



LANE TRANSIT DISTRICT BOARD OF DIRECTORS REGULAR MEETING

Wednesday, September 15, 2021 3:30 – 5:30 p.m.

VIRTUAL MEETING

Zoom details for viewing and public participation provided on the web calendar at www.LTD.org.

Watch live (viewing only no participation) on channel 21 or via link: https://metrotv.ompnetwork.org/

AGENDA

Table with 3 columns: ITEM, Time, Page. Items include CALL TO ORDER, ROLL CALL, COMMENTS FROM BOARD PRESIDENT, COMMENTS FROM THE GENERAL MANAGER, ANNOUNCEMENTS AND ADDITIONS TO AGENDA, EMPLOYEE OF THE MONTH – AUGUST/SEPTEMBER, AUDIENCE PARTICIPATION.

Public Comment Note: This part of the agenda is reserved for members of the public to address the Board on any issue. Please note the following instructions:

- 1. To indicate that you would like to provide testimony, please use the raise your hand button.
2. For those attending via phone only, press \*9 on your phone to raise your hand.
3. When it is your time to speak, your name will be called.
4. Please state your name, city of residence, and who you are representing for the audio record.
5. Once you have provided testimony, your hand will be lowered. Please do not raise your hand again.
6. For those unable or not wanting to speak publicly, testimony may be provided via e-mail at clerk@ltd.org.
7. Public testimony is limited to three (3) minutes per community member.

VIII. PUBLIC HEARING: None

|  | <u>Time</u> | <u>Page</u> |
|--|-------------|-------------|
| IX. BOARD MEMBER REPORTS<br><i>This report provides an overview of the topics that have been covered at all Board subcommittees, Community Advisory Committees, and local governmental and stakeholder committees that Directors have attended since the previous months Board meeting. Directors also provide more in-depth verbal updates.</i>   | 3:55 p.m.   | 6           |
| X. CONSENT CALENDAR:<br><b>Action Needed:</b> Approval<br>1. Delegated Authority Report – JULY<br>2. Delegated Authority Report – AUGUST<br>3. Budget Committee Member Appointment<br>4. Board Member Travel – Don Nordin<br>5. Board Member Travel – Caitlin Vargas<br>6. Updated Strategic Planning Committee Bylaws<br>7. LTD Title VI Compliance Report<br>8. Procurement Policy Revision: Amendment to Public Contracting Authority | 4:00 p.m.   | 8           |
| XI. AUDITORS PRESENTATION – AUDIT PLAN: <i>Materials Included</i><br>[Christina Shew]<br><b>Action Needed:</b> None. Information Only  | 4:05 p.m.   | 76          |
| XI. BOARD OFFICER ELECTION: <i>Materials Included</i><br>[President Vargas]<br><b>Action Needed:</b> Vote  | 4:20 p.m.   | 94          |
| XI. RELEASE OF REQUESTED DOCUMENTS: <i>No Materials Provided</i><br>[President Vargas]<br><b>Action Needed:</b> Discussion and Approval  | 4:30 p.m.   |             |
| XII. BOARD MEMBER COMMITTEE ASSIGNMENTS: <i>Materials Included</i><br>[President Vargas]<br><b>Action Needed:</b> Discussion and Approval  | 4:35 p.m.   | 144         |
| XIII. FINANCIAL REPORTS: <i>Materials Included</i><br>[Christina Shew]<br><b>Action Needed:</b> None. Information Only   | 4:45 p.m.   | 146         |
| XIV. INTERIM GENERAL MANAGER PERFORMANCE MEASURES & CONTRACT: <i>Materials Included</i><br>[Mark Johnson]<br><b>Action Needed:</b> Adoption  | 4:50 p.m.   | 147         |
| XV. GENERAL MANAGER RECRUITMENT PROCESS: <i>Materials Included</i><br>[Mark Johnson]<br><b>Action Needed:</b> Discussion   | 5:05 p.m.   | 156         |
| XVI. WRITTEN REPORTS – RESPOND IF QUESTIONS  |             |             |

|   | <u>Time</u> | <u>Page</u> |
|---|-------------|-------------|
| A. MONTHLY FINANCIAL REPORT – ON HOLD<br>[Christina Shew]<br><i>Attached is the Year-to-Date Financial Report. Financial reports are considered a draft until the conclusion of the fiscal year and completion of the Comprehensive Annual Financial Report. This report is provided in written form monthly, with the addition of a verbal update on a quarterly basis.</i>  |             |             |
| B. MONTHLY CASH DISBURSEMENTS – ON HOLD<br>[Christina Shew]<br><i>This report is provided in response to the Board's request to implement financial practices consistent with other public entities. This report provides a complete listing of all non-payroll disbursements for the current month.</i>  |             |             |
| C. QUARTERLY GRANT REPORT – ON HOLD<br>[Christina Shew]<br><i>The Grant Report contains financial data for all Federal Transit Administration (FTA) and Oregon Department of Transportation (ODOT) grants that have a remaining balance or that have had activity within the last quarter. The sources of information are the Transit Award Management System (TrAMS) and the Oregon Public Transit Information System (OPTIS).</i> |             |             |
| D. MONTHLY PERFORMANCE REPORTS – JUNE/JULY<br>[Mark Johnson]<br><i>Monthly performance reports will be provided to the Board in response to their request for regular reporting on the District's performance in several areas. On a quarterly basis, staff will present a review of key metrics that are trending in the performance report.</i>   |             | 158/<br>162 |
| E. MONTHLY DEPARTMENT REPORTS – SEPTEMBER<br>[Mark Johnson]<br><i>Monthly department activity reports, and reports throughout the District, are provided for the Board's information.</i>   |             | 166         |
| F. BOARD ANNUAL WORKING AGENDA<br><i>Attached is a calendar of Action or Information items that will be included on the agenda for future Board meetings.</i>   |             |             |
| XVI. ADJOURNMENT  | 5:30 p.m.   |             |
| <i>To request a reasonable accommodation or interpreter, including alternative formats of printed materials, please contact LTD's Administration office no later than 48 hours prior to the meeting at 541-682-5555 (voice) or 7-1-1 (TTY through Oregon Relay).</i>  |             |             |



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021  
**ITEM TITLE:** AUGUST EMPLOYEE OF THE MONTH  
**PREPARED BY:** Jake McCallum, Director of Transit Operations

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**BACKGROUND:** Transit Operations Supervisor Shawn Bradley has been selected to receive the August 2021 Employee of the Month (EOM) award. Shawn was hired as a Bus Operator on January 12, 1998, and then was promoted to a Transit Operations Supervisor on April 28, 2004. During that time, he has received five Safe Driving Awards, five Monthly Value Awards and was nominated as Employee of the Month in June 2001.

Shawn is receiving the nomination for employee of the month due to his actions of assisting a passenger in a mobility device. The customer's power chair lost power and was no longer functional. The chair ran out of power while on the bus at Springfield Station. Shawn ended up driving the bus to the customer's residence since she didn't have anyone who could assist her. After arriving at the customer's home, Shawn took it upon himself to physically push the customer in her power chair to her place of residence. This involved moving the chair to the other side of the trailer park where the customer lived. Not only was this a genuine act of kindness, but a true example of going above and beyond the call of duty to provide the highest level of customer service.

Director Jake McCallum stated, "Shawn has been an LTD employee for over twenty-three years. He was first hired as a bus operator and understands the importance of providing excellent customer service internally and externally to our customers. While this may not seem like a common practice to most people, I've seen this level of dedication and excellent customer service throughout Shawn's career. Shawn continues to honestly care about the great work we do every day to support our community."

**AWARD:** Shawn will attend the September meeting to be introduced to the Board and to receive his award.



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021  
**ITEM TITLE:** SEPTEMBER EMPLOYEE OF THE MONTH  
**PREPARED BY:** Jeff Hadden, Transit Operations Supervisor

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**BACKGROUND:** Bus Operator Rick Levin has been selected to receive the September 2021 Employee of the Month (EOM) award. Rick was hired as a Bus Operator on March 9, 2020. Since that time, he has been nominated twice for the Employee Recognition Award.

Rick had just begun his lunch break in Bay O when he saw a person lying on the ground nearby. He discovered the person was unresponsive and, after dialing 911, began administering CPR.

After the EMTs arrived and took over, Rick calmly walked to the breakroom and started his lunch. I think he had a sandwich that day, and I'm betting it was a Hero sandwich!

When asked to comment on Rick's selection as EOM, Operations Supervisor Jeff Hadden said, "Rick has always stood out as a caring, dedicated employee, proving how much he cares about our customers and our community."

**AWARD:** Rick will attend the September meeting to be introduced to the Board and to receive his award.



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** BOARD MEMBER REPORTS

**PREPARED BY:** Camille Gandolfi, Clerk of the Board

**ACTION REQUESTED:** None. Information Only

**BACKGROUND:** The Lane Transit District Board of Directors has several subcommittees and Community Advisory Committees in which Directors are assigned to attend as representatives of the Board. Directors also are assigned to represent the District at a variety of local governmental and stakeholder committees. This report provides an overview of the topics covered at all Board subcommittees, Community Advisory Committees, and local governmental and stakeholder committees that Directors have attended since the previous months Board meeting. Directors also provide more in-depth verbal updates during Board meetings.

The following activities have occurred since the last Board meeting:

### **MEETINGS HELD:**

Board members may take this opportunity to report briefly on any one-on-one meetings they have held with local officials or other meetings that they have attended on behalf of LTD.

1. **Ad Hoc GM Evaluation Committee:** This ad hoc committee has been created for the purpose of the General Managers review process. The committee is composed of Board members Caitlin Vargas, Michelle Webber, the third seat is vacant. At the August 25 meeting, committee members met in executive session pursuant to ORS 192.660(f) "to consider information or records that are exempt by law from public inspection. The next meeting has not been scheduled.
2. **Lane Area Commission on Transportation (LaneACT):** In 2009 the Oregon State Legislature directed Lane County to develop an Area Commission on Transportation (ACT). Commission membership includes representatives from Lane County, cities within the county, LCOG, and LTD, and meets on the second Wednesday of the month. Board member Don Nordin serves as LTD's representative, Aurora Jackson is the alternate. At the August 11 meeting, committee members reviewed Federal Lands Access Program letters of support; received a LaneACT Area Strategy update; and received an update on the ODOT ACT Refocus. The next meeting is scheduled for October 18. For more information about LaneACT, please go to: [https://www.oregon.gov/ODOT/Get-Involved/Pages/ACT\\_Lane.aspx](https://www.oregon.gov/ODOT/Get-Involved/Pages/ACT_Lane.aspx).
3. **LTD Pension Trust Committee:** LTD's two pension plans (one for ATU-represented employees and one for administrative employees) are each governed by a board of trustees. The pension trustees generally meet three times a year, the Board member seat serving as one of the trustees is currently vacant. At the August 19 meeting committee members received the report of investment; report of the actuary; and administrators report. The next meeting is scheduled for November 10.
4. **LTD Board Contract Committee:** The Board Contract Committee is composed of Board members Michelle Webber, Emily Secord, the third seat is vacant. The committee meetings are scheduled for the second Monday of each month. At the September 13 meeting committee members reviewed the updated procurement policy. The next meeting is scheduled for October 11.

### **No Meetings were held for the following committees:**

5. **Strategic Planning Committee (SPC):** This committee generally meets monthly and is composed of Board members Caitlin Vargas and Emily Secord, members of local units of government, and community representatives. The next meeting is scheduled for September 28.
6. **LCOG Board of Directors:** LTD Board member seat representing LTD on the LCOG Board of Directors as a non-voting member is currently vacant; Board member Susan Cox is the alternate. The LCOG Board of Directors meets five times per year on the 4<sup>th</sup> Thursday of: February, April, June, September and December. The next meeting is scheduled for September 30. For more information about LCOG Board meeting, please go to: <https://www.lcog.org/343/Board-of-Directors>

7. **Metropolitan Policy Committee (MPC):** Board member Caitlin Vargas is an LTD representative, the second Board member seat is currently vacant; the alternate Board member seat is currently vacant; General Manager Aurora Jackson is the District's ex-officio attendee. MPC meetings are held on the first Thursday of each month. The August 5 and September 2 meetings were canceled. The next meeting is scheduled for October 2. For more information about MPC, please go to: <https://www.lcog.org/346/Metropolitan-Policy-Committee>.
8. **LTD Board Budget Committee:** The Budget Committee is composed of all seven Board members and seven citizen members. The Budget Committee meets multiple times a year to give guidance regarding LTD's annual budget. Each LTD Board member selects one citizen member to fill a term of three years. The next meeting is scheduled for October 6.
9. **Comprehensive and Accessible Transportation Committee (CATC):** The Comprehensive and Accessible Transportation Committee advises and assists the Board in considering the impacts of potential, proposed, or actual service changes on individuals who are transit-dependent, especially those who are older adults or people with disabilities. Board members Susan Cox, Don Nordin, and Michelle Webber serve as LTD's representatives. The next meeting is scheduled for October 19.
10. **Oregon Metropolitan Planning Organization Consortium (OMPOC):** The Oregon Metropolitan Planning Organizations (MPO) Consortium was formed on May 25, 2005, as a forum for MPOs to work together on matters of mutual interest and statewide significance. LTD Board member Caitlin Vargas attends the committee meetings as LTD's representative. The next meeting is scheduled for October 29. For more information about OMPOC, please go to: <https://www.ompoc.org/>.
11. **Main Street Projects Governance Team:** This committee was formed to provide informed direction and collaborative decision making to support the Main Street-McVay Transit Study and four other concurrent projects along Main Street in Springfield. Board member Michelle Webber serves as LTD's representative, the second Board member seat is currently vacant. The second Board member seat is vacant. The next meeting is scheduled for November 15. For more information about Main Street, please go to: <http://ourmainstreetspringfield.org/>.
1. **Ad Hoc Sustainability Committee:** This ad hoc committee has been created for the purpose of reviewing the District's sustainability Policies. The committee is composed of Board members Don Nordin, and Michelle Webber, the third seat is currently vacant. The next meeting has not been scheduled.
12. **State Transportation Improvement Fund (STIF) Committee:** The Committee is administered by LCOG. The Committee will meet a minimum of two times per year, or a sufficient number of times to advise the LTD Board of Directors regarding its review of project proposals and the STIF Plan. The committee, in accordance with state law, is composed of 14 members with eight (8) members representing in-district communities, two (2) members representing out-of-district communities, and three (3) ex-officio (non-voting) members; the ex officio LTD Board members are Emily Secord and Caitlin Vargas. The next meeting has not been scheduled. For more information about STIF, please go to: <https://www.lcog.org/1010/Statewide-Transportation-Improvement-Fun>.
2. **Special Transportation Fund (STF) Committee:** The Committee will meet a minimum of two times per year, or a sufficient number of times to advise and assist LTD's Board of Directors in carrying out the purposes of the Special Transportation Fund for the elderly and people with disabilities Transportation Operating Grants Program. The committee is composed of local community member representatives in accordance with state law; the ex officio LTD Board member is Don Nordin. The alternate ex-officio LTD Board member is Michelle Webber. The next meeting has not been scheduled.
3. **MovingAhead Oversight Committee:** This committee is composed of representatives from the City of Eugene, LTD, and regional partners with the goal of a system-level approach to corridor improvements. LTD Board member's Don Nordin and Susan Cox serve as LTD's representatives. The next meeting has not been scheduled. For more information about MovingAhead, please go to: <http://www.movingahead.org/>.
4. **Vision Zero Task Force:** The City of Eugene, as part of its Vision Zero implementation, has developed a Vision Zero Task Force. The Board member seat as the LTD representative to the Task Force is currently vacant; Aurora Jackson is the alternate. The next meeting has not been scheduled. For more information about Vision Zero, please go to: <https://www.eugene-or.gov/4270/Vision-Zero>.



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** CONSENT CALENDAR

**PREPARED BY:** Camille Gandolfi, Clerk of the Board

**ACTION REQUESTED:** Adoption

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**BACKGROUND:** Items for approval that can be explained clearly in the written materials for each meeting, and not expected to draw public testimony or controversy, are included in the Consent Calendar for approval as a group. Board members can remove any item from the Consent Calendar for discussion before the Consent Calendar is approved each month.

The Consent Calendar for September 15, 2021, consists of:

- Approval of Delegated Authority Report – JULY
- Approval of Delegated Authority Report – AUGUST
- Approval of Budget Committee Member Appointment
- Approval of Board Member Travel – Don Nordin
- Approval of Board Member Travel – Caitlin Vargas
- Approval of Updated Strategic Planning Committee Bylaws
- Approval of LTD Title VI Compliance Report
- Approval of Procurement Policy Revision: Amendment to Public Contracting Authority

**ATTACHMENT:**

- 1) Delegated Authority Report – JULY
- 2) Delegated Authority Report – AUGUST
- 3) Budget Committee Member Appointment
- 4) Board Member Travel – Don Nordin
- 5) Board Member Travel – Caitlin Vargas
- 6) Updated Strategic Planning Committee Bylaws
- 7) LTD Title VI Compliance Report
- 8) Procurement Policy Revision: Amendment to Public Contracting Authority

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-042; It is hereby resolved that the Consent Calendar for September 15, 2021, is approved as presented [amended].



**LANE TRANSIT DISTRICT  
DELEGATED AUTHORITY REPORT  
July 2021**

| Contracts                     |                                    |   |                         |                                 |           |                |           |  |
|-------------------------------|------------------------------------|---|-------------------------|---------------------------------|-----------|----------------|-----------|--|
| DATE EXECUTED                 | CONTRACTOR                         | DESCRIPTION   | CONTRACT TYPE           | CONTRACT TERM                   | FREQUENCY | CONTRACT VALUE | SIGNER    | NOTES                                    |
| 6/29/2021                     | Moss Adams                         | External Auditing Services                                      | Amendment               | Oct. 1, 2017 - June 30, 2022    |           | \$ 528,510.00  | A.Jackson | Option year                              |
| 6/30/2021                     | Lane Council of Governments (LCOG) | LTD Planning Support  | Amendment               | Nov. 1, 2018 - June 30, 2022    |           | \$ 120,000.00  | A.Jackson | Option year                              |
| 7/3/2021                      | Chambers Construction              | On-Call Construction Services                                   | Task Order              | Jun. 25, 2021 - Mar. 31, 2022   |           | \$ 191,124.00  | A.Jackson | Ticket Vending Machine Upgrades          |
| 7/3/2021                      | Chambers Construction              | On-Call Construction Services                                   | Task Order              | Jun. 22, 2021 - Nov. 30, 2021   |           | \$ 163,343.00  | A.Jackson | Glenwood Bus Lot Earthwork               |
| 7/2/2021                      | The City of Cottage Grove          | South Lane Public Transportation Options                        | Amendment               | Jul. 1, 2021 - Jun. 20, 2021    |           | \$ 91,438.00   | A.Jackson | Option year                              |
| 7/6/2021                      | Camp Creek Electric                | On-Call Electrician   | Goods & Services        | Jul. 1, 2021 - Jun. 30, 2023    |           | \$ 149,999.00  | A.Jackson | New Contract                             |
| 7/7/2021                      | Lane Council of Governments (LCOG) | Florence to Eugene and Florence to Yachats Transportation Route | Amendment               | Jul. 1, 2021 - Jun. 30, 2023    |           | \$ 180,000.00  | A.Jackson | Option year                              |
| 7/8/2021                      | Revolution Design Group            | Marketing Bench   | Amendment to Task Order | Jan. 25, 2021 - until completed |           | \$ 83,000.00   | A.Jackson | extended for time                        |
| 7/9/2021                      | Trillium                           | Transportation Services Agreement                               | Amendment               | ongoing                         |           |                | A.Jackson | Option year                              |
| 7/12/2021                     | Toole Design Group                 | Mobility Management Strategy                                    | Personal Services       | Jul. 1, 2021 - Jun. 30, 2022    |           | \$ 220,000.00  | A.Jackson | New Contract                             |
| 7/14/2021                     | Lane Council of Governments (LCOG) | S&DS Mobility Management  | Amendment               | Jul. 1, 2019 - Jun. 20, 2023    |           |                | A.Jackson | Option year                              |
| 7/19/2021                     | Taryn M Consulting                 | Interim HR Director   | Amendment               | Mar. 22, 2021 - Apr. 21, 2022   |           | \$ 130,000.00  | A.Jackson | contract extension                       |
| 7/20/2021                     | River Cities Taxi                  | Rhody Express   | Amendment               | Jul. 18, 2018 - Jun. 30, 2023   |           | \$ 378,783.08  | A.Jackson | Project increase                         |
| 7/20/2021                     | Hutchinson Cox, LLC                | Special Counsel Services  | Personal Services       | Jul. 19, 2021 - Jul. 18, 2022   |           | \$ 149,000.00  | A.Jackson | New Contract                             |
| 7/26/2021                     | Turell Group                       | Marketing Bench Communications Support                          | Task Order              | Jul. 1, 2021 - Jun. 30, 2022    |           | \$ 360,000.00  | A.Jackson | Phase III - Covid Communication Campaign |
| 7/26/2021                     | PIVOT Architecture                 | A&E On-Call Services  | Amendment to Task Order | Apr. 26, 2021 - Apr. 1, 2022    |           | \$ 62,652.02   | A.Jackson | Pricing adjustment                       |
| 7/27/2021                     | Lane Council of Governments (LCOG) | Cablecasting  | Amendment               | Jan. 21, 2021 - Jun. 30, 2022   |           | \$ 30,110.00   | A.Jackson | extended for time                        |
|                               |                                    |   |                         |                                 |           |                |           |  |
|                               |                                    |   |                         |                                 |           |                |           |  |
| Group Pass/Non-Profit Program |                                    |   |                         |                                 |           |                |           |  |
| DATE EXECUTED                 | CONTRACTOR                         | DESCRIPTION   | CONTRACT TYPE           | CONTRACT TERM                   | FREQUENCY | CONTRACT VALUE | SIGNER    | NOTES                                    |
| 6/28/2021                     | SquareOne Villages                 | Group Pass Program  | Group Pass              | 6/23/2021 - ongoing             |           |                | A.Jackson | new agreement                            |
| 7/9/2021                      | Eugene School District 4J          | Student Pass Program  | Student Pass            | ongoing                         |           |                | A.Jackson | new agreement                            |
| 7/22/2021                     | Bethel School District             | Student Pass Program  | Student Pass            | ongoing                         |           |                | A.Jackson | new agreement                            |
|                               |                                    |   |                         |                                 |           |                |           |  |
|                               |                                    |   |                         |                                 |           |                |           |  |
|                               |                                    |   |                         |                                 |           |                |           |  |
|                               |                                    |   |                         |                                 |           |                |           |  |





## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** BUDGET COMMITTEE MEMBER APPOINTMENT: CARL YEH

**PREPARED BY:** Camille Gandolfi, Clerk of the Board

**DIRECTOR:** Mark Johnson, Interim General Manager

**ACTION REQUESTED:** Adoption

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**PURPOSE:** To request the Board approve the appointment of nominee Carl Yeh to fill the current Budget Committee vacancy.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to appoint members to an advisory committee.

**BOARD DIRECTIVE ALIGNMENT:** In accordance with ORS 294.414, the Board of Directors is required to appoint a Budget Advisory Committee that shall be comprised of fourteen (14) members for the purpose of reviewing and approving the operating and capital budget proposed by LTD's budget officer. The committee shall consist of seven (7) Board members and seven (7) appointed members who live within the LTD service area and who all have equal authority. Each Board member may appoint one (1) member to the Committee so long as the member resides within LTD's service area, regardless of whether the member resides within that Board member's sub-district.

**COMMUNICATION:** This is the first Board communication for this item.

**DATES PRESENTED TO THE PUBLIC:** This is the first public communication for this item.

**HISTORY:** Budget committee member Kathryn Bruebaker relocated outside of LTD's service area, creating a community member vacancy on the committee. Ms. Bruebaker's term runs through December 31, 2022. The nomination to fill this seat falls under Board member Michelle Webber.

**CONSIDERATIONS:** Board member Michelle Webber is nominating former Board member Carl Yeh to be appointed to fill this Budget Committee vacancy.

**ALTERNATIVES:**

- The Board could approve the appointment of Carl Yeh to the Boards Budget Committee.
- The Board could request additional nominees to consider for appointment.

**NEXT STEPS:** Staff will inform the nominee of the Board's decision and take any other administrative steps based on the Board's decision.

**SUPPORTING DOCUMENTATION:**

- 1) Current Budget Committee Roster
- 2) Nominee Resume
- 3) Resolution No. 2021-09-15-043

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-043:

It is hereby resolved that the LTD Board of Directors approves appointment of Carl Yeh to the Budget Advisory Committee filling the vacancy of the term expiring December 31, 2022.



**LTD BOARD OF DIRECTORS  
BUDGET COMMITTEE  
MEMBERSHIP ROSTER**

The Budget Committee shall consist of fourteen (14) members as follows: seven (7) Board members and seven (7) appointed members who live within the LTD service area. All members of the Committee have equal authority.

Each Board member may appoint one (1) member to the Committee so long as the member resides within LTD's service area, regardless of whether the member resides within that Board member's sub-district.

Board members shall serve on the Budget Committee throughout the duration of their Board appointment. Appointed Committee members shall serve for three year, staggered terms, with the member's term beginning July 1 of the respective year. Appointed Committee members may be reappointed for additional terms, at the discretion of the LTD Board of Directors.

| <b><i>Subdistrict</i></b> | <b><i>Nominating Board Member</i></b> | <b><i>Term Expiration</i></b> | <b><i>Budget Committee Member</i></b> | <b><i>Term Expiration</i></b> |
|---------------------------|---------------------------------------|-------------------------------|---------------------------------------|-------------------------------|
| 1                         | Vacant                                | 12/31/2021                    | Kim Thompson                          | 12/31/2021                    |
| 2                         | Michelle Webber                       | 12/31/2024                    | Vacant                                |                               |
| 3                         | Don Nordin                            | 12/31/2022                    | Jess Tuerk Roshak                     | 12/31/2023                    |
| 4                         | Emily Secord                          | 12/31/2022                    | Jody Cline                            | 12/31/2023                    |
| 5                         | Vacant                                | 12/31/2021                    | Gary Wildish                          | 12/31/2021                    |
| 6                         | Caitlin Vargas                        | 12/31/2022                    | William "Bill" Whalen                 | 12/31/2022                    |
| 7                         | Susan Cox                             | 12/31/2024                    | Brandon Rogers                        | 12/31/2023                    |



**LTD RESOLUTION NO. 2021-09-15-043**

**APPOINTMENT OF CARL YEH TO THE LTD BUDGET ADVISORY COMMITTEE**

**WHEREAS**, ORS 294.414 requires the LTD ('District') Board of Directors to appoint a Budget Advisory Committee that shall be comprised of fourteen (14) members for the purpose of reviewing and approving the operating and capital budget proposed by LTD's budget officer;

**WHEREAS**, the committee shall consist of seven (7) Board members and seven (7) appointed members who live within the LTD service area and who all have equal authority;

**WHEREAS**, each Board member may appoint one (1) community member to the Committee so long as the member resides within LTD's service area, regardless of whether the member resides within that Board member's sub-district;

**WHEREAS**, the Advisory Committee is guided by written bylaws;

**WHEREAS**, the committee has one community member vacancy under the seat of Board member Michelle Webber;

WHEREAS, the term for the current vacancy expires December 31, 2022; and,

**WHEREAS**, Board member Michelle Webber nominates Carl Yeh to fill the remainder of the term for the current vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, that the LTD Board of Directors passes a Resolution:

Appointment of Carl Yeh to fill the vacancy on the Budget Advisory Committee for the remainder of the term expiring December 31, 2022.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 15<sup>TH</sup> DAY OF SEPTEMBER 2021.

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Board President, Caitlin Vargas



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** BOARD MEMBER TRAVEL APPROVAL AND EXPENSE REIMBURSEMENT  
REQUEST: DON NORDIN

**PREPARED BY:** Camille Gandolfi, Clerk of the Board

**DIRECTOR:** Mark Johnson, Interim General Manager

**ACTION REQUESTED:** Adoption

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**PURPOSE:** To obtain approval for Board member travel reimbursement of Board member travel expenses.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to review and approve Board member travel and expense reports in accordance with the Board Travel, Meetings, and Miscellaneous Expense Reimbursement Policy.

**BOARD DIRECTIVE ALIGNMENT:** This is a Board governance item.

**COMMUNICATION:** This is the first Board communication for this item.

**DATES PRESENTED TO THE PUBLIC:** This is the first public communication for this item.

**HISTORY:** At its March 20, 2019, regular Board meeting, the Board adopted a Board Travel, Meetings, and Miscellaneous Expense Reimbursement Policy allowing for out-of-District expenses to be reimbursed. The requirements for approval of expenses are:

### **TRAVEL AUTHORIZATION AND APPROVAL**

**Out-of-District Travel.** All out-of-District travel for Directors to attend a meeting at the District's expense, shall be approved by action of the Board, prior to incurring such expense. In unusual or emergency circumstances, if prior Board approval is not possible, the Board President may approve out-of-District travel for Directors. In such unusual or emergency situations, the travel authorization shall be presented to the Board of Directors for ratification at its next scheduled Board meeting. If a Director is assigned to a committee, then attendance at those committee meetings shall not require prior approval of the Board. For periodic out-of-District meetings, which occur several times per year, the Board may approve attendance at such meetings annually.

**In-District Travel.** Each Director is authorized to travel at the District's expense, within the District, when, in his/her judgment, such travel is required for District business. Expenses for personal business, meals, and lodging are not reimbursable for in-District travel. Directors are entitled to receive reimbursement for actual, reasonable, and necessary expenses incurred in the performance of District business (e.g., personal vehicle mileage reimbursement, parking fees, etc.).

### **BOOKING TRAVEL**

The Board is encouraged to use the Clerk of the Board to arrange for the booking of all out-of-District travel and lodging. The District shall advance the cost of such travel and lodging. However, Directors are allowed to book their own travel, but will be reimbursed at the standard or economy rate, similar to what other Directors or employees going to the same meeting paid for similar arrangements. After travel, the Director shall submit to the Clerk of the Board travel documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental expenses are reimbursable if reasonable and documented.

Lane Transit District is a member of the American Public Transportation Association (APTA). Every year APTA holds conferences and trainings for public transit agencies across the nation. One of the annual conferences is the APTA Expo, which allows transit agencies to stay apprised of industry technologies, services, etc. It also provides the opportunity for transit agencies across the nation to network with each other. It is standard practice to have LTD representation at this conference. Additional information on this conference can be found [here](#).

**CONSIDERATIONS:** Board member Don Nordin would like to attend the November 7-10 APTA Expo as one of the Board members representing the District this year.

**ALTERNATIVES:**

- The Board could approve Board member Don Nordin's attendance at this year's APTA Expo.
- The Board could decide upon alternate representation at this year's APTA Exp.
- The Board could decide not to have Board member Don Nordin attend this year's APTA Expo.

**NEXT STEPS:** Based on Board direction, staff will take the appropriate administrative steps.

**SUPPORTING DOCUMENTATION:**

- 1) Board Travel Expense Sheet

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-044:

It is hereby resolved that the LTD Board of Directors approves Board member Don Nordin's attendance at the APTA Expo and trip expenses.



# Board Member Expense Report

Internal Use  
GL#:

Resolution #: 2021-09-15-044

Name: Don Nordin

Travel Dates November 6-10, 2021

Travel Purpose: 2021 APTA Expo - November 7-10

| Date    | Description      | Airfare | Hotel | Transportation | Gas | Meals | Other      | District Prepaid | Total      |
|---------|------------------|---------|-------|----------------|-----|-------|------------|------------------|------------|
| 8/19/21 | Registration     |         |       |                |     |       | \$795.00   | \$795.00         | \$795.00   |
| pending | Hotel            |         |       |                |     |       | \$1,250.00 | \$1,250.00       | \$1,250.00 |
| pending | Airfare          |         |       |                |     |       | \$700.00   | \$700.00         | \$700.00   |
| pending | Meal Advancement |         |       |                |     |       | \$250.00   | \$250.00         | \$250.00   |
| pending | Transportation   |         |       |                |     |       |            |                  | \$0.00     |
|         |                  |         |       |                |     |       |            |                  | \$0.00     |
|         |                  |         |       |                |     |       |            |                  | \$0.00     |
|         |                  |         |       |                |     |       |            |                  | \$0.00     |
|         |                  |         |       |                |     |       |            |                  | \$0.00     |
|         |                  |         |       |                |     |       |            |                  | \$0.00     |
|         |                  |         |       |                |     |       |            |                  | \$0.00     |
|         |                  |         |       |                |     |       |            |                  | \$0.00     |

Total \$2,995.00  
 Mileage Total \$0.00  
**Subtotal \$2,995.00**  
 Less District Prepaid Amount \$2,995.00  
**Total Owed to Board Member \$0.00**

| 2019 Mileage rate = .58 per mile |             |                  |                |               |               |
|----------------------------------|-------------|------------------|----------------|---------------|---------------|
| Date                             | Destination | Starting Mileage | Ending Mileage | Total Mileage | Total Expense |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
|                                  |             |                  |                |               |               |
| <b>Total</b>                     |             |                  |                | 0.00          | \$0.00        |

*\*Supporting documentation provided under separate cover*

\_\_\_\_\_  
Recipient Board Member

\_\_\_\_\_  
Board President

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date Approved





## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** BOARD MEMBER TRAVEL APPROVAL AND EXPENSE REIMBURSEMENT  
REQUEST: CAITLIN VARGAS

**PREPARED BY:** Camille Gandolfi, Clerk of the Board

**DIRECTOR:** Mark Johnson, Interim General Manager

**ACTION REQUESTED:** Adoption

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**PURPOSE:** To obtain approval for Board member travel reimbursement of Board member travel expenses.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to review and approve Board member travel and expense reports in accordance with the Board Travel, Meetings, and Miscellaneous Expense Reimbursement Policy.

**BOARD DIRECTIVE ALIGNMENT:** This is a Board governance item.

**COMMUNICATION:** This is the first Board communication for this item.

**DATES PRESENTED TO THE PUBLIC:** This is the first public communication for this item.

**HISTORY:** At its March 20, 2019, regular Board meeting, the Board adopted a Board Travel, Meetings, and Miscellaneous Expense Reimbursement Policy allowing for out-of-District expenses to be reimbursed. The requirements for approval of expenses are:

### **TRAVEL AUTHORIZATION AND APPROVAL**

**Out-of-District Travel.** All out-of-District travel for Directors to attend a meeting at the District's expense, shall be approved by action of the Board, prior to incurring such expense. In unusual or emergency circumstances, if prior Board approval is not possible, the Board President may approve out-of-District travel for Directors. In such unusual or emergency situations, the travel authorization shall be presented to the Board of Directors for ratification at its next scheduled Board meeting. If a Director is assigned to a committee, then attendance at those committee meetings shall not require prior approval of the Board. For periodic out-of-District meetings, which occur several times per year, the Board may approve attendance at such meetings annually.

**In-District Travel.** Each Director is authorized to travel at the District's expense, within the District, when, in his/her judgment, such travel is required for District business. Expenses for personal business, meals, and lodging are not reimbursable for in-District travel. Directors are entitled to receive reimbursement for actual, reasonable, and necessary expenses incurred in the performance of District business (e.g., personal vehicle mileage reimbursement, parking fees, etc.).

### **BOOKING TRAVEL**

The Board is encouraged to use the Clerk of the Board to arrange for the booking of all out-of-District travel and lodging. The District shall advance the cost of such travel and lodging. However, Directors are allowed to book their own travel, but will be reimbursed at the standard or economy rate, similar to what other Directors or employees going to the same meeting paid for similar arrangements. After travel, the Director shall submit to the Clerk of the Board travel documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental expenses are reimbursable if reasonable and documented.

Lane Transit District is a member of the American Public Transportation Association (APTA). Every year APTA holds seminars, conferences, and trainings for public transit agencies across the nation. One of the annual conferences is the APTA Expo, which allows transit agencies to stay apprised of industry technologies, services, etc. It also provides the opportunity for transit agencies across the nation to network with each other. It is standard practice to have LTD representation at conference. Additional information on this conference can be found [here](#).

**CONSIDERATIONS:** Board member Caitlin Vargas would like to attend the November 7-10 APTA Expo as one of the Board members representing the District this year.

**ALTERNATIVES:**

- The Board could approve Board member Caitlin Vargas' attendance at one or both conferences.
- The Board could decide upon alternate representation at one or both conferences.
- The Board could decide not to have Board member Caitlin Vargas attend either conference.

**NEXT STEPS:** Based on Board direction, staff will take the appropriate administrative steps.

**SUPPORTING DOCUMENTATION:**

- 1) Board Travel Expense Sheet – APTA Expo

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-045:

It is hereby resolved that the LTD Board of Directors approves Board member Caitlin Vargas' attendance at the APTA Expo and trip expenses





## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** ADOPTION OF UPDATED STRATEGIC PLANNING COMMITTEE BYLAWS

**PREPARED BY:** Camille Gandolfi, Clerk of the Board

**DIRECTOR:** Mark Johnson, Interim General Manager

**ACTION REQUESTED:** Adoption

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**PURPOSE:** To request adoption of the updated Strategic Planning Committee Bylaws.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to perform a Board governance task.

**BOARD DIRECTIVE ALIGNMENT:** This action falls under the governance of its advisory committees.

**COMMUNICATION:** This is the first Board communication for this item.

**DATES PRESENTED TO THE PUBLIC:** This is the first public communication for this item.

**HISTORY:** On December 12, 2016, LTD's Board of Directors passed Resolution No. 2016-12-12-041, re-chartering the EmX Steering Committee as the Strategic Planning Committee (SPC).

The SPC, at its May 2, 2017, meeting drafted and approved by a consensus vote a set of bylaws for its Strategic Planning Committee.

At its December 19, 2018, meeting, the Board adopted updated Strategic Planning Committee Bylaws.

At its July 14, 2021, meeting, the Strategic Planning Committee approved adjusting the committees meeting schedule from monthly to quarterly.

The Strategic Planning Committee bylaws have been updated to reflect this schedule change.

**CONSIDERATIONS:** The committee meeting schedule of is the only change reflected in the bylaws at this time.

**ALTERNATIVES:** The Board could choose not to adopt the bylaws reflecting the schedule change and direct staff to make alternate changes to the bylaws.

The board could choose to deliberate on the schedule change and bring the updated bylaws back at a future meeting.

**NEXT STEPS:** Based on Board direction, staff will take the appropriate administrative steps.

**SUPPORTING DOCUMENTATION:**

- 1) Revised Strategic Planning Committee Bylaws
- 2) Resolution No. 2021-09-15-046

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-046:

It is hereby resolved that the LTD Board of Directors adopts the updated Strategic Planning Committee Bylaws as presented [amended].



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# STRATEGIC PLANNING COMMITTEE

## COMMUNITY ADVISORY COMMITTEE BYLAWS

### ARTICLE I PURPOSE

**SECTION 1.1 Purpose.** The Strategic Planning Committee (the “SPC” or the “Committee”) was established by the Lane Transit District (LTD) Board of Directors in Resolution No. 2016-12-12-041, A Resolution Re-Chartering the EmX Steering Committee as the Strategic Planning Committee. The Strategic Planning Committee provides the LTD Board of Directors with independent advice on strategic planning issues related to advancing the goals of the Long-Range Transit Plan, including, but not limited to, developing the Frequent Transit Network, making better connections, reducing trip and waiting times, bridging the first and last mile, creating safer ways to access service, and optimizing solutions for urban and rural areas.

### ARTICLE II GOVERNANCE PROCEEDINGS

**SECTION 2.1 Governance Procedures.** The SPC will comply with Oregon’s Public Meetings Law, Public Records Law, and all applicable governance procedures set forth in the LTD Ordinance Providing Rules for Meetings of the LTD Board of Directors, attached hereto as Exhibit A.

### ARTICLE III MEMBERSHIP, COMPOSITION, APPOINTMENT

**SECTION 3.1 Membership.** The Committee shall consist of at least 8 and not more than 15 members who reside within the LTD service district area. All members of the Committee are voting members.

**SECTION 3.2 Appointment.**

- a) The Committee shall include six members, appointed to the Committee by their respective governing bodies, comprised as follows:
  - i. No more than two members of the LTD Board of Directors; and
  - ii. One representative from each of LTD’s key partners: the Eugene City Council, Springfield City Council, Lane County Board of Commissioners, and Oregon Department of Transportation.

The Committee shall not include a quorum of any governing body.

- b) In addition to those members appointed to the Committee pursuant to Section 3.2 (a), up to an additional nine (9) members, representing a diverse set of stakeholders, may be appointed to the Committee by LTD’s General Manager, with the advice and consent of the LTD Board of Directors.



**SECTION 3.3 Composition.** In addition to those members appointed pursuant to Section 3.2 (a), Committee members should represent a diverse set of stakeholders. The targeted interest areas include, but are not limited to, the following (alphabetically):

- a) Business/Chambers/Industry/Large Employers
- b) LTD Customers/Frequent Transit Riders
- c) Diversity: Minority/Persons with Disabilities/Low-Income/Gender/Age
- d) Housing/Development/Affordable Housing
- e) Neighborhood/Neighborhood Leaders Council/LTD Service Districts
- f) Non-profit
- g) Public Health
- h) Rural
- i) Safe Routes to School
- j) Student
- k) Sustainability/Equity/Environmental Justice
- l) Tourism
- m) Transit Advocate
- n) Transportation Options/Bike/Ped/Carpool/Vanpool

A member representing a targeted area of interest must be representative of the industry, or area of interest, and have applicable experience in the respective field.

#### **ARTICLE IV** **TERMS OF SERVICE, VACANCIES**

**SECTION 4.1 Terms of Service.** Members shall serve for 2-year terms. Members may be eligible for reappointment for up to three additional 2-year terms, for a total term of 8 years.

**SECTION 4.2 Vacancies.** For members appointed to the Committee pursuant to Section 3.2 (a), the respective governing body shall appoint the member's successor to serve for the remainder of the unexpired term. For members appointed to the Committee pursuant to Section 3.2 (b), the General Manager, with the consent of the LTD Board of Directors, may appoint the member's successor, but are not required to do so, to serve for the remainder of the unexpired term.

#### **ARTICLE V** **OFFICERS, DUTIES**

**SECTION 5.1 Officers.** The Committee shall choose from among its members, by majority vote of the members, a chair and vice chair to serve 1-year terms. Terms of office shall begin on the first day of July and end on the last day of June each year.

**SECTION 5.2 Chair.** The chair, and in the chair's absence, the vice chair; and in the absence of both, a member selected by the members present to act as chair pro tem, shall preside at Committee meetings. The presiding officer shall be entitled to vote on all matters and may make and second motions and participate in discussion and debate.

**SECTION 5.3 Vice Chair.** In the event of the absence of the chair, or of the chair's inability to perform any of the duties of the chair's office or to exercise any of the chair's powers, the vice chair shall perform such duties and possess such powers as are conferred on the chair, and shall perform such other duties as may from time to time be assigned to the vice chair by the chair or Committee.

**SECTION 5.4 Secretary.** This section intentionally left blank.



**SECTION 5.5 Treasurer.** This section intentionally left blank.

**SECTION 5.6 Vacancies.** In the case of a vacancy in any office other than by expiration of an officer's term, the vacancy shall be filled by election by the Committee members when the need arises and the newly elected officer shall take office immediately upon the occurrence of such vacancy to fill the balance of the unexpired term.

**SECTION 5.7 Committee Assignments.** This section intentionally left blank.

## **ARTICLE VI**

### **CODE OF ETHICS AND CONFLICT OF INTEREST POLICY**

**SECTION 6.1 Code of Ethics and Conflicts of Interest Policy.** Each Committee member is governed by Oregon's Government Ethics Law and the Federal Transit Administration Circular 4220.1F regarding conflicts of interest.

## **ARTICLE VII**

### **MEETINGS**

**SECTION 7.1 Committee Meetings.** The SPC will comply with Oregon's Public Meetings Law, Public Records Law, and all governance procedures and meeting requirements set forth in the LTD Ordinance Providing Rules for Meetings of LTD Board of Directors, attached hereto as Exhibit A. This Article VII is intended to supplement the law and LTD's Ordinances.

**SECTION 7.2 Quorum Requirements.** A quorum of Committee members is a majority of the Committee members, even if a member is absent or a position is vacant with the intention of being filled. This Committee can have a varying number of members, ranging between 8 and 15. If a position is vacant because a member appointed pursuant to Section 3.2 (a) is no longer a member, that position should be counted in determining whether there is a quorum. If a position is vacant because a member appointed pursuant to Section 3.2 (b) is no longer a member, that position should be counted in determining whether there is a quorum only if the General Manager intends to fill the vacancy. The General Manager will notify the Committee whether she/he intends to fill such a vacancy within 30 days of being notified of such vacancy. A quorum is required to hold a vote and take action as a committee.

- a) By way of example, assume there are 12 Committee members. A member appointed to the Committee pursuant to Section 3.2 (a) resigns so that there are now 11 Committee members and one vacancy. Seven (of twelve) Committee members are required for a quorum.
- b) By way of example, assume there are 12 Committee members. A member appointed to the Committee pursuant to Section 3.2 (b) resigns so that there are now 11 Committee members. The General Manager informs the Committee that she/he does not intend to fill the vacancy, so there is no vacancy, meaning there are now 11 Committee members. Six (of eleven) Committee members are required for a quorum.

**SECTION 7.3 Meeting Times.** The SPC will meet approximately once ~~a month per quarter and it is expected to meet and~~ at least six-4 times per year. Respect the scheduled starting and ending times for meetings. The vice chair will assist the chair with keeping on schedule.

**SECTION 7.4 Attendance.** All Committee members are expected to regularly attend Committee meetings and be fully engaged with minimal distraction (from cell phones, etc.) at regularly scheduled Committee meetings, unless prevented by illness or an unavoidable cause.

**SECTION 7.5 Telephonic Attendance.** If a Committee member is unable to attend a meeting, there is an option to attend telephonically. A Committee meeting can also be held telephonically, without



any members having to physically attend, so long as all the requirements of the Public Meetings Law are still followed (notice, recording, and a location for the public to attend and listen).

**SECTION 7.6 Meeting Preparation.** All Committee members should prepare for Committee meetings by reading the materials ahead of the meeting and asking questions of the General Manager prior to the day of the meeting, if possible.

**SECTION 7.7 Committee Meeting Discussion.** Committee discussions should be thorough yet concise and pertinent to the issues on the agenda.

**SECTION 7.8 Public Participation.** Although the Public Meetings Law guarantees the public the right to attend all public meetings, it does not provide the public the right to participate. LTD has historically allowed public participation at meetings upon recognition by the president. Public testimony will typically be limited to 3 minute increments, but it is adjustable at the discretion of the president and the Board of Directors.

**SECTION 7.9 Scheduling.** All Committee members are expected to cooperate in scheduling special meetings and/or work sessions for training purposes.

## **ARTICLE VIII** **VOTING RULES**

**SECTION 8.1 Voting.** Committee members are expected to cast a vote on all matters except when a conflict of interest arises.

**SECTION 8.2 Conflict of Interest.** Committee members should be familiar with Oregon's Government Ethics Law and the Federal Transit Administration Circular 4220.1F regarding conflicts of interest. If a Committee member believes he/she may have a conflict of interest, that concern should be communicated with the Clerk of the Board and/or the General Manager in advance of the Committee meeting. They may consult with legal counsel.

## **ARTICLE IX** **PUBLIC MEETINGS LAW AND PUBLIC RECORDS LAW**

**SECTION 9.1 Legal Requirements.** The requirements of Oregon's Public Meetings Law must be followed whenever a quorum of Committee members meet to deliberate towards a decision. All Committee communications are subject to the Public Records Law. This Article IX is intended to supplement the requirements of the Public Meetings Law and Public Records Law.

**SECTION 9.2 Serial Communications.** If Committee members have serial communications among a quorum of its members, the requirements of the Public Meetings Law apply. A serial communication occurs when Committee member 1 deliberates towards a decision with Committee member 2; Committee member 2 then deliberates towards a decision with Committee member 3, and so on, until a quorum of Committee members (4) is involved. While serial communications can take place in person or over the phone, they most often occur via email.

**SECTION 9.3 Committee email.** The following guidelines apply to use of Committee email:

- a. Do not reply to Committee emails to deliberate towards a decision that should occur in public session;
- b. "Deliberation towards a decision" can only occur among Committee members. It is acceptable to reply to an email from the General Manager and/or Clerk of the Board, so long as the General Manager and/or Clerk of the Board do not share your opinion with any other Board members; and





- 
- c. Committee emails are subject to public records request. As a general rule, do not write anything in an email that you would not want printed in the newspaper.

**ARTICLE X**  
**SEVERABILITY**

**SECTION 10.1 *Severability.*** If any provision of these Bylaws or its application to any person or circumstances is held invalid, the remainder of these Bylaws, or the application of the provision to other persons or circumstances is not affected.

**ARTICLE XI**  
**AMENDMENTS**

**SECTION 11.1 *Action.*** These Bylaws, as adopted by the Lane Transit District Strategic Planning Committee, may be revised or amended at any regular or special meeting of the Committee by a vote of the majority of the whole membership of the Committee.



**RESOLUTION NO. 2021-09-15-046**

**ADOPTION OF UPDATED STRATEGIC PLANNING COMMITTEE BYLAWS**

**WHEREAS**, the Board of Directors complies with Oregon’s Public Meetings Law, Public Records Law, and all governance procedures and meeting requirements set forth in the LTD Ordinance Providing Rules for Meetings of the Lane Transit District Board of Directors;

**WHEREAS**, the Board of Directors may form advisory committees comprised of Board members and community stakeholders, and subcommittees comprised of no more than three Board members to gather information and advice on areas of significance;

**WHEREAS**, On December 12, 2016, LTD’s Board of Directors passed Resolution No. 2016-12-12-041, re-chartering the EmX Steering Committee as the Strategic Planning Committee (SPC).;

**WHEREAS**, at its May 2, 2017, meeting, the SPC drafted and approved by a consensus vote a set of bylaws for its Strategic Planning Committee;

**WHEREAS**, at its December 19, 2018, meeting, the Board adopted updated Strategic Planning Committee Bylaws; and,

**WHEREAS**, At its July 14, 2021, meeting, the Strategic Planning Committee approved adjusting the committees meeting schedule from monthly to quarterly.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution:

Adopting the updated Strategic Planning Committee Bylaws reflecting the schedule change from monthly to quarterly.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 15<sup>TH</sup> DAY OF SEPTEMBER 2021.

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Board President, Caitlin Vargas



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** LTD TITLE VI COMPLIANCE REPORT

**PREPARED BY:** Tom Schwetz, Director of Planning and Development

**DIRECTOR:** Mark Johnson, Acting General Manager

**ACTION REQUESTED:** Adoption of LTD Title VI Compliance Report

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**PURPOSE:** Every three years the Title VI Compliance Report is updated and submitted to the Federal Transit Administration (FTA) for review and approval. LTD's report will be submitted to the FTA's Region 10 office in October 2021.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to follow FTA Title VI requirements.

**BOARD DIRECTIVE ALIGNMENT:** N/A

**COMMUNICATION:** This is the first communication to the Board on this item.

**DATES PRESENTED TO THE PUBLIC:** This is the first communication on this item.

**HISTORY:** Since 2018, LTD has made a number of changes to service, but only one of those required a Title VI analysis. Pages 30-34 of the attached memo (Memorandum to Christopher MacNeith, Area Civil Rights Officer, Federal Transit Administration, Region 10), provides a summary of the service change analysis. For this change, the proposed changes to the system were shown to provide equitable benefits to the District's minority and low-income populations, and no discrimination was identified.

Regarding fares, LTD discontinued fare collection and made the system free March 19, 2020 through February 1, 2021. In July, LTD launched Umo (pronounced "you-mo") an electronic fare payment system, allowing riders the flexibility to prepay and reload fare value to a mobile device or tap card.

LTD has also changed the methodology we use in estimating Title VI impacts on minority and low-income populations. At the suggestion of Jarrett Walker and Associates, LTD has transitioned to measuring the effects using a new methodology that measures people-trips. Previously LTD assessed changes in routing and changes in service levels differently because there was no way to accurately compare between the two. This allows for more accurate estimates of the population in a region than proportionally splitting block groups that are not completely contained within .25 miles of a route.

**CONSIDERATIONS:** N/A

**ALTERNATIVES:** N/A

**NEXT STEPS:** Following board adoption, LTD's Title VI Compliance Report will be forwarded to FTA.

**SUPPORTING DOCUMENTATION:**

- 1) 2021 Lane Transit District Title VI Memorandum
- 2) Resolution No. 2021-09-15-047

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-047:

It is hereby resolved that the LTD Board of Directors adopts the Title VI Compliance Report as presented [amended].



Lane Transit District  
P. O. Box 7070  
Springfield, Oregon 97475  
541- 682-6100  
Fax: 541- 682-6111

October 1, 2021

## MEMORANDUM

**TO:** Christopher MacNeith, Area Civil Rights Officer  
Federal Transit Administration, Region 10

**FROM:** Heather Lindsay, Service Planner

**RE:** **Compliance with Federal Transit Administration (FTA)  
Circular 4702.1B (Title VI)**

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### **PART I: GENERAL REPORTING REQUIREMENTS**

#### **I. Annual Title VI Certification and Assurance**

The FTA Civil Rights Certification and Assurance is attached (Appendix A).  
The DOT Title VI Assurance is on file at FTA. See Appendix A for Lane Transit District Board of Directors approval of the 2021 Title VI Compliance Plan Memo.

#### **II. Title VI Complaint Procedures**

Lane Transit District (LTD) has procedures in place to investigate and track Title VI complaints, including a Title VI policy, directions detailing how to file a complaint, an explanation of how the complaint will be investigated, and an LTD complaint form. (Appendix B).

#### **III. Title VI Investigations, Complaints, and Lawsuits**

LTD had two complaints in the last three years. The first complaint came from Route 78 not arriving on time. Timepoints were adjusted on Route 78 which resulted in some of the trips arriving late. LTD added “trippers” to help with the late arriving buses. The second complaint came from a customer who rides our paratransit system RideSource. The complainant stated that she felt discriminated against for being transgender during her trip. The Operations Manager called and talked to the complainant. Please see (Appendix C) for Title VI Investigations and Complaints.

#### **IV. Provide Meaningful Access to Limited English Proficiency (LEP) Persons**

##### **Introduction:**

The vision of Lane Transit District (LTD) is in all that we do, we are committed to creating a more connected, sustainable, and equitable community. LTD believes its services should be accessible to all potential users. It is with this belief that LTD has prepared this program to meet the requirements set forth in Title VI of the Civil Rights Act of 1964 concerning access to services for people with limited English language proficiency (LEP). As a recipient of federal financial assistance, LTD must adhere to the LEP standards set forth. Under Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, LTD is federally mandated to examine the services it provides and to develop and implement a system by which LEP persons can have meaningful access to the benefits, services, information, and other important portions of its programs and activities. LEP includes persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language.

This plan has been developed utilizing the U.S. Department of Transportation's (DOT) LEP Guidance Handbook. The DOT provides guidance to transit agencies receiving federal funding based upon the determination of need, using a Four Factor Analysis. This Analysis includes the following criteria:

1. The number or proportion of LEP persons eligible to be served, or likely to be encountered by a LTD program, activity, or service.
2. The frequency with which LEP persons come in contact with LTD programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by LTD to the LEP population.
4. The resources available to LTD and overall cost to provide LEP assistance.

Lane Transit District's plan outlines the identification process for LEP communities, the ways in which assistance can be provided, staff training that may be required, and how to notify LEP persons that assistance is available regarding LTD activities.

##### **Four Factor Analysis:**

***FACTOR 1: THE NUMBER OR PROPORTION OF LEP ELIGIBLE PEOPLE TO BE SERVED OR LIKELY TO BE ENCOUNTERED BY AN LTD PROGRAM, ACTIVITY, OR SERVICE.***

##### **LTD Experience with LEP Persons**

LTD staff interaction with customers of Limited English Proficiency varies depending on the department/function of the employee. LTD interacts with the public at large in a multitude of ways including but not limited to transit service, fare media sales outlets,

administrative duties, and public meetings and events. LTD personnel who come in direct contact with customers were asked how often they served a LEP customer. According to this survey, the most frequent contact occurs while customers are in transit.

**Census Data**

Data from the U.S. Census Bureau describe the English language proficiency of people based on the language they speak at home. Residents of Lane County were asked if they spoke a language other than English and to indicate their ability to speak English as either “very well” or less than “very well.”

