



ESTA BOARD AGENDA

Regular Meeting

Friday, November 12, 2021 at 9:00am

In accordance with AB 361 the meeting will be held virtually.

The Agenda is available at www.estransit.com

Chairperson: Jim Ellis

Vice-Chairperson: Bill Sauser

Board Members:

Kirk Stapp (Mammoth Lakes)
Karen Schwartz (Bishop)
Jim Ellis (Bishop)
Dan Totheroh (Inyo County)

Jeff Griffiths (Inyo County)
Rhonda Duggan (Mono County)
Bill Sauser (Mammoth Lakes)
Bob Gardner (Mono County)

Note: In compliance with the Americans with Disabilities Act, if an individual requires special assistance to participate in this meeting, please contact Eastern Sierra Transit at (760) 872-1901 ext. 15 or 800-922-1930. Notification 48 hours prior to the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 13.102-35.104 ADA Title II)

Voice recorded public comment: To submit public comment via recorded message, please call 760-872-1901 ext. 12 by 4pm Thursday, November 11th. State your name and the item number(s) on which you wish to speak. The recordings will be limited to two minutes. These comments may be played at the appropriate time during the board meeting.

Email public comment: To submit an emailed public comment to the Board please email pmoores@estransit.com by 4pm Thursday, November 11th and provide your name, the number(s) on which you wish to speak, and your comment. These comments will be emailed to all Board members and can be provided anytime leading up to and throughout the meeting.

HOW TO ATTEND THE ESTA BOARD MEETING:

Listen to the meeting via phone by calling 669-900-9128 enter meeting code: 760-871-1901#, if prompted, use password 753752. Join the ZOOM meeting on your computer or mobile device by using this link:

<https://us02web.zoom.us/j/7608711901?pwd=VS9TeE4rU0NleWFCY0JTOVhzaiEyQT09>

Remember, to eliminate feedback, use only one source of audio for the meeting, not both the phone and the computer.

Call to Order

Pledge of Allegiance

Roll Call

Public Comment: The Board reserves this portion of the agenda for members of the public to address the Eastern Sierra Transit Authority Board on any items not on the agenda and within the jurisdiction of the Board. The Board 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.

A. Information Agenda

- A-1 Executive Director Report
 - Reporting on ESTA activities and performance
- A-2 Financial Report for 2020/21
- A-3 Financial Report 2021/22
- A-4 Ridership Report
- A-5 Vehicle Replacement Plan

B. Action Agenda

- B-1 5339(b) Grant Application
- B-2 Budget Appropriation
- B-3 Hero Pay – Vaccine Incentive
- B-4 Service Review
- B-5 2022 Board Meeting Calendar
- B-6 2022 Election of Board Chair and Vice Chair

C. Consent Agenda

The following items are considered routine and non-controversial by staff and will be approved by one motion if no member of the ESTA or public wishes an item removed. If discussion is desired by anyone, the item will be removed from the consent agenda and will be considered separately. Questions of clarification may be made by ESTA Board members, without the removal of the item from the Consent Agenda.

- C-1 Approval of Regular Meeting Minutes of August 13, 2021
- C-2 Approval of Updated ESTA Harassment, Discrimination and Retaliation Policy

D. Board Member Comments and Discussion

- D-1 AB 361 – Public Meetings
- D-2 Board Member Comments

E. Closed Session

- E-1 DISCUSSION/POSSIBLE ACTION. Conference with Labor Negotiators. (Pursuant to Government Code Section 54957.6) – Authority designated

representatives; Phil Moores and John Vallejo. Bargaining Group; ESTA-
ESTA Employee Association (EEA).

- E-2 Report on Closed Session as required by law.
- Report on Item E-1

F. Adjournment

The next regularly scheduled meeting is December 10, 2021 at 11:00 am. Check ESTA website for details on attending the meeting.

STAFF REPORT

Subject: Executive Director's Report
Presented by: Phil Moores, Executive Director

Safety:

ESTA has experienced a surge in Covid cases recently. At this writing there are four positive cases in the Bishop office. Both yards were immediately inspected and adherence to the policy was strengthened. All Bishop employees were encouraged to get tested, and compensation for testing time was offered.

Administration:

Employees of the Quarter

We are awarding two employees as Employee of the Quarter. The second quarter winner is Brian Von Tersch and the third quarter winner is Craig Bernard. Both are Utility and Bus Operator employees.

Recruitment

Winter recruitment for Mammoth Lakes has not resulted in sufficient drivers for Winter service. Just two drivers hired so far. Impacts to service are expected in the form of reduced Town Trolley service and longer wait times during passenger surges in Mammoth.

Performance:

Several goals are under development, such as a zero emissions plan, on-time performance measurement, and Bishop facility project. Comments are not meeting goals, however, the goal may not be realistic. We received a total of just 20 comments from over 197,000 boardings. This may be a goal we revisit. Productivity is down for obvious reasons, but it is on the rise. See attached Dashboard for details.

Category	Standard	Reporting Cycle	Target	Current	YTD	GOAL
SAFETY	Accidents	Quarterly	<1.00 per 100k miles	0.7	0.7	
	Safety Hazards	Quarterly	Address All	yes	yes	
	Injuries	Quarterly	3-lost work, 3-med only	1	1	
	Customer Perception	Annual	90%	December 2021 Start		
SERVICE QUALITY AND EFFICIENCY	Productivity	Quarterly	FR- 17, IFR-2, DAR-3, LL-4	22,2.7,2.6,0.2	22,2.7,2.6,0.2	
	Service Delivery	Quarterly	>99%	100.00%	100.00%	
	On Time Performance	Quarterly	DAR- 90%, IFR-80%,FR-90%	GPS Trackers being installed		
	New Service	Annual	Research New Ideas	yes	yes	
	Comments	Quarterly	<0.075	0.1	0.1	
REVENUE AND RESOURCES	Constrained Budget	Monthly	At or Under Budget	yes	yes	
	Audit Findings	Annual	No Findings	0	0	
	Capital Purchase	Annual	Subjective	yes	yes	
HUMAN RESOURCES	Recruiting	Biannual	Subjective	no	no	
	Training	Annual	Annual Hours	yes	yes	
	Performance	Annual	Evaluations*	underway		
	Internal Policies	Annual	Address All	ongoing		
	Succession Plan	Annual	Address All	ongoing		
FLEET AND FACILITY	Vehicle Replacement	Annual	Active Fleet-75%	61%		
	Road Calls	Quarterly	<3 per 100,000 miles	0	0	
	Attractiveness	Annual	90%	December 2021 Start		
	Maintenance	Quarterly	various	no		
	Optimal Fleet Size	Annual	Dispose of Excess	no	no	
INNOVATION AND DESIGN	IT Program	Annual	Subjective	yes	yes	
	Bishop Building	Quarterly	Facility Completed	Project Delayed		
	Zero Emissions	Quarterly	Plan Completion	December 2021 Start		
LEADERSHIP	Funding Partners	Annual	ED Evaluation	yes	yes	
	Stakeholders	Annual	ED Evaluation	yes	yes	
	SBP Communication	Annual	ED Evaluation	yes	yes	

STAFF REPORT

Subject: Preliminary Financial Report – FY 2020/21

Initiated by: Karie Bentley, Administration Manager

The year-to-date roll-up, fund balance reports and year-end forecast for the 2020/21 fiscal year are included on the following pages. Reports are as of October 22, 2021. The year is pending outside audit scheduled for the week of November 15, 2021.

Operating Revenue was over \$4.9 million.

Several operating revenue sources including Local Transportation Tax, State Transit Assistance, Interest from the Treasury came in over budgeted amounts.

Other Agency Contributions was less than expected due to providing less service hours to the Town of Mammoth Lakes than was budgeted, and the fact that ESTA only received one of the two trolleys that were budgeted so \$41K in matching funds were now collected.

There was less revenue from federal grants than expected due to reduced operating expenses and because ESTA's Short Range Transit Plan wasn't started in FY 20-21. However, ESTA did benefit from almost \$895K in COVID Relief Funds. Below is a summary of funds claimed in FY 20-21 and the know balance of these funds. This funding was at 100% federal share, no match required. This robust funding allowed local funds to be used for other purposes and fueled a budget surplus for the year.

COVID Relief Grants	AMOUNT	SPENT	Balance	Notes:
5311 CARES:	\$ 606,159	\$ 433,394	\$ 172,765	Operating expenses
5311(f) CARES:	\$ 823,876	\$ 460,703	\$ 363,173	Operating expenses for 395 Routes
CRRSAA Funds:	\$ 544,192	0	\$ 544,192	Operating expenses
AARPA Funds:	unknown	0	unknown	The apportioned amounts are not yet known.
Totals of known Funding:	\$1,974,227	\$894,097	\$1,080,130	

Operating Expenses came in around \$4.3 million.

Payroll related expense came in under budget as ESTA provided less service than was budgeted. Also, PERS retirement costs decreased as several Classic Plan employees retired PEPPRA costs are much lower. Additionally, health insurance premiums were lower than expected. Less paid time off was used, but Other Benefits were a bit over

the budget for the line item.

Unemployment insurance costs were offset by a Federal CARES Act Credit which paid for half of each Unemployment Invoice.

Maintenance costs came in just under budget.

Advertising was over budget, mostly due to driver recruitment.

Professional & Special Service was under budget largely due to a slight delay of the Short-Range Transit Plan which didn't get under way in FY 20-21, the Tecopa Contract ending early and no line hosting expenses since Reds didn't run early in the season.

Fuel cost was low for most of the year, with an average price of \$3.02 per gallon, 14% less than the budgeted price of \$3.50 per gallon.

Funds in the amount of \$123K were transferred into ESTA's Capital Replacement fund.

Capital revenue was \$288.7K. Capital expenses were \$305.7K. Capital revenue and far less than budgeted due to replacement vehicle purchases falling in other fiscal years and the fact that the Bishop Administration Building Project did not incur any costs.

ESTA's forecasted revenue, less Operating Expenses and Capital Replacement Contributions is currently estimated at \$502K. The surplus is due to unbudgeted excess LTF revenue from Mono County and COVID relief funding that required no match. These number are pending audit.

Once the outside financial audit is complete and our number have been confirmed or adjusted, it will be recommended that a portion of these funds be allocated towards ESTA's rising Other Post Retirement Benefits (OBEB) liability which currently totals more than \$1.1 million dollars. This liability increased by more than \$275K over the prior year with a net OBEB expense of over \$200K. The actuarial report is included for your information.

The table below details the year-to-date revenue and expenses by budget line item and includes a year-end forecast.

Financial information as of: 10/22/2021

% of Fiscal Year: 100% numbers pending outside audit

153299 - EASTERN SIERRA TRANSIT - ROLL UP

OPERATING Revenue		FY20/21 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
4061	LOCAL TRANSPORTATION TAX	985,757	1,075,432	(89,675)	109%	1,075,432	89,675	Mono dispersed excess LTF funds
4065	STATE TRANSIT ASST	321,219	351,362	(30,143)	109%	351,362	30,143	STA come in higher than estimates
4301	INTEREST FROM TREASURY	12,000	38,861	(26,861)	324%	38,861	26,861	
4498	STATE GRANTS	44,520	44,520	-	100%	44,520	-	
4499	STATE OTHER	73,910	74,227	(317)	100%	74,227	317	
4555	FEDERAL GRANTS	1,269,256	1,113,659	155,597	88%	1,113,659	(155,597)	SRTP-112K was not started this FY. NEMT and 395 were under budget.
4599	OTHER AGENCIES	1,044,268	890,197	154,071	85%	890,197	(154,071)	\$41,600 of budget is Capital for Trolley Match which will not be purchased this year. Service reductions in TOML.
4747	INSURANCE PAYMENTS	-	21,702	(21,702)		21,702	21,702	
4819	SERVICES & FEES	1,385,410	1,305,608	79,802	94%	1,305,608	(79,802)	Reds didn't run in 20-21
4959	MISCELLANEOUS REVENUE	12,000	19,805	(7,805)	165%	19,805	7,805	
4999	PRIOR YEARS REIMBURSEMENTS	-	304	(304)		304	304	
	Revenue Total:	5,148,340	4,935,677	212,663	96%	4,935,677	(212,663)	Expenses less than budgeted too.

Operating Expenditure:		FY20/21 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5001	SALARIED EMPLOYEES	1,467,779	1,282,282	185,497	87%			
5003	OVERTIME	65,684	57,950	7,734	88%			
5005	HOLIDAY OVERTIME	124,696	90,767	33,929	73%			
5012	PART TIME EMPLOYEES	455,497	402,685	52,812	88%			
	Wages subtotal	2,113,656	1,833,684	279,972	87%	1,833,684	279,972	Service reductions=less payroll, also positions unfilled during dispatch turnover
5021	RETIREMENT & SOCIAL SECURITY	54,088	38,228	15,861	71%	38,228	15,861	
5022	PERS RETIREMENT	260,870	198,466	62,404	76%	198,466	62,404	Fewer Classic Employees
5031	MEDICAL INSURANCE	249,640	200,987	48,653	81%	200,987	48,653	Rates increased less than expected, more employees taking stipend.
5043	OTHER BENEFITS	33,351	35,209	(1,858)	106%	35,209	(1,858)	
5045	COMPENSATED ABSENCE EXPENSE	189,999	148,271	41,728	78%	148,271	41,728	Fewer vacations due to pandemic.
5047	EMPLOYEE INCENTIVES	6,250	5,282	968	85%	5,282	968	

Operating Expenditure:		FY20/21 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5111	CLOTHING	1,000	339	661	34%	339	661	
5152	WORKERS COMPENSATION	120,220	120,000	220	100%	120,000	220	
5154	UNEMPLOYMENT INSURANCE	75,000	29,735	45,265	40%	29,735	45,265	We received credits
5158	INSURANCE PREMIUM	219,580	206,124	13,456	94%	206,124	13,456	
5171	MAINTENANCE OF EQUIPMENT	611,000	600,208	39,115	98%	600,208	10,792	Includes \$28K rebuild from below.
5173	MAINTENANCE OF EQUIPMENT-MATER	18,400	3,420	14,980	19%	3,420	14,980	
5191	MAINTENANCE OF STRUCTURES	5,000	294	4,706	6%	294	4,706	
5211	MEMBERSHIPS	1,300	1,035	265	80%	1,035	265	
5232	OFFICE & OTHER EQUIP < \$5,000	12,050	8,496	3,554	71%	8,496	3,554	
5238	OFFICE SUPPLIES	7,000	5,627	1,373	80%	5,627	1,373	
5253	ACCOUNTING & AUDITING SERVICE	49,400	44,100	5,300	89%	44,100	5,300	
5260	HEALTH - EMPLOYEE PHYSICALS	5,890	5,718	172	97%	5,718	172	
5263	ADVERTISING	34,000	36,336	(2,336)	107%	36,336	(2,336)	Advertising to recruit drivers
5265	PROFESSIONAL & SPECIAL SERVICE	219,694	49,525	170,169	23%	49,525	170,169	Didn't start SRTP & CHSP, no Tacopa Contract ended early, No Reds Line hosting
5291	OFFICE, SPACE & SITE RENTAL	174,844	173,201	1,643	99%	173,201	1,643	
5311	GENERAL OPERATING EXPENSE	82,680	63,375	19,305	77%	63,375	19,305	
5326	LATE FEES & FINANCE CHARGES	-	47	(47)	0%	47	47	Will add budget next year.
5331	TRAVEL EXPENSE	3,225	755	2,470	23%	755	2,470	Most travel canceled due to COVID
5332	MILEAGE REIMBURSEMENT	29,355	15,238	14,117	52%	15,238	14,117	Fewer trips and lower milage rate.
5351	UTILITIES	60,000	58,514	1,486	98%	58,514	1,486	
5352	FUEL & OIL	470,307	384,306	86,001	82%	384,306	86,001	Low fuel prices most of the year
5539	OTHER AGENCY CONTRIBUTIONS	52,332	43,413	8,919	83%	43,413	8,919	No Reds so no road contribution
5901	CONTINGENCIES	50,700	-	50,700	0%	-	50,700	
	Expenditure Total:	5,210,831	4,309,935	929,219	83%	4,309,935		Includes \$28K rebuild from below.

