I. CALL TO ORDER AND ROLL CALL

II. EMERGENCY ITEMS
   A. Discussion/Action of emergency items, if necessary.

III. PUBLIC COMMENTS

Any member of the public may address the Committee for a period not to exceed three minutes on any item of interest not on the agenda within the jurisdiction of the Committee. The Committee will listen to all communication, but in compliance with the Brown Act, will not take any action on items that are not on the agenda.

IV. APPROVAL OF CONSENT CALENDAR

   A. Approval of Management Committee Draft Minutes: August 8, 2012
   B. Receive and File:
      1. ICTC Board Draft Minutes: August 22, 2012
      2. ICTC TAC Draft Minutes: August 23, 2012

V. REPORTS

   A. ICTC Executive Director
   B. Southern California Association of Governments
   C. California Department of Transportation – District 11
   D. Committee Member Reports
VI. ACTION CALENDAR

A. ICTC Disadvantaged Business Enterprise Goal for FY 2012-13 for FTA Funds

It is requested that ICTC Management Committee forward this item to the ICTC Commission for review and approval after public comment, if any.

1. Approve the proposed FY 2012-13 DBE goal of 1.4%

B. Draft Revision to the Approved ICTC Personnel Policies and Procedures Manual

It is requested that ICTC Management Committee forward this item to the ICTC Commission for review and approval after public comment, if any.

1. Review and approve the Draft Revision to the ICTC Policies and Procedures Manual to be presented to the Commission

VII. NEXT MEETING DATE AND PLACE

The next meeting of the Management Committee will be held on Wednesday, October 10, 2012 at 10:30 a.m., at the City of Westmorland, CA 92233.

VIII. ADJOURNMENT

A. Motion to Adjourn
IV. CONSENT CALENDAR

A. APPROVAL OF MANAGEMENT COMMITTEE DRAFT MINUTES: AUGUST 8, 2012

B. RECEIVE AND FILE:
   1. ICTC BOARD DRAFT MINUTES:
      AUGUST 22, 2012

   2. ICTC TAC DRAFT MINUTES:
      AUGUST 23, 2012
VOTING MEMBERS PRESENT:

City of Brawley       Ruby D. Walla for Rosanna Bayon Moore  
City of Calexico      Nick Servin for Oscar Rodriquez  
City of El Centro     Teri Brownlee for Ruben Duran  
City of Holtville     Alex Meyerhoff  
City of Imperial      Marlene Best  
County of Imperial    Ralph Cordova Jr. 
County of Imperial    Bill Brunet 

(Non-voting) ICTC     Mark Baza

STAFF PRESENT: Kathi Williams, David Salgado, Virginia Mendoza, Beatriz Cruz

OTHERS PRESENT: Sam Amen (Caltrans), Tomas Oliva (SCAG), Grace Connor (City of El Centro)

The following minutes are listed as they were acted upon by the Imperial County Transportation Commission Management Committee and as listed on the agenda for the meeting held Wednesday, August 8, 2012 together with staff reports and related documents attached thereto and incorporated therein by reference.

I. CALL TO ORDER AND ROLL CALL

Mr. Brunet called the Committee meeting to order at 10:41 a.m. Roll call was taken. Introductions were made.

II. EMERGENCY ITEMS

There were none.

III. PUBLIC COMMENTS

There were none.

IV. CONSENT ITEMS

A motion was made by Best seconded by Servin to approve consent items 4A through 4E. Motion carried unanimously.

A. Approved ICTC Management Committee Minutes for July 11, 2012.
B. Received and filed:
   1. ICTC Board Draft minutes for July 25, 2012
C. STIP/RTIP Consultant Agreement, COH and Associates FY 2012-13 to 2013-14
It was requested that ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Authorize the Chairman to sign the STIP/RTIP Consultant Agreement with the firm of COH and Associates for the not to exceed fee of $40,000.00 effective July 1, 2012 through June 30, 2014

D. Amendment to the West Shores Dial-A-Ride Operating Agreement, ARC – Imperial Valley FY 2012-13

It was requested that ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Authorize the Chairman to sign an amendment document to the operating agreement with ARC-Imperial Valley for the continued operation of the West Shores Dial-A-Ride for the period effective July 1, 2012 through June 30, 2013, with an annual not to exceed operating subsidy ($66,147.00), a farebox ratio of 5%, with marketing funding of ($1,000.00), maintenance escalator ($3,500.00) and fuel escalator.

E. Transportation Development Act (TDA) and Miscellaneous Fiscal Audits for FY 2010-11

It was requested that ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Receive and file the FY 2010-11 Transportation Development Act and other fiscal audits for the Imperial County Transportation Commission, for FY 2010-11.

V. REPORTS

A. ICTC Executive Director

- Mr. Baza gave an update regarding the EPA sanctions. He stated that there is a large list of projects that are in the Federal Transportation Improvement Program (FTIP) and staff has been working with Federal Highways (FHWA) and Caltrans, District 11 to identify if they will be impacted by the EPA sanctions that will be in effect on August 9th. In order to alleviate the impact to ICTC staff has been working with local agency staff as well as Caltrans and FHWA to obligate funds for every project, with the exception of safety, air quality, and transit projects which are exempt. Following this effort there are only two projects that remain that are potentially impacted by the sanction. However, based on the proposed schedule to achieve a stay of the EPA sanctions both will not likely be impacted.

  1. The Cesar Chavez Blvd. (Calexico) project, which connects with the west port of entry. The project is going through environmental and preliminary engineering phases and the next steps are right of way and construction, which should be well beyond the sanctions impact.
  2. The I-8 Dogwood Overcrossing project (El Centro), the project is in the final stages of the design phase and will continue onto construction once design is complete as the majority of the project funds are approved and available well beyond the sanctions proposed impact.

- To achieve approval of the modified rules, public workshops will be conducted by APCD are scheduled to be held in mid-September and the proposed date for the APCD Board to locally adopt the rules is on October 16, 2012. APCD will then forward the adopted revised rules to the California Air Resources Board for approval and then onto EPA for approval. The next
step would be for the EPA to present their analysis in the Federal Register possibly in November or December of this year. Following public review and comment period, the best case scenario is that a stay of the sanctions will be effective in January or February 2013.

- Mr. Baza stated that staff presented the ICTC Personnel Policies and Procedure Manual to the Commission. The Manual was adopted after a lengthy discussion on possible edits that need to be made to clarify many questions. An edited manual will be brought forth at the Management Committee meeting in September.

- Mr. Salgado stated that the County of Imperial is creating a Safe Routes to School working group. The contact person is Laura Apodaca with Imperial County Public Health Dept. This group will be beneficial to all agencies involved. Mr. Salgado stated that public participation and lack of documentation of community concerns has been lacking in local applications for the Safe Routes to School Program. Mr. Salgado will be participating in the advisory committee. If you have any questions he will gladly forward the information upon request.

- Mr. Baza stated that ICTC is working with SCAG to develop an RFP for the Intermodal Transportation Center in Calexico.

- Mr. Baza stated that he has been working with Caltrans, County Board of Supervisor’s and the City of Calexico to improve the pedestrian border crossing. Discussions have also been initiated with CBP and GSA to promote capacity improvements to facilitate pedestrian crossings. The major concern is the two to three hour delays outdoors in the extreme temperatures.

- Caltrans has just received a $300,000 grant for pedestrian and bicycle border crossings. ICTC will take the lead role for this new project. The plan is to have a pedestrian/bicycle border crossing study by next calendar year.

B. Southern California Association of Governments

- Mr. Oliva echoed the need for more public involvement regarding the Safe Routes to School program.

- There will be a Grant writing Workshop in SCAG’s main office on October 29-30, 2012. If interested contact Mr. Oliva soon because there is limited seating.

- Mr. Oliva stated that Mr. Hasan Ikhrata, SCAG Executive Director, has requested to attend the ICTC Management Committee in October to speak about the implementation of the RTP; and regarding the new regional city, Temecula, CA

C. California Department of Transportation – District 11

Mr. Amen had the following updates:

- MAP-21 was signed into law on July 6, 2012, a teleconference will be held on August 8th at 2:00 p.m. at Caltrans District 11. A teleconference call will be held from the ICTC offices for all who are interested in attending.

- Cycle 5 HSIP and Cycle 3 HR3 Calls for Projects, deadline to submit was by close of business Friday, July 20, 2012. District 11 received 24 applications, 2 from the Imperial Region.

- Mr. Hasan Ikhrata, SCAG Executive Director, has been invited to attend the Brawley Bypass Phase 3 ribbon cutting on October 18, 2012. Mr. Amen is working with Mr. Baza on coordinating guest speakers and location.

- In regards to the Dogwood Interchange Project, the environmental document was completed on July 21, 2012 and design is 65% complete. Caltrans is working with IID for the relocation of power lines. Caltrans is working with the City of El Centro in regards to landscaping.

- The construction on I-8 in the mountain area has had some delays due to the recent weather. It is projected that the construction will be completed in a couple of months.

D. Committee Member Reports
VI. INFORMATIONAL ITEMS

A. State-Local Partnership Program (SLPP) Update – Nomination List FY 2012-2013

Ms. Mendoza stated that there are approximately $4.873 million is available for our region during fiscal year 2012/2013. The goal of the program is to support Self-Help Counties by providing a formula share of state funds with a local match requirement of one to one match using local sales tax funds (Measure D – Imperial). The challenge is that we had limited time to nominate projects and to submit to the CTC by August 15, 2012. All nominated projects must be allocated/approved by June 2013 and construction award by December 2013.

In an effort to meet the challenging timeline, ICTC staff did an accelerated outreach to all local agencies regarding the available funding and eligibility criteria. ICTC staff has worked closely with the local agency staff to meet the August 15, 2012, nomination deadline to the CTC. On July 16, 2012, a meeting was held with all the local agency representatives to review each agency’s project nomination and discuss the funding distribution. A preliminary project listing from all the agencies in attendance was compiled at the July 16th meeting.

The LTA allocation formula was used for distribution of SLPP funds to all local agencies. The formula is based on a total population (80%) and maintained street and road mileage (20%). The population figures used for the calculation are from the Department of Finance 2012 figures.

The recommended nominations list was presented and approved by the Commission on July 25, 2012. The list details for each agency’s proposed project(s). Each project lists the apportionment amount of SLPP funding and the committed local match. The executed resolutions need to be submitted to ICTC by September 14, 2012.

Ms. Connor stated that the City of El Centro approved their resolution on August 7, 2012.

Mr. Baza stated that ICTC used STIP Consultant Carlos Hernandez to help with the development of the local agency applications and submittals to the CTC.

B. Potential for Public Transit Routes – Yuma AZ., Winterhaven and El Centro, CA.

Ms. Williams stated that ICTC staff entered into discussions, at the request of staff of the Quechan Tribe and the Yuma County Intergovernmental Public Transit Authority (YCIPTA), regarding the potential for public transit routes between Yuma AZ, Winterhaven, and El Centro, CA. Discussions have ensued regarding routing, scheduling, funding, access to bus stop locations and the continuation of travel on Imperial Valley Transit (IVT) for access to social service and commercial activities.

The staff of all three agencies is developing a business plan which will contain recommendations for routes, schedules, funding and other resources, and a memorandum of understanding (MOU). Ultimately the project will require the boards of the three agencies to approve and give direction on implementation for services.

As a summary of the project, the Quechan tribe has received a federal grant for transit operations. The Quechan tribe has contacted the YCIPTA agency and ICTC as to the potential for contracted transit services. There is a unique potential for travel by and
between Yuma, Winterhaven and El Centro. YCIPTA has developed a route proposal utilizing drivers and vehicles though its contractor, First Transit Inc.

ICTC has reviewed and provided comments and recommendations on the service plan, including but not limited to route and schedule design, vehicle emission requirements in California, identified opportunities for connections through Imperial Valley Transit (IVT) to other facilities and services in Imperial Valley, and performance standards.

The business plan proposes a new trip on an existing afternoon IVT route between Holtville and El Centro, and discontinuance of the once a week, remote zone route to Winterhaven. The new YCIPTA route originating in Yuma AZ through the Winterhaven area will offer travel opportunities that would also connect in El Centro to IVT intercity and intracity routes. Lastly it may become possible to travel from Imperial Valley communities to Winterhaven and Yuma Az.

Staff has also met with the engineering staff in El Centro to measure the bus stop location at 14th and State Streets because they are seeking to utilize that facility, however the problem with that location is that it’s not big enough until we relocate back to 7th and State St. Staff is now looking at IVT routes and have conducted time trials to utilize the facility but on a different time schedule that will be compatible. Staff will be coming back with a formal request to the City of El Centro so it can get approved.

A business plan is on its second drafting and staff is also working on drafting an MOU. The MOU will cover several different concepts such as operations within our region, performance standards they must maintain, appearance standards they must maintain, inner activity connectivity, transfers, and YCIPTA/Quechan will want a small financial contribution, which staff is analyzing to determine its merits. Staff has reviewed and provided comments and recommendations on the plan. Staff will continue to provide updates regarding this project. A final draft of the Business Plan and MOU will be brought forth in the September / October timeframe for approval so that the service could operate on a demonstration basis. Mr. Meyerhoff inquired what the headways would be. Ms. Williams stated about an hour. Mr. Meyerhoff also asked, being a transit line from outside the State will they need special CTC approval? Mr. Baza stated no FTA approval is needed. Ms. Williams also stated that there is no Interstate Commerce Commission that oversees interstate travel. ICTC’s contract operator is First Transit they are a nationwide company. YCIPTA’s contracted agency is First Transit therefore there will be permits in place to do things on a private basis. However because ICTC and YCIPTA are public agencies, controlling the process through an MOU would be between all 3 agencies and will require Commission approval for all.

Mr. Meyerhoff stated there is concern from the City of Holtville that the Winterhaven trip will be lost. Ms. Williams stated that staff is looking to eliminate that trip, but having a trip scheduled twice everyday from Holtville-El Centro 14th and State St. that will then connect to Winterhaven. This service is not available at the moment. Anyone trying to travel to Winterhaven would need to travel to 14th and State St in El Centro then make the transfer to Winterhaven.

Ms. Williams stated that ICTC is funding the transit terminal project on 7th and State Streets and working with the City of El Centro. The City will be reviewing proposals for construction management services. Ms. Connor stated that the city will be breaking ground within a year. Mr. Amen asked which funds Quechan will be using. Mr. Baza stated FTA 5311 funds.
VII. ACTION CALENDAR


Ms. Williams stated that the Commission should conduct fiscal reviews of its transit operators on an annual basis as a prudent management practice. The recent agreement for this service recently concluded. As a result, ICTC staff completed a competitive bid process for the solicitation of continuing independent financial review and reporting services on the regional public transit service contracts. A request for proposal was circulated for a five year period in order to maximize pricing reductions and reduce the level of effort for ICTC staff. The reporting agreement is based on work associated with FY 2010-11 through FY 2014-15.

This is work associated with a review of financial records including but not limited to: invoices and billing, records management and financial controls. A key component of this project is the monitoring of the cash handling, management and oversight conducted by each transit operator in the collection of fare revenue on a daily basis.

There were two proposals received for the work. An evaluation committee reviewed and scored the proposals. The scoring process utilized standard categories including but not limited to: relevant experience, references, and cost. The firm of Hutchinson and Bloodgood was identified as the most responsive for the project.

Funding for this project is in the ICTC adopted 2012-13 Budget and specifically in the ICTC Overall Work Program and Budget/Transit Finance Plan: through the Transportation Development ACT (TDA) Fund, approved on June 27, 2012.

It was requested that ICTC Management Committee forward this item to the ICTC Commission for review and approval after public comment, if any.

1. Authorize the Chairman to sign the agreement for financial audit services effective July 1, 2012, for the audit period FY 2010-11 through FY 2014-15, with the firm of Hutchinson and Bloodgood for the not to exceed fees as listed:

   a. For the audit period July 1, 2010 through June 30, 2011, the annual fee set at $39,051.
   b. For the audit period July 1, 2011 through June 30, 2012, the annual fee set at $40,338.
   c. For the audit period July 1, 2012 through June 30, 2013, the annual fee set at $43,245.
   d. For the audit period July 1, 2013 through June 30, 2014, the annual fee set at $42,912.
   e. For the audit period July 1, 2014 through June 30, 2015, the annual fee set at $44,199.

A motion was made by Meyerhoff, seconded by Servin, Motion carried unanimously.

B. Agreement for Professional Auditing Services for FY 2011-12 through FY 2015-16

Ms. Williams stated that the professional services agreement for audit service recently concluded. As a result, ICTC staff completed a competitive bid process for the solicitation of independent financial audit services. A request for proposal was circulated for a five year period in order to maximize pricing reductions and reduce the level of
effort for ICTC staff. The audit agreement is for work associated with the FY 2011-12 through FY 2015-16.

There is audit work in addition to the level of effort from the previous years, associated with this project now that ICTC is an independent agency. There has been a reorganization of the accounts used for bookkeeping purposes maintained at the County, and a new commercial bank account opened for salary and benefits payments. In addition, there are several reports that were previously completed by the County of Imperial Auditors Controller’s office on behalf of the ICTC, that now are included in this audit. These reports include:

- the State Controller’s Office Annual Report of Financial Transactions of Transit Operators
- the Annual Report of Financial Transactions of Regional Transportation Planning Agencies
- the Government Compensation Report

There were two proposals received for the work. An evaluation committee reviewed and scored the proposals. The scoring process utilized standard categories including but not limited to; relevant experience, references, and cost. The firm of Hutchinson and Bloodgood was identified as the most responsive for the project.

Funding for this project is in the ICTC adopted 2012-13 Budget and specifically in the ICTC Overall Work Program and Budget/Transit Finance Plan; through the Transportation Development ACT (TDA) Fund, approved on June 27, 2012.

It was requested that ICTC Management Committee forward this item to the ICTC Commission for review and approval after public comment, if any.

1. Authorize the Chairman to sign the agreement for financial audit services effective July 1, 2012, for the audit period FY 2011-12 through FY 2015-16, with the firm of Hutchinson and Bloodgood for the not to exceed fees as listed:

   a. For the audit period July 1, 2011 through June 30, 2012, the annual fee set at $62,973.
   b. For the audit period July 1, 2012 through June 30, 2013, the annual fee set at $58,482.
   c. For the audit period July 1, 2013 through June 30, 2014, the annual fee set at $60,327.
   d. For the audit period July 1, 2014 through June 30, 2015, the annual fee set at $62,127.
   e. For the audit period July 1, 2015 through June 30, 2016, the annual fee set at $64,017.

A motion was made by Meyerhoff, seconded by Servin, Motion carried unanimously.

VIII. NEXT MEETING DATE AND PLACE

   The next meeting of the Management Committee will be held tentatively on September 12, 2012 at the City of Holtville, Holtville, CA.

IX. ADJOURNMENT

   A. Meeting adjourned at 11:37 a.m.
VOTING MEMBERS PRESENT:

City of Brawley George A. Nava
City of Calipatria María Nava-Froelich
City of El Centro Sedalia Sanders (Chair)
City of Holtville David Bradshaw
City of Imperial Mark Gran
City of Westmorland Larry Ritchie
County of Imperial Jack Terrazas
Imperial Irrigation District John Pierre Menvielle

NON-VOTING MEMBERS PRESENT:

Caltrans District 11 Ross Cather for Laurie Berman

STAFF PRESENT: Mark Baza, Kathi Williams, Cristi Lerma, David Salgado, Virginia Mendoza

OTHERS PRESENT: Sam Amen, Caltrans; Tomas Oliva, SCAG; Marv Balin, First Transit/IVT; Marnie Primmer, Mobility 21; Alejandro Davila, IV Press; Luis Estrada, Public;

The following action minutes are listed as they were acted upon by the Imperial County Transportation Commission and as listed on the agenda for the meeting held Wednesday August 22, 2012 together with staff reports and related documents attached thereto and incorporated therein by reference.

I. CALL TO ORDER AND ROLL CALL

Chair Sanders called the Commission meeting to order at 6:05 p.m. Roll call was taken.

II. EMERGENCY ITEMS

A. There were none.

III. PUBLIC COMMENTS

A. There were none.

IV. APPROVAL OF CONSENT CALENDAR

A motion was made by Menvielle and seconded by Nava to approve the consent calendar; Motion carried unanimously.

