

ESTA BOARD AGENDA

Regular Meeting

Thursday, December 12, 2024 at 9:00am

City of Bishop Council Chambers

301 West Line St, Bishop, California

The Agenda is available at www.estransit.com

Chairperson: Bob Gardner

Vice-Chairperson: Trina Orrill

Board Members:

Chris Bubser (Mammoth Lakes)
Karen Schwartz (Bishop)
Karen Kong (Bishop)
Trina Orrill (Inyo County)

Jeff Griffiths (Inyo County)
Lynda Salcido (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 Wednesday, December 11. Email public comment: To submit an emailed public comment to the Board please email pmoores@estransit.com by 4pm Wednesday, December 11, and provide your name, the number(s) on which you wish to speak, and your comment. These comments will be shared with all attending Board members.

Join the ZOOM meeting on your computer or mobile device by using this link:

<https://us02web.zoom.us/j/84287144355?pwd=gO0R4HD5L60T1aT0Whv2o4jBEiajY.1>

Meeting ID: 84287144355, Passcode: 428098

Begin Recording Meeting & Call to Order

Roll Call

Pledge of Allegiance

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. Consent Agenda (Board Action Required)

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.

- A-1 Approval of Meeting Minutes of October 17, 2024
 - Meeting minutes from the last meeting of the ESTA Board of Directors

B. Information Agenda (Receive and File Only)

- B-1 Executive Director Report
 - Report on activities and performance
- B-2 Financial Report
 - Report on finances FY24/25
- B-3 Bishop Administration Building Update
 - Staynor Architects presentation on planning progress

C. Closed Session - The Board will meet with staff in closed session without the public present.

1. Public Comment on Closed Session Items
2. Public Employee Performance Evaluation, Pursuant to Government Code section 5495 – Title: Executive Director.
3. DISCUSSION/POSSIBLE ACTION. Conference with Labor Negotiators, Pursuant to Government Code Section 54957.6 – Authority designated representatives; Phil Moores and Christian Milovich. Bargaining Group: Unrepresented employees
4. Report on Closed Session as required by law.

D. Action Agenda

- D-1 Executive Director Contract Changes
 - Review and approve changes to the Executive Director position
- D-2 Select Date for Next Board Meeting
 - While the elected officials sort out their various board assignments for 2025, ESTA will set a board meeting in February 2025 during which they will establish ESTA's officers and meeting dates for the rest of the year
- D-3 Equal Opportunity Employer Policy Update
 - Review and approve changes to the EEO update
- D-4 Budget Amendment – ESTA Vehicles
 - Adding capital purchases to current fiscal year

E. Board Member Comments

- Board member comment on ESTA and home jurisdictions

F. Adjournment

The next meeting of ESTA's board will be determined at the December 12, 2024, meeting. Check ESTA website for details on attending the meeting.

Eastern Sierra Transit Authority
Minutes of October 17, 2024 Special Meeting

Call to Order - 9:13 A.M. Thursday, October 17, 2024

Vice-Chairperson Orrill called The meeting of Eastern Sierra Transit Authority to order at 9:13 am in the Clint Quilter Inyo County Office Building, Room 101, Bishop, CA

ROLL CALL

A quorum was established.

PRESENT:

Vice-Chairperson Orrill, Boardmembers Schwartz, Kong, Salcido, Griffiths and Bubser

ABSENT:

Boardmembers Gardner & Sauser

Pledge of Allegiance

Vice-Chairperson Orrill led the Pledge of Allegiance.

Public Comment: None

Consent Agenda

Motioned by Boardmember Salcido and seconded by Boardmember Griffiths to approve consent agenda:

Meeting Minutes for June 19, 2024.

SB 1 State of Good Repair Program

Annual Mammoth Mountain Service Contract

Drug and Alcohol Policy Update

Motion passed 6-0 with Boardmembers Gardner & Sauser absent.

Information Agenda

B-1 Executive Directors Report

Phil Moores introduced Cheryl Mureau and congratulated her on her 10 year anniversary.

Discussion among the board and Phil Moores.

B-2 Financial report for 2023/24

B-3 Financial Report FY24-25

Action Agenda

Motioned by Boardmember Salcido and Seconded by Boardmember Bubser to accept the Paid time off Policy

Motion passed 6-0 with Boardmembers Gardner & Sauser absent

Motioned by Boardmember Griffiths and Seconded by Boardmember Kong to accept the Six Month Service Review FY 2024-25.

Motion passed 6-0 with Boardmembers Gardner & Sauser absent

Motion by Boardmember Salcido and seconded by Boardmember Swartz to approve Mammoth Fleet Replacement Plan

Motion passed 6-0 with Boardmembers Gardner & Sauser absent

**Eastern Sierra Transit Authority
Minutes of February 08, 2023 Meeting**

Motion by Boardmember Salcido and second by Boardmember Kong to approve New Administration Position in Mammoth Lakes office.

Discussion among the board and Phil Moores.

Motion passes 6-0 with Boardmembers Gardner & Sauser absent

Phil Moores detailed his visit to the Hydrogen Bus plant in Hayward, CA.

Bill Lefever was introduced as the winner of the bid to provide advertising on the back of the ESTA buses.

Board Member Comments:

Boardmember Griffiths commented on the RTAP article that ESTA was recognized for their retention & recruitment plan.

Griffiths said this is incredible and it says a lot about this organization and this is something to be proud of.

Boardmember Kong said the Trunk & Treat was successful.