TRANSFERS Expenditure		FY20/21 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5798	CAPITAL REPLACEMENT	123,490	123,490	-	1	123,490	-	This transfer has been made.
Expenditure Total:		123,490	123,490	-	1	123,490	-	
NET	TRANSFERS		246,980					

Projected Revenue less Projected Expenses & Capital Replacement Transfers:

502,252 Relief funds claimed will provided a surplus.

CAPITAL ACCOUNT Revenue		FY20/21 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
4066	PTMISEA	90,319	-	90,319	0%	-	(90,319)	Reprogramming for a bus, will include in FY 21/22 budget
4067	STATE TRANSIT ASST-CAPITAL	355,378	-	355,378	0%	-	(355,378)	Vehicle matching funds
4495	STATE GRANTS - CAPITAL	52,959	52,959	-	100%	52,959	-	LCTOP Electric Vehicle
4557	FEDERAL GRANTS - CAPITAL	2,084,555	235,761	1,848,794	11%	235,761	(1,848,794)	Building (5339b) and vehicles(5310, 5339a), most purchases will happen in FY 21-22
4911	SALE OF FIXED ASSETS	-	15,000	(15,000)	-	15,000	15,000	Sold a few buses
Revenue Total:		2,583,211	288,720	2,294,491	11%	288,720	(2,294,491)	

Capital Expenditures

5640	STRUCTURES & IMPROVEMENTS	704,593	-	704,593	0%	-	704,593	Bishop Admin Building
5650	EQUIPMENT	-	-	-	0%	-	-	
5655	VEHICLES	1,961,828	305,689	1,656,139	0%	305,689	1,656,139	New Vehicles (5310, 5339(a)/savings) and \$28,323 engine rebuild, this will be paid for with operating revenue
Expenditure Total:		2,666,421	305,689	2,360,732	11%	305,689	2,360,732	

Projected Capital Revenue Less Projected Expenses :

52,954

These are funds for future LCTOP E-Vehicle

COUNTY OF INYO
Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As of 6/30/2021

Object	Description	Budget	Actual	Encumbrance	Balance	%
Key: 153298 - ESTA - BUDGET						
OPERATING						
Revenue						
Expenditure						
NET OPERATING		0.00	0.00	0.00	0.00	
CAPITAL ACCOUNT						
Revenue						
NET CAPITAL ACCOUNT		0.00	0.00	0.00	0.00	
Key: 153299 - EASTERN SIERRA TRANSIT						
OPERATING						
Revenue						
4061	LOCAL TRANSPORTATION TAX	985,757.00	1,075,431.76	0.00	(89,674.76)	109.09
4065	STATE TRANSIT ASST	321,219.00	351,362.00	0.00	(30,143.00)	109.38
4301	INTEREST FROM TREASURY	12,000.00	38,860.61	0.00	(26,860.61)	323.83
4498	STATE GRANTS	44,520.00	44,520.00	0.00	0.00	100.00
4499	STATE OTHER	73,910.00	74,227.47	0.00	(317.47)	100.42
4555	FEDERAL GRANTS	1,269,256.00	1,113,658.78	0.00	155,597.22	87.74
4599	OTHER AGENCIES	1,044,268.00	890,196.80	0.00	154,071.20	85.24
4747	INSURANCE PAYMENTS	0.00	21,702.47	0.00	(21,702.47)	0.00
4819	SERVICES & FEES	1,385,410.00	1,305,608.16	0.00	79,801.84	94.23
4959	MISCELLANEOUS REVENUE	12,000.00	19,805.15	0.00	(7,805.15)	165.04
4999	PRIOR YEARS REIMBURSEMENTS	0.00	303.89	0.00	(303.89)	0.00
Revenue Total:		5,148,340.00	4,935,677.09	0.00	212,662.91	95.86
Expenditure						
5001	SALARIED EMPLOYEES	1,467,779.00	1,282,281.75	0.00	185,497.25	87.36
5003	OVERTIME	65,684.00	57,950.44	0.00	7,733.56	88.22
5005	HOLIDAY OVERTIME	124,696.00	90,767.24	0.00	33,928.76	72.79
5012	PART TIME EMPLOYEES	455,497.00	402,685.06	0.00	52,811.94	88.40
5021	RETIREMENT & SOCIAL SECURITY	54,088.00	38,227.50	0.00	15,860.50	70.67
5022	PERS RETIREMENT	260,870.00	198,466.24	0.00	62,403.76	76.07
5031	MEDICAL INSURANCE	249,640.00	200,986.57	0.00	48,653.43	80.51
5043	OTHER BENEFITS	33,351.00	35,209.00	0.00	(1,858.00)	105.57
5045	COMPENSATED ABSENCE EXPENSE	189,999.00	148,270.72	0.00	41,728.28	78.03
5047	EMPLOYEE INCENTIVES	6,250.00	5,282.27	0.00	967.73	84.51
5111	CLOTHING	1,000.00	339.03	0.00	660.97	33.90
5152	WORKERS COMPENSATION	120,220.00	120,000.00	0.00	220.00	99.81
5154	UNEMPLOYMENT INSURANCE	75,000.00	29,735.16	0.00	45,264.84	39.64
5158	INSURANCE PREMIUM	219,580.00	206,124.00	0.00	13,456.00	93.87
5171	MAINTENANCE OF EQUIPMENT	611,000.00	571,884.92	0.00	39,115.08	93.59
5173	MAINTENANCE OF EQUIPMENT-	18,400.00	3,420.43	0.00	14,979.57	18.58
5191	MAINTENANCE OF STRUCTURES	5,000.00	293.96	0.00	4,706.04	5.87
5211	MEMBERSHIPS	1,300.00	1,035.00	0.00	265.00	79.61
5232	OFFICE & OTHER EQUIP < \$5,000	12,050.00	8,495.58	0.00	3,554.42	70.50
5238	OFFICE SUPPLIES	7,000.00	5,627.17	0.00	1,372.83	80.38
5253	ACCOUNTING & AUDITING SERVICE	49,400.00	44,099.98	0.00	5,300.02	89.27
5260	HEALTH - EMPLOYEE PHYSICALS	5,890.00	5,718.31	0.00	171.69	97.08
5263	ADVERTISING	34,000.00	36,336.36	0.00	(2,336.36)	106.87
5265	PROFESSIONAL & SPECIAL SERVICE	219,694.00	49,525.14	0.02	170,168.84	22.54
5291	OFFICE, SPACE & SITE RENTAL	174,844.00	173,200.84	0.00	1,643.16	99.06

COUNTY OF INYO
Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As of 6/30/2021

Object	Description	Budget	Actual	Encumbrance	Balance	%
5311	GENERAL OPERATING EXPENSE	82,680.00	63,374.78	0.00	19,305.22	76.65
5326	LATE FEES & FINANCE CHARGES	0.00	46.78	0.00	(46.78)	0.00
5331	TRAVEL EXPENSE	3,225.00	755.46	0.00	2,469.54	23.42
5332	MILEAGE REIMBURSEMENT	29,355.00	15,238.23	0.00	14,116.77	51.91
5351	UTILITIES	60,000.00	58,514.49	0.00	1,485.51	97.52
5352	FUEL & OIL	470,307.00	384,306.44	0.00	86,000.56	81.71
5539	OTHER AGENCY CONTRIBUTIONS	52,332.00	43,413.00	0.00	8,919.00	82.95
5901	CONTINGENCIES	50,700.00	0.00	0.00	50,700.00	0.00
Expenditure Total:		<u>5,210,831.00</u>	<u>4,281,611.85</u>	<u>0.02</u>	<u>929,219.13</u>	<u>82.16</u>
NET OPERATING		<u>(62,491.00)</u>	<u>654,065.24</u>	<u>(0.02)</u>	<u>(716,556.22)</u>	
NON-OPERATING Revenue						
NET NON-OPERATING		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
CAPITAL ACCOUNT Revenue						
4066	PTMISEA	90,319.00	0.00	0.00	90,319.00	0.00
4067	STATE TRANSIT ASST-CAPITAL	355,378.00	0.00	0.00	355,378.00	0.00
4495	STATE GRANTS - CAPITAL	52,959.00	52,959.00	0.00	0.00	100.00
4557	FEDERAL GRANTS - CAPITAL	2,084,555.00	235,761.38	0.00	1,848,793.62	11.30
4911	SALES OF FIXED ASSETS	0.00	15,000.00	0.00	(15,000.00)	0.00
Revenue Total:		<u>2,583,211.00</u>	<u>303,720.38</u>	<u>0.00</u>	<u>2,279,490.62</u>	<u>11.75</u>
Expenditure						
5640	STRUCTURES & IMPROVEMENTS	704,593.00	0.00	0.00	704,593.00	0.00
5655	VEHICLES	1,961,828.00	305,689.16	0.00	1,656,138.84	15.58
Expenditure Total:		<u>2,666,421.00</u>	<u>305,689.16</u>	<u>0.00</u>	<u>2,360,731.84</u>	<u>11.46</u>
NET CAPITAL ACCOUNT		<u>(83,210.00)</u>	<u>(1,968.78)</u>	<u>0.00</u>	<u>(81,241.22)</u>	
TRANSFERS Revenue						
4798	CAPITAL REPLACEMENT	0.00	123,490.00	0.00	(123,490.00)	0.00
Revenue Total:		<u>0.00</u>	<u>123,490.00</u>	<u>0.00</u>	<u>(123,490.00)</u>	<u>0.00</u>
Expenditure						
5798	CAPITAL REPLACEMENT	123,490.00	123,490.00	0.00	0.00	100.00
Expenditure Total:		<u>123,490.00</u>	<u>123,490.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>
NET TRANSFERS		<u>0.00</u>	<u>123,490.00</u>	<u>0.00</u>	<u>(123,490.00)</u>	
153299 Total:		<u>(269,191.00)</u>	<u>652,096.46</u>	<u>(0.02)</u>	<u>(921,287.44)</u>	

COUNTY OF INYO
UNDESIGNATED FUND BALANCES

AS OF 06/30/2021

	Claim on Cash 1000	Accounts Receivable 1100,1105,1160	Loans Receivable 1140	Prepaid Expenses 1200	Accounts Payable 2000	Loans Payable 2140	Deferred Revenue 2200	Computed Fund Balance	Encumbrances	Fund Balance Undesignated
ESTA - EASTERN SIERRA TRANSIT AUTHORI										
1532 EASTERN SIERRA TRANSIT	2,742,885	1,252,549		326,414	323,297			3,998,551		3,998,551
1533 ESTA ACCUMULATED	1,522,844	2,256						1,525,100		1,525,100
1534 ESTA GENERAL RESERVE	534,125	791						534,916		534,916
1535 ESTA BUDGET STAB	213,648	316						213,964		213,964
1536 REDS MEADOW ROAD	112,644	167						112,811		112,811
6814 JARC-MAMMOTH EXPRESS	(6)			6						
6820 NON-EMERGENCY TRAN REIM	(5,115)	6,054			1,299			(360)		(360)
6821 BISHOP YARD-ESTA	(4,920)	(7)						(4,927)		(4,927)
6822 LCTOP-ELECTRIC VEHICLE	143,658	213						143,871		143,871
6824 ESTA-LCTOP	5,678	43		2,114	2,295			5,540		5,540
6825 BISHOP ADMIN BUILDING	70,908	105						71,013		71,013
ESTA Totals	5,336,349	1,262,487		328,534	326,891			6,600,479		6,600,479
Grand Totals	5,336,349	1,262,487		328,534	326,891			6,600,479		6,600,479



GASB Statement No. 75
Supplemental Schedules
for Eastern Sierra Transit Authority

Reporting Period: July 1, 2020 to June 30, 2021
Measurement Period: July 1, 2019 to June 30, 2020
Valuation Date: July 1, 2019

June 17, 2021

**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Note to Auditors

DFA, LLC (DFA) has prepared the following supplemental schedules to accompany ESTA’s actuarial valuation as of July 1, 2019 to (1) facilitate preparation of GASB 75 reporting and (2) to provide information that (if applicable) was not determinable as of the valuation date. We have prepared this supplement based on the results of our actuarial valuation and (if applicable) subsequent projections. We are available to discuss and reconcile any differences between your records and our calculations.

Our actuarial valuation report is intended to comply with GASB 75’s valuation requirements (at least one every two years); the following schedules are intended to provide the reporting information specific to the applicable reporting period (July 1, 2020 to June 30, 2021), with updates to the measurement date (June 30, 2020).

Notes to the Financial Statements for the Year Ended June 30, 2021

Plan Description

Plan administration. ESTA sponsors healthcare coverage under the California Public Employees Medical and Hospital Care Act ("PEMHCA"), commonly referred to as PERS Health. PEMHCA provides health insurance through a variety of Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO) options.