A. Approved ICTC Board Minutes for July 25, 2012

B. Received and filed:
   1. ICTC Management Committee Draft Minutes for August 8, 2012
   2. ICTC TAC Draft Minutes – July 26, 2012

C. STIP/RTIP Consultant Agreement, COH and Associates FY 2012-13 to 2013-14

The ICTC Management Committee met on August 8, 2012 and forwarded this item to the Commission for review and approval, after public comment if any:
1. Authorized the Chairman to sign the STIP/RTIP Consultant Agreement with the firm of COH and Associates for the not to exceed fee of $40,000.00 effective July 1, 2012 through June 30, 2014

D. Amendment to the West Shores Dial-A-Ride Operating Agreement, ARC – Imperial Valley FY 2012-13

The ICTC Management Committee met on August 8, 2012 and forwarded this item to the Commission for review and approval, after public comment if any:

1. Authorized the Chairman to sign an amendment document to the operating agreement with ARC-Imperial Valley for the continued operation of the West Shores Dial-A-Ride for the period effective July 1, 2012 through June 30, 2013, with an annual not to exceed operating subsidy ($66,147.00), a farebox ratio of 5%, with marketing funding of ($1,000.00), maintenance escalator ($3,500.00) and fuel escalator.

E. Transportation Development Act (TDA) and Miscellaneous Fiscal Audits for FY 2010-11

The ICTC Management Committee met on August 8, 2012 and forwarded this item to the Commission for review and approval, after public comment if any:

1. Received and filed the FY 2010-11 Transportation Development Act and other fiscal audits for the Imperial County Transportation Commission, for FY 2010-11.

F. IMPERIAL VALLEY TRANSIT, Regional Fixed Route Transit Service Year End Invoicing for the IVT – Blue and Green Lines for FY 2011-12

ICTC Staff forwarded this item to the ICTC Commission for review and approval:

1. Authorized a FY 2011-12 year end payment to FIRST TRANSIT Inc. in an amount of $6,121.95 from cost savings for Imperial Valley Transit (PY 01350), for final payment for the IVT Green Line (PY 01349).

V. REPORTS

A. ICTC Executive Director

Mr. Baza had the following announcements:
- ICTC received notice from Caltrans that ICTC was awarded a federal FTA 5304 planning grant to do a new bus route analysis, for a student transportation service providing connections between the SDSU campus in Calexico and Brawley and IVC.
- With regards to a previously approved FTA 5304 grant, an RFP has gone out for solicitation for a transit circulator analysis for the cities of Brawley, Calexico and Imperial.
- Another FTA 5304 grant involves an Intermodal Transportation Center in the City of Calexico. An RFP is under development between SCAG and ICTC staff.
- Caltrans has recently been awarded a grant to carry out a border wide pedestrian and bicycle study. There have been discussions for ICTC to take the lead on the project. It was decided that an extensive study was important due to concerns with pedestrian border crossings. The study will also explore the possibilities to promote more transit services. This study has value, due to the collaboration between both countries involved.
- Caltrans also awarded an FTA 5304 planning grant to the City of Calexico for a Citywide Transit Needs Assessment study.

Ms. Williams had the following announcements:
- Phase 2 of the IVC Transfer Terminal project is now complete. A slideshow of photographs were shown. Passengers with disabilities will be able to be dropped off at the new southwest location. They will have the option of getting dropped off on either side of the campus. Lighting features, security cameras and a panic button feature that sends a direct message to the security office were all installed.
- ICTC and city staff is working on other projects involving transit facilities in other areas including Brawley, Imperial and Calexico.
- Imperial Valley Transit will be procuring new buses. Both ICTC and First Transit staff took several visits to the Gillig plant to discuss the procurement process. One bus was received from the Gillig plant in Hayward. Staff is conducting a system check. The new bus is a low floor bus, which means that it will not have stairs. The remainder of the buses will be delivered at the end of October. Ms. Williams stated that each bus cost approximately $300,000. The vehicles will belong to First Transit and will depreciate during the life of the contract. Mr. Ritchie was concerned that the material for the seats would be suitable for the Imperial Valley and be cleaned regularly. Ms. Williams stated that the process to choose fabrics was done with the unique conditions in mind and on a collaborative basis.

B. Southern California Association of Governments (SCAG)

Mr. Oliva had the following announcements:
- September 6th and 7th, the League of Cities will have a conference in San Diego. Videoconferencing will be available at the Marriott.
- Southern California Energy Summit 2012 will be held on October 4-5, 2012 at the Palm Springs Convention Center. This event is sponsored by SCAG as well as IVEDC. An agenda will be forwarded to all agencies once it is finalized.
- The 7th Annual AltCar Focus on Fleets Conference will be held at the Santa Monica Civic Auditorium on September 28, 2012.
- There will be a Solar Power Workshop on September 19, 2012 at SANBAG in San Bernardino.

C. California Department of Transportation (Caltrans)

Mr. Cather had the following announcements:
- Ms. Laurie Berman is on vacation.
- The Brawley Bypass Project will have a Ribbon Cutting for Phase 3 on October 18th in the morning. Please mark your calendars. Staff is still waiting on confirmation from Director Malcolm Daugherty. The highway will be open on the 18th therefore the location of the event will be nearby.

D. Commission Member Report

- Mr. Ritchie stated that the City of Westmorland has finished the South Center St. project and will begin the North Center St. project soon.
- Mr. Terrazas announced that SCAG was dark in August.
- Ms. Nava-Froelich stated that IID contributed $200,000 in funds to the City of Calipatria for the damage that impacted the City during recent storms and flood. Ms. Nava-Froelich thanked everyone for their support.
- Ms. Sanders is seeking countywide support from all cities for the joint strike fighter task force agenda in September. She will be asking for letters of support. A draft letter for review was requested by ICTC. Mr. Terrazas will be going to Washington D.C. on September 18th to support and establish homework with lobbyists in
Washington D.C. Ms. Sanders would like all support letters to be a coordinated effort. Mr. Baza stated he will facilitate a discussion with the City Managers so all are on the same page. Mr. Ritchie added that he’s been working with the bombing ranges and that this county has thousands of acres designated for all sorts of activities having to do with bombing and we are able to do a multitude of things because we do not have congestion and are able to do low altitude training. Mr. Ritchie has considered getting some used pickup trucks and inviting everyone to get a tour to see the importance of keeping the joint strike fighters training here in Imperial Valley. The Navy base will stay open as long as the county has their full support.

VI. INFORMATIONAL ITEMS

A. Mobility 21 briefing by Marnie Primmer, Executive Director
   - Mr. Baza introduced Ms. Marnie Primmer of Mobility 21. Ms. Primmer stated that Mr. Baza has been an active participant in Mobility 21’s advocacy efforts. She stated that she wanted to come and introduce herself in person and describe what Mobility 21 represents. Mobility 21 is a public private partnership. They represent both the SANDAG and SCAG regions and a clearinghouse for Southern California. The goal is to be an additional advocacy resource for all 7 counties and an economic engine specifically with goods movement. Mobility 21 has developed a unique $50 billion action plan that affects Imperial to Ventura Counties and everywhere in between. It assists with economic recovery dependent on the goods movement jobs in Southern Ca. Funding for a project is 74 % local and Mobility 21 looks for the remaining 26% funding needed. Mobility 21 is also an advocate for local control, empowering a culture of YES and cutting through the red tape. Ms. Primmer stated that Mr. Baza has been an essential part of the group and attends the meetings monthly. It is an effective organization that promotes regional cooperation while fighting for money for the region. Mobility 21 hosts an annual summit that is the largest in Southern CA. Information on the 11th Annual Southern California Transportation Summit “We’re All In This Together” was provided to the Commissioners. The Summit is scheduled for September 28, 2012 at the Disneyland Hotel. Jonathan Tish of the NY Giants will be in attendance; he is the Chairman of one of the largest hotel chains in the country and an author. Ms. Primmer stated that she is a resource for ICTC and would love the chance to come back.

B. EPA Sanctions Update and Draft Schedule of Actions to Achieve a Stay of Sanctions

Mr. Baza had the following update regarding the EPA sanctions:
- The highway sanction under the Federal Clean Air Act (CAA) will begin on August 9, 2012, in the particulate matter (PM10) nonattainment portion of Imperial County. The sanction results from partial U.S. Environmental Protection Agency (EPA) disapproval of a fugitive dust rule that was required for compliance with PM10 provisions of the State Implementation Plan and the CAA. On July 27, 2012 EPA, Imperial County Air Pollution Control District (ICAPCD) and California Department of Parks and Recreation (State Parks & Recreation) reached a settlement agreement on several rule improvements to fulfill the best available control measures requirements. As of August 9th, any new obligations for federal transportation funds are frozen, with the exception of transit funds, safety projects for local roads and state highway projects, and some projects that have exemption for air quality benefit, such as, Congestion Mitigation and Air Quality (CMAQ), and Transportation Enhancement (TE) funded projects.

While the sanction is in effect, any project(s) with federal funds that were obligated / approved prior to August 9th for engineering, environmental, design, right-of-way (RW), or construction can continue toward completion. Since last year we have been working very aggressively to obligate every available federal dollar up through the most...
current Federal Transportation Improvement Program (FTIP). This effort began well
before knowing that ICAPCD, the EPA and State Parks & Recreation would be ordered
to mediation or even knowing what the outcome of mediation, where all parties were
able to reach agreement on the proposed rule changes.

Over the last few months we were down to only 10 projects that had not yet been
obligated but with Caltrans and Federal Highway Administration’s (FHWA) help, our
Imperial Valley projects were approved and obligated for all but two projects. Our local
agency and Caltrans project staff did their part to submit project fund request and
Caltrans Local Assistance and FHWA did their part to prioritize Imperial Valley project
submittals for review and approval. The two remaining projects are not seriously
impacted as their next phase of work (Design, RW or Construction) for obligation is not
ready until at least summer of 2013 and they have sufficient funds obligated and
available to continue moving forward into the next calendar year.

The two projects are the Cesar Chavez Blvd. (Calexico) Project and the I-8 Dogwood
Overcrossing (El Centro) Project:

1. The Cesar Chavez Blvd. project, which connects SR-98 with the west port of
   entry. The project is going through environmental and preliminary engineering
   phases and the next steps are right of way and construction, which should be well
   beyond the proposed sanctions impact.

2. The I-8 Dogwood Overcrossing project is in the final stages of the design phase
   and will continue onto construction once design is complete as the majority of
   the project funds are approved and available well beyond the sanctions proposed
   impact.

In Imperial Valley we do have additional projects programmed with federal funds for
Fiscal Year 2012/2013 and beyond, however, those projects won't be impacted either
based on the six month +/- schedule for ICAPCD, State Parks & Recreation, CARB,
and EPA to approve the rule adjustments based on their agreements reached during
mediation.

Below is a draft schedule of proposed actions that leads us to a stay of the sanction as
described to me by ICAPCD and EPA's fact sheet:

- ICAPCD will hold their public workshop(s) in Mid-September
- ICAPCD will present revised rules to their Board on October 16, 2012 for
  adoption
- ICAPCD will forward the locally adopted rules onto California Air Resources
  Board
- CARB will have their own version of approval action, then CARB would
  forward onto EPA
- EPA will then announce in the Federal Register with analysis of the proposed
  rules, possibly in November/December 2012
- EPA’s posting provides another opportunity for public review and comment
- EPA's action for Stay of the sanction - January/February 2012

This projected schedule of actions assumes the revised rules are adopted locally;
approved by the State (CARB); and approved by the EPA. Senator’s Boxer,
Feinstein and Congressman Filner's staff have been informed by EPA and I have
briefed their local staff.
C. Potential for Public Transit Routes – Yuma AZ., Winterhaven and El Centro, CA.

Ms. Williams stated that ICTC staff entered into discussions, at the request of staff of the Quechan Tribe and the Yuma County Intergovernmental Public Transit Authority (YCIPTA), regarding the potential for public transit routes between Yuma AZ, Winterhaven, and El Centro, CA. Discussions have ensued regarding routing, scheduling, funding, access to bus stop locations and the continuation of travel on Imperial Valley Transit (IVT) for access to social service and commercial activities.

Staffs of the three agencies are contributing to the development of a business plan which will contain operating procedures for routes, schedules, funding and other resources, and a memorandum of understanding (MOU). Ultimately the project will require the boards of the three agencies to approve and give direction on implementation for services.

As a summary of the project, the Quechan tribe has received a federal grant for transit operations. The Quechan tribe has contacted the YCIPTA agency and ICTC as to the potential for contracted transit services. There is a unique potential for travel by and between Yuma, Winterhaven and El Centro. YCIPTA has developed a route proposal utilizing drivers and vehicles though its contractor, First Transit Inc.

ICTC has reviewed and provided comments and recommendations on the business service plan, including but not limited to route and schedule design, vehicle emission requirements in California, identified opportunities for connections through Imperial Valley Transit (IVT) to other facilities and services in Imperial Valley, and performance standards.

The business plan proposes a new trip on an existing afternoon IVT route between Holtville and El Centro, and discontinuance of the once a week, IVT remote zone route to Winterhaven. The new YCIPTA route originating in Yuma AZ through the Winterhaven area will offer travel opportunities that would also connect in El Centro to IVT intercity and intracity routes. Lastly it may become possible to travel from Imperial Valley communities to Winterhaven and Yuma Az. Additional information will be forthcoming in future months.

VII. ACTION CALENDAR


Ms. Williams stated that the Commission should conduct fiscal reviews of its transit operators on an annual basis as a prudent management practice. The recent multi-year agreement for this service recently concluded. As a result, ICTC staff completed a competitive bid process for the solicitation of continuing independent financial review and reporting services on the regional public transit service contracts. A request for proposal was circulated for a five year period in order to maximize pricing reductions and reduce the level of effort for ICTC staff. The new agreement is based on the time period of FY 2010-11 through FY 2014-15.

This is work associated with a review of financial records including but not limited to: invoices and billing, records management and financial controls. A key component of this project is the monitoring of the cash handling, management and oversight conducted by each transit operator in the collection of fare revenue on a daily basis.

There were two proposals received for the work. An evaluation committee reviewed and scored the proposals. The scoring process utilized standard categories including but not
limited to: relevant experience, references, and cost. The proposal from the firm of Hutchinson and Bloodgood was identified as the most responsive for the project.

Funding for this project is in the ICTC adopted 2012-13 Budget and specifically in the ICTC Overall Work Program and Budget/Transit Finance Plan: through the Transportation Development ACT (TDA) Fund, approved on June 27, 2012.

The ICTC Management Committee met on August 8, 2012 and forwards this item to the Commission for your review and approval, after public comment if any:

1. Authorize the Chairman to sign the agreement for financial audit services effective July, 1 2012, for the audit period FY 2010-11 through FY 2014-15, with the firm of Hutchinson and Bloodgood for the not to exceed fees as listed:

   a. For the audit period July 1, 2010 through June 30, 2011, the annual fee set at $39,051.
   b. For the audit period July 1, 2011 through June 30, 2012, the annual fee set at $40,338.
   c. For the audit period July 1, 2012 through June 30, 2013, the annual fee set at $43,245.
   d. For the audit period July 1, 2013 through June 30, 2014, the annual fee set at $42,912.
   e. For the audit period July 1, 2014 through June 30, 2015, the annual fee set at $44,199.

A motion was made by Menvielle and seconded by Terrazas, Motion carried unanimously.

B. Agreement for Professional Auditing Services for FY 2011-12 through FY 2015-16

Ms. Williams stated that the professional services agreement for audit service of the ICTC as an agency recently concluded. As a result, ICTC staff completed a competitive bid process for the solicitation of independent financial audit services. A request for proposal was circulated for a five year period in order to maximize pricing reductions and reduce the level of effort for ICTC staff. The audit agreement is for the time period FY 2011-12 through FY 2015-16.

There is audit work in addition to the level of effort from the previous years, associated with this project now that ICTC is an independent agency. There has been a reorganization of the accounts used for bookkeeping purposes maintained at the County, and a new commercial bank account opened for salary and benefits payments. In addition, there are several reports that were previously completed by the County of Imperial Auditors Controller’s office on behalf of the ICTC, that now are included in this audit. These reports include:

- the State Controller’s Office Annual Report of Financial Transactions of Transit Operators
- the Annual Report of Financial Transactions of Regional Transportation Planning Agencies
- the Government Compensation Report

There were two proposals received for the work. An evaluation committee reviewed and scored the proposals. The scoring process utilized standard categories including but not limited to; relevant experience, references, and cost. The proposal from the firm of Hutchinson and Bloodgood was identified as the most responsive for the project.
Funding for this project is in the ICTC adopted 2012-13 Budget and specifically in the ICTC Overall Work Program and Budget/Transit Finance Plan; through the Transportation Development ACT (TDA) Fund, approved on June 27, 2012.

The ICTC Management Committee met on August 8, 2012 and forwards this item to the Commission for your review and approval, after public comment if any:

1. Authorize the Chairman to sign the agreement for financial audit services effective July, 1 2012, for the audit period FY 2011-12 through FY 2015-16, with the firm of Hutchinson and Bloodgood for the not to exceed fees as listed:

   a. For the audit period July 1, 2011 through June 30, 2012, the annual fee set at $62,973.
   b. For the audit period July 1, 2012 through June 30, 2013, the annual fee set at $58,482.
   c. For the audit period July 1, 2013 through June 30, 2014, the annual fee set at $60,327.
   d. For the audit period July 1, 2014 through June 30, 2015, the annual fee set at $62,127.
   e. For the audit period July 1, 2015 through June 30, 2016, the annual fee set at $64,017.

A motion was made by Gran and seconded by Bradshaw, **Motion carried unanimously**.

Ms. Williams stated that as a follow up to a question the City of Imperial had during the adoption to the budget regarding the $150,000 budget set aside for professional audit services, and that staff anticipates using $119,000 as of this date.

C. **IMPERIAL VALLEY TRANSIT (IVT) – Fixed Route Transit Services Operating Agreement, Fiscal Year 2012-2016, Modification #1**

Ms. Williams stated that IVT is the public fixed route bus system operated by First Transit, Inc. The ICTC administers and manages the fixed route contract on behalf of the member agencies. The service operates in tandem with IVT – ACCESS for persons with disabilities, with coordinated service schedules and services areas. There currently is an average of 53,000 passenger trips a month, Monday through Saturday. The services are provided by a fleet of 40 ft. and 22 ft. wheelchair lift equipped buses.

In accordance with the FY 2012-13 Unmet Transit Needs Public Hearing process conducted earlier this calendar year, First Transit and staff have negotiated costs and an additional annual subsidy amount. These service issues include:

- Additional daily trips on the IVT bus route #4 between El Centro and Seeley
- Additional trips on route #1 to reduce overcrowding between Calexico and El Centro during peak service hours
- Additional trips on the Calexico to IVC Express route

The service additions would be implemented September 1, 2012. This adds approximately 1,515 annual service hours for the next four years. The total additional annual cost for these services averages at $114,541 per year, which represents an approximate 4.2% percent increase.

Funding for these service increases is derived from the Transportation Development ACT (TDA) Fund, the State Transit Assistance Fund, as well as, the Federal Transit Administration (FTA) and is included in the FY 2012-13 ICTC Overall Work Program and Budget adopted on June 27, 2012.
The ICTC Staff recommended that the ICTC Commission take the following actions after the receipt of any public comment:

1. Authorized the Chairperson to sign the modification #1 to the Fixed Route Transit Services Operating Agreement with First Transit Inc. for the continued operation of Imperial Valley Transit for the period effective July 1, 2012 through June 30, 2016, for the not to exceed subsidy as listed:

   a. For the period July 1, 2012 through June 30, 2013, the annual not to exceed subsidy is set at $2,269,478.
   b. For the period July 1, 2013 through June 30, 2014 the annual not to exceed subsidy is set at $2,372,306.
   c. For the period July 1, 2014 through June 30, 2015, the annual not to exceed subsidy is set at $2,429,778.
   d. For the period July 1, 2015 through June 30, 2016, the annual not to exceed subsidy is set at $2,506,777.

   A motion was made by Bradshaw and seconded by Nava, Motion carried unanimously.

Ms. Sanders stated that it is positive that staff was able to address the issues brought forth by the Unmet Transit Needs Public Hearing process.

VIII. NEXT MEETING DATE AND PLACE

The next meeting of the Imperial County Transportation Commission will be held on September 26, 2012 at 6:00 p.m., at the County of Imperial Board Chambers, at 940 W. Main Street, El Centro, CA.