The Regular meeting was adjourned to open in closed session at 10:05 to discuss without the public present:

Conference with Legal Counsel: It is the intention of the board to meet in closed session concerning the following item: Executive Director Performance Evaluation (Govt. Code Section 54957). Closed session discussion/possible action Conference with Labor Negotiators. (Pursuant to Government Code Section 54957.6)

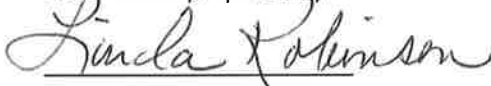
Closed Session ended at 10:43

Vice Chairperson Orrill said there was nothing to report

Adjournment

The meeting was adjourned at 10:43 am to the next meeting scheduled to be held December 12, 2024 at 9:00 am at City of Bishop Council Chambers, 301 West Line St., Bishop, CA

Recorded & prepared by:



Linda Robinson
Board Clerk
Eastern Sierra Transit Authority

Minutes approved: *December 12, 2024*

STAFF REPORT

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

Staffing

The fall recruitment class is graduating and ready for winter operations. We successfully trained and licensed six drivers with five washouts not meeting our standards.

Vehicles

We are in the process of selling off old vehicles to raise the average age of the fleet. Old buses are expensive to operate.

Technology

We stumbled on purchasing new rideshare software and have been forced to look for a replacement. The company that sold us the poorly performing software convinced us that they could meet our needs, but they could not. We expect to incorporate another system early next year.

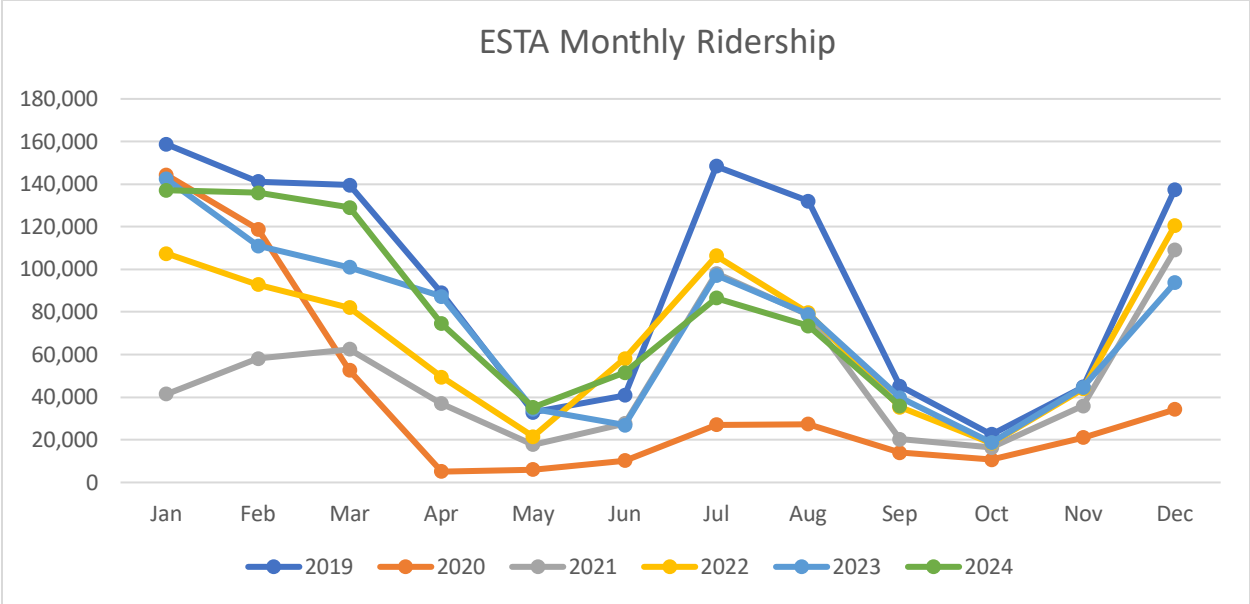
Ridership

There were no significant service cancellations affecting ridership.

The charts below show the ridership by month and year since pre-Covid. The 2019 dark blue line has served as our ridership goal for the last few years. We are on track to break 900,000 riders this year.

September Ridership Report								
Route	Pre-Covid 2019	2020	2021	2022	2023	2024	Change Current vs. Last year	% Change Current vs Pre-Covid
Benton	39	7	9	15	9	9	0	-77%
Bishop Dial-a-Ride	3,522	2,197	2,434	3,414	3,470	3,258	-212	-7%
Bridgeport-Carson	12	18	10	14	16	13	-3	8%
Lancaster	608	274	373	526	783	801	18	32%
Lone Pine-Bishop	366	212	250	314	358	389	31	6%
Lone Pine Dial-a-Ride	417	347	383	439	474	451	-23	8%
Mammoth Fixed Route	24,783	10,052	15,479	21,607	21,517	18,716	-2,801	-24%
Mammoth Dial-a-Ride	249	103	111	261	213	236	23	-5%
Mammoth Express	397	164	223	261	435	375	-60	-6%
Night Rider	313	101	253	363	455	266	-189	-15%
Reds Meadow	13,366	0	71	7,333	10,842	10,090	-752	-25%
Reno	990	414	723	826	1	1,253	1,252	27%
Walker Dial-a-Ride	118	21	31	5	11	64	53	-46%
Total	45,180	13,910	20,350	35,378	38,584	35,921	-2,663	-20%