Table A compares trends over time and geography of the percent of the population five years and older that were reported to speak English less than “very well.” The most recent data are from the American Community Survey (ACS) 2007 3-year, 2012-2016 5-year, and 2015-2019 5-year estimates.

**Table A.** Population that speaks English less than “very well” (5 years or older).

| <b>Percent of Population 5 years or older</b> | <b>ACS</b>     | <b>ACS</b>       | <b>ACS</b>       |
|---|----------------|------------------|------------------|
| <i>Speak English less than very well</i>      | <b>2005/07</b> | <b>2012-2016</b> | <b>2015-2019</b> |
| United States                                 | 8.6%           | 8.7%             | 8.4%             |
| Oregon  | 6.7%           | 6.1%             | 5.6%             |
| Lane Co.                                      | 3.2%           | 2.9%             | 2.5%             |
| Eugene Urbanized Area                         | 4.0%           | 3.6%             | 3.0%             |

Source: American Community Survey

This table shows, for example, that nationally 8.4 percent of the population in 2015-2019 reported an ability to speak English less than “very well;” the percentage in Oregon is 5.6 percent.

Within Lane County, 2.5 percent of the population reported less than “very well” English speaking ability. Within the boundaries of the Eugene Urbanized area (approximately the boundaries of the Central Lane Metropolitan Planning Organization, which includes the cities of Eugene, Springfield, and Coburg, and which comprises a large part of the Lane Transit District), a comparable 3.0 percent of respondents reported the same level of English proficiency.

People who speak English as a second language come from a variety of lingual backgrounds. The 2015-2019 ACS shows that Spanish, with 13,992 people (5.6 percent), is the only language within the LTD service area that exceeds the Safe Harbor threshold of 5,000 people or 5 percent of the total population. Other prevalent languages include Chinese with 2,784 people (1.1 percent), German with 1,217 people (0.5 percent), French, Haitian, or Cajun with 830 people (0.3 percent), and Korean with 746 people (0.3 percent). Table B shows the languages as a percent of the population in the Lane County area.

**Table B. Language Spoken at Home (5 years and older). C160**

| Language   | Estimate | Percent of Population | Speak English Less than "very well" | Percent LEP |
|--|----------|-----------------------|-------------------------------------|-------------|
| Total:   | 251,070  |                       |                                     |             |
| Speak Only English   | 226,193  | 90.1%                 |                                     |             |
| Spanish  | 13,992   | 5.6%                  | 4,131                               | 1.6%        |
| French, Haitian, or Cajun  | 830      | 0.3%                  | 42                                  | 0.0%        |
| German or Other West Germanic Languages                            | 1,217    | 0.5%                  | 85                                  | 0.0%        |
| Russian, Polish, or Other Slavic Languages                         | 433      | 0.2%                  | 71                                  | 0.0%        |
| Other Indo-European Languages                                      | 1,448    | 0.6%                  | 292                                 | 0.1%        |
| Korean   | 746      | 0.3%                  | 328                                 | 0.1%        |
| Chinese (Incl. Mandarin, Cantonese)                                | 2,784    | 1.1%                  | 1,627                               | 0.6%        |
| Vietnamese   | 474      | 0.2%                  | 204                                 | 0.1%        |
| Tagalog (Incl. Filipino)   | 463      | 0.2%                  | 111                                 | 0.0%        |
| Other Asian and Pacific Island Languages                           | 1,641    | 0.7%                  | 407                                 | 0.2%        |
| Arabic   | 325      | 0.1%                  | 126                                 | 0.1%        |
| Other and Unspecified Languages                                    | 524      | 0.2%                  | 78                                  | 0.0%        |
| Source: 2012-2016 American Community Survey 2015-2019 Table C16001 |          |                       |                                     |             |

Table C summarizes the trends in the percent of the population (five years and older) within the Eugene Urbanized Area that speaks Spanish and other languages in the home. This table shows a decreasing proportion of the population speaks languages other than English in the home since 2005. Other languages also are decreasing in frequency, but at a faster rate than Spanish. The data suggest that Spanish speakers speak English “very well” at comparable rates with those who speak Other Languages. For the 2015-2019 period, approximately 70 percent of Spanish speakers (3.9 percent of the 5.6 percent total) report speaking English “very well” compared with 70 percent (3.0 percent of the 4.3 percent total) of those who speak Other Languages. Overall, the percent of non-English speakers who speak English less than “very well” has started to decrease marginally.

**Table C.** Language ability over time within the Eugene Urbanized area (5 years and older).

|  | ACS     | ACS       | ACS       |
|--|---------|-----------|-----------|
| Eugene Urbanized Area                      | 2005/07 | 2012-2016 | 2015-2019 |
| Population 5 or older                      | 225,032 | 242,238   | 251,070   |
| Speak only English                         | 87.6%   | 89.6%     | 90.0%     |
| Speak Spanish                              | 6.6%    | 5.9%      | 5.6%      |
| <i>Speak English Very Well</i>             | 4.5%    | 3.9%      | 3.9%      |
| <i>Speak English Less Than "Very Well"</i> | 2.1%    | 2.0%      | 1.6%      |
| Speak Other Languages                      | 5.8%    | 4.4%      | 4.3%      |
| <i>Speak English Very Well</i>             | 4.0%    | 3.2%      | 3.0%      |
| <i>Speak English Less Than "Very Well"</i> | 1.8%    | 1.2%      | 1.3%      |

**FACTOR 2: THE FREQUENCY WITH WHICH LEP PERSONS COME IN CONTACT WITH LTD PROGRAMS, ACTIVITIES OR SERVICES.**

ACS 2015-2019 data sets for workers aged 16 years and older provide data for travel to work. Within ACS data, the mode of transportation by language proficiency was surveyed; Table D below displays the results. The data indicate that LEP by itself is not a deciding factor in the decision to use transit: those who speak English very well have a marginally higher use of transit (3.7 percent) than those who speak English less than very well (3.0 percent).

Those who speak languages other than English at home, no matter with what their proficiency, chose transit less than those in the English-only speaking population (3.8 percent).

**Table D.** LEP populations by mode used as means of transportation to work within the Eugene Urbanized area (workers 16 years and over).

| Mode    | ALL   | English | Other language proficiency |                     |
|---------|-------|---------|----------------------------|---------------------|
|         |       |         | Very well                  | Less than Very Well |
| SOV     | 69.0% | 70.0%   | 60.5%                      | 56.4%               |
| HOV     | 11.3% | 10.5%   | 16.1%                      | 24.1%               |
| Transit | 3.7%  | 3.8%    | 3.7%                       | 3.0%                |
| Walk    | 5.0%  | 4.9%    | 4.9%                       | 6.3%                |



|                        |      |      |       |      |
|------------------------|------|------|-------|------|
| Bike, Motorcycle, etc. | 5.6% | 5.2% | 10.6% | 8.1% |
| Work at home           | 5.4% | 5.6% | 4.1%  | 2.2% |

Source: ACS 2015-2019 Table B08113

Table E shows that of the transit using population, 9.3 percent spoke languages other than English at home, and that 2.3 percent of transit users spoke English less than “very well.” This compares with the overall population of workers among whom 2.9 percent spoke English less than “very well.”

In addition, in August 2014, LTD conducted a sample survey of LTD bus operators and administrative personnel to find out how frequently they come into contact with an LEP customer and which languages other than English they encounter most. Eighty-two (82) of 85 employees surveyed indicated that they assist LEP customers at least once per week. Seventy-five (75) of 85 indicated that, other than English, Spanish was the language most encountered.

LTD primarily serves Spanish speaking customers with Limited English Proficiency. LTD staff encounter persons who cannot speak any English frequently to rarely depending on the department/function. LTD personnel who come in direct contact with customers were asked how often they served a LEP customer. The survey showed that:

- LTD Administrative personnel serve LEP customers once a week on average.
- Most LTD Administrative personnel assist LEP customers at the Customer Service Center or over the phone.
- LEP Customer assistance is primarily in regards to fare questions, how to ride, or trip planning.

**Table E.** Mode use by LEP populations traveling to work within Eugene Urbanized Area (workers 16 years and older).

|                            | English | Other language proficiency |                     |
|----------------------------|---------|----------------------------|---------------------|
|                            |         | Very well                  | Less than Very Well |
| Workers 16 years and older | 90.2%   | 6.9%                       | 2.9%                |
| SOV                        | 91.5%   | 6.1%                       | 2.4%                |
| HOV                        | 83.9%   | 9.9%                       | 6.2%                |
| Transit                    | 90.7%   | 6.9%                       | 2.3%                |
| Walk                       | 89.4%   | 6.9%                       | 3.7%                |
| Bike, Motorcycle, etc      | 82.8%   | 13.0%                      | 4.2%                |
| Work at Home               | 93.5%   | 5.3%                       | 1.2%                |

Source: ACS 2015-2019 Table B08113

**FACTOR 3: THE NATURE AND IMPORTANCE OF PROGRAMS, ACTIVITIES OR SERVICES PROVIDED BY LTD TO THE LEP POPULATION.**

LTD provides a wide array of transportation service from the regular fixed-route system to carpool opportunities. Making these services accessible to LEP persons provides choices

when it comes to transportation. It is likely that LTD will interact with LEP customers frequently throughout the system through various services and programs. Translating information to a language that is comprehensible will allow LEP customers to take advantage of the services LTD provides.

LTD provides a paratransit *RideSource* system, which serves customers who are unable to utilize typical fixed-route service. These customers are frequently elderly or disabled citizens, of which some may be LEP customers. This service is vital for customers who are not able to use traditional service.

Tables D through G indicate that minorities in general and LEP persons tend to utilize transit at a higher rate than others in traveling to their work places. LTD thus provides an important service to this population.

***FACTOR 4: THE RESOURCES AVAILABLE TO LTD AND OVERALL COST TO PROVIDE LEP ASSISTANCE.***

LTD is committed to assuring that resources are used to reduce the barriers that limit access to its information and service by LEP persons. LTD will continue to expend a reasonable portion of budgetary dollars to meet its customers' language assistance needs.

LTD assessed its available resources that could be used to provide language assistance and opportunities for improvement. This included identifying bilingual staff, reviewing existing contract for professional translation services, determining which documents should be translated, bilingual staff at the Customer Service Center, and recruitment for bilingual/bicultural employees. LTD will continue to concentrate on the Spanish speaking population as it has the highest rate of home use other than English. However, the results above indicate that LTD must continue to be open to the need to provide language assistance to non-Spanish speakers as the need may arise.

**Printed Materials**

LTD maintains a list of "Vital Documents." These documents are considered mission critical and will be translated and made available as part of the annual process of updating. Documents not included on this list will be translated upon request.

1. *Rider's Digest* route and schedule book
2. Station information outlining routes, schedules, and other specific rider information.
3. Riding rules posters and Title VI notice to beneficiaries.
4. Summaries of key project documents, such as the environmental assessment for the West Eugene EmX project.
5. Paid advertising related to public hearings on service and fares.
6. Annual route review materials posted at stops and stations.
7. Consent and Complaint forms.
8. Written notices of rights.
9. Mission critical signage system wide-all signage that has a potential impact on the ability of customers to utilize LTD's service.

Additional documents and services are available on the LTD website. The website can be translated using Google Translate services by selecting a language from the available drop-down list menu. This service is available on every page of the LTD website.

LTD chooses to translate mission critical signage system-wide. All signage that has a potential impact on the ability of customers to utilize LTD's service are translated into Spanish. Mission critical signage includes but is not limited to Bus Stop Information posts that contain route schedule information at high usage stations, service changes and disruptions, and LTD contact information.

LTD's FY 2017 - 2018 budget included \$3,000 for voice and printed translation services, which was increased to \$3,500 in FY 2020 - 2021 due to increased translation of mission critical communications during the COVID-19 pandemic.

### **Google Translate**

LTD recommends [www.spanishdict.com](http://www.spanishdict.com), [www.translate.google.com](http://www.translate.google.com), and [www.spanishcentral.com/translate/audio](http://www.spanishcentral.com/translate/audio) to provide translation services to Bus Operators and employees who may require assistance in person or over the phone. All LTD customer service representatives, Dispatch, and secretarial staff have access to this service.

### **Title VI Notice**

Title VI information and documentation is available at [www.ltd.org](http://www.ltd.org) and upon request. Any person who believes he or she has been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with LTD. Any such complaint must be in writing and filed with LTD within 180 days following the date of the alleged discriminatory occurrence. For information on how to file a complaint, contact LTD by any of the methods provided below. Title VI Complaint Forms and instructions for their completion are available on the LTD website, LTD Title VI Policy Statement page.

### **Public Outreach**

LTD conducts public outreach programs within the community concerning proposed service changes. At this time, LTD provides opportunities for language translation, as well as distribution of service change documents in Spanish language translations both on the LTD website and at outreach events. When events with community members that may require translation occur, LTD hires and provides translation services at no additional cost to community members. LTD includes materials in Spanish at all public outreach efforts dealing with service and has bilingual staff available at workshops/forums.

LTD customer research routinely includes opportunities for community input from all citizens. LTD conducts an annual route review that includes on-board surveys and opportunities for customer input on certain routes and service changes.

### **Employee Resources**

LTD has developed instructional opportunities for all employees. Each new class of drivers receives Spanish instructional training in a lecture, video, and situation-based classroom. Basic Transit Spanish classes are open to all LTD employees during new driver training. This occurs approximately four times per year. The class is guided using *Basic Spanish for Transit Employees*, developed by Regional Transit District, Roaring Fork Transportation Authority, and Colorado Mountain College. The class focuses on transit scenarios including trip planning, system use, and fare questions and is taught by LTD employees who have proven Spanish fluency.

All new LTD bus operators are given an Operator Manual during training. This Manual contains an LEP section that highlights operating procedures for assisting LEP customers. This includes explanation of Google translate and other resources available to drivers from LTD.

After analyzing the four factors, LTD developed the following plan for providing language assistance to LEP persons.

## **LTD Language Assistance Plan**

### **Goals and Objectives**

1. Comply with federal regulations<sup>1</sup> to “Improve Access to Services for Persons with Limited English Proficiency” by providing meaningful access to the benefits, services, information, and other important portions of Lane Transit District’s programs and activities for individuals with Limited English Proficiency.
  - a. Translate “vital documents” into Spanish and, if necessary, replace text with pictograms or universal icons.
  - b. Notify Spanish speaking population of the availability of free translation and interpretation, upon request, for non-vital but important documents.
  - c. Identify service changes affecting areas with high concentrations of LEP individuals and develop mitigation strategies.
2. Develop programs and materials to educate both community leaders who serve Spanish speaking LEP populations, and LEP community members about LTD’s services and programs.
  - a. Contact LEP partners to determine culturally appropriate travel-training materials and contact methods for members of their specific communities.
  - b. Using input from community leaders, develop and provide customer orientation to familiarize transit coordinators at Community centers and LEP customers with all LTD services and programs.
  - c. Design new pictograms with community input to replace text in signage where possible.
3. Educate LTD staff regarding LEP programs and policies.

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<sup>1</sup> Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency

- a. Work with the Operator Training Department to improve operator training programs related to transporting and communicating with LEP customers.
- b. Develop standards to certify LTD staff as qualified interpreters and translators.
- c. Write policy stating *approved individuals whose competency has been established must perform all interpretation and written translation.*

### **General Strategy**

- This program will utilize existing networks<sup>2</sup> within the Spanish speaking community to contact, engage, and educate community leaders serving Spanish speaking LEP populations and LEP community members about LTD's services and programs.
- Utilize LTD's internal task force to ensure LTD's LEP program and services appropriately meet the needs of Spanish speaking LEP populations and LTD's frontline personnel.
- Create a "one stop shop" within LTD to handle all communications for the Spanish speaking LEP community.

### **Primary Target Audience**

New immigrants whose primary language is Spanish and who read at least some Spanish. Members of this group vary in age, education, and income; however, they tend to live in urban or suburban settings, have access to LTD services, have low incomes, and be transit dependent. Ridership patterns include men and women commuting to work and school, men and women taking children to school and medical appointments, youth riding to school and jobs, and elders going to medical appointments and social activities.

### **Secondary Target Audience**

Recent immigrants from rural areas of Mexico, Central America, and South America. This group is noteworthy because they comprise much of the recent Latino population growth.

### **Stakeholders**

- Internal: LTD management, LEP Task force, LTD staff needing to communicate with the Spanish speaking LEP community regarding legal, service, and ridership issues
- External: Spanish speaking LEP communities; Community-based organizations (CBOs) serving Spanish speaking LEP populations; Lane Community College; state, county, and city governments serving Spanish speaking LEP populations; and Hispanic business groups.

### **Program Elements**

1. Outreach – External stakeholders
  - a. CBOs serving Spanish speaking LEP populations
  - b. Urban Spanish speaking LEP communities:
  - c. Rural Spanish speaking LEP communities

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<sup>2</sup> Community based organizations (CBOs), churches, social clubs, business organizations and State, County and city social service agencies.

- d. Hispanic business associations
  - e. State, county, and city governments
  - f. A bilingual LTD staff person at public hearings, open houses, and other service outreach activities
2. Outreach – Internal stakeholders
    - a. Employee training
    - b. Service and scheduling
    - c. Board and Leadership Council
    - d. Capital projects
  3. Media – Paid and earned
    - a. Include Spanish when promoting LTD services
  4. Training – LTD Employees and Contracted Personnel (Public Safety, Transit hosts etc.)
    - a. Employee training (initial focus on front-line staff: operators, Customer Service, reception)
    - b. Provide staff with a description of language assistance service offered by LTD.
    - c. Offer basic, functional Spanish classes for employees
    - d. Provide staff with specific procedures to be followed when encountering an LEP person, including how to handle a potential Title VI/LEP complaint.
  5. Translation Service
    - a. Contract for written translation services
    - b. Contract for oral translation services
    - c. Contract for web translation service or link to translation services
  6. Recruit and hire bilingual/bicultural
    - a. Attend job fairs targeting the Latino/Hispanic population
    - b. Place job announcements encouraging bilingual individuals to apply in local newspapers, on LTD's website, through e-mail notifications, and any other medium used to attract potential employees

### **Monitoring and Updating the LEP Plan**

This plan is designed to be flexible. As such, it is important to consider if new documents, services, and technologies need to be made available for LEP persons from monitoring changes in demographics and types of services. LTD will update the LEP as required by U.S. DOT. At a minimum, the plan will be reviewed and updated every three years using five-year American Community Survey estimates or when it is clear that higher concentrations of LEP individuals are present in the LTD service area.

### **Dissemination of the Limited English Proficiency Plan**

LTD will post the LEP Plan on its website at [www.ltd.org](http://www.ltd.org). Copies of the Plan will be provided to any person or agency requesting a copy. LEP persons may obtain copies/translations of the plan upon request. Any questions or comments regarding this Plan should be directed to:

Theresa Brand  
Marketing and Outreach Manager  
Lane Transit District  
PO Box 7070  
Eugene, OR 97401  
[Theresa.Brand@ltd.org](mailto:Theresa.Brand@ltd.org)  
Phone: 541-682-6132  
Fax: 541-682-6111

Please see Appendix M for *Assisting LEP Customers*, *LEP Survey*, *LEP Vital Documents*, *LEP Work plan*, *LEP Survey results*, and *LEP Memo*.

## **V. Notify Beneficiaries of Protection under Title VI**

The LTD website, the *Rider's Digest* (Appendix L, Page 2), on-board posters, and information kiosks at both transit hubs contain the following statement:

LTD operates its programs without regard to race, color, religion, sex, sexual orientation, national origin, marital status, age, or disability in accordance with Title VI of the Civil Rights Act, ORS Chapter 659 A, or other applicable law. See Section II, Title VI Complaint Procedures (Appendix B), which describes how the public can request further information on nondiscrimination obligations and how to file a Title VI complaint against LTD. These documents are available in both English and Spanish.

## **VI. Additional Information upon Request**

LTD will provide the FTA with additional information to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

## **VII. Summary of Public Outreach**

The Hispanic/Latino community continues to grow in the LTD service area. LTD policy includes publishing all major marketing materials in both English and Spanish. LTD's *Rider's Digest* includes a System Map and timetables and is available on our website and Customer Service Center in Downtown Eugene. LTD also places advertisements and announcements in several Eugene/Springfield newspapers. The *Rider's Digest* information pages are printed in both English and Spanish (Appendix L). Other methods used to disseminate information include the following: public hearings, public notices, community workshops/forums, newspaper advertisements, presentations, newsletters, posters in the buses, an on-board newsletter, LTD's website, etc. Public hearing notices are advertised in the local daily newspapers, which are considered the typical choice for legal advertisements and notices in the community. LTD also has information kiosks at the UO and the University residence halls. LTD directly targets service information and other

information materials to the UO and University student housing, and frequently advertises in the student newspaper. LTD staff operate an information kiosk at the UO during student registration and occasionally the first week of classes to provide trip-planning assistance to students. Some LTD employees speak Spanish and several LTD Customer Service Center staff are bilingual.

LTD also provides additional bus riding information/presentations in Spanish upon request. Occasionally bilingual materials are produced for special events involving non-English speaking persons. LTD also utilizes an interpreter for persons with hearing loss when requested or when appropriate at public hearings or other District-related activities and meetings. LTD does not publicize its general public hearing notices in Spanish or any other language other than English; however, Spanish ads have been placed as part of project-specific public hearing outreach. Targeted postcard and newsletter mailings are often produced in both English and Spanish as part of LTD outreach efforts. If the minority population in the area were to increase to a more significant level, LTD would respond to customer needs and provide additional multilingual materials.

Please see *Lane Transit District Service Evaluation Process* in Appendix D and *Fare Changes* in Appendix E for more LTD outreach examples.

Some of LTD's communication channels for its fare changes notification include:

- Legal notices are published in general circulation newspapers, including *The Register-Guard*, the *Eugene Weekly*, and the *Springfield Times*.
- Press releases are sent to all area television, radio, and newspaper outlets.
- Articles are published in LTD's on-board newsletter, *Bus Talk*.
- Posters are placed inside the buses and at LTD's main transit stations.
- Presentations are made to the District's Accessible Transportation Committee.
- Notices are sent via electronic newsletters, website posting, and LTD's *Facebook* fan page.
- E-mail notices are sent to District Group Bus Pass Program employee transportation coordinators.
- Mailings are sent to a list of Title VI organizations (Appendix D).

The 2015-2019 American Community Survey data indicate a continued increase in the Asian population. However, Asian populations utilize a variety of different written and spoken languages, unlike the Hispanic community that predominantly uses the Spanish language. Noting the increase in the Asian minority population in the area, there was discussion about printing marketing materials in Chinese, Korean, or another Asian language. However, according to input from the UO, the City of Eugene, Lane County, and Asian community members, English is considered to be the most common, universal language among the Asian population in the Eugene-Springfield area.

As stated above, besides the Hispanic community, the other minority communities specifically targeted for information are the UO and occasionally student housing. It should be noted that there is an absence of significant minority populations in the metropolitan area except at the UO.



LTD's policy regarding outlining the District's responsibility to limited English proficiency (LEP) persons can be found in Section IV. Provide Meaningful Access to Limited English Proficient Persons.

### Minority Representation on Decision-Making Bodies

|   | Total | Composition |      |        |
|---|-------|-------------|------|--------|
|   |       | Minority    | Male | Female |
| Lane Transit District Board of Directors (two vacant positions)   | 7     | 1           | 1    | 4      |
| Lane Transit District Budget Committee (seven Board members and seven non-Board members) (two vacant positions) | 14    | 2           | 5    | 7      |
| Lane Transit District Agency Director group   | 11    | 4           | 7    | 4      |
| Lane Transit District Leadership Council  | 33    | 4           | 14   | 19     |
| Lane Transit District Pension Trust Committee (one vacant position)   | 13    | 0           | 8    | 4      |
| Lane Transit District Contract Committee (one vacant position)  | 3     | 0           | 0    | 2      |
| Lane Transit District Strategic Planning Committee (two vacant positions)                                       | 15    | 4           | 6    | 7      |
| Lane Transit District Comprehensive and Accessible Transportation Committee (three board members)               | 9     | 1           | 3    | 6      |
| Lane Transit District State Transportation Improvement Fund Advisory Committee (one vacant position)            | 15    | 1           | 8    | 6      |

- The LTD Board of Directors is composed of 7 members and is appointed by the governor of Oregon and confirmed by the state Senate.
- The LTD Budget Committee is composed of the 7-member LTD Board of Directors and 7 community members with expertise in budget areas.
- The agency's Directors Group consists of 11 LTD employees including the GM, AGM, and the nine Directors that oversee the departments of LTD. Other than the general manager, this is the agency's final internal decision making body.
- The agency's Leadership Council makes decisions that are operational in nature and will usually have cross-department impact. It is comprised of the Directors group and mid-level managers from across the organization.
- The Lane Transit District Pension Trust Committee provides guidance related to LTD's pension plans.

- The Board Contract Committee is composed of three Board members and the Committee's function is to review District contracts of \$150,000 and over and advise the Board of Directors regarding reviewed contracts.
- The Strategic Planning Committee (SPC) is composed of two Board members and several key partners, including the Oregon Department of Transportation, Eugene City Council, Springfield City Council, and Lane County Board of commissioners, in addition to a several other local stakeholders. The role of SPC is to provide the LTD Board of Directors with independent advice on strategic planning issues related to advancing the goals of the Long-Range Transit Plan, including but not limited to, developing the Frequent Transit Network, making better connections, reducing trip and waiting times, bridging the first and last mile, creating safer ways to access service, and optimizing solutions for urban and rural areas.
- The Lane Transit District Comprehensive and Accessible Transportation Committee advises and assists the Board in considering the impacts of potential, proposed, or actual service changes on individuals who are transit-dependent, especially those who are older adults or people with disabilities. The CATC is composed of members representing diversity within typically transit-dependent populations, including but not limited to, older adults, people with disabilities, and low-income individuals.
- The Special Transportation Fund (STF) The Special Transportation Fund Committee is a state-mandated advisory committee that advises the LTD Board of Directors in carrying out the purposes of the Special Transportation Fund (the "STF") for the elderly and people with disabilities in Lane County.
- The State Transportation Improvement Fund (STIF) Advisory Committee is composed of two non-voting ex-officio Board members and 11 local stakeholders, as mandated by state law. The role of the STIF committee is to advise and assist the District in carrying out the purposes of the State Transportation Improvement Fund and prioritize Projects to be funded by STIF moneys received by the District. The Committee may also advise the District regarding the opportunities to coordinate STIF funded Projects with other local or regional transportation programs and services to improve transportation service delivery and reduce gaps in service.

It is the policy of Lane Transit District to select members for decision-making bodies without discrimination as to race, color, religion, national origin, sex, age, or disability. The District actively encourages minorities and females to participate on such boards, councils, and committees. Special efforts have been made on some of the committees to gain minority representation to include persons with disabilities, such as the Accessible Transportation Committee, Special Transportation Committee, Strategic Planning Committee, State Transportation Improvement Fund, and the LTD Board of Directors.

The Special Transportation Fund Committee is a state-mandated advisory committee that advises the LTD Board of Directors in carrying out the purposes of the Special Transportation Fund (the "STF") for the elderly and people with disabilities Special Transportation Operating (the "STO") Grants Program.

### **VIII. Federal Grant Assistance and Applications Pending**

**Current Active Federal Grant**

| <b>Project Number</b> | <b>Funding Type</b>  | <b>Funding Year</b> | <b>Description</b>  |
|-----------------------|----------------------|---------------------|---|
| OR-2021-026-00        | 5310                 | FY20                | <b>Mobility for All (Technology Innovation)</b> – This grant provides funding (Discretionary ID #D2020-MFAP-013) for the LTD Technology Innovation Project which is intended to eliminate barriers to transportation in an effort to improve health outcomes and decrease health disparities experienced by disadvantaged communities.  |
| OR-2021-016-00        | 5307                 | FY21                | <b>CRRSAA Operating Assistance Preventive Maintenance, and Security for Lane Transit District</b> – This grant provides funding for Operating Assistance, Preventive Maintenance, and Security activities in order to prevent, prepare for, and respond to the COVID-19 pandemic.   |
| OR-2020-025-00        | 5307                 | FY20                | <b>CARES Act Operating Assistance and Preventive Maintenance for Lane Transit District</b> – This grant provides funding for Operating Assistance and Preventive Maintenance at 100% Federal share. The operating costs will include expenses necessary to operate, maintain, and manage LTD services to prevent, respond to, and recover from the COVID-19 pandemic.                         |
| OR-2020-057-00        | FHWA Transfer – 5307 | FY 19               | <b>Transportation Demand Management</b> – This grant provides funding for the Transportation Demand Management (TDM) Program activities. This ongoing LTD program encompasses measures aimed at guiding travel choices to ultimately reduce the “demand” on transportation infrastructure.  |
| OR-2020-056-00        | FHWA Transfer – 5307 | FY 19               | <b>Mobility Management-Safe Routes to School; FY 2019 CMAQ Funds Transferred to Sec 5307 for the Mobility Management-Bicycle and Pedestrian Education</b> – This grant provides funding for the Mobility Management Safe Routes to Schools (SRTS) project; and Bicycle and Pedestrian Education. All activities are designed to connect students with safe travel options to and from school. |
| OR-2020-052-01        | 5307                 | FY 17/18            | <b>BRT Bus Replacement</b> – This grant provides funding for the acquisition of approximately five 60-foot hybrid buses that have an expected useful life of twelve years/500,000 miles. The replacement buses will be equipped to meet all ADA requirements; and will also include security surveillance systems and AVL equipment.  |

|                |                           |                |  |
|----------------|---------------------------|----------------|--|
| OR-2020-041-00 | FHWA Transfer – 5307      | FY19           | <b>Fleet Procurement Plan</b> – This grant provides funding to develop a plan which will ultimately be used to facilitate LTD's fleet replacement strategy, including best use of current fleet, strategy for fleet replacement, and inclusion of alternative fuel technologies.   |
| OR-2020-040-00 | FHWA Transfer – 5307/5307 | FY19 and FY 17 | <b>Santa Clara Transit Station</b> – This grant provides funding for the construction of the Santa Clara Transit Station (SCTS) that will be at 2609 River Road, Eugene, OR. The Santa Clara Transit Station will serve as a community hub by connecting 20,000 residents to regional jobs and services utilizing various transportation modes, as well as facilitating the city's vision for growth of this key corridor. |
| OR-2020-039-00 | FHWA Transfer - 5307      | FY19           | <b>Safe Routes to School Mobility Management Project</b> – This grant provides funding for Safe Routes to Schools (SRTS) mobility management activities in the Springfield School District. The safe routes to school activities are designed to connect students with safe travel options to and from school.   |
| OR-2019-027-01 | 5337/5339                 | FY 16/17/18    | <b>Diesel Bus Replacement</b> – This grant provides funding for the acquisition of two 60-foot all diesel buses to replace vehicles that have met their useful life.   |
| OR-2018-025-00 | FHWA Transfer - 5307      | FY17           | <b>Moving Ahead System</b> – The Moving Ahead System planning study will evaluate and assess current / future land uses, environmental concerns, and community needs to facilitate improved connectivity of neighborhoods to jobs, schools, shopping, recreation and other activities.   |
| OR-2018-035-00 | FHWA Transfer - 5307      | FY17           | <b>Main St/McVay</b> – This grant will provide funding for the Main St/McVay Locally Preferred Transit Solution planning activities.   |
| OR-04-0049-00  | 5309                      | FY14           | <b>Vehicles and Equipment</b> – The grant was awarded for the purchase of eleven (11) accessible services replacement vehicles; as well as security upgrades for the vehicles.   |
| OR-95-X030-01  | FHWA Transfer - 5307      | FY 11          | <b>UO Station Renov/SmartTrips</b> – The grant was awarded for University of Oregon station construction and the Regional SmartTrips Program in the Gateway EmX Corridor.  |

**Current Federal Grants In Progress**

| <b>Project Number</b> | <b>Funding Type</b>  | <b>Funding Year</b> | <b>Description</b>  |
|-----------------------|----------------------|---------------------|---|
| 1738-2021-6           | 5337                 | FY 18-21            | <b>BRT Bus Replacement</b> – This grant provides funding for the acquisition of approximately five 60-foot hybrid buses that have an expected useful life of twelve years/500,000 miles. The replacement buses will be equipped to meet all ADA requirements; and will also include security surveillance systems and AVL equipment.  |
| 1738-2021-4           | FHWA Transfer - 5307 | FY 20               | <b>Diamond Express Vehicle Replacement</b> – This grant provides funding for the acquisition of a refurbished bus that has an expected useful life of twelve years/500,000.   |
| 1738-2021-3           | FHWA Transfer - 5307 | FY 20               | <b>Electric Bus Replacement</b> – This grant provides funding for the acquisition of approximately three 40-foot ADA accessible battery electric buses with security surveillance systems and AVL equipment.  |
| 1738-2021-2           | 5339(b)              | FY 20               | <b>Electric Bus Replacement</b> – This grant provides funding (Discretionary ID#D2020-BUSC-172) for the acquisition of approximately five 40-foot ADA accessible battery electric buses with security surveillance systems and AVL equipment.   |
| 1738-2021-1           | 5307 and 5339        | FY 17-20            | <b>Electric Bus Replacement</b> – This grant provides funding for the acquisition of approximately six 40-foot ADA accessible battery electric buses with security surveillance systems and AVL equipment.  |
| 1738-2020-11          | 5307                 | FY 18               | <b>Information Technology Upgrades</b> – This grant provides funding for the replacement/upgrades of various LTD systems.   |
| 1738-2020-5           | FHWA Transfer - 5307 | FY 19               | <b>Frequent Transit Network Safety and Amenity Improvements</b> – This grant provides funding for the Frequent Transit Network (FTN) Safety and Amenity Improvements project. The FTN Safety and Amenity Improvements project will directly improve the safety at and near transit stops and stations. These improvement activities will enhance existing areas along LTD's most frequent corridors; thereby providing safe accessibility to transit. |
| 1738-2019-2           | FHWA Transfer - 5307 | FY19                | <b>Mobility Management (SRTS) and PNA</b> – This grant will fund activities designed to connect students with safe travel options to and from school; and the completion of the Pedestrian Network Analysis (PNA) study project for the LTD service area.   |

All Subrecipients shall comply with all federal, state, and local laws, regulations, executive orders, and ordinances applicable to the Agreement or to the implementation of the Project. Without limiting the generality of the foregoing, Subrecipient expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Subrecipients are to submit reports to LTD's Finance Department for reimbursement, and disbursement conditions include that they are compliant with Title VI.

## **IX. Analysis of Construction Projects**

Bus rapid transit (BRT) represents LTD's newest strategy for innovative transit service. BRT is often described as using buses to emulate the speed, comfort, and convenience of rail systems. LTD began working on development of a BRT system in 1995. At that time, the community was experiencing rapid growth; increases in traffic congestion were outpacing population and employment growth. The community was not interested in major road expansion as evidenced by community testimony on the regional transportation plan and a negative vote on expansion of a major thoroughfare, the West Eugene Parkway. Innovative solutions to the community's transportation needs were needed.

Implementing a high-quality, rapid transit system was identified as a solution. EmX (or Emerald Express) is the name of the BRT system that emerged from the community transportation planning process. EmX is considered to be the preferred transit strategy and has been included as a key element of the region's adopted transportation plan. The BRT system has been included in the Regional Transportation Plan and is envisioned to become a 52-mile system to serve the Eugene-Springfield metro area.

The first BRT line, the Franklin EmX corridor, began service in January 2007; the second segment, the Gateway EmX corridor, opened in January 2011; and the third segment, the West Eugene EmX Extension (WEEE) corridor, opened in September 2017.

Title VI and Environmental Justice play a critical role in the processes that develop the EmX corridors. Regarding the West Eugene EmX project, LTD worked closely with FTA to ensure that the National Environmental Policy Act (NEPA) requirements were met or exceeded. As further examples, public outreach during the project engineering phase involved property and business owners' input as engineers considered design refinements to reduce project impacts. As a result, the project reduced the amount of property to be acquired along the nine-mile corridor from more than 3 acres to approximately 2.7 acres. Design refinements eliminated the need to relocate two businesses and decreased the loss of on-street parking by 75 percent. Public outreach during the design phase included a visit to every business along the route to describe the design and answer questions. When needed, LTD has used language translators to ensure that communications with property and/or business owners are clear and complete. LTD's efforts to support businesses through corridor advertising include placements in a Spanish publication popular with the local Hispanic/Latino population. Public outreach also has included news releases, direct mail, e-mail, and displays with project staff at a variety of public events.

During every phase of BRT project development, LTD seeks opportunities to engage with the broad community, in particular with community members that have historically experienced disproportionate adverse impacts from projects. The Eugene-Springfield area has a significant Hispanic/Latino population and a significant group of people with disabilities. LTD maintains a close relationship with nonprofit and social services that assist with communications about BRT projects to these groups. While not an exhaustive list, LTD uses the following communication outreach methods to inform stakeholders:

- Public hearings
- Project updates and mailings
- Open houses
- Fact sheets and handouts
- Project website
- Electronic newsletters and social media
- E-mail communications
- Community events
- Public comment database
- Public comment summaries
- Speaker's Bureau
- Posters
- Elected official briefings
- Display advertisements
- One-on-one interviews
- Media Interface

Survey data from LTD's 2015 and 2019 Origin and Destination studies were used to analyze differences in demographics and trip data in WEEE ridership from the rest of the system. The 2019 survey oversampled west Eugene routes in order to obtain the data.

Compared to system-wide ridership there were no significant differences in demographic or trip purpose based on survey results. For both system-wide and on the WEEE, riders tend to be younger and lower income than the general Lane County population, with 30 percent identified as students and 62 percent making less than \$25,000 annually. 30 percent of riders have no license and no access to a car, compared with 19 percent in 2015. This may be one indicator that riders are becoming more transit dependent. Work and school continue to be leading trip purposes (72 percent in 2015 and 57 percent in 2019). Riders who use the system less frequently are more likely to be traveling for non-commute purposes like shopping, entertainment or medical or dental appointments. There has been an increase of 16 percent in non-commute trips among all users in almost all other categories since 2015. Finally, 60 percent of trips begin and end in Eugene while 21 percent of trips were between Eugene and Springfield.

A summary of other findings related to the WEEE include:

- WEEE ridership includes the greatest proportion of riders that began using LTD in 2017 (10% compared to 8% system-wide). The percentage of West Eugene fixed

route riders that began using LTD in 2017 is greater than the other fixed route group (9% compared to 6%).

- A greater proportion of WEEE riders drive alone to their first bus stop than all other modes (4% compared to 2% overall) and more likely to bike to their first stop (19% compared to 15% overall).
- WEEE riders are less likely to make a transfer to complete their trip (58% compared to 52% of the system).
- WEEE riders are more likely to be employed outside the home (47% compared to 41% of the system).

## **CONCLUSION**

The West Eugene EmX Extension completes the approximately 24 mile one-seat, 120-minute round trip BRT service that links regionally significant activity centers from west Eugene to north Springfield in Lane County, Oregon. It was a high profile and controversial project that took approximately one decade to realize, starting from the initiation of planning studies in 2007 to commencement of revenue service in 2017. As a mid-sized transit agency, the WEEE continues LTD's proud legacy of providing high capacity reliable, efficient, and affordable transit to our community.

The West Eugene EmX Before and After Draft may be seen in Appendix F.

The Santa Clara Transit Station (SCTS) project constructed a transit station and park-and-ride located on 3 acres on the northeast corner of River Road and Green Lane to replace the current River Road Station which was 0.5 mile south at River Road/Randy Papé Beltline. The SCTS project constructed: 6 bus bays; platform shelters; a park-and-ride with approximately 55 parking spaces and a charging station for electric vehicles; secure bicycle parking; a passenger drop-off/pick-up area with approximately 5 spaces; a driver relief building; and other associated features such as lighting, landscaping and a station sign. A new local road was built along the east edge of the property running north from Green Lane and terminating at the northern site boundary. The project also included a new traffic signal at the River Road/Green Lane intersection and sidewalks and on-street parking along Green Lane and the new local connector street.

There was a need for a new transit station because the existing River Road Station suffered from congestion-related egress challenges, which results in access, safety and congestion issues for transit users and other travelers in the area, as well as operational inefficiencies for the transit services. Future projects on the adjacent Randy Papé Beltline and its on- and off-ramps will exacerbate these issues.

The purpose of this project was to improve access, enhance safety and address congestion issues as well as improve operational inefficiencies of transit services by constructing a new transit station and relocating transit services.

Santa Clara Transit Station (SCTS) - Construction of the SCTS was scheduled for spring 2020 and was operational in February 2021. This project used a combination of local, state and federal funds.



A Documented Categorical Exclusion (DCE) was conducted for this project in compliance with NEPA and other state and federal regulations. An environmental justice analysis was conducted as part of the DCE.

The DCE was submitted to FTA on June 25, 2019 and LTD received a confirmation on the DCE from FTA on November 20, 2019.

The DCE document, appendices and figures, and confirmation letter are included in separate attachments and may be seen in Appendix F.

## **X. Public Participation**

On the third Wednesday of each month, a portion of LTD's regularly scheduled Board meeting is set aside for audience participation. This is in addition to public testimony heard at the public hearings that are customarily held in February and March of each year. Input is received through telephone calls, e-mails, feedback forms, in-person testimony, the LTD Facebook Fan page, etc. Staff and Board members attend business and civic groups, regularly scheduled neighborhood association meetings, as well as the Good Earth Home Show, Fiesta Latina, and the Eugene Celebration. The public is encouraged to fill out feedback forms or to talk with the staff at these functions. In addition, mailings also are sent to a list of Title VI organizations, e-mail notices are sent to District Group Bus Pass Program employee transportation coordinators, and presentations are made to the District's Accessible Transportation Committee.

Please see Appendix D for customer input, Annual Route Review Process, Title VI Mailing List and LTD's Service Evaluation Process.

## **PART II: PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES**

### **I. Demographic and Service Profile Maps, Overlays, and Charts**

Please see demographic and service profile maps, LTD's System Map, overlays (Appendix G), and chart in Table I.

### **II. Service Standards and Policies**

Please refer to Lane Transit District's Service Policy (Appendix H) and FY 2019-2020 Service Summary (Table II).

#### **A. Vehicle Load**

LTD has an adopted policy for determining vehicle overloads and criteria for adding service in the event of an overload. The current policy states that service may be added if:

- ◆ Customer loads consistently exceed 1.75 times the seated capacity of the vehicle
- ◆ Customers are consistently not accommodated on a trip due to full customer loads and the next scheduled trip is more than 30 minutes away

- ◆ Customers must stand longer than 20 minutes on an individual trip

This load standard does not apply to special event service. In addition, LTD policy requires all bus operators to immediately report overloads via radio to the Transit Operations Department when an overload occurs. Records of these overloads are kept on file at LTD. LTD has few bus overload problems; many overloads that do occur are on routes to either the University of Oregon, Lane Community College, or on the two main routes between Eugene and Springfield. The LTD Customer Services and Planning and Transit Operations departments monitor these trips to determine service additions according to the adopted criteria. Bus operator reports and field checks are the most effective means for monitoring vehicle overloads.

### **B. Vehicle Headway**

Based on budgetary considerations, LTD will seek to operate urban routes at a 60-minute minimum headway, with the exception of express routes. This is considered the policy headway. Headways more frequent than the policy headway will be considered based upon demand for the service. The frequency of a route may be increased if the change is necessary to address capacity problems.

Minority and non-minority areas are subject to the same vehicle headway policies outlined in the Lane Transit District Service Policy (Appendix H). Frequency of transit service to minority areas either meets or exceeds LTD's headway policies. (Refer to Table II for frequency of service by route.) Major corridors in minority tract areas typically have transit service every 30 minutes during daytime and non-peak hours, with some hourly service on weekends.

### **C. On-Time Performance**

In order to reliably make transfers, 90 percent of the buses will arrive no later than two minutes off their scheduled (end-of-trip) arrival time at the Eugene and Springfield stations. In order to reliably measure system performance, 90 percent of the buses on all routes will depart within four minutes of their scheduled significant time points.

Please see Appendix I for an example of LTD's April 2021 on-time performance.

### **D. Distribution of Transit Amenities**

Refer to the Lane Transit District Service Policy (Appendix H) for criteria for transit amenity distribution. Transit amenities include bus stops, bus boarding pads, shelters, bus information units, and major and minor transit stations.

LTD applies the same criteria for transit amenity distribution system-wide. Most of the minority areas receive frequent transit service. Therefore, most of the amenities, such as shelters, bus stops, pads, and transit stations, are located (and considered a priority to locate) in these areas. See Appendix G for maps. These figures show the Metro Area Minority and LEP Census Tracts with bus stops that have shelters and benches.

There are more than 1,265 bus stops in the LTD service area. Bus stops are located virtually every two blocks in the urban area and may be spaced farther apart in the non-urban areas. Concrete boarding pads make most bus stops (81 percent) accessible to customers in mobility devices. Bus stop information units (timetables) also are placed at more than 400 high-use boarding locations in the system. Most inbound bus stops along the major corridors have information units, and all non-urban routes contain at least one information unit. Criteria for placement of information units include high-use boardings, staff input, and type of service. Currently there are 182 bus shelters in the LTD service area, which are typically found at most high-use boarding locations. LTD also has 330 bus stops with benches at high-use boarding locations. Shelters and benches also are placed at boarding locations with high usage by elderly customers and customers who are mobility impaired.

Major and minor transit stations are located throughout the system at high-use boarding areas, major trip generators, and transfer locations. (Refer to the LTD System Map in Appendix G for facility locations.) The Eugene Station, Springfield Station, and the University of Oregon (UO) Stations are the primary transit stations serving LTD bus riders, and they are located in minority census tract areas. The Eugene Station and the UO are the top destinations in the LTD service area. Criteria for transit station placement are the same for non-minority and minority areas.

Most routes serving minority and low income areas meet or exceed LTD service standards. Routes that do not meet productivity standards are reviewed annually to determine if service adjustments can be made to improve ridership. Minority areas are subject to the same District route performance criteria and system service standards as non-minority areas. LTD works with various neighborhood groups when significant service changes are proposed.

Please see the census tract maps, (Appendix G), and chart in Table I.

#### **E. Service Availability**

**Urban.** Urban routes are arterial routes that operate from major transit stations.

**Express.** Express routes are limited-stop routes that operate in peak direction.

**Neighborhood/Connector.** Neighborhood/connector routes operate within neighborhoods or along designated shuttle routes in the urban core.

**College Commuter.** College commuter routes are routes serving specific school locations.

**Rural.** Rural routes operate outside the urban growth boundary and provide lifeline service to rural communities within the District.

**EmX.** EmX routes are routes operating along designed EmX corridors.

**Contracted.** Contracted routes are those paid for by other agencies or schools. (Routes may have portions of the route that are contracted service, but they still will be designed under their primary mode of operation; e.g., in 2011 route 79x UO/Kinsrow and route 82 Lane Community College (LCC)/Pearl.)

**Route scheduling will take into consideration the following factors:**

1. Staggering routes on major arterials
2. Minimizing the necessity to transfer
3. Minimizing transfer time when transfers are necessary
4. Maintaining consistency and clarity of timetables for customers
5. Arriving and departing at major destinations in a timely manner (i.e., meeting class schedules at LCC and the UO)

Whenever possible, routing will be direct, using major arterials and neighborhood collector streets to provide the shortest practical travel time between points on a line. When possible, terminal points at both ends of a route should be located at major activity centers to ensure ridership in both directions of operation.

When possible, routes will be structured as two-way line routes. Line routes reduce travel time and are easier for the public to understand. Loops at the end of routes will be used as a turnaround and to provide neighborhood coverage.

Refer to Table II and Table III for a summary of route performance characteristics, such as ridership, productivity, and frequency. Refer to the Lane Transit District Service Policy (Appendix H) for policy and criteria regarding vehicle load, headway, transit access, amenity distribution, and service provision.

## **F. System-Wide Service Policies**

### **1. Vehicle Assignment**

The Planning & Development and Fleet Maintenance Departments determine vehicle assignments. LTD currently has 104 vehicles and two different types of vehicles: 40-foot, and 60-foot vehicles with the following series in the active fleet: 300, 1000, 1100, 1400, 6100, 6200, 9100, 15100, 16200, 19100, 19200, 20100, and 20200 series. (Refer to Table IV for the FY 2021-2022 fleet description.) We have 11 electric 40-foot vehicles that were just recently added (20200 series). Currently the 60-foot articulated buses are only on selected trips of seven routes (11, 51, 52, 79x, 81, 82, and 98) and assigned to our 900 routes. A vehicle is assigned to a particular route based upon vehicle criteria listed below.

Vehicles assigned to routes serving minority census tract areas are subject to the same vehicle assignment criteria as bus routes serving the non-minority areas.

- a. Routes and schedules with high ridership typically require high-rider-capacity vehicles. The 60-foot 1000-series, 1400-series, 6100-series, 9100-series,

15100-series, 19100-series, and 20100-series buses are assigned to these routes, such as routes serving the UO and LCC.

- b. All vehicles must have a functioning wheelchair lift/ramp. If a lift/ramp is not functioning, a replacement vehicle with an operating lift/ramp will be reassigned to the schedule.

Other less significant criteria used for assigning vehicles include the following:

- a. The Fleet Services Department may request certain vehicles to be placed into service to rotate mileage on "spare" vehicles.
- b. Occasionally bus operators may request a specific bus because of physical limitations. Vehicle assignment may be changed to accommodate a bus operator.
- c. Vehicle assignment also may depend on weekday vs. weekend service. For example, high weekday ridership routes typically do not have capacity problems on Saturdays.
- d. The entire fleet is equipped with air conditioning and all are low-floor vehicles.

## **G. Transit Security**

In 2003 the LTD Board of Directors passed an ordinance (Ordinance 36) regulating passenger behavior while on District property, including buses. This ordinance was updated in 2014 to reflect changes in laws and regulations.

In 2008 a full-time security manager was hired to oversee all District security issues. Enforcement of Ordinance 36 was originally accomplished by Operations supervisors; but by 2000, it was evident that more training was needed or the District needed to hire a full-time security patrol. A new contracted security patrol was hired in spring 2000 when the new Eugene Station was opened. Security personnel patrolled LTD facilities during most hours of operation.

Along with the opening of the Eugene Station and eventually the Springfield Station in 2007, significant security enhancements were made to include digital video surveillance and access control for all LTD facilities.

In January 2008 the Emergency Preparedness and Security Plan was developed and adopted by the Board of Directors. This plan incorporated FTA and American Public Transit Association (APTA) guidelines and recommendations. This plan was subsequently updated in 2014 and 2017. This plan requires all employees and contract employees to be trained on the procedures, system safety, security, and emergency preparedness plans.

Procedures implemented included the use of Crime Prevention through Environmental Design (CPTED) principles during the design of facilities, signage, video surveillance, employee background checks, access control, identification badges, protection of

information and assets, emergency supplies, and reporting security incidents and concerns. The Transit Watch Program, which is a program that encourages riders to be the eyes and ears of the agency, was implemented using signage at LTD's transit stations and on the buses.

In 2008 the District's bus rapid transit system (BRT) was implemented. EmX is patrolled daily by security officers. These security officers began fare enforcement aboard EmX in August 2009. In 2011 a second EmX line began operation, and security is doing fare inspections on that line as well.

In 2016 by an action of the LTD Board, contracted security personnel were replaced by District Public Safety Officers. These Officers as employees of the District, are deeply vetted and highly qualified to provide public safety and system security services to the District's passengers, employees, and assets. Public Safety Officers provide general patrol services and also patrol the fixed route and EmX BRT lines, educating and enabling customers, and in some cases conducting enforcement of District ordinances and State Laws.

Training of District Public Safety Officers includes BLS first aid/CPR, cultural awareness, ADA, crisis intervention, DEI awareness and public relations, among other related topics.

### **III. Evaluation of Service and Fare Changes**

#### **A. Service**

Service changes and facility improvements are implemented according to the criteria included in the LTD Service Policy (Appendix H).

Please see LTD's Annual Route Review Description (Appendix D) for LTD's service evaluation process and 2019, 2020, and 2021 service change summaries.

Service between the Eugene Station and the University of Oregon has been enhanced with the introduction of the District's first bus rapid transit service, which began in January 2007. The EmX Green Line provides 10-minute weekday frequency and serves two primary campus stops, along with providing connections at both the Eugene Station and the Springfield Station. A second line was added in January 2011, which serves the Gateway area and Sacred Heart Medical Center at Riverbend. A third line was added in September 2017 that extended the first line out West 11<sup>th</sup> to the Commerce area.

All minority and non-minority and LEP census tracts are identified. Please see the census tract maps and overlays (Appendix G). Also refer to Table A and Table B, which highlights the 2015 - 2019 American Community Survey for minority and LEP populations by census tracts. The structure of LTD bus routes is organized so that all routes operating in a similar neighborhood are aggregated into a sector using number groupings. For example, all routes numbered in the 20s operate in South Eugene, all routes numbered in the 30s operate in West Eugene, and all routes numbered in the 70s serve the UO, etc. (see Table II). Please see (Appendix D) for Routes Color Coded. Where appropriate, service levels are measured and analyzed by sector.

Table A

| <b>Inventory of LTD Bus Service to Minority Census Tracts</b> |   |
|---|---|
| <b>Minority Tract</b>   | <b>Route(s) in Service</b>  |
| 13.02   | 98  |
| 18.01   | 11, 91  |
| 19.02   | 11, 91  |
| 19.03   | 91  |
| 19.04   | 11, 91  |
| 21.01   | 12, 91, EmX   |
| 23.01   | 51, 52  |
| 25.01   | 41, 95  |
| 25.03   | 41  |
| 25.04   | 41, 93  |
| 26  | 40, 41, 95  |
| 27  | 52, 55  |
| 28  | 51, 52, 55  |
| 29.02   | 96  |
| 29.03   | 66, 67  |
| 29.04   | 66, 67  |
| 31.02   | 12, 13, 66, 67, 79x, 91, 96   |
| 32.01   | 91  |
| 33.02   | 13, 85, 91, EmX   |
| 34  | 11, 13, 18, 91  |
| 37  | 12, 13, 27, 28, 66, 67, 73, 78, 79x, 81, 91, 96, 98, EmX  |
| 38  | 12, 13, 24, 27, 28, 36, 66, 67, 73, 78, 79x, 81, 82, 91, 92, 96, 98, EmX                        |
| 39  | 1, 12, 13, 24, 27, 28, 33, 36, 40, 41, 51, 52, 55, 66, 67, 79x, 81, 82, 91, 92, 95, 96, 98, EmX |
| 42  | 40, 41, 51, 52, 55, 95, EmX   |
| 43  | 40, 41, 78, 93, 95, EmX   |
| 44.01   | 36, 78, 93, EmX   |
| 44.03   | 36, 41, 55, 78, 95, EmX   |
| 48  | 27, 28, 33, 73, 78, 81, 82, 92  |

Table B

| <b>Inventory of LTD Bus Service to LEP Census Tracts</b> |
|--|
|--|

| LEP Tract | Route(s) in Service  |
|-----------|--|
| 13.02     | 98   |
| 4.04      | 95   |
| 19.04     | 11, 91   |
| 20.01     | 17, 18, 91   |
| 20.02     | 17, 18, 91   |
| 21.01     | 12, 91, EmX  |
| 24.04     | 51, 52   |
| 25.03     | 41   |
| 25.04     | 41, 93   |
| 26        | 40, 41, 95   |
| 28        | 51, 52, 55   |
| 29.03     | 66, 67   |
| 30        | 12, 13, 66, 67, 79x, 91, 96  |
| 31.01     | 12, 66, 67   |
| 31.02     | 12, 13, 66, 67, 79x, 91, 96  |
| 32.02     | 13, 85, 91, EmX  |
| 33.01     | 13, 17, 18, 91, EmX  |
| 33.02     | 11, 13, 17, 18, 85, 91, EmX  |
| 34        | 11, 13, 18, 91   |
| 35        | 11, 17, 18, 85, 91, EmX  |
| 38        | 12, 13, 24, 27, 28, 36, 66, 67, 73, 78, 79x, 81, 82, 91, 92, 96, 98, EmX |
| 40        | 1, 12, 51, 52, 55, 66, 67, 79x, 91, 96                                   |
| 42        | 40, 41, 51, 52, 55, 95, EmX  |
| 43        | 40, 41, 78, 93, 95, EmX  |
| 44.03     | 36, 41, 55, 79, 95, EmX  |
| 45.01     | 33, 36, 41, 55   |
| 45.02     | 41, 55, 95, EmX  |
| 48        | 27, 28, 33, 73, 78, 81, 82, 92   |
| 51        | 24, 28, 33, 73, 82, 92   |

## B. Service Changes

In 2018-2019, please see (Appendix J) for LTD's Title VI report. LTD's report was submitted to FTA on September 07, 2018, for review; service began on September 16, 2018.