IX. ADJOURNMENT

Meeting adjourned at 7:10 p.m.
VI. ACTION CALENDAR

A. ICTC DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR FY 2012-13 FOR FTA FUNDS
September 6, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: ICTC Disadvantaged Business Enterprise Goal for FY 12-13 for FTA funds

Dear Committee Members:

As a recipient of Federal Transit Administration (FTA) dollars, the ICTC is required to adopt and implement a Disadvantaged Business Enterprise (DBE) program to provide opportunities to underrepresented firms in the award and administration of contracts utilizing FTA funds. As part of this program, the ICTC must adopt an annual DBE goal. The goal is to be expressed as the percentage of FTA funds awarded to ICTC which ICTC expects to award to certified DBE firms over the fiscal year for which the goal is set.

This goal is calculated by examining all the expected contracting opportunities utilizing FTA funds in a given year, determining what proportion of all firms ready, willing and able to bid on those contracts are likely to be DBEs, and then using that information to set a reasonable goal regarding the amount of FTA funds that will actually be awarded to DBEs through contracts with those firms. This methodology is outlined in detail in the attached report.

ICTC staff proposed a FY 12-13 DBE goal of 1.4% in June 2012 and the Commission enacted a 45 day comment period. In addition the Commission directed staff to return for final adoption of the goal in September 2012. There have been no comments received as of the date of this letter. Therefore ICTC staff would recommend final approval of the DBE goal, and thereby allowing staff to proceed with programs and projects in the FY 2012-13 Overall Work Program and Budget.

ICTC staff requests that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the proposed FY 12-13 DBE goal of 1.4%

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

Attachment

MB/kswiel

CITIES OF BRAWLEY, CALExico, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
Disadvantaged Business Enterprise Plan (DBE)
For Projects Funded Through
the Federal Transit Administration (FTA)
DRAFT
FY 2012-13
IMPERIAL COUNTY TRANSPORTATION COMMISSION

DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Imperial County Transportation Commission has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The ICTC has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the ICTC has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the ICTC to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Kathi Williams has been delegated as the DBE Liaison Officer. In that capacity, Kathi Williams is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the ICTC in its financial assistance agreements with the Department of Transportation.

ICTC has disseminated this policy statement to the ICTC Commission and all of the relative components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform, or are anticipated to perform work for our organization on DOT assisted contracts. This distribution is accomplished through 1. Adoption of the program by the Commission 2. Publication available to all interested parties via the Commission's website 3. Inclusion in all relative competitive bid documents.

Mark Base
Executive Director

Date

T:\projects\dbe\2013 dbe transit\ictc dbe program FTA 2013
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SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability


Section 26.5 Definitions

The ICTC will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The ICTC will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the ICTC will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

We will report DBE participation to DOT as follows:

We will report DBE participation on a quarterly basis, using DOT Form 4630 or through the FTA TEAM website. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

The ICTC will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways: requiring prime bidders to report the names/addresses and possible other information, of all firms who quote to them on subcontracts, providing a notice in solicitations and post it on the Commission website.
Section 26.13 Federal Financial Assistance Agreement

ICTC has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

ICTC shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The ICTC shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The ICTC’s DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the ICTC of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the ICTC deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the ICTC may receive a grant of $250,000 or more for planning or development, planning capital, and or operating assistance in a federal fiscal year, by the statute for we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.
Section 26.25  DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Kathi Williams, Senior Transit Planner
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
EL Centro, Ca, 92243
760-592-4492
kathiwilliams@imperialctc.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the ICTC complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director of ICTC concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of 0 to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all components within the ICTC to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes ICTC’s progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/Commission on DBE matters and achievement.
10. Provides DBEs with information and assistance in preparing bids.
11. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the ICTC’s updated directory on certified DBEs.

Section 26.27  DBE Financial Institutions

It is the policy of the ICTC to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. We have made the following efforts to identify and use such institutions: research the credit unions and commercials banks in the community through on site visits and website reviews.
To date we have identified the following such institutions: None

Section 26.29 Prompt Payment Mechanisms

The ICTC will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from ICTC. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the ICTC. This clause applies to both DBE and non-DBE subcontracts.

Any failure to comply with this section by the prime contractor shall be considered as a breach of the contract, subject to the provisions of the agreement. In addition, the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractors ensures that the subcontractors are promptly paid for the work that they have performed.

Section 26.31 Directory

The ICTC maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm’s name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory annually.

We make the Directory available online at http://www.dot.ca.gov/hq/bep/find_certified.htm.

Further information may be found about California’s Uniform Certification Program at http://www.dot.ca.gov/hq/bep/ucp.htm

Section 26.33 Overconcentration

ICTC has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

ICTC has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The ICTC will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

2. We will consider similar action under out own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract
remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.

3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished via a reporting mechanism.

4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The ICTC does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the ICTC will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, ICTC will consult with the Chambers of Commerce and CALTRANS Local District Offices to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the ICTCs efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rational are available for inspection during normal business hours at our office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. The notice will be available on the Commission’s website and the local newspaper of general circulation. We, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49 Transit Vehicle Manufacturers Goals

ICTC will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, ICTC may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation
The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g)  Contract Goals

The ICTC will use contract goals to meet any portion of the overall goal. ICTC does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of total amount of a DOT-assisted contract.

Section 26.53  Good Faith Efforts Procedures

Demonstration of Good Faith Efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are located in Appendix A to 49 CFR Part 26.

The following personnel is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive

Kathi Williams, Senior Transit Planner
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
EL Centro, Ca, 92243
760-592-4492
kathiwilliams@imperialctc.org

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror’s good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

ICTC treats bidder/offers’ compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 10 days of being informed by ICTC that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeree may request administrative reconsideration. Bidder/offerees should make this request in writing to the following reconsideration official:

Mark Baza, Executive Director
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
El Centro Ca, 92243
760-592-4494
markbaza@imperialctc.org

The reconsideration official will not have played any role in the original determination that the bidder/offeree did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeree will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeree will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeree a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transpiration.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

ICTC will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, ICTC will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the [Name of ICTC] to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of _____ percent has been
established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

ICTC will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

CALTRANS Civil Rights
ATTN: Certification Unit
1823 14th Street
Sacramento, Ca. 95811
(866) 810-6346
http://www.caltrans.ca.gov/hq/bep/business_forms.htm

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

ICTC adopts the California Unified Certification program (CUCP) procedures administered by the Certifying agencies of the CUCP. The ICTC is the member of a Unified Certification Program (UCP)]. The UCP meets all of the requirements of this section. The following is a description of the UCP (as provided on the CUCP website located at http://www.californiaucp.com/index.html)

“The California Unified Certification Program (CUCP) went into effect on January 1, 2002. It is a one stop shopping certification procedure that eliminates the need for Disadvantaged Business Enterprises (DBE) firms to obtain certifications from multiple agencies within the State.

The CUCP is charged with the responsibility of certifying firms and compiling and maintaining a single Statewide database of certified DBEs, pursuant to 49 CFR Part 26. The database is intended to expand the use of DBE firms by maintaining complete and
current information on those businesses and the products and services they can provide to all DOT assisted grantees in California.

The CUCP has established two regional DBE certification clusters throughout the State, designated by geographical boundaries to effectively facilitate Statewide DBE certification activities. The CUCP certifying agencies are responsible for certifying DBE firms. It is not necessary to apply for DBE certification at more than one agency. If your firm meets the general criteria for DBE certification as provided on the Application package, please submit your completed application, along with the requested documentation to one of the Certifying agencies serving the County where your firm has its principal place of business. 

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

We will review the eligibility of DBEs, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than five years from the most recent certification date of each firm.

For firms that we have reviewed and found eligible under part 26, we will again review their eligibility every five years. These reviews will include the following components: filing out a new application, performing on site visits in the ICTC local area, and reviewing work history, qualifications and equipment of the firm.

“No Change” Affidavits and Notices of Change (26.83(j))

To the extent as required by the CUCP, we require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the CUCP’s application for certification.

We also require all owners of all DBEs to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j). The test of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]’s application for certification, except for any changes about which you have provided written notice to the ICTC under 26.83(j). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm’s previous three fiscal years do not exceed $16.6 million.

We require DBEs to submit with this affidavit documentation of the firm’s size and gross receipts.

We will notify all currently certified DBE firms of these obligations. This notification will inform DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm’s owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.
Section 26.85 Denials of Initial Requests for Certification

If the CUCP denies a firm’s application or decertify it, it may not reapply until 12 months have passed from the action.

Section 26.87 Removal of a DBE’s Eligibility

In the event the CUCP proposes to remove a DBE’s certification, we will follow procedures consistent with 26.87.

Section 26.89 Certification Appeals

Any firm or complainant may appeal the CUCP decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submittor.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the ICTC or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.
ATTACHMENTS

Attachment 1  Organizational Chart
Attachment 2  DBE Directory
Attachment 3  Monitoring and Enforcement Mechanisms
Attachment 4  Overall Goal Calculation
Attachment 5  Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6  Forms for Demonstration of Good Faith Efforts
Attachment 7  Certification Application
Attachment 8  Procedures for Removal of DBE’s Eligibility
Attachment 9  Regulations: 49 CFR part 26
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
Attachment 2

DBE Directory

See the CUCP directory, found at http://www.dot.ca.gov/ucp/GetLicenseForm.do

ICTC encourages prime contract bidders to search this directory when seeking subcontractors that are certified as a DBE.
Attachment 3

Monitoring and Enforcement Mechanisms

The ICTC has available several remedies to enforce the DBE requirements contained in its contracts, including, but are not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action pursuant to California Civil Code S 3300, et. seq;
3. Any other enforcement mechanism in law or equity allowable in California

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.
Attachment 4

ICTC Methodology for adopting an FY 2011-12 DBE goal for FTA purposes

Pursuant to Section 49 CFR Part 26, The ICTC present the following information as it relates to the development of the ICTC Methodology for adopting a FY 2012-13 DBE goal for FTA purposes.

Anticipated ICTC contracting opportunities during FY 2012-13 utilizing FTA funds:

1. One (1) Contracts anticipated for consultant planning studies
   - Total FY 12-13 contract cost: 1 @ $100,000 = $100,000
   - Total FY 12-13 FTA 5304 funds associated with these contracts: $100,000

These contracts are for consultant prepared transit planning studies including the design of additional future fixed route services, as well as, a feasibility study for an intermodal transit transfer terminal.

2. One (1) Contract for public fixed route transit services and One (1) Contract for ADA paratransit services
   - Total FY 12-13 contract cost (including federal and non federal funds): $5,201,687
   - Total FY 12-13 FTA funds associated with this contract: $2,013,805
   - Total FY 2012-13 FTA 5307 Funds: $1,450,936, FTA 5311 Funds: $362,869 FTA 5317 Funds: $200,000

This contract is for turnkey operation of all public fixed route transit and ADA paratransit services administered by ICTC (i.e. Imperial Valley Transit). ICTC does not own transit vehicles or facilities, therefore only those firms capable of providing facilities and the vehicles needed for operations (at a minimum, twelve 40’ buses and eighteen cutaways) will respond to ICTC’s competitive bid processes.

Approximate total amounts were based upon:

1. Yet to be obligated funds based on revenue apportionments as posted by the FTA under the FTA 5307 and FTA 5311 program, grant award for FY 2012-13 FTA 5317 funds and documented in the ICTC OWP and Transit Budget.
2. Obligated funds under the FTA 5304 and programmed to be distributed by the MPO, the Southern California Association of Governments (CAG) for two approved planning studies

Unique factors affecting the development of the DBE Goal for FY 2012-13

1. Recognition and local knowledge that as a small urban turnkey transit system, the majority of the FTA 5307 and FTA 5311 funds are used for direct operating costs in turn key contracts for which limited opportunities exist for DBE and small business participation i.e. salaries and facility lease costs.

2. Recognition and local knowledge that there is limited DBE participation in the immediate geographic area. The area is 84 miles to the south of Riverside and 120 miles to the east of San Diego counties, which represent the closest populated areas. The market area, or region, therefore has been expanded to include the Counties of Imperial, Riverside and San Diego Counties. The DBE firms certified by the California Unified Certification Program with the most appropriate NAICS classification code (485113 – Bus and motor vehicle transit systems) are generally charter services who are not ready, willing, or able to bid on public fixed route contracts of this size and complexity.

3. There may exist opportunities for the prime contractor (currently First Transit) to utilize outside firms to provide needed services. However the distance to cover providing these services when unbundled has not proven attractive to DBE providers or realistic in adjacent urbanized areas.

Step 1 – Development of the Base Goal Figure

In order to determine an overall goal the first step is to determine a base figure:

Potential funding available for the contacting opportunities

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Amount of DOT Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS CODE</td>
<td>Description of the Work</td>
</tr>
<tr>
<td>423120</td>
<td>Parts (general)</td>
</tr>
<tr>
<td>423130</td>
<td>Tire products</td>
</tr>
<tr>
<td>424720</td>
<td>Fuel and Oil Suppliers</td>
</tr>
<tr>
<td>541614</td>
<td>Consulting Services</td>
</tr>
<tr>
<td>541850</td>
<td>Transit Advertising</td>
</tr>
<tr>
<td>541870</td>
<td>Transit printing</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
</tr>
</tbody>
</table>
The number of DBE and non DBE firms ready, willing, and able to bid on contracting opportunities

### Table 2: Relative Availability of DBEs

<table>
<thead>
<tr>
<th>NAICS CODE</th>
<th>Description of the Work</th>
<th>Available DBEs in the Region</th>
<th>Number of all Firms Available</th>
<th>Relative Availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>423120</td>
<td>Parts (general)</td>
<td>0</td>
<td>4</td>
<td>0.000</td>
</tr>
<tr>
<td>423130</td>
<td>Tire products</td>
<td>0</td>
<td>10</td>
<td>0.000</td>
</tr>
<tr>
<td>424720</td>
<td>Fuel and Oil Suppliers</td>
<td>0</td>
<td>32</td>
<td>0.000</td>
</tr>
<tr>
<td>541614</td>
<td>Consulting Services</td>
<td>0</td>
<td>21</td>
<td>0.000</td>
</tr>
<tr>
<td>541850</td>
<td>Transit Advertising</td>
<td>0</td>
<td>4</td>
<td>0.000</td>
</tr>
<tr>
<td>541870</td>
<td>Transit printing</td>
<td>0</td>
<td>5</td>
<td>0.000</td>
</tr>
</tbody>
</table>

**TOTALS** |                          | 0                            | 100%                        | 0%                   |

### Local Potential Subcontracting Opportunities

There are currently a total of six certified DBE’s in the entire County of Imperial. None perform the services that Imperial Valley Transit needs. Two are general freight trucking companies, two provide engineering services, one is an electrical contractor, and one does fabricated structural metal manufacturing. Therefore, there are no DBE's available in the region to provide unbundled services i.e. printing, advertising, or website services.

### Table 3: Step One - Base Goal Development

<table>
<thead>
<tr>
<th>NAICS CODE</th>
<th>Description of the Work</th>
<th>Weight</th>
<th>Relative Availability</th>
<th>Weighted Base Figure</th>
</tr>
</thead>
<tbody>
<tr>
<td>423120</td>
<td>Parts (general)</td>
<td>0.090</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>423130</td>
<td>Tire products</td>
<td>0.015</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>424720</td>
<td>Fuel and Oil Suppliers</td>
<td>0.562</td>
<td>0.063</td>
<td>0.000</td>
</tr>
<tr>
<td>541614</td>
<td>Consulting Services</td>
<td>0.199</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>541850</td>
<td>Transit Advertising</td>
<td>0.075</td>
<td>4.000</td>
<td>0.000</td>
</tr>
<tr>
<td>541870</td>
<td>Transit printing</td>
<td>0.060</td>
<td>5.000</td>
<td>0.000</td>
</tr>
</tbody>
</table>

**TOTALS** |                          | 100%   | 100%                  | 0.000                |
Step 2: Adjustments to the Base DBE Relative Availability Figure

Adjustments to the base figure goal may be necessary and justified for a variety of reasons including: lower or higher than expected past participation by DBE firms, additional evidence from disparity studies, etc. Unfortunately, very little data of this sort is currently available to ICTC. In past years FTA funds were spent solely on the turnkey operations contract. In addition, no comprehensive disparity study has been or is likely to be conducted in Imperial County. Therefore, ICTC cannot identify a valid reason to adjust its base goal upward or downward based on past participation or based upon other available studies.

However, ICTC does recognize that there are many firms within Imperial County currently eligible to be certified as DBE firms that simply have not gone through the application process. Based on recent conversation with potential applicants, this is because of a lack of understanding of said process but more to do with a lack of desire or monetary incentive to do so. ICTC encouraging these firms in contracting opportunities, especially local subcontracting opportunities.

An outreach program may be successful given the large proportion of minority and women owned firms without the County of Imperial. (The numbers reported below are from 2010 Census data.)

<table>
<thead>
<tr>
<th>Hispanic owned firms</th>
<th>44.1%</th>
<th>Asian owned firms</th>
<th>6.3%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women owned firms</td>
<td>25.8%</td>
<td>Black owned firms</td>
<td>1.6%</td>
</tr>
</tbody>
</table>

An historical DBE participation table:

<table>
<thead>
<tr>
<th>FY</th>
<th>Goals</th>
<th>Annual Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>1.40%</td>
<td>0.00%</td>
</tr>
<tr>
<td>2012</td>
<td>1.40%</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

The median participation FFYs 2013 and Step 2 Goal:

DBE Median Participation 0.00%
Step One Base Goal 0.00%
Total 0.00%
Divided by 2 = 2
0.00%

However, ICTC feels an adjustment of its DBE goal is warranted. There have been opportunities for non federally funded projects to have DBE/WBE/MDE/UDBE participation. Most recently, two locally funded consultant developed projects were completed in FY 2012:

Transit Drug and Alcohol Programs Compliance Audit $11,000
DBE participation =100% = $11,000

Short Range Transit Plan $97,317
DBE participation =15.4% = $14,986

There is one planned federally funded non transit operations project in FY 2013. In a desire to maintain the spirit of the law, it will be requested that consultants or subcontractors strive to attain a DBE goal of 1.4%

FY 2012-13 DBE Goal = 1.4%
Attachment 5

Section 26.51: Breakout of Estimated
Race-Neutral & Race Conscious Participation

The ICTC is a small urban organization with the majority of its FTA funding used for operating expenses rather than for capital purchases. ICTC will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation as required in Section 26.51(a). Planned outreach efforts by ICTC are all race/gender neutral and it is anticipated that ICTC will accomplish its DBE goal solely through race/gender neutral means.

ICTC will use the following race neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentations of bids, quantities, specifications and delivery schedules in a manner that facilitate DBE and other small businesses participation. i.e unbundling large contracts to make them more accessible, requiring large contractors to subcontract portions of the work effort
2. Reducing bonding requirements when possible
3. Providing technical assistance and other services
4. Providing information and communications in a bilingual format
5. Coordinating with resource agencies i.e. workforce development, small business alliance, chambers of commerce and economic development centers
Attachment 6

Forms for Demonstration of Good Faith Efforts

[Forms should be provided as part of the solicitation documents.]
# PROVIDERS LIST OF PARTICIPATING FIRMS

<table>
<thead>
<tr>
<th>PRIME PROVIDER NAME/ADDRESS</th>
<th>DBE?</th>
<th>FIRM AGE/YEARS IN BUSINESS</th>
<th>ANNUAL GROSS $$</th>
<th>WORK TYPE*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUBCONTRACTORS</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

*P = PROFESSIONAL CONSULTING SERVICES, C = CONSTRUCTION, S = SUPPLIES, E = EQUIPMENT, O = OTHER (describe)

Report prepared by: ____________________________ Signature: ____________________________

Title: ____________________________ Date: ____________________________
<table>
<thead>
<tr>
<th>DBE/ NON-DBE PARTICIPATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
</tr>
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<tbody>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBCONTRACTOR NAME/ADDRESS</th>
</tr>
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<table>
<thead>
<tr>
<th>PERCENT OF TOTAL CONTRACT VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>ESTIMATED SS PARTICIPATION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Report prepared by: [Signature] Date: [Date]

T:/projects/dbe2012-13/dbe forms
UNAVAILABILITY CERTIFICATION
DISADVANTAGED BUSINESS ENTERPRISES

Project

Provider’s Name

In order to demonstrate a good faith effort to utilize Disadvantaged Business Enterprises, Provider’s who cannot meet their DBE participation goals must respond to either Item A or Item B below:

ITEM A

<table>
<thead>
<tr>
<th>Name and Address of Firms Contacted</th>
<th>DBE</th>
<th>Dates Contacted</th>
<th>Method of Contact</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

ITEM B

There exists no opportunity for subcontracting as part of this project. It is the general practice of ___________________________ (Name of Bidder) to perform all work of this nature solely with its own work force and to do otherwise would ___________________________.