Benefits provided. Employees hired before January 1, 2013 are eligible for ESTA-paid retiree medical benefits upon attainment of age 50 and five years of CalPERS service. Employees hired on or after January 1, 2013 are eligible for ESTA-paid retiree medical benefits upon attainment of age 52 and five years of CalPERS service.

ESTA contributes the PEMHCA minimum under the unequal method (5% times number of years ESTA has been in PEMHCA). ESTA joined PEMHCA in 2007, therefore for 2020, this amount is 65% of the PEMHCA minimum (\$139), or \$90.35 per month. In 2021, this amount is 70% of the PEMHCA minimum (\$143), or \$100.10 per month. In addition to the PEMHCA minimum, ESTA pays administrative fees of 0.24% per premium. Also, survivor benefits are available.

Plan membership. On July 1, 2019, the most recent valuation date, membership consisted of the following:

Inactive plan members or beneficiaries currently receiving benefit payments	4
Active plan members	50

Contributions. The contribution requirements of Plan members and ESTA are established and amended by ESTA. The required contribution is based on projected pay-as-you-go financing requirements. ESTA has established an irrevocable for prefunding plan benefits, but no deposits have been made as of the measurement date.



**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Net OPEB Liability

ESTA's Net OPEB Liability was measured as of June 30, 2020 and the Total OPEB Liability used to calculate the Net OPEB Liability was determined by an actuarial valuation as of July 1, 2019. Standard actuarial update procedures were used to project/discount from valuation to measurement dates.

Actuarial assumptions. The total OPEB liability was determined using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified:

Actuarial cost method	Entry Age, Level Percent of Pay
Valuation of fiduciary net position	No assets held in an irrevocable trust as of the measurement date.
Recognition of deferred inflows and outflows of resources	Closed period equal to the average of the expected remaining service lives of all employees provided with OPEB
Salary increases	3.00 percent
Inflation rate	3.00 percent
Healthcare cost trend rate	5.90 percent for 2020; 5.80 percent for 2021; 5.70 percent for 2022; and decreasing 0.10 percent per year to an ultimate rate of 5.00 percent for 2029 and later years
Preretirement Mortality	RP-2014 Employee Mortality, without projection
Postretirement Mortality	RP-2014 Healthy Annuitant Mortality, without projection

Actuarial assumptions used in the July 1, 2019 valuation were based on a review of plan experience during the period July 1, 2017 to June 30, 2019.

Discount rate. GASB 75 requires a discount rate that reflects the following:

- a) The long-term expected rate of return on OPEB plan investments – to the extent that the OPEB plan's fiduciary net position (if any) is projected to be enough to make projected benefit payments and assets are expected to be invested using a strategy to achieve that return.
- b) A yield or index rate for 20-year, tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher – to the extent that the conditions in (a) are not met.

To determine a resulting single (blended) rate, the amount of the plan's projected fiduciary net position (if any) and the amount of projected benefit payments is compared in each period of projected benefit payments. The discount rate used to measure ESTA's Total OPEB liability is based on these requirements and the following information:

Reporting Date	Measurement Date	Long-Term Expected Return of Plan Investments (if any)	Fidelity GO AA 20 Years Municipal Index	Discount Rate
June 30, 2020	June 30, 2019	4.00%	3.13%	3.13%
June 30, 2021	June 30, 2020	4.00%	2.45%	2.45%



**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

The components of the net OPEB liability were as follows:

Total OPEB liability	1,132,767
Plan fiduciary net position	0
Net OPEB liability	\$1,132,767
Measurement date	June 30, 2020
Reporting date	June 30, 2021
Covered payroll	\$1,361,712
Net OPEB liability (asset) as a percentage of covered payroll	83.19%
Plan fiduciary net position as a percentage of the total OPEB liability	0.00%

Schedule of Changes in Net OPEB Liability (June 30, 2019 to June 30, 2020)

Total OPEB Liability	
Service Cost	147,791
Interest	31,389
Changes of benefit terms	0
Difference between expected and actual experience	0
Changes in assumptions or other inputs	100,632
Benefit payments ¹	(4,151)
Net change in total OPEB liability	275,661
Total OPEB liability – June 30, 2019 (a)	\$857,106
Total OPEB liability – June 30, 2020 (b)	\$1,132,767
Plan fiduciary net position	
Contributions – employer ¹	4,151
Net investment income	0
Benefit payments ¹	(4,151)
Trustee fees	0
Administrative expense	0
Net change in plan fiduciary net position	0
Plan fiduciary net position – June 30, 2019 (c)	\$0
Plan fiduciary net position – June 30, 2020 (d)	\$0
Net OPEB liability – June 30, 2019 (c) – (a)	\$857,106
Net OPEB liability – June 30, 2020 (d) – (b)	\$1,132,767

¹ Amount includes any implicit subsidy associated with benefits paid (see Footnote 2).



**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Sensitivity of the net OPEB liability to changes in the discount rate. The following presents the net OPEB liability, as well as what the net OPEB liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage-point higher than the current discount rate:

	1% Decrease (1.45%)	Discount Rate (2.45%)	1% Increase (3.45%)
Net OPEB liability (asset)	1,310,731	1,132,767	989,556

Sensitivity of the net OPEB liability to changes in the healthcare cost trend rates. The following presents the net OPEB liability, as well as what the net OPEB liability would be if it were calculated using healthcare cost trend rates that are 1-percentage-point lower or 1-percentage-point higher than the current healthcare cost trend rates:

	1% Decrease (4.90% for 2020, 4.00% ultimate, 3.00% at Medicare ages)	Trend Rate (5.90% for 2020, 5.00% ultimate, 4.00% Medicare at ages)	1% Increase (6.90% 2020, 6.00% ultimate, 5.00% at Medicare ages)
Net OPEB liability (asset)	972,098	1,132,767	1,333,824



**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Statement of Changes in Fiduciary Net Position

Additions	
Employer contributions ²	4,151
Investment income:	
Net increase in fair value of investments	0
Total additions	4,151
Deductions	
Trustee fees	0
Administrative expense	0
Benefit payments ²	4,151
Total deductions	4,151
Net increase in net position	0
Net position restricted for postemployment benefits other than pensions	
Beginning of year – June 30, 2019	\$0
End of year – June 30, 2020	\$0

² Includes \$3,422 of pay-as-you-go contributions made from sources outside of trust, plus an implicit subsidy amounts of \$729.

**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

On June 30, 2021, ESTA's deferred outflows of resources and deferred inflows of resources to OPEB from the following sources are:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between expected and actual experience ^{3,4}	0	10,718
Changes in assumptions or other inputs ^{3,4}	115,844	17,871
Differences between projected and actual return investments ^{3,4}	0	0
Total	\$115,844⁵	\$28,589

³ Measured on June 30, 2020.

⁴ See Schedule of Deferred Outflows and Inflows of Resources for additional information.

⁵ Does not include ESTA contributions made after the measurement date, which will be recognized as a reduction of the Net OPEB Liability in the year ending June 30, 2021. We recommend also including an adjustment for implicit subsidy that is equal to the amount of actual ESTA-paid premiums on behalf of retirees (from trust and non-trust) multiplied by 0.2131.

Amounts reported as deferred outflows and deferred inflows of resources will be recognized in OPEB expense as follows:

Fiscal Year ending June 30:	Deferred Outflows of Resources	Deferred Inflows of Resources
2022	33,468	(10,796)
2023	33,468	(10,796)
2024	33,468	(6,326)
2025	15,440	(671)
2026	0	0
2027	0	0
2028	0	0
2029	0	0
2030	0	0



**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Schedule of Deferred Outflows of Resources

Year	Type	Category	Initial Base	Amortization Period	Annual Recognition	Current Balance
2017	Deferred Outflow	Difference between expected and actual experience	0	0.0	0	0
2017	Deferred Outflow	Changes in assumptions or other inputs	0	0.0	0	0
2017	Deferred Outflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2018	Deferred Outflow	Difference between expected and actual experience	0	0.0	0	0
2018	Deferred Outflow	Changes in assumptions or other inputs	0	0.0	0	0
2018	Deferred Outflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2019	Deferred Outflow	Difference between expected and actual experience	0	0.0	0	0
2019	Deferred Outflow	Changes in assumptions or other inputs	0	0.0	0	0
2019	Deferred Outflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2020	Deferred Outflow	Difference between expected and actual experience	0	0.0	0	0
2020	Deferred Outflow	Changes in assumptions or other inputs	60,271	5.2	11,591	37,089
2020	Deferred Outflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2021	Deferred Outflow	Difference between expected and actual experience	0	4.6	0	0
2021	Deferred Outflow	Changes in assumptions or other inputs	100,632	4.6	21,877	78,755
2021	Deferred Outflow	Net difference between projected and actual earnings on plan investments	0	5.0	0	0
					Total	115,844



**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Schedule of Deferred Inflows of Resources

Year	Type	Category	Initial Base	Amortization Period	Annual Recognition	Current Balance
2017	Deferred Inflow	Difference between expected and actual experience	0	0.0	0	0
2017	Deferred Inflow	Changes in assumptions or other inputs	0	0.0	0	0
2017	Deferred Inflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2018	Deferred Inflow	Difference between expected and actual experience	0	0.0	0	0
2018	Deferred Inflow	Changes in assumptions or other inputs	0	0.0	0	0
2018	Deferred Inflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2019	Deferred Inflow	Difference between expected and actual experience	0	0.0	0	0
2019	Deferred Inflow	Changes in assumptions or other inputs	40,212	5.4	7,447	17,871
2019	Deferred Inflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2020	Deferred Inflow	Difference between expected and actual experience	17,416	5.2	3,349	10,718
2020	Deferred Inflow	Changes in assumptions or other inputs	0	0.0	0	0
2020	Deferred Inflow	Net difference between projected and actual earnings on plan investments	0	0.0	0	0
2021	Deferred Inflow	Difference between expected and actual experience	0	4.6	0	0
2021	Deferred Inflow	Changes in assumptions or other inputs	0	4.6	0	0
2021	Deferred Inflow	Net difference between projected and actual earnings on plan investments	0	5.0	0	0
					Total	28,589



**Eastern Sierra Transit Authority
 Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Net OPEB Expense

ESTA's Net OPEB expense was \$201,852.

Net OPEB Liability – beginning (a)	\$857,106
Net OPEB Liability – ending (b)	\$1,132,767
Change in Net OPEB Liability [(b)-(a)]	275,661
Change in Deferred Outflows	(67,164)
Change in Deferred Inflows	(10,796)
Employer Contributions	4,151
Adjustment	0
Net OPEB Expense – June 30, 2019 to June 30, 2020	\$201,852

Service Cost	147,791
Interest Cost	31,389
Expected Return on Assets	0
Changes of benefit terms	0
Recognition of Deferred Outflows and Inflows	
Differences between expected and actual experience	(3,349)
Changes of assumptions	26,021
Differences between projected and actual investments	0
Total	22,672
Adjustment	0
Net OPEB Expense – June 30, 2019 to June 30, 2020	\$201,852

Actuarially Determined Contribution

The actuarially determined contributions from the most recent actuarial valuation are:

Actuarially Determined Contribution for year ending June 30, 2020 ⁶	\$164,229
Actuarially Determined Contribution for year ending June 30, 2021 ⁶	169,156

Valuation Date	July 1, 2019
Discount Rate (Expected Long-term Return on Assets)	4.00%
Salary Increases	3.00%

⁶ For purposes of reporting the comparison between actual employer OPEB contributions and the actuarially determined contribution, we recommend adjusting actual employer OPEB contributions for any associated implicit subsidy. The adjustment for implicit subsidy should equal the amount of actual ESTA-paid premiums on behalf of retirees (from trust and non-trust) multiplied by a factor of 0.2131.



**Eastern Sierra Transit Authority
Post-Employment Medical Benefits Plan**

GASB 75 Disclosure Information

Actuarial Certification

The results set forth in this supplement are based on our actuarial valuation of the health and welfare benefit plans of the Eastern Sierra Transit Authority as of July 1, 2019.

The valuation was performed in accordance with generally accepted actuarial principles and practices. We relied on census data for active employees and retirees provided to us by ESTA. We also made use of claims, premium, expense, and enrollment data, and copies of relevant sections of healthcare documents provided to us by ESTA, and (when applicable) trust statements prepared by the trustee and provided to us by ESTA.

The assumptions used in performing the valuation, as summarized in this report, and the results based thereupon, represent our best estimate of the actuarial costs of the program under GASB 74 and GASB 75, and the existing and proposed Actuarial Standards of Practice for measuring post-retirement healthcare benefits.

Each undersigned actuary meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained in this report.

Certified by:



Carlos Diaz, ASA, EA, MAAA
Actuary

Eastern Sierra Transit Authority
c/o California School Boards Association

STAFF REPORT

Subject: Financial Report – FY 2021/22
Initiated by: Karie Bentley, Administration Manager

The year-to-date roll-up and year end forecast for the 2021/22 fiscal year are included on the following pages. Reports are as of November 4, 2021.

Much of ESTA's revenue is claimed on a reimbursement basis so it is normal to see low revenue amounts early in the year. All revenue is coming in as expected.

Gas was budgeted at \$4.50 per gallon and averaged \$3.87 per gallon in October, with a fiscal year average of \$3.68 per gallon (18% below budget).

Overall maintenance and fuel costs are low due to not yet having the invoices for Mammoth base expenses for August, September and October.

Reds Meadow generated over \$531K in revenue this year and a transfer in the amount of \$31,873 was made into the Reds Road Maintenance Fund, \$1 for each adult rider.

A budget appropriation to fund a radio purchase will be presented to the Board as an action item today.

Budget amendments for expanded service for Dial A Ride in Bishop, funded with the RTAP Community Rides Grant will be brought to the Board next month.

The table below details the year-to-date revenue and expenses by budget line item and includes a year-end forecast for currently budgeted items.

