presentations**

None.

5. **Finalization of Agenda**

No changes were made.

6. **Correspondence**

None.

7. **Public Comments**

**NON AGENDA ITEMS:**

Phyllis from Sun City, Shadow Hills, stated the following: "Good afternoon members of the SunLine Board. My name is Phyllis Tunes and I live in Indio. When my husband and I moved to Sun City, Shadow Hills in 2004, it seemed all of our neighbors and my husband and I were either involved in golf, tennis, exercise, or joining the various clubs available. We didn't spend much time running to doctors. We spent our time playing and enjoying our retirement. My husband immediately got involved in Indio politics and served on the Planning Commission and then the Water Commission. However, nine years makes a huge difference in a person's health. He just recently stopped driving and we are now a one car family. Coming from New York, I figured he could use public transportation. What a surprise to find out that there is no public transportation available to us, the residents north of 1-10 and Jefferson. I thought how could this be? How can such a large community be so isolated? Thus began my research and I soon discovered this to be true. I discovered the closest bus stop to be at Washington and Harris, or Jackson near Winter Market. Each of the stops are miles from our community. Sun City Shadow Hills is an over 55 community and presently we

have well over 3000 homes with 5400 residents. At build out, there will be 3424 homes and 6000 residents – a pretty good tax revenue for the City and Riverside County. We need to accommodate the residents so they can continue to be independent and remain in their homes in the community as long as possible. One way to do so is by bringing in SunDial paratransit bus service designed to meet the requirements of Americans with Disabilities. However, in order to get SunDial into Shadow Hills, we have to be at least  $\frac{3}{4}$  of a mile of a SunLine bus stop, which we are not. As a first step, I appeal to this Board to add another stop to an existing line so we are within the  $\frac{3}{4}$  mile boundary. Better yet, I would like to see a regular bus stop at Jefferson and 40<sup>th</sup> so it would accommodate Sun City Shadow Hills as well as the students at Shadow Hills High School. Thank you.”

Chairman Spiegel asked the Clerk of the Board to put the issue of service to Sun City, Shadow Hills on the May Board agenda.

**AGENDA ITEMS:**

None.

**8. Board Member Comments**

Councilmember Miller stated the following: “I wanted all of you to have this letter from College of the Desert (passed out). I have been talking to the Alumni Association and also the College Superintendent/President, Mr. Kinnamon, and I would like to have a discussion on this. I know we can't do it now, but later about discount bus passes to the COD students. They are having extremely hard times. The Alumni is already paying \$67,000 for bus passes. It doesn't seem to be enough to go around. We have youth that are not only doing internships, are having a hard time getting from Desert Hot Springs – North Shore and other places and can't afford the bus fare to get from point A to point B. The bus passes that they are getting from the College campus, they actually wait in line and they are running out of them. There has got to be something that we can do to provide bus discounts to COD students while they are enrolled in school and also looking at what they are going to do if they an internship. It doesn't cost us any more money to take the bus from point A to point B if there are 60 people on it, or 30 people on it. I would like this Board to address how we can work with COD to give college students the opportunity with either a pilot program working somehow to give them a discount pass or working with them to get the \$67,000 that the alumni association now is doing. It is still not stretching enough to get these kids from Palm Springs to wherever they have to go, to college campuses. We want go get as many kids there as possible. That is what we need to do. I would like this Board to come up with a way to address this to see what we can do. There are two letters that were passed out from Mr. Kinnamon and also the head of the Alumni Association talking about how they would continue to support it with \$67,000 and would like to work with us. I think it is vital that we start giving what we can.” Chairman Spiegel asked that this issue be discussed at upcoming Board meeting.”

Councilmember Hanson stated the following: “That raises additional questions for me. There was an article in the paper this week concerning Desert Edge. I don't honestly know where that is.” Vice Chair Parks stated the following: “If you know where Dillon and Long Canyon are, it's just east of Long Canyon. It's about 3.7 square mile area

and it is a county community district. They have their own community council and we have talked to them in the past of extending Line 15, which the last stop is just west of Long Canyon and Hacienda; right there at the apartments. We have talked about extending that, but when we did a survey..." Councilmember Hanson further stated: "What raised the question for me when I read that, and maybe there is not a lot of ridership in that area, I thought – could they use Dial-A-Ride. And then based on what I just heard from the lady that addressed the Board, I guess if there is no bus stop out there of any kind, then obviously Dial-A-Ride would not be available for the 80 year old person who has to walk to go to the doctor. So I guess Dial-A-Ride would not work for those people, is that correct?" General Manager, Mikel Oglesby stated the following: "It is not whether Dial-A-Ride would work for them or not, it is more of whether a fixed route would work for them. We went out and had some deep discussions with the group and although everybody seemed very adamant in wanting it and we informed them that would need a proof of ridership, can you do a survey, they could not get enough people to do the actual survey. It kind of fell apart. There would have to be fixed route service out there in order to provide ADA compliant ridership. It does not mean that there are not people there that could use ADA complaint service." Councilmember Hanson asked the following: "What is the distance between the last stop that is there now to where the stop would be to serve these people?" Joe Forgiarini, Director of Transit Planning, stated the following: "It's about 4.5 miles. There is no direct road – we would have to backtrack about one mile out of direct line. It's about 4.5 miles." Oglesby stated: "We went out and drove it. There is not much between there. There are no sidewalks and there are other issues with it, but we were still trying to look into it. That doesn't mean that it is something that we can't go out and entertain, it's just at that time, there was a big push and then they fell out." Vice Chair Parks stated: "I think they want the survey done when the snowbirds are here to show ridership." Councilmember Miller asked: "When was the survey done?" Oglesby stated: "I can't remember – two years? And then I never heard from them." Chairman Spiegel asked to add this issue to the discussion about Sun City at the May Board meeting."

Vice Chair Parks stated: "I want to make one comment. They take \$1.2 million away for rail, none of this is possible."

Legal Counsel stated the following: "Just a quick report on a success. I want to announce that we were able to get rid of a lawsuit that was pending against the Board – it was American Cab v. SunLine. This was a lawsuit where they were challenging our ability to regulate taxis and at the same time, operate a bus system. The nice thing is that we were able to get out of the case on summary judgment in Federal Court. It doesn't happen that much, but it saves us a tremendous amount of money because it meant we did not have to go to trial. The case has been terminated and we have judgment."

## 9. Consent Calendar

Councilmember Miller stated: "What part of it is there?" Mayor Garcia moved for approval of the consent calendar. The motion was seconded by Councilmember Hutcheson. The motion was approved by a unanimous vote with abstention of the minutes, 9a, by Mayor Pro Tem Kristy Franklin of La Quinta. "Councilmember Miller

further asked: "Can we state which ones? We don't have the bills." Chairman Spiegel stated: "We are going to get those next time and we can approve the whole thing."

**10. Award of Contract for HyRadix Reformer Maintenance Support**

Director of Operations, Apolonio Del Toro, addressed the Board stating the following: "Staff recommends that the Board grant authorization to the General Manager to approve award of a contract for maintenance support of the HyRadix reformer equipment to Patrick Brassil upon review as to form and legality by Legal Counsel. In 2006, SunLine Transit Agency installed a commercial HyRadix Aptus™ Hydrogen Generator as well as a six-year maintenance agreement to guarantee reformer operation and maintenance. In December 2012, the final maintenance service, per this agreement, was performed. The new service agreement of three years should take us out to the life of the unit. The fiscal impact is approximately \$180,000 and will be budgeted out of operating at \$60,000 per year." Councilmember Hanson moved for approval. The motion was seconded by Councilmember Miller and was approved by a unanimous vote.

**11. Legal Counsel Invoices**

Chairman Spiegel stated the following: "This item was asked to be put on the agenda by Board member Don Adolph who is not present." Legal Counsel, Jeff Goldfarb stated the following: "I would like to add as this was going to be part of it. Maybe we can take this up now. This is a suggestion out of the Finance Committee that we had I think two months ago, there was a desire for Legal Counsel and staff to get together on looking at a different way to bill legal services. We have done that and have made a proposal to SunLine and I would like to discuss that if I could. At the end of the day, I think it will work out better financially for SunLine and here is why. Right now, we are on a flat fee for routine work and it is done in the form of a retainer, so regardless of the number of hours that are spent on routine work, there is a flat fee that is paid. Non-routine work is compensated at a different rate. The suggestion that I have is that instead of doing it that way we change the concept so that there is a retainer that is based on a dollar fee per hour, which would be \$220 per hour. But it is different than the typical retainer because it would only be billed for the amount of hours actually spent working rather than a flat fee per month. So I think at the end of the day, it works out to be substantially less in legal fees than SunLine is currently paying. That \$220 an hour would pay for basically everything but litigation and bond counsel services. I don't think we have ever used bond counsel services; certainly we haven't since I have been here and I don't anticipate that we are going to. We do have some litigation and the litigation rate would be proposed at \$229 per hour for associates and \$265 for partners. I have withheld bills over the past two months because it... if we go this system, I will retroactively bill it because I think it will be cheaper and I will verify that it is cheaper before I submit the bill. I am happy to answer any questions on that."

Councilmember Hanson asked the following: "If I may, you excluded litigation and bond – what about personnel? Is that included in the \$220?" Mr. Goldfarb stated: "Personnel would be included in the \$220." Councilmember Hobart asked: "What do you mean by personnel?" Mr. Goldfarb answered: "Up to the 40 hour limit." Councilmember Hanson further asked: "Any personnel issue – litigation – those kinds of things? Well... litigation would be out of it." Mr. Goldfarb stated: "Yes, litigation

would be out of it. Litigation is litigation." Councilmember Miller asked the following: "What kind of differences dollar wise are you talking about?" Mr. Goldfarb answered: "I am assuming that it is going to be in the range of probably about \$1,000 a billing period. I can verify that - a \$1000 less." Chairman Spiegel stated: "I suggest that you put this on paper and it goes out to everybody on the Board and we take a look at it next month. Because I don't know enough about it now." Councilmember Miller stated: "I would recommend that Mr. Goldfarb, considering he is with us most the time, could bring it back to the Finance Committee and we can review it as it is a finance issue and then bring a recommendation back to the Board based on the merits of what he proposes to us."

Councilmember Hobart stated: "If we are going to be continuing the matter that Don Adolph has raised, shouldn't it be heard at the same time that this change is discussed? Either bring this back in time for the next month, or make the continuance for the Don Adolph for two months." Mr. Goldfarb stated: "I can bring it back for next month." Councilmember Miller stated: "The Finance Committee can tell if it makes feasible sense." Mayor Pro Tem Kristy Franklin moved to continue agenda item to the May 22, 2013 meeting. The motion was seconded by Councilmember Miller and approved by a unanimous vote.

**12. General Manager's Report**

General Manager, Mikel Oglesby, stated the following: "Mr. Chairman, Members of the Board, on April 10<sup>th</sup> SunLine staff joined Supervisor Benoit to announce the approval by RCTC to grant funding to provide bus service to the North Shore residents. There were quite a few residents in attendance who were very excited about the service, which will launch in September of this year. No one was more excited than me as it has been a two year process of applying for various grants and being turned down until we finally got something accomplished. As Supervisor Benoit mentioned to the residents, it is up to them to use the service to demonstrate the need for long term. I would like to thank Supervisor Benoit and SunLine Board member Mayor Eduardo Garcia, who accompanied staff several times to discuss the transit needs with the community. Both have been diligent in their focus on the needs of providing transit to the North Shore. A special thanks to SunLine staff for their hard work and dedication. As all of you are aware, here at the Agency we feel it is important to celebrate our diversity. On Thursday, May 2<sup>nd</sup>, our employees will celebrate Cinco de Mayo cooking up their favorite Mexican food dish at our annual potluck lunch. The lunch will take place here at the Agency from 12:00pm to 2:30pm here in the Board Room. If you are available, you are welcome to join us for lunch. That concludes my report."

**13. Next Meeting Date**

May 22, 2013

12 o'clock Noon – Kelly Board Room

32-505 Harry Oliver Trail

Thousand Palms, CA 92276

At 12:20pm Chairman Spiegel announced the Board would go into Closed Session.

**14. Closed Session**

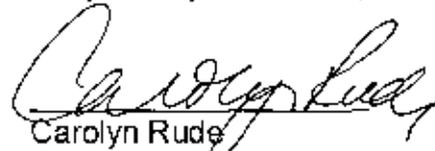
- a) Closed session – “CONFERENCE WITH LABOR NEGOTIATORS Government Code Sec. 54957.6: Designated Representatives: The Ad Hoc Committee (Robert A. Spiegel, Yvonne Parks, G. Dana Hobart, Don Adolph, Glenn Miller) Unrepresented Employee: General Manager.
- b) Closed session - CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Subdivision (a) 54956.9) *United States of America, ex rel. S.I.T.O. Inc., v. SunLine Transit Agency*; USDC Case No. ED CV 12-01084 VAP (OPx).

At 1:12pm Chairman Spiegel returned to open session. Legal Counsel stated that there was no reportable action.

**15. Adjourn**

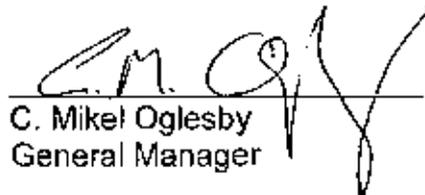
Chairman Spiegel adjourned the meeting at 1:55p.m.