I, ___________________________ (Name), ___________________________ (Title) of ___________________________ (Name of Firm), do hereby certify that the above information is true and correct, and that I have made a good faith effort as documented in Item A or Item B above to obtain Disadvantaged Business participation in the performance of this contract.

_________________________ (Signature) ___________________________ (Date)
# SUMMARY OF SUBCONTRACT AWARD AND MONTHLY PAYMENTS REPORT

**PROJECT NAME:** __________________________  **PROVIDER NAME:** __________________________

**REPORTING PERIOD:** From ___________ To: ___________

<table>
<thead>
<tr>
<th>SUBCONTRACTOR NAME/ADDRESS</th>
<th>SUBCONTRACT $$ AMOUNT</th>
<th>DBE?</th>
<th>WORK ASSIGNMENT</th>
<th>DBE DOLLARS COMMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

Report prepared by: __________________________  Signature: __________________________

Title: __________________________  Date: __________________________
Attachment 7

Certification Application Forms

The certification application forms for the CUCP are found at:

http://caltrans.ca.gov/hq/bep/downloads/pdf/UCP_application_package_rev_06_2

The application package includes an affidavit of personal net worth.
Attachment 8

Procedures for Removal of DBE's Eligibility

The ICTC is not a certifying agency under the CUCP.

Ineligibility complaints

Any person may file a written complaint alleging that a currently certified firm is not eligible and specifying the alleged reasons why the firm is ineligible. ICTC is not required to accept a general statement or allegation that a firm is ineligible, or an anonymous complaint. The complaint must include information supporting the assertion that the firm is ineligible and should not continue to be certified. Complainants identified must be protected as provided in Sec 26.109(b).

ICTC will review its records concerning the firm and any materials provided by the complainant. ICTC may request additional information or conduct any other investigation that ICTC deems necessary.

If the ICTC determines that there is reasonable cause to believe that the firm is ineligible, ICTC will provide written notice to the firm that the ICTC proposes to find the firm ineligible, setting forth the reasons. If ICTC determines that reasonable cause does not exist, the ICTC will notify the complainant and the firm in writing of this determination and the reasons for it. All statement and reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which the reason is based.

Recipient initiated

If based on notifications by the firm of a change in its circumstances or other information that comes to ICTC attention, the ICTC determines that there is reasonable cause to believe that a currently certified firm is ineligible, the ICC will provide written notice to the firm that ICTC proposes to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

DOT directive

If the DOT determines that a firm does not meet the requirements for eligibility, the DOT will provide a notice setting forth the reasons for the record with relevant documentation and the ICTC may initiate appropriate actions after consultation with the DOT.
Attachment 9

Regulations: 49 CFR Part 26

Please refer to: http://www.fhwa.dot.gov/HEP/49cfr26.htm
Attachment 10

Affidavit(s) of Publication
Attachment 11

Imperial County Transportation Commission (ICTC)
Small Business Program

Consistent with Imperial County Transportation Commission’s policy that firms certified as DBE, MBE, WBE and ESB have an equal opportunity to participate in the performance of contracts, as well as to foster small business participation in conformance with CFR 49 Part 26.39, ICTC has developed and administers a Small Business program.

Under the Small Business program, ICTC will facilitate participation by Small Businesses in its contracts and agreements through the development of procedures, documents and practices that are "Small Business friendly".

Elements of ICTC’s Small Business Program are as follows:

Size Standard

1. Under ICTC’s Small Business program, a Small Business is a business that:

   a. Is organized for profit;
   b. Has a place of business in the United States;
   c. Is independently owned and operated
   d. For its industry, does not exceed the numerical size standard established by the federal Small Business Administration pursuant to 13 Code of Federal Regulations Part 121. For more information on these standards see the following Internet site: http://www.sba.gov/content/table-small-business-size-standards

2. A business shall be presumed to meet the Small Business size standard and be a Small Business if the business comes within one of the following categories:

   a. Is a participant in federal Small Business Administration programs such as, but not limited to Section 8(a) Business Development, Small Disadvantaged, and HUBZone.

   b. Is certified by a public agency other than OMWESB and has a size standard that is no greater than the Small Business Administration Size Standard.
To obtain a listing of Small Businesses participating in the U.S. Small Business Administration programs or activities as eligible Small Businesses, contact the SBA’s San Diego District Office at 550 West C Street Suite 550, San Diego, CA 92101.

3. If a business does not come within one of the categories set forth in the paragraph immediately above, the business may qualify if it can assure itself and demonstrate to ICTCt that the business does in fact meet the applicable Small Business size standard. The business may use tax records, certified annual audit reports of the business, or other documents reasonably related to showing that the business meets the Small Business definition and size standard.

4. Businesses are advised that in proving they meet the size standard for annual gross receipts, the amounts are averaged over the business’ latest three (3) completed fiscal years to determine its average annual receipts. If a business has not been in business for three (3) years, the average weekly revenue for the number of weeks it has been in business is multiplied by 52 to determine its average annual receipts. If there are questions or issues about whether a business meets the applicable size standard, ICTC and the business will consult and, to the extent practicable, follow the methodologies established by the federal Small Business Administration in determining whether a business is within or exceeds an applicable size standard.

Facilitation of Contracting Opportunities

In order to facilitate participation by Small Businesses in its contracts and agreements, ICTC will implement “Small Business friendly” strategies in its procurement process. These strategies may include the following, as appropriate, however at the current time, ICTC will not “set-aside” contracts for Small Businesses:

1. On larger contracts, require bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size Small Businesses can reasonably perform.
2. Require general contractors to provide subcontracting opportunities of a size that Small Businesses can reasonably perform.
3. Identify alternative procurement strategies; structure procurements to facilitate the ability of Small Businesses, or consortia or joint ventures including Small Businesses, to compete for and perform the work.
4. Require general contractors to describe historical usage of Small Businesses.
5. Require contractors to describe strategies for maximizing Small Business usage under the contract, through use of an outreach plan or other appropriate means.
VI. ACTION CALENDAR

B. DRAFT REVISION TO THE APPROVED ICTC PERSONNEL POLICIES AND PROCEDURES MANUAL
September 7, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Avenue, Suite 1
El Centro, CA 92243

SUBJECT: Draft Revision to the Approved ICTC Personnel Policies and Procedures Manual

Dear Members of the Management Committee:

On July 25, 2012, the Commission reviewed and approved the ICTC Personnel Policies and Procedures Manual as presented by staff and discussion regarding comments provided by the Management Committee. The approval of the manual was conditional with direction to staff to prepare and present amendments to address specific items as directed by the Commission.

Attached is a Draft for your review and consideration. The goal of the recommended revisions is to provide clarity and transparency.

It is requested that ICTC Management Committee forward this item to the Commission for review and approval after public comment, if any.

1. Review and approve the Draft Revision to the ICTC Policies and Procedures Manual to be presented to the Commission

Sincerely yours,

MARK BAZA
Executive Director

MB/cl
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ARTICLE 1 – INTRODUCTION

1.1 Statement of Purpose and Authority
The purpose of this manual is to provide policy and procedures for the administration of all matters affecting the status and activities of employees of the Imperial County Transportation Commission (ICTC). It shall be the duty of all Commission employees to comply and assist in carrying into effect the provisions of this manual and such internal management memoranda, as the Executive Director shall issue. However, the policies and procedures set forth in this manual are guidelines only and are not intended to confer contractual rights upon an employee or to impose contractual obligations on the Commission. Furthermore, no promise, statement or writing made by an ICTC supervisor may be interpreted to constitute an employment relationship other than “at will.” Rather, employment with ICTC is “at will,” terminable by either employer or employee at any time, without notice, with or without cause, except as otherwise provided by law.

The Executive Director is responsible for administration of the personnel system. She/he may delegate any such powers and duties to any other officer or employee. The Executive Director shall have the authority to appoint, promote, transfer, discipline, and terminate any employee of the Commission, in accordance with the personnel practices described in this document, and adopted by the Commission. The Commission does not guarantee any minimum length of employment and no supervisor or manager has any authority to make contrary representations.

The Executive Director, with the authority and direction of the full Commission, has all rights not specifically delegated in this document, including, but not limited to: the exclusive right to determine the administrative goals and objectives of the Commission, set standards of performance, determine the procedures and standards of selection for employment and promotion, direct employees, take disciplinary action with proper cause, lay off employees because of lack of work or for other legitimate reasons, maintain the efficiency of the Commission's activities, determine the methods, means, and personnel by which the Commission's activities are to be conducted, determine the content of position classifications, exercise control and discretion over the organization of the Commission and the technology required to perform its goals and objectives.

Insofar as is practical, exceptions to these procedures as written will be avoided. However, it is the intent of the Commission to comply with all applicable State and Federal laws. Should any provision of this manual conflict with any State or Federal law, such law shall control. These personnel policies and procedures will be reviewed periodically and adjustments will be made based on actual experience and economic considerations. In the event of any change to the policies, all employees will receive a copy of a written memorandum from the Executive Director, detailing the changes made and the reasons therefore.

1.2 Open Door Policy
Employees are encouraged to share their concerns, seek information, provide input, and resolve problems or issues through the Executive Director. The Executive Director is expected to listen to employee concerns, to encourage their input, and to seek resolution to their problems or issues.

1.3 Suggestions
The Commission is always looking for suggestions that improve methods, procedures and working conditions, reduce costs or errors, and benefit the Commission, its employees and the public.
ARTICLE 2 – DEFINITIONS

ALLOCATED POSITION means an established position within a classification funded through the Commission’s budget process.

ANNIVERSARY DATE an employee's anniversary date shall be the first day of employment.

APPOINTING AUTHORITY The Executive Director shall have the authority to hire, terminate employment, conduct performance evaluations, take appropriate disciplinary actions, and determine salary increases as dictated in the annual budget.

AT-WILL Employment: An at-will employee may be terminated at any time without the right to appeal except as provided by law.

BASE HOURLY RATE shall mean the hourly rate corresponding to the salary range of the classification to which the employee is appointed.

COMMISSION when used alone means the Imperial County Transportation Commission.

CONTINUOUS SERVICE means, that service commencing with the employee’s anniversary date and continuing until broken by resignation or dismissal from Commission service for the purpose of determining eligibility for paid time off (PTO) and eligibility for merit salary advancement. Service as an extra help or temporary employee shall not count toward continuous service.

EXEMPT EMPLOYEE means an employee in a position that has been designated by the Commission to be, executive, administrative, professional, or other category specifically exempted from the overtime pay requirements of the Fair Labor Standards Act (FLSA) and administrative regulations.

EXTRA HELP EMPLOYEE means a person who is hired for temporary employment by the Commission and who does not occupy an allocated position.

FULL-TIME EMPLOYEE means an employee who is appointed to an allocated position which requires full-time work as defined.

FULL-TIME WORK shall normally mean eight (8) hours per day and five (5) days per calendar week.

HOLIDAYS means those days enumerated applicable to the individual employee.

IMMEDIATE FAMILY means parents, spouse, domestic partner, son, daughter, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, or grandchildren by blood or marriage.

INDEPENDENT CONTRACTOR means a non-employee who provides independent contractual services to the Commission (includes consultants). The contractor, not the Commission, is responsible for: (1) tax and social security withholding; and (2) health, unemployment, and worker’s compensation insurance. The contractor is paid on a task basis rather than an hourly rate. An individual under this status receives no Commission benefits.

INTRODUCTORY PERIOD means the six (6) months period of paid service which is considered an extension of the examination process before an employee gains regular status. An employee during the introductory period may be terminated at any time without the right to appeal except as provided by law.
NON-EXEMPT EMPLOYEE means an employee whose position does meet FLSA and who is therefore paid overtime pay for authorized hours work in excess of the approved schedule.

OVERTIME means time worked above the minimum forty (40) hours of straight time during a work week. Overtime for non-exempt employees is calculated at one and one half times the regular hourly rate.

PART-TIME EMPLOYEE means an employee regularly scheduled to work less than 40 hours.

PAY PERIOD means fourteen (14) calendar days from 12 a.m. Friday to 12 a.m. the second Thursday thereafter and including the normal eighty (80) hour bi-weekly pay cycle.

PAY STATUS means whenever an employee is at work, absent on a paid holiday, absent on leave with pay, or absent on authorized compensatory time off.

PROMOTION means the change of an employee to a position in a class allocated to a salary range higher than the class which the employee formerly occupied.

RECLASSIFICATION means the act of changing the allocation of a position by raising it to a higher class or reducing it to a lower class on the basis of significant changes in the nature, difficulty, or responsibility of duties performed in the position.

REGULAR EMPLOYEE means an employee who has satisfactorily completed the initial Introductory Period and who is not temporary, intermittent, or a student intern.

RETIRED EMPLOYEE means an employee who elects to retire in accordance with the guidelines established by the Imperial County Employee Retirement System (ICERS).

SATISFACTORY SERVICE means meeting the work, performance, and conduct standards established by the Commission.

TEMPORARY EMPLOYEE means an employee who is hired for a pre-established period. Temporary employees may work full-time or part-time. Temporary employees may be dismissed at any time, with or without cause.

VETERAN means a person satisfying the definition specified in the Military and Veterans Code.

WORK WEEK means a forty (40) hour week.

ARTICLE 3 – GENERAL PROVISIONS

3.1 Employment
It is the policy of the Commission to be an equal opportunity employer and to hire individuals on the basis of their qualifications and ability to do the job to be filled. Unless otherwise provided in writing, employment with the Commission is considered to be at will, so that either party may terminate the relationship at any time and for any lawful reason.

3.2 Recruitment
The Commission will endeavor to recruit the most competent individuals to fill all positions. Approval to recruit for vacant or newly created positions will be granted by the Executive Director. Vacant and newly created positions will be posted for a period of time designated...
by the Executive Director, and all eligible employees will have an opportunity to apply. Posting requirements will include a job bulletin with job classification and salary information and recruitment methods used for advertising will include newspaper ads and other media forms.

3.3 New Employees
The Introductory Period for new employees is six (6) months. This is the period of paid service that is an extension of the examination process before an employee gains regular employee status. It is intended to give new full-time and part-time employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations.

The Executive Director uses this period to evaluate employee capabilities, work habits, and overall performance. If any deficiencies become apparent that were not evident during the hiring process, the Introductory Period is the time to address the issues. Small problems can hopefully be resolved quickly with guidance. Any major problems that appear during this period may indicate that the employee should not continue employment with the Commission. The Introductory Period may be extended from 6 months up to twelve (12) months at the discretion of the Executive Director.

If it is clear to management that an employee will not successfully pass the Introductory Period, it is not necessary to wait for the conclusion of the Introductory Period to discharge the employee. Upon satisfactory completion of the Introductory Period, most employees enter the “regular” employee classification.

During the Introductory Period, employees are eligible for health, dental, and vision insurance benefits on the first day of employment. Life insurance benefits will begin on the first full month following the date of hire. Employees can use Paid Time Off (PTO) after three (3) months of successful service.

On the first day of employment, the new employee will be orientated on the employee benefits available and on all standard administrative procedures. The new employee will be provided with a copy of these personnel policies. New employees are responsible for reading all instructional materials and asking questions on areas that need further clarification.

3.4 Performance Evaluation and Work Planning
On-the-job training and work progress should be followed carefully and checked frequently enough to know that the employee understands the job and how it relates to the Commission as a whole. Work planning and performance review are continuous processes and should be documented and discussed with the employee as often as necessary. However, at a minimum, a work planning and performance evaluation shall occur at least once a year for all employees. This evaluation should occur on the employee's anniversary date.

The Executive Director may propose a Performance Improvement Program (PIP) to improve deficiencies in performance. A PIP is to be considered part of the evaluation program and is not considered disciplinary action.

3.5 Continuing Education/Training Programs
If an employee has been directed by the Executive Director to take courses to improve work productivity and/or work habits (e.g., either through the semi- or annual performance evaluation or through a counseling session), the Commission will pay for the approved training course(s).
3.6 **Internship Program**

The Internship Program will enable the Commission to recruit, train, and develop an intern's skills in order to prepare him/her for professional, entry-level employment with the Commission or another transportation organization. An intern is considered an extra help temporary employee. This program does not guarantee an intern regular employment with our agency, but rather it attempts to assist in an intern's career development to become an experienced, knowledgeable, and qualified individual capable of competing in the professional job market. When there is a Commission employment vacancy, the qualified intern would be encouraged to apply and would be afforded the same full and equal consideration for employment as any other applicant under consideration.

**ARTICLE 4 – EMPLOYEE’S HOURS OF WORK AND WORKING CONDITIONS**

4.1 **Work Schedules**

The Executive Director shall fix the hours of work with due regard for the convenience of the public and the laws of the State and the Commission. The Executive Director may change that schedule at his/her discretion. Unless an employee has a reasonable and valid excuse, the employee will:

a. Work the hours and job duties assigned per the operational needs of the Commission.
b. Work such reasonable additional hours or job duties as the Commission may reasonably request.
c. Understand that nothing in these policies shall be construed as a restriction on the Commission’s right to schedule workdays and require a reasonable amount of overtime work.
d. Be expected to perform other job duties as requested, per operational needs of the Commission, at various times as necessary.

4.1.1 **Attendance**

It shall be the responsibility of each employee to be prompt and in regular attendance on the job.

4.1.2 **Time Sheets**

Each employee shall fill in his/her time sheet on a daily basis. Time sheets should be submitted to the Executive Director or his/her designee at the close of each pay period.

Overtime work for non-exempt employees must always be approved before it is performed.

It is the employees’ responsibility to sign their time sheets to certify the accuracy of all time recorded. The Executive Director or his/her designee will review and then sign the time sheet before submitting it for payroll processing.

4.1.3 **Overtime – Non-Exempt Employees**

The Fair Labor Standards Act (FLSA) requires that work performed by non-exempt employees in excess of forty (40) hours in a seven (7) day work period be paid at a rate of time and one half the employee’s regular rate of pay. Whether an employee is exempt (salaried) or non-exempt (hourly) is determined by the type of duties they perform. A list of exempt and non-exempt positions is attached in Appendix B – Job Classifications.

a. Non-exempt employees receive overtime pay at the rate of one and one-half times their regular pay after forty (40) hours work in a seven (7) day workweek.
b. Non-exempt employees working a flexible schedule approved by the Executive Director may work a modified workweek.

c. For the purposes of this policy, time worked include only those hours in which the employee performs authorized services for the Commission.

d. Holidays, PTO, jury duty, and other leaves are not considered work time for the purposes of this policy.

e. Time worked as overtime shall not be used to earn fringe benefits or to serve out probation or merit increase periods.

f. Overtime shall be reported in increments to the nearest one-fourth of an hour.

All staff is responsible for ensuring that advance work planning is done so that overtime is kept to a minimum. However, when it becomes absolutely necessary to work overtime, prior approval must be obtained from the Executive Director.

4.1.4 Clarification of Working Hours for Non-Exempt Employees

Unless instructed otherwise, actual working hours during a work day are considered to be those hours that an employee is required to be at a workstation and available to work. This represents any time spent at designated or required work station(s), working on assignments, and/or awaiting additional work assignments from management staff. Unless authorized, overtime will not be calculated for the time an employee spends before and after his/her normal working hours.

4.2 Overtime – Exempt Employees

Employees in positions that have been designated by the Commission to be exempt within the meaning of the Fair Labor Standards Act shall be considered salaried employees and subject to the following provisions:

a. Exempt employees are not eligible for overtime pay.

b. Employees, as designated above, will be paid a bi-weekly salary.

c. Time off for illness, injury, and medical appointments will be charged to PTO, if available.

Exempt employees shall work the necessary hours to perform their duties and responsibilities and shall not be entitled to receive overtime compensation.

4.3 Rest Periods

Each employee is allowed two (2) 15-minute rest period breaks per day. The breaks are not cumulative. They may not be skipped in order to leave early or earn overtime pay. It is required by law that these breaks are taken and it is the employee’s responsibility to take all breaks allowed. Unused breaks may not be accumulated and used at a future date or used to lengthen assigned lunch breaks. If they are not taken, they are lost. Supervisors must allow employees an opportunity to take the required breaks.