Financial information as of: 11/4/2021 % of Fiscal Year: 35%

153299 - EASTERN SIERRA TRANSIT - ROLL UP

OPERATING Revenue		FY21/22 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
4061	LOCAL TRANSPORTATION TAX	1,482,698	266,723	1,215,975	18%	1,482,698	-	\$50,134 will fund Site Improvement in capital budget
4065	STATE TRANSIT ASST	338,363	-	338,363	0%	338,363	-	
4301	INTEREST FROM TREASURY	25,000	-	25,000	0%	25,000	-	
4498	STATE GRANTS	34,142	34,142	-	100%	34,142	-	
4499	STATE OTHER	76,449	-	76,449	0%	76,449	-	
4555	FEDERAL GRANTS	1,440,845	-	1,440,845	0%	1,440,845	-	
4599	OTHER AGENCIES	1,147,731	208,576	939,155	18%	1,147,731	-	\$69K of budget is Capital for Trolley
4819	SERVICES & FEES	1,861,192	692,371	1,168,821	37%	1,861,192	-	
4959	MISCELLANEOUS REVENUE	12,000	6,644	5,356	55%	12,000	-	
	Revenue Total:	6,418,420	1,208,455	5,209,965	19%	6,418,420	-	

Operating Expenditure:		FY21/22 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5001	SALARIED EMPLOYEES	1,552,029	427,450	1,124,579	28%			
5003	OVERTIME	125,662	36,862	88,800	29%			
5005	HOLIDAY OVERTIME	124,726	18,330	106,396	15%			
5012	PART TIME EMPLOYEES	480,243	142,028	338,215	30%			
	Wages subtotal	2,282,660	624,669	1,657,991	27%	2,282,660	-	
5021	RETIREMENT & SOCIAL SECURITY	57,216	12,925	44,291	23%	57,216	-	
5022	PERS RETIREMENT	260,870	74,732	186,138	29%	260,870	-	
5025	RETIREE HEALTH BENEFITS	2,640	-	2,640	0%	2,640	-	
5031	MEDICAL INSURANCE	258,790	53,913	204,877	21%	258,790	-	
5043	OTHER BENEFITS	37,999	6,487	31,512	17%	37,999	-	
5045	COMPENSATED ABSENCE EXPENSE	160,001	37,492	122,509	23%	160,001	-	
5046	OPEB EXPENSE	59,539	59,539	-	100%	59,539	-	
5047	EMPLOYEE INCENTIVES	6,300	184	6,116	3%	6,300	-	
5111	CLOTHING	1,500	403	1,097	27%	1,500	-	
5152	WORKERS COMPENSATION	105,500	105,033	467	100%	105,500	-	
5154	UNEMPLOYMENT INSURANCE	45,000	-	45,000	0%	45,000	-	
5158	INSURANCE PREMIUM	202,770	202,297	473	100%	202,770	-	
5171	MAINTENANCE OF EQUIPMENT	787,673	132,766	654,907	17%	787,673	-	
5173	MAINTENANCE OF EQUIPMENT-MA	18,400	3,364	15,036	18%	18,400	-	
5191	MAINTENANCE OF STRUCTURES	5,000	-	5,000	0%	5,000	-	
5211	MEMBERSHIPS	1,320	219	1,101	17%	1,320	-	
5232	OFFICE & OTHER EQUIP < \$5,000	21,015	7,558	13,457	36%	21,015	-	

Operating Expenditure:		FY21/22 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5238	OFFICE SUPPLIES	8,500	3,432	5,068	40%	8,500	-	
5253	ACCOUNTING & AUDITING SERVICE	49,750	8,588	41,163	17%	49,750	-	
5260	HEALTH - EMPLOYEE PHYSICALS	7,001	545	6,456	8%	7,001	-	
5263	ADVERTISING	42,202	9,913	32,289	23%	42,202	-	
5265	PROFESSIONAL & SPECIAL SERVICE	446,593	75,917	370,676	17%	446,593	-	
5291	OFFICE, SPACE & SITE RENTAL	208,297	63,696	144,601	31%	208,297	-	
5311	GENERAL OPERATING EXPENSE	104,716	19,927	84,789	19%	104,716	-	
5326	LATE FEES & FINANCE CHARGES	300	61	239	20%	300	-	
5331	TRAVEL EXPENSE	16,499	3,302	13,197	20%	16,499	-	
5332	MILEAGE REIMBURSEMENT	32,355	3,346	29,009	10%	32,355	-	
5351	UTILITIES	68,204	7,271	60,933	11%	68,204	-	
5352	FUEL & OIL	684,902	98,901	586,001	14%	684,902	-	
5539	OTHER AGENCY CONTRIBUTIONS	30,000	-	30,000	0%	30,000	-	
5901	CONTINGENCIES	100,000	-	100,000	0%	100,000	-	
	Expenditure Total:	6,113,512	1,616,479	4,497,033	26%	6,113,512		

TRANSFERS Expenditure		FY21/22 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5798	CAPITAL REPLACEMENT	185,780	-	185,780	-	185,780	-	
	Expenditure Total:	185,780	-	185,780	-	185,780	-	

NET TRANSFERS -

Projected Revenue less Projected Expenses:	304,908
Less Capital Trolley Match:	69,000
Less Capital Replacement Transfers:	185,780
Less Capital Structures & Improvements:	50,136
Operating Balance:	(8)

CAPITAL ACCOUNT Revenue		FY21/22 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
4066	PTMISEA	92,000	-	92,000	0%	92,000	-	
4067	STATE TRANSIT ASST-CAPITAL	383,698	-	383,698	0%	383,698	-	Vehicle matching funds
4495	STATE GRANTS - CAPITAL	19,188	19,118	70	100%	19,188	-	LCTOP Electric Vehicle
4557	FEDERAL GRANTS - CAPITAL	1,376,575	-	1,376,575	0%	1,376,575	-	Vehicles(5310, 5339a)
Revenue Total:		1,871,461	19,118	1,852,343	1%	1,871,461	-	

Capital Expenditures

5640	STRUCTURES & IMPROVEMENTS	50,136	46,730	3,406	93%	50,136	-	Bishop Admin Office Related, maybe reclassified at a later date. Funded with operating revenue.
5650	EQUIPMENT	10,000	6,240	3,760	62%	10,000	-	Reds Meadow Radios & Charger
5655	VEHICLES	2,074,119	-	2,074,119	0%	2,074,119	-	New Vehicles (5310, 5339(a))
Expenditure Total:		2,134,255	52,970	2,081,285	2%	2,134,255	-	

Projected Capital Revenue Less Projected Expenses :

(262,794)

COUNTY OF INYO

Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As of 11/4/2021

Object	Description	Budget	Actual	Encumbrance	Balance	%
Key: 153298 - ESTA - BUDGET						
OPERATING						
Revenue						
Expenditure						
NET OPERATING		0.00	0.00	0.00	0.00	
CAPITAL ACCOUNT						
Revenue						
NET CAPITAL ACCOUNT		0.00	0.00	0.00	0.00	
Key: 153299 - EASTERN SIERRA TRANSIT						
OPERATING						
Revenue						
4061	LOCAL TRANSPORTATION TAX	1,482,698.00	266,722.65	0.00	1,215,975.35	17.98
4065	STATE TRANSIT ASST	338,363.00	0.00	0.00	338,363.00	0.00
4301	INTEREST FROM TREASURY	25,000.00	0.00	0.00	25,000.00	0.00
4498	STATE GRANTS	34,142.00	34,142.00	0.00	0.00	100.00
4499	STATE OTHER	76,449.00	0.00	0.00	76,449.00	0.00
4555	FEDERAL GRANTS	1,440,845.00	0.00	0.00	1,440,845.00	0.00
4599	OTHER AGENCIES	1,147,731.00	208,575.60	0.00	939,155.40	18.17
4819	SERVICES & FEES	1,861,192.00	692,370.97	0.00	1,168,821.03	37.20
4959	MISCELLANEOUS REVENUE	12,000.00	6,644.19	0.00	5,355.81	55.36
Revenue Total:		6,418,420.00	1,208,455.41	0.00	5,209,964.59	18.82
Expenditure						
5001	SALARIED EMPLOYEES	1,552,029.00	427,449.56	0.00	1,124,579.44	27.54
5003	OVERTIME	125,662.00	36,862.09	0.00	88,799.91	29.33
5005	HOLIDAY OVERTIME	124,726.00	18,329.51	0.00	106,396.49	14.69
5012	PART TIME EMPLOYEES	480,243.00	142,028.17	0.00	338,214.83	29.57
5021	RETIREMENT & SOCIAL SECURITY	57,216.00	12,925.37	0.00	44,290.63	22.59
5022	PERS RETIREMENT	260,870.00	74,731.67	0.00	186,138.33	28.64
5025	RETIREE HEALTH BENEFITS	2,640.00	0.00	0.00	2,640.00	0.00
5031	MEDICAL INSURANCE	258,790.00	53,912.59	0.00	204,877.41	20.83
5043	OTHER BENEFITS	37,999.00	6,487.20	0.00	31,511.80	17.07
5045	COMPENSATED ABSENCE EXPENSE	160,001.00	37,491.82	0.00	122,509.18	23.43
5046	OPEB EXPENSE	59,539.00	59,539.00	0.00	0.00	100.00
5047	EMPLOYEE INCENTIVES	6,300.00	183.84	0.00	6,116.16	2.91
5111	CLOTHING	1,500.00	403.15	0.00	1,096.85	26.87
5152	WORKERS COMPENSATION	105,500.00	105,033.00	0.00	467.00	99.55
5154	UNEMPLOYMENT INSURANCE	45,000.00	0.00	0.00	45,000.00	0.00
5158	INSURANCE PREMIUM	202,770.00	202,297.00	0.00	473.00	99.76
5171	MAINTENANCE OF EQUIPMENT	787,673.00	132,766.45	0.00	654,906.55	16.85
5173	MAINTENANCE OF EQUIPMENT-	18,400.00	3,364.02	0.00	15,035.98	18.28
5191	MAINTENANCE OF STRUCTURES	5,000.00	0.00	0.00	5,000.00	0.00
5211	MEMBERSHIPS	1,320.00	219.00	0.00	1,101.00	16.59
5232	OFFICE & OTHER EQUIP < \$5,000	21,015.00	7,558.31	0.00	13,456.69	35.96
5238	OFFICE SUPPLIES	8,500.00	3,432.13	0.00	5,067.87	40.37
5253	ACCOUNTING & AUDITING SERVICE	49,750.00	8,587.50	0.00	41,162.50	17.26
5260	HEALTH - EMPLOYEE PHYSICALS	7,001.00	544.54	0.00	6,456.46	7.77
5263	ADVERTISING	42,202.00	9,912.54	0.00	32,289.46	23.48
5265	PROFESSIONAL & SPECIAL SERVICE	446,593.00	75,916.66	0.00	370,676.34	17.00
5291	OFFICE, SPACE & SITE RENTAL	208,297.00	63,695.98	0.00	144,601.02	30.57

COUNTY OF INYO
Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As of 11/4/2021

Object	Description	Budget	Actual	Encumbrance	Balance	%
5311	GENERAL OPERATING EXPENSE	104,716.00	19,926.54	0.00	84,789.46	19.02
5326	LATE FEES & FINANCE CHARGES	300.00	61.09	0.00	238.91	20.36
5331	TRAVEL EXPENSE	16,499.00	3,302.41	0.00	13,196.59	20.01
5332	MILEAGE REIMBURSEMENT	32,355.00	3,346.08	0.00	29,008.92	10.34
5351	UTILITIES	68,204.00	7,271.17	0.00	60,932.83	10.66
5352	FUEL & OIL	684,902.00	98,901.07	0.00	586,000.93	14.44
5539	OTHER AGENCY CONTRIBUTIONS	30,000.00	0.00	0.00	30,000.00	0.00
5901	CONTINGENCIES	100,000.00	0.00	0.00	100,000.00	0.00
	Expenditure Total:	<u>6,113,512.00</u>	<u>1,616,479.46</u>	<u>0.00</u>	<u>4,497,032.54</u>	<u>26.44</u>
NET OPERATING		<u>304,908.00</u>	<u>(408,024.05)</u>	<u>0.00</u>	<u>712,932.05</u>	
NON-OPERATING Revenue						
NET NON-OPERATING		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
CAPITAL ACCOUNT Revenue						
4066	PTMISEA	92,000.00	0.00	0.00	92,000.00	0.00
4067	STATE TRANSIT ASST-CAPITAL	383,698.00	0.00	0.00	383,698.00	0.00
4495	STATE GRANTS - CAPITAL	19,188.00	19,118.00	0.00	70.00	99.63
4557	FEDERAL GRANTS - CAPITAL	1,376,575.00	0.00	0.00	1,376,575.00	0.00
	Revenue Total:	<u>1,871,461.00</u>	<u>19,118.00</u>	<u>0.00</u>	<u>1,852,343.00</u>	<u>1.02</u>
Expenditure						
5640	STRUCTURES & IMPROVEMENTS	50,136.00	46,730.39	0.00	3,405.61	93.20
5650	EQUIPMENT	10,000.00	6,239.86	0.00	3,760.14	62.39
5655	VEHICLES	2,074,119.00	0.00	0.00	2,074,119.00	0.00
	Expenditure Total:	<u>2,134,255.00</u>	<u>52,970.25</u>	<u>0.00</u>	<u>2,081,284.75</u>	<u>2.48</u>
NET CAPITAL ACCOUNT		<u>(262,794.00)</u>	<u>(33,852.25)</u>	<u>0.00</u>	<u>(228,941.75)</u>	
TRANSFERS Revenue						
Expenditure						
5798	CAPITAL REPLACEMENT	185,780.00	0.00	0.00	185,780.00	0.00
	Expenditure Total:	<u>185,780.00</u>	<u>0.00</u>	<u>0.00</u>	<u>185,780.00</u>	<u>0.00</u>
NET TRANSFERS		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
153299 Total:		<u>(143,666.00)</u>	<u>(441,876.30)</u>	<u>0.00</u>	<u>298,210.30</u>	

COUNTY OF INYO
UNDESIGNATED FUND BALANCES

AS OF 06/30/2022

	Claim on Cash 1000	Accounts Receivable 1100,1105,1160	Loans Receivable 1140	Prepaid Expenses 1200	Accounts Payable 2000	Loans Payable 2140	Deferred Revenue 2200	Computed Fund Balance	Encumbrances	Fund Balance Undesignated
ESTA - EASTERN SIERRA TRANSIT AUTHORI										
1532 EASTERN SIERRA TRANSIT	3,284,022	203,633	25,398		29,096			3,483,957		3,483,957
1533 ESTA ACCUMULATED	1,525,100							1,525,100		1,525,100
1534 ESTA GENERAL RESERVE	534,916							534,916		534,916
1535 ESTA BUDGET STAB	213,964							213,964		213,964
1536 REDS MEADOW ROAD	144,684							144,684		144,684
6809 SRTP TRANSPORT PLAN						14,006		(14,006)		(14,006)
6820 NON-EMERGENCY TRAN REIM						5,398		(5,398)		(5,398)
6821 BISHOP YARD-ESTA	80					5,008		(4,928)		(4,928)
6822 LCTOP-ELECTRIC VEHICLE	162,989							162,989		162,989
6824 ESTA-LCTOP	27,858				2	985		26,871		26,871
6825 BISHOP ADMIN BUILDING	71,013							71,013		71,013
ESTA Totals	5,964,626	203,633	25,398		29,098	25,397		6,139,162		6,139,162
Grand Totals	5,964,626	203,633	25,398		29,098	25,397		6,139,162		6,139,162

STAFF REPORT

Subject: Ridership Report August and September 2021
Presented by: Phil Moores, Executive Director

Executive Summary

Unsurprisingly, overall ridership increased in August and September compared to last year. Compared to pre-Covid, August was 40% down and September was 55% down. The larger drop in September was due to Closing Reds Meadow Shuttle before Labor Day.