Respectfully Submitted,



Carolyn Rude  
Clerk of the Board

Approved By:

  
C. Mikel Oglesby  
General Manager

Date: 5/10/13

SunLine Transit Agency  
Checks \$1,000 and Over  
For the month - March 2013

Vendor Name	Item Description	Check No.	Date	Amount
<b>Section Ia- Check payments issued against the Operating Fund - (Costs related to Transit Operations &amp; Maintenance)</b>				
SO CAL GAS CO.	Costs for utilities	657203	3/8/2013	\$81,400.10
IMPERIAL IRRIGATION DIST	Costs for utilities	657269	3/20/2013	\$17,146.51
GOODYEAR TIRE & RUBBER CO.	Cost for the vehicle tire lease agreement	657348	3/29/2013	\$6,358.92
NEW FLYER	Cost to purchase vehicle parts	657145	3/5/2013	\$5,612.45
CUMMINS CAL PACIFIC, LLC	Cost to repair and service vehicles	657259	3/20/2013	\$5,571.45
A C. PROPANE	Propane Service	657301	3/29/2013	\$5,053.56
CUMMINS CAL PACIFIC, LLC	Cost to purchase vehicle parts	657324	3/29/2013	\$4,023.94
STRICKLAND KENNY, INC.	Cost to purchase lubricants & oils	657206	3/8/2013	\$3,941.03
GATEWAY COMPRESSION, INC	Cost to purchase maint. parts & equip	657122	3/5/2013	\$3,404.85
NAPA AUTO PARTS	Cost to purchase vehicle parts	657364	3/29/2013	\$3,201.18
FACTORY MOTOR PARTS COMPANY	Cost to purchase vehicle parts	657111	3/5/2013	\$2,654.74
CUMMINS CAL PACIFIC, LLC	Cost to purchase vehicle parts	657093	3/5/2013	\$2,355.49
FARWEST CORROSION CONTROL	Cost to purchase vehicle parts	657112	3/5/2013	\$2,050.00
TRANSIT PRODUCTS & SERVICES	Cost to purchase vehicle parts	657168	3/5/2013	\$2,038.98
FACTORY MOTOR PARTS COMPANY	Cost to purchase vehicle parts	657339	3/29/2013	\$1,915.00
NEW FLYER	Cost to purchase vehicle parts	657277	3/20/2013	\$1,675.49
CARQUEST OF THE DESERT	Cost to purchase vehicle parts	657179	3/8/2013	\$1,606.64
DAIMLER BUSES NORTH AMER, INC	Cost to purchase vehicle parts	657095	3/5/2013	\$1,447.70
FRANKLIN TRUCK PARTS, INC	Cost to purchase vehicle parts	657188	3/8/2013	\$1,277.77
TRANSIT RESOURCES, INC	Cost to purchase vehicle parts	657294	3/20/2013	\$1,042.15
	<b>Subtotal</b>			<b>\$153,777.95</b>
<b>Section Ib- Check payments issued against the Operating Fund - (Costs related to General Administration)</b>				
KIMCO STAFFING SERVICES, INC.	Costs for temporary employment services	657358	3/29/2013	\$7,662.05
IMPERIAL IRRIGATION DIST	Costs for utilities	657133	3/5/2013	\$6,383.40
G&K SERVICES	Costs to service uniforms	657121	3/5/2013	\$6,234.97
WOODRUFF, SPRADLIN & SMART	Costs for legal services for labor counsel	657385	3/29/2013	\$5,310.50
G&K SERVICES	Costs to service uniforms	657345	3/29/2013	\$4,885.52
MOORE MAINTENANCE & JANITORIAL	Costs for janitorial services	657276	3/20/2013	\$4,678.00
KIMCO STAFFING SERVICES, INC.	Costs for temporary employment services	657137	3/5/2013	\$4,282.50
RESORT MARKETING	Costs for public relations & marketing services	657240	3/15/2013	\$4,127.50
OFFICETEAM	Costs for temporary employment services	657147	3/5/2013	\$4,064.05
KIMCO STAFFING SERVICES, INC.	Costs for temporary employment services	657273	3/20/2013	\$3,732.23
TELEPACIFIC COMMUNICATIONS	Costs for telephone services - Monthly	657209	3/8/2013	\$3,545.60
NYHART COMPANY	Costs for pension consultant	657236	3/15/2013	\$2,758.11
BURRTEC WASTE & RECYCLING SVC	Costs for utilities - waste removal	657080	3/5/2013	\$2,612.04
BURRTEC WASTE & RECYCLING SVC	Costs for utilities - waste removal	657312	3/29/2013	\$2,560.55
VERIZON	Costs for wireless communications	657297	3/20/2013	\$2,207.48
DESERT PUBLICATIONS, INC.	Costs for advertisement	657281	3/20/2013	\$2,083.17
IMPERIAL IRRIGATION DIST	Costs for utilities	657351	3/29/2013	\$1,635.04
VALLEY OFFICE EQUIPMENT	Costs for fax/copy supplies	657215	3/8/2013	\$1,615.09
GRAINGER	Cost for facilities maintenance parts/supplies	657266	3/20/2013	\$1,532.21
OFFICETEAM	Costs for temporary employment services	657366	3/29/2013	\$1,523.02
COACHELLA VALLEY PRINTING	Costs for printing services	657316	3/29/2013	\$1,143.37
AMERICAN DICTATION CORP.	Costs for office supplies	657251	3/20/2013	\$1,098.99
GRAINGER	Costs for facilities maintenance parts/supplies	657125	3/5/2013	\$1,053.44
OFFICE DEPOT	Costs for office supplies	657197	3/8/2013	\$1,050.62
TOTAL FUNDS BY HASLER	Costs for postage	657293	3/20/2013	\$1,047.21
TOTAL FUNDS BY HASLER	Costs for postage	657212	3/8/2013	\$1,032.90
EISENHOWER OCCUPATIONAL	Costs of medial exams and testing	657333	3/29/2013	\$1,030.00
SCRITTC	Membership & Subscriptions	657159	3/5/2013	\$1,000.00
	<b>Subtotal</b>			<b>\$81,889.57</b>
<b>Section II - Check payments subject to the provisions of Grants, Contracts, Capital Projects or "Pass-through"</b>				

SunLine Transit Agency  
Checks \$1,000 and Over  
For the month - March 2013

Vendor Name	Item Description	Check No.	Date	Amount
IMPERIAL IRRIGATION DISTRICT	Fees for electrical svcs. for Admin Building	657216	3/14/2013	\$173,817.41
TRAPEZE GROUP	Annual Software license - Trapeze Ops Prgm	657219	3/14/2013	\$37,221.00
LEFLORE GROUP LLC, THE	Project management services - Feb	657191	3/8/2013	\$15,985.51
HEWLETT-PACKARD COMPANY	Purchase of network hardware & IT equip.	657130	3/5/2013	\$18,752.89
TRAPEZE GROUP	Annual Software license - Trapeze PASS	657169	3/5/2013	\$18,423.00
CMG	Grants & audits coordination services - Feb	657181	3/8/2013	\$9,893.75
CVAG	JARC program-Federal grant reimbursement	657252	3/20/2013	\$7,578.52
RCTC	JARC program-Federal grant reimbursement	657238	5/1/2013	\$5,850.81
COUNTY OF RIVERSIDE	Submittal fees for Admin Building	657320	3/29/2013	\$3,834.41
ALLIED BARTON SECURITY SVCS	Onsite security services for facilities	657306	3/29/2013	\$3,727.08
AMERICAN CAB	Taxi Voucher Program - Federal grant	657250	3/20/2013	\$3,651.04
ALLIED BARTON SECURITY SVCS	Onsite security services for facilities	657073	3/5/2013	\$2,484.72
FLEET-NET CORPORATION	Software Support - Accounting System	657118	3/5/2013	\$2,145.00
COUNTY OF RIVERSIDE	Easement fees for Admin Building	657256	3/20/2013	\$2,000.00
YELLOW CAB	Taxi Voucher Program - Federal grant	657249	3/15/2013	\$1,451.69
ALLIED BARTON SECURITY SVCS	Onsite security services for facilities	657175	3/8/2013	\$1,242.36
SMARTDRIVE SYSTEMS, INC	Security equipment maintenance agreement	657286	3/20/2013	\$1,240.00
SMARTDRIVE SYSTEMS, INC	Security equipment maintenance agreement	657202	3/8/2013	\$1,140.00
DESERT ALARM, INC	Facilities security system maint. Agreement	657183	3/8/2013	\$1,120.00
	<b>SubTotal</b>			<b>\$311,659.19</b>
<b>Section III - Check payments related to payroll deductions, employee benefits, and other employee related liabilities</b>				
HEALTH NET	Group Health Ins Prem (paid monthly)	657349	3/29/2013	\$218,305.93
U.S. BANK INSTITUTIONAL TRUST	Pension Deposits (paid per payroll)	657379	3/29/2013	\$91,349.19
U.S. BANK INSTITUTIONAL TRUST	Pension Deposits (paid per payroll)	657171	3/5/2013	\$91,228.76
U.S. BANK INSTITUTIONAL TRUST	Pension Deposits (paid per payroll)	657247	3/15/2013	\$90,994.20
PERMA - Insurance	Workers Comp (paid monthly)	657281	3/20/2013	\$76,875.38
PRUDENTIAL GROUP INSURANCE	Short/Long Term Disability (paid monthly)	657151	3/5/2013	\$15,387.66
METLIFE SBC	Dental Insurance (paid monthly)	657141	3/5/2013	\$6,582.25
COLONIAL LIFE & ACCIDENT INSUR	Employee Supplemental Insur (paid monthly)	657255	3/20/2013	\$6,215.61
AMALGAMATED TRANSIT UNION	Union Dues (paid per payroll)	657222	3/15/2013	\$4,421.55
AMALGAMATED TRANSIT UNION	Union Dues (paid per payroll)	657074	3/5/2013	\$4,399.26
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment (paid per payroll)	657083	3/5/2013	\$3,357.34
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment (paid per payroll)	657225	3/15/2013	\$3,357.34
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment (paid per payroll)	657314	3/29/2013	\$3,098.84
EYE MED	Employee Benefits (paid monthly)	657263	3/20/2013	\$2,192.16
MAGELLAN BEHAVIORIAL HEALTH	Employee Assistance Program (Apr - June)	657358	3/29/2013	\$2,193.51
	<b>SubTotal</b>			<b>\$619,938.98</b>
<i>Note: Normally, there are two payroll cycles per month. However, this month there were three payroll cycles. Deductions are collected per payroll and the invoice is paid monthly, as indicated. Exceptions: Pensions, garnishments and union dues are paid per payroll.</i>				
	<b>Total Checks Over \$1000</b>			<b>\$1,167,265.69</b>
<b>Summary</b>				
	<b>Total of Checks Over \$1,000</b>			<b>\$1,167,265.69</b>
	<b>Total of Checks Under \$1,000</b>			<b>\$61,372.92</b>
	<b>Total of All Checks for the Month</b>			<b>\$1,228,638.61</b>
	<b>Total Amount of Checks Prior Year - Same Month</b>			<b>\$1,649,667.35</b>

April 2013 Statement



Open Date: 03/22/2013 Closing Date: 04/19/2013

Account:

Visa® Business Card  
SUNLINE TRANSIT  
C MIKEL OGLESBY (CPN

Cardmember Service ( 1-866-552-8855  
BUS 13

**New Balance** \$2,395.47  
**Minimum Payment Due** \$24.00  
**Payment Due Date** 05/17/2013

**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%

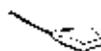
**Activity Summary**

Previous Balance	+	\$2,714.63
Payments	-	\$2,714.63CR
Other Credits		\$0.00
Purchases	+	\$2,395.47
Balance Transfers		\$0.00
Advances		\$0.00
Other Debits		\$0.00
Fees Charged		\$0.00
Interest Charged		\$0.00
<b>New Balance</b>	=	<b>\$2,395.47</b>
Past Due		\$0.00
<b>Minimum Payment Due</b>		<b>\$24.00</b>
Credit Line		\$37,000.00
Available Credit		\$34,604.53
Days in Billing Period		29

**Payment Options:**



Mail payment coupon with a check



Pay online at myaccountaccess.com



Pay by phone 1-866-552-8855

No payment is required.

CPN 000648533

**Automatic Payment**

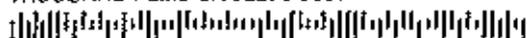
24-Hour Cardmember Service: 1-866-552-8855

- ( to pay by phone
- ( to change your address

Account Number:

Your new full balance of \$2,395.47 will be automatically deducted from your account on 05/16/13.

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





SUNLINE TRANSIT  
C MIKEL OGLESBY (CPN C

Cardmember Service ☎ 1-866-552-8855

**Important Messages**

Your payment of \$2395.47 will be automatically deducted from your bank account on 05/16/2013. Please refer to your AutoPay Terms and Conditions for further information regarding this account feature.

Simplify your finances today by consolidating your debt into one monthly payment. Check your mail for a great new offer or call Cardmember Service today for information on how to save with a balance transfer. Call now and start saving.