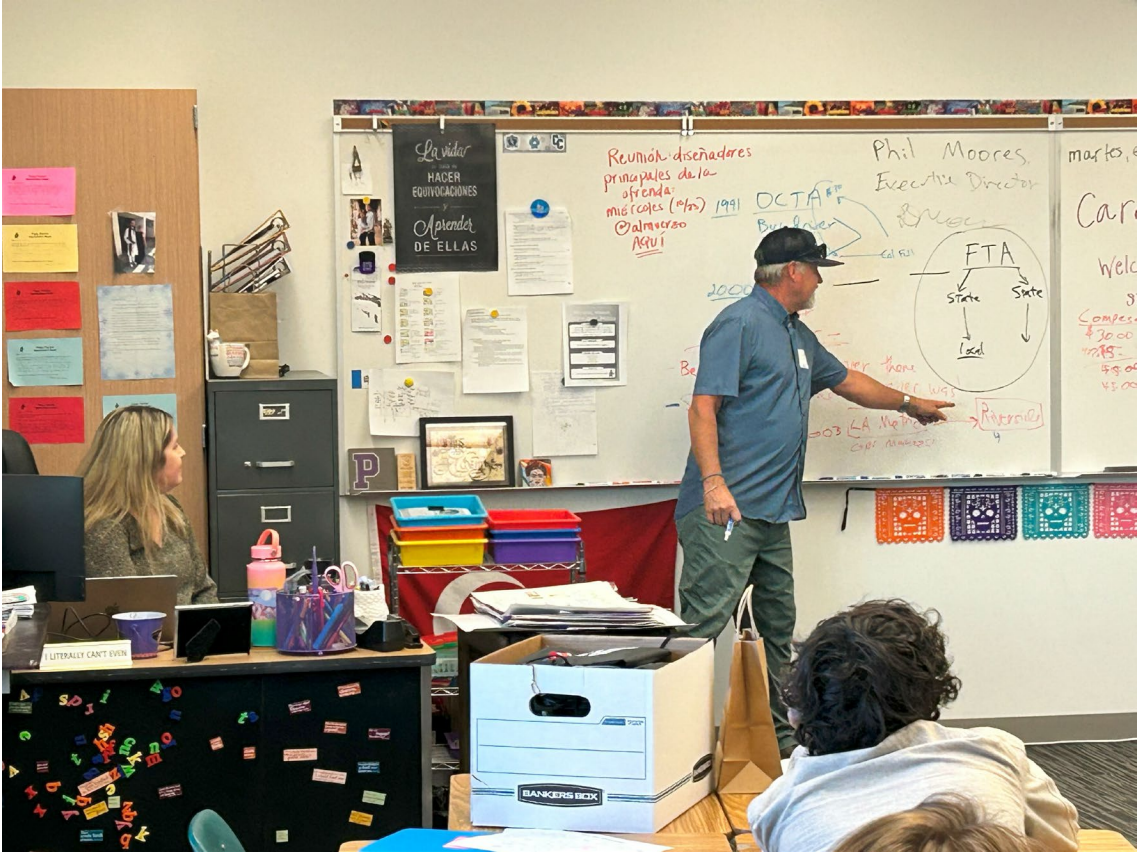
Historical Ridership Data						
Year	2019	2020	2021	2022	2023	2024
Jan	158,754	144,341	41,512	107,382	142,382	137,144
Feb	141,240	118,822	58,171	92,870	111,066	135,978
Mar	139,505	52,582	62,457	82,051	100,995	128,995
Apr	88,883	5,086	37,046	49,395	87,321	74,479
May	32,963	5,970	17,744	21,511	34,378	35,293
Jun	40,859	10,175	27,664	58,080	26,893	51,591
Jul	148,430	27,061	98,102	106,363	97,231	86,605
Aug	131,970	27,404	78,722	79,686	78,931	73,509
Sep	45,200	13,952	20,362	35,385	39,788	35,921
Oct	22,493	10,684	16,439	18,409	18,715	
Nov	44,798	21,122	35,868	43,835	44,608	
Dec	137,404	34,229	109,009	120,536	93,774	
Total	1,134,518	473,448	605,117	817,525	876,082	759,515



Marketing

Our annual Stuff-a-Bus at Bishop Grocery Outlet was a success. We collected food to fill the Salvation Army’s pantry. A similar event took place in Mammoth on December 6th during the Tree Lighting Ceremony at the Community Recreation Center (CRC) from 5pm – 6:30pm.

I participated in Career Day at Mammoth High School. My presentation included information about a career in transit and more general tips about preparing for a professional career.



Our mascot, Esty, is getting a new outfit! We hired a professional designer to build a quality costume that will look good and last a long time.

Finally, ESTA participated in Bishop's annual Christmas parade.

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Pledge of Allegiance

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Public Comment: None

Consent Agenda

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- SB 1 State of Good Repair Program
- Annual Mammoth Mountain Service Contract
- Drug and Alcohol Policy Update

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- B-2 Financial report for 2023/24
- B-3 Financial Report FY24-25

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Recorded & prepared by:

Linda Robinson
Board Clerk
Eastern Sierra Transit Authority

Minutes approved:

STAFF REPORT

Subject: Financial Report – FY 2024/25
Initiated by: Dawn Vidal, Administration Manager

We are currently working on our 2023-24 Financial Audit with CliftonLarsonAllen LLP. We anticipate having a final Financial Report FY 2023/24 at our next Board Meeting.

The year-to-date roll-up and year end forecast for the 2024/25 fiscal year are included on the following pages. Reports are as of December 2, 2024.

Fuel is budgeted at \$5.40 per gallon and average price per gallon was \$3.86 in August, 33% below budget. Fuel and maintenance expenses do not include Town of Mammoth Lakes invoices for September, October and November 2024.

Most of our revenue is collected through a reimbursement process, it is typical the year-to-date expenses are greater than revenue early in the fiscal year.