August Ridership Report					
Route	Pre-Covid April 2019	Covid 2020	Current 2021	Change Current vs. Last year	% Change Current vs Pre-Covid
BEN	37.00	7.00	4.00	-3	-89.19%
BISDAR	3,910.00	2,158.00	3,161.00	1,003	-19.16%
BISFR	305.00	285.00	257.00	-28	0.00%
BPTCAR	6.00	12.00	2.00	-10	-66.67%
LANC	754.00	290.00	598.00	308	-20.69%
LP/BIS	390.00	165.00	287.00	122	-26.41%
LPDAR	360.00	312.00	374.00	62	3.89%
MAMFR	60,117.00	23,164.00	36,067.00	12,903	-40.01%
MDAR	352.00	79.00	134.00	55	-61.93%
MMSA	239.00	0.00	0.00	0	0.00%
MULE	0.00	0.00	0.00	0	0.00%
MXP	514.00	274.00	258.00	-16	-49.81%
NRIDER	387.00	78.00	223.00	145	-42.38%
REDS	63,221.00	0.00	36,346.00	36,346	-42.51%
RENO	1,246.00	560.00	1,001.00	441	-19.66%
WLK	132.00	20.00	10.00	-10	-92.42%
Total	131,970	27,404	78,722	51,318	-40%

September Ridership Report					
Route	Pre-Covid April 2019	Covid 2020	Current 2021	Change Current vs. Last year	% Change Current vs Pre-Covid
BEN	39.00	7.00	9.00	2	-76.92%
BISDAR	3,522.00	2,197.00	2,434.00	237	-30.89%
BISFR	20.00	42.00	12.00	-30	-40.00%
BPTCAR	12.00	18.00	10.00	-8	-16.67%
LANC	608.00	274.00	373.00	99	-38.65%
LP/BIS	366.00	212.00	250.00	38	-31.69%
LPDAR	417.00	347.00	383.00	36	-8.15%
MAMFR	24,783.00	10,052.00	15,479.00	5,427	-37.54%
MDAR	249.00	103.00	111.00	8	-55.42%
MMSA	0.00	0.00	0.00	0	0.00%
MULE	0.00	0.00	0.00	0	0.00%
MXP	397.00	164.00	223.00	59	-43.83%
NRIDER	313.00	101.00	253.00	152	-19.17%
REDS	13,366.00	0.00	71.00	71	-99.47%
RENO	990.00	414.00	723.00	309	-26.97%
WLK	118.00	21.00	31.00	10	-73.73%
Total	45,200	13,952	20,362	6,410	-54.95%

STAFF REPORT

Subject: Vehicle Replacement Plan
Presented by: Phil Moores, Executive Director

ESTA's fleet of vehicles is its largest capital asset. Replacing the buses and vans requires setting aside funds each year to insure we can cover the 20% grant match expected when awarded a grant to purchase new vehicles. We have four basic categories of vehicle designed to perform on various services. Support vehicles are used to ferry employees around in support of the operation, and are not used in revenue service. Cutaways/vans are used in dial-a-ride and other routes with low to medium ridership. Heavy-duty buses are used in Mammoth to carry large amounts of riders. Trolleys are used in Mammoth for Lakes Basin and Town Trolley routes.

We apply for nearly all grant opportunities with varying success. The process is competitive with fleet age and vehicle miles taken into consideration to determine greatest need among the applicants.

Vehicle replacement costs were provided by dealers and are mostly good through 2022. A 5% inflation per year factor is used, but this is subject to change. The costs in the tables below are an average of diesel and electric vehicle prices. In 2026, we are expected to make 25% of purchases zero emissions buses. In 2028, we are expected to purchase 100% zero emissions buses. I have reason to believe there will be leniency on this requirement, after all, they required it but didn't fully fund it. On the positive side, there have been generous rebates offered when we purchase electric vehicles, and I hope these continue.

I am working with the Town on vehicle replacement planning, which has a Transit fund derived from Transient Occupancy Tax (TOT). Transit, Housing, and Tourism are each afforded a percentage point of the 13% tax (.85, .85, 2.35 respectively). The Transit fund is for more than just ESTA directly and helps with bus stops, etc. The TOT has been performing well and there is a potential range of up to 1% for the transit fund if the Town Council deems it necessary. The table below is not complete because the Town staff is still evaluating the costs against the fund balance. Of particular note is the 2024 jump in costs due to the heavy-duty buses all reaching useful life benchmarks at the same time.

Mammoth Fleet

	TOWN			
Year	Balance	Replacement Cost (20%)	Planned Contribution	\$\$ needed for 100% funded
2021		\$391,902		
2022		\$391,902		
2023		\$411,498		
2024		\$2,344,484		
2025		\$2,562,770		
2026		\$2,690,908		
2027		\$2,936,874		
2028		\$3,083,717		
2029		\$3,483,588		
2030		\$3,657,767		
2031		\$3,840,655		

The remaining ESTA fleet is made up of cutaways and vans serving on the Purple Line, dial-a-rides, and town to town routes. Here is the replacement cost for these vehicles:

Bishop/Mammoth Cutaway/van Fleet

	ESTA			
Year	Balance	Replacement Cost (20%)	Planned Contribution	Remaining \$\$
2021	\$1,306,154	\$509,008	\$185,780	\$982,926
2022	\$1,491,934	\$509,008	\$25,000	\$1,007,926
2023	\$1,516,934	\$556,404	\$25,000	\$985,530
2024	\$1,541,934	\$599,108	\$50,000	\$992,826
2025	\$1,591,934	\$629,064	\$50,000	\$1,012,870
2026	\$1,641,934	\$727,372	\$75,000	\$989,562
2027	\$1,716,934	\$833,938	\$75,000	\$957,996
2028	\$1,791,934	\$875,635	\$100,000	\$1,016,299
2029	\$1,891,934	\$1,635,356	\$100,000	\$356,578
2030	\$1,991,934	\$1,717,124	\$125,000	\$399,810
2031	\$2,116,934	\$1,802,980	\$125,000	\$438,954

As you can see, there are sufficient monies in the fund reserve today to replace the Bishop fleet. Support vehicles will be replaced with the excess remaining dollars. The planned annual contribution is adjusted each year as part of the budget process, and will likely be reduced considerably next year if circumstances allow.

STAFF REPORT

Subject: Grant Funding Opportunity – Fleet Replacement

Initiated by: Karie Bentley, Administration Manager

BACKGROUND:

A call for projects was announced on September 20, 2021 advising of Federal Transit Administration (FTA) funding availability for Bus and Bus Facility Infrastructure Investment Program projects.

ESTA's application seeks to replace three trolleys for use in the Town of Mammoth Lakes. Matching funds for the trolleys will be provided by the Town of Mammoth Lakes.

The application has already been submitted with a draft resolution but requires that an authorizing resolution approved by the board be submitted.

ANALYSIS:

Federal public transportation law (49 U.S.C. 5339(b)) authorizes FTA to award grants for the Grants for Buses and Bus Facilities Program through a competitive process. Grants under this program are for capital projects to replace, rehabilitate, purchase, or lease buses and related equipment, or to rehabilitate, purchase, construct, or lease bus-related facilities.

On September 20, 2021 the FTA Section 5339 Discretionary Bus Program Call for Projects was announced stating, "The Federal Transit Administration (FTA) announces the opportunity to apply for approximately \$409.59 million in fiscal year (FY) 2021 funds under the Grants for Buses and Bus Facilities Program"

The Section 5339 grant funding requires a 15% match for vehicles; however, the Town of Mammoth Lakes is offering a 21% match to improve our chances of being funded.

The application will be part of Caltrans consolidated application and is due to Caltrans on November 16, 2021.

Quantity	Type (Bus, Van, Trolley, etc.)	Class (Type)	Fuel Type	Length	Passenger Capacity	Unit Cost	Total Cost
3	Class T - Hometown Trolley 35' Diesel Freightliner	T	Diesel	35'	35	\$324,587	\$973,761

FINANCIAL:

Award of Section 5339(b) grant funding for replacing three trolleys would entail an approximate \$973,761 expenditure, of which, \$204,490 in matching funds would be provided by the Town of Mammoth Lakes.

LEGAL:

ESTA is an eligible recipient of these Section 5339(b) grant funds and has demonstrated through previous federal grant funding projects that the Authority possesses the required legal, financial, and technical capabilities to receive and administer the federal funding.

RECOMMENDATION:

The Board is requested to pass and approve Resolution 2021-08 authorizing submittal of an application for grant funding under the Federal Transit Administration's Bus and Bus Facilities Infrastructure Investment Program, and to approve the use of matching funds from the Town of Mammoth Lakes.

RESOLUTION NO. 2021-08

**A RESOLUTION OF THE EASTERN SIERRA TRANSIT AUTHORITY BOARD OF DIRECTORS,
RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5339 (49
U.S.C. SECTION 5339(B)) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital/operating assistance projects for non-urbanized public transportation systems under Section 5339 of the Federal Transit Act (**FTA C 5100.1**); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5339 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, *Eastern Sierra Transit Authority* desires to apply for said financial assistance to permit operation of service/purchase of capital equipment in *Mono County*; and

WHEREAS, the *Eastern Sierra Transit Authority* has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the *Eastern Sierra Transit Authority Board of Directors* does hereby Authorize the *Executive Director*, to file and execute applications on behalf of with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5339 of the Federal Transit Act, as amended.

That *Executive Director* is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That *Executive Director* is authorized to provide additional information as the Department may require in connection with the application for the Section 5339 projects.

That *Executive Director* is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5339 project(s).

PASSED AND ADOPTED by the *Eastern Sierra Transit Board of Directors*, State of California, at a regular meeting of said Commission or Board Meeting held on November 12, 2021 the by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest: Linda Robinson
Board Clerk

**Jim Ellis, Chairperson
Eastern Sierra Transit Authority Board
of Directors**

By: _____
Linda Robinson

STAFF REPORT

Subject: Budget Appropriation
Initiated by: Karie Bentley, Administration Manager

Background:

On June 25, 2021 the Board of Directors of Eastern Sierra Transit Authority (ESTA) approved a budget for Fiscal Year 2021-22.

Included in that budget was \$5,000 for a new repeater and associated radio equipment for use on Reds Meadow. The expense was budgeted as follows:

Budget Unit: 153209 - Reds Meadow Budget
Object Code: 5232 - Office & Other Equip <\$5,000

The actual cost of this equipment was \$6,239.96 which qualifies it as a capital purchase allowing the cost to depreciate over time.

The Inyo Counties Auditor's Office is requiring a Budget Appropriation to move budget from operating to capital. This appropriation requires Board approval.

Within the Reds Meadow Budget, \$5,000 will be moved from Object Code: 5232 - Office & Other Equip<\$5,000 and \$1,239.96 will be moved from 5001-Salaried Employees as there will be excess budget in this line item due to employing fewer driver than anticipated during this summer.

Recommendation:

Authorize the attached Appropriation Change Request Form to move \$6,239.86 to Budget Unit 153209 Reds Meadow, Object Code 5650 Equipment from the Reds Meadow line items 5232-Office & Other Equip<\$5,000 and 5001-Salaried Employees

STAFF REPORT

Subject: Hero Pay – Vaccine Incentive

Presented By: Phil Moores, Executive Director

Background:

It has been a long battle with Covid-19, and it isn't over. I am sensing some discouragement as positive cases are on the rise at ESTA. Throughout this pandemic, ESTA employees are faithfully coming to work to ensure vital transportation service remains operating. It is not a stretch to call them heroes for facing the threat of Covid infection, serious illness, or death. Even their families are fearful of what our employees might bring home, yet they will continue to serve the public through these uncertain times.

Analysis/Discussion:

In light of this commitment to our communities and the courage exemplified by our employees, a potential premium pay of \$200 per employee for future service, \$200 with proof of vaccination or booster, and \$100 if ESTA reaches 90% vaccination levels is proposed.

The vaccination/booster deadline of 12/31/21 will allow time for new vaccination appointments and complete the regimen of shots or get a booster to be fully vaccinated. If fully vaccinated, they must get the booster for the incentive, if the time requirement has been met, 6 months for Pfizer or Moderna, 2 months for J & J. This premium pay is earned if fully vaccinated without a booster if a booster isn't recommended by 12/31/2021.

Financial Considerations:

With an active list of 58 employees working this winter, it is estimated that a maximum of \$29,000 will be needed to issue the reward if every goal is reached. A budget amendment will be submitted in the December Board meeting, if approved. The American Rescue Plan Act (ARPA) allows for reimbursement of essential worker premium pay for continuing and future work.

Recommendation:

It is recommended the Board authorize the Executive Director to carry out the Hero Pay – Vaccination Incentive premium pay program within the budget of up to \$29,000 +/- 10%.