- Route 41 Barger/Commerce five new partial trips starting at Barger and Echo Hollow at 5:54 a.m. for weekday, 6:25 a.m. and 7:19 a.m. for Saturday, and 7:24 a.m. and 8:20 a.m. for Sunday. Weekday a new trip will be added at Barger and Echo Hollow at 6:18 a.m.



- EmX the Springfield Station to Eugene Station to Commerce segment will maintain current 10 minute service for most of the weekday. The Gateway to Springfield Station segment will change to 15 minute service to better align with current demand. Evening and weekend EmX service remains on the current schedule, and 30-minute service begins a half an hour earlier on Saturdays.
- Route 11 Thurston the route is being straightened and travel time reduced by not entering Thurston Station inbound and making frequency changes to adjust to new EmX connections on all days. Several low-performing weekday trips will be removed and timepoints will change throughout the route.
- Route 27 Fairmount frequency will change from 30 to 60 minutes on weekdays, which removes less productive, low-demand trips. Those trips are the 7:10 a.m., 8:10 a.m., 12:20 p.m., 3:20 p.m., 4:20 p.m., and 5:40 p.m. trips.
- Route 28 Hilyard remove less productive, low-demand trips on weekdays, which are the 7:10 and 8:10 a.m. trips, also, the 8:40 a.m. trip will depart the Eugene Station at 8:30 a.m.
- Route 33 Jefferson removal of two low-performing trips: 6:45 a.m. & 7:00 p.m., readjustment of remaining trips to provide coverage during peak travel times.
- Route 51 Santa Clara routing change on Jefferson from 5<sup>th</sup> Avenue to 10<sup>th</sup> Avenue will better serve senior housing.
- Route 55 North Park removal of two underutilized trips: the 10:15 and 11:15 a.m.
- Route 73 removal of two underutilized trips, which are currently at 7:27 a.m. and 9:05 a.m.
- Route 66 VRC/Coburg weekday from 7:00 a.m. to 6:00 p.m. service will be every 20 minutes. This is a change from the current 15 minute service. Three new weekday trips will be added starting at Eugene Station at 8:20 a.m., 9:20 a.m., and 10:20 a.m.
- Route 67 Coburg/VRC weekday from 11:00 a.m. to 6:00 p.m. service will be every 20 minutes. This is a change from the current 15 minute service.
- Route 78 UO/Seneca/Warren this route was readjusted to reduce overall trip time and to better match the University of Oregon work and bell schedules; two late morning 10:35 a.m., 11:35 a.m. and two early afternoon 12:35 p.m., 1:35 p.m. trips were eliminated.
- Route 79x UO/Kinsrow removal of less productive trips on weekdays, which are the inbound 7:36 a.m. and outbound 9:27 a.m. and 12:27, 1:07, 2:27, 3:27, 4:27, and 5:07 p.m. trips. The weekday and Saturday 11:30 p.m. trips will be eliminated. Saturday two trips will be added 6:00 p.m. and 6:30 p.m.
- Route 81 LCC/Hilyard due to significant enrollment decline at Lane Community College, seven trips will be removed from weekday service: 7:03 a.m., 10:00 a.m., 11:00 a.m., and 12:00 p.m. p.m., 5:00 p.m., and 6:05 p.m. Routing will change from Harris to Hilyard to straighten the route and eliminate the problematic turn onto 30<sup>th</sup> Avenue. Route name will change to **81 LCC/Hilyard** to reflect new routing.
- Route 82 LCC/Pearl 10 half trips will be eliminated. The 7:33 a.m., 8:33 a.m., 9:33 a.m., 10:33 a.m., 11:33 a.m., 2:03 p.m., 2:33 p.m., 3:03 p.m., 3:33 p.m., 4:03 p.m. The trips before these will no longer operate in drop-off and will pick-up and drop-off customers. Removal of two partial trips 3:20 p.m., 4:40 p.m., and four full trips 10:10 a.m., 12:20 p.m., 2:10 p.m., and 5:20 p.m. Schedules adjusted throughout the day.

- Route 85 LCC/Springfield five less-productive trips were removed 7:12 a.m., 10:11 a.m., 12:14 p.m., 5:11 p.m. schedules were adjusted on remaining trips to match up with bell times at LCC.
- Route 95 Junction City weekday, Saturday, and Sunday trips will no longer run express service starting at Hwy 99 at Barger. These trips will be in service picking up and dropping off customers. The 6:35 p.m. trip departing Eugene Station will now depart at 6:30 p.m. The Oregon State Hospital will no longer be served. The last two weekday trips were combined into one trip based on demand, and Saturday service was changed from four to three total trips, which is more consistent with LTD's other rural transit service eliminating Saturday's 9:05 a.m. trip.
- Autzen Express service three hours before game time instead of four.
- Autzen Express increased cash fare from \$3.50 to \$5.00.
- Current LTD riders who have LTD passes valid at the time of each game can use their passes to ride to and from the game. These passes include: all LTD monthly passes, day passes, 10-ride tickets (two are required for the round trip), EmX passes, Group Passes and Honored Rider passes.

In 2019-2020, there were minor service changes. Changes listed below are for Fall bid. Changes for Winter and Summer see Appendix D.

- EmX *weekday*, The Springfield Station to Eugene Station to Commerce segment will have timepoint changes on the 5:37 a.m., 6:03 a.m., 6:55 a.m., 6:04 p.m., and 6:15 p.m. weekday trips. The Gateway to Springfield Station segment will have timepoint changes on the 7:09 p.m. to 7:39 p.m. trips.
- Route 1 Campbell Center Saturday/Sunday, timepoint adjustments were made on the inbound trip at 5<sup>th</sup> Street Public Market for all weekend trips.
- Route 11 Thurston weekday/Saturday, timepoint adjustments made along the route for these weekday trips: 4:53 a.m., 7:14 a.m., 9:24 a.m., and 11:23 a.m. Timepoint adjustments made along the route for these Saturday trips: 8:37 a.m., 9:23 a.m., 11:22 a.m., 12:35 p.m., 12:50 p.m., 2:40 p.m., 4:25 p.m., and 6:06 p.m. trips.
- Route 12 Gateway weekday, timepoint adjustments made along the route for these weekday trips: 7:00 a.m., 7:30 a.m., 11:30 a.m., 1:00 p.m., 1:30 p.m., 2:00 p.m., and 3:00 p.m. through 5:30 p.m.
- Route 13 Centennial weekday/Saturday, timepoint adjustments made along the route for these weekday trips: 8:30 a.m., 5:00 p.m., and 6:00 p.m. Timepoint adjustments made along the route for these Saturday trips: 7:03 a.m., 11:30 a.m. through 12:30 p.m., 3:30 p.m., 4:00 p.m., 5:00 p.m., 6:30 p.m., and 11:45 p.m.
- Route 17 5<sup>th</sup>/Hayden Bridge weekday, timepoint adjustments made on the 6:20 a.m., 6:44 a.m., and 11:09 a.m. trips.
- Route 18 Mohawk weekday/Sunday, timepoint adjustments were made on the 6:20 a.m. and 6:45 a.m. Weekday trips. Timepoint adjustments were made on the 1:40 p.m. through 5:40 p.m. Sunday trips.
- Route 28 Hilyard weekday, timepoint adjustments made on the 2:00 p.m., 2:30 p.m., 9:45 p.m., and 10:45 p.m. trips.
- Route 36 West 18<sup>th</sup> weekday, timepoint adjustments have been made on the 8:00 a.m. trip.

- Route 40 Echo Hollow weekday, timepoint adjustments have been made on the 6:00 a.m. trip.
- Route 41 Barger weekday, timepoint change on the 5:54 a.m. weekday trip to leave 5 minutes earlier at 5:49 a.m.
- Route 51 Santa Clara weekday, timepoint adjustments made along the route for the 10:45 p.m. and 11:45 p.m. weekday trips.
- Route 52 Irving weekday, timepoint adjustments made along the route for the 8:10 a.m. and 4:45 p.m. weekday trips.
- Route 66 VRC/Coburg weekday, timepoint adjustments made along the route for the 12:20 p.m. through 1:00 p.m. and 2:40 p.m. through 5:00 p.m. weekday trips.
- Route 67 Coburg/VRC Saturday/Sunday, timepoint adjustments made along the route for the 6:30 p.m. through 7:45 p.m. Saturday trips. Timepoint adjustments made along the route for 5:30 p.m. through 8:30 p.m. Sunday trips.
- Route 78 UO/Seneca weekday, timepoint adjustments made along the route for the 7:20 a.m. through 6:15 p.m. trips.
- Route 79x UO/Kinsrow weekday, the following stops have been added to this route: Outbound stop South Side of MLK Blvd. at Autzen Stadium and PK Park #00545 and Inbound stop North Side of MLK Blvd. at Serbu Center #00544. Timepoint adjustments on all trips. Added 10:17 a.m. trip to the UO.
- Route 81 LCC/Hilyard weekday, timepoint adjustments on trips from 7:30 a.m. through 8:45 p.m.
- Route 93 Veneta weekday, timepoint adjustments made on the following weekday trips: 7:35 a.m. and 5:50 p.m. through 8:05 p.m.
- Route 96 Coburg weekday, timepoint changes were made on the 3:35 p.m. through 6:35 p.m. trips.
- Route 98 Cottage Grove weekday, timepoint changes were made on the following inbound trips from Walmart: 7:45 a.m., 10:45 a.m., 3:30 p.m., 4:30 p.m., 5:30 p.m. and 6:30 p.m.

In 2020-2021, we had several bid changes due to COVID-19.

#### 2002a Bid

- 3/21/20 – 3/22/20
- Saturday and Sunday is Sunday Schedules
- Weekday is Saturday Service with 92 and 96 added.
- No Service until Further Notice on Routes 27, 55, 73, 78, 79x, 81, 82 and 85
- March 19<sup>th</sup> discontinued fare collection

#### 2002b Bid

- 3/23/20 – 3/28/20
- No Service on Sunday
- Weekday is Saturday Service with 92 and 96 added.
- Saturday is normal Sunday Service.
- No Service until Further Notice on Routes 27, 55, 73, 78, 82 and 85

#### 2002c Bid

- 3/29/20 – 4/25/20
- No Service on Sunday
- Weekday is Sunday Service with 92, 96 and added morning and evening trips on these routes Routes 11, 13, 24, 36, 40, 41, 51, 66, 67, 91, 92 & 96.
- Saturday is normal Sunday Service.
- No Service until Further Notice on Routes 27, 33, 55, 73, 78, 79x, 81, 82 and 85

#### 2002d Bid

- 4/26/20 – 6/6/20
- No Service on Sunday
- Weekday through Saturday is Sunday Service with added morning and evening trips on these routes Routes 11, 13, 24, 36, 40, 41, 51, 66, 67, 91, 92 & 96. EmX is 10 minute service from 9-16:30.
- New Bid for Operators
- No Service until Further Notice on Routes 27, 33, 55, 73, 78, 79x, 81, 82 and 85

#### Summer Bid Booking

##### 2006b Bid

- 6/7/20 – 9/26/20
- No Service 4<sup>th</sup> of July and Labor Day 9/7
- Regular Sunday Service
- Weekday through Saturday is Sunday Service with added morning and evening trips on these routes Routes 11, 13, 24, 36, 40, 41, 51, 66, 67, 91, 92 & 96. EmX is 10 minute service 9-16:30.
- New Bid for Operators
- No Service until Further Notice on Routes 27, 33, 55, 73, 78, 79x, 81, 82 and 85
- Sept. 8<sup>th</sup> stopped service on #91 due to Fires.

#### Fall Bid Booking (See equity analysis done for Fall 2020 in Appendix J)

##### 2009a Bid

- 9/27/20 – 1/23/21
- No Service 11/26 or 12/25 or 1/1/21
- Sunday Service 11/27
- Regular Sunday Service
- Weekday trips added for 11, 13, 24, 36, 40, 41, 51, 52, 66, 67, 79x, 81, 93, 95,
- #81 Spring Blvd no longer served due to artics being used OB. Route starts and ends at Eugene Station.
- Saturday trips added for 11, 36, 40, 41, 51, 52, 81, 93, 95
- Weekday and Saturday #12 service reduced to hourly. A couple of trips in the morning and evening were added.
- Sunday #12 service reduced to hourly.
- No Service until Further Notice on Routes 27, 33, 55, 73, 78, 82 and 85

- EmX Saturday is 15 minutes for most of the day.
- Rural routes Weekdays will have three trips.
- Suspended service for Route 91 due to fires Sept. 8th.
- Installed barriers for Operators - January

In 2021-2022, the focus has been restoring service back to Pre-COVID levels. Changes listed below are for Fall bid. Changes for Winter and Summer see Appendix D.

- Route 28 Hilyard weekday, the following trips were added: 8:00 a.m., and 3:00 p.m.
- Route 36 W 18<sup>th</sup> weekday, the 3:00 p.m. departure was changed to 3:15 p.m. A 2:45 p.m. trip was added as well as a 3:40 p.m. trip starting at Churchill High School.
- Route 41 Barger/Commerce weekday, the following trips that were added during the height of the pandemic to comply with load capacity restrictions will be removed: 11:45 a.m., 12:45 p.m., 1:15 p.m., 1:45 p.m. and 3:15 p.m.
- Route 51 Santa Clara weekday, Saturday, and Sunday, timepoints throughout the route were adjusted to better align with the new Santa Clara Station.
- Route 52 Irving weekday, Saturday, and Sunday, timepoints throughout the route were adjusted to better align with the new Santa Clara Station.
- Route 55 North Park weekday, a 5:15 p.m. trip was added.
- Route 66 VRC/Coburg weekday, the following trips were added: 3:20 p.m., 4:20 p.m., and 5:20 p.m. There were various timepoint changes made from 3:00 p.m. to 6:00 p.m.
- Route 67 Coburg/VRC weekday, the following trips were added: 3:20 p.m., 4:20 p.m., and 5:20 p.m. There were various timepoint changes made from 3:00 p.m. to 6:00 p.m.
- Route 79x UO/Kinsrow weekday, the following trips were added: 7:30 a.m. and 8:00 a.m.
- Route 81 LCC/Hilyard weekday, and Saturday, timepoint adjustments were made. Service was added starting at 7:30 a.m. every hour with the last departure at 4:30 p.m.
- Route 82 LCC/Pearl weekday, service has been restored with limited trips. First trip departs Eugene Station at 7:00 a.m. and the last departure is at 5:50 p.m.
- Route 85 LCC/Springfield weekday, service has been restored with limited trips. Hourly service will start at 7:40 a.m. with the last departure from Springfield Station being at 4:40 p.m.
- Route 92 Lowell/LCC Saturday, the 5:30 p.m. trip will now leave at 5:35 p.m. from Eugene Station.
- Route 95 Junction City weekday, a 2:30 p.m. trip has been added leaving from Eugene Station.
- No Service until Further Notice on Routes 27, 73, and 78.

Please see Appendix D for Annual Route Review (ARR) and service change summaries.

Please see LTD analysis (Appendix J) for the impact on minority and low-income areas.

### **C. Fare Changes**

Lane Transit District's Fare Policy outlines the practice of raising one or more fares annually. This long-standing practice has allowed the District to make small, incremental increases in fares by rotating changes and providing customers with the ability to shift to more economical fare types. Please see Appendix E for fare changes for 2019-2021, pricing history, and LTD's Fare Policy. LTD discontinued fare collection and made the system free March 19, 2020 through February 1, 2021. In July, LTD launched Umo (pronounced "you-mo") an electronic fare payment system, allowing riders the flexibility to prepay and reload fare value to a mobile device or tap card. Electronic readers are installed on all buses, except EmX, next to the farebox. Once an account is set up and fare added, riders can scan their mobile device or tap card at the electronic reader when boarding. Electronic fare reduces boarding times, improves rider experience, and reduces more than 85,000 non-recyclable bus passes each year.

### **IV. Monitor Transit Service**

Lane Transit District will, at a minimum of once every three years, measure the level and quality of service to minority areas using the sampling methodology in FTA Circular 4702.1A. In addition, LTD will evaluate and recommend service improvements once each year during the Customer Services and Planning Department's Annual Route Review. As part of the Annual Route Review, Customer Services and Planning Department staff will monitor the service to minority areas to ensure that nondiscriminatory transit service is provided.

Since 2003 all LTD buses have been equipped with automatic passenger counters. Data obtained with the counters includes route, trip, and stop level data. Table III includes route ridership data.

The annual service improvements are subject to public review and a public hearing process. See Appendix D for a copy of FY 2018-2021 service improvements. With approximately 63 organizations participating, nearly 32,500 individuals are provided group bus passes to access LTD services. The opportunity to gain feedback from this segment of the District's ridership is important and is made easier because of the contractual relationship. LTD staff meet regularly with representatives from Lane Community College and the University of Oregon. These meetings include student leadership and administration staff. LTD frequently advertises in campus newspapers to reach the broader student body. Other group pass organizations designate employee transportation coordinators who participate in quarterly meetings to learn about service changes and new services. This group is regularly tapped for feedback on fixed-route changes and comments on group pass rate changes as they come up for review. LTD's Accessible Transportation Committee is included along with internal employee and LTD Board committees. The general public is notified through newspaper ads, press releases, direct mail, etc. LTD customers are provided with the highest level of information, including bus

signage, rider newsletter articles, signage at transit stations, signage at affected stops, open houses, etc.

As service change proposals are evaluated through the public process, changes are incorporated and analysis is completed. The objective of this analysis is to determine if disparities exist in service quality to minority and non-minority areas and if LTD has been responsive to customer service needs.

The geographic boundary of Lane Transit District encompasses the urbanized area within which lies the majority of the residences and employers of the District and within which the majority of travel occurs. The Central Lane Metropolitan Planning Organization (MPO) is responsible for regional planning in this area and collaborates with LTD on analyses.

LTD previously employed a methodology that assessed the number of minority and low income residents within the service area of the routes that were proposed for changes. At the suggestion of consultants and research into best practices by other agencies and organizations, LTD has transitioned to measuring the effects using a new methodology that measures people-trips. Previously LTD assessed changes in routing and changes in service levels differently because there was no way to accurately compare between the two.

People-trips are calculated by estimating the number of individuals within the service area of the route and multiplying this number by the number of trips for each day type of the route. Partial trips are counted as one half trip. To calculate the number of individuals living within the service area of a route, Census demographic information is attached to household address data provided by Lane Council of Governments (LCOG). This allows for more accurate estimates of the population in a region than proportionally splitting block groups that are not completely contained within .25 miles of a route.

Once a base line of service has been established, the change in people-trips at the route level are calculated. For instance, if a route is extended to 100 new people and makes 5 trips per weekday, there are 500 additional people-trips per weekday. Conversely, if a route serving 1,000 riders has a service cut from 5 trips per day to 4 trips per weekday, the data would show a loss of 1,000 people-trips each weekday. These two service changes can be compared because they are expressed in the same units.

Disproportionate impacts and disparate burdens can be calculated by comparing the change borne by low-income populations and minority populations against the regional averages for these groups respectively. The difference between the change borne and the regional average provides a way to assess whether service changes are aligned with LTD's service policy regarding equitable service distribution.

As different protected populations reside in different areas of the region, changes in service in different areas can result in some protected populations receiving new service benefits while others have existing benefits removed. The overall decision as to whether or not a disparate impact occurs is taken in the context of the entire system performance.

## **Summary for Fall 2018 changes**

For Fall 2018 LTD conducted the analysis. LTD previously employed a methodology that assessed the number of minority and low income residents within the service area of the routes that were proposed for changes. At the suggestion of consultants and research into best practices by other agencies and organizations, LTD has transitioned to measuring the effects using a new methodology that measures people-trips. Previously LTD assessed changes in routing and changes in service levels differently because there was no way to accurately compare between the two.

People-trips are calculated by estimating the number of individuals within the service area of the route and multiplying this number by the number of trips for each day type of the route. Partial trips are counted as one half trip. To calculate the number of individuals living within the service area of a route, Census demographic information is attached to household address data provided by Lane Council of Governments (LCOG). This allows for more accurate estimates of the population in a region than proportionally splitting block groups that are not completely contained within .25 miles of a route.

Once a base line of service has been established, the change in people-trips at the route level are calculated. For instance, if a route is extended to 100 new people and makes 5 trips per weekday, there are 500 additional people-trips per weekday. Conversely, if a route serving 1,000 riders has a service cut from 5 trips per day to 4 trips per weekday, the data would show a loss of 1,000 people-trips each weekday. These two service changes can be compared because they are expressed in the same units.

Disproportionate impacts and disparate burdens can be calculated by comparing the change borne by low-income populations and minority populations against the regional averages for these groups respectively. The difference between the change borne and the regional average provides a way to assess whether service changes are aligned with LTD's service policy regarding equitable service distribution.

LTD routes proposed for Fall 2018 are those present in Winter 2018 modified by the geographic and time changes proposed for Routes 11, 12, 27, 28, 33, 41, 51, 55, 73, 78, 79x, 81, 82, 85, 95, and EmX. LTD maintains GIS data files for all current routes and stops.

Socioeconomic statistics were obtained from the most recent 5-year American Community Survey, 2012-2016. All statistics, except for disability and poverty, are computed at the Census Block Group Level. Disability and poverty data are not available at the Census at the Block Group level, so tract-level data was used for this analysis.

Residential structure address data were obtained from the regional data sets of Lane Council of Governments (LCOG), representing March 2018 conditions.

**Table 1. Socioeconomic Characteristics of Lane County, LTD, and Central Lane MPO**



| Universe  | Characteristic                      | Lane County | LTD   | MPO   |       |
|---|-------------------------------------|-------------|-------|-------|-------|
| All persons   | Percent minority persons            |             | 16.8% | 18.4% | 19.4% |
| All persons   | Percent in poverty                  |             | 21.2% | 22.4% | 23.5% |
| All persons   | Percent elderly persons             |             | 18.4% | 16.1% | 15.5% |
| All non-institutionalized persons 5 years and older | Percent disabled persons            |             | 19.6% | 18.7% | 18.5% |
| All households                                      | Percent households with no vehicle  |             | 9.7%  | 10.6% | 11.5% |
| All persons 5 years and older                       | Percent limited English proficiency |             | 2.9%  | 3.3%  | 3.6%  |

Table 1 shows the change in people-trips for each route on the LTD system between Winter 2018 service and Fall 2018 service. The overall change to the system does not produce a disproportionate burden nor a disparate impact. There are several route-level changes that warrant further consideration to assess impacts.

Changes to the EmX line result in a 24% greater than average change borne for low-income riders on the Green Line portion of the EmX. This is the result of a high number of low-income riders living near the EmX line. These riders benefit from frequent service, which is typically 10 minutes throughout the day. These riders will lose a total of one trip each day and headways will be a maximum of 30 minutes. This is still the most frequent line in LTD's service area.

Route 27 to Fairmount results in a 31% greater than average change borne for low-income riders. The trips being removed are low-productivity. These changes better align service levels with demand consistent with the rest of LTD's system.

The two trips removed from Route 28 are also lower productivity. Route 28 will still benefit from 30-minute headways, which was typical for most of the day under the previous service schedule. Much of the route is served by other routes (primarily Routes 81 and 82) and benefits from much higher peak frequencies despite the changes.

Changes on Route 73 are similar to Route 28. Despite the 24% above average change borne by low-income riders, frequencies will still be 30-minutes after the reduction of two low productivity trips. Areas along this route are also served by a combination of other routes (Routes 28, 81, 82) which provide additional trips for these residents that are not captured at the route level.

Route 79x primarily serves apartment complexes geared towards housing for students at the University of Oregon. As a result, this route is operated as an express route between the university and the housing complexes. The route is also largely timed around University of Oregon bell times and activity levels. Elimination of seven trips results in a high level of service at bell times and 20-30 minute frequencies during other periods. Specialized service serving university students will always show higher than average change borne by low-income riders. The changes to this route align service with productivity, while maintaining frequent service at times of high demand.

Memorandum to Christopher MacNeith, Area Civil Rights Officer  
Federal Transit Administration, Region 10  
October 1, 2021  
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Route 81 to LCC along Harris Street is being shifted to Hilyard Street. Safety concerns about operating on a smaller residential street, combined with a desire on the part of the City of Eugene to implement traffic calming measures resulted in the move to Hilyard Street. The change results in approximately 758 persons being removed from the walkshed of the prior route. There is a greater than average change borne by low-income riders in this area, however, the change also results in approximately 1,002 persons being added to the walkshed. The addition of them to the walkshed provides greater than average benefits to minority and low-income individuals. The change overall provides more benefits than average for low-income and minority persons.

**Table 2: Change in people-trips Winter 2018 to Fall 2018**

| Route   | Total Change      |                 |                  | Percent Change |                |                  | Change Borne |            |
|---|-------------------|-----------------|------------------|----------------|----------------|------------------|--------------|------------|
|   | Person Trips      | Minority Trips  | Low-Income Trips | Person Trips   | Minority Trips | Low-Income Trips | Minority     | Low-Income |
| EmX Blue Line                                 | -224,640          | -46,406         | -66,868          | 19%            | 21%            | 30%              | 2%           | 7%         |
| EmX Green Line                                | -19,781           | -4,555          | -9,099           | 23%            | 23%            | 46%              | 5%           | 24%        |
| 1 Campbell Center                             | 0                 | 0               | 0                | 21%            | 0%             | 0%               | 0%           | 0%         |
| 11 Thurston                                   | -194,114          | -34,125         | -41,259          | 17%            | 18%            | 21%              | -1%          | -1%        |
| 12 Gateway                                    | 0                 | 0               | 0                | 17%            | 0%             | 0%               | 0%           | 0%         |
| 13 Centennial                                 | 0                 | 0               | 0                | 27%            | 0%             | 0%               | 0%           | 0%         |
| 17 5th/Hayden Bridge                          | 0                 | 0               | 0                | 18%            | 0%             | 0%               | 0%           | 0%         |
| 18 Mohawk                                     | 0                 | 0               | 0                | 19%            | 0%             | 0%               | 0%           | 0%         |
| 24 Donald                                     | 0                 | 0               | 0                | 0%             | 0%             | 0%               | 0%           | 0%         |
| 27 Fairmount                                  | -127,282          | -31,245         | -68,745          | 13%            | 25%            | 54%              | 6%           | 32%        |
| 28 Hilyard                                    | -38,528           | -9,090          | -20,598          | 23%            | 24%            | 53%              | 5%           | 31%        |
| 33 Jefferson                                  | -55,387           | -8,134          | -14,537          | 13%            | 15%            | 26%              | -4%          | 4%         |
| 36 W. 18th                                    | 0                 | 0               | 0                | 22%            | 0%             | 0%               | 0%           | 0%         |
| 40 Echo Hollow                                | 0                 | 0               | 0                | 26%            | 0%             | 0%               | 0%           | 0%         |
| 41 Barger/Commerce                            | 0                 | 0               | 0                | 0%             | 0%             | 0%               | 0%           | 0%         |
| 51 Santa Clara                                | 0                 | 0               | 0                | 18%            | 0%             | 0%               | 0%           | 0%         |
| 52 Irving                                     | 0                 | 0               | 0                | 18%            | 0%             | 0%               | 0%           | 0%         |
| 55 North Park                                 | -35,618           | -6,387          | -10,744          | 15%            | 18%            | 30%              | 0%           | 8%         |
| 66 VRC/Coburg                                 | 0                 | 0               | 0                | 17%            | 0%             | 0%               | 0%           | 0%         |
| 67 Coburg/VRC                                 | 0                 | 0               | 0                | 17%            | 0%             | 0%               | 0%           | 0%         |
| 73 UO/Willamette                              | -18,359           | -4,187          | -8,509           | 22%            | 23%            | 46%              | 4%           | 24%        |
| 78 UO/Seneca/Warren                           | -117,412          | -28,056         | -49,329          | 18%            | 24%            | 42%              | 6%           | 20%        |
| 79x UO/Kinsrow                                | -80,112           | -26,357         | -49,173          | 29%            | 33%            | 61%              | 15%          | 39%        |
| 81 LCC/Harris - LCC/Hilyard                   | -189,174          | -48,340         | -115,306         | 17%            | 26%            | 61%              | 7%           | 39%        |
| 82 LCC/Pearl                                  | -92,158           | -20,057         | -45,068          | 18%            | 22%            | 49%              | 3%           | 27%        |
| 85 LCC/Springfield                            | -17,747           | -3,108          | -5,006           | 12%            | 18%            | 28%              | -1%          | 6%         |
| 91 Mckenzie Bridge                            | 0                 | 0               | 0                | 21%            | 0%             | 0%               | 0%           | 0%         |
| 92 Lowell/LCC                                 | 0                 | 0               | 0                | 20%            | 0%             | 0%               | 0%           | 0%         |
| 93 Veneta                                     | 0                 | 0               | 0                | 17%            | 0%             | 0%               | 0%           | 0%         |
| 95 Junction City                              | -35,237           | -7,249          | -11,674          | 18%            | 21%            | 33%              | 2%           | 11%        |
| 96 Coburg                                     | 0                 | 0               | 0                | 16%            | 0%             | 0%               | 0%           | 0%         |
| 98 Cottage Grove                              | 0                 | 0               | 0                | 21%            | 0%             | 0%               | 0%           | 0%         |
| <i>Re-routed segments</i>                     |                   |                 |                  |                |                |                  |              |            |
| 11 Thurston                                   | -12,511           | -7,204          | -2,077           | 0%             | 58%            | 17%              | 39%          | -6%        |
| LCC/Harris - LCC/Hilyard<br>(Service Removed) | -28,815           | -8,958          | -14,824          | 0%             | 31%            | 51%              | 13%          | 29%        |
| LCC/Harris - LCC/Hilyard<br>(Service Added)   | 26,048            | 12,495          | 12,495           |                | 48%            | 48%              | 30%          | 26%        |
| Santa Clara<br>(Service Removed)              | -4,587            | -407            | -1,772           | 0%             | 9%             | 39%              | -10%         | 16%        |
| Santa Clara<br>(Service Added)                | 52,597            | 9,477           | 21,834           |                | 18%            | 42%              | 0%           | 19%        |
| <b>Total</b>                                  | <b>-1,267,489</b> | <b>-284,040</b> | <b>-514,360</b>  | <b>20%</b>     | <b>22%</b>     | <b>41%</b>       | <b>4%</b>    | <b>18%</b> |

Removal of trips on Route 81 shows similar changes borne by low-income individuals. These persons benefit from higher frequencies when combined with other routes (Routes 28, 82). Route 82 is similar in both change borne by low-income riders and in the nature of service. Route 82 will maintain 10-minute peak frequencies, but lower frequencies to match demand during other parts of the day. Both Route 81 and Route 82 are largely timed to meet bells at Lane Community College. With lower enrollment at Lane Community College, there is less demand, so service will be adjusted to better reflect the demand there, while maintaining headways that are in line with service standards for the portions of the routes that serve non-college riders.

Route 11 shows a disproportionate burden on minority riders for the change borne on the re-routed section. This is the result of an estimated 64 persons being removed from a walk shed of .25 miles. This is calculated "as the crow flies" and many of these residents are actually closer to a different stop when using the existing sidewalk network. By re-routing the bus to not serve one stop, five minutes are eliminated for each trip for other riders on the bus. Riders who previously used the eliminated stop must walk no farther than an additional quarter mile along the sidewalk to the nearest marked crossing to access bus service. Riders who are unable to go the additional distance are able to access an outbound only stop that continues to serve Thurston Station and ride around a loop at the end of the route. While not ideal, these riders are still largely served by the route.

Under the proposed service changes, minority and low-income populations do not bear a disproportionate burden of the changes compared to non-Title VI communities. Each route realignment has local consequences for those whose access is reduced, regardless of whether the statistics show that the service standards are met for the Title VI and EJ communities. Despite some route-level above average change borne by low-income riders, the changes overall are not inequitable.

**The proposed changes to the system provide equitable benefits to the District's minority and low-income populations, and no discrimination is noted.**

### **Background**

Lane Transit District (LTD) operates Routes 990x, 991x, 992x, 993x, 994x, 995x, 996x, 998x, and 999x between various park and ride locations and the University of Oregon's Autzen Stadium on days when there is a home football game. Operating costs are typically higher for Autzen Express service for a variety of reasons, but primarily due to a much higher peak vehicle pullout compared to typical Saturday service. In order to realize farebox revenues per boarding closer to other services offered, LTD's Board of Directors instructed staff to evaluate raising cash fares on Autzen Express routes.

LTD's Fixed Route Service Policy stipulates that any proposed change in fare be evaluated to ensure the change is equitable. The Service Policy defines equitable changes as those that do not result in:

*"Benefits are being provided to minority or low-income populations at a rate less than 80 percent (four-fifths) than the benefits being provided to non-minority or no low-income populations.*

*Adverse effects are being borne by non-minority or non-low-income populations at a rate less than 80 percent (four-fifths) than the adverse effects being borne by minority or low-income populations.”*

The analysis below is intended to evaluate effects of the proposed change on low-income and minority riders.

### **Fare Change Analysis**

Beginning September 1, 2018, cash fares for the Autzen Express will be \$5 for a round-trip ticket. Fares were previously \$3.50, the cost of an LTD day pass. LTD will continue to accept all monthly passes, day passes, EmX passes, Group Pass Program passes, 10-ride ticket book fares, and Honored Rider passes with no additional charge. LTD day passes are available on all other fixed-route buses and at ticket vending machines at all EmX stations. All University of Oregon students are part of the Group Pass Program. Additionally, worker shuttles are available at no charge for employees who staff game day events at Autzen Stadium.

Detailed demographic information was unavailable to LTD regarding attendance at University of Oregon football games. Other than university students (all of whom have a Group Pass), there are no indications that attendees to football games are more likely to be low-income than the LTD service area as a whole. Additionally, other than university students (all of whom have a Group Pass), there are no indications that attendees to football games are more likely to identify as a racial minority, per US Census definitions. Further, as indicated above, all attendees have access to LTD's regular \$3.50 day pass and can avoid paying the increased cost. **Based on these factors, there are no indications that the impact of the fare change would result in a disproportionate burden on low-income or minority riders.**

### **Summary for Fall 2020 changes**

For Fall 2020 LTD conducted the analysis to see where the system was at as a whole after all the COVID-19 changes.

### **Methodology**

This analysis of LTD's service areas was performed in ArcMap and Excel. With the address data, the residential addresses of Lane County were selected for this analysis and the Census data on demographics were added into the analysis. It is important that the Census data was combined with the address data because this process gives the best estimate of how underrepresented populations are distributed across LTD's service area. When the LTD routes were added to the analysis, the addresses within the 0.25-mile service area were selected and the Census data on demographics in each service area was analyzed. To determine the impact of service changes on underrepresented populations, "people trips" were calculated for each route. "People trips" are the quantified opportunities that people have to ride the bus when it passes by their homes. To calculate the bus riding opportunities or "people trips," the weekly bus trips are multiplied by the service area residents for each route.

After people trips were calculated for each route for Fall 2020 and Winter 2020, the change borne was calculated for low-income residents and people of color to determine if impacts

occurred these underrepresented groups due to the service changes. To determine the disproportionate change, the average percent change for the LTD service area for low income residents and people of color was subtracted from each route's percent change. Since the purpose of this analysis is to assess disproportionate impacts, it is necessary to subtract the average rate of change for each group so that we can remove impacts that are proportional to the populations in the service area and just the disproportionate impact that remains is examined.

### **Findings**

This analysis indicates that overall, there is not a disproportionate burden on people of color and low-income residents in the community. Please reference Figure 1 for the full analysis. The disproportionate change for people of color was 3% and 5% for low-income residents. LTD policy states that the disproportionate impact must be no more than 20% and the service changes for fall 2020 are well within the acceptable range. All of the individual routes are under this 20% threshold except for Route 1, Campbell Center, which has a disproportionate impact of 25% for low-income residents. This is likely explained by the route's location being in the heart of Downtown Eugene where there is a lot of subsidized housing for low-income residents.



**LTD RESOLUTION NO. 2021-09-15-047**

**APPROVAL OF THE 2021 TITLE VI COMPLIANCE REPORT**

**WHEREAS**, Section 601 of Title VI of the Civil Rights Act of 1964 states, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance;”

**WHEREAS**, LTD (Lane Transit District) updates the Title VI compliance plan every three years and submits it to the Federal Transit Administration (FTA) for review and approval; and,

**WHEREAS**, the Title VI report memorandum has been provided to the LTD Board of Directors prior to the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the LTD Board of Directors passes a Resolution:

Approving the 2021 Lane Transit District Title VI Compliance Report as summarized in the October 1, 2021, Memorandum to the Federal Transportation Administration, which is attached hereto and is incorporated herein by this reference.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 15<sup>TH</sup> DAY OF SEPTEMBER 2021.

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Board President, Caitlin Vargas



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** PROCUREMENT POLICY REVISION: AMENDMENT TO PUBLIC CONTRACTING AUTHORITY

**PREPARED BY:** Wendi Frisbie, Procurement Manager

**DIRECTOR:** Collina Beard, Director of Business Services

**ACTION REQUESTED:** Adoption

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**PURPOSE:** To provide information to the Board of Directors (“Board”), acting as Lane Transit District’s (“LTD”) Contract Review Board (“LTD/CRB”) for the purpose of amending LTD’s Procurement Policies and Rules, as it relates to its Public Contracting Authority.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board’s role in this instance is to make a policy change.

**BOARD DIRECTIVE ALIGNMENT:** On June 18, 1985, Lane Transit District’s Board of Directors adopted Ordinance 30 creating a local contract review board for LTD. This local contract review board is known as the LTD Contract Review Board (“LTD/CRB”). The Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Oregon Administrative Rules (the “Model Rules”), the LTD Procurement Policy, and, where federal funds are or may be utilized, the Federal Transit Administration’s (“FTA”) Circular 4220.1F, as may be amended.

**COMMUNICATION:** The LTD/CRB adopted and/or made revisions to LTD’s Procurement Policy on the following dates: June 22, 2017; April 17, 2019; May 15, 2019; June 19, 2019; and September 16, 2020. The Public Contracting Procedures were adopted by the LTD/CRB on March 15, 2017.

**DATES PRESENTED TO THE PUBLIC:** The Policy updates were brought before the public for the aforementioned dates.

**HISTORY:** As mentioned above, LTD’s Board adopted Ordinance 30 creating a local contract review board for LTD. This local contract review board is known as the LTD Contract Review Board (“LTD/CRB”).

- On March 15, 2017, LTD’s Board of Directors adopted Public Contract Procedures, which outlined the duties of the General Manager in all contracting matters.
- On June 22, 2017, the LTD Contract Review Board adopted the Oregon Model Rules, Division 46, 47, 48, and 49, adopted by the Attorney General under Oregon Revised Statute (“ORS”) 279A, 279B, and 279C as they now exist, and as they may be amended in the future, as LTD’s Public Contracting Rules.
- On April 17, 2019, The LTD Board of Directors adopted the Oregon Revised Statutes 279A.55 and 279A.65 (6) for Personal Service contracts.
- On May 15, 2019, the LTD Board of Directors adopted the Claims Review Board and revised the Micro-Purchase Threshold limit from \$3,000 to \$10,000.
- On June 19, 2019, The LTD Board of Directors adopted the procedures for Inventory and Disposition of Personal Property.
- On September 16, 2020, The LTD Board of Directors approved an amendment to the Procurement Policy, bringing it into alignment with various changes to the ORS, OAR, and FTA Circular 4220.1F.



The Procurement Policy and Public Contracting Procedures are in need of updated language due to changes made by both FTA and the State of Oregon. In 2018, the Federal Office of Management and Budget (OMB) increased the Simplified Acquisition Threshold from \$150,000 to \$250,000. LTD chose to remain at the previous threshold of \$150,000 in order to follow the more stringent guidelines outlined in the ORS. In 2020, the ORS was revised to allow for the State of Oregon to increase their small purchase, or, simplified acquisition threshold, to \$250,000, as well. Staff recommends that with the due diligence the Procurement Staff is providing to the Board on all contracts, it is time to increase the Delegated Authority to match the authorized limits of both the FTA and the State of Oregon.

**CONSIDERATIONS:** Staff continues to assess the contracting needs of the District and to identify areas in which there may be opportunities for process improvement and has been working with General Counsel regarding the update of LTD's Procurement Policy. District staff seek to update the current Procurement Policy so the District is operating under compliance of both Federal and State policy and procedures. Staff propose the following changes be made to the District's Procurement Policy, last updated on September 16, 2020:

- Update contracting thresholds to reflect those authorized by both Federal and State Procurement guidelines;
- Add language to include LTD's requirement, as part of an evaluation on a bid or proposal, to determine if the bidder or proposer owes a liquidated and delinquent debt to the State of Oregon;
- Clarify that LTD may retain amounts from progress payments for Public Improvement Projects;
- Other minor changes consistent with applicable authorities, as set forth in the ORS, OAR, and FTA C.4220.1F

**ALTERNATIVES:**

1. Deny the policy changes and request additional information and/or changes; adopt at a later date.
2. Deny the policy changes; this would maintain the current policy and related procedures.

**NEXT STEPS:** If adopted, the policy revision will take effect immediately.

**SUPPORTING DOCUMENTATION:**

- 1) Redlined Procurement Policy
- 2) Resolution No 2021-09-15-048

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-048:

It is hereby resolved that the LTD Board of Directors adopts the amended Procurement Policy as presented [amended].



**LTD RESOLUTION NO. 2021-09-15-048**  
**A RESOLUTION AMENDING THE PUBLIC CONTRACTING PROCEDURES AND OTHER**  
**RELATED PROCUREMENT POLICIES**

**WHEREAS**, the Lane Transit District (“LTD” or “District”) Board of Directors (“Board”) acts as the LTD Contract Review Board;

**WHEREAS**, the Board, acting as the LTD Contract Review Board, may adopt rules by Resolution;

**WHEREAS**, the LTD Contract Review Board previously adopted the Oregon Model Rules, Division 46, 47, 48, and 49, adopted by the Attorney General under Oregon Revised Statutes (“ORS”) 279A, 279B, and 279C, as they may be amended from time to time, as LTD’s Public Contracting Rules;

**WHEREAS**, in 2018, the federal government through the Office of Management and Budget (OMB) increased the Simplified Acquisition Threshold from \$150,000 to \$250,000;

**WHEREAS**, in 2020, the state of Oregon through the Oregon Revised Statutes (ORS) increased their small purchase threshold to \$250,000;

**WHEREAS**, this change will improve efficiencies at LTD while continuing to maintain adequate financial controls; and

**WHEREAS**, adoption of this resolution would supersede Resolution 2017-03-15-011.

**NOW, THEREFORE, BE IT RESOLVED** that the LTD Board of Directors, acting as the LTD Contract Review Board, passes a Resolution as follows:

1. Levels of Contracting Authority. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate and execute procurements and contracts which do not exceed \$249,999.
2. Routine Annual Procurements. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate, and execute routine annual procurements and contracts, regardless of amount, for operational goods and services including but not limited to diesel, fuel, gasoline, engine oil and lubricants, tires, bus batteries, bus and facilities parts, printing, proprietary software, and facilities maintenance.
3. Contract Amendments and Change Orders. For those contracts authorized by the LTD Board of Directors, the LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute contract amendments and change orders as may be necessary. Individual or cumulative contract amendments and change orders cannot exceed ten-percent (10%) of the initial contract without General Manager’s prior approval, provided the change order and initial contract amount combined does not exceed \$249,999.
4. Contract Documents. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute all contract documents including purchase orders, blanket purchase orders, contracts, contract amendments, and change orders after any necessary authorization by the Board of Directors.
5. Sole Source. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve all sole source contracts up to \$249,999, provided sufficient and justified determination has been provided and approved by the General Manager or designee.
6. Budget and Policies. All authority delegated herein shall be exercised consistent with the adopted LTD budget and established policies and approved projects of LTD.

7. Intergovernmental Agreements. Subject to the limits set forth in Paragraphs 1 and 2, Intergovernmental Agreements shall be presented to the Board of Directors prior to entering into. "Intergovernmental Agreements" shall include any contract between governmental entities that is not a Real Property Agreement.
8. Real Property Agreements. Real Property Agreements shall be presented to the Board of Directors prior to entering into. "Real Property Agreements" shall include:
  - a. Agreements for the sale or purchase of real property;
  - b. Agreements for the granting of an easement or other encumbrance on real property; and
  - c. Lease agreements that exceed those limits set forth in Paragraphs 1 and 2, or that have a lease term of ten years or more.
9. Levels of Review for Non-Standard Procurements. The Procurement Manager and General Manager must approve, in writing, any non-standard procurement before it is solicited and/or published. "Non-standard procurement" is intended to include procurements other than Invitations for Bid and Requests for Proposals solicited using full and open competition. Micro-purchases and small procurements shall be excluded from this definition of "non-standard procurements."
10. Contracting Actions Requiring Board Authorization. For those contracts authorized by the LTD Board of Directors, the Board shall do the following concurrent with contract award:
  - a. Identify the "Project Closeout Team" for the project, such team being responsible for ensuring project milestones (substantial completion, final completion, acceptance) are met in accordance with the contract terms;
  - b. Authorize the payment plan for the contract; and
  - c. Identify the reporting, if any, the Board expects to receive on the project.
11. Delegated Authority Report. A report regarding the General Manager's delegated authority, pursuant to Paragraphs 1 and 2 of this Resolution, shall be presented to the Board of Directors at its monthly meeting in the form of a report in a format satisfactory to the Board. The report shall include all routine annual procurements that exceed \$10,000 and all other contracting actions that exceed \$10,000 but are below \$249,999. The report will be approved by the Board in the consent agenda portion of its meeting.
12. Delegation. The General Manager may delegate in writing any of the authorities granted under this Resolution; provided, however, any such authority delegated to staff shall not exceed the authority delegated herein to the General Manager.
13. Liquidated and Delinquent Debt. Additional language to include LTD's requirement, as part of an evaluation on a bid or proposal, to determine if the bidder or proposer owes a liquidated and delinquent debt to the State of Oregon.
14. Retainage. Clarify that LTD may retain amounts from progress payments for Public Improvement Projects.
15. Other. Other minor changes consistent with applicable authorities, as set forth in the ORS, OAR, and FTA C.4220.1F.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 15<sup>th</sup> DAY OF September, 2021.

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Board President, Caitlin Vargas



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** FISCAL YEAR 2020-2021 AUDIT PLAN

**PRESENTER:** Ashley Osten and Kelly Jones Moss Adams, LLP

**DIRECTOR:** Christina Shew, Director of Finance

**ACTION REQUESTED:** None. Information Only

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**PURPOSE:** To provide information to the Board on the audit plan for Lane Transit District for Fiscal Year 2020-2021 ending June 30, 2021.

**ROLE OF THE BOARD:** The Board's role in this instance is to obtain information for a future decision.

**HISTORY:** At the conclusion of each fiscal year, an independent audit of Lane Transit District's financial statements and internal controls are performed. The results of the independent audit, including the independent auditor's reports, are incorporated into the District's Comprehensive Annual Financial Report and Single Audit.

Ashley Osten and Kelly Jones of Moss Adams, LLP will attend the September 15, 2021 Board meeting to make a presentation and answer any questions Board members may have about the audit plan currently in progress.

Moss Adams, LLP's last presentation to the Board was on January 20, 2021. At that meeting they presented the results of the District's Comprehensive Annual Financial Report and Single Audit for the fiscal year ending June 30, 2020.

**CONSIDERATIONS:** N/A

**ALTERNATIVES:** N/A

**NEXT STEPS:** N/A

**SUPPORTING DOCUMENTATION:** PRE-AUDIT PRESENTATION

**PROPOSED MOTION:** None. Information Only

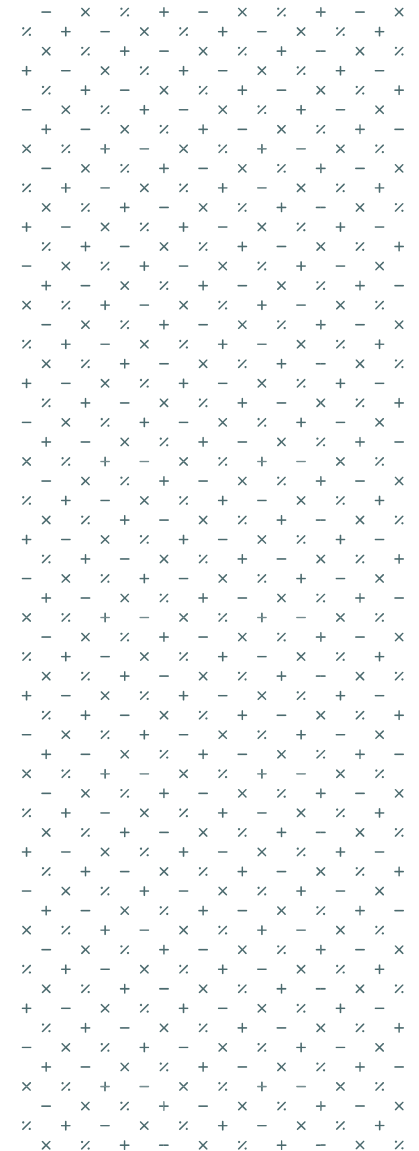


# Lane Transit District

## 2021 Audit Planning Discussion with Board of Directors

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Better Together: Moss Adams & Lane Transit District



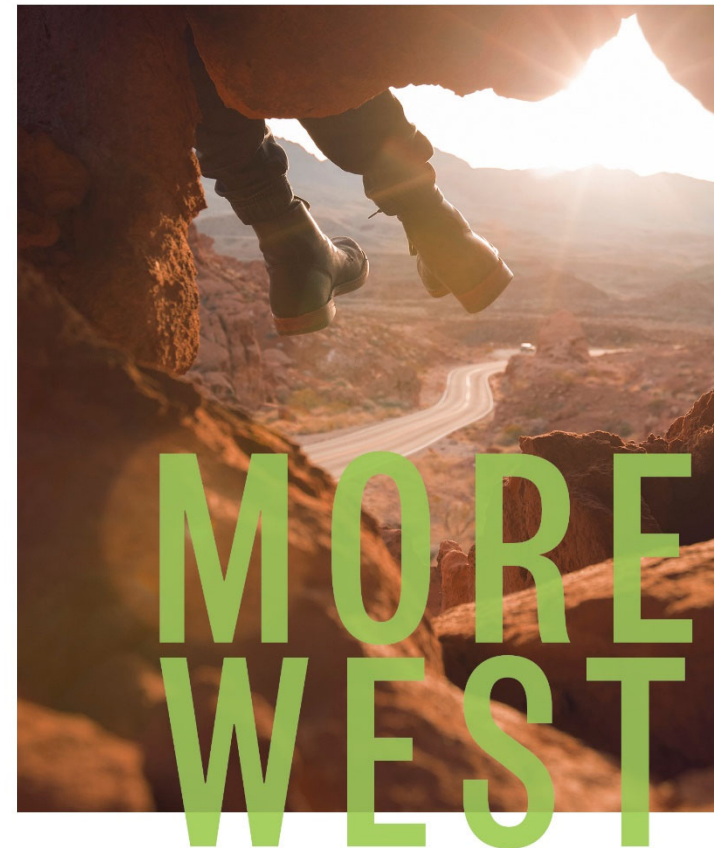
# Board of Directors

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Dear Board Members:

Thank you for your continued engagement of Moss Adams LLP, the provider of choice for state and local governments. We're pleased to present our audit plan for Lane Transit District for the year ending June 30, 2021. We'd also like to discuss current-year developments and auditing standard changes that will affect our audit.

We welcome any questions or input you may have regarding our audit plan, and we look forward to working with you.



# Your Dedicated Team



**Ashley Osten**

*Engagement Reviewer  
and Partner*



**Olga Darlington**

*Concurring Reviewer  
and Partner*



**Kelly Jones**

*Audit Senior Manager  
and Delegated  
Engagement Reviewer*



# Required Communications to Those Charged with Governance





# Our Responsibility

Assess if the financial statements prepared by management with your oversight are fairly presented, in all material respects, and in accordance with US GAAP. However, our audit doesn't relieve you or management of your responsibilities.

Perform an audit in accordance with:

- Generally accepted auditing standards issued by the AICPA
- Government Auditing Standards issued by the Comptroller General of the United States

Design the audit to provide assurance about whether the financial statements are free of material misstatement.

Consider internal controls over financial reporting and compliance as a basis for designing effective audit procedures.

Communicate findings that are relevant to your responsibilities in overseeing the specific matters of financial reporting process and administering federal awards.



# Deliverables

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- Report of Independent Auditors on the basic financial statements
- Report of Independent Auditors on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*
- Report of Independent Auditors on Compliance with Requirements Applicable to Each Major Program and on Internal Control over Compliance in Accordance with OMB Uniform Guidance
- Schedule of Findings and Questioned Costs
- Disclosures and Independent Auditors' Comments Required by the Minimum Standards for Audits of Oregon Municipal Corporations
- Communications to those charged with governance
- Management Letter
- Reports of Independent Accountants on Applying Agreed-Upon Procedures



# Audit Process



## Internal Controls

Includes IT



## Analytical Procedures

- Revenue and expenses
- Trends, comparisons, and expectations



## Substantive Procedures

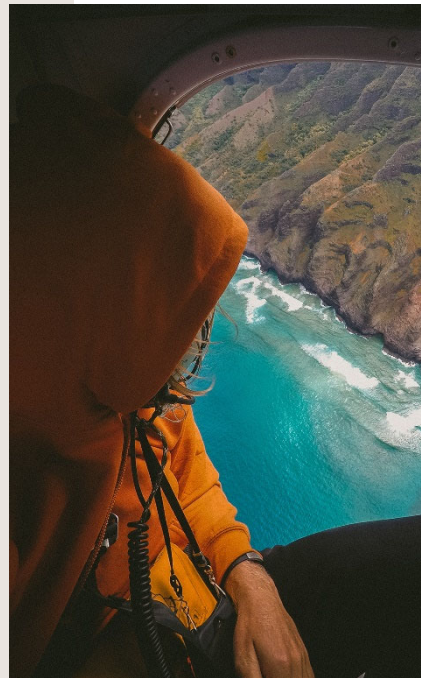
- Confirm account balances
- Vouch to supporting documentation
- Representations from attorneys and management
- Examine objective evidence



# What's Materiality?

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It's the amount of a misstatement that could influence the economic decisions of users, taken on the basis of the financial statements.