Expenses are coming in as expected. We are trending to be over budget on advertising due to upgraded ESTY mascot and kids program bus wrap. We will likely need to move funds from another category to fund summer recruitment.

Financial information as of: 12/2/2024

% of Fiscal Year: 42%

153299 - EASTERN SIERRA TRANSIT - ROLL UP

OPERATING Revenue		FY 24/25 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
4061	LOCAL TRANSPORTATION TAX	2,156,564	577,929	1,578,635	27%	2,156,564	-	
4065	STATE TRANSIT ASST	614,146	-	614,146	0%	614,146	-	
4301	INTEREST FROM TREASURY	50,700	54,115	(3,415)	107%	50,700	-	
4498	STATE GRANTS	-	-	-	0%	-	-	budgeted all capital
4499	STATE OTHER	85,325	-	85,325	0%	85,325	-	
4555	FEDERAL GRANTS	799,345	-	799,345	0%	799,345	-	
4599	OTHER AGENCIES	1,189,665	368,936	820,729	31%	1,189,665	-	
4747	INSURANCE PAYMENTS	-	-	-	-	-	-	
4819	SERVICES & FEES	1,981,569	761,329	1,220,240	38%	1,981,569	-	
4959	MISCELLANEOUS REVENUE	65,000	10,954	54,046	17%	65,000	-	
4999	PRIOR YEARS REIMBURSEMENTS	-	-	0	-	-	-	
	Revenue Total:	6,942,314	1,773,263	5,169,051	26%	1,773,263		

Operating Expenditure:		FY 24/25 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5001	SALARIED EMPLOYEES	2,188,363	770,836	1,417,527	35%	2,188,363	-	
5003	OVERTIME	141,545	84,328	57,217	60%	141,545	-	
5005	HOLIDAY OVERTIME	185,126	52,291	132,835	28%	185,126	-	
5012	PART TIME EMPLOYEES	574,707	239,964	334,743	42%	574,707	-	
	Wages subtotal	3,089,741	1,147,420	1,942,321	37%	3,089,741	-	
5021	RETIREMENT & SOCIAL SECURITY	75,049	22,816	52,233	30%	75,049	-	
5022	PERS RETIREMENT	246,560	114,670	131,890	47%	246,560	-	
5025	RETIREE HEALTH BENEFITS	-	-	-	0%	-	-	
5031	MEDICAL INSURANCE	356,030	120,647	235,383	34%	356,030	-	
5043	OTHER BENEFITS	56,636	13,698	42,938	24%	56,636	-	
5045	COMPENSATED ABSENCE EXPENSE	215,000	94,742	120,258	44%	215,000	-	
5046	OPEB EXPENSE	40,000	40,000	-	100%	40,000	-	Paid in Advance
5047	EMPLOYEE INCENTIVES	9,000	5,035	3,965	56%	9,000	-	
5111	CLOTHING	8,000	2,568	5,432	32%	8,000	-	
5152	WORKERS COMPENSATION	90,057	90,057	-	100%	90,057	-	Paid in Advance
5154	UNEMPLOYMENT INSURANCE	19,500	19,338	162	99%	19,500	-	
5158	INSURANCE PREMIUM	200,744	200,748	(4)	100%	200,744	-	Paid in Advance
5171	MAINTENANCE OF EQUIPMENT	721,990	236,031	485,959	33%	721,990	-	Does not include TOML Sep-Nov
5173	MAINTENANCE OF EQUIPMENT-M	-	-	-	0%	-	-	
5191	MAINTENANCE OF STRUCTURES	-	-	-	0%	-	-	

Operating Expenditure:		FY 24/25 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5211	MEMBERSHIPS	1,775	264	1,511	15%	1,775	-	
5232	OFFICE & OTHER EQUIP < \$5,000	15,450	4,725	10,725	31%	15,450	-	
5238	OFFICE SUPPLIES	7,001	2,021	4,980	29%	7,001	-	
5253	ACCOUNTING & AUDITING SERVICE	69,471	19,450	50,021	28%	69,471	-	
5260	HEALTH - EMPLOYEE PHYSICALS	7,500	1,288	6,212	17%	7,500	-	
5263	ADVERTISING	51,553	35,342	16,211	69%	51,553	-	Bus Wrap and upgraded ESTY
5265	PROFESSIONAL & SPECIAL SERVICE	346,777	158,568	188,209	46%	346,777	-	
5291	OFFICE, SPACE & SITE RENTAL	216,128	72,284	143,844	33%	216,128	-	
5311	GENERAL OPERATING EXPENSE	96,825	30,293	66,532	31%	96,825	-	
5326	LATE FEES & FINANCE CHARGES	125	-	125	0%	125	-	
5331	TRAVEL EXPENSE	5,603	1,725	3,878	31%	5,603	-	
5332	MILEAGE REIMBURSEMENT	5,000	4,741	259	0%	5,000	-	
5351	UTILITIES	120,393	23,126	97,267	19%	120,393	-	
5352	FUEL & OIL	705,489	186,412	519,077	26%	705,489	-	Does not include TOML Aug & Sep
5539	OTHER AGENCY CONTRIBUTIONS	20,000	-	20,000	0%	20,000	-	
5901	CONTINGENCIES	69,000	-	69,000	0%	69,000	-	
	Expenditure Total:	6,866,397	2,648,007	4,218,390	39%	6,866,397	-	