STAFF REPORT

Subject: 2021-22 Winter Service Review

Presented By: Phil Moores, Executive Director

The following service ideas and standard offerings are reviewed:

1. The idea of serving trailheads directly with public transit during summer months has been proposed by elected officials as well as the public. The trailhead service is proposed not only to facilitate access to the trails, but to reduce parking congestions at the trailheads. It is not recommended that ESTA take sole responsibility for the Forest Service challenges. The expense and logistics of the project is prohibitive.
2. Increasing Bishop DAR hours is an Unmet Needs request. We received a grant to get this started. After the grant period ends, we will need to find funding to continue this extra service.
3. Weekend Mammoth Express service has been requested to meet the needs of Bishop residents that work and recreate in Mammoth.
4. Weekend 395 Routes - Some of the challenges in delivering these services includes funding, vehicles, and driver availability. The 400-mile corridor itself strains drive-time hour limits and driver stamina. High wind days on the 395 South restricts us to smaller vans when high profile vehicles are prohibited. Still despite these challenges, pilot programs should be considered. We can try to apply for this expansion through 5311(f) next year.
5. Warren and Church stop – adding this stop to existing express and 395 Routes can be done at a near zero cost, but will improve convenience for riders looking to reach downtown Bishop.
6. Bishop Creek Shuttle – This route has performed poorly with little or no ridership growth for the last five years (1.37, 2.35, 2.34, 1.69, and 2.07). ESTA's Strategic Business Plan measures Market Development Routes on a three-year trajectory, with the third year serving as the final year of pilot designation. This route delivers about 266 service hours at about \$90 per hour, \$24,000 annually. The recommendation is to divert these funds toward a Saturday Mammoth Express and/or Bishop DAR expansion. While this is not considered a Winter service, an early decision will help with communication and the Public Hearing process.
7. Airport Service – With little costs, our express routes that begin and end at the Bishop Yard can be extended to the Bishop Airport

1. 395 South Saturday service

Saturdays would likely yield the most ridership on the 395 Routes, and would be a good place to start in expanding this service.

Saturdays, Mammoth or Bishop to Lancaster.

Annual Service Hours: 11 times 52 = 572 annual service hours

Cost: Operational: 572 times \$84 = \$48,048

Capital: \$0

Marketing: \$2,000

Total: **\$53,000**

Funding Source: Fares and

2. 395 North Saturday service

Saturdays, Lone Pine to Sparks connecting to Greyhound (Sacramento) at 2:18pm

Annual Service Hours: 13 hours times 52 = 676 annual service hours

Cost: Operational: 676 times \$84 = \$56,784

Capital: \$0

Marketing: \$2,000

Total: **\$63,000**

Funding Source: Fares and

3. Mammoth Express Saturdays

Two round trips one in the morning and one in the evening.

Annual Service Hours: 50 min one-way, 1:55 roundtrip (includes layover), 52 Saturdays times 1:55 = 100 service hours

Cost: Operational: 100 times \$84 = \$8,400

Capital: \$0

Marketing: \$2,000

Total: **\$10,500**

Funding Source: LCTOP

4. Bishop DAR Expansion

Later evening service and later Sunday service has been requested in Unmet Needs proceedings. A grant application to fund this service is currently under review.

Annual Service Hours: 13.5 weekly hours times 52 = 702 annual service hours. Must add 7.5 dispatch hours and 1.5 hours admin also.

Cost: Operational: \$31,000, includes fuel, maintenance
 Capital: \$0
 Marketing: \$2,100
 Total: **\$33,100**

Funding Source: Community Rides Grant if successful, then Fares and Transportation Development Act (LTF/STA)

5. Trailhead Service

Only the Whitney Portal has the potential for shuttle service to be successful. To succeed, a Lone Pine to the Portal service would require US Forest Service cooperation in the form of restricted access similar to the Reds Meadow model. This includes a manned gate from 7am to 3pm and a mandatory shuttle. Anything short of this would not yield sufficient ridership to sustain the cost of a shuttle system. Even with this, US Forest Service financial support would be needed and expected. Solving Forest Service trailhead parking challenges should not be solely ESTA's responsibility.

The Portal Road would be very hard on buses. The turns and incline increase wear and tear dramatically as we have seen in Reds Meadow. Therefore, vehicle purchasing and replacement would need to be funded. ESTA does not have the vehicles to even start this service and purchasing Trailhead service buses is not a priority since the current Bishop fleet is in need of replacement. A diesel cutaway costs over \$210k, and we would need several to meet the demand if the traffic were restricted. Service and repair of these buses would likely be an hour away in Bishop. This is a large financial undertaking. Assuming all the requirements were met, we still need 4 drivers to cover 14 weekly shifts for only two months of the year. Lone Pine would not likely satisfy this manpower need.

Another consideration is the private shuttle companies that currently serve the trailheads in Inyo County. Any publicly subsidized shuttle service would certainly hurt their business.

As an aside, The Bishop Creek Shuttle has a very low productivity of 2 riders per service hour, and does not generate nearly enough revenue to cover costs. There is a strong argument for cancelling this service.

Annual Service hours: two shifts per day totaling 14 hours times 68 days (July 4th to Labor Day) yields 952 hours.

Cost: Operational: 952 times \$94 = \$89,488
 Capital: \$630,000
 Marketing: \$2,000
 Administration: 2 hours weekly at \$31 times 52 = \$3,224
 First year total: **\$724,712**

Funding Source: fares and USFS

6. Warren and Church Stop (behind Joseph's)

The Unmet Needs meetings revealed a need for 395 Routes to stop in a more central location in Bishop. The only stop is Vons grocery store. This is reasonable to meet, and adding this stop as a call stop will not impact the service very much. As a call stop, the route would not deviate if no one needs the stop.

7. The following table describes proposed service through Spring 2022:

Planned ESTA Services October 2021 through April 2022											
Route	Type	Days of Week							Hours	Service Period	Description
		S	M	T	W	T	F	S			
Walker DAR	DAR		X	X	X	X	X		8am-4:30pm	year-round	1 bus, expand to Bridgeport 1 days
Bridgeport - Carson	LL				X				11am-6:30pm	year-round	1 roundtrip on Wednesday
Walker to Mammoth	LL		X	X	X	X	X		8am-5pm	Tuesdays	Operated by Walker DAR driver. Res. Only
Mammoth DAR	Par		X	X	X	X	X		8am-5pm	year-round	Provides ADA paratransit backup
Purple Line	Cor	X	X	X	X	X	X	X	7am-6pm	year-round	1 bus with 30-minute headways
Mammoth Winter Trolley	Cor	X	X	X	X	X	X	X	5:40p-2am	Through April 21	2 buses with 30-minutes service till 2am
Mammoth Shoulder Season Trolley	Cor	X	X	X	X	X	X	X	7am-10pm	mid-April to mid-June Labor Day till Nov.	2 buses with 30-minutes service till 2am
Mammoth Summer Trolley	Cor	X	X	X	X	X	X	X	7am-2am	May 26-Nov 16	3 buses with 30-minutes service until 10pm. Reduced till 2am
Mammoth Lakes Basin Trolley	Cor	X	X	X	X	X	X	X	8am-6pm	after Labor Day till Oct. 1	2 buses with 30-minutes service, 3 on Sat. 1 bus with 60-minute service and 2 on Sat.
Red Line	Cor	X	X	X	X	X	X	X	7am-5:30pm	Thru April	3 buses with 20-minute service As many as 6 buses on busy days
Blue Line	Cor	X	X	X	X	X	X	X	7am-5:20pm	Thru April	1 bus with 15-minute service
Green Line	Cor	X	X	X	X	X	X	X	7:30am-5:30pm	Thru April	1 bus with 15-minute service
Yellow Line	Cor	X	X	X	X	X	X	X	7:30am-5:30pm	Thru April	1 bus with 20-minute service
Mammoth Express	Com		X	X	X	X	X		see schedule	year-round	8 trips daily
395 Reno	Cor		X	X	X	X	X		see schedule	year-round	1 roundtrip daily
395 Lancaster	Cor		X	X	X	X	X		see schedule	year-round	1 roundtrip daily
Benton - Bishop	LL			X				X	8:30am leave 2:30pm return	year-round	1 roundtrip daily, 2 days per week
Bishop DAR	DAR	X	X	X	X	X	X	X	7am-6:30pm (M-F) 8:30am-6pm (Sat) 8am-1pm (Sun)	year-round	Door-to-door service in Bishop
Nite Rider	DAR							X	6pm-2am	year-round	Friday and Saturday nights (and New Years Eve & Tri-county Fair Sunday)
Bishop Creek Shuttle	MD	X	X	X	X	X	X	X	8am-9:45a 4pm-5:45pm	Weather permitting June 16-Labor Day	RECOMMEND DISCONTINUATION
Lone Pine - Bishop	Com		X	X	X	X	X		see schedule	year-round	6 trips daily
Lone Pine DAR	DAR		X	X	X	X	X		7:30am-3:30pm	year-round	1 bus - door-to-door service
Reds Meadow Shuttle	Cor	X	X	X	X	X	X	X	7am-8pm	June 16-Labor Day	6-11 buses with 20-minute service

Legend: Cor=Core, Chr=Charter, DAR=Dial-a-Ride, Par=Paratransit Required, MD=Market Development, LL=Lifeline, Com=Commuter

Summary

The Bishop DAR expansion grant was awarded award up to \$73,000, we plan on using around \$51,000. January 3, 2022 is the target start date for adding one more hour of DAR service Monday through Thursday.

The Trailhead service is a large and costly service requiring USFS cooperation and funding. ESTA has made some phone calls to test the appetite for partnership, but has not received much response. Considering all the challenges the Trailhead service presents, it is not recommended that ESTA pursues this project any further at this time.

That leaves Saturday Mammoth Express and 395 Route Saturday expansions as the most probable. These each have potential funding sources and have good ridership potential. With the cancellation of Bishop Creek, a pilot Saturday Mammoth Express could start once driver availability is assessed. The 395 Routes should attempt funding through grant application before starting. We can apply next year.

Most of the listed service items are not included in approving a Winter Service Plan. The Bishop Creek Shuttle discontinuation requires a public hearing. The Summer Service Plan will be presented in the Spring for Board consideration.

Recommendation

The Board is requested to approve the Winter Service Plan as presented, or in part per the Item 7 table above.

STAFF REPORT

Subject: 2022 Board Meeting Calendar

Presented By: Phil Moores, Executive Director

Background:

Section 1.5 of the Joint Powers Agreement provides that the Board of Directors shall provide for at least one regular meeting each month.

Analysis/Discussion:

The Board has historically met on the second Friday of each month, alternating the meetings between Bishop and Mammoth two at a time. Virtual meetings will likely continue for a while. Both the ESCOG and League of Cities calendars were consulted. The California League of Cities conference is scheduled for September 7-9, 2022, in Long Beach. Anticipated ESCOG meeting dates are indicated in bold.

Financial Considerations:

None

Recommendation:

It is recommended the Board approve a schedule of dates for the regular meetings of the Board for 2022.

January 14 in Bishop, 9am

July 8 Bishop, 9am

February 11 in Mammoth, 11am

August 12 in Bishop, 11am

March 11 in Bishop, 9am

September 16 in Mammoth, 11am

April 8 in Bishop, 11am

October 14 in Mammoth, 11am

May 13 in Mammoth, 9am

November 18 in Bishop, 9am

June 10 in Mammoth, 11am

December 9 in Bishop, 11am

STAFF REPORT

Subject: Election of 2022 Chairperson and Vice-Chairperson

Presented By: Phil Moores, Executive Director

Background:

Section 2.1 of the Joint Powers Agreement provides that the Board of Directors shall elect a Chair and Vice-Chair from among its members. The ESTA By-Laws specify that the representative elected to the Chair position shall alternate between Inyo and Mono Counties each year, and that the persons elected to the Chair and Vice-Chair positions shall not be from the same county.

Analysis/Discussion:

In keeping with the provisions outlined in the ESTA By-Laws, the Chair for the 2022 year should be from Mammoth Lakes or Mono County. Past practice has been that the Vice-Chair has been elected to the position of Chair in the year following their term as Vice-Chair. Director Sauser from the Town of Mammoth Lakes was elected to the position of Vice-Chair last year. Also, in keeping with the By-Laws, the Vice-Chair for 2022 should be from either Inyo County or the City of Bishop.

Financial Considerations:

None

Recommendation:

It is recommended the Board elect a Chairperson and Vice Chairperson for 2022.

EASTERN SIERRA TRANSIT AUTHORITY

Minutes of Friday, August 13, 2021 Meeting

The meeting of the Board of Directors of the Eastern Sierra Transit Authority was called to order at 11:00 a.m. on Friday, August 13, 2021, via Zoom. The following members were present: Directors Bob Gardner, Dan Tothoroh, Karen Schwartz, Jim Ellis, Bill Sauser, Jeff Griffiths, Kirk Stapp and Rhonda Duggan. Director Ellis led the Pledge of Allegiance.

Public Comment	Ron Cohen Chief Operating Officer for Mammoth Lakes & June Lake Ski Area made a public comment.
Executive Directors Report	Mr. Moores reported on ESTA activities and performance.
Preliminary Financial report FY 2020/21	Ms. Bentley presented Eastern Sierra Transit Authority's Preliminary Financial Report for FY 2020/21 as of August 6, 2021.
Financial Report 2021/22	Ms. Bentley presented the Financial Report for 2021/22 as of August 5, 2021.
Ridership Report	Mr. Moores presented the Ridership Report for May and June, 2021.
Inyo's Public Transportation Modernization, Improvement & Service Enhancement Program (PTMISEA) Corrective Action Plan	Moved by Director Gardner and seconded by Director Duggan to approve Resolution 2021-06—allocating the balance of Inyo's Public Transportation Modernization, Improvement & Service Enhancement Program (PTMISEA) funds (FY 2014-15 and Residual, and interest) currently totally \$92,335 along with all future interest, to the Bishop Dial-A-Ride Vehicle Replacement Project. No Public Comment Roll call vote taken. Motion carried 8-0.
Public Transportation Modernization, Improvement & Service Enhancement Program (PTMISEA) Bus Purchase	Moved by Director Griffiths and seconded by Director Gardner to approve the purchase of a Class B – Starcraft Bus (Allstar) bus from Creative Bus Sales, ordered through the CalACT/MBTA purchasing cooperative in a not-to-exceed amount of \$135,000. The purchase of the bus is included in the FY 2021/22 budget and will be primarily funded with ESTA's remaining Inyo County Prop 1B PTMISEA funds, \$92,355 (\$83,715 in FY 14/15 plus Residual PTMISEA plus \$8,620 in interest, any additional interest accrual that may accrue). The balance of around \$38K will be paid with capital restricted STA funds held by Inyo County, or ESTA's capital replacement funds.