**Transactions**

**Payments and Other Credits**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
04/16	04/16		PAYMENT THANK YOU	\$2,714.63CR	_____
<b>TOTAL THIS PERIOD</b>				<b>\$2,714.63CR</b>	

**Purchases and Other Debits**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
03/25	03/21	0063	AMERICAN 0017178046543 MANKATO MN THOMAS/MANNIE 05/19/13 ONTARIO CAL TO DALLAS DALLAS TO BALTIMORE BALTIMORE TO DALLAS DALLAS TO ONTARIO CAL	\$640.10	_____
04/02	04/01	3847	OWW*ORBITZ.COM 888-656-4546 IL	\$17.98	_____
04/02	04/01	4431	OWW*ORBITZ.COM 888-656-4546 IL	\$8.99	_____
04/03	04/01	1677	AMERICAN 0012377722504 DALLAS TX OGLESBY/CHARLE 05/03/13 PALMSPRINGS TO DALLAS DALLAS TO INDIANAPOLIS INDIANAPOLIS TO DALLAS DALLAS TO PALMSPRINGS	\$455.60	_____
04/03	04/01	2030	AMERICAN 0010842099019 DALLAS TX OGLESBY/CHARLE 04/01/13 XAA TO XAA	\$30.00	_____
04/03	04/01	4672	FRONTIER 4227178885577 MANKATO MN THOMAS/MANNIE 05/02/13 PALMSPRINGS TO DENVER DENVER TO INDIANAPOLIS INDIANAPOLIS TO DALLAS DALLAS TO PALMSPRINGS	\$395.60	_____
04/03	04/01	4680	FRONTIER 4227178885578 MANKATO MN DJURAN/VICTOR 05/02/13 PALMSPRINGS TO DENVER DENVER TO INDIANAPOLIS INDIANAPOLIS TO DALLAS DALLAS TO PALMSPRINGS	\$395.60	_____
04/03	04/01	4870	FRONTIER 4227178886843 MANKATO MN DEL TORO/AOLON 05/04/13 PALMSPRINGS TO DENVER	\$451.60	_____

April 2013 Statement 03/22/2013 - 04/19/2013

Page 3 of 3

SUNLINE TRANSIT  
C MIKEL OGLESBY (CPN )

Cardmember Service ☎ 1-866-552-8855

**Transactions**

**Purchases and Other Debits**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
			DENVER TO INDIANAPOLIS		
			INDIANAPOLIS TO DALLAS		
			DALLAS TO PALMSPRINGS		
<b>TOTAL THIS PERIOD</b>				<b>\$2,395.47</b>	

**Fees**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
04/19			ANNUAL MEMBERSHIP FEE	\$0.00	
<b>TOTAL FEES THIS PERIOD</b>				<b>\$0.00</b>	

2013 Totals Year-to-Date	
Total Fees Charged in 2013	\$0.00
Total Interest Charged in 2013	\$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	YLS	\$0.00	13.99%		NO
**PURCHASES	\$2,395.47	\$0.00	YES	\$0.00	13.99%		YLS
**ADVANCES	\$0.00	\$0.00	YES	\$0.00	20.99%		NO

**Contact Us**

 <b>Phone</b> Voice: 1-866-552-8855 IDD: 1-888-352-6455 Fax: 1-866-607-9053	 <b>Questions</b> Cardmember Service P.O. Box 6353 Fargo, ND 58125 6353	 <b>Mail payment coupon with a check</b> Cardmember Service P.O. Box 790408 St. Louis, MO 63179 0408	 <b>Online</b> myaccountaccess.com
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Pacific Western Bank  
 SunLine Transit Agency Visa Credit Card Statement  
 Closing Date: April 22, 2013

Payments and other credits:

Detail:			
03/18/13	Payment	Credit card payment	\$2398.54CR
Detail:			
03/25/13	American A/L	Airfare—Ops. Manager-Substance Abuse Mgt. Training	\$ 640.10
04/02/13	Orbitz.com	Orbitz charge-airfare-taxes and fees-training-Operations Manager	\$ 17.98
04/02/13	Orbitz.com	Orbitz charge-airfare-taxes and fees-training-Operations Manager	\$ 8.99
04/03/13	American A/L	Airfare-APTA Bus & Paratransit Conf.-General Manager	\$ 455.60
04/03/13	American A/L	Travel Charge—APTA Bus & Paratransit Conf.-General Manager	\$ 30.00
04/03/13	Frontier A/L	Airfare-APTA International Roadeo-Operations Manager	\$ 395.60
04/03/13	Frontier A/L	Airfare-APTA International Roadeo-SunLine Driver	\$ 395.60
04/03/13	Frontier A/L	Airfare-APTA International Roadeo-Director of Operations	\$ 451.60

Note: All travel is included in the Board approved FY 2013 budget.

**Contracts Signed Under General Manager Authorization**

**April-13**

<b>Vendor</b>	<b>Product/Service</b>	<b>Need</b>	<b>GM Authorization</b>	<b>Cost</b>
Psomas	A/E for Yard Repaving Project	Need engineered plans for construction bid.	Approved as part of a Budget line item of SRTF FY12/13	\$26,729.89
Turbo Images	Graphics for DAR Buses	14 new DAR Buses in production now.	Approved as part of a Budget line item of SRTF FY12/13	\$40,250.00



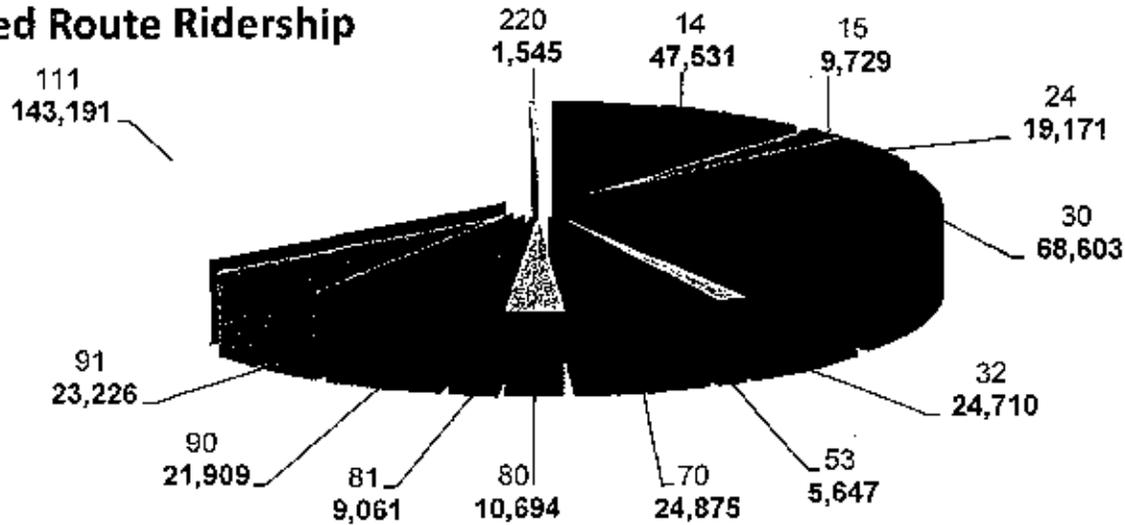
## SunLine Transit Agency Monthly Ridership Report April - 2013

		FY 2012 & 2013													
Fixed Route		Apr 2013	Apr 2012	Mar 2013	Month Var.	% Var.	FY 2013 YTD	FY 2012 YTD	YTD Var.	% Var.	Bikes		Wheelchairs		
Line	Description											Monthly	YTD	Monthly	YTD
14	DHS/PS	47,531	42,726	48,403	4,805	11.2%	452,564	435,298	17,266	4.0%	1,319	12,591	382	2,872	
15	DHS	9,729	8,082	9,165	1,647	20.4%	87,582	81,236	6,346	7.8%	126	1,132	27	354	
24	PS/CC	19,171	16,410	18,679	2,761	16.8%	167,439	161,202	6,237	3.9%	371	3,878	170	1,316	
30	CC/PS	68,603	65,871	69,031	2,732	4.1%	649,442	660,007	(10,565)	-1.6%	1,903	17,883	584	6,082	
32	PD/RM/TP/PS	24,710	21,455	24,431	3,255	15.2%	228,889	204,577	24,312	11.9%	1,233	10,655	142	1,755	
53	PD/IW	5,647	4,491	5,759	1,156	25.7%	52,072	42,528	9,544	22.4%	145	2,002	7	161	
70	LQ/BD	24,875	21,213	23,585	3,662	17.3%	213,663	209,902	3,761	1.8%	705	5,944	47	649	
80	Indio	10,694	10,868	10,804	(174)	-1.6%	115,239	160,827	(45,588)	-28.3%	114	1,367	97	1,146	
81	Indio	9,061	8,051	9,552	1,010	0.0%	88,001	33,914	54,087	0.0%	124	1,192	77	888	
90	Coachella/Indio	21,909	18,881	22,293	3,028	16.0%	202,651	188,835	13,816	7.3%	507	4,552	176	1,542	
91	Cch/Th/Mecca	23,226	20,590	22,068	2,636	12.8%	191,391	193,533	(2,142)	-1.1%	576	4,139	41	484	
111	PS/Indio	143,191	136,872	148,651	6,319	4.6%	1,385,069	1,348,255	36,814	2.7%	4,568	44,633	989	9,550	
220	PD to Riverside	1,545	-	1,544	1,545	0.0%	10,129	-	10,129	0.0%	52	226	5	54	
<b>Fixed route total</b>		<b>409,892</b>	<b>375,510</b>	<b>413,965</b>	<b>34,382</b>	<b>9.2%</b>	<b>3,844,131</b>	<b>3,720,114</b>	<b>124,017</b>	<b>3.3%</b>	<b>11,743</b>	<b>110,194</b>	<b>2,744</b>	<b>26,853</b>	
<b>Demand Response</b>															
SunDial		12,066	10,363	11,871	1,703	16.4%	112,665	102,596	10,069	9.8%					
<b>System total</b>		<b>421,958</b>	<b>385,873</b>	<b>425,836</b>	<b>36,085</b>	<b>9.4%</b>	<b>3,956,796</b>	<b>3,822,710</b>	<b>134,086</b>	<b>3.5%</b>					
		<b>Apr. 2013</b>	<b>Apr. 2012</b>	<b>Mar. 2013</b>											
Weekdays:		22	21	21											
Saturdays:		4	4	5											
Sundays:		4	5	5											
Total Days:		30	30	31											

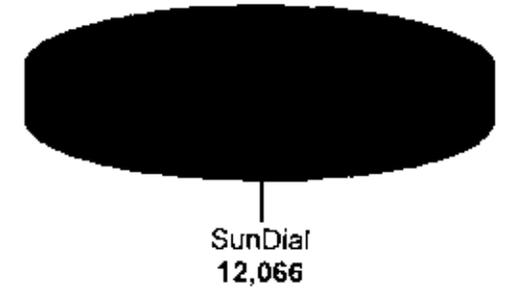
**Please note:**  
Commuter Link 220 service was implemented on September 10, 2012.  
Line 80 was separated into Lines 80 and 81 in January 2012. The percentage variances for Line 80 is calculating ridership before the routes were separated.

# SunLine Transit Agency Monthly Ridership Report April - 2013

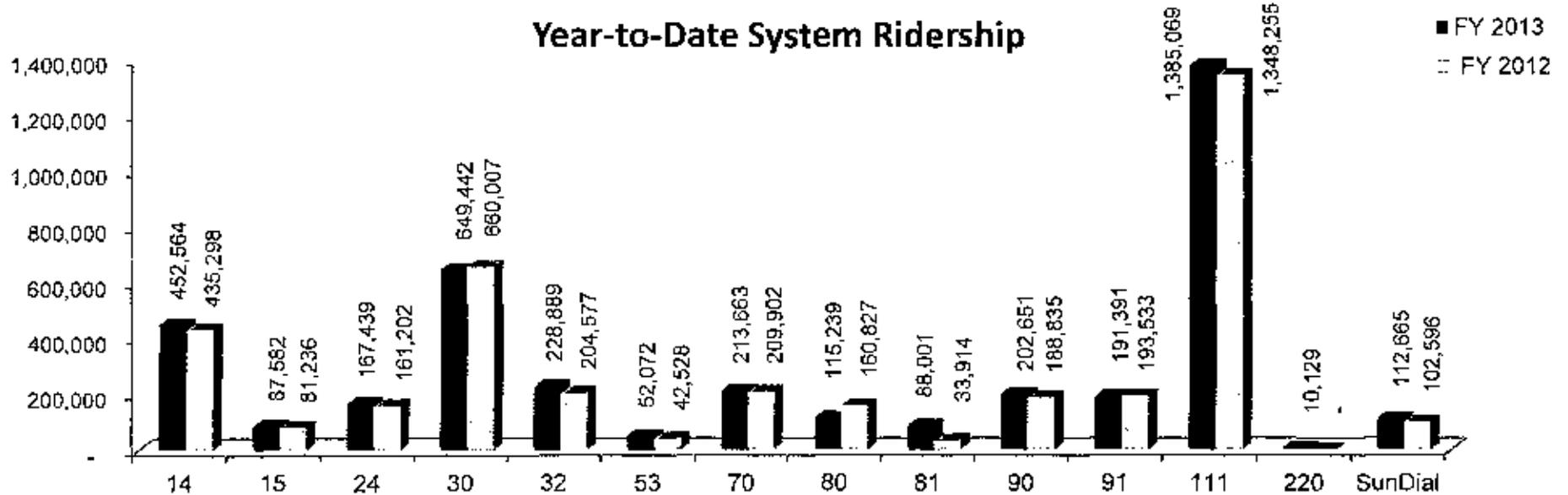
## Fixed Route Ridership



## Demand Response Ridership



## Year-to-Date System Ridership





**Complimentary Paratransit Service**  
*Serving Persons with Disabilities Throughout the Coachella Valley*

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**SunDial Operational Notes**  
**April 2013**

1. ON-TIME PERFORMANCE

<u>Last Year</u>	<u>This Year</u>	
92.7	90.2	Total trips carried in the on-time window
736	1,138	Total trips late during the month
9,557	10,956	Total trips

2. RIDERSHIP and MILEAGE

<u>Last Year</u>	<u>This Year</u>	
10,363	12,066	Total passengers for the month
87,478	101,169	Total miles traveled for the month

3. SAFETY

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

4. RIDE-A-LONG & ONBOARD EVALUATIONS

<u>Last Year</u>	<u>This Year</u>	
2	0	Total Ride-a-Long Evaluations
11	16	Total Onboard Inspections
1	10	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>	
1,654	1,670	Total Mobility Device Boarding's

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

**SunLine Transit Agency**

**DATE:** May 22, 2013 **ACTION**

**TO:** Finance Committee  
Board of Directors

**FROM:** General Manager

**RE:** Contract Change for LEED Verification Services

---

**Recommendation**

Recommend that the Board delegate authority to the General Manager to Negotiate and Execute a change order with The IBI Group for independent LEED verification services in an amount Not To Exceed \$26,000.

**Background**

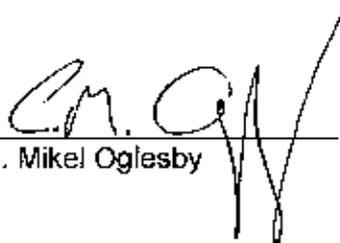
Early in the Administration Building and Transit Hub Project the Board encouraged staff to obtain LEED (Leadership in Energy and Environmental Design) Certification for the project. This objective was included in the approved design and is included in the approved plans. The LEED Certification level to be obtained on the project is a Silver Rating. The IBI Group is SunLine's Architect of Record for the Administration Building and Transit Hub Project.