TRANSFERS Expenditure		FY 24/25 Budget	YTD Actual	Balance	% of Budget	Year End Forecast	YE Forecast Variance	Comments
5798	CAPITAL REPLACEMENT	77,675	-	145,781	-	77,675	-	
5801	OPERATING TRANSFERS OUT	-	-	-	-	-	-	
	Expenditure Total:	77,675	-	145,781	-	77,675	-	

NET TRANSFERS

Projected Revenue less Projected Expenses: (5,093,134)
 -
 Less Capital Replacement Transfers: 77,675
 Less Capital Structures & Improvements: 35,000
 Operating Balance: (5,205,809)

CAPITAL ACCOUNT		FY 24/25			% of	Year End	YE Forecast	
Revenue		Budget	YTD Actual	Balance	Budget	Forecast	Variance	Comments
4911	Sales of Fixed Assets	-	-	-	0%	-	-	
4067	STATE TRANSIT ASST-CAPITAL	10,550	-	(10,550)	0%	10,550	-	
4495	STATE GRANTS - CAPITAL	136,035	136,035	-	100%	136,035	-	
4557	FEDERAL GRANTS - CAPITAL	561,000	-	(561,000)	0%	561,000	-	
4911	SALE OF FIXED ASSETS						-	

Capital Expenditures

5640	STRUCTURES & IMPROVEMENTS	35,000	-	35,000	0%	35,000	-	
5650	EQUIPMENT	10,000	-	10,000	0%	10,000	-	
5655	VEHICLES	660,000	904,362	(244,362)	137%	660,000	-	
	Expenditure Total:	705,000	904,362	(199,362)	128%	705,000	-	

Breakdown of 4819 Service & Fees Revenue

MMSA Fees	62,100
Red's Revenue	422,729
All Other Passenger Fares	276,501
Total 4819	761,329

COUNTY OF INYO

Agenda Item #B-3
October 17, 2024

Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As of 12/2/2024

Object	Description	Budget	Actual	Encumbrance	Balance	%
Key: 153298 - ESTA - BUDGET						
OPERATING						
Revenue						
Expenditure						
NET OPERATING		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
CAPITAL ACCOUNT						
Revenue						
NET CAPITAL ACCOUNT		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
Key: 153299 - EASTERN SIERRA TRANSIT						
OPERATING						
Revenue						
4061	LOCAL TRANSPORTATION TAX	2,156,564.00	577,982.58	0.00	1,578,581.42	26.80
4065	STATE TRANSIT ASST	614,146.00	0.00	0.00	614,146.00	0.00
4301	INTEREST FROM TREASURY	50,700.00	54,114.65	0.00	(3,414.65)	106.73
4499	STATE OTHER	85,325.00	0.00	0.00	85,325.00	0.00
4555	FEDERAL GRANTS	799,345.00	0.00	0.00	799,345.00	0.00
4599	OTHER AGENCIES	1,189,665.00	368,936.30	0.00	820,728.70	31.01
4819	SERVICES & FEES	1,981,569.00	761,329.27	0.00	1,220,239.73	38.42
4959	MISCELLANEOUS REVENUE	65,000.00	10,953.74	0.00	54,046.26	16.85
Revenue Total:		<u>6,942,314.00</u>	<u>1,773,316.54</u>	<u>0.00</u>	<u>5,168,997.46</u>	<u>25.54</u>
Expenditure						
5001	SALARIED EMPLOYEES	2,188,363.00	770,836.16	0.00	1,417,526.84	35.22
5003	OVERTIME	141,545.00	84,328.38	0.00	57,216.62	59.57
5005	HOLIDAY OVERTIME	185,126.00	52,291.19	0.00	132,834.81	28.24
5012	PART TIME EMPLOYEES	574,707.00	239,964.07	0.00	334,742.93	41.75
5021	RETIREMENT & SOCIAL SECURITY	75,049.00	22,815.83	0.00	52,233.17	30.40
5022	PERS RETIREMENT	246,560.00	114,669.68	0.00	131,890.32	46.50
5031	MEDICAL INSURANCE	356,030.00	120,647.37	0.00	235,382.63	33.88
5043	OTHER BENEFITS	56,636.00	13,697.71	0.00	42,938.29	24.18
5045	COMPENSATED ABSENCE EXPENSE	215,000.00	94,742.28	0.00	120,257.72	44.06
5046	OPEB EXPENSE	40,000.00	40,000.00	0.00	0.00	100.00
5047	EMPLOYEE INCENTIVES	9,000.00	5,034.51	0.00	3,965.49	55.93
5111	CLOTHING	8,000.00	2,567.89	0.00	5,432.11	32.09
5152	WORKERS COMPENSATION	90,057.00	90,057.00	0.00	0.00	100.00
5154	UNEMPLOYMENT INSURANCE	19,500.00	19,338.06	0.00	161.94	99.16
5158	INSURANCE PREMIUM	200,744.00	200,748.00	0.00	(4.00)	100.00
5171	MAINTENANCE OF EQUIPMENT	721,990.00	236,030.81	0.00	485,959.19	32.69
5211	MEMBERSHIPS	1,775.00	264.00	0.00	1,511.00	14.87
5232	OFFICE & OTHER EQUIP < \$5,000	15,450.00	4,724.96	0.00	10,725.04	30.58
5238	OFFICE SUPPLIES	7,001.00	2,020.95	0.00	4,980.05	28.86
5253	ACCOUNTING & AUDITING SERVICE	69,471.00	19,449.97	0.00	50,021.03	28.00
5260	HEALTH - EMPLOYEE PHYSICALS	7,500.00	1,287.80	0.00	6,212.20	17.17
5263	ADVERTISING	51,553.00	35,342.37	0.00	16,210.63	68.55
5265	PROFESSIONAL & SPECIAL SERVICE	346,777.00	158,567.52	0.00	188,209.48	45.72
5291	OFFICE, SPACE & SITE RENTAL	216,128.00	72,283.98	0.00	143,844.02	33.44
5311	GENERAL OPERATING EXPENSE	96,825.00	30,293.23	0.00	66,531.77	31.28
5326	LATE FEES & FINANCE CHARGES	125.00	0.00	0.00	125.00	0.00
5331	TRAVEL EXPENSE	5,603.00	1,724.66	0.00	3,878.34	30.78
5332	MILEAGE REIMBURSEMENT	5,000.00	4,740.91	0.00	259.09	94.81