It's calculated using certain **quantitative** (revenue) and **qualitative** factors (covenants, expectations, or industry factors)

It identifies:

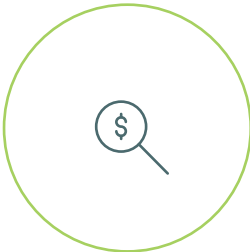
SIGNIFICANT RISK AREAS

NATURE, TIMING, EXTENT, AND SCOPE OF TEST WORK

FINDINGS OR MISSTATEMENTS



# Significant Audit Areas



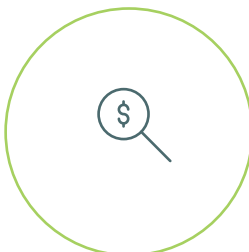
**REVENUE  
RECOGNITION  
AND VALUATION  
OF RECEIVABLES**



**LONG-TERM DEBT**



**EXISTENCE AND  
VALUATION OF  
CAPITAL ASSETS**



**FINANCIAL CLOSE  
AND REPORTING**



**PENSION AND  
OPEB LIABILITY  
AND RELATED  
PENSION AND  
OPEB EXPENSE**



**COMPLIANCE  
WITH FEDERAL  
LAWS AND  
REGULATIONS  
AND OREGON  
MINIMUM  
STANDARDS**



# Consideration of Fraud



**AUDITORS MUST CONSIDER FRAUD TO “IMPROVE THE LIKELIHOOD THAT AUDITORS WILL DETECT MATERIAL MISSTATEMENTS DUE TO FRAUD IN A FINANCIAL STATEMENT AUDIT.”**

## To identify fraud-related risks of material misstatement, we:

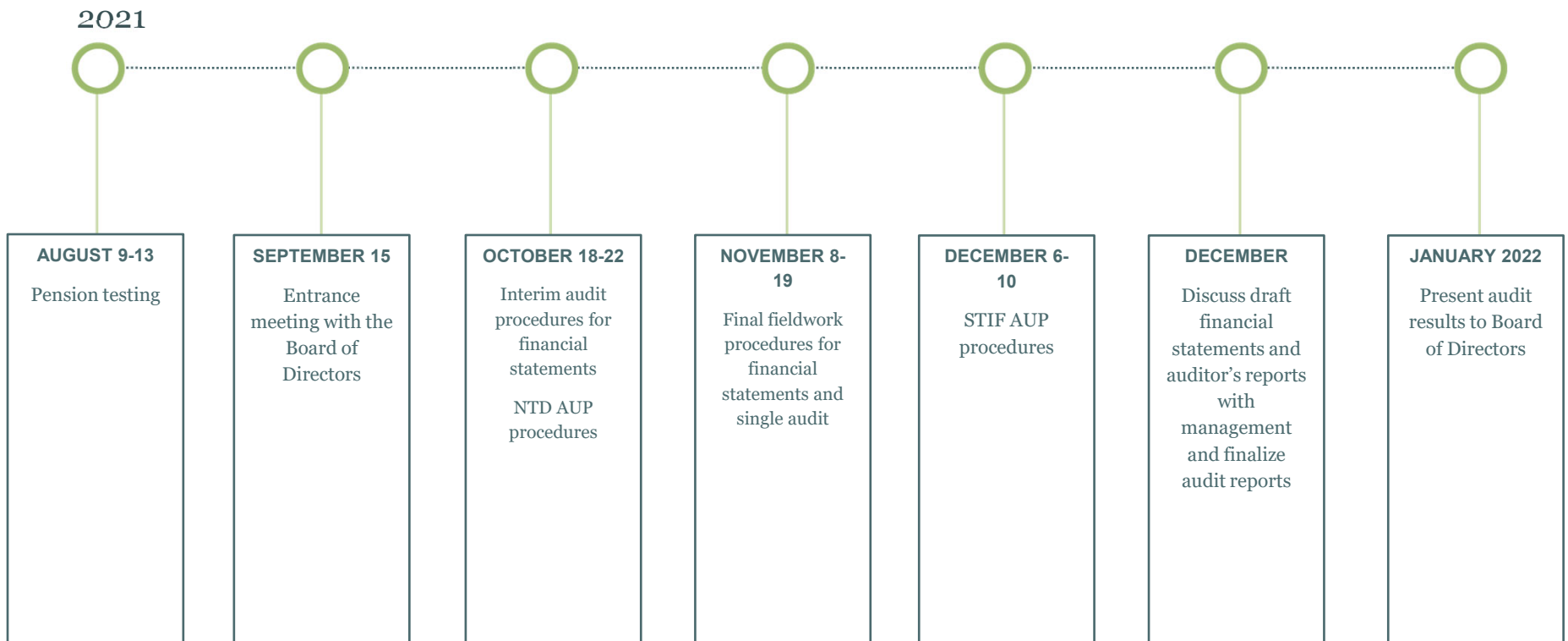
- Brainstorm with team
- Conduct personnel interviews
- Document understanding of internal control
- Consider unusual or unexpected relationships identified in planning and performing the audit

## Procedures we perform:

- Examine general journal entries for nonstandard transactions
- Evaluate policies and accounting for revenue recognition
- Test and analyze significant accounting estimates for biases
- Evaluate rationale for significant unusual transactions



# Audit Timing



# Recent Accounting Developments

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## New GASB Standards

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GASB Statement No. 84, *Fiduciary Activities* – effective for June 30, 2021 fiscal year.

GASB Statement No. 87, *Leases* – effective for June 30, 2022 fiscal year.

GASB Statement No. 90, *Majority Equity Interests* – effective for June 30, 2021 fiscal year.

GASB Statement No. 91, *Conduit Debt* – effective for June 30, 2023 fiscal year.

GASB Statement No. 92, *Omnibus 2020* – effective for June 30, 2022 fiscal year.

GASB Statement No. 93, *Replacement of Interbank Offered Rates* – effective for June 30, 2022 fiscal year.





## New GASB Standards

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GASB Statement No. 94, *Public Private Partnerships* – effective for June 30, 2023 fiscal year

GASB Statement No. 96, *Subscription-Based IT Arrangements* – effective for June 30, 2023 fiscal year.

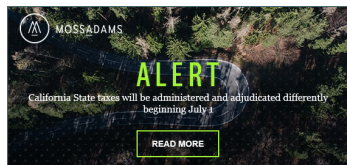
GASB Statement No. 97, *Certain Component Unit Criteria, and Accounting and Financial Reporting for IRC Section 457 Deferred Compensation Plans* – effective for June 30, 2022 fiscal year with paragraphs 4 and 5 effective for June 30, 2021 fiscal year.



INDUSTRY FOCUS

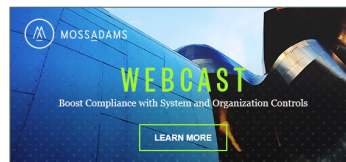
# An Array of Resources

In today's fast-paced world, we know how precious your time is. We also know that knowledge is key. These resources offer what you need to know, when you need to know it, and in the format that fits your life.



## Articles & Alerts

Industry-specific insight and important tax and assurance updates



## Webcasts

On demand and live sessions with our professionals on technical and timely topics



## Reports & Guides

A more in-depth look at significant changes and subjects across the accounting landscape



# Contact Us

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## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021  
**ITEM TITLE:** ELECTION OF BOARD OFFICER  
**PREPARED BY:** Camille Gandolfi, Clerk of the Board  
**DIRECTOR:** Mark Johnson, Interim General Manager  
**ACTION REQUESTED:** Vote

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**PURPOSE:** To vote on and approve the Board officer role of vice president.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to perform a Board governance task.

**BOARD DIRECTIVE ALIGNMENT:** In accordance with ORS 267.120(1), the LTD Board of Directors must elect from among its members by majority vote, a president, vice president, secretary, and treasurer to serve two-year terms beginning and ending on January 1 of even-numbered years.

Should an officer leave the Board in mid-term, an election to fill that officer's vacancy will be held at that time.

**COMMUNICATION:** This item was brought before the Board at its July 21, 2021, regular Board meeting.

**DATES PRESENTED TO THE PUBLIC:** This item was brought before the Board at its July 21, 2021, regular Board meeting.

**HISTORY:** At the July 21 Board meeting, the Board had an agenda item to fill the vacant officer position of vice president. Due to a miscommunication between the board president and clerk of the board, this action was not performed correctly. This agenda item is being brought back to correct the action of filling this officer position vacancy.

**CONSIDERATIONS:** The current officers are Caitlin Vargas, president; Don Nordin, treasurer; Emily Secord, Secretary. The position of vice president is vacant. In accordance with the Board of Director's bylaws, the appointed Board member will fill the remainder of the current vice presidency term, which began on January 1, 2021, and expires on December 30, 2022.

**SECTION 5.6 Vacancies.** In the case of a vacancy in any office other than by expiration of the officer's term, the vacancy shall be filled by election by the Board of Directors when the need arises and the newly elected officer shall take office immediately upon the occurrence of such vacancy to fill the balance of the unexpired term.

**ALTERNATIVES:** N/A

**NEXT STEPS:** The Board president opens the floor for nominations and Board members nominate the Board member of their choosing.

I nominate \_\_\_\_\_ as the LTD Board vice president, to fill the remainder of the term set to expire on December 30, 2022 . (Nominations do not require a second.)

After closing the nominations, the presiding officer will take the vote on each candidate or on a slate of candidates, by either roll call or voice vote.

Based on Board direction, staff will then take the appropriate administrative steps.

**SUPPORTING DOCUMENTATION:**

1. Board bylaws

**PROPOSED MOTION:** N/A



**LANE TRANSIT DISTRICT  
BOARD OF DIRECTORS  
*BYLAWS***



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**ARTICLE I**  
**POWERS OF A MASS TRANSIT DISTRICT**

**SECTION 1.1** *Enumerated Powers of a Mass Transit District.* Lane Transit District (“LTD” or the “District”) is a mass transit district and a special district. Special districts are created by the Legislature, and thus do not have broad or inherent powers (like counties and cities). As a mass transit district, LTD only has those powers enumerated in statute, which generally are:

- a. Have and use a seal; sue and be sued;
- b. Acquire real or personal property within District boundaries for the purpose of providing or operating a mass transit system;
- c. Contract for the construction, acquisition, purchase, lease, preservation, improvement, operation or maintenance of any mass transit system;
- d. Build, construct, purchase, lease, improve, operate and maintain all improvements, facilities or equipment necessary or desirable for the mass transit system of the District;
- e. Enter into contracts and employ agents, engineers, attorneys, and other persons;
- f. Fix and collect charges for the use of the transit system and other district facilities;
- g. Construct, acquire, maintain and operate and lease, rent and dispose of passenger terminal facilities, motor vehicle parking facilities and other facilities for the purpose of encouraging use of the mass transit system within the District;
- h. Enter into contracts or intergovernmental agreements to act jointly or in cooperation to provide mass transit services to areas, provided the party contracting to receive the services shall pay to the mass transit district not less than the proportionate share of the cost of the services that the benefits to the contracting party bear to the total benefits of the service;
- i. Conduct programs and events and other actions for the purpose of maintaining employee relations;
- j. Improve, construct and maintain bridges over navigable streams; and
- k. Do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to a District herein.

**ARTICLE II**  
**GOVERNANCE PROCEDURES**

**SECTION 2.1** *Governance Procedures.* The LTD Board of Directors will comply with Oregon’s Public Meetings Law, Public Records Law, and all governance procedures set forth in the LTD Ordinance Providing Rules for Meetings of the Lane Transit District Board of Directors, attached hereto as Exhibit A.



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**ARTICLE III**  
**MEMBERSHIP, COMPOSITION, APPOINTMENT**

**SECTION 3.1 *Membership.*** This section intentionally left blank.

**SECTION 3.2 *Appointment.*** Pursuant to ORS 267.097, Board members are appointed by the Governor of Oregon.

**SECTION 3.3 *Composition.*** Pursuant to ORS 267.090(2), the Board of Directors of a mass transit district shall consist of seven members. One director shall be appointed from each of seven subdistricts. The Governor shall appoint as one of the directors a person who regularly uses the services provided by a mass transit system. Directors shall reside in the subdistrict from which they are respectively appointed. The subdistricts shall be as nearly equal in population as possible based on the latest federal census and shall be designed to ensure representation of the most populous city, other cities and unincorporated territory in the proposed district proportionate to their respective populations provided that if less than the entire district is taxed by the district, the subdistricts shall be wholly within the taxed area.

**ARTICLE IV**  
**TERMS OF SERVICE, VACANCIES**

**SECTION 4.1 *Terms of Service.*** Pursuant to ORS 267.090(3), the term of office of a director is four years, but each director shall serve at the pleasure of the Governor. Before the expiration of the term of a director, the director's successor shall be appointed. A director may be eligible for reappointment.

**SECTION 4.2 *Vacancies.*** Pursuant to ORS 267.090(3), in the case of a vacancy for any cause, the Governor shall appoint a person to serve for the unexpired term. A director whose term has expired shall continue to serve until the appointment of a successor, unless discharged by the Governor.

**ARTICLE V**  
**OFFICERS, DUTIES**

**SECTION 5.1 *Board Officers.*** Pursuant to ORS 267.120(1), the Board shall choose from among its members, by majority vote of the members, a president, vice president, treasurer, and secretary to serve for terms of two years. Terms of office shall begin on the first day of January and end on the last day of December in even numbered years. Each director, before entering upon the duties of office, shall take and subscribe to an oath that the director will honestly, faithfully and impartially perform duties as a director and disclose any conflict of interest the director may have in any matter to be acted upon by the Board. A copy of the oath shall be filed with the secretary of the Board.

**SECTION 5.2 *President.*** The president, and in the president's absence, the vice president; and in the absence of both, a director selected by the directors present to act as president pro tem, shall preside at meetings of the District directors. The presiding officer shall be entitled to vote on all matters and may make and second motions and participate in discussion and debate.

**SECTION 5.3 *Vice President.*** In the event of the absence of the president, or of the president's inability to perform any of the duties of the president's office or to exercise any of the president's powers, the vice president shall perform such duties and possess such powers as are conferred on the president, and shall perform such other duties as may from time to time be assigned to the vice president by the president or the Board.

**SECTION 5.4 *Secretary.*** The secretary hereby delegates the following duties to the Clerk of the Board



as its designee, all to be completed in accordance with the requirements of Oregon law and any applicable LTD Ordinances, resolutions, or policies:

- a. Give appropriate notice of all meetings of the Board;
- b. Ensure recordings and/or minutes of all Board meetings are maintained;
- c. Act as custodian of LTD records and the seal of the Authority;
- d. Affix the seal to official documents when required;
- e. Keep a book or record containing the names and places of residence of all directors, as well as their dates of appointment and qualifications as directors; and
- f. Perform all duties generally incident to the office of secretary, and such other duties as may be from time to time assigned to the secretary by the president, the Board, or the General Manager.

**SECTION 5.5 Treasurer.** The treasurer hereby delegates the following duties to the Finance Director as its designee, all to be completed in accordance with the requirements of Oregon law and any applicable LTD Ordinances, resolutions, or policies:

- a. Perform all duties generally incident to the office of treasurer, and such other duties as may be from time to time assigned to the treasurer by the president, the Board, or the General Manager.

**SECTION 5.6 Vacancies.** In the case of a vacancy in any office other than by expiration of the officer's term, the vacancy shall be filled by election by the Board of Directors when the need arises and the newly elected officer shall take office immediately upon the occurrence of such vacancy to fill the balance of the unexpired term.

**SECTION 5.7 Committee Assignments.** The president, on the president's own motion, may appoint directors to Board subcommittees and community advisory committees.

## **ARTICLE VI** **CODE OF ETHICS AND CONFLICTS OF INTEREST POLICY**

**SECTION 6.1 Code of Ethics and Conflicts of Interest Policy.** Each Board member is governed by the Board of Directors Ethics and Conflicts of Interest Policy, attached hereto as Exhibit B, and will complete the Conflicts of Interest Acknowledgment and Disclosure Form annually.

## **ARTICLE VII** **MEETINGS**

**SECTION 7.1 Board and Committee Meetings.** The LTD Board of Directors will comply with Oregon's Public Meetings Law, Public Records Law, and all governance procedures and meeting requirements set forth in the LTD Ordinance Providing Rules for Meetings of the Lane Transit District Board of Directors, attached hereto as Exhibit A. This Article VII is intended to supplement the law and LTD's Ordinances.

- a. Board members are expected to report discussions, recommendations, and updates from their respective committee assignments to the Board of Directors at its regular monthly meeting.

**SECTION 7.2 Quorum Requirements.** A quorum of Board members is a majority of the Board members,



even if a position is vacant or a director is absent. Therefore, four (of seven) Board members are required for a quorum. A quorum is required to hold a public meeting.

**SECTION 7.3 Meeting Times.** Respect the scheduled starting and ending times for meetings. The vice president will assist the president with keeping on schedule.

**SECTION 7.4 Attendance.** All Board members are expected to regularly attend Board meetings and be fully engaged with minimal distraction (from cell phones, etc.) at regularly scheduled Board meetings, unless prevented by illness or an unavoidable cause.

**SECTION 7.5 Telephonic Attendance.** If a Board member is unable to attend a meeting, there is an option to attend telephonically. A Board meeting can also be held telephonically, without any members having to physically attend, so long as all the requirements of the Public Meetings Law are still followed (notice, recording, and a location for the public to attend and listen).

**SECTION 7.6 Meeting Preparation.** All Board members should prepare for Board meetings by reading the materials ahead of the meeting and asking questions of the General Manager prior to the day of the meeting, if possible. After discussion with the General Manager, if a Board member intends to pull something from the consent agenda, notify the Clerk of the Board and/or the General Manager as soon as possible.

**SECTION 7.7 Board Meeting Discussion.** Board discussions should be thorough yet concise and pertinent to the issues on the agenda.

**SECTION 7.8 Public Participation.** Although the Public Meetings Law guarantees the public the right to attend all public meetings, it does not provide the public the right to participate. LTD has historically allowed public participation at meetings upon recognition by the president. Public testimony will typically be limited to three (3) minute increments, but it is adjustable at the discretion of the president.

**SECTION 7.9 Scheduling.** All Board members are expected to cooperate in scheduling special meetings and/or work sessions for training and planning purposes.

## **ARTICLE VIII** **VOTING RULES**

**SECTION 8.1 Voting.** Board members are expected to cast a vote on all matters except when a conflict of interest arises.

**SECTION 8.2 Conflict of Interest.** Board members should be familiar with the Board of Directors Ethics and Conflicts of Interest Policy, attached hereto as Exhibit B. If a Board member believes he/she may have a conflict of interest, that concern should be communicated with the Clerk of the Board and/or the General Manager in advance of the Board meeting. They may consult with legal counsel.

**SECTION 8.3 Voting Requirements.** The affirmative vote of a majority of all Board members (four of seven) is required to pass a motion. Even if only five members attend the meeting, four must vote affirmatively to pass the motion.

## **ARTICLE IX** **PUBLIC MEETINGS LAW AND PUBLIC RECORDS LAW**

**SECTION 9.1 Legal Requirements.** The requirements of Oregon's Public Meetings Law must be followed whenever a quorum of Board members meet to deliberate towards a decision. All Board



communications are subject to the Public Records Law. This Article IX is intended to supplement the requirements of the Public Meetings Law and Public Records Law.

**SECTION 9.2 *Serial Communications.*** If Board members have serial communications among a quorum of its members, the requirements of the Public Meetings Law apply. A serial communication occurs when Board member 1 deliberates towards a decision with Board member 2; Board member 2 then deliberates towards a decision with Board member 3, and so on, until a quorum of Board members (4) is involved. While serial communications can take place in person or over the phone, they most often occur via email.

**SECTION 9.3 *Board email.*** The following guidelines apply to use of Board email:

- a. Board members should use their Board email account for all Board-related business;
- b. Do not reply to Board emails to deliberate towards a decision that should occur in public session;
- c. “Deliberation towards a decision” can only occur among Board members. It is acceptable to reply to an email from the General Manager and/or Clerk of the Board, so long as the General Manager and/or Clerk of the Board do not share your opinion with any other Board members; and
- d. Board emails are subject to public records request. As a general rule, do not write anything in an email that you would not want printed in the newspaper.

## **ARTICLE X** **FINANCES AND CONTRACTS**

**SECTION 10.1 *Contract Review Board.*** Pursuant to LTD Resolution No. 2017-03-15-011, attached hereto as Exhibit C, the LTD Board of Directors acts as the LTD Contract Review Board and shall retain or delegate its authority in accordance with that resolution, as it may be amended from time to time.

**SECTION 10.2 *Preparation of Budget.*** The General Manager will prepare and present a budget for consideration by the Board for the upcoming fiscal year at the time as designated by the Board.

## **ARTICLE XI** **SEVERABILITY**

**SECTION 11.1 *Severability.*** If any provision of these Bylaws or its application to any person or circumstances is held invalid, the remainder of these Bylaws, or the application of the provision to other persons or circumstances is not affected.

## **ARTICLE XII** **AMENDMENTS**

**SECTION 12.1 *Action.*** These Bylaws, as adopted by the Lane Transit District Board of Directors, may be revised or amended at any regular or special meeting of the Board by a vote of the majority of the whole membership of the Board.

## ORDINANCE NO. 52

### AN ORDINANCE PROVIDING RULES FOR MEETINGS OF THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS, AND AMENDING AND RESTATING ORDINANCE NO. 45.

WHEREAS Lane Transit District is reorganizing and updating its Board governance procedures:

BE IT ENACTED BY LANE TRANSIT DISTRICT:

Lane Transit District Ordinance No. 45 is amended and restated in its entirety to read as follows:

#### **Section 1. Meetings to Be Public**

In accordance with Public Meetings Law, all meetings of the Board of Directors shall be open to the public and all persons, unless otherwise excluded, shall be permitted to attend, except that the public may be excluded from executive sessions.

Although the Public Meetings Law guarantees the public the right to attend all public meetings, it does not provide the public the right to participate. LTD has historically allowed public participation at regular monthly Board meetings upon recognition by the president. Public testimony will typically be limited to three (3) minute increments, but it is adjustable at the discretion of the president.

#### **Section 2. Regular Meetings**

##### **a. Time**

The Board of Directors shall hold regular monthly meetings at the time and day as designated by the Board Resolution Setting Time and Day for Regular Monthly Board Meetings. When the day fixed for any regular meeting falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same time on the next succeeding day not a holiday, or as otherwise directed by the Board.

##### **b. Place**

Regular meetings shall be held in the Board Room at the District's Glenwood-area facility, or at such other location as the Board of Directors may specify from time to time and cause to be included in the notice of meeting.

##### **c. Notice**

Public notice shall be given, reasonably calculated to give actual notice, to interested persons of the time and place for holding regular meetings. The notice also shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the Board of Directors to consider additional subjects.

### **Section 3. Adjourned or Canceled Meetings**

Meetings may be adjourned to a specific time and place before the day of the next regular meeting. A meeting may be adjourned by the vote of the majority of the members present, even in the absence of a quorum.

Meetings may be canceled. In the event a meeting is canceled, a notice of cancelation of meeting shall be posted on the Lane Transit District website as soon as is reasonably possible.

### **Section 4. Special Meetings**

#### **a. Call**

The president of the Board or a majority of the directors may call special meetings.

#### **b. Notice**

At least 24 hours' notice of special meetings shall be given to the directors, the news media which have requested notice, and the general public. The notice shall state the time, place, and purpose of the meeting.

### **Section 5. Emergency Meetings**

#### **a. Call**

The president of the Board or a majority of the directors may call emergency meetings.

#### **b. Notice**

In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances both to the directors and to the public. The minutes and/or recording for such a meeting shall describe the emergency justifying less than 24 hours' notice. The notice shall state the time, place, and purpose of the meeting.

### **Section 6. Executive Sessions**

The Board of Directors may hold executive sessions during a regular, special, or emergency meeting after the presiding officer has identified the specific provision of the Public Meetings Law that authorizes the executive session.

If an executive session only will be held, notice shall be given to the members of the Board of Directors and to the general public, stating the specific provision of law authorizing the executive session.

### **Section 7. Telephone or Other Electronic Communication**

Any meeting of the Board of Directors, including an executive session, may be held through the use of telephone or other electronic communication, provided it is conducted in accordance with Public Meetings Law and with this ordinance. When telephone or other



electronic means of communication is used and the meeting is not in executive session, the Board of Directors shall make available to the public a place where the public can listen to the communication at the time it occurs. The place provided may be a place where no Board member is present, but said place shall be located within the geographic boundaries of the District.

### **Section 8. Place of Meetings**

All meetings shall be held within the geographic boundaries of the District, and shall be in a place accessible to persons with disabilities. A meeting of the Board of Directors that is held through the use of telephone or other electronic communication shall be deemed held within the geographic boundaries of the District if the place provided for the public to listen to the communication is located within the geographic boundaries of the District. Training sessions may be held outside the geographic boundaries of the District as long as no deliberations towards a decision are involved.

### **Section 9. Conduct of Meetings**

#### ***a. Presiding Officer***

The president, and in the president's absence, the vice president; and in the absence of both, a director selected by the directors present to act as president pro tem, shall preside at meetings of the District directors.

The presiding officer shall be entitled to vote on all matters and may make and second motions and participate in discussion and debate.

#### ***b. Minutes***

The secretary, or a person so designated by the secretary or Board of Directors, shall keep a sound, video or digital recording or prepare written minutes of the District Board meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

1. All members of the Board of Directors who are present at the meeting;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The substance of any discussion on any matter; and
4. Subject to Public Records Law, a reference to any document discussed at the meeting.

If written minutes are kept for a regular meeting, minutes of executive sessions shall be kept the same as the minutes of regular meetings, except that instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording which need not be transcribed unless

otherwise required by law. Material, the disclosure of which is inconsistent with the purpose for which an executive session is authorized to be held, may be excluded from disclosure unless otherwise ordered by the court in any legal action.

The approved written minutes, or the sound, video, or digital recording shall be considered the official record of the Board meeting and shall be retained by the Clerk of the Board in accordance with the Public Meetings Law and Oregon Administrative Rules regarding document retention.

**c. Quorum**

A quorum of Board members is a majority of the Board members, even if a position is vacant or a director is absent. Therefore, four (of seven) Board members are required for a quorum. A quorum is required to hold a public meeting.

**d. Rules**

Roberts' Rules of Order shall be the parliamentary procedure for meetings of the District Board, except when a specific rule is provided by statute or this ordinance, or by a resolution of this Board.

**e. Matters to be considered**

1. At regular meetings and adjourned sessions of regular meetings, the Board of Directors can consider any matters that they desire to consider, whether in the published agenda or not, except that an ordinance can be considered only at a regular meeting or an adjourned session of a regular meeting if consideration of that ordinance appeared in the published agenda for the regular meeting.
2. At special meetings, only those matters that were specified in the notice of the meeting shall be considered.
3. At emergency meetings, only the emergency matters shall be considered.
4. No final action may be taken in executive session; however, a consensus of the Board may be determined.

**Section 10. Notices**

**a. Notices to Directors**

Notice to directors shall be deemed given when sent, via e-mail, to the director's LTD email address.

**b. Public Notice**

All public notices shall be given in one or more newspapers of general circulation within the District, published on the District's website, and in such other and additional manner as the Board of Directors shall from time to time direct.

**c. News Media**

Notice of all meetings must be given to news media which have requested notice.

## **Section 11. Ordinances**

### **a. *Publication of Agenda***

1. Except in an emergency, an ordinance shall not be considered or voted upon by the Board unless the ordinance is included in the published agenda of the meeting. The agenda of a meeting shall state the time, date, and place of the meeting; give a brief description of the ordinance to be considered at the meeting; and state that copies of the ordinance are available at the office of the District.
2. The presiding officer shall cause the agenda to be published not more than ten days nor less than four days before the meeting, in one or more newspapers of general circulation within the District.

### **b. *Adoption***

Except as provided by subsection 3 of this section, before an ordinance is adopted, it shall be read during regular meetings of the District Board on two different days at least six days apart. If the ordinance as initially read is substantially amended prior to adoption, it shall be read as amended during regular meetings of the District Board on two different days at least six days apart, the first of which may be the meeting at which it is amended.

1. The reading of an ordinance shall be full and distinct unless at the meeting:
  - 1.1. A copy of the ordinance is available for each person who desires a copy; and
  - 1.2. The Board directs that the reading be by title only.
2. Except as provided by subsection 3 of this section, the affirmative vote of a majority of the members of the District Board is required to adopt an ordinance.
3. An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular, special, or emergency Board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Board at the meeting, a quorum being present, is required to adopt an emergency ordinance. No emergency ordinance shall be adopted imposing an income tax nor changing the boundaries of the District.

### **c. *Signing and Filing***

1. Within seven days after adoption of an ordinance, the enrolled ordinance shall be:

- 1.1. Signed by the presiding officer;
- 1.2. Attested by the person who served as recording secretary of the District Board at the session at which the Board adopted the ordinance; and
- 1.3. Filed in the records of the District.
2. A certified copy of each ordinance shall be filed with the county clerk, available for public inspection.
3. Within 15 days after adoption of an emergency ordinance, notice of the adoption of the ordinance shall be published in one or more newspapers of general circulation within the District. The notice shall:
  - 3.1. Briefly describe the ordinance;
  - 3.2. State the date when the ordinance was adopted and the effective date of the ordinance; and
  - 3.3. State that a copy is on file at the District office and at the office of the county clerk of the county, available for public inspection.

**d. *Effective Date***

1. Except as provided by subsection 2 of this section, an ordinance shall take effect on the 30<sup>th</sup> day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the voters of the District, it shall not take effect until approved by a majority of those voting on the ordinance.
2. An emergency ordinance may take effect upon adoption.

**e. *Petition to Adopt, Amend, or Repeal an Ordinance***

Any interested person who is a landowner within the District or an elector registered in the District may petition the Board of Directors to adopt, amend, or repeal an ordinance. Any such person may appear at any regular meeting of the Board and shall be given a reasonable opportunity to be heard.

**Section 12. Resolutions and Motions**

- a. All matters, other than legislation coming before the District Board and requiring Board action, shall be handled by resolution or motion. A motion approved by the vote of the majority of all Board members shall have the same force and effect as a resolution.
- b. The affirmative vote of a majority of all Board members (four of seven) is required to pass a motion. Even if only five members attend the meeting, four must vote affirmatively to pass the motion.

**Section 13. Officers**

The Board shall choose from among its members, by majority vote of the members, a president, vice president, treasurer, and secretary to serve for terms of two years. Terms of office shall begin on the first day of January and end on the last day of December in even-numbered years. In case of a vacancy in any office other than by expiration of the officer’s term, the vacancy shall be filled by election by the Board of Directors when the need arises and the newly-elected officer shall take office immediately upon the occurrence of such vacancy to fill the balance of the unexpired term.

**Section 14. Committees**

The president, on the president’s own motion, or the directors by majority vote, may appoint committees to make investigations, to study problems, and to make recommendations to the Board of Directors. A committee that reports directly to the Board is a “Board subcommittee” or a “community advisory committee.” Board subcommittees only include directors. Community advisory committees may include persons who are not directors. The appointment shall include a designation of a president of the committee. All provisions of this ordinance shall apply to committees and their meetings to the extent relevant, substituting “committee” for “Board of Directors,” and “committee members” for “directors.”

Two or more committees may meet jointly so long as a quorum of the Board of Directors is not present, unless the required notice for a Board meeting has been given. Although two or more committees may meet jointly, separate minutes or recordings and separate votes must be taken for each committee.

**Section 15. General Manager**

The general manager shall attend all Board meetings and may participate in such meetings, but has no vote. The Board of Directors may appoint a general manager pro tempore during the absence or disability of the general manager.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
President and Presiding Officer

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Recording Secretary

**Board of Directors**  
**Ethics and Conflicts of Interest Policy**

As a member of the Lane Transit District Board of Directors (the “Board”), I recognize that I owe a fiduciary duty of loyalty to Lane Transit District (“LTD”). This duty requires me to avoid conflicts of interest and to act at all times in the best interest of LTD. The purpose of the Ethics and Conflicts of Interest Policy is to:

1. Assist the Board in understanding the enumerated powers of LTD;
2. Inform the Board about what constitutes a conflict of interest;
3. Assist the Board in identifying and disclosing actual and potential conflicts;
4. Inform the Board about the use of office prohibition; and
5. Assist the Board in understanding the rules regarding acceptance of gifts.

LTD Board members are public officials and, as such, are subject to Oregon’s Government Ethics Law, found in Oregon Revised Statutes Chapter 244 and Oregon Administrative Rules Chapter 199. For any projects that are federally funded through the Federal Transit Administration (“FTA”), LTD Board members are also subject to the conflict of interest provisions of FTA Circular 4220.1F. Pertinent laws and rules are summarized below.

**A. The Enumerated Powers of a Mass Transit District**

LTD is a mass transit district and a special district. Special districts are created by the Legislature, and thus do not have broad or inherent general powers (like counties and cities). As a mass transit special district, LTD only has those powers enumerated in statute, which generally are:

1. Have and use a seal; sue and be sued;
2. Acquire real or personal property within the District boundaries for the purpose of providing or operating a mass transit system;
3. Contract for the construction, acquisition, purchase, lease, preservation, improvement, operation or maintenance of any mass transit system;
4. Build, construct, purchase, lease, improve, operate and maintain all improvements, facilities or equipment necessary or desirable for the mass transit system of the District;
5. Enter into contracts and employ agents, engineers, attorneys and other persons;
6. Fix and collect charges for the use of the transit system and other district facilities;
7. Construct, acquire, maintain and operate and lease, rent and dispose of passenger terminal facilities, motor vehicle parking facilities and other facilities for the purpose of encouraging use of the mass transit system within the District;

8. Enter into contracts or intergovernmental agreements to act jointly or in cooperation to provide mass transit services to areas, provided the party contracting to receive the services shall pay to the mass transit district not less than the proportionate share of the cost of the services that the benefits to the contracting party bear to the total benefits of the service;
9. Conduct programs and events and other actions for the purpose of maintaining employee relations;
10. Improve, construct and maintain bridges over navigable streams; and
11. Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a District herein.

**B. Conflicts of Interest When Federal Funds May Be Involved**

Board members are prohibited from participating in the selection, award, or administration of a contract supported with assistance from the Federal Transit Administration if a conflict of interest, real or apparent, would be involved. Such a conflict arises when:

1. The Board member;
2. Any member of the Board member's immediate family;
3. The Board member's partner; or
4. The Board member's employer or prospective employer

has a financial or other interest in the entity awarded a contract with LTD. When a conflict of interest, real or apparent, arises, you are prohibited from participating in the selection, award, or administration of the contract.

“Immediate family member” is not defined in the FTA Circular, but should be given its common meaning, which likely includes a “spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law.”

**C. Conflicts of Interest Under Oregon Law (Applies All the Time)**

An *actual/potential* conflict of interest means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which *would/could* be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated.

“Relative” means the following:

- a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official;
- b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-

law of the *spouse* of the public official; or

- c) Any individual for whom the public official has a legal support obligation or provides benefits arising from the public official's public employment, or from whom the public official receives benefits arising from that individual's employment.

"Business with which the person is associated" means the following:

- a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent;
- b) Any private business or closely held corporation of which the person or the person's relative owns or has owned stock, or another form of equity interest, \$1,000 or more at any point in the preceding year; or
- c) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest at any point in the preceding calendar year.

#### **D. What If I Have a Conflict?**

1. Potential Conflict. If you are met with a **potential** conflict of interest, you must publicly announce the nature of the conflict before participating in any official action on the issue giving rise to the conflict of interest. Following the public announcement, you may participate in official action on that issue **unless** federal funds are or may be involved. If federal funds are or may be involved, you must refrain from further participation, even in the instance of a potential or apparent conflict. Even if the Board member's vote is necessary to meet the minimum number of votes required for official action, the Board member must refrain from participation if federal funds are involved.
2. Actual Conflict. If you are met with an **actual** conflict of interest, you must publicly announce the nature of the conflict. Following the public announcement, you must refrain from further participation in official action on the issue that gave rise to the conflict of interest.

In very limited circumstances, and only when federal funds are **not** involved, you may be able to vote despite an actual conflict of interest. This exception only applies when a Board member's vote is necessary to meet the minimum number of votes required for official action. In this circumstance, you must make the announcement and refrain from any discussion, but may participate in the vote required for official action by the Board. This provision does **not** apply in situations where there are insufficient votes because of a member's absence when the Board is convened. Rather, it applies in circumstances when all Board members are present and the number of members who must refrain due to actual



conflicts of interest make it impossible for the Board to take official action.

When there is a conflict between federal law and Oregon law, the stricter standard shall apply.

**E. Disclosure Requirements**

All actual and potential conflicts of interest shall be disclosed by Board members to the General Manager through the annual Disclosure Form and to the Board whenever a conflict of interest arises. On an annual basis, all Board members shall be provided with a copy of this policy and are required to complete and sign the Acknowledgment and Disclosure Form, below.

Under Oregon law, LTD Board members are required to file with the Oregon Government Ethics Commission a verified statement of economic interest (“SEI”) on or before April 15 of each year. If needed, additional information regarding the SEI can be obtained from the Clerk of the Board, or from the Oregon Government Ethics Commission.

**F. Use of Office Prohibition**

Generally, a Board member may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the Board member, a relative or member of the household of the Board member, or any business with which the Board member, relative or a member of the household is associated, if the financial gain or avoidance of financial debt would not otherwise be available but for the Board member’s holding of official position.

The following are exceptions to the use of office prohibition:

1. Any part of an official compensation package;
2. Receipt of an honorarium;
3. An unsolicited award for professional achievement; and
4. Permitted gifts / items expressly excluded from the definition of “gift.”

**G. Gifts**

Under Oregon law, a Board member, or a relative, or a member of your household, may not solicit or receive, directly or indirectly, any **gift** or gifts with an aggregate value in excess of **\$50** from any single source that could reasonably be known to have a **legislative or administrative interest**.

1. What is a “Gift”? A “gift” is something of economic value given to a Board member, a relative, or a member of the household that is: (1) free or discounted; and (2) not offered on the same terms to others who are not public officials, or relatives or members of a public official’s household.
2. What is NOT a “Gift”? Under Oregon law, and in pertinent part only, the following are excluded from the definition of gift:
  - a. Gifts from relatives or members of the Board member’s household;

- b. An unsolicited token or award of appreciation with a resale value less than \$25;
  - c. Admission provided to or the cost of food or beverage consumed by a Board member, relative, or member of the household accompanying the Board member at a reception, meal, or meeting held by an organization when the Board member is representing LTD;
  - d. Entertainment provided to a Board member, relative, or member of the household that is incidental to the main purpose of another event.
3. Legislative or Administrative Interest. Under Oregon law, the receipt of gifts must be analyzed when the source has a “legislative or administrative interest” in the Board member. A source has a “legislative or administrative” interest in a Board member when the source has:
- a. An economic interest, distinct from that of the general public; and
  - b. In any matter that is or would be subject to the decision or vote of a Board member.

Under federal law, a personal conflict of interest arises when a Board member solicits or accepts gifts, gratuities, favors or anything of monetary value from a contractor, potential contractor, or party to a sub-agreement. However, federal law allows the acceptance of gifts where the financial interest is “not substantial” or the gift is an “unsolicited item of intrinsic value.” Therefore, by following Oregon’s \$50 gift limit, Board members will comply with the requirements under federal law.

#### **H. Financial Interest in Public Contract**

Under Oregon law, a Board member who ceases to hold a position as a public official may not have a “direct beneficial financial interest” in a public contract for two years after the date the contract was “authorized.”

A contract is “authorized” by a Board member if the Board member performed a significant role in the selection process of a contractor or the execution of the contract. A “significant role” can include recommending approval or signing of the contract, including serving on a selection committee or team, or having the final authorizing authority for the contract.

This law is most relevant in the following scenario. A former Board member becomes employed by Company. Company has a public contract with LTD. Board member is prohibited from working on the contract with LTD for two years from the date the contract was authorized.

**I. Penalties**

The Oregon Government Ethics Commission has jurisdiction to investigate alleged violations of the Oregon Government Ethics Laws. After an investigation, if the Commission finds that a violation occurs, it may impose sanctions that include, but are not limited to, letters of reprimand or civil penalties (of up to \$10,000). Any financial gain that a public official realized from a violation of Oregon Government Ethics Laws is subject to a forfeiture of twice the gain.

**Conflicts of Interest Acknowledgment and Disclosure Form**

I have read the Conflicts of Interest Policy set forth above and agree to comply fully with its terms and conditions at all times during my service as an LTD Board member. If at any time following the submission of this form I become aware of any actual or potential conflicts of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify the LTD Board of Directors and the General Manager in writing.

*Please answer the questions below by circling 'Yes' or 'No'. Some of these questions may seem repetitive. Please answer each question. If you circle 'Yes' an explanation is required.*

1. Do **you** have a financial, or any other, interest in an entity that could be, or has been, awarded a contract with LTD?

NO                      YES (Explain)                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Does any **member of your immediate family** have a financial, or any other, interest in an entity that could be, or has been, awarded a contract with LTD?  
a. A "member of your immediate family" means your spouse, parent, stepparent, child, sibling, son-in-law or daughter-in-law.

NO                      YES (Explain)                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does **your partner** have a financial, or any other, interest in an entity that could be, or has been, awarded a contract with LTD?

NO                      YES (Explain)                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Does **your current or prospective employer** have a financial, or any other, interest in an entity that could be, or has been, awarded a contract with LTD?

NO                      YES (Explain)                      \_\_\_\_\_

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5. Are there any businesses with which **you** are associated?

NO            YES (Explain)            \_\_\_\_\_

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6. Do you know of any circumstance in which **you** could receive a financial benefit or detriment from an action **you** may undertake in your capacity as a Board member?

NO            YES (Explain)            \_\_\_\_\_

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7. Do you know of any circumstance in which a **business with which you are associated** could receive a financial benefit or detriment from an action **you** may undertake in your capacity as a Board member?

NO            YES (Explain)            \_\_\_\_\_

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8. Are there any businesses with which **your relative** is associated?  
a. Please refer to Section B, page 2 of the Policy for the definition of "relative."

NO            YES (Explain)            \_\_\_\_\_

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9. Do you know of any circumstance in which **your relative** could receive a financial benefit or detriment from an action **you** may undertake in your capacity as a Board member?

NO                      YES (Explain)                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Do you know of any circumstance in which a **business with which your relative is associated** could receive a financial benefit or detriment from an action **you** may undertake in your capacity as a Board member?

NO                      YES (Explain)                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Are there any other actual or potential conflicts of interest to disclose?

NO                      YES (Explain)                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In my individual capacity:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_



Lane Transit District  
P. O. Box 7070  
Springfield, Oregon 97401

(541) 682-6100  
Fax: (541) 682-6111

LTD RESOLUTION NO. 2017-03-15-011

A RESOLUTION ESTABLISHING PUBLIC CONTRACTING POLICIES

WHEREAS, the LTD Board of Directors acts as the LTD Contract Review Board;

WHEREAS, the LTD Board of Directors, acting as the LTD Contract Review Board, may adopt rules by Resolution; and

WHEREAS, the LTD Contract Review Board desires to establish: (1) levels of contracting authority for the General Manager; (2) public contracting policies; (3) approval policies for Real Property Agreements and Intergovernmental Agreements; and (4) levels of review for non-standard procurements.

NOW, THEREFORE, BE IT RESOLVED that the LTD Board of Directors, acting as the LTD Contract Review Board, passes a Resolution as follows:

Effective April 1, 2017:

1. Levels of Contracting Authority. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate and execute procurements and contracts which do not exceed \$149,999.
2. Routine Annual Procurements. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate, and execute routine annual procurements and contracts, regardless of amount, for operational goods and services including but not limited to diesel, fuel, gasoline, engine oil and lubricants, tires, bus batteries, bus and facilities parts, printing, and facilities maintenance.
3. Contract Amendments and Change Orders. For those contracts authorized by the LTD Board of Directors, the LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute contract amendments and change orders as may be necessary. Individual or cumulative contract amendments and change orders cannot exceed the lesser of \$150,000 or ten-percent (10%) of the initial contract.
4. Contract Documents. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute all

LTD BOARD MEETING  
[03/15/17] HANDOUT

contract documents including purchase orders, blanket purchase orders, contracts, contract amendments, and change orders after any necessary authorization by the Board of Directors.

5. Budget and Policies. All authority delegated herein shall be exercised consistent with the adopted LTD budget and established policies and approved projects of LTD.
6. Intergovernmental Agreements. Subject to the limits set forth in Paragraphs 1 and 2, Intergovernmental Agreements shall be presented to the Board of Directors prior to entering into. "Intergovernmental Agreements" shall include any contract between governmental entities that is not a Real Property Agreement.
7. Real Property Agreements. Real Property Agreements shall be presented to the Board of Directors prior to entering into. "Real Property Agreements" shall include:
  - a. Agreements for the sale or purchase of real property;
  - b. Agreements for the granting of an easement or other encumbrance on real property; and
  - c. Lease agreements that exceed those limits set forth in Paragraphs 1 and 2, or that have a lease term of ten years or more.
8. Levels of Review for Non-Standard Procurements. The Procurement Manager and General Manager must approve, in writing, any non-standard procurement before it is solicited and/or published. "Non-standard procurement" is intended to include procurements other than Invitations for Bid and Requests for Proposals solicited using full and open competition. Micro-purchases and small procurements shall be excluded from this definition of "non-standard procurements."
9. Contracting Actions Requiring Board Authorization. For those contracts authorized by the LTD Board of Directors, the Board shall do the following concurrent with contract award:
  - a. Identify the "Project Closeout Team" for the project, such team being responsible for ensuring project milestones (substantial completion, final completion, acceptance) are met in accordance with the contract terms;
  - b. Authorize the payment plan for the contract; and
  - c. Identify the reporting, if any, the Board expects to receive on the project.
10. Delegated Authority Report. A report regarding the General Manager's delegated authority, pursuant to Paragraphs 1 and 2 of this Resolution, shall be presented to the Board of Directors at its monthly meeting in the form of a report in a format satisfactory to the Board. The report shall include all routine annual procurements that exceed \$10,000 and all other contracting actions that exceed \$10,000 but are below \$150,000. The report will be approved by the Board in the consent agenda portion of its meeting.



11. Delegation. The General Manager may delegate in writing any of the authorities granted under this Resolution; provided, however, any such authority delegated to staff shall not exceed the authority delegated herein to the General Manager.

3/15/2017  
Date

  
President LTD Board of Directors



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## **Board Travel, Meetings and Miscellaneous Expense Reimbursement**

### **101. PURPOSE**

The purpose of this policy is to establish procedures relative to travel, meetings and miscellaneous expense reimbursement for the members of the Board of Directors of Lane Transit District in the performance of their duties; to define authorizations required to incur such expenses; and to ensure uniform and fair payment of expenses.

### **102. APPLICABILITY**

This policy applies to members of the Board of Directors only.

### **103. DEFINITIONS**

“Board” shall mean the Board of Directors of Lane Transit District.

“Board Meeting” shall mean any official meeting of the Board, any committee meeting of the Board, or any meeting related to District Business.

“Director[s]” shall mean a member of the Board.

“District” or “LTD” shall mean Lane Transit District.

“District Business” shall mean activities related to the business of LTD or the operation of a mass transit district generally.

“Meeting” shall mean any Board meeting, District meeting, conference, seminar, committee meeting or gathering related to District Business.

“Personal Business” shall mean activities that are personal in nature and not related to District Business.

“Incidental Expense” shall mean any fee or tip given to a porter, bellhop, skycap, hotel maid, taxi cab driver, Uber or Lyft driver, valet, or any similar person.

“Travel Documentation” shall mean any receipt, paid bill or written document related to an expense, including an email, text, fax, log, or any other digital or written format that provides a record of the expense.

### **104. TRAVEL AUTHORIZATION AND APPROVAL**

**Out-of-District Travel.** All out-of-district travel for Directors to attend a Meeting at District expense, shall be approved by action of the Board, prior to incurring such expense. In unusual or emergency circumstances, if prior Board approval is not possible, the Board President may approve out-of-district travel for Directors. In such unusual or emergency situations, the travel authorization shall be presented to the Board of Directors for ratification at its next scheduled Board meeting. If a Director is assigned to a committee, then attendance at those committee meetings shall not require prior approval of the Board. For periodic out-of-District Meetings, which occur several times per year, the Board may approve attendance at such Meetings annually. It is recommended that the Clerk of the Board keep authorizations on file.

**In-District Travel.** Each Director is authorized to travel at the District's expense, within the District, when, in his/her judgment, such travel is required for District Business. Expenses for Personal Business, meals, and lodging are not reimbursable for in-district travel. Directors are entitled to receive reimbursement for actual, reasonable, and necessary expenses incurred in the performance of District Business (e.g., personal vehicle mileage reimbursement, parking fees, etc.).

## 105. PERSONAL EXPENSES

The District shall not reimburse for any travel associated with Personal Business. If a Director attends a Meeting for which reimbursement is claimed that also includes Personal Business, the Director shall only seek reimbursement for the expenses associated with District Business.

## 106. MEALS

**Advancement for Meals.** Unless a Director requests otherwise, the District shall advance money to a Director for out-of-district meal and incidental expenses at a rate equal to the maximum federal per diem and incidental expenses rate established by the Internal Revenue Service (IRS) and the U.S. General Services Administration (GSA) for travel within the continental United States, outside the continental United States, and foreign rates as published by the United States Government, or \$50 per day if the rate is unpublished. Per diem rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). Advancements for the first and last day actual out-of-district travel shall be based on the Meals and Incidental Expenses (M&IE) Breakdown as published on the GSA website at the rate published for the First and Last Day of Travel.

After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental Expenses are reimbursable if reasonable and documented.

Expenditures for alcohol shall not be reimbursed.

## 107. LODGING

**Commercial Lodging Expenses.** Directors are entitled to receive reimbursement for actual, reasonable, and necessary out-of-district lodging expenses incurred in the performance of District Business. All efforts should be made to obtain reasonable lodging rates as appropriate for the nature of the District Business. Unless a Director requests otherwise, the District shall advance money to a Director for out-of-district lodging equal to the maximum federal per diem established by the Internal Revenue Service (IRS) and the U.S. General Services Administration (GSA) for travel within the continental United States, outside the continental United States, and foreign rates as published by the United States Government, or \$200 per day if the rate is unpublished. Per diem rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental Expenses are reimbursable if reasonable and documented.

## 108. TRANSPORTATION

**Airfare.** Airfare shall be reimbursed based on the value of the applicable round-trip coach airfare from EUG to the proposed destination.

**Use of Rented Vehicle.** Except as otherwise provided by law, Directors are entitled to receive reimbursement for actual, reasonable, and necessary out-of-district rented vehicle expenses incurred in the performance of District Business.

**Private Vehicle Mileage Reimbursement.** Directors are entitled to receive reimbursement for actual, reasonable, and necessary private vehicle mileage reimbursement (in-district or out-of-district) incurred in the performance of District Business. Directors shall maintain a log, kept contemporaneously, which lists the date, purpose of travel and the number of miles driven for District Business. The Director shall submit the log to the Clerk of the Board for reimbursement. Directors will be reimbursed based on the Internal Revenue Service *Business Standard Mileage Rate*. Parking fees and tolls may be reimbursed, in addition to the *Standard Mileage Rate*.

## 109. BOOKING TRAVEL

The Board is encouraged to use the Clerk of the Board to arrange bookings of all out-of-District travel and lodging. The District shall advance the cost of such travel and lodging. However, Directors are allowed to book their own travel, but will be reimbursed at the standard or economy rate, similar to what other Directors or employees going to the same Meeting paid for similar arrangements. After travel is completed, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental Expenses are reimbursable if reasonable and documented.

## 110. TRAVEL DOCUMENTATION

**Record of Expenses and Revenues.** The District shall maintain a record of all travel expenses paid by the District in its financial records.



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## Board Use of District Resources

### 1. PURPOSE

This Board Use of District Resources Policy (the “Policy”) establishes a standard for individual Board members to request the use of District Resources.

### 2. APPLICABILITY

This Policy applies to members of the Lane Transit District (“LTD”) Board of Directors (the “Board”).

### 3. DEFINITIONS

“**Director[s]**” shall mean a member of the Board.

“**District Resources**” shall mean personnel, material, equipment or assets under the District’s control or ownership.

“**Financial Impact**” shall mean an expense to the District aside from staff time.

### 4. INCIDENTAL REQUESTS FOR USE OF DISTRICT RESOURCES

Individual Directors may direct the General Manager to use District Resources to fulfill a Director’s request for information or services, subject to the limitations set forth in Section 5.

### 5. LARGER REQUESTS FOR USE OF DISTRICT RESOURCES

A Director’s request for the use of District Resources that either exceeds three (3) hours of staff time or has a Financial Impact to the District that exceeds fifty (\$50) dollars shall be submitted to the Board President for inclusion at the next regularly scheduled Board of Directors’ meeting. A Director shall be provided with a sufficient explanation regarding the computation of staff time. Such a larger request as described in this section will be fulfilled upon the affirmative vote of a majority of the Board.

### 6. INFORMATION AND RESOURCES TO THE BOARD OF DIRECTORS

Any information or resources provided to a Director pursuant to this Policy shall also be provided to the entire LTD Board.



**RESOLUTION NO. 2019-10-22-058**

**ADOPTION OF THE BOARD USE OF DISTRICT RESOURCES POLICY**

**WHEREAS**, the Lane Transit District ("District") Board of Directors ("Board") may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, the Board has established a Policy providing procedures for the Board's use of District resources;

**WHEREAS**, individual Directors may direct the General Manager to use District Resources to fulfill a Director's request for information or services;

**WHEREAS**, larger requests for the use of District Resources that either exceeds three (3) hours of staff time shall be submitted to the Board President for inclusion at the next regularly scheduled Board of Directors' meeting;

**WHEREAS**, larger requests for the use of District Resources that has a Financial Impact to the District that exceeds fifty (\$50) dollars shall be submitted to the Board President for inclusion at the next regularly scheduled Board of Directors' meeting;

**WHEREAS**, financial impact shall mean an expense to the District aside from staff time;

**WHEREAS**, requests meeting the larger request criteria will be fulfilled upon the affirmative vote of a majority of the Board; and,

**WHEREAS**, the requesting Director shall be provided an explanation regarding the computation of staff time.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

Adopt the Board Use of District Resources Policy.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 22<sup>nd</sup> DAY OF OCTOBER, 2019.

A handwritten signature in blue ink that reads 'Carl Yeh'. The signature is written in a cursive style.

\_\_\_\_\_  
Board President, Carl Yeh



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## **Board Travel, Meetings and Miscellaneous Expense Reimbursement**

### **101. PURPOSE**

The purpose of this policy is to establish procedures relative to travel, meetings and miscellaneous expense reimbursement for the members of the Board of Directors of Lane Transit District in the performance of their duties; to define authorizations required to incur such expenses; and to ensure uniform and fair payment of expenses.

### **102. APPLICABILITY**

This policy applies to members of the Board of Directors only.

### **103. DEFINITIONS**

“Board” shall mean the Board of Directors of Lane Transit District.

“Board Meeting” shall mean any official meeting of the Board, any committee meeting of the Board, or any meeting related to District Business.

“Director[s]” shall mean a member of the Board.

“District” or “LTD” shall mean Lane Transit District.

“District Business” shall mean activities related to the business of LTD or the operation of a mass transit district generally.

“Meeting” shall mean any Board meeting, District meeting, conference, seminar, committee meeting or gathering related to District business.

“Personal Business” shall mean activities that are personal in nature and not related to District business.

“Incidental Expense” shall mean any fee or tip given to a porter, bellhop, skycap, hotel maid, taxi cab driver, Uber or Lyft driver, valet, or any similar person.

“Travel Documentation” shall mean any receipt, paid bill or written document related to an expense, including an email, text, fax, log, or any other digital or written format that provides a record of the expense.

### **104. TRAVEL AUTHORIZATION AND APPROVAL**

**Out-of-District Travel.** All out-of-District travel for Directors to attend a meeting at the District’s expense, shall be approved by action of the Board, prior to incurring such expense. In unusual or emergency circumstances, if prior Board approval is not possible, the Board President may approve out-of-District travel for Directors. In such unusual or emergency situations, the travel authorization shall be presented to the Board of Directors for ratification at its next scheduled Board meeting. If a Director is assigned to a committee, then attendance at those committee meetings shall not require prior approval of the Board. For periodic out-of-District meetings, which occur several times per year, the Board may approve attendance at such meetings annually. It is recommended that the Clerk of the Board keep authorizations on file.

**In-District Travel.** Each Director is authorized to travel at the District's expense, within the District, when, in his/her judgment, such travel is required for District business. Expenses for personal business, meals, and lodging are not reimbursable for in-District travel. Directors are entitled to receive reimbursement for actual, reasonable, and necessary expenses incurred in the performance of District business (e.g., personal vehicle mileage reimbursement, parking fees, etc.).

## 105. PERSONAL EXPENSES

The District shall not reimburse for any travel associated with personal business. If a Director attends a meeting for which reimbursement is claimed that also includes personal business, the Director shall only seek reimbursement for the expenses associated with District business.

## 106. MEALS

**Advancement for Meals.** Unless a Director requests otherwise, the District shall advance money to a Director for out-of-District meal and incidental expenses at a rate equal to the maximum federal per diem and incidental expenses rate established by the Internal Revenue Service (IRS) and the U.S. General Services Administration (GSA) for travel within the continental United States, outside the continental United States, and foreign rates as published by the United States Government, or \$50 per day if the rate is unpublished. Per diem rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). Advancements for the first and last day actual out-of-District travel shall be based on the meals and incidental expenses (M&IE) breakdown as published on the GSA website at the rate published for the first and last day of travel.

After travel, the Director shall submit to the Clerk of the Board travel documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental expenses are reimbursable if reasonable and documented.

Expenditures for alcohol shall not be reimbursed.

## 107. LODGING

**Commercial Lodging Expenses.** Directors are entitled to receive reimbursement for actual, reasonable, and necessary out-of-District lodging expenses incurred in the performance of District business. All efforts should be made to obtain reasonable lodging rates as appropriate for the nature of the District business. Unless a Director requests otherwise, the District shall advance money to a Director for out-of-District lodging equal to the maximum federal per diem established by the Internal Revenue Service (IRS) and the U.S. General Services Administration (GSA) for travel within the continental United States, outside the continental United States, and foreign rates as published by the United States Government, or \$200 per day if the rate is unpublished. Per diem rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

After travel, the Director shall submit to the Clerk of the Board travel documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental expenses are reimbursable if reasonable and documented.



## 108. TRANSPORTATION

**Airfare.** Airfare shall be reimbursed based on the value of the applicable round-trip coach airfare from EUG to the proposed destination.

**Use of Rented Vehicle.** Except as otherwise provided by law, Directors are entitled to receive reimbursement for actual, reasonable, and necessary out-of-District rented vehicle expenses incurred in the performance of District business.