The US Green Building Council, which grants the LEED Certifications, allows the independent verifier to be a contractor of the architect. That relationship provides many benefits to SunLine as the Architect is responsible for collecting the data to be verified.

This contract change will allow IBI to procure the services of the independent verifier.

**Fiscal Impact**

Funds for this change are included in the project budget.

  
C. Mikel Oglesby

SunLine Transit Agency

DATE: May 22, 2013 ACTION  
TO: Finance Committee  
Board of Directors  
FROM: Tommy Edwards  
RE: Ballard Contract Modification for Support of Fuel Cell Bus

---

**Recommendation**

Recommendation to the Board to delegate authority to the General Manager to Negotiate and Execute a modification/agreement with Ballard Power Systems for a three-Year Maintenance Agreement for the Advanced Technology Fuel Cell Bus in an amount Not To Exceed \$153,415 subject to approval as to form by SunLine Legal Counsel.

**Background**

SunLine took delivery of the Advanced Technology Fuel Cell bus approximately 3 years ago from ISE Incorporated. ISE filed for bankruptcy shortly thereafter in August 2010, and no longer provides support for its vehicles.

SunLine has obtained funding through a competitive grant for Ballard to support the fuel cell on this bus to extend the useful life to approximately 10 years.

Ballard Power Systems has the requisite knowledge and experience in maintaining this technology through integration with their proprietary Fuel Cell design. Ballard is providing similar support on the same type of vehicles. Therefore there is no competition on this proprietary technology. This warranty will provide support for hybrid electric drive and fuel storage systems that are developmental components and do not fall in the category of routine maintenance.

Staff is submitting this contract for approval because it exceeds the General Managers authority.

**Fiscal Impact**

Funds for this transaction are available from federal grants funding and STA local matching funds.

  
Tommy Edwards

**SunLine Transit Agency**

**DATE:** May 22, 2013 **Action**  
**TO:** Board of Directors  
**FROM:** C. Mikel Oglesby  
**RE:** Resolution Updating Signatories on Bank Accounts

---

**Recommendation**

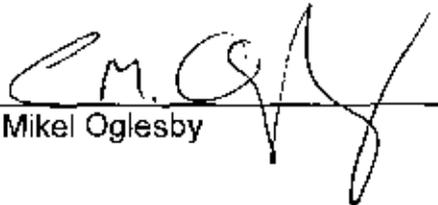
Recommend that the Board of Directors approve the attached Resolution updating signatories on bank accounts as follows: delete Director of Finance, add Chief of Staff, Naomi Nightingale.

**Background**

It is necessary for SunLine Transit Agency to update bank signature cards. The Resolution removes the former Director of Finance, adding Chief of Staff, Naomi Nightingale. This Resolution allows the Chief of Staff to sign on all Agency bank accounts.

**Fiscal Implications**

None.

  
\_\_\_\_\_  
C. Mikel Oglesby



**SunLine Transit Agency**

**RESOLUTION No. \_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF SUNLINE TRANSIT AGENCY TO CHANGE  
AUTHORIZED SIGNATURES ON ALL SUNLINE  
TRANSIT AGENCY BANK ACCOUNTS**

WHEREAS, SunLine Transit Agency has a number of existing bank accounts with Pacific Western Bank; and

WHEREAS, The Board of Directors desires to remove the designated signatories of the accounts, Director of Finance, Brenda Walker, and add Chief of Staff, Naomi Nightingale.

NOW THEREFORE, BE IT RESOLVED that any two of the signatories are required for any check issued over \$25,000, with the exception of items listed in SunLine Checks Policy.

Approved and Adopted this 22<sup>nd</sup> day of May, 2013.

ATTEST:

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Carolyn Rude  
CLERK OF THE BOARD  
SunLine Transit Agency

---

Robert Spiegel  
CHAIRMAN of the Board  
SunLine Transit Agency

STATE OF CALIFORNIA     )  
  ) ss.  
COUNTY OF RIVERSIDE    )

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

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Carolyn Rude  
CLERK OF THE BOARD  
SunLine Transit Agency

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel  
Jeffrey Goldfarb

**SunLine Transit Agency**

**DATE:** May 22, 2013 **ACTION**  
**TO:** Finance Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Contract for Accounting Support

---

**Recommendation**

Recommend that the Board delegate authority to the General Manager to Negotiate and Execute a contract with CMG for Accounting related services for an amount Not To Exceed \$30,000 subject to approval as to form by SunLine Legal Counsel.

**Background**

Over the past two years SunLine has needed external support in the Finance area. CMG came highly recommended by Kimberly Gayle from the California State Department of Transportation for their work provided to the State.

Since that time, CMG has stepped in to handle duties relating to Federal Grants and Reporting. CMG is to prepare responses for finance information on behalf of SunLine.

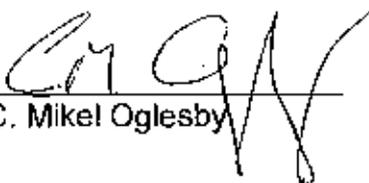
Since the departure of the Finance Director, there are several critical financial pieces that need to be managed prior to finding a long-term solution. One critical piece is the closure of the FY12 audit. CMG is a part of a short-term solution. CMG is familiar with SunLine's accounting system and grant reporting requirements.

CMG and particularly CJ Smith, has received a vote of confidence from SunLine's auditors and RCTC. This engagement will be for consulting as CMG will restore the processes in several areas and train SunLine employees to conduct the day-to-day transactions.

Staff is submitting this contract for approval because it exceeds the General Managers authority.

**Fiscal Impact**

Funds for this contract will come from the existing budgeted revenues from the finance department and where appropriate from budgeted capital funds.

  
C. Mikel Oglesby

**SunLine Transit Agency**

**DATE:** May 22, 2013 **ACTION**  
**TO:** Finance Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Execution of Water District Easement

---

**Recommendation**

Recommend that the Board authorize the General Manager to execute the grant of an easement with the Coachella Valley Water District for the Administrative Building and Transit Hub project, subject to review by SunLine Counsel.

**Background**

The SunLine Administrative Building Project requires the grant of an easement to the Coachella Valley Water District to provide water service on the project.

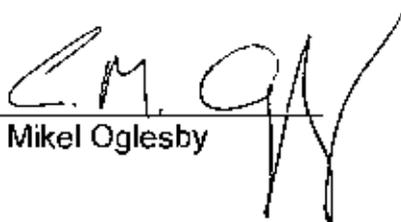
On December 2, 2009 the Board granted authority to the General Manager to:

"...execute with his individual signature any and all documents for Permitting and Administrative Requirements. Such authority excludes the recording of any transfer of real property."

Since the execution of a document granting an easement can affect ownership rights, in the abundance of caution, the General Manager is requesting this authority for this action to support the Administration Building Project.

**Fiscal Impact**

The execution of the easement has no financial impact.

  
C. Mikel Oglesby

## **SunLine Transit Agency and SunLine Services Group** **Litigation Committee Bylaws**

Whenever SunLine Transit Agency ("STA"), SunLine Services Group("SSG"), or SunLine Regulatory Administration (collectively "SunLine") are parties or subject to becoming parties to litigation, whether judicial, arbitration or other forum, the following policies and procedures shall be followed:

1. A Litigation Committee of three Board members is hereby created. The Litigation Committee shall consist of 3-Board members who shall be appointed by the Board of Directors. The Committee members shall elect a Chair and Vice-Chair from among their members.
2. SunLine's staff or Board Counsel shall promptly notify each member of the Board of Directors ("BOD" or "Board") by email or telephone when a claim or lawsuit is filed against a SunLine entity.
  - a. The report to the Board shall include the names of all parties identified in the moving documents and their attorneys. The notification shall also include the substance of the allegations.
  - b. Each such notification to Board members shall contain a brief statement concerning the procedural status of the litigation and SunLine's attorneys' proposed initial response to the litigation, if formulated.
  - c. Each such communication to Board members must include a conspicuous warning that the material communicated is Confidential and subject to the Attorney-Client privileges of privacy.
3. Unless the litigation is to be handled by PERMA-appointed attorneys, determination of the law firm to represent SunLine shall be made tentatively by the Litigation Committee, the General Manager and SunLine's Legal Counsel conferring together to make such a decision. Except for PERMA-appointed attorneys, any attorney or law firm selected shall be subject to approval or ratification by the BOD.
4. If SunLine is represented by PERMA-appointed counsel, the reporting of the case status will be made to SunLine's staff and Board Counsel, who are, thereafter, charged with the reporting the case status to the Board as noted in 5, below. Non-PERMA legal counsel shall keep the Litigation Committee and the General Manager fully apprised of the ongoing status and changes in the status of the litigation on a regular basis.
5. During the pendency of any litigation involving STA and/or SSG and/or SRA, the Board of Directors shall meet in closed session at each regular meeting of the BOD where they shall be apprised of the status of the litigation and given the opportunity to fully express their views and opinions.

6. **Excluding litigation matters being handled by PERMA, when Legal Counsel, or the General Manager or the Litigation Committee concludes that significant tactical or strategic decisions are required and there is inadequate time to call for a special meeting of the Board of Directors, the Litigation Committee and the General Manager shall meet with Legal Counsel to make such decisions as may be required. Such meeting(s) can be called by whoever requests the meeting(s). Such meetings may be held telephonically.**
  - a. **Such decisions shall be reported to the BOD at their next regular or special meeting, whichever occurs first.**
  - b. **If it can be done without prejudice, the Board shall have the authority to rescind, ratify, or approve the decisions made and/or to suggest other approaches that it deems worthy of consideration.**
  - c. **When there is disagreement as to a tactical or strategic decision being contemplated, great deference to the opinion of Legal Counsel shall be accorded.**
  
7. **When Settlement Demands are made by one or more of those suing or threatening suit against STA, SSG or SRA, the proposed response shall be discussed and tentatively formulated at a meeting of PERMA claims staff (if PERMA is handling the claim) or other SunLine Legal Counsel, the Litigation Committee and General Manager.**
  - a. **The terms of settlement demands may require expeditious decisions by the SunLine entity involved. Nothing herein shall limit the mode or speed of securing needed decisions by the Committee or the BOD.**
  - b. **Once a response is formulated and placed in draft form, the matter will be submitted to the BOD for a final decision on the response as quickly as Legal Counsel deems essential. The Board may modify such response as it deems appropriate.**
  - c. **The above notwithstanding, if PERMA is handling the claim or litigation PERMA shall have the authority to make tentative offers to compromise claims in an amount above \$10,000.00 subject to Board approval. If such an offer is tentatively accepted by the opposing party a Board meeting to approve, disapprove or modify the settlement offer shall be called as expeditiously as possible.**
  - d. **PERMA shall have the authority to settle, without approval of the General Manager, the Litigation Committee or the BOD, any personal injury and/or property damage claim for \$10,000.00 or less.**
  
8. **Except as provided in section 7c, when Legal Counsel, the Litigation Committee or General Manager deem it advisable to present a Sunline actual or proposed Offer of Settlement, a meeting of Counsel, the Litigation Committee and the General Manager shall be called as quickly as possible to approve or disapprove making any contemplated settlement offer and the form it is to take.**
  - a. **If making a settlement offer is deemed advisable a recommendation to that effect shall be made to the BOD as quickly as Legal Counsel deems advisable.**
  - b. **An offer of settlement cannot be made without advance Board approval.**

9. Except as provided above in section 7c, neither Legal Counsel, the General Manager, nor the Litigation Committee has authority to unilaterally make a decision to accept a settlement offer or to make an offer of settlement to the litigation opposition without first securing approval of the Board of Directors.
10. The Board of Directors and the Litigation Committee shall be informed monthly of the expense incurred by SunLine in the defense or prosecution of all litigation or arbitration actions.
  - a. If either the General Manager or the Litigation Committee holds the opinion that litigation expenses should be the subject of further discussion, either shall call a meeting among themselves for the purpose of considering the matter of cost.
  - b. Either the General Manager or a majority of the Litigation Committee can refer the issue to the Board of Directors for guidance and/or a decision on the issue at hand.
11. When in doubt or disagreement if a (closed) session meeting of the full board should be called to obtain the BOD's guidance and/or approval on any litigation issues, the decision shall be to call the meeting.
12. Any notification required to be made to the Board of Directors by PERMA can be accomplished by PERMA informing SunLine's General Counsel of the situation, and the report to the Board may be given by General Counsel.
13. All reports provided to SunLine by PERMA representatives concerning pending claims or litigation shall be forwarded to Sunline General Counsel, who will inform the Board of such developments at the next scheduled meeting of the Board.
14. The scope of duties and responsibilities assigned to the Litigation Committee shall include those identified in these Bylaws and such further responsibilities as the Board of Directors shall formally assign from time to time.

## SunLine Transit Agency

**DATE:** May 10, 2013 **ACTION**

**TO:** Finance Committee  
Board of Directors

**FROM:** SunLine Legal Counsel

**RE:** Modification to General Counsel Billing

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### **Recommendation**

Determine whether the Board desires to adopt the revised General Counsel Fee Structure.

### **Background**

The Board will recall that it has requested that General Counsel work with staff in revisiting the General Counsel fee structure currently in place. That structure has a flat fee for "routine work" and an hourly fee for "non-routine work." This structure creates disagreements regarding whether and to what extent a particular task is "routine" or "non-routine." In addition, it requires that SunLine pay a flat rate for routine work, regardless of the number of hours spent on routine work.

When this fee structure was originally negotiated, it was understood by the parties that this was a unique hybrid fee structure which may or may not work. It was agreed that if the parties found that it did not work, they would agree to renegotiate the fee structure. In late March and early April, I had conversations with Mikel Oglesby and Rudy LeFlore regarding revisions to the fee structure. Based on those conversations, I proposed the following to you at the April Board meeting:

1. **Retainer:** The first 40 hours of retainer work (everything excluding litigation and bond counsel work) would be billed at a flat rate of \$220 per hour. If less than 40 hours of retainer work is billed in a month, the hourly fee is multiplied by the actual number of hours worked, so that SunLine will only be billed for work actually performed. Retainer work in excess of 40 hours will be billed at the Non-Retainer Litigation rate shown below. Based on my experience over the course of the past year, we have seldom billed more than 40 hours on non-litigation matters.