4.4 Meal Periods

Employees will be allowed a meal period of not less than thirty (30) minutes, nor more than one (1) hour, scheduled approximately at the midpoint or middle of a full work shift. Combining meal periods, “banking” meal periods from day to day, saving to shorten work days or requesting compensatory time or overtime for work performed during meal periods, shall not be allowed unless specifically authorized.

4.5 Working Hours

The Commission’s business office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.
4.6 Abandonment of Position
   a. When, in the opinion of the Executive Director, an employee has abandoned his/her position, the Executive Director shall notify the employee that the Commission has determined that he/she has abandoned his/her position and that the employee has five (5) working days upon receipt of the notice to contact the Commission regarding his/her intent to return to work. Such notice shall be in writing and sent by certified mail or personal service to the last address listed in the employee's personnel records.
   b. Abandonment of position may include, but it is not limited to: situations where an employee fails to respond within five (5) working days of notice of abandonment of position; where an employee fails to return to his/her employment upon the conclusion of any authorized leave of absence; where an employee fails to properly notify by telephone or in writing his/her immediate supervisor of absence due to sickness or injury; or, where an employee fails to keep his/her immediate supervisor informed of his disability status on a daily basis unless otherwise directed.
   c. Abandonment of position shall constitute an automatic voluntary resignation from service.

4.7 Loss Reimbursements
The Commission will not reimburse personnel employed by the Commission for any personal objects, possessions or clothing which are lost or damaged, either while on duty or off duty, as an employee of the Commission unless the employee can prove liability rests with the Commission. Personal objects, possessions, and clothing are items purchased and maintained by the employee and not purchased and maintained by the Commission.

4.8 Dress Code
Employees are expected to dress in a manner fitting and proper for appearing before the public who enter our offices. Extremes in dress will not be accepted. It shall be the responsibility of the Executive Director to inform the employee when his/her style of dress is inappropriate or disruptive.

4.9 Accidents
In the case of an accident involving Commission property, the Executive Director should be contacted immediately. In the event an employee is injured on the job, the employee shall report the accident immediately to the Executive Director.

4.10 Personal Visits
It is expected that employees will keep personal visits from family and friends to a minimum. Should it become necessary that an employee have a personal visitor, and the visit cannot be arranged during a lunch or break period, the visit should be conducted as briefly as possible.

4.11 Smoking
In keeping with the Commission’s intent to provide a safe and healthful work environment, and in compliance with State law, smoking is prohibited in the work vehicles and throughout the workplace. This policy applies equally to all employees and visitors.

4.12 Lactation Accommodation
The Commission will comply with all applicable requirements of Assembly Bill 1025, Lactation Accommodation Bill. Following prior notification to the Executive Director or his/her designee, employees wishing to express milk for their infant children while at work may use their office or designated break room for this purpose. Employees shall use their normal break time to express milk. Any time taken to express milk that is not authorized break time shall be unpaid.
4.13 **Telephone Usage**  
The telephone provided by the Commission is for use in conducting Commission business. The use of these telephones during business hours for local personal calls shall be held to a minimum. Personal long distance phone calls may not be charged on Commission phones.

4.14 **Commission Property**  
There will be no use of Commission resources for personal use without the prior, expressed, written consent of the Executive Director. Commission resources include, but are not limited to, computer hardware and software, computer peripheral (including printers, "mice", modems, etc.), facsimile and copy machines, office supplies, telephones, presentation materials, audio-visual equipment, and ICTC work vehicles. Commission resources also include staff time and wages that are charged to work program elements.

4.15 **Computer, Internet, and E-Mail Usage; Communication Tools**  
The computer system (including e-mail, the Internet, computer files and software), the telephone system (including voicemail), and all other means of electronic communication (collectively "communication tools") are Commission property provided to employees to carry out Commission business. Employees shall use professionalism when using communication tools. Personal use of communication tools shall be held to essential personal business and kept as brief as possible.

Employees may not use a password, access a file, or retrieve any stored communication without authorization. All passwords must be made available to Commission management.

Information contained in communication tools is not private. To ensure compliance with this policy, the use of communication tools may be monitored by the Commission at any time. The Commission has the right to access any and all files, messages, materials, or any other information contained in communication tools. Employees should be aware that even when information has been deleted or erased, it may still be retrieved.

The Commission strives to maintain a workplace free of harassment and sensitivity to the diversity of its employees. Therefore, the Commission prohibits the use of communication tools in ways that are disruptive, offensive to others, or harmful to morale. Neither e-mail nor any other communication tool may be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

Employees should notify the Executive Director upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

**ARTICLE 5 – CONFLICT OF INTEREST**

Conflict of interest is defined generally as acting in any way contrary to the best interest of the Commission. Employees are expected to exercise good judgment and discretion in evaluating any particular activity so as to avoid any actual or apparent conflict of interest. No employee shall take any action on behalf of the Commission, which they know, or reasonably should know, violates any applicable law or regulation. This will obviously include such activities as kickbacks, bribery, falsehood, misrepresentation, and divulging non-public information to organizations that could potentially benefit from exclusive information. Employees are urged to conduct their activities in such a manner as to comply with the spirit as well as the letter of this policy.

Employees shall be free from any personal influence, interest, or relationship that might conflict
with the best interests of the Commission. Acceptance of entertainment, travel, or gifts of a
character which might reasonably be deemed by others to affect the judgment or action of an
employee in the performance of his employment with the Commission would violate this policy.

When writing personal letters, articles to be published, and when participating in public affairs, staff
members are cautioned to avoid embarrassing situations for the writer or participant and the
Commission. Personal letters may not be written on Commission letterheads for obvious reasons.
Endorsements, testimonials, publications, and participation in public affairs should be undertaken
cautiously lest they be misinterpreted as endorsements by the Commission.

This policy in no manner prohibits membership in any political organization, attendance at
meetings, and expression of views on neither political matters nor voting with complete freedom.
Employees are in fact encouraged to actively support their individual political beliefs on their own
time as long as these opinions are not represented as the official viewpoint of this Commission.
Therefore:

a. Staff members may not use their position with the Commission to promote any specific
political action, candidate, or belief.
b. Staff members may not use their Commission titles in either written or verbal communications
concerning political activities or beliefs.
c. Staff members may not use Commission letterhead stationery for personal and/or political
correspondence.
d. Supervisory employees shall not attempt, through any means, to coerce other staff members
into working for or accepting their political beliefs or candidates.
e. Staff members may not conduct personal political activity of any kind during working hours,
nor use any Commission property, resources, or office supplies, while engaged in personal
political activity.

The Commission does not encourage employees to engage in outside employment. No employee
shall engage in outside employment which requests or requires employment with the Commission
as a prerequisite for said outside employment, creates a conflict of interest, or interferes with the
employee's efficiency and quality of work. The name and location of any outside employer shall be
filed with the Executive Director by the employee within three days after beginning such outside
employment. This is a confidential file, which shall be reviewed by legal counsel annually to
assure there is no conflict of interest.

Any questions regarding a potential conflict of interest or outside work shall be discussed in
advance with the Executive Director.

ARTICLE 6 – ADMINISTRATION OF SALARY

6.1 Standard Salary Ranges

Unless as otherwise required by law or policy, a standard salary schedule consisting of
either flat rates or equivalent monthly salary rates in dollars for employees in full-time
positions shall be established annually by the Commission in the Overall Work Program
and Budget. Annual, monthly, and biweekly salary rates are listed for the purpose of
convenience in quotation of salaries. Computations for purposes of paying employees shall
be on the basis of hourly rates.

Except as otherwise provided by law or ordinance, officers and employees shall receive the
hourly rate provided in the salary range that has been adopted by the Commission for their
respective classifications of positions.
6.2 **Payroll Records**

The office of the Commission shall be the office of record with respect to maintenance of payroll records to implement the payroll provisions of all ordinances and resolutions. Departmental payroll records shall be maintained in forms provided or approved by the Executive Director. The payroll records for every employee shall be kept on file for five (5) years after the employee's termination date.

6.3 **Pay Date**

All employees are paid every other Friday following the close of the biweekly pay period. In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will receive pay on the last day of work before the regularly schedule payday. If a regular payday falls during an employee’s vacation, the employee’s paycheck will be available upon return from his or her vacation.

A list of paydays will be provided to employees each year.

6.3.1 **Pay Advances**

The Commission does not provide pay advances on unearned wages to employees.

6.4 **Full-time, Part-time, and Extra-Help Employees**

6.4.1 **Full-Time Employees**

A full-time employee shall receive the full amount of salary based upon the hourly rate in the range for the classification to which the employee is assigned by his/her appointment, if the total hours in pay status for the biweekly pay period as shown equals or is greater than eighty (80) hours. A full-time employee who is not in pay status for eighty (80) hours for a particular biweekly pay period shall be entitled only the total hours in pay status. Employees who are exempt under FLSA shall receive a bi-weekly salary which is based upon multiplying the hourly salary pay rate by 80.

6.4.2 **Part-Time Employees**

A part-time employee shall receive that portion of the salary based upon the hourly rate in the range for his/her classification to which the employee is assigned and the number of hours in pay status in the pay period.

Part-time employees shall earn PTO on a prorated basis based upon the number of hours in pay status in the pay period. In other respects, the provisions of this Manual applicable to full-time employee shall apply to part-time employees unless specifically defined otherwise herein.

6.4.3 **Extra-Help Temporary Employees**

The Executive Director may authorize the temporary employment of a person as extra help upon a determination that sufficient funds are budgeted. Unless otherwise specified, extra-help temporary employees shall only be paid the hourly rate in the salary range listed for the classification to which he/she is appointed, unless specifically authorized by the Executive Director. To the extent permitted by law, extra-help temporary employees shall not be entitled to accrue PTO leave, or holiday pay, and shall not be eligible for benefits or to participate in the retirement system.

6.4.4 **Annual Cost-of-Living Adjustments**

The Commission shall consider cost-of-living salary increases recommended by the Executive Director for employees in full-time, part-time, and extra-help
classifications during the development of the annual Overall Work Program and Budget Review. Cost-of-living increases may be computed using the U.S. Department of Labor, Bureau of Labor Statistics, and Consumer Price Index.

6.5 **Salary Pay Rate Advancement**

6.5.1 **Merit Salary Pay Rate Increases**

Eligibility for salary pay rate increases shall be based upon time in classification but advancement to a higher pay rate shall be based upon merit and at the discretion of the Executive Director.

Introductory employees shall be eligible for a merit salary pay rate increase not to exceed 5% upon completion of thirteen (13) biweekly pay periods of satisfactory service in the designated salary range. Merit salary pay rate increases are subject to funding availability, and upon approval of the Executive Director.

After the completion of twenty-six (26) biweekly pay periods of satisfactory service and at the discretion of the Executive Director, a full-time or part-time employee may be advanced to a higher pay rate in increments of 5% in the salary range of that classification until the top of the range is reached.

Extra-help employees are not eligible for merit salary pay rate increases.

6.5.2 **Procedure**

All merit salary pay rate advancements must be initiated by the Executive Director. Salary pay rate advancements shall be effective on the first day of the biweekly pay period following completion of the required period of service.

6.5.3 **Anniversary Date**

Changes in an employee’s salary because of promotion or upward reclassification will set a new anniversary date for that employee.

6.6 **Salary Pay Rate on Promotion**

Salary on Promotion – An employee who is appointed to a position in a class allocated to a salary range for which the pay rate is higher than the pay rate of the class which the employee formerly occupied shall receive the nearest pay rate within the new salary range which shall not be less than five percent more than his/her former salary pay rate. The effective date of a promotion shall be the first day of the first full pay period following the appointment.

The employee’s anniversary date for future merit salary pay rate increases shall be based upon the effective date of the promotion.

If a promotion occurs on the same day a salary pay rate increase is due and approved, the salary pay rate increase shall be computed first and subsequently the increase due to promotion.

Advanced Salary Upon Promotion – Upon promotion of a full-time or part-time employee, the Executive Director may recommend that the person being promoted receive one additional pay rate beyond which the employee is entitled, but which in no way exceeds the top of the range.
6.7 **Salary on Demotion**

Demotion to Another Position or Class-Voluntary – An employee who voluntarily demotes to a position of a class having a lower salary range than the class previously occupied by the employee shall have his/her salary reduced to the salary pay rate within the lower range which is closest to, but not exceeding, the salary pay rate received before the demotion.

Demotion Within A Salary Range – Except for Department Heads Senior-level management, an employee may only be demoted to a lower salary pay rate within a salary range as a disciplinary action in accordance with Commission rules and regulations.

6.8 **Changes in Salary Ranges**

Whenever the salary range for a class is revised, each incumbent in a position to which the revised salary range applies shall remain at the pay rate held in the previous range, unless otherwise specifically provided by the Commission.

6.9 **Salary Pay Rate on Re-Classification**

The salary of an incumbent in a position that is reclassified shall be determined as follows:

Lateral Re-classification – If the position is reclassified to a class which is allocated to the same salary range as is the class of the position before it was reclassified, the salary pay rate and anniversary date of the employee shall not change.

Upward Re-classification – If the position is reclassified to a class which is allocated to a higher salary range than the class of the position before it was reclassified, the salary pay rate of the employee shall be governed by Section 6.6, Salary Pay rate on Promotion.

Downward Re-classification – If the position is reclassified to a class which is allocated to a lower salary range than the class of the position before it was reclassified, the employee shall receive the pay rate, if any, in the new range which is the same as but does not exceed the salary he/she was receiving prior to reclassification and his/her anniversary date shall not change. If the salary pay rate of the employee is greater than the maximum pay rate of the new range, the salary pay rate of the employee shall be designated at a pay rate equal to their salary pay rate prior to reclassification and the salary will be frozen until the top pay rate salary of the new classification equals or exceeds the present salary, based upon cost of living increases. At that time, the employee will be placed on the top pay rate and will become eligible for cost of living increases granted to incumbents of that classification.

6.10 **Salary Provisions Upon Restoration**

An employee who has been laid off or voluntarily demoted as a result of layoff, and subsequently restored in their former classification within a two (2) year period from the date of his/her layoff or voluntary demotion, shall receive the following considerations and benefits:

a. All PTO leave credited to the employee’s account when laid off shall be restored, unless the employee received compensation for such PTO leave at the time of the layoff.

b. All prior service shall be credited for the purpose of determining PTO leave and PTO earning rates, longevity pay increases, and time in pay rate.

The employee shall be placed on the pay rate of the salary range that was held at the time of the layoff.

6.11 **Commission Authority to Specify Salary Pay Rate**

Notwithstanding anything herein to the contrary, the Commission may, by resolution, upon
recommendation of the Executive Director, specify that the incumbent of a particular position shall occupy a pay rate on the salary range for that class either higher or lower than that provided for in this Manual.

6.12 **Designated Salaries – Employees**
The Commission shall establish salary ranges or flat pay rate salaries for employees upon the recommendation of the Executive Director.

**ARTICLE 7 – INTERNAL COMMUNICATIONS**

Employees who leave the office during working hours shall check out at the receptionist desk located in the front of the Commission office.

Public information concerning the Commission and its activities shall be coordinated by the Executive Director.

The control and maintenance of all the Commission and committee mailing lists shall be the responsibility of the Executive Director or his/her designee (Executive Assistant/Secretary to the Commission). The Executive Director or his/her designee shall maintain the master mailing lists for the Commission and shall make them accessible to all employees for their use.

Accounting/personnel/contract files shall be maintained by the Executive Director. Access to these files is restricted and shall be available only if authorized by the Executive Director or otherwise required by law.

7.1 **Personnel Records**
Confidential personnel files shall be maintained for every employee by the Executive Director or his/her designee. The files shall contain the employee's employment letter and all other pertinent information. Access to these files is restricted. Each employee shall have access to his/her personnel file under supervision of the Executive Director. The personnel files for every employee shall be kept on file for five (5) years after the employee's termination date.

It shall be the responsibility of each employee to keep the Executive Director advised concerning his/her marital status, number of dependents, correct address and telephone number, emergency contact, and any similar information required for the purposes of maintaining personnel records.

**ARTICLE 8 – BENEFITS**

8.1 **Holidays**

8.1.1 **Regular Holidays**
The Commission will grant paid holiday time off to all regular full-time and part-time employees on the holidays listed below. Part-time employees shall receive holiday pay on a pro-rata basis.

1. January 1 – New Year's Day
2. January (third Monday) – Martin Luther King Jr.’s Birthday
3. February 12 – Lincoln’s Birthday
4. April (Friday before Easter) - Spring Holiday
5. May (last Monday) – Memorial Day
6. July 4 – Independence Day
7. September (first Monday) – Labor Day
8. November 11 – Veterans’ Day
9. November – Thanksgiving Day
10. November – Friday after Thanksgiving
11. December 25 – Christmas Day
12. Birthday Holiday (Floating Holiday)

Special holidays proclaimed by the President of the United States or the Governor of the State of California may be granted upon approval of the Executive Director.

If any of the above holidays falls on a Sunday, the following Monday shall be observed as the holiday in lieu thereof. If any of the above holidays falls on a Saturday, the preceding Friday shall be observed as the holiday in lieu thereof.

8.1.2 **Birthday/Floating Holiday**
Each regular employee who has successfully completed his or her Introductory Period shall be granted one birthday/personal holiday per calendar year. Floating holidays may be scheduled at the employee’s discretion during the year in which they are earned, subject to the supervisor’s approval. If a floating holiday is not taken within the year in which it is earned, the floating holiday is lost.
8.2 **Paid Time Off (PTO)**

Paid Time Off (PTO) provides employees with flexible paid time off from work that can be used for such needs as vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The goal is to reduce unscheduled absences and the need for supervisory oversight.

For purposes of this section, one (1) year shall be equivalent to twenty-six (26) biweekly pay periods of continuous service.

**8.2.1 Accrual Rates and Maximum Accumulation**

Full-time exempt and non-exempt employees shall receive PTO. Temporary employees and interns are not eligible to accrue PTO.

Employees with less than five (5) years of continuous service shall receive PTO.

Each full-time and part-time employee with over five (5) years continuous service shall receive an additional five (5) days PTO on their anniversary date. **No additional PTO time will be added after the five (5) year anniversary date with the Commission.**

**8.2.2 Provisions**

Each full time employee will receive PTO time based on their job classification and length of service.

<table>
<thead>
<tr>
<th>Job Class/Title</th>
<th>PTO Bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>35 days</td>
</tr>
<tr>
<td>Transit Program Manager</td>
<td>35 days</td>
</tr>
<tr>
<td>Regional Transportation Planner</td>
<td>30 days</td>
</tr>
<tr>
<td>Transit Planner</td>
<td>30 days</td>
</tr>
<tr>
<td>Executive Assistant</td>
<td>25 days</td>
</tr>
<tr>
<td>Office Assistant</td>
<td>20 days</td>
</tr>
</tbody>
</table>

PTO is added to the employee's PTO bank every calendar year on January 1. PTO taken will be subtracted from the employee's accrued time bank in one hour increments. Qualified new employees shall be entitled to use PTO upon satisfactory completion of the Introductory Period.

Upon termination of an employee's employment, the employee shall be paid for any unused PTO in accordance with section 8.3.8. No employee shall receive any payment in lieu of PTO while remaining a Commission employee.

**8.2.3 PTO Scheduling**

It is the policy of the Commission that employees take their PTO each year provided, however, that for reasons deemed sufficient by the Executive Director, an employee may take less than the normal PTO that year. All PTO shall be taken at such times during the calendar year as may be approved by the Executive Director.

In the event an employee is not able to take all of the PTO to which he or she is entitled in a calendar year, the employee shall be permitted to accumulate the unused portion to the employee's bank, provided that the employee shall not have a
total PTO balance of more than the maximum balance allowed.

All requests for PTO must be approved by the Executive Director. The Executive Director is responsible for ensuring that the employee is eligible for the PTO requested. No person shall be allowed PTO in excess of their PTO bank.

It shall be the responsibility of the Executive Director to require PTO is taken in order to avoid excessive accumulation or forfeiture.

8.2.4 **Donation of PTO Time**

An employee may donate accumulated PTO time to another employee who has exhausted his/her PTO leave due to an extended or catastrophic illness or event. Such donations shall be made on a form prescribed by the Commission and shall be in eight (8) hour increments. The hours donated will be deducted from the donating employee's accumulated balance and credited to the accumulation PTO account of the employee receiving the donation. If the donation of hours is accepted, the accepting employee shall be responsible for payment of any applicable taxes. Commission shall withhold any amounts authorized or required by law.

