

**MEMORANDUM
CITY OF LANCASTER, CA**

TO: City Council Members

FROM: Vice Mayor Marvin Crist
Council Member Ken Mann

DATE: May 28, 2013

SUBJECT: **Report on the Activities of the Board of Directors for the Antelope Valley Transit Authority**

Recommendation:

Receive a report of the proceedings and issues discussed at the April 2013 regular Board of Directors meetings of the Antelope Valley Transit Authority (AVTA).

Background:

The Antelope Valley Transit Authority is a distinct government entity created under a joint powers authority agreement between the City of Lancaster, the City of Palmdale, and Los Angeles County that provides public transit services. Vice Mayor Marvin Crist and Councilman Ken Mann served on the AVTA Board for the City of Lancaster at this meeting. Councilmember Johnson will begin serving with Vice Mayor Crist in May and Councilman Mann will be an alternate.

The following significant events took place at the February Board meeting:

- **Attendance.** All Directors were present.
- **Special Report.**
 - The Board received a draft of the FY14 Operating Budget. The Board discussed implementation of the electric bus demonstration project. Ms. Austin stated that staff would present an item to the Board once funding sources and a route are identified.
 - The Board requested an update on the fare evasion issue. Staff reported they are working with the Sheriff's to schedule sweeps. AVTA will provide sweep notices the week prior to the sweep.
 - Staff presented a state legislative update to the Board including information on Senate Bill (SB) 469. It requires a local authority awarding a bus procurement contract to give a ten percent evaluation preference to any bidder that manufactures within the State of California. SB 469 is not in alignment with the Federal Transit Administration (FTA) restrictions, which prohibits giving preference to local bidders. Preliminary analysis indicates an apparent contradiction between the FTA guidelines and SB 469, with the FTA

guidelines taking precedence. The Board discussed SB 469 and directed staff to write a letter to Congressmen Buck McKeon and Kevin McCarthy regarding the conflict between this proposal and existing federal legislation prohibiting geographic preference.

- **Internal Procedures.** Staff provided an update regarding the Advertising Policy and wrap program. There has been tremendous response from local businesses. The AVTA and Around AV staff are working well together and issues that arise are immediately addressed. The Board questioned how staff should handle actual or perceived negative advertising regarding another business. The General Counsel responded that terms in the Authority's advertising policy conflict with the language contained in the procurement policy. He noted the contractor must abide by both the advertising and procurement policies. He sent a letter to the advertising contractor regarding failure to comply with the advertising approval process and a perceived violation of the content section of the advertising policy. He suggested that staff review the prohibited context section of the advertising and procurement policies and remove any subjective language.

The Board discussed the content restrictions listed in the policies and the letter that General Counsel sent to Around AV. Staff and General Counsel were directed to review the advertising policy and provide a recommendation at the May 28, 2013 Board meeting. The Board directed General Counsel to write a follow-up letter to Around AV reminding them to abide by the approval review process but removing the reference to content. The Board also directed staff to review the policy, determine if the content language needs to be clarified and make any recommended changes to the Board at the next meeting.

Ely Sorkin, Around AV representative, admitted fault for not following the approval process and noted he remedied the situation immediately. He assured the Board that he will have Ms. Williams review and approve all future advertisements and Around AV will scrutinize any questionable content prior to submitting the ad for approval. Additionally, the AVTA logo, phone number, and bus number would be included on all of the buses to identify the AVTA fleet.

- **Closed Session.** The Board was updated by Legal Counsel regarding existing litigation (California Government Code Section 54956.9(a)). Case: Holland, Roemer v. AVTA (Case No. BC470695).