2. Non-Retainer: Litigation will be billed at \$229/hour for associates and \$265/hour for partners. Bond counsel services shall be billed at the amounts shown on Exhibit "A" attached to this report.
3. The fees shall be adjusted annually by the change in the Consumer Price Index for All Urban Consumers in the Los Angeles County-Riverside County-Orange County area.

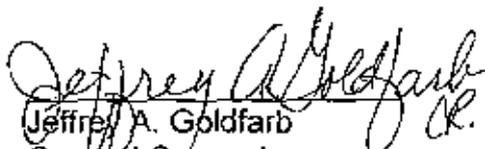
As you will recall, I have withheld invoices over the past couple of months on the belief that the new billing structure would result in a substantial savings to SunLine. As the Board has requested, I have tested that assumption and, as seen on Exhibit "B" to this report, the new proposed billing structure would generally result in a significant savings. For instance, for legal services between January 31<sup>st</sup> and February 28<sup>th</sup>, the new billing structure would save SunLine \$4,496.30. For services performed from February 28-March 31<sup>st</sup>, the new billing structure would save SunLine \$4,329.80. The only month we have looked at in which there would not have been a savings is January. There, the new billing structure would have resulted in a slight higher invoice (an additional \$544.30).

Based on the foregoing, the proposed fee structure would have the following significant advantages:

1. It would create significant cost savings for SunLine;
2. It would eliminate disagreements over whether any particular task is or is not considered "routine";
3. It would eliminate the headaches associated with trying to categorize services; and
4. SunLine would only be paying for services actually performed.

### Conclusion

If SunLine agrees to the new rate structure, please execute the First Amended Agreement for legal services. If SunLine chooses to amend the rate structure as proposed herein, I will bill services performed since January 31<sup>st</sup> under the new billing structure rather than the old billing structure, result in a cost savings of approximately \$9,000.

  
Jeffrey A. Goldfarb  
General Counsel

**FIRST AMENDMENT TO CONTRACT NO. 12-004, LEGAL SERVICES**

**THIS FIRST AMENDMENT TO CONTRACT 12-004, LEGAL SERVICES** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between SUNLINE TRANSIT AGENCY, a California Joint Powers Authority, and SUNLINE SERVICES GROUP, a California Joint Powers Authority, and RUTAN & TUCKER, LLP, a limited liability partnership.

SECTION 1. Exhibit "E" to the original agreement is hereby amended to read in its entirety as follows:

1. Retainer Work. The first 40 hours of retainer work (everything excluding litigation and bond counsel work) each month will be billed at a flat rate of \$220 per hour. Retainer work in excess of 40 hours in any given month will be billed at the non-retainer litigation rate referenced below.
2. Non-Retainer Work. Litigation will be billed at \$229 per hour for associates and \$265 per hour for partners. Bond counsel services will be billed at the amounts shown in Exhibit "A" attached hereto.
3. Annual CPI Adjustment. The fees shall be adjusted annually based upon the change in the Consumer Price Index for All Urban Consumers in the Los Angeles County-Riverside County-Orange County Area as reported by the Department of Labor Standards.

SECTION 2. Except as so expressly amended, the original agreement remains in full force and effect.

**RUTAN & TUCKER, LLP**

**SUNLINE SERVICES GROUP**

By: \_\_\_\_\_  
Jeffrey A. Goldfarb, General Counsel

By: \_\_\_\_\_  
C. Mikel Oglesby  
General Manager



**AGENDA  
FINANCE COMMITTEE**

**May 22, 2013  
9:30 a.m. – 11:00 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 March, 2013 (Pages 1-2)
  - b) Credit card statement April, 2013 (Pages 3-6)
  - c) SunLine Transit Monthly Budget Reports for February, March, April, 2013 (To be provided at the next Board meeting)
  - d) Contract Report – April, 2013. (Page 7)
- 5. Change Order for LEED Verifications to IBI (C. Mikel Oglesby) **Approve**  
Request to the Board to approve the issuance of a change order to the IBI contract to hire independent LEED evaluator for the Administration Building. (Page 8)**
- 6. Modification to Ballard Contract for Support of the Fuel Cell Bus (Tommy Edwards) **Approve**  
Request to the Board approve modification to Ballard Contract to extend warranty on the AT Fuel Cell Bus. (Page 9)**
- 7. Approval of Contract with CMG (C. Mikel Oglesby) **Approve**  
Request to the Board to Negotiate and Execute a contract with CMG for Accounting related services. (Page 10)**
- 8. Execution of Water District Easement (C. Mikel Oglesby) **Approve**  
Request to the Board to authorize the General Manager to execute the grant of an easement with the Coachella Valley Water District for the Administrative Building and Transit Hub project. (Page 11)**

9. **Legal Counsel's Proposal for Contract Modification** (Jeff Goldfarb)  
Discussion and request to the Board for a contract modification for Legal  
Counsel billing. (Pages 12-14)

**Approve**

10. **Adjourn**

SunLine Transit Agency  
Checks \$1,000 and Over  
For the month - April 2013

Vendor Name	Item Description	Check No.	Date	Amount
<b>Section Ia- Check payments issued against the Operating Fund - (Costs related to Transit Operations &amp; Maintenance)</b>				
SO CAL GAS CO.	Costs for utilities	657203	3/8/2013	\$81,400.10
IMPERIAL IRRIGATION DIST	Costs for utilities	657269	3/20/2013	\$17,146.51
GOODYEAR TIRE & RUBBER CO.	Cost for the vehicle tire lease agreement	657348	3/29/2013	\$6,358.92
NEW FLYER	Cost to purchase vehicle parts	657145	3/5/2013	\$5,612.45
CUMMINS CAL PACIFIC, LLC	Cost to repair and service vehicles	657258	3/20/2013	\$5,571.45
A.C. PROPANE	Propane Service	657301	3/29/2013	\$5,053.56
CUMMINS CAL PACIFIC, LLC	Cost to purchase vehicle parts	657324	3/29/2013	\$4,023.94
STRICKLAND KENNY, INC.	Cost to purchase lubricants & oils	657206	3/8/2013	\$3,941.03
GATEWAY COMPRESSION, INC	Cost to purchase maint. parts & equip	657122	3/5/2013	\$3,404.85
NAPA AUTO PARTS	Cost to purchase vehicle parts	657384	3/29/2013	\$3,201.18
FACTORY MOTOR PARTS COMPANY	Cost to purchase vehicle parts	657111	3/5/2013	\$2,654.74
CUMMINS CAL PACIFIC, LLC	Cost to purchase vehicle parts	657093	3/5/2013	\$2,355.49
FARWEST CORROSION CONTROL	Cost to purchase vehicle parts	657112	3/5/2013	\$2,050.00
TRANSIT PRODUCTS & SERVICES	Cost to purchase vehicle parts	657168	3/5/2013	\$2,038.98
FACTORY MOTOR PARTS COMPANY	Cost to purchase vehicle parts	657339	3/29/2013	\$1,915.00
NEW FLYER	Cost to purchase vehicle parts	657277	3/20/2013	\$1,675.49
CARQUEST OF THE DESERT	Cost to purchase vehicle parts	657179	3/8/2013	\$1,606.84
DAIMLER BUSES NORTH AMER, INC	Cost to purchase vehicle parts	657095	3/6/2013	\$1,447.70
FRANKLIN TRUCK PARTS, INC	Cost to purchase vehicle parts	657188	3/8/2013	\$1,277.77
TRANSIT RESOURCES, INC	Cost to purchase vehicle parts	657294	3/20/2013	\$1,042.15
	<b>Subtotal</b>			<b>\$153,777.95</b>
<b>Section Ib- Check payments issued against the Operating Fund - (Costs related to General Administration)</b>				
KIMCO STAFFING SERVICES, INC.	Costs for temporary employment services	657356	3/29/2013	\$7,662.06
IMPERIAL IRRIGATION DIST	Costs for utilities	657133	3/5/2013	\$6,383.40
G&K SERVICES	Costs to service uniforms	657121	3/5/2013	\$6,234.97
WOODRUFF, SPRADLIN & SMART	Costs for legal services for labor counsel	657385	3/29/2013	\$5,310.50
G&K SERVICES	Costs to service uniforms	657345	3/29/2013	\$4,885.52
MOORE MAINTENANCE & JANITORIAL	Costs for janitorial services	657276	3/20/2013	\$4,678.00
KIMCO STAFFING SERVICES, INC.	Costs for temporary employment services	657137	3/5/2013	\$4,282.50
RESORT MARKETING	Costs for public relations & marketing services	657240	3/15/2013	\$4,127.50
OFFICETEAM	Costs for temporary employment services	657147	3/5/2013	\$4,064.05
KIMCO STAFFING SERVICES, INC.	Costs for temporary employment services	657273	3/20/2013	\$3,732.23
TELEPACIFIC COMMUNICATIONS	Costs for telephone services - Monthly	657209	3/8/2013	\$3,545.60
NYHART COMPANY	Costs for pension consultant	657236	3/15/2013	\$2,758.11
BURRTEC WASTE & RECYCLING SVC	Costs for utilities - waste removal	657080	3/5/2013	\$2,612.04
BURRTEC WASTE & RECYCLING SVC	Costs for utilities - waste removal	657312	3/29/2013	\$2,560.55
VERIZON	Costs for wireless communications	657297	3/20/2013	\$2,207.48
DESERT PUBLICATIONS, INC.	Costs for advertisement	657261	3/20/2013	\$2,083.17
IMPERIAL IRRIGATION DIST	Costs for utilities	657351	3/29/2013	\$1,635.04
VALLEY OFFICE EQUIPMENT	Costs for fax/copy supplies	657215	3/8/2013	\$1,615.09
GRAINGER	Cost for facilities maintenance parts/supplies	657266	3/20/2013	\$1,532.21
OFFICETEAM	Costs for temporary employment services	657366	3/29/2013	\$1,523.02
COACHELLA VALLEY PRINTING	Costs for printing services	657316	3/29/2013	\$1,143.37
AMERICAN DICTATION CORP.	Costs for office supplies	657251	3/20/2013	\$1,098.99
GRAINGER	Costs for facilities maintenance parts/supplies	657125	3/5/2013	\$1,053.44
OFFICE DEPOT	Costs for office supplies	657197	3/8/2013	\$1,050.62
TOTAL FUNDS BY HASLER	Costs for postage	657293	3/20/2013	\$1,047.21
TOTAL FUNDS BY HASLER	Costs for postage	657212	3/8/2013	\$1,032.90
EISENHOWER OCCUPATIONAL	Costs of medial exams and testing	657333	3/29/2013	\$1,030.00
SCR TTC	Membership & Subscriptions	657159	3/5/2013	\$1,000.00
	<b>Subtotal</b>			<b>\$81,869.57</b>
<b>Section II - Check payments subject to the provisions of Grants, Contracts, Capital Projects or "Pass-through"</b>				

SunLine Transit Agency  
Checks \$1,000 and Over  
For the month - April 2013

Vendor Name	Item Description	Check No.	Date	Amount
IMPERIAL IRRIGATION DISTRICT	Fees for electrical svcs. for Admin Building	657218	3/14/2013	\$173,817.41
TRAPEZE GROUP	Annual Software license - Trapeze Ops Prgm	657219	3/14/2013	\$37,221.00
LEFLORE GROUP LLC, THE	Project management services - Feb	657191	3/8/2013	\$15,985.51
HEWLETT-PACKARD COMPANY	Purchase of network hardware & IT equip.	657130	3/5/2013	\$18,752.89
TRAPEZE GROUP	Annual Software license - Trapeze PASS	657169	3/5/2013	\$18,423.00
CMG	Grants & audits coordination services - Feb	657181	3/6/2013	\$9,993.75
CVAG	JARC program-Federal grant reimbursement	657252	3/20/2013	\$7,578.52
RCTC	JARC program-Federal grant reimbursement	657238	5/1/2013	\$5,850.81
COUNTY OF RIVERSIDE	Submittal fees for Admin Building	657320	3/29/2013	\$3,834.41
ALLIED BARTON SECURITY SVCS	Onsite security services for facilities	657306	3/29/2013	\$3,727.08
AMERICAN CAB	Taxi Voucher Program - Federal grant	657250	3/20/2013	\$3,651.04
ALLIED BARTON SECURITY SVCS	Onsite security services for facilities	657073	3/5/2013	\$2,484.72
FLEET-NET CORPORATION	Software Support - Accounting System	657118	3/5/2013	\$2,145.00
COUNTY OF RIVERSIDE	Easement fees for Admin Building	657256	3/20/2013	\$2,000.00
YELLOW CAB	Taxi Voucher Program - Federal grant	657249	3/15/2013	\$1,451.69
ALLIED BARTON SECURITY SVCS	Onsite security services for facilities	657175	3/8/2013	\$1,242.36
SMARTDRIVE SYSTEMS, INC	Security equipment maintenance agreement	657286	3/20/2013	\$1,240.00
SMARTDRIVE SYSTEMS, INC	Security equipment maintenance agreement	657202	3/8/2013	\$1,140.00
DESERT ALARM, INC	Facilities security system maint. Agreement	657183	3/8/2013	\$1,120.00
	<b>SubTotal</b>			<b>\$311,659.19</b>
<b>Saction III - Check payments related to payroll deductions, employee benefits, and other employee related liabilities</b>				
HEALTH NET	Group Health Ins Prem (paid monthly)	657349	3/29/2013	\$218,305.93
U.S. BANK INSTITUTIONAL TRUST	Pension Deposits (paid per payroll)	657379	3/29/2013	\$91,349.19
U.S. BANK INSTITUTIONAL TRUST	Pension Deposits (paid per payroll)	657171	3/5/2013	\$91,228.76
U.S. BANK INSTITUTIONAL TRUST	Pension Deposits (paid per payroll)	657247	3/15/2013	\$90,994.20
PFERMA - Insurance	Workers Comp (paid monthly)	657281	3/20/2013	\$76,875.38
PRUDENTIAL GROUP INSURANCE	Short/Long Term Disability (paid monthly)	657151	3/5/2013	\$16,367.66
METLIFE SBC	Dental Insurance (paid monthly)	657141	3/5/2013	\$6,582.25
COLONIAL LIFE & ACCIDENT INSUR	Employee Supplemental Insur (paid monthly)	657255	3/20/2013	\$6,215.61
AMALGAMATED TRANSIT UNION	Union Dues (paid per payroll)	657222	3/15/2013	\$4,421.55
AMALGAMATED TRANSIT UNION	Union Dues (paid per payroll)	657074	3/5/2013	\$4,399.26
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment (paid per payroll)	657083	3/5/2013	\$3,357.34
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment (paid per payroll)	657225	3/15/2013	\$3,357.34
CALIFORNIA STATE DISBURSEMENT	Employee Garnishment (paid per payroll)	657314	3/29/2013	\$3,098.84
EYE MED	Employee Benefits (paid monthly)	657263	3/20/2013	\$2,192.16
MAGELLAN BEHAVIORIAL HEALTH	Employee Assistance Program (Apr - June)	657358	3/29/2013	\$2,193.51
	<b>SubTotal</b>			<b>\$619,938.98</b>
<i>Note: Normally, there are two payroll cycles per month. However, this month there were three payroll cycles. Deductions are collected per payroll and the invoice is paid monthly, as indicated. Exceptions: Pansions, garnishments and union dues are paid per payroll.</i>				
	<b>Total Checks Over \$1000</b>			<b>\$1,167,265.69</b>
<b>Summary</b>				
Total of Checks Over \$1,000				<b>\$1,167,265.69</b>
Total of Checks Under \$1,000				<b>\$61,372.92</b>
Total of All Checks for the Month				<b>\$1,228,638.61</b>
Total Amount of Checks Prior Year - Same Month				<b>\$1,649,667.35</b>