	<p>Roll call vote taken. Motion carried 8-0.</p>
<p>SB-1 State of Good Repair Funding Project List FY 2021-22</p>	<p>Moved by Director Sauser and seconded by Director Schwatz to approve Resolution 2021-07 Approving ESTA's Fiscal Year 2021-22 State of Good Repair project lists.</p> <p>Roll call vote taken. Motion carried 8-0.</p>
<p>Approval of Purchase Order – Electric Van</p>	<p>Moved by Director Griffiths and seconded by Director Totheroh to ratify the purchase of a Class V Ford Transit 350EL van from A-Z Bus Sales, ordered through the CalACT/MBTA purchasing cooperative in a not-to-exceed amount of \$220,000. The purchase of the van is included in the FY 2021/22 budget and will be primarily funded with ESTA's LCTOP funds (~\$181,000). The attached purchase order is for \$209,904. We have applied for a Hybrid Bus Voucher Incentive Project (HVIP) voucher through A-Z Bus Sales in the amount of \$45,000 to help defray the cost of the van. We expect the voucher to be approved, but in the event the voucher fails, the balance will be paid with capital restricted STA funds held by Inyo County, or ESTA's capital replacement funds.</p> <p>Roll call vote taken. Motion carried 8-0.</p>
<p>Consent Agenda: Approval of Regular Meeting Minutes of July 9, 2021. Sierra Employment Services Contract</p>	<p>Moved by Director Gardner and seconded by Director Schwartz to approve the Consent Agenda Consisting of:</p> <p>Approval of Meeting Minutes of July 9, 2021.</p> <p>Sierra Employment Services Contract</p> <p>Roll call vote taken. Motion carried 8-0.</p>
<p>Board Member Comments</p>	<p>.</p> <p>Director Gardner inquired about the difficulty in recruiting drivers and the Lakes Basin docent program.</p> <p>Director Ellis commented that driver recruitment is a national issue. The board needs to figure out answers.</p> <p>Director Totheroh commented on moving into the new county buildings and that the airport is moving along.</p> <p>Director Duggan commented she is looking forward to discussion on recruiting.</p>

Adjournment	The Chairperson adjourned the meeting at 11:56 am The next regular meeting of the Eastern Sierra Transit Authority Board of Directors is scheduled for September 10, 2021 at 11:00 am. Check ESTA website for details on attending the meeting.
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Recorded & prepared by:

Linda Robinson
Board Clerk
Eastern Sierra Transit Authority

Minutes approved:

STAFF REPORT

Subject: Approval of Updated Harassment, Discrimination and
Retaliation Policy

Initiated by: Karie Bentley, Administration Manager

Background:

Eastern Sierra Transit Authority's current Sexual Harassment Policy was last revised in 2011. Review of the policy indicates that it needs to be updated to current standards and to better address other types of harassment and discrimination.

Due to the number of necessary changes, it was decided a template from the California Joint Powers Insurance Authority should be used to ensure all pertinent points were addressed rather than revising the current policy.

Both the existing Sexual Harassment Policy and the new draft Harassment, Discrimination and Retaliation Policy are attached for your review.

Recommendation:

Approve the updated Harassment, Discrimination and Retaliation Policy.



ESTA Harassment, Discrimination and Retaliation Policy

November 12, 2021

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PURPOSE

Eastern Sierra Transit Authority (ESTA) is committed to providing a work environment that is free from discrimination, harassment (including sexual harassment), and/or retaliation. In keeping with this commitment, ESTA maintains a strict policy prohibiting such conduct.

The purpose of this policy is to define and forbid discriminatory, harassing, and/or retaliatory conduct, to prohibit the condoning or perpetuating of such conduct, and to provide an efficient means for reporting and resolving complaints of discrimination, harassment, and/or retaliation against any individual who reports discrimination, harassment, or retaliation, or who participates in an investigation of such reports.

This policy expressly prohibits discrimination and/or harassment of applicants, employees, volunteers, interns, contractors, vendors, or visitors based upon race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth or related medical conditions, veteran status, sexual orientation, gender identity or expression, genetic information, marital status, military or veteran status, sex, age over 40 years or any other basis protected by applicable federal, state, or local law, including association with individuals with these protected characteristics or perception that an individual has one or more of these protected characteristics.

Discrimination, harassment, and/or retaliation are misconduct that can decrease work productivity, decrease morale, and cause emotional and physical damage. Incidents of discrimination, harassment, and/or retaliation can result in serious economic implications such as high turnover, ineffective use of time during working hours, costly salaries paid for nonproductive work hours, and employee absences due to hearings and meetings related to discrimination, harassment, and/or retaliation complaints.

I. POLICY

ESTA's policy strictly prohibits unlawful discrimination or harassment on the basis of an individual's legally protected characteristics, including association with individuals with these protected categories or perception that an individual has one or more of these protected characteristics.

ESTA considers discrimination, harassment, and/or retaliation to be a serious offense and is firmly committed to the philosophy that every employee has the right to work in an environment free from such treatment. Employees are expected to adhere to a standard of conduct that is respectful to all persons within the work environment and compliant with this policy and all applicable federal, state and local laws and regulations governing workplace conduct.

ESTA maintains and follows a strict policy prohibiting unlawful discrimination, harassment, and/or retaliation, in any form. ESTA does not tolerate sexual or other harassment of employees, volunteers, interns, contractors, vendors, or visitors at the work place or in any work-related situation by anyone. If, after a prompt and thorough investigation, an employee, volunteer, intern, or contractor has been determined to have engaged in discrimination, harassment, and/or retaliation, that employee will be disciplined, up to and including discharge.

II. DEFINITIONS

- a. **Legally protected category:** Race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth or related medical conditions, veteran status, sexual orientation, gender identity or expression, genetic information, marital status, military or veteran status, sex, age over 40 years or any other basis protected by applicable federal, state, or local law, including association with individuals with these protected characteristics or perception that an individual has one or more of these protected characteristics.
- b. **Discrimination:** Discrimination is action or conduct by which an employee is treated differently or less favorably than other similarly situated employees for the sole reason that he or she is a member of a legally protected category, associates with individual(s) in a legally protected category, or is perceived as being in a legally protected category. For example, it would be discrimination for an individual to be denied employment or terminated from employment because that individual is 40 years of age or older.
- c. **Harassment:** Unlawful harassment is verbal, visual, or physical conduct based on an employee's membership or perceived membership in a protected category or association with an individual in a protected category that is sufficiently severe or pervasive to affect an employee's work performance negatively or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.

Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, or computer images regarding an employee's legally protected characteristic. Harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by third parties doing business with or for ESTA.

- d. **Sexual harassment:** Sexual harassment is conduct that constitutes an unwelcome sexual advance, proposition, or request

for sexual favors or dating, or any verbal, visual, or physical conduct of a sexual nature. Sexual harassment occurs where:

- i. Submission to such conduct is made a term or condition of employment or relates to the conditional receipt of employment benefits, such as hiring, compensation and advancement;
- ii. Submission to or rejection of such conduct is used as basis for making employment decisions affecting the individual; or
- iii. Such conduct is severe and pervasive to the extent that it has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment can occur between members of the same or opposite sex. Sexual harassment need not be motivated by sexual desire. Sexual harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, harassment by a local agency official, harassment by a subordinate, or harassment by third parties doing business with or for ESTA.

Examples of conduct that can constitute unlawful harassment or sexual harassment include, but are not limited to, the following:

1. Verbal harassment: Verbal sexual advances or propositions, jokes, epithets, derogatory comments or slurs, graphic commentaries about an individual's body or other suggestive or offensive comments made on the basis of a legally protected category.
2. Physical harassment: Assault, unwanted touching, impeding or blocking movement, interference with normal work movement, massages, sitting on laps, or physical behavior of any type based upon a legally protected category.
3. Visual harassment: Leering, derogatory gestures, inappropriate or offensive posters, notices, bulletins, cartoons, drawings, e-mails, content displayed from a computer or cell phone, or other depictions related to a legally protected category.
4. Sexual conduct: Unwelcome sexual advances or propositions, requests for sexual favors, requests for

dates, verbal abuse of a sexual nature, verbal commentary about an individual's body, dress or appearance, sexually explicit jokes, sexually degrading language, suggestive or obscene communications, and other verbal, visual or physical conduct of a sexual nature.

- e. **Retaliation:** Taking adverse employment action against an employee because of (1) the employee's good faith report of or opposition to a practice the employee believes to constitute employment discrimination, harassment, and/or retaliation or (2) because of the employee's participation in an employment discrimination, harassment, and/or retaliation investigation, proceeding, or hearing.

Examples of conduct that can constitute protected activity include, but are not limited to, the following:

- i. Protected good faith opposition to or reporting of perceived or actual discrimination, harassment, and/or retaliation, or refusing to tolerate or engage in prohibited conduct, or threatening to file a complaint with any federal, state, or administrative agency or court. Protected opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. Complaints or oppositions that are intentionally false and/or not made in good faith are not protected.
- ii. Protected participation such as filing a charge, testifying, assisting, or participating in an internal or administrative investigation, proceeding, or hearing, and/or litigation under federal or state statutes.

Examples of conduct that can constitute an adverse employment action include, but are not limited to, the following:

- 1. Adverse employment actions such as disciplinary actions, unwarranted negative performance evaluations, undesirable transfers, negative comments, unwarranted criticism, unwarranted exclusion from meetings or events, or undesirable change in work duties, unwarranted discipline, or any action that is taken because of the employee's complaint of or opposition to harassment or discrimination, or because of the employee's participation in an employment discrimination or harassment investigation, proceeding, or hearing.

- f. **Supervisor:** An employee with the authority to direct employees, address or respond to grievances, hire, transfer, suspend, layoff, recall, promote, discharge, assign, regard, or discipline other employees, or make such recommendations, if, in connection with the foregoing, the exercise of that authority is not merely of a routine or clerical nature, but requires the use of independent judgment.
- g. **Local agency official:** Any member of a local agency legislative body and any elected local agency official.

Contact your supervisor, Human Resources, Administration Manager or other supervisory employee if you have questions regarding these definitions, or if you are uncertain about what constitutes discrimination, harassment, sexual harassment, retaliation, or prohibited conduct under ESTA's policy.

III. REPORTING DISCRIMINATION, HARASSMENT, OR RETALIATION

ESTA encourages reporting of all actual or perceived incidents of discrimination, harassment, and/or retaliation.

If you believe the conduct or actions of a co-worker, volunteer, supervisor, local agency official, contractor, vendor or visitor to be discriminatory, harassing, retaliatory, or otherwise in violation of this policy, you are encouraged, but not required, to inform the person of the conduct that you find offensive and request that the person cease this behavior. If you do not wish to confront the person, or if your attempts to do so have failed, you should file a complaint with ESTA. However, a decision not to confront the person does not prevent the employee from filing a complaint, nor does it in any way exonerate the accused person.

Agency management is readily available and receptive to complaints of discrimination, sexual or other harassment, and/or retaliation. If you feel you are being discriminated against or harassed by, or retaliated against by another employee, volunteer, vendor, visitor, local agency official, or other individual, you should immediately report the facts of the incident and the names of the individuals involved to your immediate supervisor, or to any other supervisor you feel comfortable speaking with. If you do not feel that the matter can be discussed with your immediate supervisor or another supervisor, you should contact Human Resources and arrange for a meeting to discuss your complaint. If you do not feel that the matter can be discussed with Human Resources, you should contact the Administration Manager or Executive Director and arrange for a meeting to discuss your complaint.

Complaints should be made as soon as possible following the incident, and should include the following information:

- a. The employee's name, department and position title.
- b. The name of the person or persons committing the discrimination, harassment, or retaliation, including their titles if known.
- c. The specific nature of the discrimination, harassment, or retaliation, how long it has gone on, and any employment action such as demotion, failure to promote, dismissal, refusal to hire, or transfer taken against the victim as a result of the discrimination, harassment, or retaliation, or any other threats made against the victim as a result of the discrimination, harassment, or retaliation.
- d. Witnesses to the discrimination, harassment, or retaliation.
- e. Whether the victim has previously reported such discrimination, harassment, or retaliation, and, if so, when and to whom.

Your notification to ESTA is essential. ESTA cannot resolve discrimination, harassment, or retaliation problems unless it knows about them. Therefore, it is your responsibility to bring those kinds of problems to the attention of ESTA so that necessary steps can be taken to correct the problem, and we encourage you to do so.

You will not be retaliated against for good faith opposition to or reporting of discrimination, sexual or other harassment, or retaliation problems. It is unlawful for an employer to retaliate against employees who report or oppose practices prohibited by state and federal law, file complaints, or otherwise participate in an investigation, proceeding or hearing conducted by the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission. Similarly, ESTA will not tolerate employees who interfere with internal or administrative investigations and/or complaint procedures.

Employees are reminded that ESTA protects employees from sexual or other harassment by non-employees, such as volunteers, interns, contractors, vendors, local agency officials, or visitors. Any employee who is the victim of harassment by a non-employee or observes this conduct toward another agency employee should report such harassment to his or her immediate supervisor, and appropriate action will be taken.

Employees who observe or are advised about the sexual or other harassment of another employee, volunteer, or intern are encouraged to follow these reporting procedures.

All employees should note that the failure to use ESTA's complaint procedure may have an adverse effect on any legal claim under this policy if such claims are litigated.

IV. SUPERVISOR REPORTING OBLIGATIONS

Any supervisor who receives a complaint of discrimination, harassment, and/or retaliation; witnesses discrimination, harassment, and/or retaliation; or has any reason to believe that discrimination, harassment, and/or retaliation may have occurred in the workplace is required to report the conduct immediately to Human Resources or to the Administration Manager.

A supervisor will be subject to discipline for failing to report offensive conduct that potentially constitutes discrimination, harassment, or retaliation if the supervisor knew or should have known of the offensive conduct in the normal course and scope of their supervisory duties.

V. ANONYMOUS COMPLAINTS

ESTA discourages anonymous complaints. However, any employee who wishes to make a complaint of discrimination, harassment, and/or retaliation, but is uncomfortable disclosing his or her identity may do so by following the above complaint procedure and filing the complaint anonymously with Human Resources or the Administration Manager.

Employees should know, however, that anonymity in the complaint procedure may compromise ESTA's ability to complete a thorough investigation.

Employees should also be aware that should ESTA learn of the identity of an anonymous complainant, ESTA cannot guarantee that his/her identity will remain confidential, if ESTA determines in its discretion that disclosure is necessary to complete the investigation.

VI. ESTA'S RESPONSE TO COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION

a. Investigation of Complaints

All incidents of discrimination, harassment, and/or retaliation that are reported must be investigated by qualified personnel. ESTA will immediately undertake or direct an effective, thorough, impartial, and objective investigation of the discrimination, harassment, and/or retaliation allegations.

The investigation will include obtaining information from the person accused of harassment, discrimination, or retaliation and anyone who may have been a witness to the alleged misconduct.