**Private Vehicle Mileage Reimbursement.** Directors are entitled to receive reimbursement for actual, reasonable, and necessary private vehicle mileage reimbursement (in-District or out-of-District) incurred in the performance of District business. Directors shall maintain a log, kept contemporaneously, which lists the date, purpose of travel and the number of miles driven for District Business. The Director shall submit the log to the Clerk of the Board for reimbursement. Directors will be reimbursed based on the Internal Revenue Service *Business Standard Mileage Rate*. Parking fees and tolls may be reimbursed, in addition to the *Standard Mileage Rate*.

## 109. BOOKING TRAVEL

The Board is encouraged to use the Clerk of the Board to arrange bookings of all out-of-District travel and lodging. The District shall advance the cost of such travel and lodging. However, Directors are allowed to book their own travel, but will be reimbursed at the standard or economy rate, similar to what other Directors or employees going to the same Meeting paid for similar arrangements. After travel is completed, the Director shall submit to the Clerk of the Board travel documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly, but in no event later than the end of the fiscal year. Incidental Expenses are reimbursable if reasonable and documented.

## 110. TRAVEL DOCUMENTATION

**Record of Expenses and Revenues.** The District shall maintain a record of all travel expenses paid by the District in its financial records.



**RESOLUTION NO. 2019-03-20-015**

**ADOPTION OF THE BOARD TRAVEL AND REIMBURSEMENT POLICY**

**WHEREAS**, the LTD Board of Directors may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, at the November 2018 Board of Directors' meeting, the Board requested the drafting of a Board Travel and Expense Reimbursement Policy;

**WHEREAS**, the Board of Directors provided input on the draft Board Travel and Expense Reimbursement Policy at the January and February 2019 Board of Directors' meeting; and

**WHEREAS**, the Board Travel and Expense Reimbursement Policy included in the March Board of Directors' meeting packet reflects the Board's input.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

Adopt the Board Travel and Reimbursement Policy effective retroactively to June 30, 2018.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 20<sup>th</sup> DAY OF MARCH, 2019.

A handwritten signature in cursive script that reads 'Carl Yeh'.

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Board President, Carl Yeh

## Board Policy and Procedures Prohibiting Harassment, Discrimination and Retaliation

**Policy statement:** Lane Transit District (LTD) and the LTD Board of Directors are committed to providing and maintaining a work environment that is free from discrimination, harassment, workplace bullying, and retaliation. These procedural rules outline types of prohibited conduct and procedures for reporting and investigating prohibited conduct involving the LTD Board of Directors.

**Applicability:** These rules apply to members of the LTD Board of Directors only. LTD shall make this policy available to all LTD employees and members of the LTD Board of Directors.

**Authority:** The authority for these rules includes ORS 267.540 (4); 174.100; 243.319; ORS chapter 659A; Title VII of the Civil Rights Act; The Age Discrimination in Employment Act; The Americans with Disabilities Act; The Rehabilitation Act; and accompanying rules and regulations.

### Section 1: Definitions

#### 1) Constructive knowledge

“Constructive knowledge” is knowledge that a supervisor, manager<sup>1</sup> or Director is presumed to have with the exercise of reasonable care.

#### 2) Director

“Director” means a member of the LTD Board of Directors

#### 3) Discrimination

“Discrimination” means treating an employee or another Director negatively or less favorably based on a protected class in a manner that results in harm to the employee or Director. Legitimate, nondiscriminatory reasons for different treatment of an employee or Director that are not based on a protected class do not violate these rules, unless the treatment otherwise constitutes workplace bullying.

#### 4) Employee

“Employee” means an individual hired by LTD to perform work, under the supervision and control of LTD, in exchange for an hourly wage or salary. For purpose of these rules, volunteers, interns, and similar unpaid workers shall also be considered employees. Employee does not include independent contractors.

#### 5) Gender Identity and Gender Expression

- (a) **Gender identity** is the personal sense of one’s own gender. One’s present gender identity may be the same or different from the sex assigned at birth. Gender identity may be expressed or described as cisgender (i.e., male, female), transgender, gender fluid, gender neutral, and by other terms or phrases indicating a gender identity other

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<sup>1</sup> As used herein, “supervisor or manager” includes LTD managers, supervisors, department directors, the Assistant General Manager and the General Manager.

than the binary male or female. Gender identity does not imply any specific sexual orientation.

- (b) **Gender expression** refers to the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

## 6) Harassment

“Harassment” is unwelcome verbal, nonverbal, or physical conduct, based on a person's protected class, that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating or offensive working environment. Protection against harassment extends to the person harassed, as well as other people affected by the offensive conduct.

Harassment includes Sexual Harassment (defined below), as well as other forms of protected class harassment. Examples of conduct based on protected class status that is prohibited by this policy, regardless of whether sexual or non-sexual in nature, include:

- (a) Unwelcome intentional touching of another person or other unwanted intentional physical contact (including patting, pinching, rubbing, brushing against, etc.).
- (b) Unwelcome questions or comments about another person's sexual activities, dating, personal or intimate relationships, appearance, race, religion, age, disability, or any other category protected by law.
- (c) Unwelcome whistling, staring, or leering at another person. Unwelcome sexually suggestive or flirtatious gifts, letters, notes, e-mail, text messages or other form of instant messaging, or voice mail. Unwelcome sexual advances or flirtations.
- (d) Conduct or remarks that are sexually suggestive or that otherwise demean or demonstrate hostility toward another person (regardless of whether sexual in nature) for any protected class reason (e.g., jokes, taunts, negative stereotyping, and threats).
- (e) Displaying or circulating pictures, objects, or written materials (e.g., graffiti, cartoons, photographs, pinups, calendars, magazines, figurines, etc.) that are sexually suggestive, demeaning, or otherwise demonstrate hostility toward another person (regardless of whether sexual in nature) for any protected class reason.
- (f) Slandering, libeling, ridiculing, maligning or spreading similarly negative and derogatory information about a person or that person's family or spreading rumors and gossip about individuals.
- (g) Expressing or communicating sentiments of hate towards a person or protected class group of people or that is intended to disparage, demean or denigrate another person or group of people based on their protected class.
- (h) Any other unwelcome gestures, symbols, comments, name-calling or behavior that is directed towards another person, relates to another person, or that negatively impacts another employee's or Director's ability to work productively and efficiently.

Although this policy provides examples of possible harassment type behaviors, it is not intended to be a complete list.

## 7) Nondisclosure, Non-Disparagement and No-Rehire Agreements

- (a) A “*nondisclosure agreement*” is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, retaliation or sexual assault.
- (b) A “*non-disparagement agreement*” is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the company.
- (c) A “*no-rehire provision*” is an agreement that prohibits an employee from seeking reemployment with the company and allows a company to not rehire or re-associate with that individual in the future.

## 8) Preponderance of Evidence

A “preponderance of evidence” is sufficient evidence to convince a fact finder or investigator that it is more likely than not that a violation occurred, and, therefore, that the allegation is substantiated.

## 9) Protected Class

“Protected class” means a class protected by federal law, ORS chapter 659A, and any other state or local law designating protections for an identified group of persons or demographic, and includes race, color, national origin, religion, gender, gender identity (including gender expression), sex, sexual orientation, pregnancy, age, disability, injured worker status, family leave status, protected medical or veterans’ leave, marital status, familial status, veteran’s status, genetic information or history, opposition to unlawful employment practices, good faith reports of safety violations, good faith reports of harassment, discrimination or retaliation, whistleblower, or any other status not listed here but protected by local, state or federal law.

## 10) Retaliation

“Retaliation” occurs when there appears to be a causal connection between a report of prohibited conduct under Section 2 and subsequent adverse treatment that is reasonably likely to deter future reports, participation in an investigation into the alleged conduct, testimony regarding the alleged conduct (regardless of forum), or other related or protected conduct in the future. Retaliation may take the form of overt, direct, or indirect acts or adverse treatment towards an individual that serves to punish, demean, discredit, intimidate, or otherwise harm an individual because of reporting prohibited conduct, participating in an investigation into prohibited conduct, or testifying about prohibited conduct.

## 11) Sexual Assault

A “sexual assault” is unwanted conduct of a sexual nature that is inflicted upon a person or compelled using physical force, manipulation, threat, or intimidation.

## **12) Sexual Harassment**

Sexual harassment is a form of workplace harassment and includes, but is not limited to, the following types of conduct:

- (a) Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when such conduct is directed toward an individual because of that individual's sex, sexual orientation, gender or gender identity and submission to such conduct is made either explicitly or implicitly a term or condition of employment or board-related activity; or submission to or rejection of such conduct is used as the basis for employment or board related decisions affecting that individual.
- (b) Unwelcome verbal, non-verbal or physical conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating or offensive working environment.

## **13) Sexual Orientation**

"Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, other sexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

## **14) Violence**

"Violence" includes physically harming another person, shoving, pushing, hitting, intimidating, coercing, brandishing weapons, using weapons to inflict harm, throwing objects at another person, etc., and threatening or talking of engaging in those activities.

## **15) Workplace and Workplace Conduct**

"Workplace" includes work-related settings outside the workplace, including board meetings (including in person, telephonic, virtual, etc.), other job sites, business trips, business meetings, business-related social events, and company-sponsored events.

## **16) Workplace Bullying**

"Workplace bullying" is behavior or conduct that, while not necessarily based on a protected class, is nevertheless so severe or pervasive that it would offend a reasonable person in the workplace or unreasonably interferes with work performance or creates a hostile or intimidating working environment.

Severe or pervasive behavior that may, in some circumstances, rise to the level of bullying under this policy includes but is not limited to:

- (a) Conduct that intentionally embarrasses, humiliates, offends, or degrades another person.
- (b) Shouting or yelling at a person in anger or frustration or otherwise behaving in a manner that a reasonable person would consider unreasonably confrontational or disruptive in a public or private setting.

- (c) Personal attacks, negative or derogatory name-calling, and abusive language of any kind.
- (d) Disparaging or denigrating another person to others with the purpose or effect of diminishing that person's reputation or credibility with management, other employees or Directors or encouraging others to avoid, ignore or isolate an employee or Director.
- (e) Repeated and frequent complaints about an employee or Director that are determined to be unsubstantiated, false, misleading, or consistently relating to minor annoyances, or disagreements or issues of little or no significance.

Conduct that is not considered workplace bullying includes but is not limited to:

- (f) Incidental and insignificant behaviors common among diverse workgroups, even if considered irritating, distracting, disappointing or frustrating.
- (g) Conflicts arising from diverse personality types or communication styles.
- (h) The ordinary communication, delivery and provision of non-discriminatory performance-based directions, oversight, coaching, discipline, employee reviews and other performance related feedback or decisions.
- (i) Reports or complaints of harassment, discrimination or retaliation made in good faith.

Although this policy provides examples of possible workplace bullying behaviors, it is not intended to be a complete list.

## **Section 2: Prohibited Conduct**

### **(1) Discrimination, Harassment and Retaliation**

Directors are prohibited from engaging in discrimination and harassment against LTD employees and other Directors. LTD also prohibits retaliation based on good faith reports under this subsection.

### **(2) Workplace Bullying**

Directors are prohibited from engaging in workplace bullying conduct towards other Directors and LTD employees. LTD also prohibits retaliation based on good faith reports under this subsection.

### **(3) Conduct Occurring Outside of Work or Board-Related Activities**

Directors are prohibited from using social media, regular media, telephone calls, text messages, recordings, and personal interactions outside of work to share, post, or publish information that rises to the level of harassment, discrimination, workplace bullying or retaliation expressly prohibited by this policy against an LTD employee or another Director, regardless of whether the comments are directed specifically at the employee or Director or made in direct or indirect reference to the employee or Director.

#### **(4) Violence**

Directors are prohibited from threatening violence, engaging in violence, or inciting others to engage in violence towards another LTD employee, Director, member of the public, group of people or protected class demographic.

#### **(5) Sexual Relationships with LTD Employees**

Due to potential conflicts of interest and a heightened risk of sexual harassment claims, Directors are prohibited from dating or pursuing romantic or sexual relationships with LTD employees. Directors are also prohibited from participating in, or providing input, directly or indirectly, on decisions related to the employment, job assignment, performance measurement, or compensation review of any LTD employee with whom they currently have or have had a dating, romantic, or sexual relationship. Failing to disclose the existence of a sexual relationship contemplated by this policy is considered a form of dishonesty and a violation of this section.

### **Section 3: Procedures for Reporting a Violation of Section 2**

#### **(1) Report by Employee of Potential Director Violation**

Any LTD employee, which includes leadership and non-leadership positions, who experiences or observes what the employee believes to be a violation of Section 2 is encouraged to document the incident and share that information with at least one of the following: (1) the Board President or Vice President; (2) LTD General Manager or Assistant General Manager; (3) Human Resources Department; or (4) the employee's manager or supervisor.

#### **(2) Report by Director of Potential Director Violation**

A Director who experiences or observes what the Director believes to be a violation of Section 2 is encouraged to document the incident and share that information with the Board President or, if the subject of the report is the Board President, the Board Vice President. If the subject of the report is the Board President and Vice President, the Director shall report the incident to the Board Secretary or Treasurer.

#### **(3) Notice of Potential Director Violation**

If an individual listed in Sections 3 (1) or 3 (2) receives notice of a potential violation other than through a report, such as personally witnessing a violation or constructive knowledge of a violation, that individual shall treat that information as a report under Section 3 (1) or 3 (2).

#### **(4) Designated Persons Responsible for Reports of Potential Director Violation**

Supervisors, managers, and Directors who receive reports or complaints of possible violations of Section 2 by Directors shall document the concerns and forward the documented information to one of the following Designated Persons responsible for receiving reports, in order of priority listed here: (1) the Board President; or (2) the Board Vice President. If the subject of the report is the Board President and the Board Vice President, the Director shall report the incident to the Board Secretary or Treasurer.

Upon receipt of a complaint or report, the Designated Person shall remind the complainant that the accused Director will be notified that a concern has been raised consistent with an



independent investigation. The Designated Person shall also provide a copy of these rules to the Director who is the subject of the prohibited conduct report

#### **(5) Form of Reports**

Reports of alleged violations of Section 2 or other parts of this policy may be made orally or in writing. A supervisor, manager or Director with actual or constructive knowledge of a potential violation under Section 2, or who receives an oral report of a potential violation under Section 2, shall document that information to a person designated under Section 3 (4). When a report is received orally and forwarded to the Designated Person pursuant to this paragraph, the Designated Person shall follow up with the complainant to review the allegations and then send a summary of the interview and concerns to the complainant for verification of scope and accuracy. The absence of written confirmation of allegations shall not postpone the initiation of an investigation contemplated by this Policy.

Documentation of a report of an alleged violation of Section 2 should include: (1) the date of incident; (2) the date the complaint was received by the Designated Person or alternate; and (3) a summary of the alleged violations of Section 2.

#### **(6) Other Reporting and Remedy Options**

Although employees and Directors are encouraged to bring matters to the attention of the appropriate party for prompt resolution, nothing in this policy precludes an employee or Director from seeking remedies for unlawful conduct through the grievance process afforded by state or federal administrative agencies and the courts.

#### **(7) Investigation**

The Designated Person under Section 3 (4) who receives a report of a potential violation of Section 2 shall contact and coordinate with counsel for the Board to initiate a formal investigation facilitated by an independent third-party workplace investigator to investigate any complaints or reports of a Section 2 violation. The Designated Person shall have authority to engage an independent third-party workplace investigator on behalf of the Board and without further Board approval. The investigator shall report directly to counsel for the Board. Serious violations, such as allegations of conduct that violates the law, shall be concurrently forwarded by the Designated Person to the Governor's office. If the complaint is forwarded to the Governor's office, the Designated Person shall notify the complainant, the Board, and the accused Director that the Governor's office has been notified. Any notice to the Governor's office shall confirm the initiation and status of any investigation contemplated by this Policy.

Investigations initiated by the Designated Person shall be conducted independently from any investigation the Governor's office may choose to pursue, unless a majority of the Board (as defined in Section 4 (2) below) votes to discontinue its' investigation in light of the investigation conducted by the Governor's office.

#### **(8) Cooperation with Investigation and Dishonesty**

LTD expects all employees and Directors to cooperate fully with any investigation. Dishonesty during an investigation is considered unprofessional, and, in some cases, may be a violation of the law, and may be grounds for removal from the Board.

**(9) Action on Finding of Violation**

If a violation is found by a preponderance of evidence, prompt and appropriate action shall be taken consistent with Section 4 of these rules.

**(10) Confidentiality**

Confidentiality shall be maintained throughout the investigatory process to the extent possible and to the extent consistent with an adequate investigation and appropriate corrective action. LTD requests that employees and Directors maintain confidentiality to the extent allowed by law.

LTD may elect not to disclose or discuss with the employee or Director who made the complaint the results of the investigation or the actions taken in response to a report. Information regarding the person who complained or the witnesses who participated in an investigation may similarly be withheld from the subject of the complaint. The subject of the complaint will be notified by either the Designated Person or counsel whether a complaint is substantiated.

If a complaint is substantiated, the results of the investigation and/or the Investigation Report shall be forwarded to the Governor’s office by the Designated Person.

**(11) Prohibition of Non-Disclosure, Non-Disparagement, and No-Rehire Agreements**

LTD may not require, coerce, or enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation or the receipt of benefits, that contains a nondisclosure provision, a non-disparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing conduct that:

- (a) Constitutes sexual assault or alleged discriminatory conduct prohibited under ORS 659A.030, ORS 659A.082 or ORS 659A.112; or
- (b) Constitutes conduct between employees and/or Directors that may have occurred in the workplace or at a work-related event; or
- (c) Constitutes conduct that may have occurred between an employee and a Director off site in a non-work-related situation or capacity.

An employee may voluntarily request a settlement, separation, or severance agreement which contains a nondisclosure, nondisparagement, or no-rehire provision and will have at least seven days to revoke any such agreement. Other restrictions may also apply to any such agreement as required by applicable law.

**(12) Time limitations**

Time limitations apply to employee reports alleging violations of Oregon law. A complaint alleging a violation of ORS 659A.030, 659A.082, 659A.112 or Section 2 of the Oregon Workforce Fairness Act must be filed with the Oregon Bureau of Industries (BOLI) or in civil court no later than five years after the occurrence of the alleged violation for conduct occurring on or after September 29, 2019.

Civil actions and BOLI complaints alleging unlawful employment actions other than a violation of ORS 659A.030, 659A.082, 659A.112 or Section 2 of the Oregon Workforce Fairness Act must be filed no later than one year after the occurrence of the alleged unlawful employment practice.

Filing deadlines differ and are considerably shorter for complaints filed with the federal Equal Employment Opportunity Commission and the federal Department of Labor. Additionally, any individual harmed by a public employer may be required to give advance notice of a claim as required by ORS 30.275.

## **Section 4: Violations and Discipline**

### **(1) Violations**

Violations of Section 2 may result in discipline up to and including referral to the Governor's office requesting removal.

### **(2) Discipline**

The nature and scope of discipline will depend on the nature and seriousness of the violation, and it shall reflect LTD's commitment to prevent discrimination, harassment, and retaliation by taking prompt, appropriate action in the face of a violation. Counsel for the Board shall provide Directors *other than the Director(s) who is the subject of the report* with a copy of a confidential Executive Summary or the confidential Investigation Report, whichever counsel deems most prudent under the circumstances, and shall concurrently make the recommendation of discipline to the Board. Directors who receive a copy of the confidential Executive Summary or Investigation Report shall not distribute or disclose the contents of such information to the subject of the report unless distribution or publication is authorized by counsel for the Board.

The Director(s) accused of violating Section 2 shall be afforded an opportunity to respond to the proposed discipline with a statement, either orally or in writing, within 7 business days of learning of the proposed discipline. The Directors other than the accused shall then deliberate and vote on the proposed discipline. The discipline measure, if any, voted on by the Board shall be adopted if it passes with a majority of Board members, not counting the accused (but counting any vacant or absent Board members).<sup>2</sup> The Director(s) accused of violating Section 2 shall abstain from voting on any matter involving proposed discipline for their conduct.

If the disciplinary measure is passed, it shall be implemented, and a copy of the disciplinary measure shall be sent to the Governor's office by the Designated Person. If the Board votes to request removal of the Director from the Board, the accused Director shall be given the opportunity to resign in lieu of a request to the Governor's office that the accused Director be removed. If the accused Director declines to resign, the Designated Person shall make a formal request to the Governor's office that the Director be removed from the Board.

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<sup>2</sup> By way of example, assume there is: (a) one Board member who is the subject of the complaint; and (b) one vacancy on the Board. Six Board members attend the meeting, including the accused. Five Board members vote, with four voting in the affirmative to implement the proposed discipline measure and one Board member opposed. The sixth Board member (the accused) abstains, consistent with this policy. There is a vacancy representing the seventh Board member. The motion passes: Four of six Board members voted in the affirmative (the vacancy is counted towards the six Board members), one Board member opposed, one Board member abstained. For purposes of determining a majority, the abstaining Board member is not counted in this instance.

### **(3) Board Member Removal**

A violation of Section 2 shall be considered unprofessional and, in some cases, may be a violation of the law. A Board's vote to allow a Director to retain their position on the Board does not preclude the Governor's office from making an alternate determination that would result in the Director's removal from the Board. Directors are subject to removal by the Governor's office. Vacancies shall be filled under ORS 198.320(2).



**RESOLUTION NO. 2020-12-16-071**

**ADOPTION OF THE BOARD POLICY AND PROCEDURES PROHIBITING HARASSMENT, DISCRIMINATION AND RETALIATION**

**WHEREAS**, the Lane Transit District (“District”) Board of Directors (“Board”) may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, the Board has established a Policy providing procedures for the Board related prohibiting harassment, discrimination and retaliation;

**WHEREAS**, these procedural rules outline types of prohibited conduct and procedures for reporting and investigating prohibited conduct involving the LTD Board of Directors;

**WHEREAS**, these rules apply to members of the LTD Board of Directors only;


**WHEREAS**, LTD shall make this policy available to all LTD employees and members of the LTD Board of Directors; and,

**WHEREAS**, the authority for these rules includes ORS 267.540 (4); 174.100; 243.319; ORS chapter 659A; Title VII of the Civil Rights Act; The Age Discrimination in Employment Act; The Americans with Disabilities Act; The Rehabilitation Act; and accompanying rules and regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

- Board Policy and Procedures Prohibiting Harassment, Discrimination and Retaliation

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 16<sup>TH</sup> DAY OF DECEMBER, 2020.

  
[Carl Yeh \(Dec 30, 2020 13:36 PST\)](#)  
Board President, Carl Yeh



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## Board Public Engagement Policy

### 101. PURPOSE

The purpose of this policy is to establish procedures and guidelines for Board member communication with the community, public speaking engagements, and any other public engagement.

### 102. APPLICABILITY

This policy applies to members of the Board of Directors only.

### 103. PUBLIC SPEAKING ENGAGEMENTS

When speaking for the Board of Directors, Board members' statements shall be consistent with official actions taken by the full Board or Board majority. Individual Board members shall refrain from making commitments on behalf of the entire Board of Directors or LTD.

### 104. REPRESENTATION AT APPOINTED COMMITTEES

When serving as a committee member for another governing body as a representative of the LTD Board of Directors, individual Board members shall make reasonable efforts to make statement and vote consistent with the position of the full Board or Board majority.

### 105. REPRESENTATION AT NON-BOARD-APPOINTED ENGAGEMENTS

When testifying or making public statements at community events or meetings in which a Board member is not appointed because of his/her role on the LTD Board of Director, the Board members shall identify that statements are not representative of the LTD Board of Directors.

### 106. STAKEHOLDER ENGAGEMENTS

Individual Board Members shall have no legal status to act for the Board of Directors outside of a Board meeting unless specifically directed to do so by the Board majority or appointed by the Board president.

### 107. COMMUNITY COMPLAINT PROCEDURES

When complaints are sent to the Board of Directors, Board members may respond briefly to the community member to indicate the complaint will be forwarded for official handling. The Board member(s) shall forward the complaint to the Clerk of the Board or General Manager, and may request information related to resolution of each complaint. Board members may take unresolved complaints to the entire Board for consideration.

### 108. BOARD DECISION REPRESENTATION

When speaking for the Board of Directors, Board members' statements shall be consistent with official actions taken by the full Board or Board majority.

On matters that the Board of Directors has made an official decision, all Board member communications/statements must coincide with the Board consensus. On matters that are still in deliberation, it is permissible for individual Board members to express their individual opinions.



**RESOLUTION NO. 2020-08-19-047**

**ADOPTION OF THE BOARD PUBLIC ENGAGEMENT POLICY**

**WHEREAS**, the Lane Transit District (“District”) Board of Directors (“Board”) may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, the Board has established a Policy providing procedures for the Board’s engagement with the public;

**WHEREAS**, when speaking for the Board of Directors, Board members’ statements shall be consistent with official actions taken by the full Board or Board majority;

**WHEREAS**, individual Board members shall refrain from making commitments on behalf of the entire Board of Directors or LTD;

**WHEREAS**, when serving as a committee member for another governing body as a representative of the LTD Board of Directors, individual Board members shall make reasonable efforts to make statements and votes consistent with the position of the full Board or Board majority;

**WHEREAS**, when testifying or making public statements at community events or meetings in which a Board member is not appointed because of his/her role on the LTD Board of Director, the Board members shall identify that statements are not representative of the LTD Board of Directors;

**WHEREAS**, individual Board Members shall have no legal status to act for the Board of Directors outside of a Board meeting unless specifically directed to do so by the Board majority or appointed by the Board president;

**WHEREAS**, when complaints are sent to the Board of Directors, Board members may respond briefly to the community member to indicate the complaint will be forwarded for official handling. The Board member(s) shall forward the complaint to the Clerk of the Board or General Manager;

**WHEREAS**, Board members may request information related to the resolution of each complaint;


**WHEREAS**, Board members may take unresolved complaints to the entire Board for consideration; and,

**WHEREAS**, when speaking for the Board of Directors, Board members’ statements shall be consistent with official actions taken by the full Board or Board majority.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

- Adoption of the Board Public Engagement Policy

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 19<sup>th</sup> DAY OF AUGUST, 2020.

  
Carl Yeh (Oct 1, 2020 08:55 PDT)  
Board President, Carl Yeh



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021  
**ITEM TITLE:** BOARD MEMBER COMMITTEE ASSIGNMENTS  
**PREPARED BY:** Camille Gandolfi, Clerk of the Board  
**DIRECTOR:** Mark Johnson, Interim General Manager  
**ACTION REQUESTED:** Discussion and Approval

---

**PURPOSE:** Board member committee assignments.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is perform a Board governance action.

**BOARD DIRECTIVE ALIGNMENT:** This is a Board governance item.

**COMMUNICATION:** This is the first Board communication for this item.

**DATES PRESENTED TO THE PUBLIC:** This is the first public communication for this item.

**HISTORY:** The Board president, or the Directors by resolution, may appoint committees to make investigations, to study problems, and to make recommendations to the LTD Board of Directors. Advisory committees may include persons who are not Directors. Each year Board members review their current committee assignments and make any desired adjustments. Committee assignments are also revisited when vacancies occur.

**CONSIDERATIONS:** Due to two Board member seats being vacant, committee assignments need to be revisited to ensure Board representation is adequately covered on all board advisory committees and community committees in which the Board represents the District.

**ALTERNATIVES:** N/A

**NEXT STEPS:** Based on Board direction, staff will make the appropriate administrative changes.

**SUPPORTING DOCUMENTATION:**

- 1) Board Member Committee Assignments

**PROPOSED MOTION:** N/A





LTD BOARD OF DIRECTORS  
COMMITTEES AND SPECIAL ASSIGNMENTS

Updated September 2021

Two-year officer elections  
to be held in December

\*Denotes Current Committee Chair

**BOARD OFFICERS**  
*(Terms expire 12/30/2022)*

President – Caitlin Vargas  
Vice President – Vacant

Secretary – Emily Secord  
Treasurer – Don Nordin

**STRATEGIC PLANNING COMMITTEE (SPC)**

*(meets quarterly the 1st Tuesday of the month at 5:30 pm)*  
Caitlin Vargas, Susan Cox

**COMPREHENSIVE & ACCESSIBLE TRANSPORTATION  
COMMITTEE (ATC)**

*(meets quarterly the 3<sup>rd</sup> Tuesday of the month at 1:00p.m.)*  
Subdistrict 1 Board Member, Don Nordin, Susan Cox

**BUDGET COMMITTEE**

*(Meets a minimum of twice per year)*  
All Board members

**PENSION TRUSTS**

*(meets quarterly)*  
Michelle Webber

**STATE TRANSPORTATION IMPROVEMENT FUND  
(STIF) ADVISORY COMMITTEE**

*(Meets a minimum of twice per year)*

Ex officio: Emily Secord

Ex officio: Caitlin Vargas

**SPECIAL TRANSPORTATION FUND (STF) ADVISORY  
COMMITTEE**

*(Meets a minimum of twice per year)*

Ex officio: Don Nordin

Alternate Ex officio: Subdistrict 1 Board Member

**CONTRACT COMMITTEE**

*(meets the 2<sup>nd</sup> Monday of each month at 4:00 p.m.)*

Michelle Webber, Susan Cox, Emily Secord

**AD HOC SUSTAINABILITY COMMITTEE**

*(scheduled as needed)*

Don Nordin, Emily Secord, Subdistrict 1 Board Member

**MAIN STREET-MCVAY GOVERNANCE COMMITTEE**

*(scheduled as needed)*

Michelle Webber, Subdistrict 5 Board Member

**MOVINGAHEAD OVERSIGHT COMMITTEE**

*(scheduled as needed)*

Susan Cox, Subdistrict 5 Board Member

**VISION ZERO TASK FORCE**

*(scheduled as needed)*

Subdistrict 1 Board Member

Alternate: Mark Johnson

**METROPOLITAN POLICY COMMITTEE (MPC)**

*(meets the 1<sup>st</sup> Thursday of the month at 11:30 a.m.)*

Caitlin Vargas, Don Nordin

Alternate: Subdistrict 5 Board Member

Ex officio: Mark Johnson

**LANE COUNCIL OF GOVERNMENTS BOARD OF  
DIRECTORS (LCOG)**

*(meets the 4<sup>th</sup> Thursday of February, April, June,  
September, December at 6:30 p.m.)*

Subdistrict 5 Board Member

Alternate: Michelle Webber

**LANE AREA COMMISSION ON TRANSPORTATION  
(LANEACT)**

*(meets the 2<sup>nd</sup> Wednesday of each month at 5:30 p.m.)*

Don Nordin

Alternate: Mark Johson

**OREGON METROPOLITAN PLANNING ORGANIZATION  
CONSORTIUM (OMPOC)**

*(scheduled as needed)*

Caitlin Vargas



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021  
**ITEM TITLE:** FINANCIAL REPORTS  
**PREPARED BY:** CHRISTINA SHEW, DIRECTOR OF FINANCE  
**DIRECTOR:** MARK JOHNSON, GENERAL MANAGER]  
**ACTION REQUESTED:** None. Information Only

---

**PURPOSE:** To provide information to the Board as to the purpose of placing the September finance reports on hold.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to obtain information.

**BOARD DIRECTIVE ALIGNMENT:** This is for information only and is not connected to a Board directive

**COMMUNICATION:** This is to set the stage for the October Board presentation on changes to financial health monitoring to align with the Strategic Business Plan (SBP) "Financial Health" strategic priority.

**DATES PRESENTED TO THE PUBLIC:** A presentation on changes to financial health monitoring to align with the Strategic Business Plan will be presented at the October 20, 2021 Board meeting

**HISTORY:**

The Board was provided preliminary financial results for the fiscal year that started July 1, 2020 and ended June 30, 2021 at the July 21, 2021 Board meeting

The new fiscal year started on July 1, 2021 and the Board adopted the Strategic Business Plan at the July 21, 2021 meeting. The purpose of the SBP is to provide focus and clear direction for LTD. It serves as the bridge between LTD's mission, vision, and values and our day-to-day operations. The SBP connects the day-to-day operations through 5 strategic priorities. One of those 5 strategic priorities is "Financial Health". The finance team has been doing research of other public agencies and their approaches. We have also viewed our finance Board reporting through a financial health lens in order to assess what reporting provides the most value-add and which do not advance towards LTD's financial health strategic outcome. We will be providing the Board with the results of our work during the October 20, 2021 Board meeting. Until then, the 3 finance reports: 1) the Monthly Financial Report (July results), 2) the check history listing (July) and 3) the CIP Board report (June) will be placed on hold while the Finance team redesigns Board reporting to meet the SBP financial health objective.

**CONSIDERATIONS:** N/A

**ALTERNATIVES:** N/A

**NEXT STEPS:** N/A

**SUPPORTING DOCUMENTATION:** N/A

**PROPOSED MOTION:** None. Information Only



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** INTERIM GENERAL MANAGER EVALUATION AND CONTRACT TERMS

**PREPARED BY:** Mark Johnson, Interim General Manager

**DIRECTOR:** N/A

**ACTION REQUESTED:** Adoption

---

**PURPOSE:** To request that the Board of Directors review the proposed interim general manager contract and proposed performance measures. Upon Board review and direction, the Board will be asked to adopt the proposed interim general manager contract and proposed performance measures.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to oversee the contract and performance measures of the general manager, and in this case, the interim general manager.

**BOARD DIRECTIVE ALIGNMENT:** This task is a part of the Board's role as a Governing body.

**COMMUNICATION:** This item was discussed at the Ad-hoc General Manager Evaluation and Compensation Committee meeting executive session on August 25, 2021.

**DATES PRESENTED TO THE PUBLIC:** This is the first public communication for this item.

**HISTORY:** The General Manager is the Board's only employee which makes it incumbent on the Board to negotiate and agree on the terms of the contract and set the goals for the General Manager. While this is an interim position, the Board still has the responsibility.

The Board goes through an annual process to review the General Manager's performance and set the compensation for the next year. The current General Manager has resigned, effective September 7, 2021. At its August 4, 2021, Board meeting, the Board adopted resolution no. 2021-08-04-040 appointing Mark Johnson, the current Assistant General Manager, as the Interim General Manager beginning on September 7, 2021.

With the adoption of the Strategic Business Plan, there was an opportunity to create a compensation system for the General Manager that consisted of a base salary and incentives for achieving success outcomes based on the goals in the strategic business plan.

At its August 4, 2021, meeting, the Board via resolution 2021-08-04-040 approved utilizing TransPro, the agency that assisted the District in the development of the Strategic Business Plan, for the development of the interim general managers performance measures.

On August 25, 2021, the Ad Hoc General Manager Evaluation Committee met with TransPro and Mr. Johnson in executive session. Based on the feedback received from the committee, Mr. Johnson and Transpro developed the performance measures being proposed at the September 21, 2021, regular Board meeting.

**CONSIDERATIONS:** With the general managers resignation having been effective September 7 and the recruitment process for a new general manager coming soon, it would be prudent to have the contract and performance measures for the interim general manager put in place in a timely manner.

**ALTERNATIVES:**

1. The Board may upon review of the proposed contract and performance measures, request revisions and to bring this item back for further discussion at a future meeting.

2. The Board may request additional time to deliberate on the proposed contract and performance measures and to bring the item back for adoption at a future meeting.

**NEXT STEPS:** Authorize the Board President to enter into contractual agreement with the Interim General Manager

**SUPPORTING DOCUMENTATION:**

- 1) Proposed Interim General Manager Contract
- 2) Proposed Performance Measures
- 3) Resolution No. 2021-09-15-049

**PROPOSED MOTION:** I move adoption of LTD Resolution No. 2021-09-15-049:

It is hereby resolved that the LTD Board of Directors approves/adopts the Interim General Manager goals and compensation as presented [amended].

**LANE TRANSIT DISTRICT**  
**EMPLOYMENT AGREEMENT**

This Employment Agreement (the “Agreement”) is entered into as of September 8, 2021 (the “Effective Date”) by Lane Transit District (“Employer” or “LTD”) and Mark Johnson (“Employee” or “Mr. Johnson”), an individual and a resident of the state of Oregon, collectively herein “the Parties”.

**RECITALS**

The Board of Directors of LTD (the “Board”) is authorized pursuant to ORS 267.200(5) to enter into contracts on behalf of LTD and to appoint and fix the salary of the General Manager.

On behalf of LTD, the Board wishes to employ Mr. Johnson as Interim General Manager, and Mr. Johnson wishes to be employed as Interim General Manager of LTD under the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties agree as follows:

**AGREEMENT**

**I. Employment Terms**

A. Employee Policies. Except as otherwise expressly set forth below, Employee shall be subject to the requirements of, and entitled to the benefits and protections of, employment with the Company as set forth in the Company’s personnel policies, employee handbook, and collective bargaining agreement, if applicable.

B. Term; Extensions. The term of employment shall commence on September 8, 2021 and terminate on December 31, 2022 (the “Termination Date”), unless earlier terminated pursuant to Section III. The term of this Agreement may be extended one or more times by mutual agreement of the Parties, confirmed in writing at least 30 days prior to the termination date. An extension of this Agreement may be for any period of time agreed on by the Parties; however, all extensions shall have a fixed Termination Date. All extensions shall be governed by the terms and conditions of this Agreement, including the right to terminate set forth in Section III.

C. Base Salary.

1. At Commencement of Agreement. Employee’s annual base salary shall commence at One Hundred and Seventy-Four Thousand, Seven Hundred and Twenty-Nine Dollars (\$174,729), payable bi-weekly in accordance with LTD’s regular payroll procedures.

2. Adjustment for Salary Study. The recruiting firm hired by Employer for the purpose of recruiting a General Manager shall, as a part of the recruitment process,

complete a salary study to determine the base market salary for the position of General Manager. At that time, Employee’s salary will be adjusted to match the base market salary as determined by the recruiting firm. The adjustment shall take effect on the first day of the month following completion of the salary study. Regardless of the amount of the adjusted salary, Employer shall have no claim for recoupment and Employee shall have no claim for supplementation.

3. Upon Hire of General Manager. If Employer hires a General Manager during the term of this Agreement, Employee’s salary will be adjusted to an amount that is 10% less than that of the General Manager and his title shall change to Deputy General Manager. The adjustment shall take effect on the first day of the month following the General Manager’s employment and shall remain in effect until this Agreement is terminated. Regardless of the amount of the adjusted salary, Employer shall have no claim for recoupment and Employee shall have no claim for supplementation.

D. Performance-Based Bonus Compensation. Employee shall be eligible for performance-based bonus compensation, up to a maximum of Twenty-Five Thousand Dollars (\$25,000) per year (the “Goal Year”). Entitlement to such compensation shall be measured based on the following metrics:

| <b>Interim General Manager Incentive Matrix 2021-2022</b> |   |  |                             |   |
|---|---|--|-----------------------------|---|
| <b>Success Outcome</b>                                    | <b>Goal</b>   | <b>Annual Measure</b>  | <b>Weighted Goal Points</b> | <b>Amount Received if Goal Achieved</b> |
| Customer Satisfaction                                     | A net promoter score of 55%   | Based on ABBG customer satisfaction survey   | 30                          | \$7,500                                 |
| Employee Engagement                                       | An employee engagement score of 65%   | Develop a tool to provide accurate data to determine employee engagement and achieve 65% score | 25                          | \$6,250                                 |
| Community Value   | Establishment of a baseline for the percentage of the community that believes we provide value and improve 5% | Develop a survey to establish baseline and improve 5% over the year                            | 20                          | \$5,000                                 |
| Financial Health  | Achievement of 3-year rolling financial plan targets  | Develop policies, reporting and analytics to ensure financial goals are met                    | 15                          | \$3,750                                 |
| Sustainability  | Reduce GHG emissions 70% by 2030  | Reduce GHG emissions by 10%  | 10                          | \$2,500                                 |
| Total:  |   |  |                             | \$25,000                                |

At each quarterly performance-reporting given to the LTD Board in accordance with the terms of the LTD Strategic Plan, Employee will report to the Board his progress made toward

each of the metrics noted above during that quarter, based on measurable outcomes. Employee will recommend to the Board the percentage of each bonus payment that should be awarded that quarter based on his assessment of his progress toward each goal. Upon such quarterly reporting, and taking into consideration any additional information developed by the Board regarding Employee's progress toward the stated goals, the Board will decide whether Employee is entitled to full, partial, or no bonus payment for his progress in reaching each of the stated goals in that quarter. Once a goal has been reached and the full bonus paid for that goal, that goal will not be considered or eligible for a bonus payment for the remaining quarters of the Goal Year. When the Goal Year is over, new or restated goals will be set, with their applicable bonus payments, and this process shall repeat. All quarterly bonus payments awarded by the Board will be payable to Employee on his next regularly scheduled pay day.

E. Employment Benefits. Employee shall be entitled to all of the employment benefits that are generally available to all other administrative employees of LTD as set forth in the Employer's personnel policies, employee handbook, and collective bargaining agreement, if applicable, including any changes in those benefits as may occur from time to time during the term of this Agreement.

F. Deferred Compensation. Employee shall be eligible to participate in Employer's Section 457 deferred compensation plan in accordance with its terms.

G. Expenses. Employer shall reimburse the Employee for reasonable and necessary business expenses incurred by him in the performance of his duties and responsibilities set out in this Agreement. All expense reimbursements shall be made in accordance with Employer's normal practice and policies under which the Interim General Manager shall present reasonably detailed statements of expenses for which reimbursement is sought.

## **II. Employee's Duties and Covenants**

A. Performance. As the chief executive officer of Employer, the Interim General Manager shall perform the duties set forth below and shall perform these duties in good faith and to the best of his ability, working at all times for the sole benefit of Employer. As Interim General Manager, Employee shall:

- Maintain his office at LTD's headquarters;
- Have full responsibility for the acquisition, construction and operation of the mass transit system of LTD;
- Have full responsibility for the administration and business affairs of LTD;
- Abide by and enforce all policies, regulations and ordinances adopted by the LTD Board;
- Administer the personnel system of LTD with full authority to employ, appoint, discipline, or remove all employees and officers, except for those employees and officers directly employed or appointed by the Board;

- Have full authority for ensuring that LTD complies with all laws for Mass Transit Districts, ORS 267.010 to 267.390, and all laws, regulations, circulars and notices of the Federal Transit Administration, when applicable.
- Cause to be installed and maintained a system of auditing and accounting that shows completely at all times the financial condition of LTD;
- Prepare and submit to the Board a complete report on the finances and activities of LTD for the prior fiscal year within thirty (30) days following the end of the fiscal year;
- Arrange to have prepared and timely filed the annual financial report to the Oregon Secretary of State, the Comprehensive Annual Financial Report (CAFR), the Annual Transit Database reporting, and the Grant Reports to the Federal Transit Administration;
- Aspire to have no “significant deficiencies” or “material weaknesses” in LTD’s annual audit findings;
- Advise the Board of Directors as to the current and the projected needs of LTD, along with the current and projected future financial status of LTD;
- Prepare all plans for the acquisition of equipment or construction of improvements and facilities;
- Participate in civic and charitable activities and keep the Board informed as to such activities; and,
- Attend Board meetings, including executive sessions of the Board, and assist in preparing the Board’s meeting agendas.

B. Loyalty; Objectivity. Employee shall work only for Employer and no other employer while this Agreement is in effect and shall act at all times in the best interest of LTD. Any self-employment activities the Employee engages in while this Agreement is in effect shall not be in the field of public transportation and shall not interfere with Employee’s performance of his duties for Employer. Employee will not fraternize, date, or explore or develop new personal relationships with any employee or officer of LTD that goes beyond the scope of normal employee interactions if that relationship could result in the appearance of a conflict of interest or favoritism.

C. Periodic Performance Evaluation. The Board shall conduct periodic evaluations of Employee’s performance as measured by his pursuit and achievement of the duties listed in Section II. A. The first periodic evaluation shall be done four (4) months after the Effective Date of this Agreement. At the initial periodic review, the Board shall provide Employee with candid feedback intended to alert Employee of any areas of performance that are not meeting the Company’s expectations and provide instructive guidance on the progress it expects to see going forward. The Board shall thereafter decide on the frequency of subsequent periodic evaluations.



### **III. Early Termination; Rights on Termination.**

A. Termination Without Cause. The Board may terminate this Agreement or any extension thereof without cause prior to its Termination Date by a vote of five (5) members of the Board. In such event, Employee shall receive a lump sum severance payment in the amount of six (6) months' salary, or the remaining salary due under the current term of the Agreement, whichever is less. This payment shall be reported as wages on a W2 and all applicable withholdings shall be taken prior to payment. In addition, Employer shall pay Employee's COBRA health care coverage premium in the same amount as was paid during Employee's employment for the same number of months for which severance is due, unless Employee qualifies for health coverage with a new employer sooner, in such case, the obligation for Employer to pay the COBRA premium will cease when that coverage becomes effective. If Employee has reported on and been awarded a quarterly bonus prior to the effective date of his termination, he shall be paid that bonus even if his employment ends before the bonus is payable.

B. Termination for Cause. The Board may terminate this Agreement or any extension thereof for cause at any time by a vote of five (5) members of the Board. The term "cause" shall be given the meaning as established under Oregon law, to include malfeasance; illegal or unethical activity; workplace threats, violence, harassment or discrimination; extreme insubordination; and excessive deficiencies in performance. Upon his termination for cause, Employee shall be paid his salary through date of termination and any accrued benefits payable upon termination under Employer's policies. In the event of a termination for cause, Employee shall be entitled to and afforded all of his due process rights, including notice of intent to terminate and the right to be heard.

C. Termination by Employee. Employee may terminate this Agreement prior to its Termination Date upon sixty (60) days' written notice. Notice of an intent to terminate shall be effective upon its delivery to the President of the Board. Upon receipt of such notice, the Board may, in its discretion, choose to terminate the Agreement sooner than sixty (60) days from the date of the notice. In either event, Employee shall be entitled to his base salary and benefits through the last date worked, and for payment at his base salary rate for all unused annual leave days then accrued and that would have accrued had the Agreement been in effect for its intended term, and for holidays that occur during that same period. If Employee fails to give the notice required by this section, or does not remain in his position for the entirety of the notice period (or such period as may be shortened by the Board), he shall not be entitled to payment for the unused leave time and holidays described in the preceding sentence. If Employee has given proper notice and earns a performance-based bonus that is payable during the sixty (60) day notice period, that bonus shall be paid to Employee even if the Board chooses to end the Agreement earlier, resulting in Employee not being employed on the date the bonus becomes payable.

D. Termination Resulting from Death or Disability. If Employee dies or becomes disabled during the term of this Agreement or any extension thereof, this Agreement shall terminate upon the date of such death or disability. As used herein, disability shall mean any serious health condition that, even with all reasonable accommodation, prohibits Employee from performing his duties for a period in excess of sixty (60) days. In the latter event, the termination date of this Agreement shall be deemed to be the 60<sup>th</sup> day after Employee's absence from his

position due to a serious health condition. Upon termination under this provision, Employee or the personal representative of his estate shall be entitled to payment for all salary and benefits due through the date of termination, all performance-based bonuses earned prior to termination, regardless of when payable, and for all unused annual leave days then accrued and that would have accrued had the Agreement been in effect for its intended term, and for holidays that occur during that same period.

#### **IV. Miscellaneous Terms**

A. Defense and Indemnification. Employer shall defend, hold harmless and indemnify Employee from any and all demands, claims, or lawsuit, arising out of tort, contract or equity, asserted against him in both his individual and his official capacity, provided the incident arose or occurred while Employee was acting within the scope of his employment.

B. Binding Effect. The covenants, conditions and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors, assigns, heirs and personal representatives of the parties hereto.

C. Construction. Each Party intends that this Agreement in all respects shall be deemed and construed to have been prepared mutually by all Parties and it is hereby expressly agreed that any uncertainty or ambiguity existing herein shall not be construed against any Party.

D. Severability. If any provision of this Agreement is held to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect.

E. Governing Law, Venue and Attorney Fees. The Parties acknowledge that this Agreement was entered into in the state of Oregon and that this Agreement shall be governed by the laws of the state of Oregon. The Parties agree that the exclusive venue for any dispute between the Parties to this Agreement shall be in the Lane County Circuit Court or the federal district court for the District of Oregon sited in Eugene, Oregon. The prevailing party in any such action shall be entitled to recover from the other their reasonable attorney's fees, costs and disbursements incurred therein.

F. Entire Agreement. This Agreement sets forth the entire agreement and understanding of the Parties with respect to the subject matter hereof. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the Parties as of the Effective Date. This Employment Agreement may not be modified or amended except by a written agreement executed by both Parties.

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Mark Johnson  
Interim General Manager

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Caitlin Vargas  
President, LTD Board of Directors



**RESOLUTION NO. 2021-09-15-049**

**APPOINTMENT OF THE LANE TRANSIT DISTRICT INTERIM GENERAL MANAGER**

**WHEREAS**, ORS 267.135 authorizes the Lane Transit District (“LTD” or “District”) Board of Directors (“Board”) to appoint a General Manager, whose duties are described in ORS 267.140 and include having full charge of the administration of the business affairs of the District;

**WHEREAS**, the current general manager’s resignation is effective September 7, 2021;

**WHEREAS**, to ensure the continuity of efficient operations and the effective management and administration of the business affairs of the transit District upon the departure of the General Manager, the Board desires to appoint an Interim General Manager to serve until it can appoint a replacement General Manager;

**WHEREAS**, Mark Johnson, has worked at LTD for 24 years having held various positions, including recent service as LTD’s Assistant General Manager;

**WHEREAS**, Mark Johnson is well aware of the District’s ongoing business and organizational needs; and is fully capable of ensuring the continuity of LTD’s administrative, operational and business affairs until the Board’s appointment of a new General Manager.

**NOW, THEREFORE, BE IT RESOLVED** that the LTD Board of Directors passes a Resolution as follows:

- Effective on September 7, 2021, Mark Johnson is hereby appointed as Lane Transit District’s Interim General Manager, and shall serve until the Board appoints a replacement General Manager.
- The Board President is authorized to negotiate and execute, on the Board’s behalf, a contract employing Mark Johnson as Interim General Manager for a period of up to 180 days, which may be extended as needed upon agreement of the parties, and which shall be terminated upon the Board’s appointment of a new General Manager.
- The Interim General Manager is directed to initiate the services of Transpro, the firm selected to assist the Ad Hoc General Evaluation Committee, to develop goals and responsibilities for the Interim General Manager.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 15<sup>th</sup> DAY OF SEPTEMBER 2021.

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Board President, Caitlin Vargas



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 15, 2021

**ITEM TITLE:** GENERAL MANAGER RECRUITMENT PROCESS

**PREPARED BY:** Mark Johnson, Interim General Manager

**DIRECTOR:** NA

**ACTION REQUESTED:** Board Consensus

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**PURPOSE:** To request Board direction on the proposed options to implement a General Manager recruitment process.

**ROLE OF THE BOARD:** The LTD Board of Directors is a Policy Board. This means that the Board's role in this instance is to provide staff with direction. In the matter of the general manager recruitment process.

**BOARD DIRECTIVE ALIGNMENT:** Pursuant to ORS 267.135(1) The board shall appoint a general manager on the basis of the qualifications of the general manager with special reference to the actual experience in or knowledge of accepted practices in respect to the duties of the office of the general manager. A general manager shall hold office for an indefinite term and may be removed by the board only by an affirmative vote of a majority of the members.

**COMMUNICATION:** This item was initiated at the August 4, 2021, Board work session.

**DATES PRESENTED TO THE PUBLIC:** This item was initiated at the August 4, 2021, Board work session.

**HISTORY:** The Board's only employee is the General Manager and it is the Board's obligation to hire and manage the General Manager.

The current General Managers resignation becomes effective on September 7. The Board has appointed Mark Johnson as the Interim General Manager until a new General Manager is hired. It is incumbent on the Board to make decisions related to the General Manager recruitment process.

At its August 4, 2021, Board meeting, the Board adopted resolution no. 2021-08-04-040 appointing Mark Johnson, the current Assistant General Manager, as the Interim General Manager beginning on September 7, 2021 and until a new general manager is hired.

At its August 4, 2021, Board meeting, the Board directed staff to bring the matter of the recruitment process for a new general manager back for discussion at its September 21, 2021, meeting.

**CONSIDERATIONS:** Staff is requesting Board direction on the following items:

- Hiring a recruitment firm: how broad of a search should take place,
- timing of the search,
- the extent of public involvement,
- and the decision process by the Board.

**ALTERNATIVES:** N/A

**NEXT STEPS:** Based on Board direction staff will move forward with the administrative steps to implement a recruitment process.