April 2013 Statement

Page 1 of 2



Open Date: 03/22/2013 Closing Date: 04/19/2013

Account:

**Visa® Business Card**  
 SUNLINE TRANSIT  
 C MIKEL OGLESBY (CPN)

Cardmember Service ☎ 1-866-552-8855  
 BUS 13

<b>New Balance</b>	<b>\$2,395.47</b>
<b>Minimum Payment Due</b>	<b>\$24.00</b>
<b>Payment Due Date</b>	<b>05/17/2013</b>
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%.	

Activity Summary		
Previous Balance	+	\$2,714.63
Payments	-	\$2,714.63
Other Credits		\$0.00
Purchases	+	\$2,395.47
Balance Transfers		\$0.00
Advances		\$0.00
Other Debits		\$0.00
Fees Charged		\$0.00
Interest Charged		\$0.00
<b>New Balance</b>	<b>=</b>	<b>\$2,395.47</b>
<b>Past Due</b>		<b>\$0.00</b>
<b>Minimum Payment Due</b>		<b>\$24.00</b>
Credit Line		\$37,000.00
Available Credit		\$34,604.53
Days in Billing Period		29

Payment Options:



Mail payment coupon with a check



Pay online at [myaccountaccess.com](http://myaccountaccess.com)



Pay by phone 1-866-552-8855

No payment is required.

CPN 000016533

### Automatic Payment

24-Hour Cardmember Service: 1-866-552-8855

- ☎ to pay by phone
- ☎ to change your address

Account Number:
Your new full balance of \$2,395.47 will be automatically deducted from your account on 05/16/13.

SUNLINE TRANSIT  
 C MIKEL OGLESBY  
 32505 HARRY OLIVER TR.  
 THOUSAND PLMS CA 92376-3501





SUNLINE TRANSIT  
C MIKEL OGLESBY (CPN C

Cardmember Service ☎ 1-866-552-8855

**Important Messages**

Your payment of \$2395.47 will be automatically deducted from your bank account on 05/16/2013. Please refer to your AutoPay Terms and Conditions for further information regarding this account feature.

Simplify your finances today by consolidating your debt into one monthly payment. Check your mail for a great new offer or call Cardmember Service today for information on how to save with a balance transfer. Call now and start saving.

**Transactions**

**Payments and Other Credits**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
04/16	04/16		PAYMENT THANK YOU	\$2,714.63cr	_____
<b>TOTAL THIS PERIOD</b>				<b>\$2,714.63cr</b>	

**Purchases and Other Debits**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
03/25	03/21	0063	AMERICAN 0017178046543 MANKATO MN THOMAS/MANNIE 05/19/13 ONTARIO CAL TO DALLAS DALLAS TO BALTIMORE BALTIMORE TO DALLAS DALLAS TO ONTARIO CAL	\$640.10	_____
04/02	04/01	3847	OWW*ORBITZ.COM 888-656-4546 IL	\$17.98	_____
04/02	04/01	4431	OWW*ORBITZ.COM 888-656-4546 IL	\$8.99	_____
04/03	04/01	1677	AMERICAN 0012377722504 DALLAS TX OGLESBY/CHARLE 05/03/13 PALMSPRINGS TO DALLAS DALLAS TO INDIANAPOLIS INDIANAPOLIS TO DALLAS DALLAS TO PALMSPRINGS	\$455.60	_____
04/03	04/01	2030	AMERICAN 0010642039019 DALLAS TX OGLESBY/CHARLE 04/01/13 XAA TO XAA	\$30.00	_____
04/03	04/01	4672	FRONTIER 4227178885577 MANKATO MN THOMAS/MANNIE 05/02/13 PALMSPRINGS TO DENVER DENVER TO INDIANAPOLIS INDIANAPOLIS TO DALLAS DALLAS TO PALMSPRINGS	\$395.60	_____
04/03	04/01	4680	FRONTIER 4227178885578 MANKATO MN DURAN/VICTOR 05/02/13 PALMSPRINGS TO DENVER DENVER TO INDIANAPOLIS INDIANAPOLIS TO DALLAS DALLAS TO PALMSPRINGS	\$395.60	_____
04/03	04/01	4670	FRONTIER 4227178886843 MANKATO MN DELTORO/APOLON 05/04/13 PALMSPRINGS TO DENVER	\$451.60	_____

April 2013 Statement 03/22/2013 - 04/19/2013

Page 3 of 3

SUNLINE TRANSIT  
C MIKEL OGLESBY (CPN )

Cardmember Service ( 1-866-552-8855

**Transactions**

**Purchases and Other Debits**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
			DENVER TO INDIANAPOLIS		
			INDIANAPOLIS TO DALLAS		
			DALLAS TO PALMSPRINGS		
<b>TOTAL THIS PERIOD</b>				<b>\$2,395.47</b>	

**Fees**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
04/19			ANNUAL MEMBERSHIP FEE	\$0.00	
<b>TOTAL FEES THIS PERIOD</b>				<b>\$0.00</b>	

2013 Totals Year-to-Date	
Total Fees Charged in 2013	\$0.00
Total Interest Charged in 2013	\$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	\$2,395.47	\$0.00	YES	\$0.00	13.99%		YES
**ADVANCES	\$0.00	\$0.00	YES	\$0.00	20.99%		NO

**Contact Us**

Phone

Voice: 1-866-552-8855  
TDD: 1-888-352-6456  
Fax: 1-866-807-9853

Questions

Cardmember Service  
P.O. Box 6353  
Fargo, ND 58125 6353



Mail payment coupon with a check

Cardmember Service  
P.O. Box 780408  
St. Louis, MO 63178 0408



Online

myaccountaccess.com

Pacific Western Bank  
 SunLine Transit Agency Visa Credit Card Statement  
 Closing Date: April 22, 2013

Payments and other credits:

Detail:			
03/18/13	Payment	Credit card payment	\$2398.54CR
Detail:			
03/25/13	American A/L	Airfare—Ops. Manager-Substance Abuse Mgt. Training	\$ 640.10
04/02/13	Orbitz.com	Orbitz charge-airfare-taxes and fees-training-Operations Manager	\$ 17.98
04/02/13	Orbitz.com	Orbitz charge-airfare-taxes and fees-training-Operations Manager	\$ 8.99
04/03/13	American A/L	Airfare-APTA Bus & Paratransit Conf.-General Manager	\$ 455.60
04/03/13	American A/L	Travel Charge—APTA Bus & Paratransit Conf.-General Manager	\$ 30.00
04/03/13	Frontier A/L	Airfare-APTA International Roadeo-Operations Manager	\$ 395.60
04/03/13	Frontier A/L	Airfare-APTA International Roadeo-SunLine Driver	\$ 395.60
04/03/13	Frontier A/L	Airfare-APTA International Roadeo-Director of Operations	\$ 451.60

Note: All travel is included in the Board approved FY 2013 budget.

**Contracts Signed Under General Manager Authorization**

April-13

Vendor	Product/Service	Need	GM Authorization	Cost
Psomas	A/E for Yard Repaving Project	Need engineered plans for construction bid.	Approved as part of a Budget line item of SRTP FY12/13	\$26,729.89
Turbo Images	Graphics for DAR Buses	14 new DAR Buses in production now.	Approved as part of a Budget line item of SRTP FY12/13	\$40,250.00

**SunLine Transit Agency**

**DATE:** May 22, 2013 **ACTION**

**TO:** Finance Committee  
Board of Directors

**FROM:** General Manager

**RE:** Contract Change for LEED Verification Services

---

**Recommendation**

Recommend that the Board delegate authority to the General Manager to Negotiate and Execute a change order with The IBI Group for independent LEED verification services in an amount Not To Exceed \$26,000.

**Background**

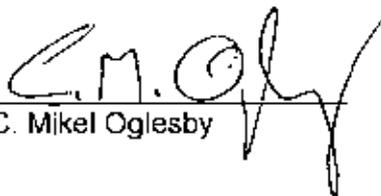
Early in the Administration Building and Transit Hub Project the Board encouraged staff to obtain LEED (Leadership in Energy and Environmental Design) Certification for the project. This objective was included in the approved design and is included in the approved plans. The LEED Certification level to be obtained on the project is a Silver Rating. The IBI Group is SunLine's Architect of Record for the Administration Building and Transit Hub Project.

The US Green Building Council, which grants the LEED Certifications, allows the independent verifier to be a contractor of the architect. That relationship provides many benefits to SunLine as the Architect is responsible for collecting the data to be verified.

This contract change will allow IBI to procure the services of the independent verifier.

**Fiscal Impact**

Funds for this change are included in the project budget.

  
C. Mikel Oglesby

**SunLine Transit Agency**

**DATE:** May 22, 2013 **ACTION**  
**TO:** Finance Committee  
Board of Directors  
**FROM:** Tommy Edwards  
**RE:** Ballard Contract Modification for Support of Fuel Cell Bus

---

**Recommendation**

Recommendation to the Board to delegate authority to the General Manager to Negotiate and Execute a modification/agreement with Ballard Power Systems for a three-Year Maintenance Agreement for the Advanced Technology Fuel Cell Bus in an amount Not To Exceed \$153,415 subject to approval as to form by SunLine Legal Counsel.

**Background**

SunLine took delivery of the Advanced Technology Fuel Cell bus approximately 3 years ago from ISE Incorporated. ISE filed for bankruptcy shortly thereafter in August 2010, and no longer provides support for its vehicles.

SunLine has obtained funding through a competitive grant for Ballard to support the fuel cell on this bus to extend the useful life to approximately 10 years.

Ballard Power Systems has the requisite knowledge and experience in maintaining this technology through integration with their proprietary Fuel Cell design. Ballard is providing similar support on the same type of vehicles. Therefore there is no competition on this proprietary technology. This warranty will provide support for hybrid electric drive and fuel storage systems that are developmental components and do not fall in the category of routine maintenance.

Staff is submitting this contract for approval because it exceeds the General Managers authority.

**Fiscal Impact**

Funds for this transaction are available from federal grants funding and STA local matching funds.

  
Tommy Edwards

**SunLine Transit Agency**

**DATE:** May 22, 2013 **ACTION**  
**TO:** Finance Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Contract for Accounting Support

---

**Recommendation**

Recommend that the Board delegate authority to the General Manager to Negotiate and Execute a contract with CMG for Accounting related services for an amount Not To Exceed \$30,000 subject to approval as to form by SunLine Legal Counsel.

**Background**

Over the past two years SunLine has needed external support in the Finance area. CMG came highly recommended by Kimberly Gayle from the California State Department of Transportation for their work provided to the State.

Since that time, CMG has stepped in to handle duties relating to Federal Grants and Reporting. CMG is to prepare responses for finance information on behalf of SunLine.

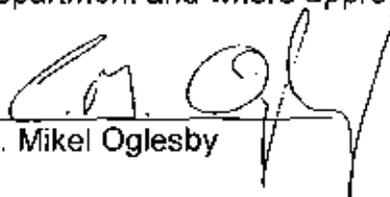
Since the departure of the Finance Director, there are several critical financial pieces that need to be managed prior to finding a long-term solution. One critical piece is the closure of the FY12 audit. CMG is a part of a short-term solution. CMG is familiar with SunLine's accounting system and grant reporting requirements.

CMG and particularly CJ Smith, has received a vote of confidence from SunLine's auditors and RCTC. This engagement will be for consulting as CMG will restore the processes in several areas and train SunLine employees to conduct the day-to-day transactions.

Staff is submitting this contract for approval because it exceeds the General Managers authority.

**Fiscal Impact**

Funds for this contract will come from the existing budgeted revenues from the finance department and where appropriate from budgeted capital funds.

  
C. Mikel Oglesby

**SunLine Transit Agency**

**DATE:** May 22, 2013 **ACTION**  
**TO:** Finance Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Execution of Water District Easement

---

**Recommendation**

Recommend that the Board authorize the General Manager to execute the grant of an easement with the Coachella Valley Water District for the Administrative Building and Transit Hub project, subject to review by SunLine Counsel.