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

Ledger: GL

As of 12/2/2024

Object	Description	Budget	Actual	Encumbrance	Balance	%
5351	UTILITIES	120,393.00	23,126.09	0.00	97,266.91	19.20
5352	FUEL & OIL	705,489.00	186,412.11	0.00	519,076.89	26.42
5539	OTHER AGENCY CONTRIBUTIONS	20,000.00	0.00	0.00	20,000.00	0.00
5700	CONSTRUCTION IN PROGRESS	0.00	31,845.97	0.00	(31,845.97)	0.00
5901	CONTINGENCIES	69,000.00	0.00	0.00	69,000.00	0.00
Expenditure Total:		<u>6,866,397.00</u>	<u>2,679,853.46</u>	<u>0.00</u>	<u>4,186,543.54</u>	<u>39.02</u>
NET OPERATING		<u>75,917.00</u>	<u>(906,536.92)</u>	<u>0.00</u>	<u>982,453.92</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						
4067	STATE TRANSIT ASST-CAPITAL	10,550.00	0.00	0.00	10,550.00	0.00
4495	STATE GRANTS - CAPITAL	136,035.00	136,035.00	0.00	0.00	100.00
4557	FEDERAL GRANTS - CAPITAL	561,000.00	0.00	0.00	561,000.00	0.00
Revenue Total:		<u>707,585.00</u>	<u>136,035.00</u>	<u>0.00</u>	<u>571,550.00</u>	<u>19.22</u>
Expenditure						
5630	LAND IMPROVEMENTS	15,000.00	0.00	0.00	15,000.00	0.00
5640	STRUCTURES & IMPROVEMENTS	35,000.00	0.00	0.00	35,000.00	0.00
5655	VEHICLES	660,000.00	904,361.50	0.00	(244,361.50)	137.02
Expenditure Total:		<u>710,000.00</u>	<u>904,361.50</u>	<u>0.00</u>	<u>(194,361.50)</u>	<u>127.37</u>
NET CAPITAL ACCOUNT		<u>(2,415.00)</u>	<u>(768,326.50)</u>	<u>0.00</u>	<u>765,911.50</u>	
TRANSFERS						
Revenue						
Expenditure						
5798	CAPITAL REPLACEMENT	77,675.00	0.00	0.00	77,675.00	0.00
Expenditure Total:		<u>77,675.00</u>	<u>0.00</u>	<u>0.00</u>	<u>77,675.00</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>(4,173.00)</u>	<u>(1,674,863.42)</u>	<u>0.00</u>	<u>1,670,690.42</u>	

**COUNTY OF INYO
UNDESIGNATED FUND BALANCES**

Agenda Item #B-3
October 17, 2024

AS OF 06/30/2025

	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	3,272,033	1,171,977	18,429		31,245			4,431,194		4,431,194
1533 ESTA ACCUMULATED	1,888,577							1,888,577		1,888,577
1534 ESTA GENERAL RESERVE	558,464							558,464		558,464
1535 ESTA BUDGET STAB	223,383							223,383		223,383
1536 REDS MEADOW ROAD	191,300							191,300		191,300
6809 SRTP TRANSPORT PLAN	63,539							63,539		63,539
6820 NON-EMERGENCY TRAN REIM	5,503					10,432		(4,929)		(4,929)
6822 LCTOP-ELECTRIC VEHICLE	179,062							179,062		179,062
6824 ESTA-LCTOP	79,780	3			190	7,997		71,596		71,596
6825 BISHOP ADMIN BUILDING	73,571							73,571		73,571
ESTA Totals	6,535,212	1,171,980	18,429		31,435	18,429		7,675,757		7,675,757
Grand Totals	6,535,212	1,171,980	18,429		31,435	18,429		7,675,757		7,675,757

STAFF REPORT

Subject: Bishop Administration Building
Presented by: Phil Moores, Executive Director
Jackie Hensy, Staynor Architects

Background

We are waiting for Inyo and Mono Counties to settle lease agreements with Los Angeles Department of Water and Power (LADWP) before we can begin construction of a new administration building in Bishop. The land ESTA uses at the Bishop Airport is subleased from the airport. While we wait, efforts to make the project shovel-ready have been under way. Staynor Architects expect the plans for the project to be completed by February 2025. This will include permit-ready construction documents.