If you have information to assist ESTA, you are to contact the Human Resources or the Administration Manager. Failure to follow this policy may subject you to discipline.

Employees may be placed on administrative leave until the conclusion of the investigation.

ESTA will document each complaint and track each investigation to ensure reasonable progress, timely closure, and reasonable findings based on the evidence collected.

b. Confidentiality

Any investigation related to a complaint under this policy will be conducted with as much confidentiality as possible and with respect for the rights of all individuals involved. Information related to the investigation will be provided on a “need to know” basis. The confidential nature of the complaint and the investigation is vital in protecting the privacy rights of all parties involved.

The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of discrimination, harassment, and/or retaliation, and to protect the reputation of any employee wrongfully charged with discrimination, harassment, and/or retaliation. However, ESTA retains sole discretion to determine whether disclosure of information is necessary to complete the investigation.

All employees involved in the investigation of discrimination, harassment, and/or retaliation complaints as either investigator(s), complainant(s), witness(es), or accused(s) are required to keep all information related to the investigation confidential. Revealing such information is grounds for disciplinary action, except as expressly permitted by law, such as in discussion with a legal representative.

c. Cooperation with Investigation

All employees involved in a workplace investigation into alleged discrimination, harassment, and/or retaliation are required to fully and truthfully cooperate with the investigation. Failure to fully and truthfully cooperate with the investigation is grounds for disciplinary action, up to and including termination.

It is important for the complaining party, the accused party, and all persons interviewed as witnesses during the investigation to understand that it is a violation of this policy to discuss any

investigation with other employees, or to conduct separate investigations at any time. ESTA will not tolerate any employees who interfere with its own internal investigations or internal complaint procedures.

All employees are prohibited from engaging in retaliation as set forth in this policy.

d. Agency Determination and Corrective Action

ESTA will make its determination and communicate that determination to the complaining and accused parties. Parties are not entitled to copies of any notes or other written materials regarding the investigation, as we consider these confidential documents.

If it is determined that the accused party has violated agency policies, appropriate corrective action will be taken in accordance with established agency disciplinary procedures, up to and including discharge. Further, as part of ESTA's attempt to remedy the complaining party's concerns, ESTA's notice to the complaining party will also advise generally that corrective action has been taken against the accused.

The information and definitions set forth in this policy are based on the legal definitions of discrimination, harassment, and/or retaliation. In light of ESTA's duty to prevent the unlawful conduct defined in this policy, and in light of ESTA's desire to have a respectful work environment, ESTA reserves the right to take appropriate corrective action when an employee engages in inappropriate conduct that does not fully rise to the legal standards set forth herein. For example, ESTA may take appropriate corrective action for inappropriate conduct, even if such conduct was not subjectively unwelcome or offensive, or if it does not meet the legal threshold of severe or pervasive.

e. Bad Faith and Intentionally False Complaints

While ESTA vigorously defends its employees' right to work in an environment free of discrimination, harassment, and/or retaliation, it also recognizes that false accusations of discrimination, harassment, or retaliation can have serious consequences. Any employee who is found, through ESTA's investigation, to have deliberately and falsely accused another person of discrimination, harassment, and/or retaliation will be subject to appropriate disciplinary action, up to and including discharge.

VII. ADDITIONAL ENFORCEMENT INFORMATION

Employees who believe they have been discriminated, harassed, or retaliated against may, within one year of the conduct, also file a complaint of discrimination with the California Department of Fair Employment and Housing ("DFEH") or the federal Equal Employment Opportunity Commission ("EEOC"). The DFEH and/or the EEOC may also investigate and process the complaint. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay and damages.

ESTA trusts that employees will act responsibly to establish a respectful environment free of discrimination, harassment, or retaliation. ESTA encourages you to raise questions regarding discrimination, harassment, or retaliation with your immediate supervisor, your department head, Human Resources or the Administration Manager.

VIII. TRAINING AND POLICY DISSEMINATION

In accordance with AB 1825 and AB 2053, ESTA requires supervisory employees be trained on preventing sexual harassment and abusive conduct in the workplace every two years. In addition, all persons appointed or promoted to supervisory positions shall be trained within six months of the appointment or promotion, if the supervisory employee is a new hire or was promoted from a non-supervisory position.

Supervisory training shall last for a minimum of two hours.

In accordance with AB 1661, ESTA requires members of the local agency legislative body and any elected local agency official who earns any type of compensation, salary, or stipend be trained on preventing sexual harassment. The two-hour training must be completed within six months of taking office, and every two years thereafter. A local agency official who serves more than one local agency may satisfy the training requirements once every two years, without regard to the number of local agencies he or she serves.

ESTA shall also require that non-supervisory employees be trained on preventing sexual harassment in the workplace every two years.

In addition, all employees and local agency officials shall be provided with a link to this document, which will be available on the employee portal. Upon request, given a printed copy of this policy. It will also be included as part of initial new hire orientation with ESTA.

APPENDIX A

**ACKNOWLEDGMENT OF RECEIPT OF
POLICY AGAINST HARASSMENT, DISCRIMINATION,
AND RETALIATION**

This will acknowledge that I have received my copy (linked on the Employee Portal, or hard copy if requested), of Eastern Sierra Transit Authority's Policy Against Harassment, Discrimination, and Retaliation ("Policy") and that I have read the Policy, understand my rights and obligations under the Policy, and agree to be bound by it.

I understand that this Policy represents only current policies, procedures, rights and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, ESTA retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining anyone's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

PRINT FULL NAME _____

SIGNED _____

DATE _____

[RETAIN IN EMPLOYEE PERSONNEL OR OTHER APPROPRIATE FILE]

EASTERN SIERRA TRANSIT AUTHORITY

Sexual Harassment Policy

Sexual harassment is against the law.

ESTA's Policy on Sexual Harassment:

The Eastern Sierra Transit Authority intends to provide employees with a positive working environment based on trust and mutual respect, free from harassment. Sexual harassment, conduct directed at someone because of gender or any other conduct of an intimidating or personally offensive nature is strictly forbidden and will not be tolerated.

No manager or supervisor may threaten that an employee's submission to or rejection of sexual advances will influence wages, advancement, or any other term or condition of employment. No employee may engage in the sexual harassment of anyone with whom the employee must interact as job responsibilities are performed.

Incidents and complaints of harassment will be promptly and thoroughly investigated. When harassment is found to have occurred, ESTA will take prompt and appropriate disciplinary action against the harasser(s) who are employees, up to and including termination. When harassers are not employees, ESTA will take whatever action is within its power to investigate and eliminate the problem.

Any employee who feels he/she has been harassed, or who is aware of another employee, who has, is encouraged to immediately contact one of our organization's representatives responsible for receiving such complaints (listed below). Managers and supervisors who witness or otherwise become aware of incidents or complaints or harassment must immediately report them to the Executive Director or his designee; failure to do so will result in disciplinary action up to and including termination.

No action will be taken against an employee who submits a complaint he/she believes to be valid no matter what the outcome of the investigation. Should anyone employed by or affiliated with ESTA retaliate against an employee because the employee made a complaint or cooperated in an investigation, ESTA will take appropriate disciplinary or other action calculated to stop the retaliation and prevent its recurrence.

The policy applies to all employees full-time, part-time, temporary, elected, at-will, civil service, and non-civil service. It also applies to contractors, vendors, and others who have relationships with ESTA.

Cooperation is Required:

The prevention of sexual harassment and the resolution of sexual harassment issues require the cooperation and support of all ESTA personnel. Everyone is expected to

conduct himself/herself in accordance with this policy, to behave in a manner that does not cause valid claims of sexual harassment, to promptly report incidents and complaints harassment to one of the ESTA's designated representatives (see page 4), and to cooperate with investigations of sexual harassment issues.

Managers and supervisors are to:

- Set an example of appropriate conduct whenever and wherever they interact with employees,
- Maintain a work environment that is harassment free,
- Ensure all personal decisions and actions are made in accordance with the provisions of the ESTA's sexual harassment policy,
- Communicate the sexual harassment policy to employees, contractors, and vendors,
- Promptly report sexual harassment complaints and incidents to the Executive Director or his designee,
- Cooperate in the implementation of corrective action following an investigation, and avoid any conduct that could be perceived as retaliatory against complainants and other employees who cooperate in investigations.

What is sexual harassment?

Sexual harassment is defined as follows:

The Equal Employment Opportunity Commission (EEOC) Guidelines on Discrimination based on sex states:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Thus, as defined by law, sexual harassment includes unwanted sexual advances, or visual, verbal, or physical conduct of sexual nature. It includes suggestive remarks, unwanted touching, and pressure for sexual favors.

The Sexual Harassment Policy applies to conduct between a supervisor and an employee. It also applies to conduct with individuals outside the organization with whom an employee must interact in the performance of job responsibilities, wherever work is being performed.

There are two types of illegal sexual harassment, quid pro quo and hostile work environment. Quid pro quo is harassment that affects any aspect of an employee's terms or conditions of employment. Hostile work environment is sexual harassment that creates a "hostile, intimidating, or offensive environment." A hostile environment can be created by verbal harassment (such as slurs or derogatory comments), physical harassment (such as offensive touching or interference with movement) and visual harassment (such as derogatory drawings or cartoons). Generally, valid work environment complaints must consist of more than one incident, unless a single incident consists of outrageous conduct.

Both opposite sex and same sex harassment are prohibited.

Example of Sexual Harassment

Examples of behaviors that would be considered sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances

Verbal conduct considered harassment:

- Making or using derogatory comments, epithets, slurs or jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature
- Graphic verbal commentaries about an individual's body
- Sexually degrading words used to describe an individual
- Suggestive or obscene letters, notes, or invitations
- Turning work discussions into sexual discussions
- Asking about sexual fantasies, preferences, or history
- Asking personal questions about sexual life
- Making sexual comments about a person's clothing, body or looks
- Telling lies or spreading rumors about a person's sex life

Visual conduct considered harassment:

- Leering (looking at someone in a sexually suggestive manner)
- Making sexual gestures
- Displaying objects, pictures, cartoons, clothing, or posters that are sexually suggestive or that depict men or woman in a sexually suggestive or derogatory manner
- Having sexually suggestive software on a work computer

Physical conduct considered harassment:

- Touching

- Assault
- Impeding or blocking movement
- Hanging around a person
- Unwanted messages or a sexually nature
- Standing closer than appropriate or necessary for the work being done
- Patting, caressing, fondling, or goosing
- Touching or rubbing oneself sexually, around or in view of another person

If you have a question about whether particular conduct is sexual harassment, contact one of your organization's representatives listed below. If you wish, you may ask a question without revealing your identity.

How to Prevent/Stop Sexual Harassment on Your Own:

If you feel someone is harassing you, let that person know how you feel, as directly as possible and as soon as possible. Tell the person what behavior you find offensive and say what you want or don't want to happen, such as "Please don't tell me jokes like that."

However, if for any reason you are not comfortable trying to stop the harassment on your own make a complaint as explained below.

How to Respond if Someone Tells You Your Behavior is Bothering Them:

If another employee, or anyone with who you come in contact with while performing your job tells you your behavior is making them uncomfortable:

- a) Take their word for it.
- b) Don't argue or be defensive. (However, it is ok to ask clarifying questions if you are not sure what behavior is offensive.)
- c) Thank them for telling you and let them know you will stop the offensive behavior.
- d) Be certain not to repeat the behavior that was offensive.

How to Make a Complaint:

If you feel you have been the subject of sexual harassment and are uncomfortable or unsuccessful in stopping harassment on you own, this is what you should do:

1. Contact (by phone, mail or in person):

Our Organization's Representatives for Complaints:

Names: Jill Batchelder
Title: Transit Analyst
Location: 703 Airport Road
Bishop, CA 93514
760.872.1901 ext. 11

2. In the event you are not satisfied with the outcome and feel you need further assistance, you may contact the California Department of Fair Employment and Housing (DFEH). It serves as a neutral fact finder to help individual employees resolve sexual harassment complaints. To find the office nearest you, look in the phone book under State of California, Department of Fair Employment and Housing.

3. If you feel you further assistance, you can also go to the Equal Employment Opportunity Commission (EEOC) or to an attorney.

What Will Happen When You Contact One of Your Organization's Representatives:

The Executive Director or Transit Analyst is responsible for receiving, investigating, and resolving complaints and incidents of harassment.

1. ESTA's representative will take with you to learn about your concerns and obtain information needed to investigate the concerns. In the event allegations are directed toward a member of the Board of Directors, the Executive Director or Director, ESTA intends to utilize a third party independent fact finder to conduct the investigation.

2. Your complaint will be promptly and thoroughly investigated. The investigation will include obtaining information from whomever you believe has been harassing you and anyone who may have been a witness to the harassment. The investigation will be kept as confidential as possible.

3. If harassment is found to have taken place, prompt and appropriate corrective action will be taken. The goal of the corrective action is to immediately stop the harassment and prevent its recurrence, and to prevent retaliation.

4. You will be informed of the outcome, and the ESTA's representative will follow up with you to see that no further harassment takes place.

5. No matter what the outcome of the investigation, no action will be taken against you because you have made a complaint, so long as you believed the complaint to be valid. Such a complaint will not affect your employment in any way.

STAFF REPORT

Subject: AB 361 - Virtual Public Meetings

Presented By: Phil Moores, Executive Director

Background:

The Governors Executive Order 9-29-20 has expired. This Order allowed for Brown Act exceptions regarding virtual public meetings. AB 361 provides the opportunity for local governments to assess circumstances and continue meeting virtually if necessary.

Analysis/Discussion:

Inyo County continues to rank high among other counties in new Covid case percentage. Both Mono and Inyo County have tightened mask requirements for the public indoors. ESTA has experienced an outbreak of Covid-19 cases. All these facts point toward a continued virtual meeting format.

If virtual meetings are continued, AB 361 requires that every 30 days, a new assessment of circumstances and Board action to continue meeting virtually. A special meeting of the Board will be necessary January 7, 2022, to meet the 30-day requirement. The December 10th Board meeting is less than 30 days from today, November 12th.

There is talk of the State Legislature increasing the 30-day requirement when they are back in session next year.

Recommendation:

Request Board adopt findings pursuant to AB 361 that: A) the Board reconsidered the circumstances of the existing State of Emergency issued on March 4, 2020, in response to the COVID-19 pandemic; and B) local officials continue to recommend measures to promote social distancing, and/or the state of emergency continues to directly impact the ability of the members to meet safely in person.