**Background**

The SunLine Administrative Building Project requires the grant of an easement to the Coachella Valley Water District to provide water service on the project.

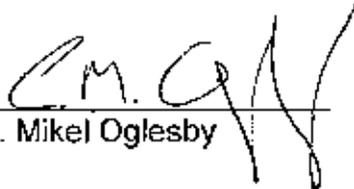
On December 2, 2009 the Board granted authority to the General Manager to:

"...execute with his individual signature any and all documents for Permitting and Administrative Requirements. Such authority excludes the recording of any transfer of real property."

Since the execution of a document granting an easement can affect ownership rights, in the abundance of caution, the General Manager is requesting this authority for this action to support the Administration Building Project.

**Fiscal Impact**

The execution of the easement has no financial impact.

  
C. Mikel Oglesby



2. Non-Retainer. Litigation will be billed at \$229/hour for associates and \$265/hour for partners. Bond counsel services shall be billed at the amounts shown on Exhibit "A" attached to this report.
3. The fees shall be adjusted annually by the change in the Consumer Price Index for All Urban Consumers in the Los Angeles County-Riverside County-Orange County area.

As you will recall, I have withheld invoices over the past couple of months on the belief that the new billing structure would result in a substantial savings to SunLine. As the Board has requested, I have tested that assumption and, as seen on Exhibit "B" to this report, the new proposed billing structure would generally result in a significant savings. For instance, for legal services between January 31<sup>st</sup> and February 28<sup>th</sup>, the new billing structure would save SunLine \$4,496.30. For services performed from February 28-March 31<sup>st</sup>, the new billing structure would save SunLine \$4,329.80. The only month we have looked at in which there would not have been a savings is January. There, the new billing structure would have resulted in a slight higher invoice (an additional \$544.30).

Based on the foregoing, the proposed fee structure would have the following significant advantages:

1. It would create significant cost savings for SunLine;
2. It would eliminate disagreements over whether any particular task is or is not considered "routine";
3. It would eliminate the headaches associated with trying to categorize services; and
4. SunLine would only be paying for services actually performed.

### Conclusion

If SunLine agrees to the new rate structure, please execute the First Amended Agreement for legal services. If SunLine chooses to amend the rate structure as proposed herein, I will bill services performed since January 31<sup>st</sup> under the new billing structure rather than the old billing structure, result in a cost savings of approximately \$9,000.

  
Jeffrey A. Goldfarb  
General Counsel

**FIRST AMENDMENT TO CONTRACT NO. 12-004, LEGAL SERVICES**

**THIS FIRST AMENDMENT TO CONTRACT 12-004, LEGAL SERVICES** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between SUNLINE TRANSIT AGENCY, a California Joint Powers Authority, and SUNLINE SERVICES GROUP, a California Joint Powers Authority, and RUTAN & TUCKER, LLP, a limited liability partnership.

SECTION 1. Exhibit "E" to the original agreement is hereby amended to read in its entirety as follows:

1. Retainer Work. The first 40 hours of retainer work (everything excluding litigation and bond counsel work) each month will be billed at a flat rate of \$220 per hour. Retainer work in excess of 40 hours in any given month will be billed at the non-retainer litigation rate referenced below.
2. Non-Retainer Work. Litigation will be billed at \$229 per hour for associates and \$265 per hour for partners. Bond counsel services will be billed at the amounts shown in Exhibit "A" attached hereto.
3. Annual CPI Adjustment. The fees shall be adjusted annually based upon the change in the Consumer Price Index for All Urban Consumers in the Los Angeles County-Riverside County-Orange County Area as reported by the Department of Labor Standards.

SECTION 2. Except as so expressly amended, the original agreement remains in full force and effect.

**RUTAN & TUCKER, LLP**

**SUNLINE SERVICES GROUP**

By: \_\_\_\_\_  
Jeffrey A. Goldfarb, General Counsel

By: \_\_\_\_\_  
C. Mikel Oglesby  
General Manager



**SUNLINE SERVICES GROUP  
BOARD MEETING AGENDA**

**Wednesday, May 22, 2013  
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 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 April 24, 2013 Board of Directors Meeting (Pages 1-4)
- b) SSG/SRA checks over \$1000 issued March, 2013 (Page 5)
- c) SSG/SRA Monthly Budget Reports, February, March, April, 2013 (To be provided at the next Board meeting)
- d) Taxi Vehicle/Rides Analysis, April, 2013 (Pages 6-7)

**9. Award of Contract for Taxi Study Consultant****Approve****(C. Mikel Oglesby)**

Request to the Board to delegate authority to the General Manager to negotiate and execute an agreement with Nelson\Nygaard Consulting Associates, Inc. as a taxi study consultant. (Page 8)

**10. Litigation Committee Bylaws (G. Dana Hobart)****Approve**

Request to the Board by Board Member Hobart for the Board to Approve the attached proposed Litigation Committee Bylaws. (Pages 9-11)

**DISCUSSION****11. Taxi Franchise Option Exercise Date****Discussion****(C. Mikel Oglesby)**

As directed by the SunLine Services Group (SSG) Board Chairman, discussion on the taxi franchise option exercise date. (Page 12)

**12. Next Meeting Date**

June 26, 2013, or as needed.

12 o'clock Noon – Kelly Board Room

**13. Adjourn**

**MINUTES**  
**SunLine Services Group**  
**Board of Directors Meeting**  
**April 24, 2013**

A regular meeting of the SunLine Services Group Board of Directors was held on Wednesday, April 24, 2013 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 1:12p.m. by Chairman Robert Spiegel.

**2. Roll Call**

Completed.

**Members Present**

Robert Spiegel, Chairman, Councilmember, City of Palm Desert  
Yvonne Parks, Vice Chairman, Mayor, City of Desert Hot Springs  
Rick Hutcheson, Councilmember, City of Palm Springs  
G. Dana Hobart, Councilmember, City of Rancho Mirage  
Douglas Hanson, Councilmember, City of Indian Wells  
Kristy Franklin, Mayor Pro Tem, City of La Quinta  
Glenn Miller, Councilmember, City of Indio  
Eduardo Garcia, Mayor, City of Coachella

**Members Absent**

Greg Pettis, Councilmember, City of Cathedral City  
John J. Benoit, Supervisor, County of Riverside

**Guests:**

Kathleen Bennett, Resort Marketing  
Barrett Newkirk, The Desert Sun  
Bill Meyers, Yellow Cab of the Desert  
Michael Brock, Yellow Cab of the Desert  
Mabu Hossein, Desert City Cab  
Harry Incs, American Cab  
Phyllis Tunis, Public  
Barbara Rodin, Public  
Mark Triplett, Public

**Staff:**

C. Mikel Oglesby, General Manager  
Jeffrey Goldfarb, Legal Counsel  
Carolyn Rude, Special Asst. to the General Manager/Clerk of the Board  
Naomi Nightingale, Chief of Staff  
Polo Del Toro, Director of Operations  
Joe Forgiarini, Director of Transit Planning  
Mike Morrow, Director of Maintenance  
Don Bradburn, Director of Human Resources

Brenda Walker, Director of Finance  
Tommy Edwards, Contracting Officer Technical Representative  
Rudy LeFlore, Procurement Consultant  
Mannie Thomas, Manager of Operations and Safety Training  
Manny Garcia, Senior Supervisor, Operations  
Rick Barone, Procurement Officer  
Michael Jones, Manager Taxicab Administration  
Stephanie Buriel, Senior Administrative Assistant  
Anita Petke, Transit Planning Assistant  
Karen Thomas, Senior Administrative Assistant  
Francine DePalo, Administrative Assistant  
David Manriquez, Facility Maintenance Assistant  
Joseph Friend, Senior IT & Systems Analyst  
Vanessa Mora, Desktop Support Technician  
Karen Thomas, Senior Administrative Assistant  
Amy Heilman, Coin Counter

3. **Finalization of Agenda**

No changes to agenda.

4. **Presentations**

None.

5. **Correspondence**

None.

6. **Public Comments**

**NON - AGENDA ITEMS**

Harry Incs, American Cab, stated the following: "I just wanted to point out that the franchises are due for renewal next year. The Board needs to vote on whether they are going to renew or not just two months prior to the deadline. I wanted to point out that we need more time because we have contracts that are going to be expiring that need to be renewed such as rent, support contracts with vendors and several other things." Councilmember Hanson stated: "I received a copy of a letter outlining exactly what you are telling me now. I wanted to see if there is a relationship between that letter and you." Chairman Spiegel stated: "Mr. Incs, I am going to request that at our next monthly meeting your letter be on the agenda with some action taken."

**AGENDA ITEMS:**

None.

7. **Board Member Comments**

Chairman Spiegel reiterated his request to add to the May Board meeting agenda, the letter from American Cab requesting the change of timeframe for the Board to make a decision on Franchise Agreement renewals.

**8. Consent Calendar**

Councilmember Miller moved for approval of the consent calendar. The motion was seconded by Vice Chair Parks. The motion was approved by a unanimous vote, with abstention of the minutes, 8a, by Mayor Pro Tem Kristy Franklin of La Quinta.

**9. Name Change Approval for Airport Taxi**

General Manager, Mikel Oglesby, addressed the Board stating the following: "Mr. Chairman, Members of the Board, this item was brought forward to the Taxi Committee to have a discussion about name change approval for Airport Taxi. The request came from Chair of the Taxi Committee, Mr. Hobart. It was fully discussed. The information that I would repeat is the same thing that you see in the report. In short, in early 2012 Airport Taxi notified SunLine Services Group that it was interested in changing its name from Airport Taxi Inc. to Desert City Cabs. There was a full process that took place with the assistance of Legal Counsel Jeff Goldfarb. We explained how we moved forward (in the report) and why." Councilmember Hobart stated the following: "The only comment that I would add to that is I had, and still have, the feeling that the subject of one of the franchisees changing their name is a matter for at least Board discussion, if not approval before approval is given. I don't think anything was done wrong here. We had a lengthy discussion between all of us on the committee and Legal Counsel. I'm not suggesting otherwise, but I am just saying that when something as... a close call as to whether it should or should not go to the Board, seems to me that a better choice of discretion is to bring it to the Board and let the Board see if it is interested in the subject. I don't think anything would be different, but I just think changing a name of one of our three franchisees is significant enough for us to look at it and see that we are also satisfied that it doesn't cause confusion or other matters of interest to us." Councilmember Hanson stated: "I saw those green cars coming in and out of the resort and I am wondering, do we now have a fourth taxi service in the Valley? I was not aware of this, so obviously it is important to give the Board - at least advice when something like this happens. But I understand you to say that the attorney has looked it over and the owners, the legal structure of the entity is the same except for a name change?" Councilmember Hobart stated: "It calls for the attorney to make a call. It is not black and white. It is not clear cut. But a call either way is legitimate call. He saw it one way and I'm just saying that since it could be interpreted the other way, there is a good argument for Board approval as well, since it doesn't say approval of name change to be by staff or by the Board, it is nowhere near that clear. So you have to make certain assumptions and I'm just saying that when something is as significant as a name change, it doesn't delay things to bring us into it so that we know about it and that any comments by us are heard. Just bring it to the Board." Mr. Oglesby stated the following: "Can I just add one thing? Airport Taxi has always been green." Chairman Spiegel stated: "Yes, always green." Mr. Oglesby further stated: "They just changed the name." Chairman Spiegel further stated: "Let me suggest this; when we talk about the extension of the contracts next month, we also talk about this."

**10. Closed Session**

Chairman Spiegel stated the following: "We are not going to go into closed session because we did that already." Legal Counsel, Mr. Goldfarb stated: "This is different because this is closed session with negotiators. No wait, you are right. We did this already."

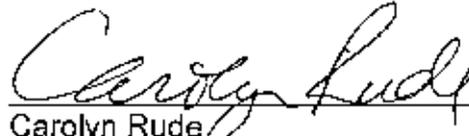
11. **Next Meeting Date**

Chairman Spiegel announced that the next regular meeting of the Board of Directors will be held May 22, 2013 at 12 noon – Kelly Board Room, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

12. **Adjourn**

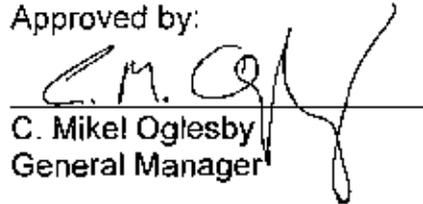
Chairman adjourned the meeting at 1:19p.m.

Respectfully Submitted,



Carolyn Rude  
Clerk of the Board

Approved by:

  
C. Mikel Oglesby  
General Manager

Date: 5/10/13

SunLine Regulatory Administration  
 Checks \$1,000 and Over  
 For the month - March 2013

Vendor Name	Item Description	Check No.	Date	Amount
<b>Section I - General operating expenses and payroll liability reimbursements to SunLine Transit Agency</b>				
SUNLINE TRANSIT AGENCY	Operating expense reimbursements - Nov 12- Feb 13	089674	3/29/2013	\$16,986.94
SUNLINE TRANSIT AGENCY	Payroll liability reimbursements - 3/15/13	089669	3/15/2013	\$10,084.84
SUNLINE TRANSIT AGENCY	Payroll liability reimbursements - 3/1/13	089667	3/11/2013	\$9,997.68
SUNLINE TRANSIT AGENCY	Payroll liability reimbursements - 3/29/13	089675	3/29/2013	\$8,466.47
	<b>Subtotal</b>			<b>\$45,535.93</b>
<b>Section II - Legal Fees for litigation &amp; Retainer</b>				
RUTAN & TUCKER, LLP	Legal fees for litigation - Jan 2013 & Retainer for Dec 2012	089663	3/4/2013	\$11,406.80
	<b>Subtotal</b>			<b>\$11,406.80</b>
	<b>Total Checks Over \$1,000</b>			<b>\$56,942.73</b>
<b>Summary</b>				
Total of Checks Over \$1,000				\$56,942.73
Total of Checks Under \$1,000				\$2,115.28
Total of All Checks for the Month				<b>\$59,058.01</b>
Total Amount of Checks Prior Year - Same Month				<b>\$50,847.70</b>

**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												
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	44,897	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
<b>TOTALS</b>	<b>2357</b>	<b>461,074</b>	<b>196</b>	<b>2752</b>	<b>463,967</b>	<b>169</b>	<b>3000</b>	<b>464,103</b>	<b>155</b>	<b>2627</b>	<b>436,589</b>	<b>166</b>	<b>2216</b>	<b>441,934</b>	<b>199</b>

	FY 09/10			FY 10/11			FY 11/12			FY 12/13			FY 13/14		
	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	165	48,495	294			
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MOST TRIPS/VEH	APR 345	APR 1004	APR 421	APR 423	
LEAST TRIPS/VEH	AUG 153	AUG 198	AUG 240	JUL 250	

**SunLine Services Group**

**DATE:** May 22, 2013 **ACTION**  
**TO:** Taxi Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Award Contract for Taxi Study

---

**Recommendation**

Recommend that the Board delegate authority to the General Manager to Negotiate and Execute an agreement with Nelson\Nygaard Consulting Associates, Incorporated in an amount Not To Exceed \$36,000 subject to approval as to form by SunLine Legal Counsel.