8.2.5 **Exclusion**

Extra help temporary employees and interns shall not be subject to the provision of this Section. Extra help, or other employment time, shall not count towards the required continuous service for PTO benefits.

8.3 **PTO Leave**

8.3.1 **Accrual**

Every regular full-time or part-time employee shall receive a PTO bank based on their job classification and year’s of service at the start of the calendar year. The new calendar year’s bank is available for use on a pro-rated basis. PTO leave shall not accrue when an employee is on leave of absence with or without pay.

8.3.2 **Eligibility**

A full-time or part-time employee shall not be entitled to use PTO leave with pay until the employee has six (6) full bi-weekly pay periods of continuous service with the Commission.

8.3.3 **Usage**

Employees are entitled to use accrued PTO leave, with the approval of the Executive Director, to a maximum of the time accrued, for the following conditions in accordance with Family Medical Leave Act (FMLA):

a. The employee’s illness, injury, disability, or exposure to contagious disease, which incapacitates him/her from performance of duties.

b. The employee’s receipt of required medical, dental, or optical care or consultation.

c. The employee’s care of a member of the immediate family who is ill or disabled.

d. The employee’s preparation for or attendance at the funeral of a member of the immediate family. Immediate family means parent, spouse, son, daughter, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, or grandchildren by blood or marriage.
8.3.4 Integration with Other Benefits

Workers’ Compensation – A full-time or part-time employee of the Commission who is entitled to receive temporary disability indemnity under the California Labor Code (Workers’ Compensation) may elect to take only that portion of the employee's accumulated PTO leave balances as when added to the employee's disability indemnity will total the employee's full pay.

8.3.5 State Disability Insurance

A full-time or part-time employee of the Commission who is entitled to receive State Disability Insurance may elect to take only that portion of the employee's accumulated leave balances as when added to his/her SDI will equal one hundred (100) percent of the total base salary. It is the employee's responsibility to file for State Disability and make all arrangements with the Executive Director for leave integration.

8.3.6 Administration of PTO Leave

Employees upon return to work may be required to submit PTO leave request form or record of PTO leave use to the Executive Director for approval. The Executive Director may request information in order to aid in the determination of whether the PTO leave use is legitimate. The Executive Director may require a physician’s statement or acceptable substitute from an employee who applies for PTO leave, or make whatever reasonable investigation into the circumstances that appears warranted before taking action on a PTO leave request.

The Executive Director may require a prescribed affidavit or medical report form. When an employee is absent for longer than five (5) consecutive working days, the employee may be required to submit a statement from the employee's physician releasing the employee for normal duty.

When an employee has been determined to have used PTO leave for illegitimate purposes, the Commission may recover such funds.

When medical documentation is submitted by the employee as proof of illness, the Executive Director may review such medical documentation based on the available medical evidence and his/her knowledge of the physical and mental requirements of the employee's occupation to determine whether the employee's illness or injury was sufficient as to justify the employee's absence from the work site.

8.3.7 Incapacity to Perform Duties

If the Executive Director has reasonable cause to believe that an employee is not capable of properly performing the duties of the position, the appointing authority may require the employee to absent himself/herself from work until the incapacity is remedied. During such absence the employee may utilize any accumulated PTO leave.

8.3.8 Payment for Unused PTO Leave

In order to receive payment for unused PTO leave at the time of retirement, lay-off, or voluntary separation, all Commission employees, unless otherwise stated in Letter of Employment, must have the following:

a. A minimum of twelve (12) months of Commission service to receive 100% of unused PTO leave. If Employee leaves employment before completing 12 months of service, PTO leave will be pro-rated and paid for each month of
service during that calendar year. If Employee leaves employment with exhausted PTO and does not complete 12 months of Commission service, PTO will be pro-rated as follows:
1. 25% of PTO balance during the first quarter;
2. Additional 25% during the second quarter;
3. Additional 25% during the third quarter; and,
4. The final 25% during the last quarter.

b. In the event an employee dies while in active service with the Commission their PTO leave payoff will be made in accordance with the above schedule and the limitations of this Section and will paid in the same manner as the final check.

Maximum number of PTO hours paid shall not exceed five hundred (500). Employee's last hourly rate of pay shall be used in computing payment.

8.3.9 Exclusions
Extra help temporary employees are excluded from the provisions of this Section.

8.4 Jury Duty
Any employee who shall be summoned for attendance to any court for jury duty during his/her normal working hours shall be deemed to be on duty and there shall be no loss in salary, but any jury fees received by him/her shall be paid forthwith to the Commission to be deposited to the Commission’s General Fund. Such employee shall notify the Executive Director immediately upon receiving notice of jury duty.

8.5 Court Appearances
Any employee who shall be called as a witness arising out of, and in the course of the employee's Commission employment or prior employment, shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received by him shall be paid to the Commission.

Any employee who is called as a witness arising out of, and in the course of the employee's Commission employment during the employee's off duty hours shall be compensated.

Employees called for any other witness duty shall receive unpaid time off in accordance with law. Any employee called for witness duty shall notify the Executive Director immediately upon receiving notice of such duty.

8.6 Leave of Absence with Pay
The Executive Director may place an employee on leave of absence with pay (suspended with pay) for a period not to exceed ten (10) working days. Such leave may be extended with justification for period up to an additional ten (10) working days. This leave (suspended with pay) shall be used when an employee is under investigation or for other necessary or urgent need such as when the employee's continued presence at the work site may be hazardous or disruptive.

8.7 Leave of Absence without Pay
8.7.1 Conditions
Leave of absence without pay may be granted to any employee upon the specific written request of the employee and with the prior written approval of the Executive Director for the following purposes:

a. Family and Medical Care Leave (FMLA) in accordance with law;
b. Pregnancy-Disability Leave in accordance with law;
c. Other personal reasons which do not impair the effectiveness of the Commission.

8.7.2 Duration
a. Family and Medical Care Leave shall not exceed three (3) months in any twelve (12) month period.
b. Pregnancy-Disability Leave. Any employee who is disabled on account of pregnancy, childbirth or related conditions may take a pregnancy-disability leave of up to four (4) months, in addition to any family and medical care leave to which the employee may be entitled.

At the request of the employee, the Executive Director may extend a leave of absence for an additional three (3) months if conditions warrant such an extension.

8.7.3 Revocation of Leave of Absence
A leave of absence may be revoked by the Executive Director upon evidence that the cause for granting the leave of absence was misrepresented or has ceased to exist.

8.7.4 Reinstatement Upon Termination of Leave of Absence
Upon the expiration of the leave of absence, the employee shall be reinstated to his/her former position at the same pay rate in the salary range.

8.7.5 Non-Qualifying Service
Leave of absence without pay shall not be counted as qualifying service for purposes of accruing PTO leave, and annual salary adjustments.

8.7.6 PTO Leave Usage
Employees who are granted a leave of absence without pay shall have the option to exhaust any accumulated PTO time. Employees requesting a leave of absence due to illness or disability may use any accumulated PTO leave prior to the requested beginning date of such leave.

8.7.7 Payment of Insurance Premiums:
  a. An employee taking family and medical care leave (which may include overlap with a pregnancy/disability leave) for a period not to exceed three (3) months in any one (1) year period shall receive health, dental, vision, and life insurance coverage to the same extent that the employee would receive this coverage if the employee was not on leave.
  b. All other employees on unpaid leave and wishing to maintain health, dental, vision, and life insurance shall be responsible for paying the monthly premium payments at the time and in the manner provided for by the Commission.

8.8 Bereavement Leave
An employee compelled to be absent from duty because of the death of a member of his/her immediate family may be entitled to not more than three (3) consecutive days off, with pay, upon approval of the Executive Director. It will be the responsibility of the Executive Director to determine the number of bereavement days necessary for the employee to be absent.

The Executive Director may reduce the amount of days granted for leave for bereavement purposes, if, in his/her opinion, the distance to be traveled does not necessitate the full three days’ leave.
For purposes of this section, immediate family means parents, spouse, domestic partner, son, daughter, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, or grandchildren by blood or marriage, or legal guardian.

8.9 Health Benefits
Health benefits will be provided to full-time and part-time employees. Each qualified employee will be entitled to obtain health insurance benefits through the Commission's Employee Benefit Program for themselves, their spouse, and their dependent children. For each qualified full-time employee, the Commission will contribute a monthly amount towards the employee selected health plan as determined by the Executive Director.

Each full-time qualified employee will be entitled to dental and vision insurance benefits for themselves, their spouse, and their dependent children. The amount of the Commission’s contribution to health, dental and vision premiums provided to full-time employees shall be pro-rated for qualified part-time employees based upon the number of regularly scheduled hours per week.

Nothing herein shall be construed to vest employees with a certain contribution amount by the Commission for health, dental and vision benefits. The actual amount of the Commission’s contribution may be modified from year to year.

8.9.1 Health Benefit Continuation at Termination
The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Commission's health plan when a “qualifying event” would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee’s hours or a leave of absence; an employee’s divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage of the Commission’s group rates plus an administration fee.

8.10 Life Insurance
The Commission will provide a $20,000 term life insurance policy for each employee at no cost to the employee. Accidental Death & Dismemberment coverage shall be included in these Plans.

8.11 Workers’ Compensation Insurance
The Commission will provide Workers’ Compensation Insurance as required by State law for the protection of employees in case of accident or injury when on duty. An employee who incurs a work-related injury should immediately report accidents or injuries to the Executive Director.

An employee who incurs a work related injury as verified by Workers’ Compensation Insurance and necessitates an unpaid leave of absence from work shall continue to have their insurance premiums for health, dental, vision, and life paid by the Commission as set forth above for a period of not to exceed three (3) months.

8.12 Retirement Benefits
Retirement benefits will be provided to full- and part-time employees as agreed and set forth in the contract between the Imperial County Employee Retirement System (ICERS)
The Commission will provide health insurance for each qualified employee who retires from
the Commission.

8.13 **Deferred Compensation Plan**
The Commission will provide a deferred compensation investment plan to employees as
agreed and set forth in the Section 457 Deferred Compensation Plan contract with the
International City/County Management Association (ICMA) Retirement Corporation.
Employees may designate the amount of compensation they wish to contribute to the plan
as a specific dollar amount. The designated minimum monthly contribution may not be less
than $25.00.

8.14 **Cafeteria Plan**
The Commission allows regular full-time and part-time employees to maximize the
effectiveness of benefit dollars by participating in the Cafeteria Plan.

Under the Cafeteria Plan, the Commission determines a benefit budget for employees to be
directed by the employee. The benefit budget shall be established by resolution of the
Commission and may be amended from time to time. For regular part-time employees, the
Cafeteria Plan budget will be prorated based on the employee’s regular work schedule.
Employees may direct benefit dollars to a menu of various employee benefits.

The following benefits are available to the employees participating in the Imperial County
Transportation Commission Cafeteria Plan:

1. Major medical, dental and vision benefits provided through a Health Plan
   Provider. Or, upon proof of comparable coverage provided to the Health Plan
   Administrator that is satisfactory in its sole and absolute discretion, a cash
   allowance per month by the Employer in lieu of these benefits;

2. Long-term disability benefits or cash in the amount of ten dollars ($10) per
   month (or such other amount then in effect as announced by the Employer from
time to time) in lieu of this benefit.

3. Life insurance benefits under the Group-Term Life Insurance Benefit or cash
   in the amount of ten dollars ($10) per month (or such other amount then in effect as
   announced by the Employer from time to time) in lieu of this benefit.

Employees allocate their Cafeteria Plan budgets on an annual basis to coincide with the
beginning of the calendar year, which occurs on January 1, of each year. Adjustments to
the allocations at other times will be accommodated when possible, based on the
requirements of the specific benefit program within the plan.

Nothing herein shall be construed to vest employees with a certain level of benefits or to
guarantee a certain contribution amount by the Commission for the employees under the
Cafeteria Plan. The actual amount of the Commission’s contribution may vary from year to
year.

8.15 **Tuition Assistance**
It is the policy of the Commission to provide tuition assistance for job-related classes in
order to assist employees who desire to continue their formal education. All full-time
employees, excluding interns, who have been in continuous employment with the Commission a minimum of six (6) months, shall be eligible for tuition assistance. If the employee is a military veteran, s/he shall not be eligible for the tuition assistance until s/he has exhausted the education benefits from the federal government and from the State of California.

Tuition assistance for eligible employees shall be limited to one thousand dollars ($1000) in any one fiscal year. If tuition assistance funds are not used by an employee, the tuition reimbursement will be used to supplement the agency's general training budget for that fiscal year.

The Executive Director shall approve all requests for tuition assistance. (Approval for tuition assistance must be granted prior to enrollment in any course). Approval for tuition assistance shall be granted only for courses taken for credit and outside working hours. Requests for tuition assistance must be accompanied by a course description, including cost of tuition. Requests for tuition assistance will be approved only once for the same or similar course, regardless of school. At the discretion of the Executive Director, employees may be responsible for reporting successful completion of course(s) taken.

8.16 Military Service
An unpaid military leave of absence shall be provided to employees for service in the uniformed services, in accordance with the Uniformed Services Employment and Re-Employment Rights Act (USERRA). An employee requiring such leave shall provide the Executive Director with advance written or verbal notice of the need for leave, unless providing such notice is impossible or unreasonable under the circumstances. Upon conclusion of an approved military leave of absence without pay, the employee shall be entitled to return to his/her former (or equal) position in accordance with USERRA requirements.

8.17 Travel and Mileage
Where a position requires the driving of an automobile or other vehicle, the employee must have a valid California Driver’s License and a good driving record, and is expected to drive the vehicle safely. Upon request, employees shall sign an authorization for management to request review of an employee driving record. The Executive Director, in her/his discretion, may restrict any employee’s operation of a vehicle on Commission business.

Employees may utilize private cars for Commission business when authorized. Such employees shall carry sufficient public liability and property damage insurance at least equal to the requirements of the financial responsibility laws of the State of California, Vehicle Code Section 16430. Actual mileage driven on each trip shall be recorded on a monthly expense form. An employee who is required to use the employee’s personal vehicle for Commission business shall be reimbursed at the federal rate as determined by the Internal Revenue Service for all miles traveled in the conduct of Commission business.

In the event of a vehicle accident while traveling for Commission business, please notify the Executive Director immediately.

An employee may not use a cell phone while driving a motor vehicle on Commission business unless is it designed, configured, and used in a hands-free listening and talking mode.

8.17.1 Meeting and Conference Expenses
Employees may attend meetings, conferences, and required training sessions when deemed essential to the conduct of the work program. The Commission will
reimburse for actual and necessary expenses for parking, meals, registration, lodging, transportation, and other reasonable costs. Receipts for all expenditures must be attached to expense forms. Expenses incidental to travel, such as parking meters, pay phones, etc., wherein receipts are impossible to obtain, shall be reimbursed upon submission of an itemized list of these expenditures. In no case will reimbursement be made for the purchase of alcoholic beverages. Each meeting or conference shall be authorized in advance by the Executive Director.

ARTICLE 9 – DISCIPLINARY ACTIONS

Article 9 applies to employees who have successfully completed the Introductory Period described in Article 3.1. The purpose of this policy is to serve as a guide for discipline involving Commission employees. Extra help temporary employees, student interns, and employees subject to an Introductory Period may be dismissed at any time without notice.

Progressive Discipline and At Will Employment: While the Commission may elect to follow a progressive discipline procedure, the Commission is in no way obligated to do so. Using a progressive discipline process is at the sole discretion of the Commission for an at will employment workplace.

9.1 Standards
Disciplinary actions will adhere to the following standards:

a. Performance and behavioral problems will be discussed with employees in a timely manner following their occurrence.
b. Disciplinary action is to be in writing and documentation should demonstrate performance or behavior of the employee.

9.2 Causes of Disciplinary Action
Disciplinary action employee shall be for cause, as it may affect work performance and effectiveness within the organization. Cause may include, but not be limited to, the following:

a. Fraud in securing employment.
b. Incompetence, inefficiency, or neglect of duty.
c. Insubordination, willful disobedience of superiors.
d. Dishonesty.
e. Use of alcohol or drugs during business hours.
f. Illegal use or addiction to narcotics.
g. Unauthorized absences from duty or willful abuse of PTO leave privileges.
h. Excessive absence because of illness or personal problems.
i. Failure to comply with the Commission's policies and procedures, rules and regulations, and state and Federal mandates applicable to the Commission.
j. Misuse of Commission resources, property, equipment, phones, or supplies for personal use or private business.
k. Failure to cooperate reasonably with his/her supervisor or fellow employees.
l. Discourteous treatment of the public or other employees.
m. Failure to adequately observe any rule specifically stated in this manual or as required by the immediate Supervisor.
n. Abusive treatment of superiors or fellow employees.
o. Failure to obey a supervisor's reasonable request.
p. Failure to adequately observe the rules regarding working hours and leave time.
q. Unlawful harassment or abuse, including sexual harassment.
r. Poor work performance.
s. Any conduct tending to bring the reputation of the Commission into disrepute.
t. Conviction of a misdemeanor or felony.
u. Theft
v. Use of a Commission computer or other electronic communication tool to access, view, download, or otherwise obtain obscene matter as defined in the penal code except as may be allowed to conduct a disciplinary investigation.

Responsibility for the administration of discipline rests primarily with the Executive Director. It is a fundamental policy of the Commission to treat its employees fairly; therefore, every effort will be made to ascertain facts before discipline is imposed.

9.3 Procedures

9.3.1 Oral reprimand
The employee shall be counseled concerning the unsatisfactory areas of work and shall be informed about methods of improvement, or the Executive Director may issue oral reprimands as necessary to ensure corrective action. The seriousness of the offense will dictate whether oral or written reprimands or other corrective action is taken prior to initiating action to suspend or dismiss an employee.

9.3.2 Written reprimand
In cases where the oral reprimand has not been successful or where the infraction of the rules and regulations has been of a serious nature, the written reprimand shall be employed. The purpose of the written reprimand will be to call the attention of the employee to serious defects in his/her work. The written reprimand should include a detailed statement of the problem and a notation to the effect that the problem was discussed with the employee. The employee must sign the written reprimand, acknowledging a copy thereof. A copy of the written reprimand must be included in the employee's personnel file. Only the Executive Director may issue a written reprimand. The employee may respond to the written reprimand and such response shall be placed in the employee's personnel file.

9.3.3 Dismissal
When reprimands fail to affect satisfactory performance, or when the employee infraction is serious as determined by the Executive Director, the employee shall be subject to dismissal. Reprimands are not a prerequisite to a dismissal.

ARTICLE 10 – TERMINATION OF EMPLOYMENT

Termination of employment may be brought about by resignation, dismissal, layoff, retirement, or death. Employment status change may be brought about by promotion, leave of absence, disciplinary action.

10.1 Voluntary Separation
An employee who wishes to resign in good standing shall notify the Executive Director in writing at least two (2) weeks prior to his/her final day of work.

10.2 Dismissal
Any regular employee may be terminated for cause at any time by the Executive Director. (“Cause” is further defined in Disciplinary Actions, Section 9.2).

10.3 Death
Upon receipt of a death certificate, the Executive Director shall issue the proper forms to the Retirement System for disbursement of all remaining benefits to survivors. All salary due and payment of any accumulated benefits shall be promptly paid in accordance with the provisions of the Designation of Beneficiary form on file in the employee's personnel file. No payment shall be made to the estate of the deceased until sufficient proof of right to such settlement is received.

10.4 Layoff
Whenever it becomes necessary to terminate an employee due to a lack of funds or because the necessity for a position no longer exists, the Executive Director may declare a position vacant. Employees whose positions are declared vacant shall be notified at least thirty (30) days prior to termination.

10.5 Retirement
When an employee elects to retire, she/he must notify the Executive Director in writing at least one (1) month prior to the effective date of his/her retirement.

10.6 Employee’s Notice of Resignation
When an employee wishes to resign and submits his/her letter of resignation, no more than two (2) weeks advance notice time will be approved without the Executive Director’s permission.

ARTICLE 11 – DRUG-FREE WORKPLACE POLICY

11.1 Introduction
The Commission, as an organization contracting with State and Federal agencies, is committed to providing and maintaining a drug-free workplace consistent with the provisions of the Drug-Free Workplace Act of 1988. Based upon a concern for the employee and the public we serve, the Commission has formulated a policy regarding substance abuse. This policy is designed to ensure a workplace free from the problems associated with substance abuse and assist those employees who seek help in eliminating a problem with or dependency on drugs or alcohol.