Jackie Hensy, is presenting their progress to date:

Presentation outline

Overview

- Stayner Architects
- Statement of project goals
- Statement of progress to date:
 - Programming studies
 - Presentations to ESTA
 - Coordination with Landscape, Civil, MEP, Structural
 - CD Set progression

Design

- Site Plan
 - Brief Landscape Overview
- Plan/Program Overview
 - SF Calculations
 - Efficiencies/Flexibility
- Design
 - Sustainability, Resiliency, Durability
 - Employee health & wellness
 - Mass-timber
- Renderings

Project Management

- Schedule (Statement of progress to completion)
- Estimate of Probable Construction Cost - 8/2024, assumed changes

Eastern Sierra Transit Authority Transit Operations Facility

Board Meeting
December 2024

Stayner Architects

Christian Stayner
Jackie Hensy
Tristan Walker

Boundless Landscape

Laura Jerrard

Holmes Structures

Nina Mahjoub
Jose Machuca
Justin Sharkey

Monterey Energy Group

Ryan Knight
J. Mills Miracle

Triad/Holmes Associates

Todd Bucholz
Tom Platz
Marie Pavlovsky

Package Contents

- Project Directives
- Progress to Date
- Program

- Design Goals
- Design Update

- Estimate of Probable
Construction Cost
- Next Steps



We are a small architectural practice based in Los Angeles with a history of work in the Eastern Sierras.



Deep Springs College Boarding House & Faculty Housing

Stayner is familiar with the challenges of building in the Eastern Sierras. We build with durability in mind and see building in remote areas as an opportunity to design efficiency into the construction process.

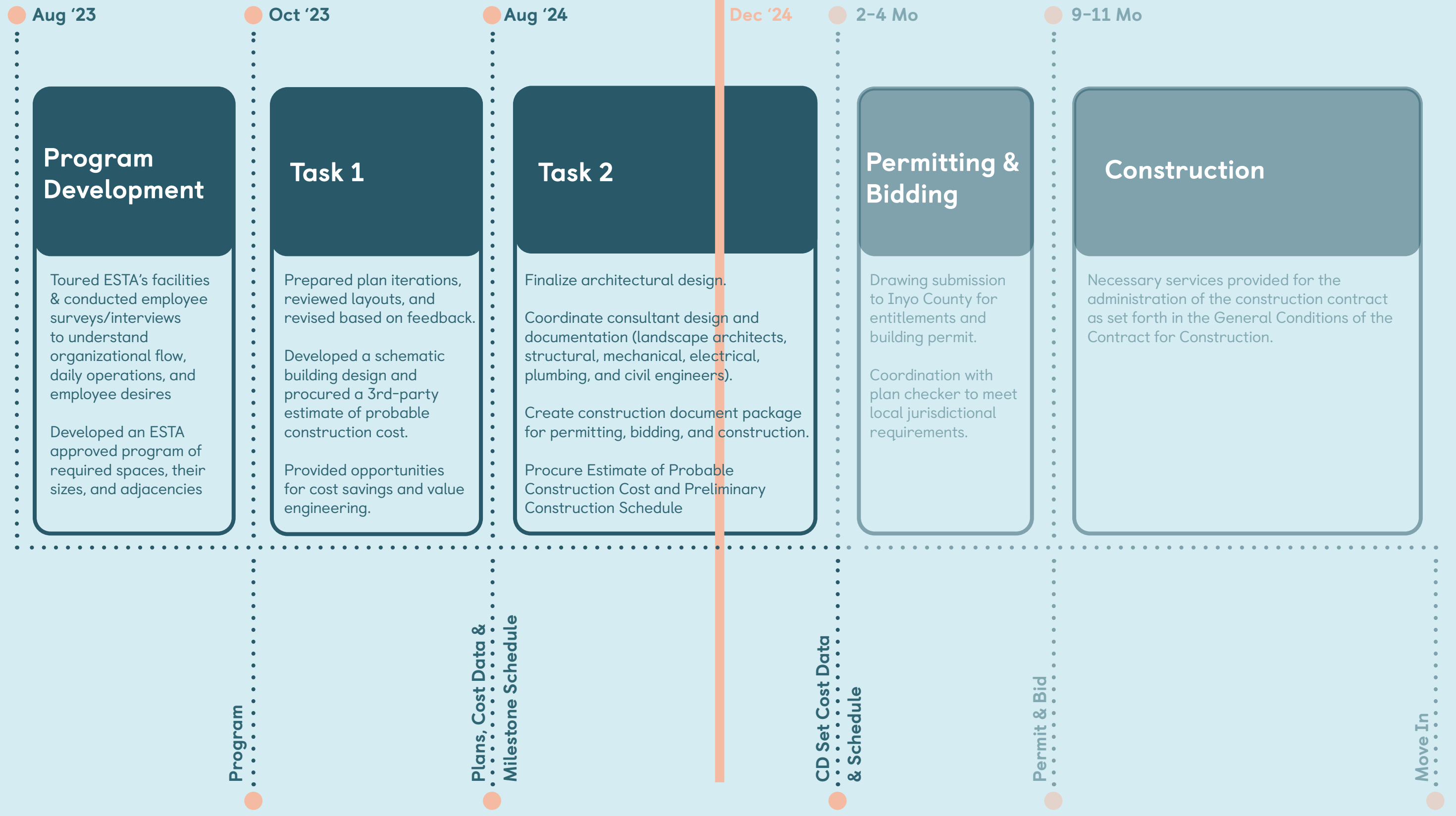
- Harsh conditions require more durable materials
- Labor/seasonality/transport distances are restrictive
- Prevailing wage requirements
- Premium cost added to modestly scaled buildings
- Limiting trades on site reduces labor costs



We were tasked with designing a new home for ESTA that . . .