**Background**

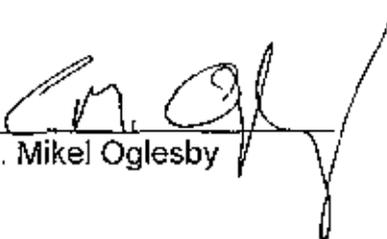
At the direction of the SSG Board of Directors staff issued a solicitation for a taxi study. This study was to assist the Board in making the determination of how to disposition the 50 non-temporary permits abandoned by Classic Yellow Cab, as well as other issues such as the correct number of franchises, taxis, etc.

Staff issued a Request for Proposals (RFP) on January 30, 2013. Staff sent the RFP to seven firms. Only one firm responded to the solicitation, Nelson\Nygaard Consulting Associates, Inc. Staff reviewed the proposal and checked references and finds this proposal responsive and submitted by a responsible firm.

Staff is submitting this contract for approval because it exceeds the General Managers authority.

**Fiscal Impact**

Funds for this transaction are available and will be allocated out of existing revenues collected by SRA for taxi administration.

  
C. Mikel Oglesby

## **SunLine Transit Agency and SunLine Services Group** **Litigation Committee Bylaws**

Whenever SunLine Transit Agency ("STA"), SunLine Services Group("SSG"), or SunLine Regulatory Administration (collectively "SunLine") are parties or subject to becoming parties to litigation, whether judicial, arbitration or other forum, the following policies and procedures shall be followed:

1. A Litigation Committee of three Board members is hereby created. The Litigation Committee shall consist of 3-Board members who shall be appointed by the Board of Directors. The Committee members shall elect a Chair and Vice-Chair from among their members.
2. SunLine's staff or Board Counsel shall promptly notify each member of the Board of Directors ("BOD" or "Board") by email or telephone when a claim or lawsuit is filed against a SunLine entity.
  - a. The report to the Board shall include the names of all parties identified in the moving documents and their attorneys. The notification shall also include the substance of the allegations.
  - b. Each such notification to Board members shall contain a brief statement concerning the procedural status of the litigation and SunLine's attorneys' proposed initial response to the litigation, if formulated.
  - c. Each such communication to Board members must include a conspicuous warning that the material communicated is Confidential and subject to the Attorney-Client privileges of privacy.
3. Unless the litigation is to be handled by PERMA-appointed attorneys, determination of the law firm to represent SunLine shall be made tentatively by the Litigation Committee, the General Manager and SunLine's Legal Counsel conferring together to make such a decision. Except for PERMA-appointed attorneys, any attorney or law firm selected shall be subject to approval or ratification by the BOD.
4. If SunLine is represented by PERMA-appointed counsel, the reporting of the case status will be made to SunLine's staff and Board Counsel, who are, thereafter, charged with the reporting the case status to the Board as noted in 5, below. Non-PERMA legal counsel shall keep the Litigation Committee and the General Manager fully apprised of the ongoing status and changes in the status of the litigation on a regular basis.
5. During the pendency of any litigation involving STA and/or SSG and/or SRA, the Board of Directors shall meet in closed session at each regular meeting of the BOD where they shall be apprised of the status of the litigation and given the opportunity to fully express their views and opinions.

6. Excluding litigation matters being handled by PERMA, when Legal Counsel, or the General Manager or the Litigation Committee concludes that significant tactical or strategic decisions are required and there is inadequate time to call for a special meeting of the Board of Directors, the Litigation Committee and the General Manager shall meet with Legal Counsel to make such decisions as may be required. Such meeting(s) can be called by whoever requests the meeting(s). Such meetings may be held telephonically.
  - a. Such decisions shall be reported to the BOD at their next regular or special meeting, whichever occurs first.
  - b. If it can be done without prejudice, the Board shall have the authority to rescind, ratify, or approve the decisions made and/or to suggest other approaches that it deems worthy of consideration.
  - c. When there is disagreement as to a tactical or strategic decision being contemplated, great deference to the opinion of Legal Counsel shall be accorded.
  
7. When Settlement Demands are made by one or more of those suing or threatening suit against STA , SSG or SRA, the proposed response shall be discussed and tentatively formulated at a meeting of PERMA claims staff (if PERMA is handling the claim) or other SunLine Legal Counsel, the Litigation Committee and General Manager.
  - a. The terms of settlement demands may require expeditious decisions by the SunLine entity involved. Nothing herein shall limit the mode or speed of securing needed decisions by the Committee or the BOD.
  - b. Once a response is formulated and placed in draft form, the matter will be submitted to the BOD for a final decision on the response as quickly as Legal Counsel deems essential. The Board may modify such response as it deems appropriate.
  - c. The above notwithstanding, if PERMA is handling the claim or litigation PERMA shall have the authority to make tentative offers to compromise claims in an amount above \$10,000.00 subject to Board approval. If such an offer is tentatively accepted by the opposing party a Board meeting to approve, disapprove or modify the settlement offer shall be called as expeditiously as possible.
  - d. PERMA shall have the authority to settle, without approval of the General Manager, the Litigation Committee or the BOD, any personal injury and/or property damage claim for \$10,000.00 or less.
  
8. Except as provided in section 7c, when Legal Counsel, the Litigation Committee or General Manager deem it advisable to present a Sunline actual or proposed Offer of Settlement, a meeting of Counsel, the Litigation Committee and the General Manager shall be called as quickly as possible to approve or disapprove making any contemplated settlement offer and the form it is to take.
  - a. If making a settlement offer is deemed advisable a recommendation to that effect shall be made to the BOD as quickly as Legal Counsel deems advisable.
  - b. An offer of settlement cannot be made without advance Board approval.

9. Except as provided above in section 7c, neither Legal Counsel, the General Manager, nor the Litigation Committee has authority to unilaterally make a decision to accept a settlement offer or to make an offer of settlement to the litigation opposition without first securing approval of the Board of Directors.
  
10. The Board of Directors and the Litigation Committee shall be informed monthly of the expense incurred by SunLine in the defense or prosecution of all litigation or arbitration actions.
  - a. If either the General Manager or the Litigation Committee holds the opinion that litigation expenses should be the subject of further discussion, either shall call a meeting among themselves for the purpose of considering the matter of cost.
  - b. Either the General Manager or a majority of the Litigation Committee can refer the issue to the Board of Directors for guidance and/or a decision on the issue at hand.
  
11. When in doubt or disagreement if a (closed) session meeting of the full board should be called to obtain the BOD's guidance and/or approval on any litigation issues, the decision shall be to call the meeting.
  
12. Any notification required to be made to the Board of Directors by PERMA can be accomplished by PERMA informing SunLine's General Counsel of the situation, and the report to the Board may be given by General Counsel.
  
13. All reports provided to SunLine by PERMA representatives concerning pending claims or litigation shall be forwarded to Sunline General Counsel, who will inform the Board of such developments at the next scheduled meeting of the Board.
  
14. The scope of duties and responsibilities assigned to the Litigation Committee shall include those identified in these Bylaws and such further responsibilities as the Board of Directors shall formally assign from time to time.

**SunLine Services Group**

**DATE:** May 22, 2013 **DISCUSSION**  
**TO:** Taxi Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Taxi Franchise Option Exercise Date

---

**Background**

As directed by the SunLine Services Group (SSG) Board Chairman the following issue is being brought to the Board for Discussion and possible direction.

The SSG Ordinance states that, "SSG may extend the term of a Franchise by written notice to the Franchisee no later than sixty (60) days before the Franchise expires." It also states, "Each extension shall be for a term no longer than one (1) year."

Subsequent to the last SSG Board meeting, a letter was received by staff from Yellow Cab of The Desert dated May 6, 2013 representing the three franchises and their position on this issue. That position being the following:

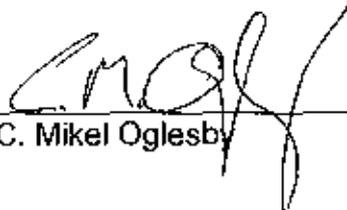
- That the one-year extension be replaced by a ten-year extension
- That the extension process begin approximately one year prior to the expiration of any existing franchise agreement

The aforementioned proposal by the franchises would require a change in the ordinance.

In consideration of the arguments made by the Taxi industry staff recommends that the SSG Board consider exercising the options six months prior to the expiration of the franchise agreements. Staff also recommends that the exercise of these options be at one year extensions to give the Board maximum opportunity to adjust for changes in the taxi market, explore opportunities for free market competition, and provide a performance incentive for the franchises.

The aforementioned recommendations by staff do not require any changes in the Ordinance.

Staff invites the SSG Board to discuss these items.

  
C. Mikel Oglesby



**AGENDA  
TAXI COMMITTEE MEETING**

**May 22, 2013  
11:00am – 12:00pm**

**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 March, 2013 (Page 1)
- b) SSG/SRA Monthly Budget Report February, March, April 2013 (To be provided at the next Board meeting)
- c) Taxi Vehicle/Rides Analysis, March, 2013 (Pages 2-3)

**6. Award of Contract for Taxi Study Consultant (C. Mikel Oglesby)**

**Approve**

Request to the Board to delegate authority to the General Manager to negotiate and execute an agreement with Nelson\Nygaard Consulting Associates, Inc. as a taxi study consultant. (Page 4)

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

**7. Taxi Franchise Option Exercise Date (C. Mikel Oglesby)**

**Discussion**

As directed by the SunLine Services Group (SSG) Board Chairman, discussion on the taxi franchise option exercise date. (Page 5)

8. **Review the Draft SSG Budget FY 2014** (Naomi Nightingale)  
Review the draft FY 2014 budget.

**Discussion**

9. **Adjourn**

SunLine Regulatory Administration  
 Checks \$1,000 and Over  
 For the month - March 2013

Vendor Name	Item Description	Check No.	Date	Amount
<b>Section I - General operating expenses and payroll liability reimbursements to SunLine Transit Agency</b>				
SUNLINE TRANSIT AGENCY	Operating expense reimbursments - Nov 12- Feb 13	089674	3/29/2013	\$16,986.94
SUNLINE TRANSIT AGENCY	Payroll liability reimbursements - 3/15/13	089669	3/15/2013	\$10,084.84
SUNLINE TRANSIT AGENCY	Payroll liability reimbursements - 3/1/13	089667	3/11/2013	\$9,997.68
SUNLINE TRANSIT AGENCY	Payroll liability reimbursements - 3/29/13	089675	3/29/2013	\$8,466.47
	<b>Subtotal</b>			<b>\$45,535.93</b>
<b>Section II - Legal Fees for litigation &amp; Retainer</b>				
RUTAN & TUCKER, LLP	Legal fees for litigation - Jan 2013 & Retainer for Dec 2012	089683	3/4/2013	\$11,406.80
	<b>Subtotal</b>			<b>\$11,406.80</b>
	<b>Total Checks Over \$1,000</b>			<b>\$56,942.73</b>
<b>Summary</b>				
Total of Checks Over \$1,000				\$56,942.73
Total of Checks Under \$1,000				\$2,115.28
Total of All Checks for the Month				\$59,058.01
<b>Total Amount of Checks Prior Year - Same Month</b>				<b>\$50,847.70</b>

**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												
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
<b>TOTALS</b>	<b>2357</b>	<b>461,074</b>	<b>196</b>	<b>2752</b>	<b>463,967</b>	<b>169</b>	<b>3000</b>	<b>464,103</b>	<b>155</b>	<b>2627</b>	<b>436,589</b>	<b>166</b>	<b>2216</b>	<b>441,934</b>	<b>199</b>

	FY 09/10			FY 10/11			FY 11/12			FY 12/13			FY 13/14		
	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			
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**SunLine Services Group**

**DATE:** May 22, 2013 **ACTION**  
**TO:** Taxi Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Award Contract for Taxi Study

---

**Recommendation**

Recommend that the Board delegate authority to the General Manager to Negotiate and Execute an agreement with Nelson\Nygaard Consulting Associates, Incorporated in an amount Not To Exceed \$36,000 subject to approval as to form by SunLine Legal Counsel.

**Background**

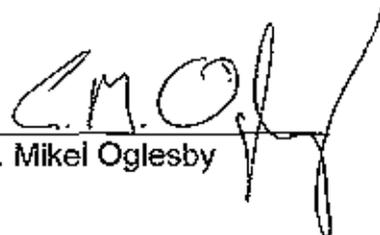
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**Fiscal Impact**

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C. Mikel Oglesby

**SunLine Services Group**

**DATE:** May 22, 2013 **DISCUSSION**  
**TO:** Taxi Committee  
Board of Directors  
**FROM:** General Manager  
**RE:** Taxi Franchise Option Exercise Date

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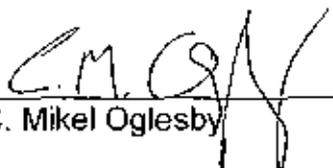
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C. Mikel Oglesby