The unlawful manufacture, possession, distribution, dispensation, possession, sale, or use of a controlled substance while on duty, while on Commission property, while attending business-related activities, or while using a personal vehicle for Commission business is strictly prohibited and may lead to Disciplinary Action, including suspension without pay or discharge. The Commission may refer the employee to approved counseling or rehabilitation programs.

Alcohol abuse is highly detrimental to the safety and productivity of employees in the workplace. The Commission encourages its employees who drink, to drink responsibly. Moreover, the Agency strictly prohibits its employees from being intoxicated or impaired by alcohol while on duty, while on Commission property, while attending business-related activities, or while using a personal vehicle for Commission business. The Commission may discipline an employee engaging in prohibited behavior, including suspending the employee without pay or discharging the employee. The Commission may refer the employee to approved counseling or rehabilitation programs.

11.2 Procedure
a. All employees are required to report to work fit for duty and remain in such condition
during the workday. Being intoxicated or impaired by alcohol or under the influence of controlled substances is strictly prohibited.

b. The use of alcohol on Commission premises is strictly prohibited. Violations will result in disciplinary action determined on an individual basis.

c. The use, distribution, or possession of controlled substances is prohibited. Employees guilty of manufacture, dispensation, use, possession, or distribution on the job are subject to discharge and/or prosecution.

d. The use, possession, dispensation, or distribution of controlled substances not in accordance with a prescription for the individual on the job is prohibited and an employee engaging in such behavior is subject to discharge and/or prosecution.

e. As a condition of employment, each employee must: (1) abide by the Commission’s Substance Abuse and Drug Free Workplace policy; and, (2) notify the Executive Director of any conviction for a criminal drug violation occurring in the workplace within five (5) days after such conviction. The Executive Director is required to report such conviction to the applicable agencies within ten (10) days after receipt of notice of conviction.

11.3 Treatment

a. Alcohol and drug abuse are recognized as treatable diseases. If an employee seeks assistance in overcoming an abuse problem, the Commission will assist the individual in obtaining help and/or treatment. The responsibility for dealing with the problem rests, however, with the employee.

b. A request for help will be treated confidentially and, subject to the provisions of this policy, will not affect an employee’s future employment and promotional opportunities.

c. If an individual does not seek help and on-the-job performance is affected, or if job performance, even for an individual under treatment, is affected by continuing abuse or otherwise, the Commission will take disciplinary or other action, if it deems appropriate. The steps outlined in Article 9, Disciplinary Actions, will be followed depending on the facts and circumstances involved in each situation.

ARTICLE 12 – UNLAWFUL HARASSMENT POLICY

12.1 Introduction

The Commission is committed to providing a work environment free of unlawful harassment. Harassment, including sexual harassment, is contrary to basic standards of conduct between individuals and is prohibited by Federal and State law. Neither harassment nor sexual harassment will be tolerated by the Commission. It will, therefore, be a violation of Commission policy for any employee to engage in any of the acts or behaviors defined below, and such misconduct will subject an employee to corrective action up to and including immediate dismissal.

This policy applies to all employees, officers and directors, including managers, supervisors, and Commissioners. Management shall establish appropriate communications to ensure that non-employees (contractors, vendors, trades people, etc.) on the premises are also made aware of and adhere to this policy.

An employee who believes harassment, sexual or otherwise, is or may be occurring, should immediately report the conduct by following the procedure described below, without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances.

12.2 Definitions

a. Harassment – Verbal, physical, or visual conduct of a racial, ethnic, religious, or other type which impairs an employee’s ability to perform his/her job.

b. Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and
other verbal, visual, or physical conduct of a sexual nature which meets any one of the following three criteria:

1. Submission to such conduct is explicitly or implicitly made a term as a condition of employment; or
2. Submission or rejection of such conduct is used as a basis for employment decisions; or
3. Such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive work environment.

c. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, and that fails to respect the rights of others. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:

1. Verbal: Sexual innuendoes, suggestive comments, joke of a sexual nature, sexual propositions, and threats.
2. Non-Verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
3. Physical: Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

12.3 Procedure

a. An employee who believes harassment is or may be occurring should immediately report the conduct to one or more of the following: the Executive Director, Human Resource Manager, or Senior-Level Manager.

b. A prompt, thorough, and impartial inquiry of the report will be conducted depending on the circumstances. The Executive Director may request that the inquiry be conducted by a neutral party to thoroughly investigate.

c. To ensure reasonable confidentiality, the person who receives the report is to notify only those persons necessary to thoroughly investigate.

d. To ensure protection of the complainant and/or others involved in the investigation from retaliation, any person who engages in retaliating or confronting behavior will be subject to disciplinary action, up to and including immediate discharge from employment.

e. The complainant will be informed of the results of the investigation and any action taken.

ARTICLE 13 – GRIEVANCE PROCEDURE

13.1 Purpose
The purpose of the Commission’s grievance procedure is to state the policy and provide the means for employees and management to communicate together to solve grievances in an orderly manner within a reasonable time period.

13.2 Policy
The Commission’s employee relations policy emphasizes open door practices in which employees have the opportunity to deal directly with the Executive Director, regarding complaints, or conditions of employment. Each employee is encouraged to discuss work-related complaints or problems with their supervisor and/or management.

13.3 Complaints or Problems that are Grievable
Complaints or problems that are grievable may include:

a. An act, occurrence, or attitude either expressed or implied, resulting in injustice and/or having been oppressed or injured.

b. A feeling that insufficient consideration has been given to an individual or group alleging
that they have been treated improperly or unfairly.
c. A condition of employment or application of a policy that the employee thinks is unjust or inequitable.
d. A complaint regarding harassment/sexual harassment where the complainant does not believe that the review under Article 12 adequately addressed the situation.

13.4 Complaints or Problems that are Not Grievable
Complaints or problems that are not grievable may include:
a. Dissatisfaction or a dispute with a performance evaluation or disciplinary action:
   1. An employee dissatisfied with a performance evaluation shall have the option of writing a letter to be included in the employee’s file expressing the employee’s reasons for the dissatisfaction.
   2. An employee who disputes a disciplinary action shall follow the procedures for redress under the section for disciplinary actions.

13.5 Procedure
a. For the purpose of addressing complaints and problems, the employee must first seek assistance by contacting the Executive Director, verbally or in writing. The Executive Director will be responsible for handling the complaint as an important business matter, making every effort to resolve the problem through discussion with employees involved with the complaint.
b. If the employee complaint involves the Executive Director or if the employee does not feel free to express the concerns to the Executive Director, the employee may contact the Commission’s Chairperson to investigate the situation and assist in resolving the complaint or mediating the dispute. The employee must put the complaint in writing addressed to the Chairperson of the Commission.
c. An employee may ask another employee to be present at a complaint discussion.

ARTICLE 14 – EQUAL EMPLOYMENT OPPORTUNITY POLICY

14.1 Introduction
The Commission maintains a policy of non-discrimination with respect to employees and applicants for employment. The Commission provides a workplace of equal employment opportunity without regard to race, color, ethnic group identification, disability, religion, gender, marital status, age, national origin, sex, or sexual orientation.

Equal employment opportunity (EEO) is defined as the right of all persons to be accorded full and equal consideration for employment, retention, and advancement on the basis of merit. It is the responsibility of all supervisors to assure the application of the EEO policy in their area of control.

14.2 Policy Statement
It is a basic policy of the Commission to provide equal employment and advancement opportunities to all persons without regard to race, color, ethnic group identification, disability, religion, gender, marital status, age, national origin, sex, or sexual orientation. This policy applies to all aspects of personnel policy and procedures.

14.3 Policy Elements
a. No discriminatory practice toward minorities, women, the disabled, or any other protected class will be tolerated. Any employee, supervisor, or manager involved in any such practice faces disciplinary action up to and including dismissal. This includes the use of racial, ethnic, or religious slurs, and sexual harassment.
b. All Commission personnel, recruitment, and selection policies and procedures will be reviewed to determine that they do not have an adverse effect on minorities, women, or disabled persons.

c. Every appointment process will be considered to be an opportunity to further equal employment opportunity goals and will be utilized as such. It is the Commission's goal to achieve a balanced work force by race, ethnicity, and sex.

ARTICLE 15 – RELATIONSHIP OF PERSONNEL MANUAL TO EXECUTIVE DIRECTOR AND OTHER CONTRACT EMPLOYEES.

Except where written herein, where a conflict exists between the policies herein and the contract of the Executive Director and other contract employees, the terms of the contract shall prevail.
APPENDIX A

IMPERIAL COUNTY TRANSPORTATION COMMISSION

ORGANIZATIONAL CHART*

*Approved by the Commission January 1, 2012
APPENDIX B

IMPERIAL COUNTY TRANSPORTATION COMMISSION

JOB CLASSIFICATIONS

Executive Director
Transit Program Manager/Senior Transit Planner
Regional Transportation Planner
Transportation Planner
Executive Assistant/Secretary to the Commission
Office Assistant
CLASS: EXECUTIVE DIRECTOR

BASIC FUNCTION

Under the direction of the Governing Board, the Executive Director's duties shall be to plan, organize, direct, and review the activities and operations of the Imperial County Transportation Commission; to implement and administer Commission policies and directives in accordance with their Policies and Procedures Manual, and to provide highly responsible and complex administrative support to the Governing Board.

ESSENTIAL FUNCTIONS

Direct and participate in the operation and activities of the ICTC. Develop, plan and implement ICTC goals and objectives; recommend and administer policies and procedures to ensure effective and efficient operations. Forecast funds needed for program implementation, staffing, and materials. Direct, oversee, and participate in the development of the annual Overall Work Program; transit work plan, assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods, and procedures. Prepare a variety of technical papers, administrative reports, and public communications. Prepare directives and informational reports for distribution to member cities and County. Represent ICTC in meetings with State and/or Federal agencies, as well as meetings with local and regional groups and organizations. Oversee the management of State and Federal grant programs and consulting contracts. Select, train, motivate, and evaluate personnel; provide or coordinate staff training. Ensure ICTC compliance with appropriate laws, rules, and regulations. Act as intergovernmental affairs liaison for the commission. Perform additional duties as assigned.

KNOWLEDGE AND ABILITIES

Knowledge of:
Principles and practices of regional transportation planning. Principles of transportation program development and management, including the relationship between Federal, State, regional and local transportation planning activities. Principles of public administrative and policy development. Principles and practices of personnel management including selection, training, safety, supervision, and evaluation. Local, State, Federal laws, rules and regulations pertaining to regional transportation planning. Principles and practices of budget development and administration and related funding sources. Transit, air quality, planning, and assessment district financing is desirable.

Ability to:
Organize and direct the staff and activities of a regional transportation planning agency. Develop and administer a comprehensive regional transportation planning program. Supervise and direct the work of supervisory, professional, technical, contract and clerical staff. Effectively represent ICTC to a wide variety of agencies, commissions, and groups. Conduct meetings with community groups, organizations, and government officials. Prepare and administer a complex multi-year budget and capital improvement plan. Monitor agency compliance with pertinent Federal, State, regional and local laws and regulations. Communicate effectively, both orally and in writing;
establish and maintain cooperative relationships with governmental agencies, officials, and the public

EDUCATION AND EXPERIENCE

Education:

Completion of a bachelor’s degree in Public Administration, Planning, Engineering, or closely related field. A Master’s degree, AICP, and or P.E. is highly desirable.

Experience:

Seven years of extensive and progressively responsible management, supervisory, and professional experience in transportation planning, program management, construction management, contract administration, and related areas.

Other Requirements:

Must possess a valid Class C California driver’s license.
CLASS: TRANSIT PROGRAM MANAGER/SENIOR TRANSIT PLANNER

BASIC FUNCTION:

Under general direction of the Executive Director, plans, coordinates, organizes and directs the operations of the transit planning system; develops regional transit policy and service programs including system performance measures development and evaluation and planning and budgeting activities.

DISTINGUISHING CHARACTERISTICS:

This position is a senior classification in Transit planning and program administration and includes contract administration and oversight, the development of regional transit policy, capital and service plans as well as responsibility for system evaluation through performance measurement and data used in section and agency reporting, planning and budgeting activities. The Transit Program Manager is the senior-level classification in the transportation/transit planner class series.

ESSENTIAL FUNCTIONS:

Oversee professional, technical and clerical staff engaged in the development of the Imperial County Transportation Commission (ICTC) Transit Strategic Plan and Service Guidelines and its required reports and updates.

Oversee professional and technical staff responsible for the collection and analysis of data in support of various transit services.

Develop and implement short and long-range plans and projects to expand, enhance and maintain transit services and infrastructure in Imperial County; coordinate development plans with state jurisdictions, public agencies, elected officials, community groups, and general public.

Coordinate project planning with ICTC staff from the Transportation Division.

Assure public participation and community outreach to ensure equal access to information regarding programs and services.

Provide consultation through the Consolidated Transportation Services Agency (CTSA) and serve as the technical resource for transit planning and operations to member agencies, community advocates, organizations and members of the public.

Serve as the lead negotiator on transit planning and operational contracts and consultant services.

Research, develop and submit grant proposals and funding requests to maintain operations, complete planning and capital improvements projects.
Research and provide program and project recommendations to lower operating and capital costs, monitor and evaluate program effectiveness and operational efficiency to meet community needs, facilitate transportation choices and achieve goals of climate change and related initiatives for Sustainable Community Strategies (SCS).

Coordinate with staff to develop measures and report on transit performance levels; recommend policies that affect appropriate measurement of transit service performance; develop and supervise analytical review and evaluation of process improvement initiatives.

Develop analysis and track key financial and system performance metrics required for reports to Executive Director and Commission and as data input in the development of Transit operating budgets and grant programs.

Conduct various research projects; ensure appropriate project scope and methodology that address targeted issues; supervise and coordinate the development, presentation and communication of research results and resulting recommendations regarding transit policies, programs and projects to management, elected officials, and community groups.

Provide supporting data and recommendations to management in the formulation of ICTC operating and program budgets; develop, manage and administer grants; authorize expenditures within designated authority level; monitor budget and maintain expenditures within approved levels as required.

Participate and represent ICTC in countywide work groups, project teams, committees and task forces; prepare and deliver presentations to elected officials, regional transportation authorities and related groups.

Oversee administrative support and professional staff; contract providers through competitive bid process and hire staff consistent with assigned hiring authority; create harmonious working relationships and ensure consistent application of personnel policies, contract provisions and hiring guidelines; fulfill required responsibilities with regard to processing and adjudication.

Establish goals, objectives and performance standards for performance measures and services in transit planning.

Assist with the hiring, training and development of staff; assist with the performance review of staff.

Performs related duties as required.

**SALARY RANGE:**
$69,602 – $86,717 Annual

**Knowledge, Skills, Abilities, Qualifications and Experience**

**KNOWLEDGE AND ABILITIES:**

**KNOWLEDGE OF:**
Knowledge of transit service and facilities planning principles, practices and methodologies.
Knowledge of current laws, regulations, codes to ensure program compliance with local, state and federal requirements.
Knowledge of transportation service demand forecasting principles, methodologies and practices.
Knowledge of project management principles and budget techniques and principles.
Knowledge of generally accepted research principles, methodologies and protocols.
Skill in organizing, interpreting and analyzing data and other technical information.
Strong leadership and interpersonal skills
Strong written and communication skills.
Research methods and report writing techniques.
Records management methods and procedures.
Principles and practices of management and personnel administration.
Financial and budgetary administration.
Public speaking and presentation techniques.

ABILITY TO:
Communicate effectively, using clear and persuasive oral and written communication skills.
Plan, coordinate, and control operations and activities.
Evaluate services to assure compliance with established laws, regulations and standards.
Formulate, implement, interpret, and explain laws, regulations, policies and procedures.
Collect and analyze information and data.
Establish effective working relationships with local, state, and federal agencies.
Work effectively with public officials and general public.
Monitor, train, and assist with the evaluation of personnel.
Analyze situations and develop an appropriate approach to issues.
Prepare and present information in a public setting.

EDUCATION AND EXPERIENCE:
• A Bachelor’s Degree or above in public or business administration, planning or related field and five years of progressively responsible Program Administration/Management experience in transit operations and planning.

LICENSES AND OTHER REQUIREMENTS:
A Valid California Driver’s License.

WORKING CONDITIONS:
ENVIRONMENT: Office environment; occasional driving.

PHYSICAL REQUIREMENTS:
Position requires dexterity of hands and fingers to operate computer; seeing to drive; hearing and speaking to receive information and make presentations.

This is an exempt At-will professional position.

ACKNOWLEDGMENT FOR RECEIPT OF JOB DESCRIPTION

I have received a copy of the Job Description and have read and understand its contents.

_________________________________   __________________________
Employee Name (Please Print)    Date
POSITION TITLE: TRANSPORTATION PLANNER - REGIONAL TRANSPORTATION PLANNING AND PROGRAMMING

BASIC FUNCTION:
Under general direction of the Executive Director, coordinates and organizes the regional transportation planning functions of the Imperial County Transportation Commission (ICTC); Federal and state grant development and reporting; Prepares and presents transportation plan and reports; Administers various transportation related programs; performs transportation studies and analysis, Title VI Report, and Disadvantage Business Enterprise (DBE) Report; develops Requests for Proposals (RFP); Supervises and provides technical support to the development of the Imperial County Long Range Transportation Plan and the Multi-County Regional Transportation Plan; Develops and administers the State and Federal Transportation Improvement Programs; Provides staff support to the Commission and it’s technical and policy advisory committees; and assists with the collection, analysis and development of regional transportation data.

DISTINGUISHING CHARACTERISTICS:
The Regional Transportation Planner for Transportation Planning and Programming is in the class series that includes the Transportation Planner, Associate Transportation Planner, and the Senior Transportation Planner.

ESSENTIAL FUNCTIONS:
Oversee the preparation and administration of the State and Federal Transportation Improvement Programs (TIPs), Air Quality Conformity Analyses, Title VI Report, and DBE Report, and assists with the development of the ICTC Short and Long-range Transit Plans and studies, and its required reports and updates as necessary.

Coordinate, organize and assist with regional transportation and transit programs and services; assist with the development of transportation and transit policy; assist with the collection and analysis of data in support of various ICTC transportation programs and services.

Assist with the development of long and short-range plans to expand, enhance and maintain transportation infrastructure in Imperial County, development plans with state and federal jurisdictions, public agencies, elected officials, community groups, and general public.

Assist with the planning and project development process for transportation improvements as needed.
Oversees system performance measures; collects and uses data to develop measures and reports to support performance; and to develop recommendations.
Monitors grants and contracted programs; maintains reports in compliance with state and federal mandates.

Conduct research and analysis for various projects and funding sources in support of transportation programs and services such as discretionary grant for planning or capital improvements; assist or lead the coordination, development grant applications; and presentation of results and recommendations to management, staff and Commission as need.

Coordinate, negotiate, and oversee contractor, vendor service, supply and other related contracts as required; authorize expenditures within designated authority level; monitor contract budget and maintain expenditures within approved levels.

Participate, coordinate and represent ICTC in a variety of work groups and trainings, various committees and task forces and technical advisory committees in Imperial County, throughout the State of California, other U.S. states and Mexico as needed.

Prepare and deliver presentations to elected officials, regional transportation authorities, transportation boards and related groups.

Maintain, prepare or supervise the development of a variety of annual compliance reports.

Performs related duties as required.

**Experience, Qualifications, Knowledge, Skills**

**KNOWLEDGE AND ABILITITES:**

**KNOWLEDGE OF:**

- State and federal multi-modal transportation and transit planning principles, procedures, legislation, regulations and funding processes
- Transportation service planning principles, practices and methodologies
- Transportation demand forecasting principles, methodologies and practices
- Project management and contract administration principles and techniques
- Advanced concepts, principles, techniques, and legal aspects of integrated urban, rural and regional land use and transportation and multimodal transportation planning and implementation
- Advanced interdisciplinary practices, analytic tools and recent trends affecting transportation and urban or rural planning
- Basic transportation and traffic engineering principles and transportation/transit facilities design, construction, and maintenance practices
- Basic statistical research and reporting methods, techniques and procedures, and report writing techniques.
ABILITY TO:

- Communicate effectively both in English and Spanish, using clear and persuasive oral and written communication skills. Successfully prepare grant proposals and applications for transportation studies, transportation service or capital projects.

- Successfully manage multiple complex projects with aggressive schedules independently and in collaboration with staff, consultants, and representatives of local, regional, state and federal agencies.