**SUPPORTING DOCUMENTATION:** NA

**PROPOSED MOTION:** None: Board Consensus only.

**LANE TRANSIT DISTRICT**  
**June 2021 Performance Report**

| Performance Measure                 | Current Month | Prior Year's Month | % Change | Current Y-T-D | Previous Y-T-D | % Change | Current 12 Month | Prior 12 Month | % Change |
|-------------------------------------|---------------|--------------------|----------|---------------|----------------|----------|------------------|----------------|----------|
| <b>Fixed Route Service</b>          |               |                    |          |               |                |          |                  |                |          |
| Passenger Boardings                 | 337,271       | 224,934            | + 49.9%  | 3,294,299     | 7,488,126      | - 56.0%  | 3,854,091        | 9,203,431      | - 58.1%  |
| Mobility Assisted Riders            | 6,124         | 10,813             | - 43.4%  | 56,230        | 125,945        | - 55.4%  | 65,680           | 152,150        | - 56.8%  |
| <u>Average Passenger Boardings:</u> |               |                    |          |               |                |          |                  |                |          |
| Weekday                             | 13,120        | 9,025              | + 45.4%  | 12,375        | 29,628         | - 58.2%  | 12,107           | 30,361         | - 60.1%  |
| Saturday                            | 9,107         | 6,594              | + 38.1%  | 9,432         | 16,317         | - 42.2%  | 9,280            | 16,613         | - 44.1%  |
| Sunday                              | 6,310         | -                  | + 0.0%   | 6,738         | 10,570         | - 36.3%  | 6,071            | 10,788         | - 43.7%  |
| Monthly Revenue Hours               | 18,399        | 10,813             | + 70.2%  | 158,263       | 223,352        | - 29.1%  | 183,101          | 270,622        | - 32.3%  |
| Boardings Per Revenue Hour          | 18.3          | 20.8               | - 11.9%  | 20.82         | 33.53          | - 37.9%  | 21.05            | 34.01          | - 38.1%  |
| Weekly Revenue Hours                | 4,293         | 2,911              | + 47.5%  | 3,697         | 5,197          | - 28.9%  | 3,638            | 5,235          | - 30.5%  |
| Weekdays                            | 22            | 22                 |          | 213           | 213            |          | 253              | 255            |          |
| Saturdays                           | 4             | 4                  |          | 43            | 44             |          | 55               | 53             |          |
| Sundays                             | 4             | -                  |          | 44            | 42             |          | 44               | 52             |          |

**Passenger Revenues & Sales**

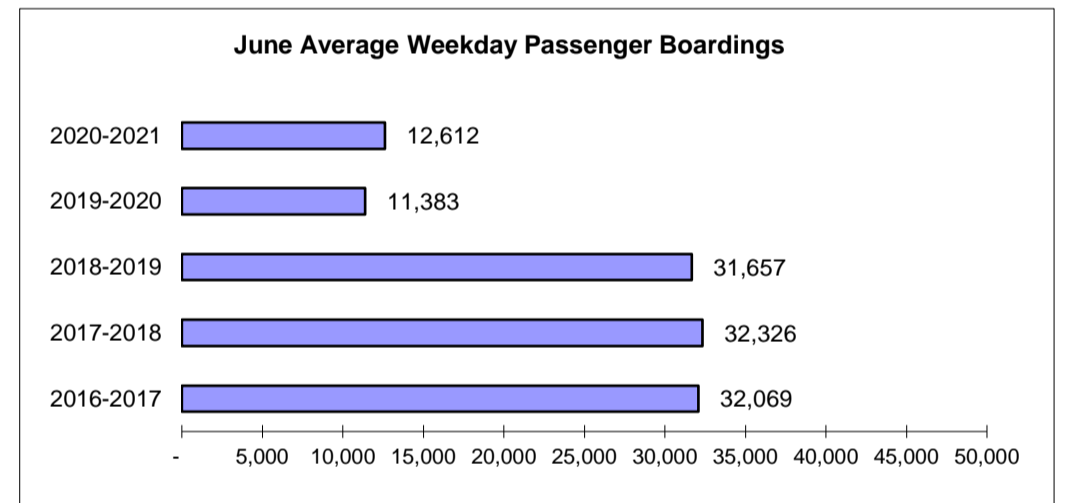
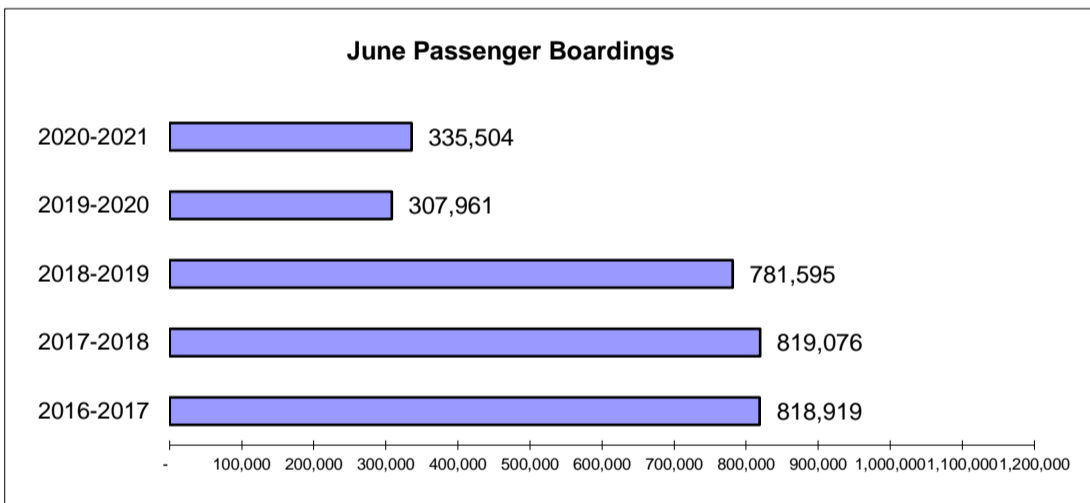
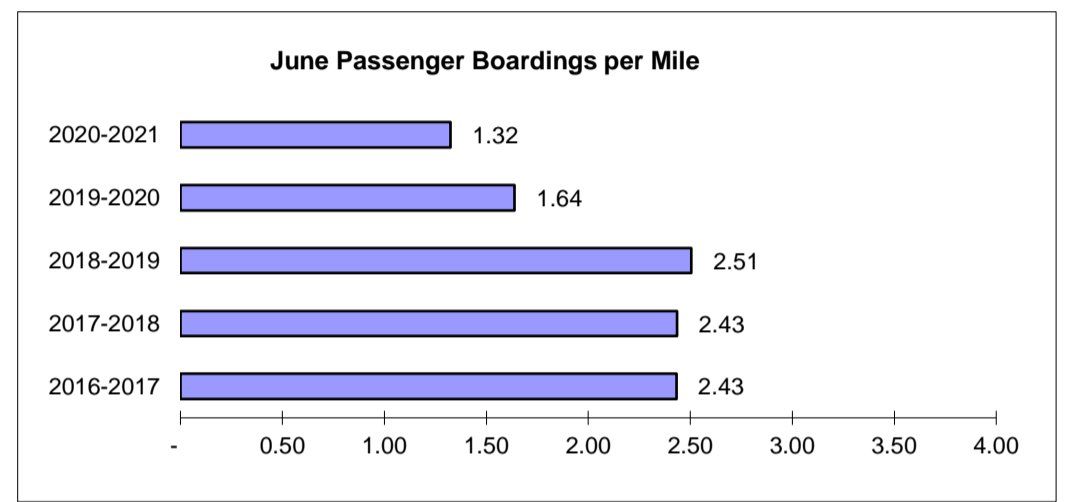
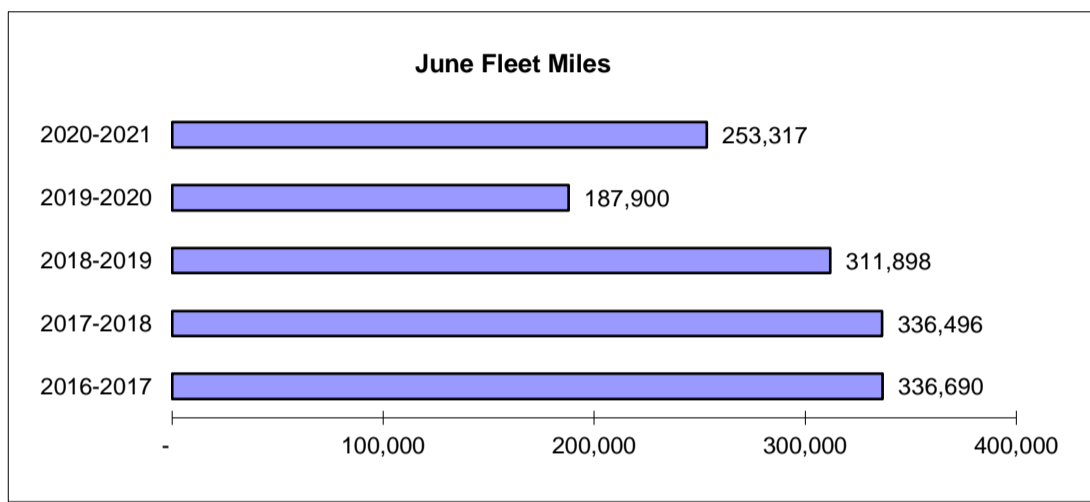
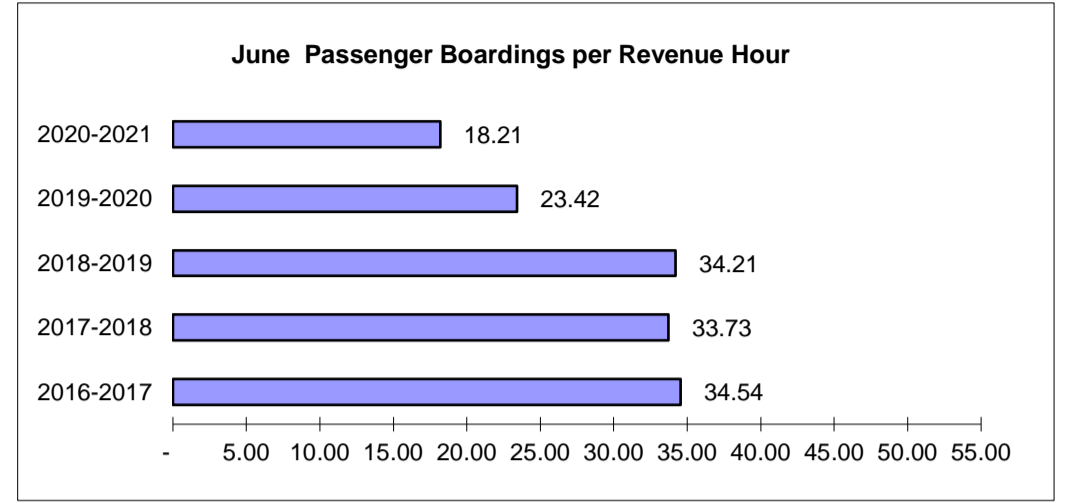
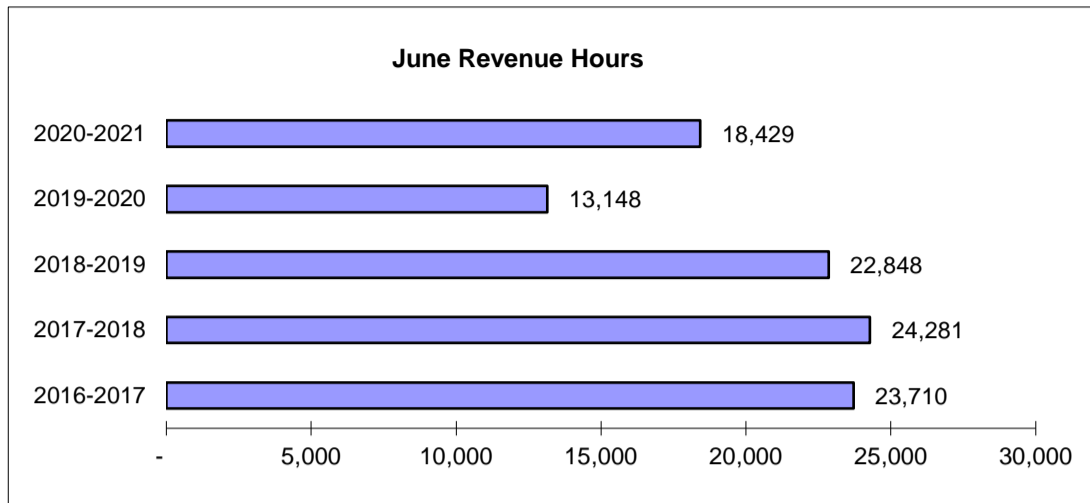
Passenger revenues will be presented in the finance report.

**Fleet Services**

|                                  |           |           |          |             |             |         |             |             |         |
|----------------------------------|-----------|-----------|----------|-------------|-------------|---------|-------------|-------------|---------|
| Fleet Miles                      | 248,797   | 160,815   | + 54.7%  | 2,245,947   | 3,068,179   | - 26.8% | 2,598,137   | 3,715,159   | - 30.1% |
| Average Passenger Boardings/Mile | 1.36      | 1.40      | - 3.1%   | 1.47        | 2.44        | - 39.9% | 1.48        | 2.48        | - 40.1% |
| Fuel Cost                        | \$113,527 | \$41,943  | + 170.7% | \$770,973   | \$1,595,761 | - 51.7% | \$855,234   | \$1,977,840 | - 56.8% |
| Fuel Cost Per Mile               | \$0.456   | \$0.261   | + 75.0%  | \$0.343     | \$0.520     | - 34.0% | \$0.329     | \$0.532     | - 38.2% |
| Repair Costs                     | \$329,305 | \$334,721 | - 1.6%   | \$2,509,169 | \$3,294,432 | - 23.8% | \$3,068,296 | \$3,947,516 | - 22.3% |
| Total Repair Cost Per Mile       | \$1.324   | \$2.081   | - 36.4%  | \$1.117     | \$1.074     | + 4.0%  | \$1.181     | \$1.063     | + 11.1% |
| Preventive Maintenance Costs     | \$40,909  | \$21,826  | + 87.4%  | \$291,616   | \$348,970   | - 16.4% | \$331,860   | \$422,610   | - 21.5% |
| Total PM Cost Per Mile           | \$0.164   | \$0.136   | + 21.2%  | \$0.130     | \$0.114     | + 14.2% | \$0.128     | \$0.114     | + 12.3% |
| Mechanical Road Calls            | 24        | 10        | + 140.0% | 182         | 254         | - 28.3% | 205         | 328         | - 37.5% |
| Miles/Mech. Road Call            | 10,367    | 16,082    | - 35.5%  | 12,340      | 12,079      | + 2.2%  | 12,674      | 11,327      | + 11.9% |

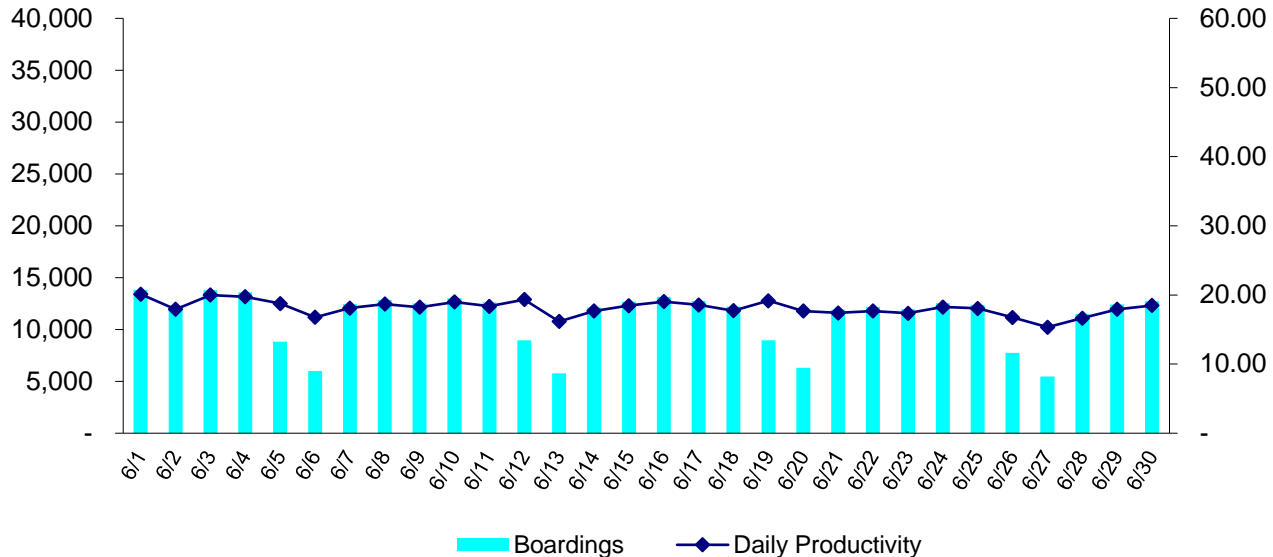
**Medical Transportation Management**

|           |       |       |          |        |         |         |        |         |         |
|-----------|-------|-------|----------|--------|---------|---------|--------|---------|---------|
| MTM Rides | 5,336 | 1,921 | + 177.8% | 53,290 | 112,836 | - 52.8% | 59,821 | 140,483 | - 57.4% |
|-----------|-------|-------|----------|--------|---------|---------|--------|---------|---------|



## Daily Ridership Recap June 2021

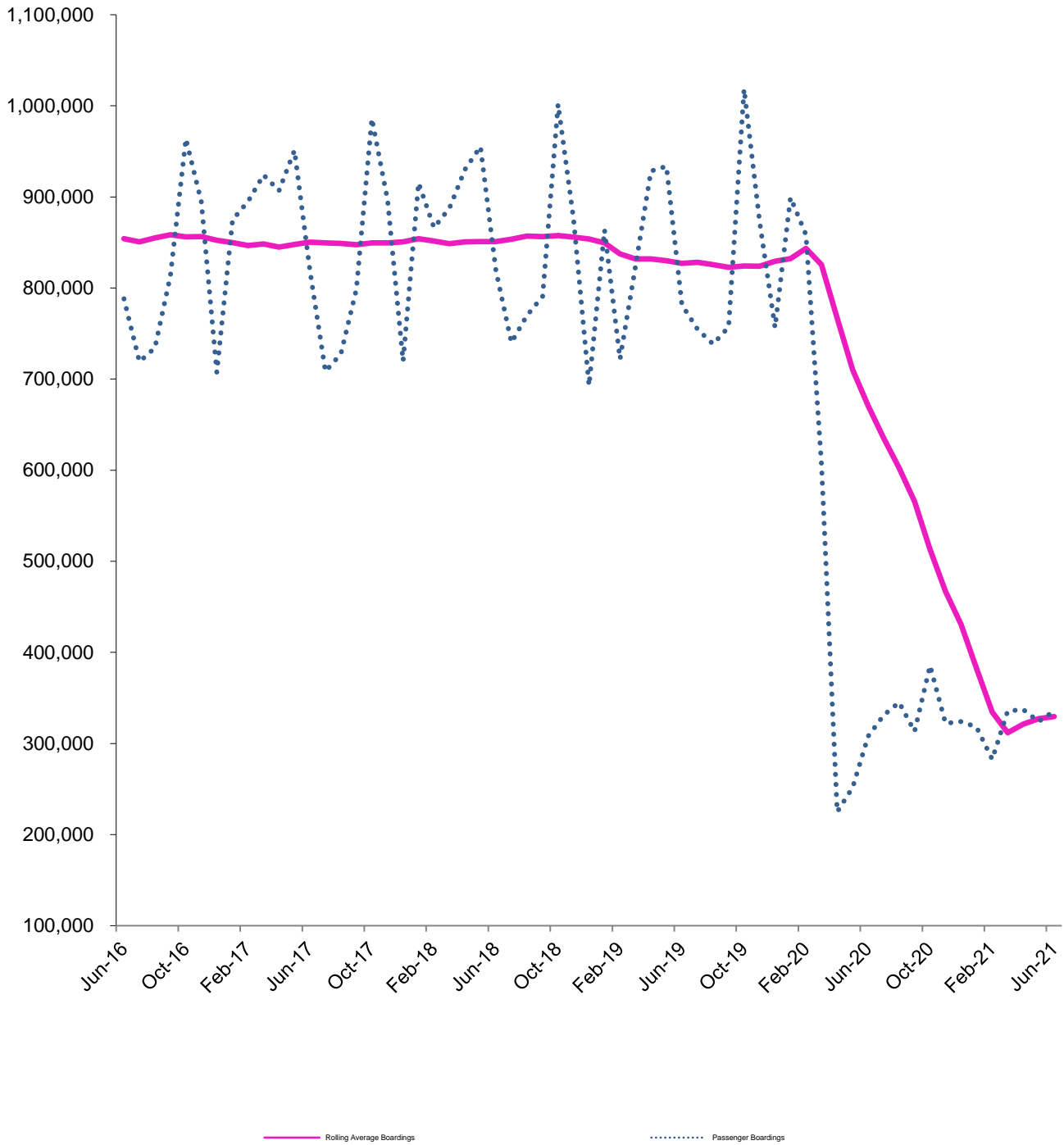
| Date          | Day       | Service  | Boardings      | Mobility           | Revenue       | Daily        |
|---------------|-----------|----------|----------------|--------------------|---------------|--------------|
|               |           |          |                | Assisted Boardings | Hours         | Productivity |
| 6/1/2021      | Tuesday   | Weekday  | 13,817         | 248                | 687           | 20.11        |
| 6/2/2021      | Wednesday | Weekday  | 12,321         | 193                | 687           | 17.93        |
| 6/3/2021      | Thursday  | Weekday  | 13,782         | 270                | 689           | 20.00        |
| 6/4/2021      | Friday    | Weekday  | 13,577         | 247                | 688           | 19.73        |
| 6/5/2021      | Saturday  | Saturday | 8,814          | 166                | 470           | 18.75        |
| 6/6/2021      | Sunday    | Sunday   | 6,002          | 122                | 358           | 16.77        |
| 6/7/2021      | Monday    | Weekday  | 12,433         | 204                | 687           | 18.10        |
| 6/8/2021      | Tuesday   | Weekday  | 12,862         | 219                | 689           | 18.67        |
| 6/9/2021      | Wednesday | Weekday  | 12,517         | 233                | 687           | 18.22        |
| 6/10/2021     | Thursday  | Weekday  | 13,012         | 243                | 685           | 19.00        |
| 6/11/2021     | Friday    | Weekday  | 12,612         | 173                | 687           | 18.36        |
| 6/12/2021     | Saturday  | Saturday | 8,966          | 157                | 464           | 19.32        |
| 6/13/2021     | Sunday    | Sunday   | 5,770          | 61                 | 357           | 16.16        |
| 6/14/2021     | Monday    | Weekday  | 12,118         | 178                | 686           | 17.66        |
| 6/15/2021     | Tuesday   | Weekday  | 12,695         | 200                | 688           | 18.45        |
| 6/16/2021     | Wednesday | Weekday  | 13,156         | 210                | 691           | 19.04        |
| 6/17/2021     | Thursday  | Weekday  | 12,760         | 197                | 688           | 18.55        |
| 6/18/2021     | Friday    | Weekday  | 12,221         | 223                | 689           | 17.74        |
| 6/19/2021     | Saturday  | Saturday | 8,950          | 155                | 467           | 19.16        |
| 6/20/2021     | Sunday    | Sunday   | 6,304          | 81                 | 357           | 17.66        |
| 6/21/2021     | Monday    | Weekday  | 11,899         | 145                | 684           | 17.40        |
| 6/22/2021     | Tuesday   | Weekday  | 12,193         | 241                | 690           | 17.67        |
| 6/23/2021     | Wednesday | Weekday  | 11,936         | 202                | 688           | 17.35        |
| 6/24/2021     | Thursday  | Weekday  | 12,536         | 210                | 687           | 18.25        |
| 6/25/2021     | Friday    | Weekday  | 12,385         | 168                | 686           | 18.05        |
| 6/26/2021     | Saturday  | Saturday | 7,764          | 96                 | 464           | 16.73        |
| 6/27/2021     | Sunday    | Sunday   | 5,475          | 68                 | 357           | 15.34        |
| 6/28/2021     | Monday    | Weekday  | 11,504         | 139                | 691           | 16.65        |
| 6/29/2021     | Tuesday   | Weekday  | 12,403         | 155                | 692           | 17.92        |
| 6/30/2021     | Wednesday | Weekday  | 12,720         | 190                | 689           | 18.46        |
| <b>Totals</b> |           |          | <b>335,504</b> | <b>5,394</b>       | <b>18,429</b> | <b>18.11</b> |





## LANE TRANSIT DISTRICT

### Five Year History of Passenger Boardings



## LANE TRANSIT DISTRICT July 2021 Performance Report

| Performance Measure                 | Current Month | Prior Year's Month | % Change | Current Y-T-D | Previous Y-T-D | % Change | Current 12 Month | Prior 12 Month | % Change |
|-------------------------------------|---------------|--------------------|----------|---------------|----------------|----------|------------------|----------------|----------|
| <b>Fixed Route Service</b>          |               |                    |          |               |                |          |                  |                |          |
| Passenger Boardings                 | 346,030       | 330,880            | + 4.6%   | 3,953,884     | 8,047,918      | - 50.9%  | 3,969,034        | 7,624,385      | - 47.9%  |
| Mobility Assisted Riders            | 6,061         | 5,972              | + 1.5%   | 67,307        | 135,395        | - 50.3%  | 67,396           | 127,440        | - 47.1%  |
| <b>Average Passenger Boardings:</b> |               |                    |          |               |                |          |                  |                |          |
| Weekday                             | 12,636        | 12,012             | + 5.2%   | 12,403        | 26,485         | - 53.2%  | 12,455           | 25,086         | - 50.4%  |
| Saturday                            | 8,826         | 9,746              | - 9.4%   | 9,318         | 15,018         | - 38.0%  | 9,241            | 14,486         | - 36.2%  |
| Sunday                              | 5,978         | 6,339              | - 5.7%   | 6,610         | 9,264          | - 28.6%  | 6,580            | 8,852          | - 25.7%  |
| Monthly Revenue Hours               | 18,988        | 13,209             | + 43.8%  | 194,574       | 248,190        | - 21.6%  | 200,353          | 237,549        | - 15.7%  |
| Boardings Per Revenue Hour          | 18.2          | 25.0               | - 27.2%  | 20.32         | 32.43          | - 37.3%  | 19.81            | 32.10          | - 38.3%  |
| Weekly Revenue Hours                | 4,288         | 2,983              | + 43.8%  | 3,787         | 4,888          | - 22.5%  | 3,895            | 4,673          | - 16.6%  |
| Weekdays                            | 22            | 23                 |          | 255           | 253            |          | 254              | 255            |          |
| Saturdays                           | 5             | 4                  |          | 52            | 56             |          | 53               | 56             |          |
| Sundays                             | 4             | 4                  |          | 53            | 42             |          | 53               | 41             |          |

### Passenger Revenues & Sales

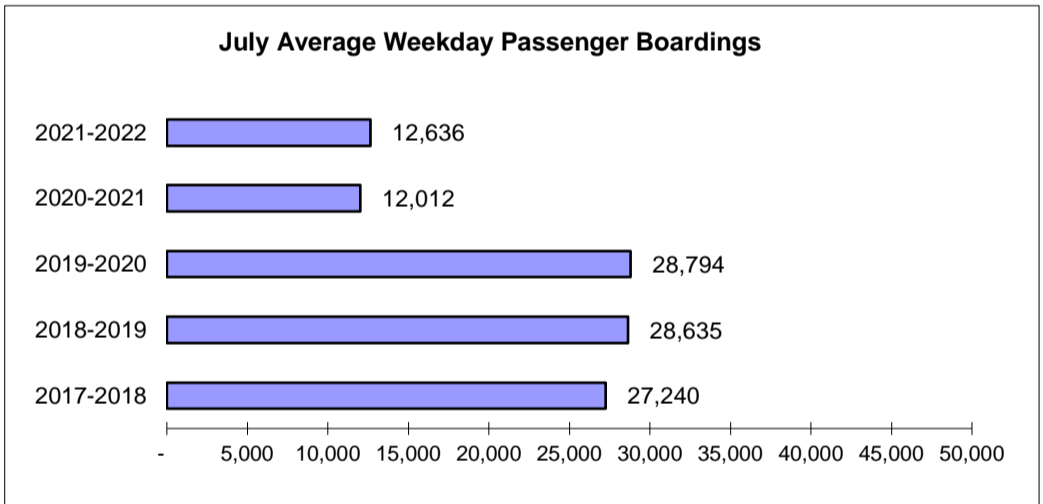
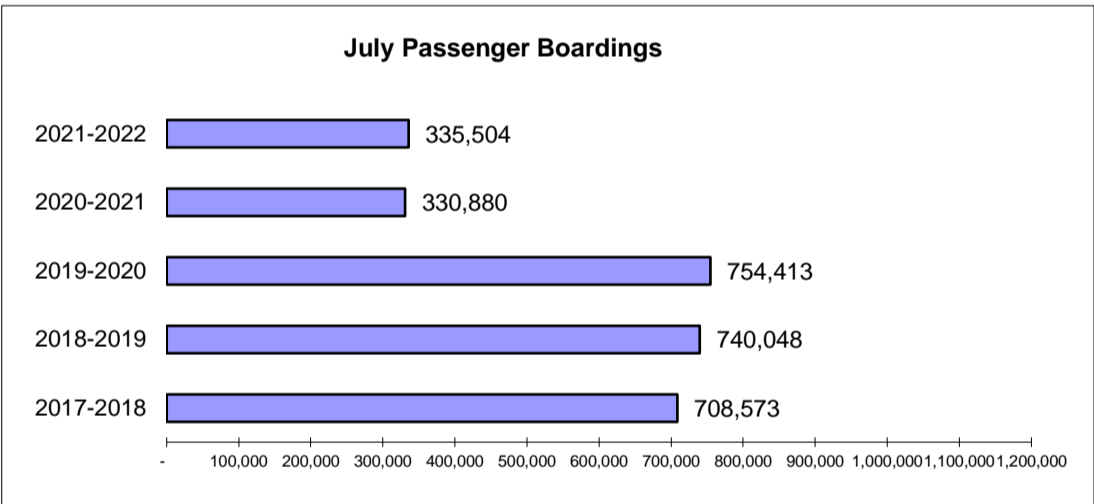
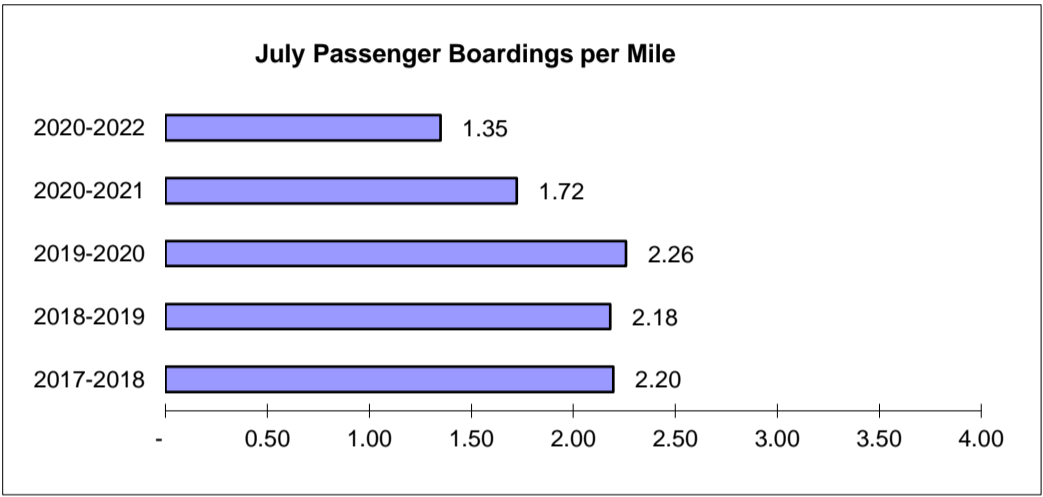
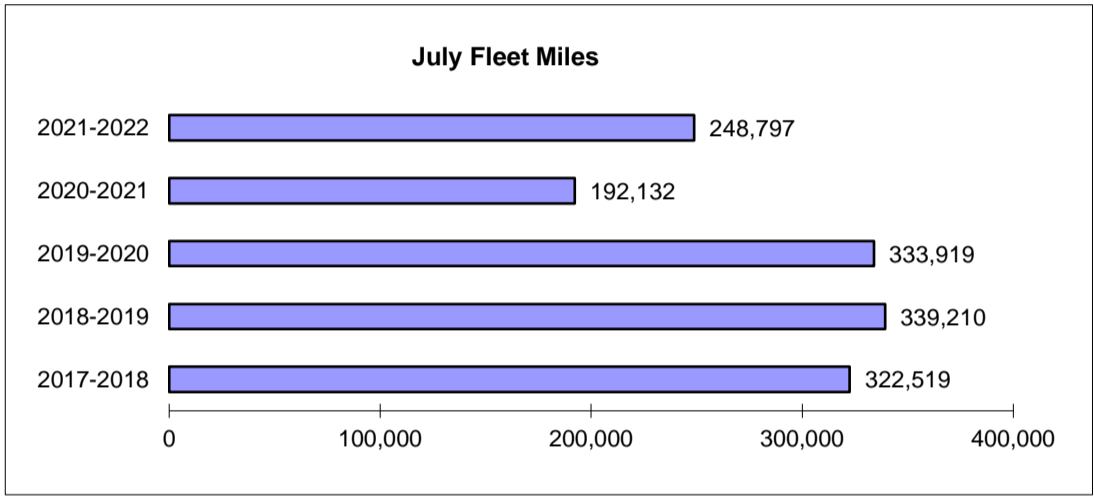
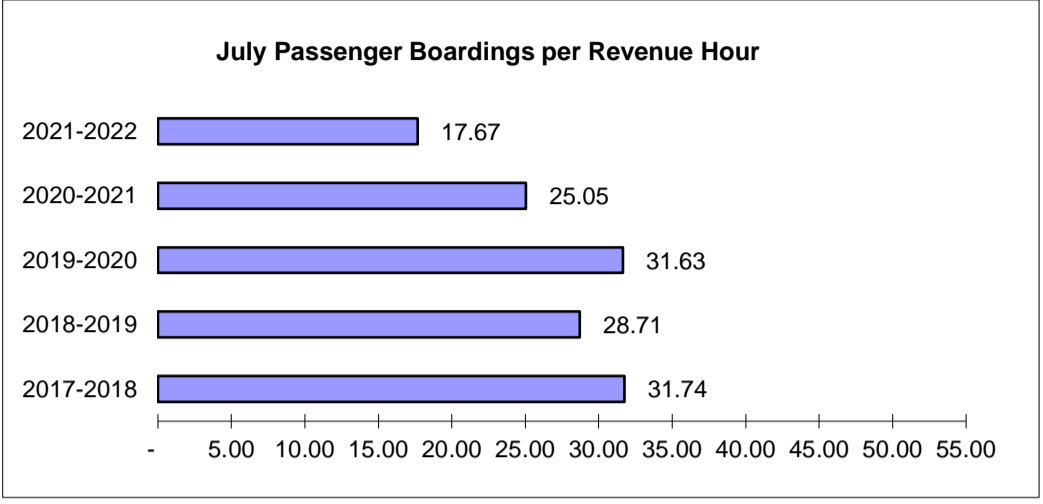
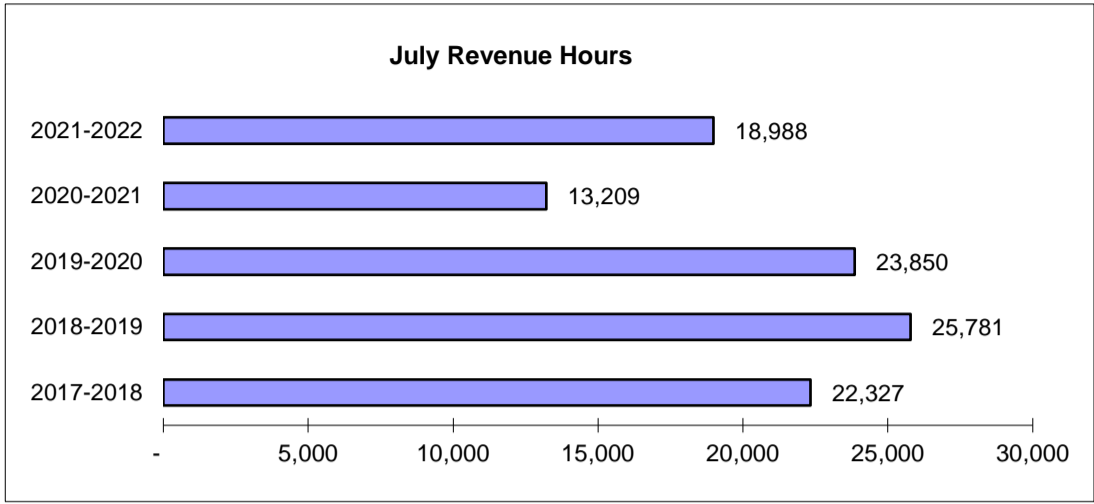
Passenger revenues will be presented in the finance report.

### Fleet Services

|                                  |           |           |          |             |             |         |             |             |         |
|----------------------------------|-----------|-----------|----------|-------------|-------------|---------|-------------|-------------|---------|
| Fleet Miles                      | 259,780   | 192,132   | + 35.2%  | 2,742,390   | 3,420,369   | - 19.8% | 2,810,038   | 3,278,582   | - 14.3% |
| Average Passenger Boardings/Mile | 1.33      | 1.72      | - 22.7%  | 1.44        | 2.35        | - 38.7% | 1.41        | 2.33        | - 39.3% |
| Fuel Cost                        | \$147,545 | \$55,680  | + 165.0% | \$1,017,362 | \$1,680,022 | - 39.4% | \$1,109,227 | \$1,545,066 | - 28.2% |
| Fuel Cost Per Mile               | \$0.568   | \$0.290   | + 96.0%  | \$0.371     | \$0.491     | - 24.5% | \$0.395     | \$0.471     | - 16.2% |
| Repair Costs                     | \$280,707 | \$349,928 | - 19.8%  | \$3,032,238 | \$3,853,559 | - 21.3% | \$2,963,017 | \$4,004,307 | - 26.0% |
| Total Repair Cost Per Mile       | \$1.08    | \$1.82    | - 40.7%  | \$1.11      | \$1.13      | - 1.9%  | \$1.05      | \$1.22      | - 13.7% |
| Preventive Maintenance Costs     | \$39,759  | \$24,341  | + 63.3%  | \$351,966   | \$389,214   | - 9.6%  | \$367,384   | \$374,068   | - 1.8%  |
| Total PM Cost Per Mile           | \$0.15    | \$0.13    | + 20.8%  | \$0.13      | \$0.11      | + 12.8% | \$0.13      | \$0.11      | + 14.6% |
| Mechanical Road Calls            | 22        | 5         | + 340.0% | 221         | 277         | - 20.2% | 238         | 245         | - 2.9%  |
| Miles/Mech. Road Call            | 11,808    | 38,426    | - 69.3%  | 12,409      | 12,348      | + 0.5%  | 11,807      | 13,382      | - 11.8% |

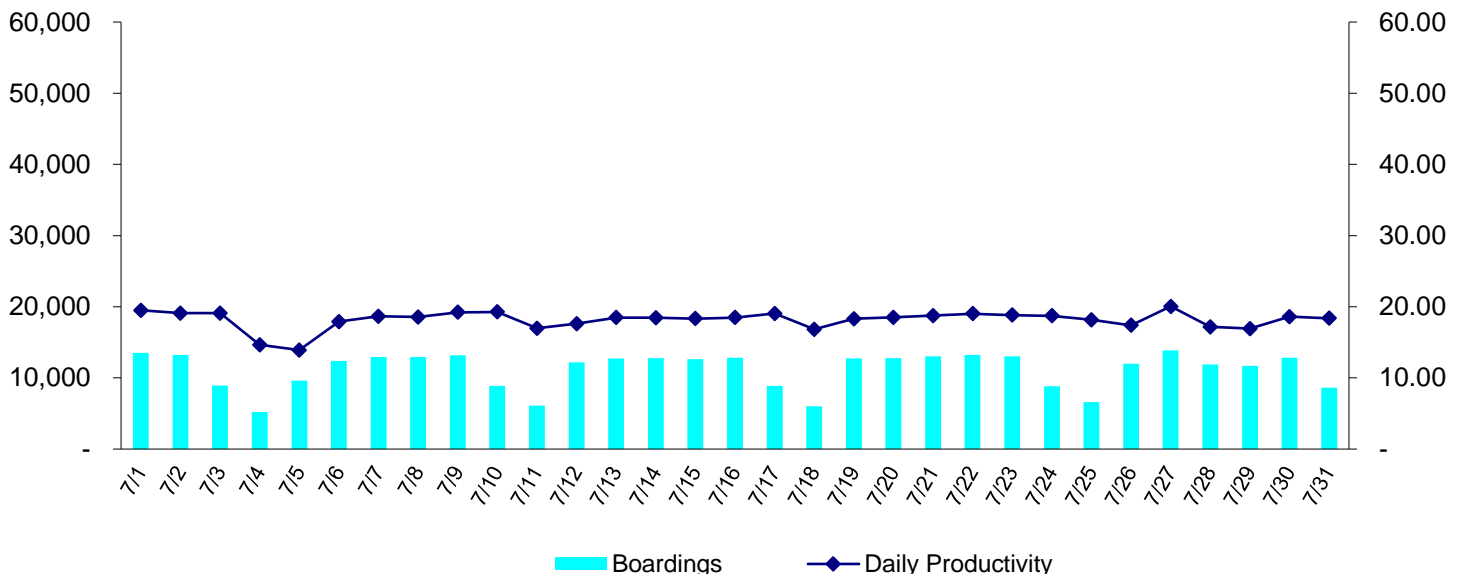
### Medical Transportation Management

|           |       |       |         |        |         |         |        |         |         |
|-----------|-------|-------|---------|--------|---------|---------|--------|---------|---------|
| MTM Rides | 6,041 | 4,983 | + 21.2% | 64,246 | 119,367 | - 46.2% | 65,304 | 110,184 | - 40.7% |
|-----------|-------|-------|---------|--------|---------|---------|--------|---------|---------|



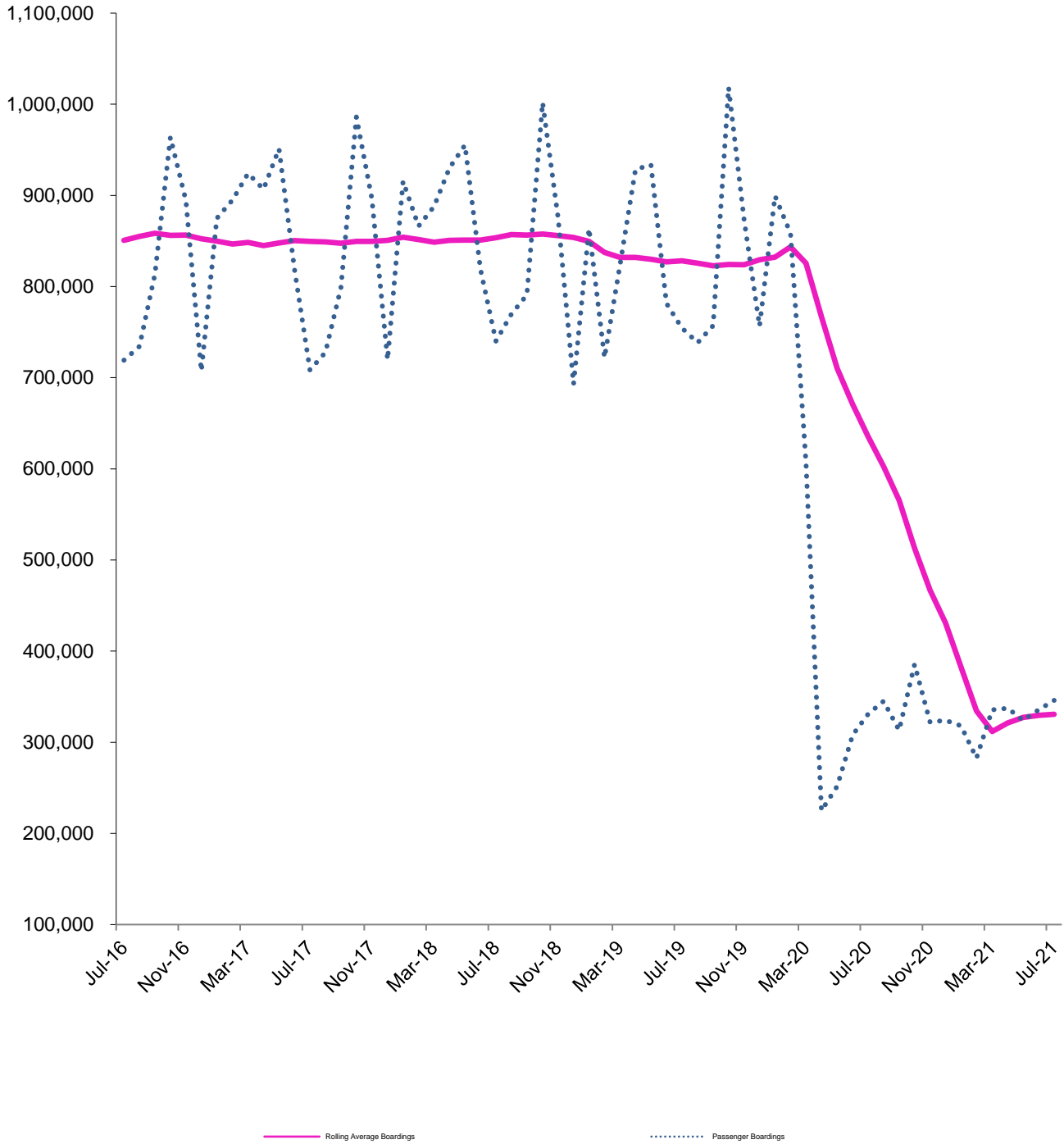
## Daily Ridership Recap July 2021

| Date          | Day       | Service  | Boardings      | Mobility           | Revenue       | Daily        |
|---------------|-----------|----------|----------------|--------------------|---------------|--------------|
|               |           |          |                | Assisted Boardings | Hours         | Productivity |
| 7/1/2021      | Thursday  | Weekday  | 13,516         | 252                | 693.00        | 19.50        |
| 7/2/2021      | Friday    | Weekday  | 13,228         | 279                | 692.00        | 19.12        |
| 7/3/2021      | Saturday  | Saturday | 8,939          | 159                | 468.00        | 19.10        |
| 7/4/2021      | Sunday    | Sunday   | 5,214          | 76                 | 356.00        | 14.65        |
| 7/5/2021      | Monday    | Weekday  | 9,625          | 142                | 692.00        | 13.91        |
| 7/6/2021      | Tuesday   | Weekday  | 12,389         | 266                | 691.00        | 17.93        |
| 7/7/2021      | Wednesday | Weekday  | 12,908         | 207                | 692.00        | 18.65        |
| 7/8/2021      | Thursday  | Weekday  | 12,926         | 224                | 696.00        | 18.57        |
| 7/9/2021      | Friday    | Weekday  | 13,167         | 238                | 685.00        | 19.22        |
| 7/10/2021     | Saturday  | Saturday | 8,883          | 147                | 461.00        | 19.27        |
| 7/11/2021     | Sunday    | Sunday   | 6,106          | 84                 | 360.00        | 16.96        |
| 7/12/2021     | Monday    | Weekday  | 12,202         | 198                | 693.00        | 17.61        |
| 7/13/2021     | Tuesday   | Weekday  | 12,731         | 237                | 689.00        | 18.48        |
| 7/14/2021     | Wednesday | Weekday  | 12,780         | 195                | 693.00        | 18.44        |
| 7/15/2021     | Thursday  | Weekday  | 12,647         | 203                | 690.00        | 18.33        |
| 7/16/2021     | Friday    | Weekday  | 12,808         | 286                | 693.00        | 18.48        |
| 7/17/2021     | Saturday  | Saturday | 8,882          | 164                | 466.00        | 19.06        |
| 7/18/2021     | Sunday    | Sunday   | 6,012          | 112                | 357.00        | 16.84        |
| 7/19/2021     | Monday    | Weekday  | 12,718         | 222                | 694.00        | 18.33        |
| 7/20/2021     | Tuesday   | Weekday  | 12,787         | 243                | 691.00        | 18.51        |
| 7/21/2021     | Wednesday | Weekday  | 13,024         | 252                | 694.00        | 18.77        |
| 7/22/2021     | Thursday  | Weekday  | 13,222         | 221                | 695.00        | 19.02        |
| 7/23/2021     | Friday    | Weekday  | 13,033         | 234                | 692.00        | 18.83        |
| 7/24/2021     | Saturday  | Saturday | 8,805          | 159                | 470.00        | 18.73        |
| 7/25/2021     | Sunday    | Sunday   | 6,578          | 104                | 362.00        | 18.17        |
| 7/26/2021     | Monday    | Weekday  | 11,984         | 157                | 689.00        | 17.39        |
| 7/27/2021     | Tuesday   | Weekday  | 13,858         | 210                | 691.00        | 20.05        |
| 7/28/2021     | Wednesday | Weekday  | 11,897         | 184                | 692.00        | 17.19        |
| 7/29/2021     | Thursday  | Weekday  | 11,711         | 192                | 692.00        | 16.92        |
| 7/30/2021     | Friday    | Weekday  | 12,829         | 236                | 690.00        | 18.59        |
| 7/31/2021     | Saturday  | Saturday | 8,621          | 178                | 469.00        | 18.38        |
| <b>Totals</b> |           |          | <b>346,030</b> | <b>6,061</b>       | <b>18,988</b> | <b>18.16</b> |



# LANE TRANSIT DISTRICT

## Five Year History of Passenger Boardings





## OFFICE OF THE GENERAL MANAGER

*Mark Johnson, Interim General Manager*

### EXECUTIVE OFFICE

#### *Implementation of the Strategic Business Plan*

LTD's Strategic Business Plan (SBP) was adopted by the Board of Directors in July 2021. Following adoption of the Plan, the Plan Development Team began discussion regarding execution and implementation of the outlined strategies and tactics, as well as identifying and assigning the necessary resources. This includes staffing, coordination, progress tracking, data management, reporting mechanisms, communications, etc.

The first round of tactics and scoring in the SBP spans from October 2021 (Q2 FY22) through the end of September 2022 (Q1 FY23). The main SBP components include updated agency mission, vision, and values; strategic goals; tactics; and performance scorecards. When the SBP is successfully implemented, LTD staff, the Board, and the community will clearly see that we are on our way to achieving our five strategic success outcomes: customer satisfaction, employee engagement, community value, financial health, and sustainability. There will be quarterly progress updates to the LTD Board of Directors. The first Board update will be in early spring 2022.

The core project team consists of Kim Le, implementation coordinator, and Aimee Reichert, implementation advisor. Kim Le is responsible for overall project management and execution. Aimee Reichert will support Kim with development of tactics tracking and communication structure. Kim and Aimee will elevate decisions to senior leadership through Collina Beard, acting as the implementation champion.

The duration of the project is August 2021 – November 2022. This first month has required an aggressive schedule focused on developing progress trackers and a comprehensive communication plan. A project kick-off meeting will be held during the week of September 7th to go over the final implementation project plan, review roles and responsibilities, answer questions, and set working expectations. Through Dec '21, the focus will be on ensuring tactic owners understand their roles and responsibilities in use of tracking systems and are prepared to populate them with Q2 FY22 results in time for the Feb '22 Regular Board Meeting.

## SERVICE DELIVERY & ADMINISTRATION

### PLANNING AND DEVELOPMENT

*Tom Schwetz, Director of Planning and development*

Staff had originally planned to resume the Comprehensive Operations Analysis (COA) this fall. However, given the many uncertainties still unfolding with the Covid-19 pandemic and surge in cases due to the Delta variant, combined with ongoing operator shortages, LTD staff would like to delay the COA process until further notice.

In the meantime, staff will be reviewing LTD's current fixed route transit service policy, which has not been updated by the board since 2014. The purposes of a service policy are to provide guidelines and define performance standards for the implementation and evaluation of LTD's fixed-route transit service. LTD is required to develop system-wide service policy and standards to ensure that service design and operations practices do not result in discrimination on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964 and FTA Circular 4702.1B. It is important to note that this is not a system-wide network redesign, service plan, or analysis effort. To update this technical document will take approximately six months. We expect to present at Board of Directors meetings this winter before the Board considers adoption in early spring 2022.

In August, staff kicked off the Mobility Management Strategy with the project consultants, Toole Design Group. Staff and consultants are working on background tasks and developing a Public Involvement Plan (PIP). Staff expect to engage SPC at their September meeting to hear feedback on the Public Involvement Plan. The PIP will then come before the Board for formal adoption. More details will be provided in the materials for the October 20<sup>th</sup> Board meeting.

Staff have been meeting regularly with the City of Eugene, 4J School District, and EWEB to discuss electrification and potential ideas for partnerships that will advance community goals shared by each organization. An opportunity has come up for LTD to potentially partner with EWEB and the City of Eugene on a car sharing program. EWEB will be funding three electric vehicles to be used for car sharing. One will be in a City of Eugene garage downtown and one will be at a St. Vincent de Paul affordable housing site. There is the potential to place a third vehicle at an LTD station, likely Santa Clara Transit Station, to be available to LTD riders and the community at large. More information will be provided as staff work with our partners on this effort.

## **FINANCE**

*Christina Shew, Director of Finance*

*There is no report this month.*

## **BUSINESS SERVICES**

*Collina Beard, Director of Business Services*

*There is no report this month.*

## **INFORMATION TECHNOLOGY**

*Robin Mayall, Director of Information Technology & Strategic Innovation*

*There is no report this month.*

## **HUMAN RESOURCES**

*Alex, Carillo, Director of Human Resources*

*There is no report this month.*

## **ACCESSIBLE AND CUSTOMER SERVICE**

*Cosette Rees, Director of Customer & Specialized Services*

## **Marketing and Communications**

*Theresa Brand, Transportation Marketing and Outreach Manager*

The August Marketing and Communication highlights include a continued effort on the COVID Communications Campaign which focused on a reminder to get vaccinated campaign. Staff are working closely with the Turell Marketing Group to prepare a return to ridership outreach and marketing campaign which will transition at some point this fall when it is safe to do so and capacity limits have been lifted. This effort included a recent video and photo shoot to develop the content for that phase of the campaign so it will be ready to go as needed.



Staff continue to work to make significant progress or complete items that were outlined in the Celtis Marketing and Communications Analysis. Some of this month’s efforts included the implementation of the Donations Policy which has already been used a number of times to guide how LTD approached donations and any sponsorship requests. The Exterior Bus Advertising Program which have ceased with all remaining ads being removed by 30 days after the contract period ends September 30 which will be October 20th. This item was reviewed with the LTD Board at a work session in late April of 2021. Continued work has been done with the management of marketing projects in which a Marketing team member is assigned projects who then outlines all the deliverables for each project that comes to the Department. This continues to be of the utmost importance due to the number and scope of small and large projects that come to the Department.

Staff coordinated communications for the American Bus Benchmarking Group (ABBG) Accessible Services Survey which closed on July 10th. The survey was sent out to a randomly selected group of 1800 RideSource users by mail. There were 260 respondents which exceeded our internal goal of 250. This represents a 15% response rate. This is the first of its kind to the Accessible Services programs and LTD is one of 14 transit properties across the nation participating. The information gleaned from this survey will provide important feedback on the program efforts and help with future program planning.

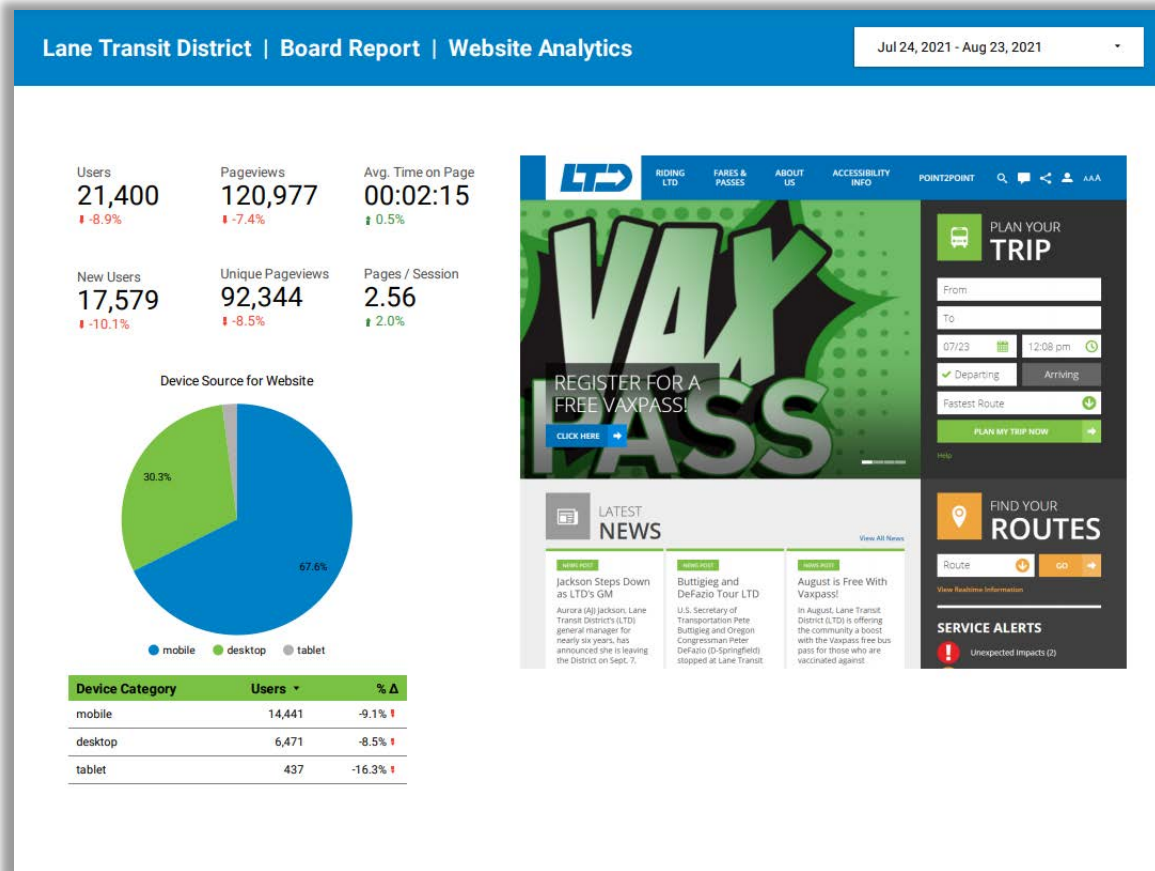
Staff is working on phase 2 of the TouchPass to Umo transition communication. The first phase was awareness of the change, now the messaging will switch to a deadline of having the Umo app by September. 30. The TouchPass app will still function until the end of the year, but will no longer be supported or available in the app store as of Sept. 30.

Staff rolled out the August VaxPass. This is a free pass to thank riders who have been vaccinated. To get the pass, riders visit LTD.org/vaxpass, complete the form and a Umo Benefit Code will be emailed to them. They then use their Umo app or visit UmoPass.com to redeem the code for their free pass. As of 8/23, 662 riders have requested the benefit code.

Marketing and Customer Service staff worked together with Oregon Health Authority (OHA) for distribution of passes they purchased for non-profit agencies to provide to their clients for trips to vaccination clinics. OHA purchased 4,000 single-rides. LTD staff informed the Non-profit agencies that we currently work with about the program. Agencies then email OHAVaxpass@ltd.org and request passes. LTD tracks and bills OHA accordingly.

Now that students are returning to in-person learning and schools are open, efforts continue to implement the TouchPass/UMO Student Transit Pass in all Lane County schools. Students will be required to have a pass by September 30. Staff is working on a promotion tool kit for the schools to assist with communication to parents and students, and to encourage students to use it.



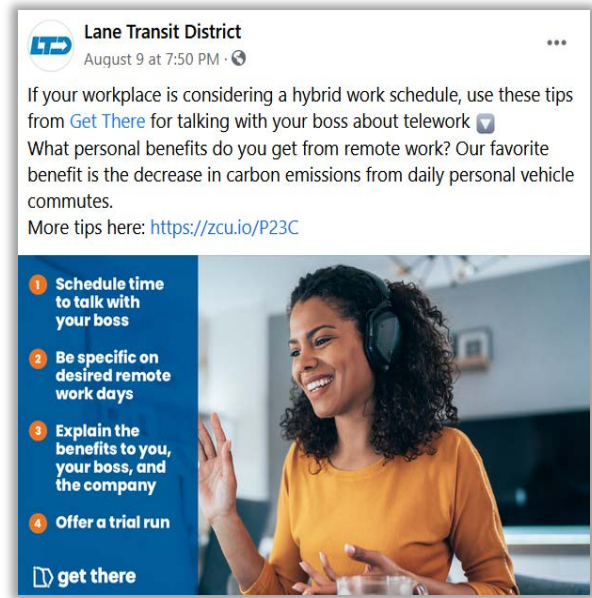


**Facebook Analytics for July 24 – August 23**

- Post Reach = 29,000
- Post Engagements = 407
- Impressions = 37,000
- Total Page Followers = 6,012
- Total Likes = 5,332
- 28 posts total, 8 COVID/service related.

**Press Releases:**

- 8 Press Releases in August



**Group Pass:** Staff continues to work with the UO staff for the transition from Students/Staff ID cards to the Umo app. Communications to the staff and students is being drafted for distribution around the campus and within their student packets. Discussions around the cut-off date for the ID cards is being had. Both groups want to make sure that the students and staff have enough time to receive the communication and to allow for education when boarding the bus.

LCC continues to promote the use of the electronic pass. LCC is currently updating their information to reflect the transition to Umo. Videos demonstrating how to redeem a benefit code have been created. You can view them at <https://www.youtube.com/watch?v=pOTyrHD5X6Q&t=13s>

**Vanpool:** 2 of the 15 Valley Vanpool vans continue to provide service in the Lane Transit District service area, with 2 additional vans starting operations in September. In the month of July\*, 2 LTD vanpools were in operation, representing 8 riders (a 57% utilization rate) completing 316 passenger boarding's and traveling 19,774 passenger miles. LTD continues to provide financial subsidies to vans who have lost riders due to shelter in place requirements and teleworking.

\*Vanpool reporting experiences a 30 day delay.

**FACILITIES**

*Joe McCormack, Director of Facilities*

*There is no report this month.*

**MAINTENANCE**

*Matt Imlach, Director of Maintenance*

*There is no report this month.*

**TRANSIT OPERATIONS**

*Jake McCallum, Director of Operations*

*There is no report this month.*

**Public Safety & System Security**

*Frank Wilson, Public Safety & System Security Manager*

*There is no report this month.*

# GM Compensation Framework

Board Meeting, September 15, 2021



DRAFT INTENDED FOR DISCUSSION ONLY



# Contents

- Recap: General Manager Evaluation Framework
- General Manager Compensation Framework
- Interim General Manager Compensation Structure

# Recap: GM Evaluation Framework

# Characteristics of a Good GM Evaluation



Clearly Defined Success Outcomes - Connected to Strategic Plan



Clarity of General Manager Outcomes Communicated at Beginning of Year



Regular Feedback Between Board Chair and General Manager



Balance Between Objective and Subjective Measures of Success



Compensation Tied to Results

# Achieving a Balance: Objective vs Subjective

## Objective Outcomes-Based Results



Achieve an overall customer Net Promoter Score of 55%



*Quantifiable*

## Subjective Values-Based Results



GM demonstrates cooperation and excellent team behaviors when working with others



*Spirit of Engagement*

# Proposed Methodology

## COMBINED APPRAISAL SCORE:



50% Success Outcomes & KPIs



50% Agency Values



General Feedback/Reflection



# GM Compensation Framework

# Board Compensation Philosophy

## Base Compensation

Consistent with Market



Market of the subject matter

Market of public sector/nonprofits in the region

Market of private sector organizations in similar subject

*Attract and retain high quality talent*

## Incentive Compensation

Incentivize success of LTD



Tied to Organizational Success Outcomes:  
*implementation of Strategic Business Plan*

Quantifiable results - verified by 3rd party:  
*results are achievable, challenging, collaborative*

Payments pre-determined based upon achievement:  
*deliver X, be paid Y*

Over-achievement is encouraged and recognized

# Board Compensation Philosophy

**A**

Alignment on Compensation Eligible

**B**

Determination of Base Compensation vs Incentive Compensation

**C**

Determination of Measurable Outcomes (tied to organizational success)

**D**

Communication between Board Chair/GMEC Chair & General Manager

# Objective Measurable Outcomes

*Tied to Organizational Success Outcomes*

## CUSTOMER SATISFACTION

Our goal is to deliver outstanding customer service that increases the willingness of our customers to recommend our services to others.



A Net Promoter Score of 55%.

## EMPLOYEE ENGAGEMENT

Our goal is to attract and retain a high quality workforce through high levels of employee engagement.



An Employee Engagement Score of 65%\*.

## COMMUNITY VALUE

Our goal is to provide strong value to the community through the services we offer, whether or not they use our services directly.



Establishment of a baseline for the percentage of the community that believes we provide value and improve 5%.

## FINANCIAL HEALTH

Our goal is to maintain LTD's strong financial position to sustain our operations for the future.



Achievement of 3-year rolling financial plan targets.

## SUSTAINABILITY

Our goal is to do our part to preserve and protect the environment through a reduction in greenhouse gas emissions.



A reduction in Greenhouse Gas Emissions of 70%.

# Interim GM Compensation Structure

# Interim GM Compensation Structure

## Base Compensation

Consistent with Market



\$174,729

## Incentive Compensation

Incentivize success of LTD



Amount Eligible = \$25,000

\*Incentive compensation will be distributed as a *one-time payment* based on annual objective performance results, at the conclusion of the evaluation year.

# Incentive Compensation: Structure

## Incentive Compensation Eligible: \$25,000\*

\*Incentive compensation will be distributed as a *one-time payment* based on annual objective performance results, at the conclusion of the evaluation year.

**Objective Criteria:  
Success Outcomes**



| Success Outcome       | Goal   | Weighted Goal Points | If goal achieved: amount received |
|-----------------------|--|----------------------|-----------------------------------|
| Customer Satisfaction | A Net Promotor Score of 55%.   | 30                   | \$7,500                           |
| Employee Engagement   | An Employee Engagement Score of 65%.   | 25                   | \$6,250                           |
| Community Value       | Establishment of a baseline for the percentage of the community that believes we provide value and improve 5%. | 20                   | \$5,000                           |
| Financial Health      | Achievement of 3-year rolling financial plan targets.  | 15                   | \$3,750                           |
| Sustainability        | A reduction in GHG emissions of 70%.   | 10                   | \$2,500                           |
| <b>Total</b>          |  | <b>100</b>           | <b>\$25,000</b>                   |

**Questions?**



# LANE TRANSIT DISTRICT PROCUREMENT POLICY

*Adopted by the LTD Board of Directors, acting as the Local Contract Review Board, on June 22, 2017 during its Regular Meeting of the Board of Directors and amended on September 16, 2021 and August XX, 2021.*

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## SECTION 1 – LEGAL AUTHORITY

On June 18, 1985, Lane Transit District's Board of Directors adopted Ordinance 30 creating a local contract review board for Lane Transit District (LTD). This local contract review board is known as the LTD Contract Review Board ("LTD/CRB").

The Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Oregon Administrative Rules (the "Model Rules"), the LTD Procurement Policy, and, where federal funds are or may be utilized, the FTA Circular 4220.1F, as may be amended. LTD's General Manager or her/his designee are designated as LTD's "Contracting Agency" for purposes of contracting powers and duties assigned to the District as a "Contracting Agency" under the State of Oregon Public Contracting Code, Model Rules, or Federal law or rules, as applicable. Except as otherwise provided in this Policy, the powers and duties of the LTD Contract Review Board shall be exercised and performed by the LTD Board of Directors and all powers and duties given or assigned to the Contracting Agencies by the Public Contracting Code, or Federal law or Rules as applicable, shall be exercised or performed by the General Manager or her/his designee.

LTD is the recipient of federal funds, and as such, LTD procurement activities shall comply with FTA Circular 4220.1F, as may be amended. Where Oregon law or the Model Rules have stricter requirements, LTD shall adhere to the Oregon requirements. Those requirements appear in **bold** in this Policy.

Except as otherwise provided herein, the LTD Contract Review Board has adopted the Oregon Model Rules, Division 46, 47, 48 and 49, adopted by the Attorney General under Oregon Revised Statute ("ORS") 279A, 279B, and 279C as they now exist, and as they may be amended in the future, are hereby adopted as LTD's Public Contracting Rules.

On **June 22, 2017**, the LTD Board of Directors, acting as the LTD Contract Review Board, adopted this Procurement Policy during its Regular Meeting of the Board of Directors. On **September 16, 2020**, the LTD Board of Directors, acting as the LTD Contract Review Board, updated and revised this Procurement Policy during its Regular Meeting of the Board of Directors.

## SECTION 2 – APPLICATION

- 2.1. Application. This Procurement Policy applies to all public contracts made by or on behalf of Lane Transit District, unless an exception applies.
- 2.2. **Exceptions. This Policy requiring public contracts to be awarded through the Competitive Procurement process does not apply to the following types of contracts:**
  - a. **Contracts between LTD and other contracting agencies or the federal government;**
  - b. **Intergovernmental Agreements authorized by Oregon Revised Statutes Chapter 190;**
  - c. **Contracts for insurance;**
  - d. **Grants;**
  - e. **Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which LTD is or may become interested;**
  - f. **Acquisitions or disposals of real property or an interest in real property;**

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- g. Disposals of Personal Property;**
- h. Sole-source expenditures when rates are set by law or ordinance for purposes of source selection (i.e. utilities);**
- i. Personal Services Contracts;**
- j. Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221, 243.275, 243.291, 243.303, and 243.565;**
- k. Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or**
- l. Any other public contracting of a public body specifically exempted from the code by another provision of law. (ORS 279A.025)**

### SECTION 3 – DEFINITIONS

For purposes of this Policy, the following definitions apply:

- 3.1 Addendum or Addenda: A document from LTD that sets forth an addition or deletion to, a modification in, or an explanation of a Solicitation Document.
- 3.2 Bid: A written, competitive Offer submitted in response to an Invitation for Bid, binding on the Offeror, in which price and conformance to specification will be the award criteria.
- 3.3 Bidder: An Offeror that submits a Bid in response to an Invitation for Bid.
- 3.4 Board of Directors: The Board of Directors of LTD.
- 3.5 Closing Date: The date and time announced by LTD as the deadline for the receipt of an Offer (at least five days after last advertisement of the Solicitation Document).
- 3.6 Competitive Procurement: The solicitation of competitive Offers through the issuance of a Solicitation Document.
- 3.7 Contract Period: The period of contract performance for rolling stock and replacement parts shall not exceed five years, inclusive of options, as defined in FTA C 4220.1F. The length of all other contracts shall be based upon sound business judgment, including consideration of issues such as the nature of the item being purchased, the need to afford the contractor a reasonable opportunity to recapture any start-up costs, the need to afford competing vendors the opportunity to do business with LTD, and the relative benefit to LTD of a longer or shorter contract term All contracts must specify a contract period of performance, either in the form of delivery schedules for contract deliverables such as commodities, or a specific end date for service contracts.
- 3.8 Contractor: The person or entity awarded the Public Contract in response to a solicitation by LTD.
- 3.9 Date of Solicitation Document: The date when the first advertisement for the Solicitation Document is published.
- 3.10 General Manager: The General Manager of Lane Transit District.
- 3.11 Grant: An agreement under which a Contracting Agency receives moneys, property, or other assistance, including but not limited to federal, state and local assistance that is characterized as a grant by law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the Contracting Agency and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions; or an agreement under which a Contracting Agency provides moneys, property, or other assistance, including but not limited to federal, state and

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local assistance that is characterized as a grant by law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the Contracting Agency is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. Grant does not include a Public Contract for a Public Improvement, for Public Works, or for emergency work, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement, when under the Public Contract a Contracting Agency pays, in consideration for contract performance intended to realize or to support the realization of the purposes for which grant funds were provided to the Contracting Agency.

- 3.12 Invitation for Bid or IFB: All documents issued by LTD used for soliciting Bids from prospective Bidders and used to explain offering procedures and requirements.
- 3.13 Lowest Responsible Bidder: The lowest priced, responsive, responsible Bidder who has substantially complied with all prescribed public bidding procedures and requirements and who has not been debarred, suspended or otherwise excluded by any agency or department of the federal government, or debarred or disqualified by LTD under Oregon law.
- 3.14 LTD: Lane Transit District.
- 3.15 Non-Standard Procurement: Any procurement other than an Invitation to Bid, Request for Proposals or Request for Qualifications solicited using full and open competition. Micro-purchases and small procurements are excluded from the definition of "non-standard procurement."
- 3.16 Offer: A Bid, Proposal, or other written response to a Solicitation Document as applicable.
- 3.17 Offeror: A Bidder, Proposer, or other Person, as applicable, who submits an Offer.
- 3.18 Person: An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity that has legal capacity to enter into a Contract.
- 3.19 Personal Services: Services where the skill, ability, resources, knowledge or expertise of an independent contractor are of paramount importance. Personal Service contracts include, but are not limited to, the following:
  - a. Contracts for services as an artist in the performing or fine arts.
  - b. Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.
  - c. Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
  - d. Contracts for services that are specialized, creative, or research oriented.
- 3.20 President: The presiding officer of LTD/CRB and who is the same person who serves as President of the LTD Board of Directors.
- 3.21 Proposal: A written, competitive Offer submitted in response to a Request for Proposal, binding on the Proposer, in which price, conformance to specification, and other listed factors will be part of the award criteria.
- 3.22 Proposer: An Offeror who submits a Proposal in response to a Request for Proposal.
- 3.23 Public Contract or Contract: A sale or other disposal, or a purchase, lease, rental, or other acquisition, by LTD of personal property, services, including Personal Services, Public

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Improvement, Public Works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement. Public Contract does not include grants.

- 3.24 Public Improvement: A project for construction, reconstruction, or major renovation on real property by or for LTD. However, Public Improvement does not include either:
- a. projects for which no funds of LTD are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
  - b. any emergency work, minor alteration, ordinary repair, or maintenance necessary in order to preserve a Public Improvement.
- 3.25 **Public Works: Has the meaning set forth in ORS 279C.800(6).**
- 3.26 Receipt of Offer: Occurs when an Offer and any associated documentation is actually received by LTD at the delivery point and/or by the person designated in the Solicitation Document.
- 3.27 Request for Proposal or RFP: All documents issued by LTD used for soliciting Proposals from prospective Proposers and explaining offering procedures and requirements.
- 3.28 Responsive Offer (also Responsive Bid or Responsive Proposal): An Offer that is in substantial compliance with applicable solicitation procedures, these rules, and all requirements and criteria set forth in the Solicitation Document.
- 3.29 Responsible Offeror (also Responsible Bidder or Responsible Proposer): An Offeror who meets the standards set forth in Section 16.3.
- 3.30 Signature: Any mark, word, or symbol attached to or logically associated with a document and executed or adopted by a Person with the intent to be bound.
- 3.31 Signed: A written document that contains a signature.
- 3.32 Solicitation Document: An Invitation for Bid, Request for Proposal, or other document issued to invite Offers from prospective Offerors pursuant to the Rules.
- 3.33 Submittal Period: The span of time between the date of the Solicitation Document and Closing Date.
- 3.34 Written or Writing: Conventional paper documents, whether handwritten, typewritten, or printed, in contrast to spoken words. It also includes electronic transmission when required by applicable law or permitted by a Solicitation Document or Contract.

#### SECTION 4 – DELEGATED AUTHORITY

Refer to LTD Resolution No. 2017-03-15-011, A Resolution Establishing Public Contracting Policies, effective April 1, 2017, for Levels of Contracting Authority.

#### SECTION 5 –WRITTEN STANDARDS OF CONDUCT

- 5.1. Written Standards of Conduct. Refer to LTD's Administrative Employee Handbook, as amended, for Employee Rules for Ethical Conduct. Also refer to Board of Directors Ethics and Conflict of Interest Policy and Acknowledgment and Disclosure Form.
- 5.2. Organizational Conflict of Interest. Engaging in practices that result in organizational conflicts of interest are prohibited.
- a. An organizational conflict of interest occurs when any of the following circumstances arise:
    - i. Lack of Impartiality or Impaired Objectivity. When the contractor is unable, or

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- potentially unable, to provide impartial and objective assistance or advice to the recipient due to other activities, relationships, contracts, or circumstances.
- ii. Unequal Access to Information. The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
  - iii. Biased Ground Rules. During the conduct of an earlier procurement, the contractor has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.
- b. A Conflict of Interest Disclosure Form shall be included in every formal solicitation. For small purchases, a Conflict of Interest Disclosure Form shall be sent to prospective contractors at the time LTD requests an informal bid or quote from the prospective contractor(s). For micro-purchases, the Procurement staff member shall attest that no organizational conflict of interest exists.

## SECTION 6 – INDEPENDENT COST ESTIMATE

- 6.1. Independent Cost Estimate Required. Concurrent with the submission of a Request for New Proposal, and before issuing a solicitation, an Independent Cost Estimate (ICE) must be submitted to the Procurement Department. The ICE is an estimate of what the item or service “should cost.” Available resources for completion of an ICE include: (1) the use of published price lists; (2) historical pricing information from similar contracts previously awarded; (3) comparable purchases by other agencies; (4) engineering estimates; and (5) independent third party estimates (e.g., an A/E construction cost estimate).
- 6.2. Application. An independent cost estimate shall be required for all procurement actions above the micro-purchase level, including contract modifications.

## SECTION 7 – PROCUREMENT METHODS (FULL AND OPEN COMPETITION)

- 7.1 Full and Open Competition. Except as provided herein, or as otherwise permitted by law, LTD shall use procurement procedures that provide full and open competition. Compliance with the solicitation procedures described herein and in FTA Circular 4220.1F, shall fulfill the requirement for “full and open competition.” Notwithstanding any exceptions to competitive procurement allowed by law or this Policy, LTD may nevertheless award a Contract using the competitive procurement process as set forth herein.
- a. **Conflict Between Federal and State Law. There exists a conflict in the threshold levels for micro, small, intermediate and formal procurements between State and Federal law. LTD adopts, for all procurements regardless of funding source, the threshold levels set forth in the Federal Acquisition Regulation (FAR) and FTA Circular 4220.1F, and as stated herein, except where Oregon law establishes lower threshold levels than federal law. Where Oregon requirements are more stringent than federal requirements, Oregon law controls.**
- 7.2 Restrictions on Competition. “Full and open competition” means that there is no unfair competitive advantage to any potential contractor. Some of the situations considered to be restrictive of competition include, but are not limited to, the following:
- a. Unreasonable requirements placed on firms in order for them to qualify to do business.
  - b. Unnecessary or excessive experience, excessive bonding, insurance, warranty, or similar requirements which affect an otherwise qualified firm’s ability to compete. Such requirements must also, however, be established in a manner consistent with protection of LTD’s interests.

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- c. Noncompetitive pricing practices between firms or between affiliated companies.
  - d. Specifying only a “brand name” product, without specifying that equivalent products will be accepted and providing salient characteristics or other descriptive information sufficient to allow bidders to identify and propose such equivalent products. See Section 12.3, Brand Name or Equal requirements.
  - e. The use of specification requirements and evaluation criteria which unnecessarily favor an incumbent contractor.
  - f. Specifying in-State or local geographical preferences, or evaluating bids or proposals in light of in-State or local geographical preferences is prohibited by the FTA, as restrictive of competition. However, these preferences may be permitted or even required for non-federally funded procurements. **Exceptions to the prohibition against in-State or local geographical preferences for federally funded contracts include:**
    - i. **Architectural Engineering (A&E) Services. Geographic location may be a selection criteria if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project.**
    - ii. **Licensing. Oregon may enforce its licensing requirements, provided that those Oregon requirements do not conflict with Federal law.**
    - iii. **Major Disaster or Emergency Relief. Certain federally funded contracts for disaster or emergency relief, in accordance with FTA Circular 4220.1F.**
  - g. Any arbitrary action in the procurement process.
- 7.3 Unsolicited Proposals. LTD may only accept an unsolicited proposal in accordance with the FTA Circular 4220.1F. To satisfy the requirement for full and open competition, LTD must take the following actions before entering into a contract resulting from an unsolicited proposal:
- a. Publicize receipt of the unsolicited proposal;
  - b. Publicize an adequate description of the property or services offered without improperly disclosing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought;
  - c. Publicize LTD’s interest in acquiring the property or services described in the proposal;
  - d. Provide an adequate opportunity for interested parties to comment or submit competing proposals;
  - e. Publicize LTD’s intention to award a contract based on the unsolicited proposal or another proposal submitted in response to the publication; and
  - f. An unsolicited proposal may only be accepted after written approval by the Procurement Manager and General Manager, subject to the contracting authority limits set forth in Section 4.
- 7.4 Micro Purchases. LTD may acquire property and services valued at \$10,000 or less without obtaining competitive quotations or proposals.
- a. Written Determination. The staff person acquiring property or services through a micro-purchase must make a written determination, in advance of the purchase, that the purchase price is fair and reasonable. That determination must include a description of how she/he came to that determination. This written determination shall be provided to the Procurement Manager within two (2) business days of making the micro-purchase.
  - b. No Artificial Division. A procurement may not be artificially divided or reduced merely to

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come within the micro-purchase limit.

- c. Construction Contracts Exceeding \$2,000. Davis-Bacon prevailing wage requirements apply to construction contracts exceeding \$2,000.

7.5 Small Purchases (Other Than Construction Contracts). For all contracts other than construction contracts, LTD may acquire property and services valued at more than the micro-purchase threshold (currently \$10,000) but less than the Federal simplified acquisition threshold (currently at \$~~4~~250,000) without obtaining competitive quotations or proposals, provided such Contracts are awarded in accordance with the Small Purchases procedures set forth herein and in the FTA Circular 4220.1F.

- a. Independent Cost Estimate (ICE). An ICE is required. See Section 6, above, for requirements.
- b. Obtaining Quotes. LTD must find that the awarding of a Contract using these Small Purchase procedures will not encourage favoritism or diminish competition, and will result in substantial cost savings to LTD. In making this determination, LTD shall comply with the following:
  - i. Reasonable efforts are made to obtain at least three quotes prior to awarding a Contract. If three quotes are not available, fewer will suffice if a written record is made of the effort to obtain quotes. A written record is made of all sources of the quotes received.
  - ii. A written documentation that the price is reasonable will be placed in the file. That determination must include a description of how the purchaser came to that determination.
  - iii. LTD shall not award Contracts totaling in excess of \$~~4~~250,000 to any one Contractor during one fiscal year pursuant to this section.

7.6 Intermediate Level Procurement of Construction Services. Public improvement contracts estimated by LTD not to exceed \$100,000 may be awarded in accordance with this Section.

- a. Independent Cost Estimate (ICE). An ICE is required. See Section 6, above, for requirements.
- b. Selection Criteria. The selection criteria may be limited to price or some combination of price, experience, specific expertise, availability, project understanding, contractor capacity, responsibility, and similar factors.
- c. Request for Quotes. LTD shall utilize written requests for quotes whenever reasonably practicable. Written requests for quotes shall include the selection criteria to be utilized in selecting a contractor and, if the criteria are not of equal value, their relative value or ranking. When requesting quotations orally, prior to requesting the price quote, LTD shall state any additional selection criteria and, if the criteria are not of equal value, their relative value. For Public Works Contracts, oral quotations may be utilized only in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.
- d. Number of Quotes; Records Required. LTD shall seek at least three competitive quotes, and keep a written record of the sources and amounts of the quotes received. If three quotes are not reasonably available, LTD shall make a written record of the effort to obtain those quotes.
- e. Award. If awarded, LTD shall award the Contract to the prospective contractor whose quote will best serve the interests of LTD, taking into account the

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**announced selection criteria. If the award is not made to the Offeror offering the lowest price, LTD shall make a written record of the basis for award. (OAR 137-049-0160).**

7.7 Sealed Bids (Formal Advertising). Sealed bidding is the preferred procurement method in which bids are publicly solicited and a firm fixed price contract is awarded to the responsible bidder whose bid, conforming to all the materials terms and conditions of the invitation for bids is lowest in price. LTD shall comply with the requirements for Sealed Bids stated in the FTA Circular 4220.1F, Oregon law, and as otherwise stated herein.

a. When Appropriate. Sealed bid procurements should be used when the following circumstances are present:

- i. **Precise Specifications.** A complete, adequate, precise and realistic specification or purchase description is available.
- ii. **Adequate Sources.** Two or more responsible bidders are willing and able to compete effectively for the business.
- iii. **Fixed Price Contract.** The procurement generally lends itself to a firm fixed price contract.
- iv. **Price Determinative.** The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations discussed in Section 16.3, contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award.
- v. **Discussions Unnecessary.** Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone.

b. Procurement Procedures. The following procedures apply to sealed bid procurements:

- i. **Publicity.** The Invitation for Bids is publicly advertised. **See Section 13 for Oregon requirements on public advertisement.**
- ii. **Adequate Sources.** Bids are solicited from an adequate number of known suppliers.
- iii. **Adequate Specifications.** The Invitation for Bids, including any specifications and pertinent attachments, describes the property or services sought in sufficient detail that a prospective bidder will be able to submit a proper bid.
- iv. **Sufficient Time.** Bidders are allowed sufficient time to prepare bids before the date of bid opening. **A “sufficient time to prepare bids before the date of bid opening” means no less than the following under Oregon law:**

1. **Solicitations for Goods and Services: The interval between the first date of public notice of the Solicitation Document and Closing shall not be less than fourteen (14) days for an Invitation to Bid and thirty (30) days for a Request for Proposals, unless LTD determines that a shorter interval is in the public’s interest, and that a shorter interval will not substantially affect competition. However, in no event shall the interval between the first date of public notice of the Solicitation Document and closing be less than seven (7) days. LTD shall document the specific reasons for the shorter public notice period in the Procurement file.**

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(OAR 137-047-0300(3)(c), ORS 279B.055 (4)(f).

**2. Solicitations for Construction Services: The scheduled Closing shall not be less than five days after the date of the last publication of the advertisement. (OAR 137-049-0210(2)(d)(D))**

- v. Public Opening. All bids are publicly opened at the time and place described in the Invitation for Bids.
- vi. Fixed Price Contract. A firm fixed price contract is usually award in writing to the lowest responsive and responsible bidder, but a fixed price incentive contract or inclusion of an economic price adjustment provision can sometimes be appropriate. When specified in the bidding documents, factors such as transportation costs and life cycle costs affect the determination of the lowest bid; payment discounts are used to determine the low bid only when prior experience indicates that such discounts are typically taken.
- vii. Rejection of Bids. Any or all bids may be rejected if there is a sound, documented business reason.

7.8 Competitive Proposals (Request for Proposals). The use of competitive or “best value” requests for proposals is a generally accepted procurement method when the nature of the procurement does not lend itself to sealed bidding and LTD expects that more than one source will be willing and able to submit an offer or proposal. LTD shall comply with the requirements for Competitive Proposals stated in FTA Circular 4220.1F, Oregon law, and as otherwise stated herein.

- a. When Appropriate. Competitive proposals should be used when any of the following circumstances are present:
  - i. Type of Specifications. The property or services to be acquired are described in a performance of functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing the contract award on factors other than price alone are present.
  - ii. Uncertain Number of Sources. Uncertainty about whether more than one bid will be submitted in response to an invitation for bids and LTD lacks authority or flexibility under Oregon or local law to negotiate the contact price if it receives only a single bid.
  - iii. Price Alone Not Determinative. Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors.
  - iv. Discussions Expected. Separate discussions with individual offeror(s) are expected to be necessary after they have submitted their proposals.
- b. Procurement Procedures. The following procedures apply to procurements by competitive proposals:
  - i. Publicity. The Request for Proposals is publicly advertised. **See Section 13 for Oregon requirements on public advertisement.**
  - ii. Evaluation Factors. All evaluation factors and their relative importance are specified in the solicitation. For procurement of Goods and Services, numerical or percentage ratings or weights need not be disclosed. **See Section 12 for Oregon requirements on solicitation document and evaluation factors.**
  - iii. Adequate Sources. Proposals are solicited from an adequate number of known

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suppliers.

- iv. Evaluation Method. A specific method is established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror. **See Section 16 for Oregon requirements on evaluation of Requests for Proposals.**
- v. Price and Other Factors. An award is made to the responsible offeror whose proposal is most advantageous to LTD with price and other factors considered.
- vi. Best Value. LTD may award the contract to the offeror whose proposal provides the greatest value to LTD. To do so, LTD's solicitation must inform potential offerors that the award will be made on a "best value" basis and identify what factors will form the basis for award. The evaluation factors for a specific procurement should reflect the subject matter and the elements that are important to LTD. Those evaluation factors may include, but need not be limited to, technical design, technical approach, length of delivery schedules, quality of proposed personnel, past performance, and management plan. **See Section 16 for Oregon requirements on evaluation of Requests for Proposals.**

7.9 **Architectural Engineering (A&E) Services and Other Services.** LTD shall select consultants to provide architectural, engineering, photogrammetric mapping, transportation planning, land surveying services, or related services on the basis of the consultant's qualifications for the type of professional service required. LTD may solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead to determine consultant compensation only after LTD has selection a candidate pursuant to this Section.

- a. **Screening and Selection Procedures.** LTD's screening and selection procedures under this section, regardless of the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for a project, may include:
  - i. **Specialized experience, capabilities and technical competence, which the prospective consultant may demonstrate with the prospective consultant's proposed approach and methodology to meet the project requirements;**
  - ii. **Resources committed to perform the services and the proportion of the time that the prospective consultant's staff would spend to perform services for the contracting agency, including time for specialized services, within the applicable time limits;**
  - iii. **Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;**
  - iv. **Ownership status and employment practices regarding disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own, emerging small businesses or historically underutilized businesses;**
  - v. **Availability to the project locale;**
  - vi. **Familiarity with the project locale; and**
- b. **Proposed project management techniques. (ORS 279C.110 (3)). Pricing**

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**Information. Notwithstanding the requirement in subsection (a) of this section that LTD may not solicit or use pricing policies, proposals or other pricing information until after LTD has selected a consultant, a local contracting agency may use pricing policies, proposals or other pricing information as part of LTD's screening and selection of prospective consultants if LTD:**

- i. States in solicitation documents for the procurement:**
  - 1. That LTD will screen and select prospective consultants as provided in this subsection;**
  - 2. How LTD will rank proposals from prospective consultants, with a specific focus on:**
    - a. Which factors LTD will consider in evaluating proposals, including pricing policies, proposals or other pricing information, if LTD will use pricing policies, proposals or other pricing information in the evaluation; and**
    - b. The relative weight LTD will give each factor, disclosing at a minimum the number of available points for each factor, the percentage each factor comprises in the total evaluation score and any other weighting criteria LTD intends to use;**
  - 3. An estimate of the cost of professional services LTD requires for the procurement; and**
  - 4. A scope of work that is sufficiently detailed to enable a prospective consultant to prepare a responsive proposal.**
- ii. Evaluates each prospective consultant on the basis of the prospective consultant's qualifications to perform the professional services LTD requires for the procurement. LTD may use the criteria set forth in subsection (a) of this section to conduct the evaluation.**
- iii. Announces the evaluation scores and rank for each prospective consultant after completing the evaluation described in paragraph (ii) of this subsection. LTD may determine that as many as three of the top-ranked prospective consultants are qualified to perform the professional services LTD requires for the procurement and may request a pricing proposal for the scope of work stated in paragraph (i)(4) of this subsection from each of the top-ranked consultants. The pricing proposal:**
  - 1. Must consist of:**
    - a. A schedule of hourly rates that the prospective consultant will charge for the work of each individual or each labor classification that will perform the professional services LTD requires for the procurement, in the form of an offer that is irrevocable for not less than 90 days after the date of the proposal; and**
    - b. A reasonable estimate of hours that the prospective consultant will require to perform the professional services LTD requires for the procurement; and**
  - 2. May include, at LTD's request, additional pricing information that is limited to:**

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- a. A description of each task that the prospective consultant understands as comprising the professional services;
  - b. A list of each individual or labor classification that will perform each task, together with the hourly rate that applies to the individual or labor classification; and
  - c. A list of expenses, including travel expenses, that the prospective consultant expects to incur in connection with providing the professional services.
- iv. Permits a prospective consultant identified as qualified under paragraph (iii) of this subsection to withdraw from consideration for the procurement if the prospective consultant does not wish to provide a price proposal.
  - v. Completes the evaluation and selects a consultant from among the top-ranked prospective consultants that have not withdrawn as provided under paragraph (iv) of this subsection, giving not more than 15 percent of the weight in the evaluation to each prospective consultant's price proposal.
- c. Most Qualified. Negotiations are first conducted with only the most qualified offeror. Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price LTD believes is fair and reasonable.

**SECTION 8 – PROCUREMENT METHODS (OTHER THAN FULL AND OPEN COMPETITION)**

8.1 Other Than Full and Open Competition. Only under those circumstances set forth in the FTA Circular 4220.1F, Oregon law, and as otherwise stated herein, may LTD conduct procurements without providing for full and open competition.

8.2 **Sole Source.** LTD may, without following the Competitive Procurement requirements and without competition, award contracts for goods or services if the General Manager and the Director of Business Services have determined, in writing, that the goods or services are only available from one source, subject to the limits of their delegated authority. (ORS 279B.075 (1))

- a. **Written Findings.** The determination must be based on written findings that may include:
  - i. That the efficient utilization of existing goods requires acquiring compatible goods or services;
  - ii. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
  - iii. That the goods or services are for use in a pilot or an experimental project; or
  - iv. Other findings that support the conclusion that the goods or services are available from only one source. (ORS 279B.075 (2))

1. An exception to the Sole Source Policy includes proprietary software where only one vendor has the ability to manufacture, distribute, and sell their software program. Proper documentation must be included with the request, including but limited to the Proprietary Software Form.

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- b. **Negotiation. To the extent reasonably practical, LTD shall negotiate with the Sole Source to obtain contract terms advantageous to LTD. (ORS 279B.075 (3))**
  - c. Exercise of Options. See Section 24, regarding Exercise of Options.
  - d. Cost Analysis Required. See Section 11.4, regarding Cost Analysis.
- 8.3 Single Bid or Single Proposal. Upon receiving a single bid or single proposal in response to a solicitation, the Procurement Manager should make a written determination of whether the competition was adequate. This determination should include a review of the specifications for undue restrictiveness and might include a survey of potential sources that chose not to submit a bid or proposal.
- 8.4 **Emergency Contracts. The LTD General Manager, or the LTD Contract Review Board, may make or authorize others to make emergency procurements of goods or services in an emergency. LTD shall document the nature of the emergency and describe the source selection methods used for the procurement.**
- a. **For an emergency procurement of construction services that are not public improvements, LTD shall ensure competition for a contract for the emergency work that is reasonable and appropriate under the emergency circumstances. In conducting the procurement, LTD shall set a solicitation time period that LTD determines to be reasonable under the emergency circumstances and may issue written or oral requests for offers or make direct appointments without competition in cases of extreme necessity. (ORS 279B.080).**
- 8.5 Less Than Full and Open Competition – When Prohibited. Less than full and open competition is not justified based on:
- a. Failure to Plan. LTD's lack of advance planning; or
  - b. Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, the expiration of Federal assistance previously available for award).
- 8.6 Procurement Procedures (Less Than Full and Open Competition). When less than full and open competition is available, LTD shall:
- a. Potential Sources. Solicit offers from as many potential sources as is practicable under the circumstances.
  - b. Sole Source Justification. If an offer will be solicited from only one source, the Contract Manager shall complete and submit to the Director of Business Services a Justification For No Full and Open Competition Form as soon as she/he becomes aware of the potential sole source procurement. See Section 24, regarding Evaluation of Options.
  - c. Cost Analysis. The Contract Manager shall prepare a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits. The Contract Manager shall submit the Cost Analysis to the Procurement Manager for review and approval. See Section 11.4 regarding Cost or Price Analysis.
  - d. Pre-award Review. If federal funds are or may be involved, the Procurement Manager shall submit the proposed procurement to FTA for pre-award review only if the FTA so requests.
  - e. Board Approval. Board approval is required for all contracts procured using use less than full and open competition (including Sole Source Contracts) regardless of the contract

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value.

## **SECTION 9 – PERSONAL SERVICES CONTRACT SELECTION PROCEDURES**

Pursuant to ORS 279A.055 and 279A.065 (6), the LTD Board of Directors, as the LTD Contract Review Board, may: (a) designate certain contracts as Personal Services contracts; and (b) adopt rules of procedure for selection of such Personal Services contracts, in lieu of the Oregon Model Rules for public contracting, set forth in the Oregon Administrative Rules (OAR) Chapter 137, Division 046 to 049.

This *Personal Services Contract Selection Procedures* constitute LTD's procedures for the screening and selection of Personal Services contracts.

- 9.1 **Definitions.** The following terms have the meanings set forth herein. Any term not defined herein shall have the definition set forth under the Oregon Public Contracting Code (ORS Ch. 279A-C) or the Oregon Model Rules (OAR 137-046 to 049).
- a. **Proposal.** An offer to provide Personal Services whether formal or informal as designated below.
  - b. **Personal Services.** Services where the skill, ability, resources, knowledge or expertise of an independent contractor are of paramount importance. Personal Service contracts include, but are not limited to, the following:
    - i. Contracts for services performed in a professional capacity or as a consultant including but not limited to services of an accountant; actuary; auditor; attorney; banker; insurance agent; information technology consultant; or marketing specialist.
    - ii. Contracts for services as an artist in the performing or fine arts.
    - iii. Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.
    - iv. Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
    - v. Contracts for services that are specialized, creative, or research oriented.
  - c. **Professional Services.** As used herein, Personal Services does not include Professional Services, as defined in ORS 279C.100 (2), which means, "architectural, engineering, photogrammetric mapping, transportation planning or land surveying services," or Related Services, as defined in ORS 279C.100 (8), which means, services "related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects." Professional Services and Related Services are subject to the requirements of ORS Ch. 279C and OAR Chapter 137, Division 048.
- 9.2 **Method of Procurement.** Based on the estimated total cost of a Personal Services contract, the following methods of procuring a Personal Services contract shall be used, unless an exemption applies, pursuant to Section 4:
- a. **Direct Negotiation – Personal Services Contract of \$10,000 or Less.** When a nonexempt Personal Services contract is estimated to be \$10,000 or less, a Personal Services contractor may be selected by direct selection or award, so long

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as the quality of service offered by the Personal Services contractor is sufficient for LTD's particular needs under the circumstances, the cost to LTD is fair and reasonable under the circumstances, and the award is in all other respects in LTD's best interests.

- b. **Informal Solicitation – Personal Services Contracts Over \$10,000 But Not Over \$150,250,000.** When a nonexempt Personal Services contract is estimated to be more than \$10,000 but not more than \$1250,000, informal Proposals, or price quotes, may be solicited. Informal Proposals, or price quotes, shall be solicited from a sufficient number of qualified prospective proposers to ensure no fewer than three qualified proposers submit Proposals or price quotes. If three quotes or Proposals are not reasonably available, fewer will suffice, and the efforts made to solicit Proposals, or price quotes, shall be documented in LTD's files.
- c. **Formal Solicitation – Personal Services Contracts Over \$1250,000.** When a nonexempt Personal Services contract is estimated to exceed \$1250,000, LTD shall award the nonexempt Personal Services contract by competitive sealed bidding under ORS 279B.055 or by competitive sealed proposals under ORS 279B.060 and the applicable Model Rules.

9.3 **Prequalification of Prospective Proposers.** A pool of prospective proposers may be established for a particular type of Personal Services contract by soliciting statements of qualification from individuals or firms that may be qualified to perform those particular Personal Services pursuant to ORS 279B.120 and corresponding statutes and administrative rules.

9.4 **Exemptions.** Procuring a Personal Services contract under one of the exemptions set forth herein is a non-standard procurement, which requires, pursuant to LTD Resolution No. 2017-03-15-011, *A Resolution Establishing Public Contracting Policies*, written approval of the General Manager and the Director of Business Services before solicitation, if any, or entering into. In accordance with the levels of contracting authority requirements set forth in LTD Resolution No. 2017-03-15-011, Personal Services contracts entered into pursuant to an exemption under this Section and estimated to exceed \$249,999 shall be presented to the LTD Contract Review Board for approval.

- a. **Sole Source.** If only one individual or firm is qualified and available to perform a Personal Services contract, a contract may be awarded to that individual or firm without competition. The requirements of ORS 279B.075 do not apply.
- b. **Unique or Specialized Knowledge or Expertise.** A Personal Services contract may be awarded without competition if the contractor has unique or specialized knowledge or expertise required by LTD, and soliciting informal or formal proposals from others would not be in LTD's best interests.
- c. **Emergency.** A Personal Services contract may be awarded without competition if prompt execution of a contract is necessary in an Emergency, as that term is defined in ORS 279A.010 (1)(f).

9.5 **Protests.**

- a. **Purpose.** An Affected Person may protest the award of a Personal Services contract, or a notice of intent to award a Personal Services contract, whichever comes first. Before seeking judicial review of the award of a Personal Services contract, an Affected Person must file a Written protest with LTD and exhaust all administrative remedies.

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- b. **Delivery.** Unless otherwise specified, an Affected Person must deliver a Written protest to LTD within seven (7) Days after award of a Personal Services contract, or issuance of the notice of intent to award a Personal Services contract, whichever comes first.
  - c. **Content of Protest.** The Written protest must include those requirements set forth in OAR 137-047-0740 and any other requirements set forth in *Lane Transit District's Procurement Policy, amended on September 16, 2020.*
  - d. **Contract Review Authority Response.** LTD shall not consider an Affected Person's protest submitted after the timeline established for submitting such protest.
  - e. **Judicial Review.** An Affected Person may seek judicial review of LTD's decision relating to a protest of the award of a Personal Services contract only after the Affected Person has exhausted all administrative remedies set forth in *Lane Transit District's Procurement Policy, adopted on June 22, 2017* and in accordance with the requirements of Oregon law.
- 9.6 **Federal Funds.** Notwithstanding any provision herein, LTD shall comply with applicable federal statutes and regulations for Personal Services contracts funded with federal funds in accordance with applicable law.

## SECTION 10 – JOINT AND COOPERATIVE PROCUREMENTS

- 10.1 Joint Procurements. The term "joint procurement" means a method of contracting in which two or more purchasers agree from the outset to use a single solicitation document and enter into a single contract with a contractor for delivery of property or services in a fixed quantity, even if expressed as a total minimum and total maximum. LTD shall conduct any joint procurement in compliance with this Section.
- a. **Federal Requirements.** When obtaining goods or services through a joint procurement, LTD must ensure compliance with all applicable FTA and other federal requirements.
  - b. **State or Local Government Purchasing Schedules or Purchasing Contracts.** LTD may, and is encouraged by FTA, to use State or Local Government Purchasing Schedules, in accordance with the FTA Circular 4220.1F.
    - i. **Use of a State or Local Purchasing Schedule is a "joint cooperative procurement" under Oregon law. A joint cooperative procurement is valid only if:**
      1. **The administering contracting agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055, 279B.060, or 279B.085 or uses a competitive bidding process substantially equivalent to the competitive bidding process in ORS Chapter 279C;**
      2. **The administering contracting agency's solicitation and the original contract or price agreement identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements; and**
      3. **No material change is made in the terms, conditions, or prices of the contract between the contractor and LTD from the terms, conditions, and prices of the original contract between the contractor and the administering contracting agency. (ORS 279A.210)**

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- ii. **Also see Section 10.3(d) regarding requirements for interstate cooperative procurements, which applies when one or more of the participating governmental bodies are located outside of Oregon.**

10.2 Federal Excess and Surplus Property. The Common Grant Rule for governmental recipients encourages recipients to use Federal excess and surplus property managed by GSA, when feasible and economical, rather than procuring new property. The GSA Federal Property Management Regulations, 41 CFR Parts 101-42 through 101-46, 101-48, and 101-49 govern the eligibility of recipients and subrecipients, as well as others, to acquire supplies and services through GSA's personal property utilization and disposal programs.

- a. Limited Use of Federal Supply Schedules. Federal laws authorize State and Local Governments (including institutions of higher education) to use Federal Supply Schedules to acquire information technology (IT) and to purchase products and services to facilitate recovery from a major disaster. In both circumstances, GSA defines the term "State and Local Government" broadly to include many FTA governmental recipients and others as follows: The States of the United States, counties, municipalities, cities, towns, townships, tribal governments, public authorities (including public or Indian housing agencies under the United States Housing Act of 1937), school districts, colleges, and other institutions of higher education, council of governments (incorporated or not), regional or interstate government entities, or any agency or instrumentality of the preceding entities (including any local educational agency or institution of higher education), and including legislative and judicial departments.

The use of Federal supply schedules is permitted, only in accordance with the FTA Circular 4220.1F, as may be amended. When using GSA schedules to acquire property or services, LTD must ensure all federal requirements, required clauses, and certifications are properly followed and included, whether in the master intergovernmental contract or in LTD's purchase document.

- i. Information Technology. Section 211 of the E-Government Act of 2002, 40 U.S.C. Section 502(c)(1), authorizes "State and local governments," within limits established by law, to acquire IT of various types through GSA's Cooperative Purchasing Program, Federal Supply Schedule 70.
- ii. Major Disaster or Emergency Recovery. Since February 1, 2007, Section 833 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, amended 40 U.S.C. Section 502(d), to authorize State and local government entities to use any GSA Federal Supply Schedule to acquire property and services in advance of a major disaster declared by the President of the United States, as well as in the aftermath of an emergency event. The State or local government is then responsible for ensuring that the property or services acquired will be used for recovery.
- iii. Local Preparedness Acquisition. Section 2 of the Local Preparedness Acquisition Act, Pub. L. 110-248, June 26, 2008, amended 40 U.S.C. Section 502(c) by adding paragraph (2) authorizing "State and local governments", within limits established by law, to acquire law enforcement, security and certain related items of various types through GSA's Cooperative Purchasing Program Federal Supply Schedule 84 or any amended or later version of that Federal supply classification group.

- b. **Use of a Federal Supply Schedule is an "interstate cooperative procurement" under Oregon law. An interstate cooperative procurement is only valid if:**

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- i. The administering contracting agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055, 279B.060, or 279B.085 or uses a competitive bidding process substantially equivalent to the competitive bidding process in ORS Chapter 279C;
  - ii. The administering contracting agency's solicitation and the original contract or price agreement identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements; and
  - iii. The administering contracting agency permits the contractor to extend the use of the terms, conditions, and prices of the original contract to LTD.
  - iv. In addition to the above, the following requirements apply:
    - 1. LTD, or the cooperative procurement group of which LTD is a member, must be listed in the solicitation of the administering contracting agency as a party that may establish contracts or price agreements under the terms, conditions, and prices of the original contract, and the solicitation must be advertised in Oregon; or
    - 2. LTD, or the cooperative procurement group of which LTD is a member, shall advertise a notice of intent to establish a contract or price agreement through an interstate cooperative procurement.
- c. **Notice of Intent.** The Notice of Intent must include:
- i. A description of the procurement;
  - ii. An estimated amount of the procurement;
  - iii. The name of the administering contracting agency; and
  - iv. A time, place and date by which comments must be submitted to LTD regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.
- d. **Public Notice.** Public notice of the intent to establish a contract or price agreement through an interstate cooperative procurement must be given in the same manner as provided in ORS 279B.055 (4)(b) and (c). Unless otherwise specified in Oregon's Model Rules, LTD shall give public notice at least seven (7) days before the deadline for submission of comments regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.
- i. If LTD is required to provide notice of intent to establish a contract or price agreement through an interstate cooperative procurement:
    - 1. LTD shall provide vendors who would otherwise be prospective bidders or proposers on the contract or price agreement, if the procurement were competitively procured under ORS Chapter 279B, an opportunity to comment on the intent to establish a contract or price agreement through an interstate cooperative procurement.

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2. **Vendors must submit comments within seven (7) days after the notice of intent is published.**
3. **If LTD receives comments, before LTD may establish a contract or price agreement through the interstate cooperative procurement, LTD shall make a written determination that establishing a contract or price agreement through an interstate cooperative procurement is in the best interest of LTD. LTD shall provide a copy of the written determination to any vendor that submitted comments.**

10.3 Existing Contracts. LTD may find it advantageous to use existing contract rights. "Existing contract" means a contract that, when formed, was intended to be limited to the original parties thereto, and does not include State or local government purchasing schedules (discussed above). LTD may only use existing contract rights consistent with the FTA Circular 4220.1F, Oregon law, and as is set forth in this Section and Section 24.

- a. **Exercise of Options.** LTD may use contract options held by another FTA recipient with the following limitations:
  - i. **Consistency with Underlying Contract.** LTD must ensure that the terms and conditions of the option it seeks to exercise are substantially similar to the terms and conditions of the option as stated in the original contract at the time it was awarded.
  - ii. **Price.** LTD may not exercise an option unless it has determined that the option price is better than prices available in the market, or that when it intends to exercise the option, the option is more advantageous.
  - iii. **Awards Treated as Sole Source Procurements.** FTA assistance may be used to support a sole source award only if that award can be justified under FTA's third party contract standards for sole source awards. The following actions constitute sole source awards:
    1. **Failure to Evaluate Options Before Awarding the Underlying Contract.** If a contract has one or more options and those options were not evaluated as part of the original contract award, exercising those options after contract award will result in a sole source award.
    2. **Negotiating a Lower Option Price.** Exercising an option after LTD has negotiated a lower or higher price will also result in a sole source award unless that price can be reasonably determined from the terms of the original contract, or that price results from Federal actions that can be reliably measured, such as changes in Federal prevailing labor rates, for example.
- b. **Assignment of Contract Rights.** This is also referred to as "piggybacking." LTD may use contractual rights obtained through assignment after first determining that the original contract price remains fair and reasonable, and the original contract provisions are adequate for compliance with all Federal requirements.
  - i. **Use of another agency's existing contract is a "permissive cooperative procurement" under Oregon law. An permissive cooperative procurement is only valid if:**
    1. **The administering contracting agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent**

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- to those specified under ORS 279B.055 or 279B.060;
2. The administering contracting agency's solicitation and the original contract allow other agencies to establish contracts or price agreements under the terms, conditions and prices of the original contract;
  3. The contractor agrees to extend the terms, conditions and prices of the original contract to LTD; and
  4. No material change is made in the terms, conditions or prices of the contract or price agreement between the contractor and LTD from the terms, conditions and prices of the original contract between the contractor and the administering contracting agency.
- ii. **Public Notice.** LTD shall provide public notice of intent to establish a contract or price agreement through a permissive cooperative procurement if the estimated amount of the procurement exceeds \$250,000. Public notice of the intent to establish a contract or price agreement through an interstate cooperative procurement must be given in the same manner as provided in ORS 279B.055 (4)(b) and (c). Unless otherwise specified in Oregon's Model Rules, LTD shall give public notice at least seven (7) days before the deadline for submission of comments regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.
1. If LTD is required to provide notice of intent to establish a contract or price agreement through an interstate cooperative procurement:
    - a. LTD shall provide vendors who would otherwise be prospective bidders or proposers on the contract or price agreement, if the procurement were competitively procured under ORS Chapter 279B, an opportunity to comment on the intent to establish a contract or price agreement through an interstate cooperative procurement.
    - b. Vendors must submit comments within seven (7) days after the notice of intent is published.
    - c. If LTD receives comments, before LTD may establish a contract or price agreement through the interstate cooperative procurement, LTD shall make a written determination that establishing a contract or price agreement through an interstate cooperative procurement is in the best interest of LTD. LTD shall provide a copy of the written determination to any vendor that submitted comments.
  2. **Notice of Intent.** The Notice of Intent must include:
    - a. A description of the procurement;
    - b. An estimated amount of the procurement;
    - c. The name of the administering contracting agency; and
    - d. A time, place and date by which comments must be submitted to LTD regarding the intent to establish a contract or price agreement through an interstate cooperative procurement. (ORS 279A.215)

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## SECTION 11 – NECESSITY, LEASE VERSUS PURCHASING

- 11.1 Unnecessary Reserves. LTD will limit the acquisition of property and services to the amount it needs to support its transit system.
- 11.2 Acquisition for Assignment Purposes. LTD may only contract for its current and reasonably expected public transportation needs and may not add quantities or options to third party contracts solely to permit assignment to another party at a later date. These limits are not intended to preclude joint procurements entered into in accordance with applicable law and rules.
- 11.3 Economic Purchasing. Procurement activity will be reviewed by the Procurement Manager at least annually to determine if certain classes of purchases should be consolidated or broken out to obtain more economic pricing. Analysis will also be made of lease versus purchase alternatives or any other appropriate methodology to determine the most economical approach.
- 11.4 Cost or Price Analysis. A Cost or Price Analysis must be made for every formal procurement, including Contract modifications, as outlined in FTA Circular 4220.1F, as amended. The Contract Manager shall be responsible for completing the Cost or Price Analysis and providing it to the Procurement Manager for review and approval prior to any Contract award or modification. See Section 7.5 for Price Analysis requirements for Micro-Purchases and Sections 7.6 and 7.7 for Price Analysis requirements for Small Purchases.
- a. Price Analysis. If competition was adequate, a price analysis is used to determine the reasonableness of the proposed contract price. Common reasons supporting a price analysis of fair and reasonable pricing include but are not limited to:
- i. Catalog or market prices offered in substantial quantities to the general public;
  - ii. Regulated prices (for example, for many utilities purchases); or
  - iii. A comparison with recent prices for similar goods and services.
- b. Cost Analysis. A cost analysis must be performed when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost.
- i. Applicability. The Contract Manager must perform a cost analysis when:
    1. The Offeror is required to submit the elements (i.e., labor hours, overhead, materials, etc.) of the estimated cost (such as professional consulting and A&E contracts); or
    2. When adequate price competition is lacking, including sole source procurements (which include contract modifications and change orders), unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.
  - ii. Profit. Profit is to be negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
  - iii. Federal Cost Principles. Costs or prices based on estimated costs for contracts will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles contained in Part

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31 of the Federal Acquisition Regulations.

- iv. LTD can accomplish a cost analysis by comparison of proposed prices received in response to a Solicitation Document, by comparison of prior Contract prices for same or similar products or services, by comparison with competitive published price lists, and by comparison of proposed prices with independent cost estimates.

## SECTION 12 – SOLICITATIONS

All Solicitation Documents shall satisfy the requirements set forth in this Section 12.

- 12.1 Clear Descriptions/Nonrestrictive Specifications. All Solicitation Documents shall include a clear and accurate description of the technical requirements for the material(s), product(s), or service(s) to be procured. The description may include a statement of the qualitative nature of the property or services to be acquired. When practicable, requirements should be described in terms of functions to be performed or level of performance required, including the range of acceptable characteristics or minimum acceptable standards. In competitive procurements, the description may not contain features that unduly restrict competition. Except as set forth in Section 12.3 below, specifications shall not expressly or implicitly require any product by any brand name or mark, nor the product of any particular manufacturer or seller unless the products so identified are followed by the terms “or equal specifications.” Notwithstanding the foregoing, nothing herein shall prohibit LTD from specifying one or more comparable products as examples of quality, performance, functionality, or other characteristics of the product needed by LTD.
- 12.2 Quality Requirements/Preference for Performance Specifications. Detailed product specifications should be avoided if at all possible. A description may include a statement of the qualitative nature of the material(s), product(s), or service(s) to be procured and, when necessary, describe minimum essential characteristics and standards to which the property or services must conform if it is to satisfy LTD’s intended use.
- 12.3 Brand Name or Equal. When it is impractical or uneconomical to write a clear and accurate description of the technical requirements of the property or services to be acquired, a “brand name or equal” description may be used to define the performance or other salient characteristics of a specific type of property. The salient characteristics of the named brand must be identified in the Solicitation Documents.
- 12.4 Preferences. LTD shall state in all Solicitation Documents what preferences apply to the solicitation, if any. See Sections 7.3 (f) and 16.1 for the application of geographic preferences.
- 12.5 Time for Acceptance. LTD shall state in all Solicitation Documents that Offers are “Firm Offers,” irrevocable and binding on the Offeror not less than ninety (90) days from the Closing Date, unless otherwise specified in the Solicitation Document.
- 12.6 Solicitation Documents, Terms and Conditions. In addition to the requirements set forth in this Section 12, the Procurement Manager may include any other special terms and conditions applicable to the procurement and the contracts to be awarded so long as those terms and conditions are consistent with the requirements of this Section 12, the FTA Circular 4220.1F, and Oregon law.
- 12.7 **Solicitation Documents for Goods and Services. As used in this Section 12.7, “bids” shall be read to include “proposals” and “invitation to bid” shall be read to include “request for proposals.” The Solicitation Documents must:**
  - a. **Specify a time and date by which the bids must be received and a place at which the bids must be submitted. LTD may receive bids by electronic means or direct or**

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permit a bidder to submit bids by electronic means.