- Collaborate with planners, traffic and transportation engineers to develop and evaluate alternatives, selection of preferred options, and preparation of recommendations on policies, plans and projects.

- Research, interpret, implement, and explain laws, regulations, policies and procedures.

- Collect, organize, interpret and analyze data and other technical information and make effective recommendations.

- Establish effective working relationships with local, state, and federal agencies, public officials and general public.

EDUCATION AND EXPERIENCE REQUIREMENTS:

Must be able to perform complex, accurate calculations and data analysis, prepare correspondence and technical reports as well as establish and maintain effective working relationships with others. Strong writing and communication skills are essential. Possession of a valid California driver’s license is required.

**Transportation Planner**: Any combination of training, education and experience which would provide the required knowledge and abilities; a Bachelor’s degree from a four-year college or university with a degree in Public Administration, Urban or Regional Planning, Transportation Planning or Engineering or related field; or a Master’s Degree in a related field is desirable.

**Associate Transportation Planner**: Education requirements similar to the Transportation Planner as well as three or more years of progressively responsible professional experience in Transportation Planning or Engineering.

**Senior Transportation Planner**: Education requirements similar to the Transportation Planner as well as five or more years of related professional experience in a lead capacity in Transportation Planning or Engineering and a demonstrated ability to serve as a subject matter specialist and mentor to other transportation planners while performing complex assignments under minimum supervision.

COMPENSATION:

The annual salary range for the Transportation Planner position is $37,272 - $56,040; Associate Transportation Planner $55,428 – $65,172; and Senior Transportation Planner is $66,912 - $80,724.

LICENSES AND OTHER REQUIREMENTS:
A Valid California Driver's License.

**WORKING CONDITIONS:**
ENVIRONMENT: Office environment; driving as needed.

PHYSICAL REQUIREMENTS: Dexterity of hands and fingers to operate computer; seeing to drive; hearing and speaking for public presentations.

This is an exempt at-will professional position.

**ACKNOWLEDGMENT FOR RECEIPT OF JOB DESCRIPTION**

I have received a copy of the Job Description and have read and understand its contents.

_________________________________    __________________________
Employee Name (Please Print)    Date

_________________________________    __________________________
Employee Signature      Date

_________________________________    __________________________
Supervisor’s Signature     Date
CLASS: TRANSPORTATION PLANNER

BASIC FUNCTION:

Under general direction of the Executive Director, assist with the coordination, planning and organizing of transit services; oversight of service programs and projects including system performance measures; collects and uses data to certify compliance and eligibility; develops and monitors grants and contracted programs; maintains reports in compliance with state and federal mandates.

DISTINGUISHING CHARACTERISTICS:

This position is the entry-level in transportation/transit planner class series and includes the monitoring and coordination of transit services and programs. The Transit Program Manager Senior Planner is the senior-level lead classification in the class series.

ESSENTIAL FUNCTIONS:

Assist with the development of the Imperial County Transportation Commission (ICTC) Transit Strategic Plan and Service Guidelines and its required reports and updates.

Assists with the coordination, planning and organization of transit programs and services; assist with the development of transit policy; assist with the collection and analysis of data in support of various ICTC transit programs and services.

Assist with the development of long and short-range plans to expand, enhance and maintain transit services and infrastructure in Imperial County, development plans with state and federal jurisdictions, public agencies, elected officials, community groups, and general public.

Assist with the service and project planning for Transportation as needed.

Assist with the monitor of programs to maintain transit service levels; develop reports in support of performance levels; recommend appropriate measures of transit service performance; assess and conduct on-site review and observations to assure service compliance; complete documentation and submit to senior staff for review.
Assist with the maintenance and oversight of the development and maintenance of the various bus stop benches located on bus routes; audit bus route schedules for efficiency as needed; prepare and submit monthly NTD compliance reports.

Conduct research and analysis for various projects and funding sources in support of transit programs and services, assist with the coordination, development and presentation of results and recommendations to senior staff and Commission as needed.

Assist with the research, development and submittal of grant proposals and funding requests to maintain operations, complete planning and capital improvements projects.

Conduct the ADA certification and eligibility process in transit services; monitor and determine eligibility; process and maintain database and confidential files to assure compliance.

Assist with the coordination, negotiation, and oversight of contractor, vendor service, supply and other related contracts as required; recommend expenditures within designated authority level; assist with the monitoring of contract budgets and maintenance of expenditures within approved levels.

Assist with the review and oversight of contractor and consultant projects and services to maintain compliance with local, State and federal requirements.

Participate and represent ICTC in a variety of work groups, coordinate various committees and task forces such as TAC and SSTAC.

Prepare and deliver presentations to elected officials, regional transportation authorities, transportation boards and related groups.

Participate in OES quarterly meetings and training exercises as needed; represent ICTC in countywide evacuation and transportation needs with primary focus on Logistics.

Maintain and prepare a variety of annual compliance reports; attend training and meetings as needed.

Performs related duties as required.

**SALARY RANGE:**
$37,272 - $56,040 Annual – Transportation Planner
* $55,428 – $65,172 Annual – Associate Transportation Planner
* $66,912 - $80,724 Annual – Senior Transportation Planner
* = Associate and Senior level positions are not described in this document.

**Knowledge, Skills, Abilities, Experience, and Qualifications,**

**KNOWLEDGE AND ABILITIES:**

**KNOWLEDGE OF:**
Transit service planning principles, practices and methodologies.
Transportation service demand forecasting principles, methodologies and practices.
Skill in organizing, interpreting and analyzing data and other technical information.
Analyze situations and develop an appropriate approach to issues.
Research methods and report writing techniques. 
Prepare and present information in a public setting. 
Communication and interpersonal skills. 

ABILITY TO: 
Work independently with minimal supervision or direction. 
Meet multiple deadlines and schedules. 
Prepare and present narrative reports using qualitative and quantitative data. 
Communicate effectively both in English and Spanish, using clear and persuasive oral and written communication skills. 
Formulate, implement, interpret, and explain laws, regulations, policies and procedures. 
Collect and analyze information and data. 
Establish effective working relationships with local, state, and federal agencies. 
Work effectively with public officials and general public. 

EDUCATION AND EXPERIENCE: 
Any combination equivalent to the following: 
• A Master’s Degree in public or business administration, planning or related field; Or 
• A Bachelor's Degree in public or business administration, planning, or related field and one year of transportation experience; Or 
• Three years or more of progressively responsible experience in administration in a governmental agency OR two years of college coursework in the subject areas described; Or 
• Five years or more of progressively responsible administrative support experience. 

LICENSES AND OTHER REQUIREMENTS: 
A Valid California Driver's License. 

WORKING CONDITIONS: 
ENVIRONMENT: Office environment; driving as needed; field work such as conducting site inspections and ride-a-longs. 
PHYSICAL REQUIREMENTS: Dexterity of hands and fingers to operate computer; seeing to drive; hearing and speaking for public presentations. 

This is an exempt at-will professional position. 

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______________________________  __________________________
Employee Name (Please Print)    Date
CLASS TITLE: EXECUTIVE ASSISTANT/SECRETARY TO THE COMMISSION

BASIC FUNCTION:

Under general direction of the Executive Director, performs a variety of complex and responsible specialized secretarial duties requiring knowledge of the policies, procedures, rules and regulations related to Imperial County Transportation Commission (ICTC); provide specialized assistance and information regarding office procedures and services to staff, public officials, and the public; take and prepare official minutes of ICTC meetings and organizes records; provides administrative support to staff.

DISTINGUISHING CHARACTERISTICS:

Responsible for front and back office activities including the reception area, coordinating office services and related activities, serves as Secretary to the Commission; takes and prepares official minutes of Board and sub-committees. Provide administrative clerical support to ICTC Executive Director and staff.

ESSENTIAL FUNCTIONS:

Perform a variety of specialized clerical duties; prepares letters and reports and other materials for signature or approval; answer phones and provide walk in customer service; prepare and maintain comprehensive records and files; assure confidentiality of sensitive information.

Serve as Secretary to the Board, coordinates all ICTC meetings, prepares agendas and minutes for the Commission and various subcommittees, prepares Agendas and minutes for the Local
Transportation Authority, and records and files contracts, resolutions, and minute orders for ICTC and LTA.

Attend ICTC meetings as required to obtain information needed to communicate actions taken, maintains index of resolutions and actions taken at Commission meetings, researches material for ICTC members, maintains records of attendance at Commission and sub-committee meetings in compliance with the Brown Act; maintains ICTC Commission files and prepares for files for storage and retrieval.

Communicate with a variety of personnel to exchange information, explain policies and procedures and coordinate activities.

Prepare and maintain alphabetical and numeric records and files; perform mathematical computations and prepare statistical and financial reports as required.

Compile, organize, evaluate and interpret technical data pertinent to the assignment; complete, review and process a variety of forms and other written materials according to established guidelines.

Serve as an administrative clerical resource and support regarding ICTC; provide procedural guidance and technical assistance as needed; explain new policies, procedures and legal requirements as needed.

Assist senior staff with the monitoring of interns, extra-help, temporary and other clerical support staff as needed.

Maintains and monitors Overall Work Plan Funds to SCAG including the submittal of invoices and completed timesheets; accounts for payment.

Coordinates meeting arrangements and maintain calendar updates for staff as needed.

Develops correspondence and support letters to the various member agencies for project development and grant submittals.

Arrange and prepare conference and travel arrangements for staff as needed including registration and payment for conference and/or scheduled meeting. Ensures employees have per diem, mileage and checks on time; files claims for payment.

Provide clerical assistance with the development and submittal of the Regional Transportation Improvement Program (RTIP) and State Transportation Improvement Program (STIP) amendments as requested.

Assists senior staff with the review of ADA applications for completeness, draft eligibility and certification letters as requested; communicate with public regarding certification status, assist Transit by contacting medical care providers as needed; and assist staff with Limited-English eligibility and documentation.
Assist in the maintenance of paper and electronic files for operational statistics and technical library, process transit invoices and update spreadsheets/graphs, provide documentation to consultants, auditors and other agencies upon request.

Assist in the preparation and maintenance of transit performance spreadsheets; create and maintain a master calendar of suspense dates for insurance updates, contract renewals and terminal inspections.

Provide administrative clerical support for the development and submittal of grant documentation, grant reporting, completed TDA claims, city resolution, transit and fiscal audits.

Assist with the preparation of the monthly and annual NTD reports, and provide clerical support during the annual fiscal audit process.

Maintains, supports, and promotes a safe work environment while complying with all of ICTC safety rules, policies, and procedures
Performs related administrative clerical duties as required.

**SALARY RANGE:**
$29,700 - $47,952 Annual

**KNOWLEDGE AND ABILITITES:**

**KNOWLEDGE OF:**
ICTC organization, operations, policies, and procedures. Records management methods and procedures. Laws, rules, and procedures pertaining to official records of a public agency such as the Brown Act, record-keeping techniques, including indexing systems and logs of proceedings and records. Modern office equipment and procedures, computer software applications. English and Spanish usage, grammar, punctuation, and spelling. Basic arithmetic.

**ABILITY TO:**
Communicate effectively in both English and Spanish using clear and persuasive oral and written communication skills. Record and accurately transcribe minutes of meetings. Gather, compile, and analyze data. Understand and carry out oral and written instructions. Establish and maintain filing systems. Meet assigned deadlines. Maintain confidential information. Interact effectively with employees, elected/appointed officials, and the general public.

**EDUCATION AND EXPERIENCE:**
Any combination of three (3) years' responsible secretarial and/or administrative experience OR 5 years of increasingly responsible secretarial and/or administrative experience supplemented by courses in business English and office procedures.

**LICENSES AND OTHER REQUIREMENTS:**
A Valid California Driver's License.

**WORKING CONDITIONS:**
ENVIRONMENT: Office environment; occasional driving as needed.
PHYSICAL REQUIREMENTS: Dexterity of hands and fingers to operate computer; seeing to drive; hearing and speaking to receive information.

This is an At-Will exempt administrative support position.

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_________________________________   __________________________
Employee Signature      Date

_________________________________   __________________________
Supervisor’s Signature     Date

CLASS:   OFFICE ASSISTANT

BASIC FUNCTION:

Under general direction of the Executive Director, performs a variety of administrative and outreach duties; provide specialized assistance and services to staff, public officials, and the public; provide back-up support to take and prepare official minutes of ICTC meetings and organizes records; and, provides administrative support to staff. The employee will also be responsible to provide administrative and outreach duties to support the ICTC and Southern California Association of Governments (SCAG’s) regional office activities.

ESSENTIAL FUNCTIONS:

• Acts as receptionist; answers incoming calls; receives and greets the public; takes messages; schedules meetings and conference calls.

• Provides information regarding the agencies to interested parties.

• Coordinates meetings and sets up equipment for videoconferencing.
- Maintains office files; maintains electronic database of contacts.
- Assists with preparation of meeting minutes and a variety of data reporting documents including letters and mailings.
- Orders, receives, inventories, stores, and distributes supplies, forms, and related items; prepares purchase request, and maintains related records.
- Assists with travel arrangements when needed.

**Education, Training and Experience:**
Equivalent to a high school diploma supplemented by specialized training and course work in business, administration, office practices, or a related field and one year of clerical experience that involves public contact. Bilingual fluency in English and Spanish is required.

**Ability to:**
Work under general supervision within a broad framework of standard policies and procedures; understand the organizational structure and operations of ICTC, SCAG and its respective member and partner agencies as necessary to assume assigned responsibilities, exercise good judgment, flexibility, creativity, and sensitivity in response to changing situations and needs; communicate effectively in English and Spanish both orally and in writing; establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work; operate modern office machines and equipment including video conferencing equipment, computers, printers, copiers, and FAX machines; routinely use word processing and spreadsheet computer software applications; record and transcribe minutes of meetings; gather and compile data; understand and carry out oral and written instructions; establish and maintain filing systems; and, meet assigned deadlines.
Knowledge of:
Modern office procedures, methods, and equipment including computer equipment and applicable software programs. English usage, spelling, vocabulary, grammar, and punctuation. Principles and techniques used in dealing with the public. Basic mathematical principles.

SALARY RANGE
$11.35 - $14.75 Hourly

WORKING CONDITIONS:
ENVIRONMENT: Office environment; occasional driving as needed.
PHYSICAL REQUIREMENTS: Dexterity of hands and fingers to operate computer; seeing to drive; hearing and speaking to receive information.

This is an At-Will non-exempt administrative support position. As described in the ICTC Personnel Policies and Procedures (Approved: 07-25-12), a non-exempt means an employee whose position does meet the Federal Labor Standards Act (FLSA) and who is therefore is compensated for overtime of authorized hours work in excess of the approved schedule.

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_________________________________   __________________________
Employee Signature      Date

_________________________________   __________________________
Supervisor’s Signature     Date
APPENDIX C

ILLNESS AND SAFETY PREVENTION PROGRAM
Workplace Safety Policy Statement

The safety and health of our employees at Imperial County Transportation Commission (ICTC) is our main concern. No employee will be required to do a job that he or she considers unsafe. ICTC will comply with all applicable workplace safety and health requirements and maintain occupational safety and health standards that equal or exceed the best practices in the industry.

ICTC will maintain a safety committee, which consists of management and our employees. Our responsibility will be identifying hazards and unsafe work practices, removing obstacles to accident prevention, and helping evaluate ICTC’s effort to achieve an accident and injury-free workplace. ICTC pledges to do the following:

- Strive to achieve the goal of zero accidents and injuries.
- Provide mechanical and physical safeguards wherever they are necessary.
- Conduct routine safety and health inspections to find and eliminate unsafe working conditions, control health hazards, and comply with all applicable OR-OSHA safety and health requirements.
- Train all employees in safe work practices and procedures.
- Provide employees with necessary personal protective equipment and train them to use and care for it properly.
- Enforce ICTC safety and health rules and require employees to follow the rules as a condition of employment.
- Investigate accidents to determine the cause and prevent similar accidents.

ICTC recognizes that management and all employees share responsibility for a safe and healthful workplace.

Management is accountable for preventing workplace injuries and illnesses. Management will consider all employee suggestions for achieving a safer, healthier workplace. Management also will keep informed about workplace safety and health hazards and regularly review ICTC’s safety and health program.

Management is responsible for supervising and training workers in safe work practices.

Management must enforce organizational policies and procedures and ensure that employees follow safe practices during their work.

All employees have responsibility for their own safety as well as for the safety of their fellow workers. They are expected to participate in the safety and health program, which includes immediately reporting accidents, hazards, and unsafe work practices to management or safety committee representative, wearing required personal protective equipment when required, and participating in and supporting safety committee activities.
SAFETY AND ILLNESS PREVENTION PROGRAM

It is the policy of the Imperial County Transportation Commission (ICTC) to provide a safe workplace for all of its employees. ICTC management strives to provide a workplace that is as free as possible from conditions and acts that may result in injuries or illnesses.

A. RESPONSIBLE PARTY: The Executive Director is responsible for implementing and maintaining the ICTC safety program. Employees will be verbally instructed in safe work practices. The Executive Director will maintain a log of instructions provided to employees.

B. ANNUAL REVIEW: On an annual basis, the Executive Director will review any accidents that have occurred during the previous year. During this annual review, the Executive Director will review any accident investigations or reports to make sure that a good faith effort to identify the causes for the accident has occurred. The Executive Director is responsible for doing an accident investigation and making a good faith effort to correct the conditions or action that led to the accident.

C. INSPECTION:

(1) On an annual basis a physical inspection will be conducted by designated staff. This inspection will be reviewed by the Executive Director. The Executive Director will be responsible for the correction of the hazards identified from this inspection. Any new hazards will be added to Exhibit A.

(2) In addition to these formal inspections, the Executive Director is responsible for doing an annual informal safety inspection. Correction of any newly discovered hazards will be done by either one or a combination of the following: i) Abatement, ii) Safeguarding iii) Personal protective equipment, or iv) Training. Communication and training of new processes, new procedures, new equipment, safety activities, hazards and safe work practices will be done by one or a combination of the following: i) One-on-one conference with the supervisor and the employee, ii) Training sessions, iii) Postings on the ICTC employee bulletin board, or iv) Attachments to the employee's pay check.

D. TRAINING: Training will be provided to all new employees and employees given new job assignments. The pertinent supervisor is responsible for his/her employees following safe and healthy work practices. Safety will be enforced through disciplinary action or by means of a safety incentive program.

E. REPORTING OF HAZARDS/ACCIDENTS: All employees are encouraged to report any unsafe acts or conditions. Employees may do this by submitting a suggestion in writing by notifying his/her immediate supervisor. These suggestions will be reviewed by the Executive Director. The responsibility of acting on the suggestions lies with the Executive Director.
On an annual basis, the Executive Director will review this safety program to make sure that it is being maintained.

**Exhibit A**

1. Food and drinks should be kept a safe distance from computer terminals.
2. Objects that could damage equipment should not be placed on computers or cables.
3. Keep all work areas clean. Use the compressed air and glass wipe provided to keep computer keyboards and screens clean.
4. Observe proper posture to avoid back and muscle aches. Utilize wrist rests as required for computer keyboards and mice.
5. Limit computer input sessions to 60-minutes. Break long projects by taking short walks.
6. All computers should be equipped with anti-glare screens or other anti-glare technology.
7. Be sure hands are dry when operating any electrical equipment.
8. If equipment failure occurs, unplug the equipment immediately if it is safe to do so.
9. Immediately notify your supervisor if any problems or accidents occur.
10. Keep all desk drawers and cabinet doors closed to avoid tripping hazards.
11. Electric cords and phone cables must be secured to prevent tripping hazards.
12. Storage areas must be kept clean and orderly.
13. Employees shall not use flammable items, such as candles. Flammable materials must be stored in metal cabinets.
14. All boxes, files, paper, etc. must be removed from any area where they could constitute a tripping hazard and kept away from electrical cords.
15. Employees must be instructed in fire emergency situations.
16. All employees must be instructed on the location of the medicine chest and directed to read related instructions before using any of the medicine chest contents.
17. Hot plates, coffee makers, portable fans, portable heaters, and other electrical appliances must be properly wired and turned off when not in use.
18. Aisles and passageways must be clear to provide easy movement and air circulation.
19. Wash all cups and dishes in soap and hot water after use.
20. Employees shall utilize frequent hand washing with soap and warm water to prevent the spread of germs and bacteria in the workplace.

21. Flashlights will be available throughout the office.