- b. **Specify the name and title of the person designated to receive bids and the person LTD designates as the contact person for the procurement, if different.**
- c. **Describe the procurement. In the description, LTD shall identify the scope of work included within the procurement, outline the contractor's anticipated duties and set expectations for the contractor's performance. Unless LTD for good cause specifies otherwise, the scope of work shall require the contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the appropriate goods or services.**
- d. **Specify a time, date and place for prequalification applications, if any, to be filed and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120.**
- e. **State that LTD may cancel the procurement or reject any or all bids in accordance with ORS 279B.100;**
- f. **Require the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710;**
- g. **Include all contractual terms and conditions applicable to the procurement, including those terms required under federal or Oregon law. See Section 12.10 for required contract terms. The contract terms and conditions shall specify clear consequences for a contractor's failure to perform the scope of work identified in the invitation to bid or the contractor's failure to meet established performance standards. (ORS 279B.055, 279B.060)**

**12.8 Solicitation Documents for Architectural & Engineering Services (Professional Services). LTD shall include the following in each Request for Proposals, whether or not the Request for Proposals is preceded by a Request for Qualifications:**

- a. **General background information, including a description of the project and the specific professional services sought for the project, the estimated project cost, the estimated time period during which the project is to be completed, the estimated time period in which the specific professional services sought will be performed;**
- b. **The RFP evaluation process and the criteria which will be used to select the most qualified proposer, including the weights, points or other classifications applicable to each criterion. If LTD does not indicate the applicable number of points, weights or other classifications, then each criterion is of each value;**
- c. **Conditions or limitations, if any, that may constrain or prohibit the selected Consultant's ability to provide additional services related to the project, including but not limited to construction services;**
- d. **Whether interviews are possible and if so, the weight, points or other classifications applicable to the potential interview;**
- e. **The date and time Proposals are due, and the delivery location for Proposals;**
- f. **Reservation of the right to seek clarifications of each Proposal;**
- g. **Reservation of the right to negotiate a final Contract that is in the best interest of LTD;**
- h. **Reservation of the right to reject any or all Proposals and reservation of the right**

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to cancel the RFP at any time if doing either would be in the public interest as determined by LTD;

- i. A statement that Proposers responding to the RFP do so solely at their expense, and LTD is not responsible for any Proposer expenses associated with the RFP;
  - j. A statement directing Proposers to LTD's protest procedures;
  - k. Special contract requirements, including federal requirements when federal funds are involved;
  - l. A statement whether or not LTD will hold a pre-Proposal meeting and if a pre-Proposal meeting will be held, the location of the meeting and whether attendance is mandatory
  - m. A request for any information LTD deems reasonably necessary to permit LTD to evaluate, rank and select the most qualified Proposer to perform the professional services described in the RFP; and
  - n. A sample form of Contract. (OAR 137-048-0220 (4)).
- 12.9 **Solicitation Documents for Construction Services.** LTD shall, at a minimum, include in the Solicitation Documents:
- a. A designation for or description of the public improvement project;
  - b. The office where the specifications for the project may be reviewed;
  - c. The date that prequalification applications must be filed and the class of work for which bidders must be prequalified if prequalification is a requirement;
  - d. The date and time after which bids will be received, which must be at least five (5) days after the date of the last publication of the advertisement, and may, in the sole discretion of LTD, direct or permit bidders to submit and the contracting agency to receive bids by electronic means;
  - e. The name and title of the person designated to receive bids;
  - f. The date on which and the time and place at which LTD will publicly open the bids;
  - g. A statement that, if the contract is for a public works project subject to the state prevailing rates of wage under ORS 279C.800 to 279C.970, the federal prevailing rates of wage under the Davis-Bacon Act (40 U.S.C. § 3141 et seq.), LTD will not receive or consider a bid unless the bid contains a statement by the bidder that the bidder will comply with ORS 279C.838 or 279C.840 or 40 U.S.C. 3141 et seq.;
  - h. A statement that each bid must identify whether the bidder is a resident bidder, as defined in ORS 279A.120;
  - i. A statement that LTD may reject a bid that does not comply with the prescribed public contracting procedures and requirements and that LTD may reject for good cause all bids after finding that doing so is in the public interest;
  - j. Information addressing whether a contractor or subcontractor must be licensed under ORS 468A.720; and
  - k. A statement that LTD may not receive or consider a bid for a public improvement contract unless the bidder is licensed by the Construction Contractors Board or the State Landscape Contractors Board (ORS 279C.365).

12.10 **Sample Contracts.** A sample contract, approved by the Procurement Manager shall be

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**included with all formal solicitations, in accordance with Oregon law.** For all federally funded projects, LTD shall require as part of the terms and conditions of all Contracts, all applicable provisions of the FTA Master Agreement, as amended, and all applicable provisions of the FTA Circular 4220.1F, as amended.

- a. Liquidated Damages Provision. LTD may include a liquidated damages provision in its contract documents if LTD reasonably expects to suffer damages through delayed contract completion, or if weight requirements are exceeded, and the extent or amount of such damages are uncertain and would be difficult or impossible to determine. The rate and measurement standards must be calculated to reasonably reflect LTD's costs should the standards not be met, and must be specified in the Solicitation Documents and Contract. The procurement file should include a record of any calculation and rationale for the amount of damages established. Any liquidated damages recovered must be credited to the project account involved unless FTA permits otherwise.

### SECTION 13 – PUBLIC NOTICE, ADVERTISING REQUIREMENTS

13.1 Public Notice Required. LTD shall provide public notice of every formal Solicitation Document in accordance with this Section.

13.2 **Public Notice of Solicitation Documents. The LTD Contract Review Board authorizes the advertisement of formal Solicitation Documents via LTD's Electronic Procurement System, in lieu of advertisement in a newspaper or trade journal. However, advertisements for Public Improvement contracts with an expected contract price of \$125,000 or more shall also be advertised in at least one trade journal or newspaper of statewide circulation in accordance with Oregon law. Notwithstanding the foregoing, the Procurement Manager and/or Contract Manager may elect to also provide notice of the Solicitation by:**

- a. Mailing notice of availability of Solicitation Documents to any prospective Offers that have expressed an interest in LTD's procurements;
- b. Placing notice on LTD's web site; or
- c. Providing formal notice in a newspaper of general circulation in the area where the contract is to be performed or in a trade journal of statewide circulation. (OAR 137-047-0300, OAR 137-048-0220(2), OAR 137-049-0210 (2)).

13.3 Content of Advertisement for Goods and Services. All advertisements for Offers shall set forth:

- a. Where, when, how, and for how long the Solicitation Document may be obtained;
- b. A general description of the Goods or Services to be acquired;
- c. The interval between the first date of public notice of the Solicitation Document and Closing shall not be less than fourteen (14) days for an Invitation to Bid and thirty (30) days for a Request for Proposals, unless LTD determines that a shorter interval is in the public's interest, and that a shorter interval will not substantially affect competition. However, in no event shall the interval between the first date of public notice of the Solicitation Document and Closing be less than seven (7) days. LTD shall document the specific reasons for the shorter public notice period in the Procurement file. (OAR 137-047-0300(3)(c), ORS 279B.055 (4)(f)).
- d. The date that persons must file applications for prequalification if prequalification is a requirement and the class of Goods or Services is one for which persons must

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be prequalified.

- e. The office where Contract terms, conditions and Specifications may be reviewed;
- f. The name, title and address of the individual authorized by LTD to receive Offers;
- g. The scheduled Opening; and
- h. Any other information LTD deems appropriate. (OAR 137-047-0300(3)).

13.4 **Content of Advertisement for Architectural & Engineering Services (Professional Services).**

- a. LTD shall publish the advertisement within a reasonable time before the deadline for the Proposal submission or response to the RFQ or RFP, but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the RFQ or RFP.
- b. LTD shall include a brief description of the following items in the advertisement:
  - i. The Project;
  - ii. A description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services LTD seeks;
  - iii. How and where Consultants may obtain a copy of the RFQ or RFP; and
  - iv. The deadline for submitting a Proposal or response to the RFQ or RFP. (OAR 137-048-0220 (2)).

13.5 **Content of Advertisement for Construction Contracts.**

- a. All advertisements for Offers shall set forth:
  - i. The Public Improvement project;
  - ii. The office where Contract terms, conditions and Specifications may be reviewed;
  - iii. The date that Persons must file applications for prequalification under ORS 279C.340, if prequalification is a requirement, and the class or classes of Work for which persons must be prequalified;
  - iv. The scheduled Closing, which shall not be less than five days after the date of the last publication of the advertisement;
  - v. The name, title and address of the LTD person authorized to receive Offers;
  - vi. The scheduled Opening; and
  - vii. If applicable, that the Contract is for a Public Work subject to ORS 279C.800 to 279C.970 or the Davis-Bacon Act (40 U.S.C. § 3141 to 3148)(OAR 137-049-0210 (2)(d)).

**SECTION 14 – PREQUALIFICATION**

14.1 **Prequalification.** LTD may prequalify prospective bidders or proposers to submit bids or proposals to provide goods or services. LTD may determine the method of submitting prequalification applications, the information required in order to be prequalified and the forms to be used for submitting prequalification information for each procurement requiring prequalification.

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- 14.2 **LTD Response.** Upon receipt of a prequalification application, LTD shall investigate the prospective bidder or proposer as necessary to determine whether the prospective bidder or proposer is qualified. The determination shall be made in less than 30 days, if practicable. LTD shall notify the prospective bidder or proposer whether the bidder or proposer is qualified based on the standards of responsibility listed in ORS 279B.110 (2), the type and nature of contractors that the prospective bidder is qualified to compete for and the time period for which the prequalification is valid. If LTD does not prequalify a prospective bidder or proposer as to any contracts covered by the prequalification process, the notice must specify which of the standards of responsibility listed in ORS 279B.110 (2) the prospective bidder failed to meet. Unless the reasons are specified, the prospective bidder or proposer shall be deemed to have been prequalified in accordance with this section. (See Section 16.3 for Standards of Responsibility).
- 14.3 **Revocation of Prequalification.** If LTD subsequently discovers that a prospective bidder or proposer that prequalified under Sections 14.1 and 14.2, above, is no longer qualified, LTD may revoke the prequalification upon reasonable notice to the prospective bidder or proposer, except that a revocation is invalid as to any contract for which an advertisement for bids or proposals has already been issued. (ORS 279B.120, 279B.125).

#### SECTION 15 – BID OR PROPOSAL SECURITY

- 15.1 **Goods and Services.** LTD may require bid or proposal security if LTD determines that bid/proposal security is reasonably necessary or prudent to protect the interests of LTD. LTD shall return the bid/proposal security to all bidders/proposers upon the execution of the contract. LTD shall retain the bid/proposal security if a bidder who is award a contract fails to promptly and properly execute the contract. For purposes of this Section, prompt and proper execution of the contract includes all action by a bidder/proposer that is necessary to form a contract in accordance with the invitation to bid/request for proposals, including posting performance security and submitting proof of insurance when the invitation to bid/request for proposals requires the submission. (ORS 279B.055, 279B.060). Notwithstanding the above, see Section 7.3 (b) regarding unnecessary bonding as a prohibited restriction on competition by the FTA.
- 15.2 **Construction Services.** For public improvement contracts with a value, estimated by LTD, of more than \$100,000, LTD shall require a bidder to submit or post a surety bond, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008, cashier's check or certified check for all bids as bid security. (ORS 279C.365 (5)). Under FTA Circular 4220.1F, the bid guarantee is equivalent to five percent (5%) of the bid price. Any exception to this bid security requirement must be approved by the FTA.

#### SECTION 16 – EVALUATION AND CONTRACT AWARD

- 16.1 **Preferences.** LTD shall apply the following preferences in accordance with FTA Circular 4220.1F and Oregon law.
- a. **Geographic Preferences.** Although mandated under Oregon law, there is a prohibition against geographic preferences under federal law. Refer to Section 7.3 (f) for the application of geographic preferences when federal funds are, or may, be involved.
  - b. **Preference for Recycled Materials.** Notwithstanding provisions of law requiring LTD to award a contract to the lowest responsible bidder or best proposer or provider of a quotation and subsection (b)(i), below, LTD shall give preference to the procurement of goods manufactured from recycled materials, if the goods are for any public use.

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i. **LTD shall give preference to goods that are certified to be made from recycled materials if:**

1. **The recycled product is available;**
2. **The recycled product meets applicable standards;**
3. **The recycled product can be substituted for a comparable nonrecycled product; and**
4. **The recycled product's costs do not exceed the costs of nonrecycled products by more than five percent (5%), or a higher percentage if a written determination is made by the LTD Contract Review Board. (ORS 279A.125).**

16.2 **Responsiveness.** LTD shall only award a contract to a responsible, responsive bidder or proposer. **"Responsive" means having the characteristic of substantial compliance in all material respects with applicable solicitation requirements. (OAR 137-046-0110 (32)).** The Procurement Manager shall ensure that a responsiveness determination is made and in the contract file before a contractor is selected.

16.3 **Responsibility.** LTD shall only award a contract to a responsible, responsive bidder or proposer. **"Responsibility" is defined in the FTA Circular 4220.1F and supplemented by Oregon law, as is set forth in this Section.** The Procurement Manager shall ensure the applicable Responsibility Determination Form is completed prior to contract award and is in the procurement file.

a. **Goods and Services. As part of LTD's evaluation of a bid or proposal, LTD shall determine whether the bidder or proposer is responsible in accordance with the standards of responsibility set forth in this section. If LTD determines that the bidder or proposer is not responsible, LTD shall provide the bidder or proposer with written notice of LTD's decision. In order for LTD to determine that a bidder or proposer is responsible, the bidder or proposer must demonstrate to LTD that the bidder or proposer:**

- i. Has a satisfactory record of integrity and business ethics;
- ii. Was not debarred or suspended from Federal programs, **or by LTD under ORS 279B.130;**
- iii. Has available the appropriate financial, material, equipment, facility and personnel resources, expertise, organization, accounting, operational controls, and technical skills, or the ability to obtain them, necessary to meet all contractual requirements;
- iv. Has complied with applicable licensing, tax laws, and regulations;
- v. Has, or can obtain, the necessary production, construction, and technical equipment and facilities;
- vi. Is able to comply with the required delivery or performance schedule, taking into consideration existing commitments;
- vii. Is in compliance with affirmative action and DBE requirements;
- viii. Is in compliance with the public policies of the federal government;
- ix. Has a satisfactory record of performance:
  1. Satisfactory current performance record;

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- 2. Satisfactory past performance record: sufficient resources, adequate past experience, past deficiencies not the fault of bidder/proposer;
  - x. **Is legally qualified to contract with LTD;**
  - xi. **Has supplied all necessary information in connection with the inquiry concerning responsibility. (ORS 279B.110, OAR 137-047-0640 (1)(c)(F)).**
- b. **Construction Services. After LTD has opened bids and determined that LTD will award a public improvement contract, LTD shall award the contract to the lowest responsible bidder. In determining the lowest responsible bidder, LTD shall do all of the following:**
- i. **Check the list created by the Construction Contractors Board under ORS 701.227 for Bidders who are not qualified to hold a public improvement contract;**
  - ii. **Determine whether the Bidder is responsible. A responsible bidder must demonstrate to LTD that the bidder:**
    - 1. **Has available the appropriate financial, material, equipment, facility and personnel resources, expertise, organization, accounting, operational controls, and technical skills, or the ability to obtain them, necessary to meet all contractual responsibilities;**
    - 2. **Holds current licenses that businesses or service professionals operating in Oregon must hold in order to undertake or perform the work specified in the contract;**
    - 3. **Is covered by liability insurance and other insurance in amounts required in the solicitation documents;**
    - 4. **Qualifies as a carrier-insured or self-insured employer under ORS 656.407 or has elected coverage under ORS 656.128;**
    - 5. **Has disclosed the Bidder's first-tier subcontractors in accordance with ORS 279C.370;**
    - 6. **Has a satisfactory record of performance;**
      - a. **Satisfactory current performance record;**
      - b. **Satisfactory past performance record: sufficient resources, adequate past experience, past deficiencies not the fault of bidder/proposer. LTD shall document the bidder's record of performance if LTD finds under this subsection (6) that the bidder is not responsible.**
      - c. **Has a satisfactory record of integrity and business ethics.**  
LTD shall document the bidder's record of performance, if LTD finds under this subsection (7) that the bidder is not responsible. ;
    - 7. **Is legally qualified to contract with LTD;**
    - 8. **Has supplied all necessary information in connection with the inquiry concerning responsibility;**
    - 9. **Was not debarred or suspended from Federal programs;**
    - 10. **Has complied with applicable licensing, tax laws, and regulations;**

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11. Has, or can obtain, the necessary production, construction, and technical equipment and facilities;
12. Is able to comply with the required delivery or performance schedule, taking into consideration existing commitments;
13. Is in compliance with affirmative action and DBE requirements; and
14. Is in compliance with the public policies of the federal government.

**iii. LTD shall submit the completed responsibility determination form, with any attachments, to the Construction Contractors Board within 30 days after the date LTD awards the contract. (ORS 279C.375)**

**iii-c. In addition to making a determination concerning a proposer's or bidder's responsibility under subsections (a) and (b) of this section, LTD, as part of its evaluation of a proposal or bid, may consider at any time before executing a public contract with the proposer or bidder whether the proposer or bidder owes a liquidated and delinquent debt to the state.**

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**SECTION 17 – PERFORMANCE BOND AND PAYMENT BOND REQUIREMENTS**

**17.1 Construction Services. A successful bidder for a public improvement contract, estimated by LTD, to have a contract value of \$100,000 or more shall promptly execute and deliver to LTD the following bonds:**

- a. **Performance Bond. A performance bond in an amount equal to the full contract price conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The performance bond must be solely for the protection of LTD. LTD may permit the successful bidder to submit a cashier's check or certified check in lieu of all or a portion of the required performance bond. (ORS 279C.380 (1)(a)).**
- b. **Payment Bond. A payment bond in an amount equal to the full contract price, solely for the protection of claimants under ORS 279C.600. (ORS 279C.380 (1)(b)).**
- c. **Surety. Each performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in the State of Oregon. The bonds may not constitute the surety obligation of an individual or individuals. The performance and payment bonds must be payable to LTD, as specified in the Solicitation Documents, and shall be in a form approved by LTD. (ORS 279C.380 (3)).**
- d. **Exceptions. Pursuant to ORS 279C.390, the LTD Contract Review Board may exempt certain contracts, or classes of contracts, from a portion of the requirement that good and sufficient bonds be furnished to ensure payment of obligations incurred in the performance, but only so long as the exemption is consistent with the FTA's minimum bonding requirements, as is set forth in the FTA Circular 4220.1F, and as follows. The FTA does not permit an exception to the performance bond obligation at 100 percent (100%) of the contract price. FTA has determined that payment bonds in the following amounts are adequate to protect FTA's interest:**
  - i. **Less than \$1 Million. Fifty percent (50%) of the contract price if the contract price is not more than \$1 million.**
  - ii. **More Than \$1 Million but Less Than \$5 Million. Forty percent (40%) of the contract price if the contract is more than \$1 million but not more than \$5 million.**

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- iii. More Than \$5 Million. Two and one half million dollars (\$2,500,000) if the contract price is more than \$5 million.
- iv. Refer to Section 7.3 regarding unnecessary bonding as a prohibited restriction on competition by the FTA.

## SECTION 18 – DOCUMENTATION OF AWARD

- 18.1** Basis of Award. Following award of a Contract, LTD shall make a record showing the basis for determining the successful Offeror as part of the procurement file.
- 18.2** Contents of Award Record. LTD's record shall consist of the following:
- a. Offers received by LTD.
  - b. If in response to an IFB, the completed Bid tabulation sheet and written justification for any rejection of lower Bids.
  - c. If in response to an RFP, the completed evaluation of Proposals and written justification for any rejection of higher scoring Proposals.
  - d. If applicable, written documentation of any discussions, negotiations, best and final Offers, or other procedures LTD used to select a Proposer to which LTD awarded a Contract.

## SECTION 19 – INVENTORY AND DISPOSITION OF PERSONAL PROPERTY

The purpose of this Policy is to establish a consistent and compliant program for the appropriate and efficient inventory and disposition of all Personal Property procured by the Lane Transit District ("LTD" or "District"). Both State and Federal requirements and best practices have been incorporated into this policy and must be followed, as appropriate. This Policy is administered by LTD's Business Services Department.

This Policy covers both purchased and leased Personal Property. It does not apply to the disposition of Real Property.

- 19.1** Definitions. The following terms have the meanings set forth herein. Any term not defined herein shall have the definition set forth under the Federal Transit Administration ("FTA") Circular 5010.E or Oregon Revised Statutes ("ORS") Ch. 267 and ORS Ch. 279A – 279C
- a. Equipment. "Equipment" means an article of nonexpendable, tangible District-owned property (including information technology systems) meeting the following requirements: (a) has a useful life of more than one-year; and (b) per-unit acquisition cost of \$5,000.00 or more. "Equipment" includes rolling stock, computing devices, information technology systems, and all other such property used in the provision of public transit service.
  - b. Federal Interest. "Federal Interest" means the dollar amount that is the product of: (1) the federal share of total project costs, and (2) the current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.
  - c. Fair Market Value. "Fair market value" means the most probable price that property would bring in a competitive and open market.
  - d. Federally-Funded Personal Property. "Federally-Funded Personal Property" means any Personal Property that was acquired with Federal assistance.

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- e. Locally-Funded Personal Property. "Locally-Funded Personal Property" means any Personal Property that was acquired without Federal assistance.
- f. Personal Property. "Personal Property" means property other than Real Property. It may be tangible if it has a physical existence, or intangible, if it does not have a physical existence. "Personal Property" under this policy includes Equipment, Supplies, Capital Assets, Fixed Assets, and Project Property (as those terms are defined by FTA) and does not include Real Property.
- g. Real Property. "Real Property" is land and anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings that, if removed, would deface the structure or integrity of the building, such as plumbing, heating fixtures, etc.
- h. Rolling Stock. "Rolling Stock" describes Equipment that is used to transport passengers and includes buses, vans, cars, locomotives, trolley cars, ferryboats, light rails, streetcars, other rail vehicles and vehicles used for guideways and incline planes.
- i. Supplies. "Supplies" mean all tangible Personal Property, other than Equipment, with a unit value of less than \$5,000.
- j. Useful Life. "Useful Life", for purposes of this policy, means the minimum acceptable period a capital asset purchased with FTA funds should be used in service. Capital assets purchased with FTA funds may frequently be used beyond their minimum useful lives, without being considered part of LTD's state of good repair backlog.

19.2 Asset Tags and Inventory

- a. Applicability. Regardless of the source of funding, all new Equipment, Capital Assets, Fixed Assets, and Project Property (all Personal Property other than Supplies, including but not limited to computer equipment, printers, photocopiers, smartphones, tablets, laptops, cameras, maintenance equipment, and vehicle components) shall be tagged and inventoried upon receipt to LTD. Asset tagging shall be sufficiently permanent to survive in the event of theft or loss. Tagged assets shall be inventoried on existing Fixed Assets inventory lists for tracking, periodic inventory reconciliation, and eventual disposition purposes.
- b. Responsibility. Asset tagging and inventory listings shall be the responsibility of the LTD department initiating centralized orders for the Equipment, Capital Assets, Fixed Assets, or Project Property.
- c. Required Information. Inventory records<sup>1</sup> shall include the following information:
  - i. Asset Tag Number
  - ii. A description of the Asset
    - 1. Manufacturers make and model,
    - 2. Year of manufacture,
    - 3. Fuel Type
  - iii. The identification number or serial number;
  - iv. The entity or individual that holds title to the asset;
  - v. The source of funding (the FAIN number under which it was procured);

<sup>1</sup> Reference FTA C 5010.1E, page IV-33n(1) Management of Federally Assisted Property

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- vi. ODOT Rail and Public Transit Division Vehicle Category (Attachment A)
  - vii. The acquisition date;
  - viii. The cost of the asset;
  - ix. The percentage of state/federal participation in the cost;
  - x. The location;
  - xi. The use and condition
  - xii. The seating capacity
  - xiii. The number of ADA stations;
  - xiv. The in-service date;
  - xv. The useful life; and
  - xvi. The disposition data, including the date of disposal and sale price, or, where applicable, method used to determine its fair market value.
- d. Updates. Inventory listings shall be updated when any change in this information occurs.
  - e. Reconciliation. Physical inventory reconciliation shall be performed at least once every two years, with any differences investigated and the cause for the differences determined/documented.

19.3 Disposition of Federally-Funded Personal Property<sup>2</sup>

- a. Generally. The procedures related to the disposition of Federally-Funded Personal Property depend on whether the property has reached the end of its Useful Life.
- b. How to Determine Useful Life. The Useful Life for some Personal Property is defined by FTA. Where the FTA has not defined a Useful Life, LTD must “make the case” to FTA in its grant application by identifying a Useful Life period for all Equipment, Capital Assets, Fixed Assets, and Project Property with an acquisition value greater than \$5,000, if the property is being procured with federal funds. LTD must identify the method used to determine an asset’s minimum Useful Life.
  - i. Acceptable methods to determine Useful Life include but are not limited to:
    - 1. Generally accepted accounting principles;
    - 2. Independent evaluation;
    - 3. Manufacturer’s estimated useful life;
    - 4. Internal Revenue Service guidelines;
    - 5. Industry standards;
    - 6. LTD experience;
    - 7. LTD’s independent auditor who needs to provide his or her concurrence that the Useful Life assigned to the property is reasonable for depreciation purposes; and
    - 8. Proven useful life developed at a federal test facility.
  - ii. Rolling Stock. FTA has determined the Useful Life for Rolling Stock based on the

<sup>2</sup> Reference: Federal Transit Administration Circular 5010.1E, Chapter IV, rev. July 16, 2018

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type of vehicle and size. For example, large, heavy-duty transit buses (approximately 35' – 40' or larger including articulated buses) have a Useful Life of at least 12 years of service, or an accumulation of at least 500,000 miles, whichever comes first. For Useful Life of other vehicles, see FTA Circular 5010.E, Ch. IV. For all Rolling Stock, the minimum Useful Life is calculated based on the date the vehicle is placed in revenue service and continues until it is removed from service.

c. Disposition of Federally-Funded Personal Property after End of Useful Life.

i. Personal Property with a Value of \$5,000 or More. This Section 19.3(c)(i) provides all options for disposal of Federally-Funded Personal Property with a per-unit, or aggregate, fair market value of more than \$5,000. Applicable property shall not be disposed of in any other manner, except in accordance with the requirements stated herein:

1. Business Services Approval. Business Services, in coordination with Finance, shall review, approve in advance, and coordinate any sales, disposals or transfers of Federally-Funded Personal Property which require FTA approval, reimbursement, and/or application of proceeds to other capital projects.<sup>3</sup>
2. Disposal Options. After the Useful Life of Federally-Funded Personal Property is reached, or the property is no longer needed for the original Award, Federally-Funded Personal Property with a current market value exceeding \$5,000 per unit, or with a total aggregate fair market value of more than \$5,000, may be:
  - a. Retained by LTD and used elsewhere; or
  - b. Sold; with repayment to FTA or use of proceeds for other FTA capital awards.

ii. Personal Property with a Value of less than \$5,000. Federally-Funded Personal Property which has reached the end of its Useful Life and which has a fair market value of less than \$5,000.00 may be disposed of by the following means, and without FTA approval, providing the nature and justification for the disposition is recorded in the corresponding inventory record:

1. Retain and use for a different transit-related purpose within LTD;
2. Sell through auction or other competitive process (where anticipated proceeds reasonably exceed the costs for processing);\*
3. Recycled (for scrap or other re-purposing);\*
4. Donated to a non-profit organization (where there is still some monetary value, but only small after processing costs are deducted);\*or
5. Disposed of as waste (this should be considered the last alternative, and used only in cases where there is no value to the equipment and donation or recycling resources are not available).

*\*The best choice among these options shall be used after analyzing the overall loss and gain associated with disposal. A cost analysis shall be conducted, subtracting the anticipated costs for administrative, processing,*

<sup>3</sup> FTA C 5010.1E, page IV-42

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and other disposal fees from the expected sale proceeds or the fair market value of the equipment.

- d. Disposition of Federally-Funded Personal Property before End of Useful Life. This Section 3.4 provides all options for disposal of Federally-Funded Personal Property, regardless of value, before the end of its Useful Life. Applicable property shall not be disposed of in any other manner, except in accordance with the requirements stated herein:
- i. Business Services Approval. Any disposition of Federally-Funded Personal Property before the end of its Useful Life requires prior FTA approval. Therefore, any disposition of Federally-Funded Personal Property before the end of its Useful Life requires review and approval in advance from Business Services.
  - ii. Disposal Options. Federally-Funded Personal Property before the end of its Useful Life, and only with prior FTA approval, may be disposed of as follows:
    1. Rolling Stock that has not yet reached the end of its Useful Life may be transferred to another FTA recipient if LTD has acquired FTA approval and Board resolutions from both parties.<sup>4</sup>
    2. Under certain circumstances, Federally-Funded Personal Property no longer needed, which has not reached the end of its Useful Life may also be transferred to another public agency, for non-public transportation use, with prior FTA approval.
    3. With prior FTA approval, Equipment (e.g. vehicles) may be disposed of before the end of its minimum Useful Life and LTD may transfer the remaining federal interest to replacement Equipment of like kind.
  - iii. Casualty, Fire, Natural Disaster, and Misused Property. LTD has obligations to the FTA in the event Federally-Funded Personal Property is damaged or destroyed before the end of its minimum Useful Life. In the event insurance proceeds are received due to the damage or destruction, LTD may have payment obligations to the FTA. In the event this Section 19.3(d)(ii) is applicable, see the requirements of FTA Circular 5010.1E, Ch. IV and work with LTD's Business Services.

#### 19.4 Disposition of Locally-Funded Personal Property<sup>5</sup>

- a. Oregon Public Contracting Rules Apply. The Oregon Public Contracting Code (ORS Ch. 279A – 279C) and Oregon Administrative Rules OAR Ch. 137, Division 046 – 049 apply to the “sale or other disposal” of Locally-Funded Personal Property. LTD may sell, transfer, or dispose of Locally-Funded Personal Property in accordance with the requirements, stated above, and as set forth in this Section 19.4.
- b. Business Services Approval. Any disposition of Locally-Funded Personal Property must be approved in advance by Business Services. The department seeking to dispose, transfer, or sell such property must make a determination that the proposed method of disposal: (a) complies with the requirements of the Oregon Public Contracting Code; and (b) is in the best interest of the District. Factors to consider in determining the method of disposal include, but are not limited to: costs of sale, administrative costs, processing fees, disposal fees, and public benefits to the District.

<sup>4</sup> FTA C 5010.1E, page IV-43 *Transfer of Rolling Stock-Recipient to Recipient*

<sup>5</sup> Reference: *Oregon Revised Statutes, Sections ORS Ch. 267 and ORS Ch. 279A-279C*

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- c. Transfer to Other Government Entities. LTD may sell or transfer Locally-Funded Personal Property to another government entity, unless specifically prohibited by a particular State grant which funded the procurement of that property, and providing the property is used for public purpose or benefit and not for resale to a private purchaser. For any such transfer, the parties must enter into a written agreement to effect such transfer. The transfer must be approved in advance by Business Services and is subject to the delegated authority threshold established by the LTD Board of Directors.
- d. Sale. LTD may sell Locally-Funded Personal Property by auction, bids, liquidation sale, fixed price sale, trade-in or other competitive process. Proceeds from the sale must be used for public purpose or benefit.
- e. Disposal as Waste or Other Means. LTD may dispose of Locally-Funded Personal Property for which the costs of sale are likely to exceed sale proceeds. Such property may be disposed of by recycling, donation, or designation as waste. District employees making such a disposal shall make a record of the estimated value of the item and the manner of disposal.
- f. Restriction on Transfer to District Employees. LTD employees shall not compete for the purchase of publicly sold Personal Property. Further, Oregon Government Ethics Law (ORS Ch. 244) prohibits employees from using their office to obtain financial gain for the employee, a relative, or a member of the employee's household. Receipt of surplus LTD Personal Property by an LTD employee, relative, or member of the employee's household violates ORS 244.040 and is prohibited.

19.5 Other Mandates

- a. Disposition of Vehicles. LTD vehicles to be disposed of in any manner must also be properly documented as required by the State of Oregon Department of Motor Vehicles.<sup>6</sup>
- b. Communication regarding Disposition. LTD vehicles and asset-tagged Personal Property to be disposed of, removed from service, transferred in any manner, even if to long-term storage, must notify LTD's Risk Generalist, in advance of any such transfer, to perform a risk management review and adjust insurance coverage as appropriate.

19.6 Acquisition and Disposition of Real Property

- a. Federally Funded Projects. For Federally-funded projects see Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as may be amended.
- b. Locally Funded Projects. For locally-funded projects see ORS Chapter 35 — Eminent Domain; Public Acquisition of Property as may be amended.

**SECTION 20 – PROTEST PROCEDURES**

In addition to those requirements set forth in the Oregon Public Contracting Code, the Model Rules, and the FTA Circular 4220.1F, the following procedures shall apply for any protests.

20.1 Solicitation Protests. The following requirements shall apply to a solicitation protest.

- a. Protest Submission. A protest of the Solicitation Documents must be marked as follows:

-----  
Solicitation Document Protest

<sup>6</sup> Where applicable, also reference ODOT Rail and Public Transit Capital Program's Process for Disposal, updated 6/2018, as may be amended; see Management of Grant-Funded Capital Assets Plan (DOC-X-AST-002)

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Offeror's Name or Other Identification  
-----

Any such protest must be addressed to the Procurement Manager and must be received by LTD by the time identified in the Solicitation Documents.

- b. Protest to Procurement Manager. LTD shall not consider a prospective Offeror's solicitation protest submitted after the timeline established for submitting such protest. In accordance with Oregon law and rules, the LTD Procurement Manager shall, reasonably promptly, issue a written disposition of the protest. If the Procurement Manager upholds the protest, in whole or in part, LTD may in its sole discretion issue an Addendum reflecting its disposition or cancel the procurement.
- c. Protest to Assistant General Manager for Administrative Services. A prospective Offeror may appeal the Procurement Manager's written determination to the Assistant General Manager for Administrative Services ("AGM"), which is referred to herein as "Level 2 protest" Any Level 2 protest of the Procurement Manager's written determination must be received by the AGM within forty-eight (48) hours of the prospective Offeror's receipt of the Procurement Manager's written disposition. LTD shall not consider a prospective Offeror's Level 2 protest submitted after the time established herein. In accordance with Oregon laws and rules, the AGM shall, reasonably promptly, issue a written disposition of the protest. If the AGM upholds the protest, in whole or in part, LTD may in its sole discretion issue an Addendum reflecting its disposition or cancel the procurement.

20.2 Protests of Contract Award. The following requirements shall apply to a protest of the contract award.

- a. Protest Submission. A protest of the Contract Award must be marked as follows:

-----  
Protest of Contract Award  
Offer Number or Other Identification  
-----

Any such protest must be addressed to the Procurement Manager and must be received by LTD by the time identified in the Solicitation Documents.

- b. Protest to Procurement Manager. LTD shall not consider an Offeror's selection protest submitted after the timeline established for submitting such protest. In accordance with Oregon law and rules, the LTD Procurement Manager shall, reasonably promptly, issue a written disposition of the protest. If the Procurement Manager upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.
- c. Protest to Assistant General Manager for Administrative Services. An Offeror may appeal the Procurement Manager's written determination to the Assistant General Manager for Administrative Services ("AGM"), which is referred to herein as a "Level 2 protest." Any Level 2 protest of the Procurement Manager's written determination must be received by the AGM within five (5) days of the Offeror's receipt of the Procurement Manager's written disposition. LTD shall not consider an Offeror's Level 2 protest submitted after the time established herein. In accordance with Oregon law and rules, the AGM shall, reasonably promptly, issue a written disposition of the protest. If the AGM upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

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- d. Protest to General Manager. An Offeror may appeal the AGM's written determination to the General Manager, which is referred to herein as a "Level 3 protest." Any Level 3 protest of the AGM's written determination must be received by LTD's General Manager within five (5) days of the Offeror's receipt of the AGM's written disposition. LTD shall not consider a Level 3 protest submitted after the time established herein. In accordance with Oregon law and rules, the General Manager shall, reasonably promptly, issue a written disposition of the protest. If the General Manager upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.
- 20.3 Notice to FTA. In all instances involving FTA funds, the LTD Procurement Manager shall notify the FTA regarding any received protest and shall keep the FTA involved regarding the status of such protest.
- 20.4 Protest with the FTA. An adversely affected or aggrieved Offeror must exhaust all administrative remedies with LTD before pursuing any protest with the FTA for federally funded projects.

## SECTION 21 – CLAIMS REVIEW BOARD

LTD may provide Contractors the option to appeal decisions of a LTD Project Manager to the LTD Claims Review Board.

- 21.1 Composition of Claims Review Board. The Claims Review Board shall be comprised of the following individuals: Finance Committee President, General Manager, and Legal Counsel.
- 21.2 Procedure. The procedures and timelines regarding a Contractor's appeal to the Claims Review Board shall be set forth and governed by the Contract. The Claims Review Board shall adopt any procedure not set forth in the Contract at the time of the appeal.

## SECTION 22 – CONTRACT TYPES AND CONTRACT PAYMENTS

- 22.1 Contract Types. The Solicitation Documents must state the type of contract that will be awarded.
- a. Typical Contract Types. Contract types may include, but are not limited to, the following:
    - i. Firm Fixed Price. A firm fixed price contract includes a price that remains fixed irrespective of the contractor's cost experience in performing the contract. A firm fixed price contract may include an economic price adjustment provision, incentives, or both.
    - ii. Cost Reimbursement. A cost-reimbursement contract provides for payment of the contractor's allowable incurred costs, to the extent prescribed in the contract. Allowable costs may include incentives if LTD believes they can prove helpful. Cost-reimbursement contracts are suitable for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed price contract.
    - iii. Revenue Contracts. A revenue contract is a contract in which the recipient or subrecipient provides access to public transportation assets for the primary purpose of either producing revenues in connection with an activity related to public transportation, or creating business opportunities with the use of FTA assisted property. The recipient has broad latitude in determining the extent and type of competition appropriate for a particular revenue contract. Nevertheless, to ensure fair and equal access to FTA assisted property and to maximize revenue

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derived from such property, the recipient should conduct its revenue contracting as follows:

1. Limited Contract Opportunities. If there are several potential competitors for a limited opportunity (such as advertising space on the side of a bus), then the recipient should use a competitive process to permit interested parties an equal chance to obtain that limited opportunity. **See Section 8 for Oregon requirements on procurement methods (other than full and open competition).**
2. Open Contract Opportunities. If, however, one party seeks access to a public transportation asset (such as a utility that might seek cable access in a subway system), and the recipient is willing and able to provide contracts or licenses to other parties similarly situated (since there is room for a substantial number of such cables without interfering with transit operations), then competition would not be necessary because the opportunity to obtain contracts or licenses is open to all similar parties. **See Section 7 for Oregon requirements on procurement methods (full and open competition).**

b. Prohibited or Restricted Contract Types. The following contract types are restricted or prohibited:

- i. Cost Plus a Percentage of Cost – Prohibited
- ii. Percentage of Construction Cost – Prohibited
- iii. Time and Materials – Restricted. The use of these contracts is permissible only:
  1. After determining that no other contract type is suitable; and
  2. If the contract specifies a ceiling price that the contractor may not exceed at its own risk.

22.2 Contract Payment Provisions. If LTD intends to use FTA assistance, or expects to be reimbursed with FTA assistance, or dedicates its local share funds to support contract costs it has financed, the payment provisions must be structured in accordance with FTA Circular 4220.1F and the provisions set forth in this Section.

a. Advance Payments. LTD may not use FTA assistance to make payments to a third party contractor before the contractor has incurred the costs for which payments would be attributable unless an exception applies.

b. Progress Payments. Progress payments are payments for contract work that has not been completed. LTD may use FTA assistance to support progress payments provided LTD obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.

- i. Adequate Security for Progress Payments. Adequate security for progress payments may include taking title, obtaining a letter of credit, or taking equivalent measures to protect LTD's financial interest in the progress payment.
- ii. Adequate Documentation. Sufficient documentation is required to demonstrate completion of the amount of work for which progress payments are made.
- iii. Percentage of Completion Method. Any progress payments for construction contracts shall be made on a percentage of completion method. LTD may not make progress payments for other than construction contracts based on this

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percentage method.

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- c. **Retainage. On Public Improvement Contracts, LTD may retain amounts from progress payments pursuant to ORS 279C.550 to 279C.570 and the corresponding Oregon Administrative Rules**

## **SECTION 23 – CONTRACT ADMINISTRATION**

23.1 Contract Files. LTD must establish files containing the records of all procurement and contract actions. Contract files should be organized as to allow a file reviewer to reconstruct and understand the history of the procurement and Contract in the absence of the Contract Administrator. All personnel who deal with the Contractor should maintain records of contract activity, particularly those project personnel who are involved in monitoring the Contractor's performance. Maintenance of records will include notations of any problems or unusual occurrences, so that it is possible to recreate the circumstances surrounding any area of controversy or dispute that might arise. Different staff will be involved in any particular procurement (maintenance, QA, engineers, inspectors, financial, DBE office, legal, etc.) and each may have their own individual files relating to the contract, reflecting their involvement with the administration of the contract, but it is important for the procurement office to maintain the "official" contract file. The "official" file would include all official correspondence relating to the administration of the contract so as to verify the contractor's adherence to the terms of the contract and demonstrate that the agency is following good administrative practice and sound business judgment in settling all contractual and administrative issues arising during contract performance.

- a. **Above Micro-Purchase Threshold.** For all contracts above the micro-purchase level, the Procurement Manager will ensure that the contract administration file includes the following:
- i. The executed contract and notice of award;
  - ii. Performance and payment bonds, bond-related documentation, and correspondence with any sureties;
  - iii. Contract-required insurance documentation;
  - iv. Post-award (pre-performance) correspondence from or to the contractor or other Governmental agencies;
  - v. Notice to proceed;
  - vi. Approvals or disapprovals of contract submittals required by the contract and requests for waivers or deviations from contractual requirements;
  - vii. Modifications/changes to the contract including the rationale for the change, change orders issued, and documentation reflecting any time and or increases to or decreases from the contract price as a result of those modifications;
  - viii. Documentation regarding settlement of claims and disputes including, as appropriate, results of audit and legal reviews of the claims and approval by the proper authority (i.e., FTA, board of directors, executive director) of the settlement amount;
  - ix. Documentation regarding stop work and suspension of work orders and termination actions (convenience as well as default); and
  - x. Documentation relating to contract close-out.

- b. **Micro-Purchases.** For micro-purchases, the buyer will ensure that the file contains a

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receiving report with a signature of the person inspecting and accepting the items delivered. The signature will certify that the items ordered meet the purchase order requirements with respect to quantities ordered/delivered and are of satisfactory quality.

- 23.2 Monitoring of Contracts. Inspection of goods and services shall be performed routinely during the life of the Contract by the Contract Manager, or his/her designees, to ensure conformance with the specifications of the Contract. The reviews and inspections shall be performed as often as is reasonably necessary during the life of the Contract to ensure conformance. Records of such inspections shall be part of the contract file. Inspections and tests shall not unduly delay the work.
- 23.3 Contract Administration Functions. Every type of contract will have different contract administration actions and the documentation required to support that administration will differ as well. Supply contracts have different specific administrative actions than construction contracts do, just as fixed-price contracts are administered differently than cost-reimbursement contracts. The Procurement Manager will delegate certain contract administration functions to the Contract Manager. The delegation must be in writing and must inform the Contract Manager what his/her duties are for that specific contract. When applicable, a delegation of authority document will be executed.
- 23.4 Written Procurement History. A record shall be maintained detailing the history of a procurement. At a minimum, the records shall include:
- a. The rationale for the method of procurement;
  - b. Selection of contract type;
  - c. Reasons for Contractor selection or rejections; and
  - d. The basis for the contract price.

#### SECTION 24 – EVALUATING CONTRACT OPTIONS

- 24.1 Contract Options. An option is a unilateral right in a contract by which, for a specified time, the buyer may elect to purchase additional equipment, supplies, or services called for by the contract, or may elect to extend the term of the contract. The use of options must comply with the requirements of this Section.
- a. Only Those Goods or Services Required. The use of options must be limited to quantities of goods or services that are reasonably anticipated to be required by LTD during the term of the contract. Options may not be included solely with the intent of assigning them to another entity in the future; however, contracts may include a provision allowing assignment to other agencies in the event of a change in LTD's anticipated requirements, in accordance with FTA regulations and guidance.
  - b. Evaluate Options Pre-Contract Award. The option quantities or periods MUST be defined in the solicitation, contained in the offer upon which a contract is awarded; and evaluated as part of the initial award process (i.e., the options MUST be evaluated in combination with bid prices for the base quantity to determine the low bidder).
  - c. If An Option is Not Evaluated: Sole Source. When an option has not been evaluated to determine the low bidder for award of the contract, exercise of the option will be considered a sole source procurement and must be justified as such. See Section 9.5 (a)(iii), regarding Sole Source Procurements.
  - d. Exercising an Option. The exercise of an option must be in accordance with the terms and conditions of the option as stated in the initial contract, and an option may not be

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exercised unless it is determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised, cost and other factors considered. If sequential options (e.g., a series of one-year extensions) exist, the failure to timely and properly exercise any option will void all subsequent options.

- 24.2 **Piggybacking.** LTD may exercise option contracts of other public agencies (“piggybacking”) in accordance with FTA regulations and guidance. **See Section 10.5 regarding Existing Contracts.**

## SECTION 25 – CONTRACT MODIFICATION

This Part 22 shall be read broadly to include any change to a Contract, which shall include, but is not limited to: Contract Amendment, Change Order, Extra Work, Field Orders or any other changes in the Contract Documents.

- 25.1 Contract Modification Process. Before an amendment or change order (change notice) to a contract or purchase order can be approved, the following steps must occur.
- a. Identify the Need for the Change. The Contract Manager shall identify the need for change, in writing. The Contract Manager shall determine that the change is desired or required and that it falls within the original scope of the project (as stated in the Solicitation Documents). If the change is beyond the scope of the contract, it must be analyzed as a sole source award. See Section 8.2, regarding Sole Source Awards. Unforeseen conditions that occur in a construction project that must be remedied to proceed with construction are allowable.
  - b. Perform Independent Cost Estimate. The Contract Manager must make an independent estimate of the cost of the change. This cost estimate shall be in writing. Refer to Section 6 regarding requirements for an Independent Cost Estimate.
  - c. Verify Change is Permitted by Law. The Contract Manager, in consultation with the Procurement Manager as necessary, shall verify the proposed change is permitted (without additional competition) in accordance with FTA Circular 4220.1F, Oregon law, and this Policy.
  - d. Contracts Authorized by Board. For contracts authorized by the LTD Contract Review Board, individual or cumulate contract amendments cannot exceed ten percent (10%) of the initial contract without seeking additional approval from the Board. -
  - e. Submission to Contractor / Consultant. Once the steps outlined in (a)-(d) are completed, the request for a proposal for the change must go to the Contractor or Consultant on the project, consistent with the terms of the contract, and giving a description of the change in whatever terms are needed to allow the Contractor/Consultant to respond.
  - f. Contractor's/Consultant's Proposal. The Contractor's/Consultant's responding proposal should contain supporting documentation for costs of materials or for any subcontractor work proposed. It should also contain pertinent drawings or other supplemental information needed to identify the work.
  - g. Review of Contractor's/Consultant's Proposal. The Contract Manager shall review the Contractor's/Consultant's Proposal and perform a Cost or Price Analysis. Refer to Section 9 regarding requirements for a Cost or Price Analysis. This complete packet makes up the change order request package, which will be submitted to the Procurement Manager for review and approval.

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25.2 Cost Restrictions. The cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of the FTA grant or cooperative agreement, and reasonable for completion of project scope.

#### SECTION 26 – ELECTRONIC COMMERCE SYSTEM

26.1 Annual Notice of Intent to Advertise on Electronic System. At least annually, LTD shall advertise its Notice of Intent to Advertise procurements on its electronic procurement system. The Notice shall be published weekly, for not less than four (4) consecutive weeks, in at least one newspaper of general circulation for the Eugene/Springfield area. The Notice shall also be posted on LTD's website for not less than four (4) consecutive weeks. The Notice shall invite prospective contractors to request input into LTD's electronic procurement system, so that the prospective contractor receives notice of LTD's procurements that are posted on such system. LTD may indicate in the Notice that any contractors already receiving electronic notice of LTD's procurements will continue to do so and need not respond to the Notice of Intent to Advertise.

~ END OF POLICY~

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# Board Meeting Annual Working Agenda

| Regular/Special Board Meetings                  |                         |                       | Board Work Sessions                           |               |                       |
|---|-------------------------|-----------------------|---|---------------|-----------------------|
| Topic   | Presenter               | Agenda Time           | Topic   | Presenter     | Agenda Time           |
| <b>October 20 - Regular Board Meeting</b>       |                         | <b>Time (minutes)</b> | <b>CANCELED: October 6 Board Work Session</b> |               | <b>Time (minutes)</b> |
| <b>Materials Deadline: September 29</b>         |                         |                       | <b>Materials Deadline: September 22</b>       |               |                       |
| Introductory Items                              |                         | 15                    |   |               |                       |
| Employee of the Month                           | Board President         | 5                     |   |               |                       |
| Public Hearing: Supplemental Budget & CIP       | Christina Shew          | 20                    |   |               |                       |
| Board Member Reports                            | Camille Gandolfi        | 10                    |   |               |                       |
| <b>Items for Action:</b>                        |                         |                       | <b>TOTAL TIME (60 - 90 minute max)</b>        |               | 0                     |
| <b>Consent Calendar:</b>                        |                         | 5                     |   |               |                       |
| 1 <i>Delegated Authority Report – September</i> | Collina Beard           |                       |   |               |                       |
| 2 <i>Contract Committee Bylaws Update</i>       | Camille Gandolfi        |                       |   |               |                       |
| 3 <i>Contract Approvals</i>                     |                         |                       |   |               |                       |
| STIF Technical Committee Establishment          | Cosette                 | 10                    |   |               |                       |
| Hold: Pension Trust Committee Appointments      |                         | 5                     |   |               |                       |
| <b>Items for Information/Discussion:</b>        |                         |                       |   |               |                       |
| Fall Bid Update                                 | Tom Schwetz/Jake        | 10                    |   |               |                       |
| Meeting Schedule                                | President Vargas        | 5                     |   |               |                       |
| Financial Health                                | Christina Shew          | 15                    |   |               |                       |
| Updated Board Bylaws                            | Camille Gandolfi        | 10                    |   |               |                       |
| Strategic Business Plan Implementation Kick-off | Kim Le                  | 20                    |   |               |                       |
| <b>Written Reports:</b>                         |                         |                       |   |               |                       |
| Monthly Financial Report - Hold                 | Pamela Strutz           |                       |   |               |                       |
| Monthly Cash Disbursements - Hold               | Pamela Strutz           |                       |   |               |                       |
| Monthly Performance Reports                     | Hart Migdal             |                       |   |               |                       |
| Monthly Department Reports                      |                         |                       |   |               |                       |
| Legislative Update & Redistricting Update       | Tiffany                 |                       |   |               |                       |
| <b>Executive Session:</b> None                  |                         |                       |   |               |                       |
|   |                         |                       |   |               |                       |
|   | <b>(120 minute max)</b> | 130                   |   |               |                       |
| <b>November 17 - Regular Board Meeting</b>      |                         | <b>Time (minutes)</b> | <b>TENTATIVE: November 3 Work Session</b>     |               | <b>Time (minutes)</b> |
| <b>Materials Deadline: October 27</b>           |                         |                       | <b>Materials Deadline: October 20</b>         |               |                       |
| Introductory Items                              |                         | 15                    | IAP2  | Tom/Kim       | 30                    |
| Employee of the Month                           | Board President         | 5                     | Fleet Procurement Plan Update                 | Kelly Hoell   | 20                    |
| Public Hearing:                                 |                         |                       | Updated Board Documents                       |               | 10                    |
| Board Member Reports                            | Camille Gandolfi        | 10                    |   |               |                       |
| <b>Items for Action:</b>                        |                         |                       | <b>TOTAL TIME (60 - 90 minute max)</b>        |               | 60                    |
| <b>Consent Calendar:</b>                        |                         | 5                     |   |               |                       |
| 1 <i>Delegated Authority Report – October</i>   | Collina Beard           |                       |   |               |                       |
| 2 <i>Contract Approvals</i>                     |                         |                       |   |               |                       |
| Supplemental Budget Adoption                    | Christina Shew          | 15                    |   |               |                       |
| <b>Items for Information/Discussion:</b>        |                         |                       |   |               |                       |
| Communications Analysis Update                  | Theresa Brand           | 5                     |   |               |                       |
| Legislative Update & Redistricting Update       | Tiffany                 | 20                    |   |               |                       |
| DRAFT Financial Policies                        | Christina Shew          | 15                    |   |               |                       |
| Mobility Management Strategy                    | Andrew                  | 20                    |   |               |                       |
| <b>Written Reports:</b>                         |                         |                       |   |               |                       |
| Monthly Financial Report                        | Pamela Strutz           |                       |   |               |                       |
| Monthly Cash Disbursements                      | Christina Shew          |                       |   |               |                       |
| Monthly Performance Reports                     | Hart Migdal             |                       |   |               |                       |
| Monthly Ridership Report                        | Tom Schwetz             |                       |   |               |                       |
| Monthly Department Reports                      |                         |                       |   |               |                       |
| MovingAhead - written update                    | Andrew                  |                       |   |               |                       |
| <b>Executive Session:</b> None                  |                         |                       |   |               |                       |
|   | <b>(120 minute max)</b> | 110                   |   |               |                       |
| <b>December 15 - Regular Board Meeting</b>      |                         | <b>Time (minutes)</b> | <b>TENTATIVE: December 11 Work Session</b>    |               | <b>Time (minutes)</b> |
| <b>Materials Deadline: November 24</b>          |                         |                       | <b>Materials Deadline: November 17</b>        |               |                       |
| Introductory Items                              |                         | 15                    | Hold: Real Estate Assets                      | Joe McCormack |                       |
| Employee of the Month                           | Board President         | 5                     | Possible Retreat                              |               |                       |
| Public Hearing:                                 |                         |                       |   |               |                       |
| Board Member Reports                            | Camille Gandolfi        | 10                    |   |               |                       |
| <b>Items for Action:</b>                        |                         |                       | <b>TOTAL TIME (60 - 90 minute max)</b>        |               | 0                     |
| <b>Consent Calendar:</b>                        |                         | 5                     |   |               |                       |
| 1 <i>Delegated Authority Report – November</i>  | Collina Beard           |                       |   |               |                       |



## Board Meeting Annual Working Agenda

| Regular/Special Board Meetings                  |                         |             | Board Work Sessions |           |             |
|---|-------------------------|-------------|---------------------|-----------|-------------|
| Topic   | Presenter               | Agenda Time | Topic               | Presenter | Agenda Time |
| 2   <i>Contract Approvals</i>                   |                         |             |                     |           |             |
| Adoption: Board Committee Assignments           | Board President         | 5           |                     |           |             |
| Hold: Real Estate Assets                        | Joe McCormack           | 20          |                     |           |             |
| Financial Policies Adoption                     | Christina Shew          | 10          |                     |           |             |
| <b><u>Items for Information/Discussion:</u></b> |                         |             |                     |           |             |
| Comprehensive Operational Analysis              | Tom Schwetz             | 15          |                     |           |             |
| <b><u>Written Reports:</u></b>                  |                         |             |                     |           |             |
| Monthly Financial Report - Verbal & Written     | Christina Shew          |             |                     |           |             |
| Monthly Cash Disbursements                      | Christina Shew          |             |                     |           |             |
| Quarterly Grant Report                          | Christina Shew          |             |                     |           |             |
| Monthly Performance Reports                     | Hart Migdal             |             |                     |           |             |
| Monthly Department Reports                      |                         |             |                     |           |             |
| <b><u>Executive Session:</u></b> None           |                         |             |                     |           |             |
|   | <b>(120 minute max)</b> | 85          |                     |           |             |