- Consolidates administrative staff, bus drivers, and bus infrastructure into **one efficient, durable, purpose built facility.**
- Reflects ESTA's **values and sustainability goals.**
- Contributes to employee **health and wellbeing.**
- Provides ESTA with **flexibility to grow.**

Progress to Date



Operational Needs

- a welcoming, public-facing building
- efficient flow of daily operations
- opportunities for administration, dispatch, & drivers to informally engage throughout the work day
- specific separations and adjacencies between departments
- security/access restrictions, both within the organization and externally towards the public
- streamlined operations between bus driver/dispatch
- oversight of bus yard and public entry/parking
- a large indoor/outdoor space that can manage large meetings and employee gatherings/picnics
- formal meeting areas and informal gathering spaces
- flexibility for future growth
- comply with CEQA interior square footage restrictions while achieving the experience and functionality of a larger building through the use of covered outdoor spaces.

Employee Requests

- views to the mountains and outdoors
- natural, balanced light to reduce glare
- opportunities to increase walking throughout the day
- sound separation from dispatch & kitchen
- general complaints about ability to focus
- sound mitigation in dispatch open office
- spaces to retreat and relax from high-stress work

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Communicate Identity

Reflect ESTA's values of public service, environmental responsibility, and employee wellness through the building and landscape design.

Design Sustainably

Reinforce ESTA's commitment to environmental stewardship with sustainable building strategies that reduce carbon and water usage, while using healthier building materials.

Build Responsibly

Tailor the construction process, material choices, and systems to meet the challenges of building in a remote region with extreme weather.



Floor Plan

Stayner Architects

ESTA Facilities



Interior floor area	3,067 gsf
Covered outdoor area	683 sf

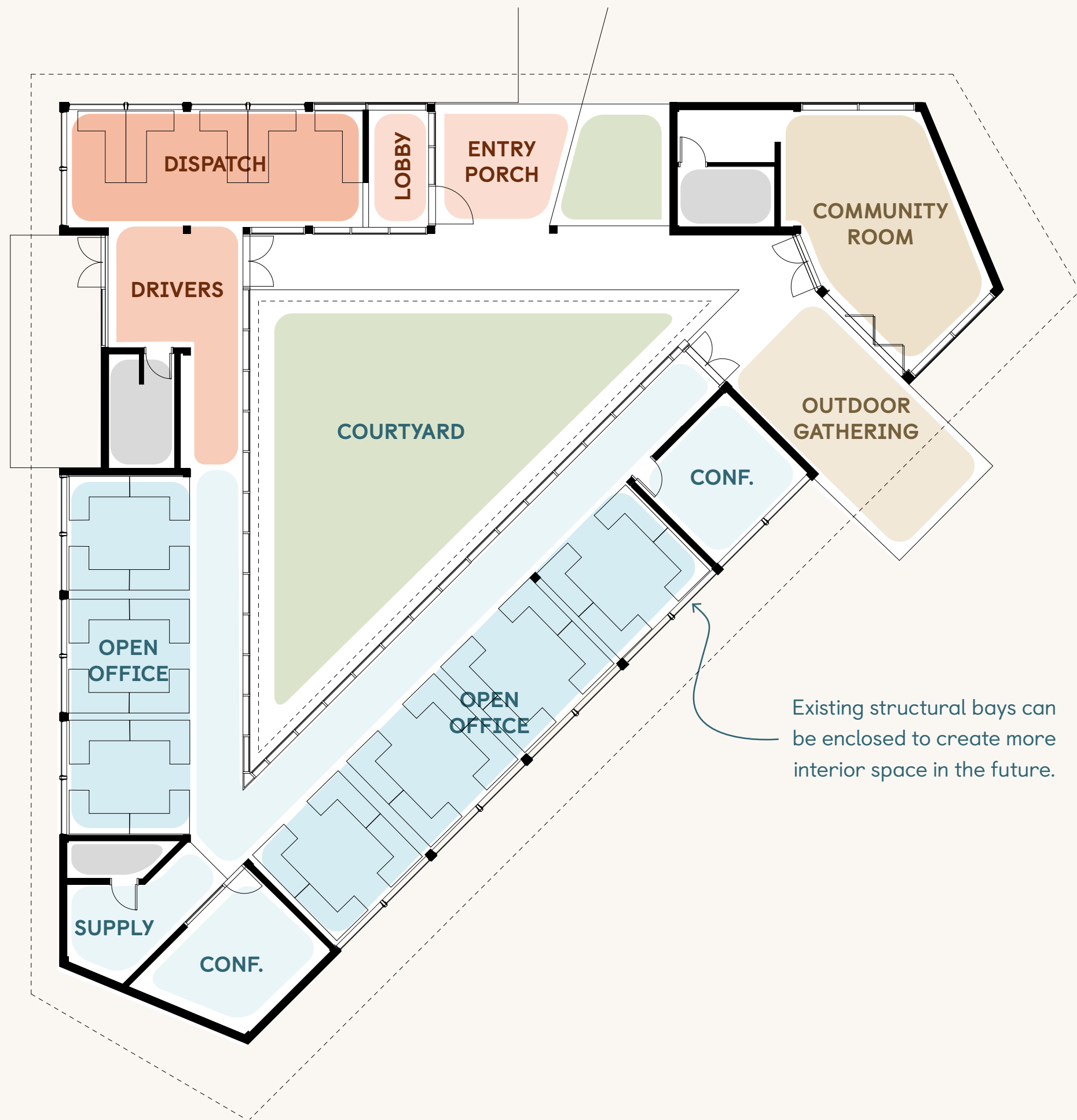
* Net square footage in compliance with CEQA exemption limit

Floor Plan (Reconfigured)

Demising walls between private offices can be removed and replaced with higher-density open office.



Floor Plan (Expanded)



Existing structural bays can be enclosed to create more interior space in the future.

Site Plan



Parking & Entry

The landscape tells a story about the place, the use, the people, their values, and their resources.



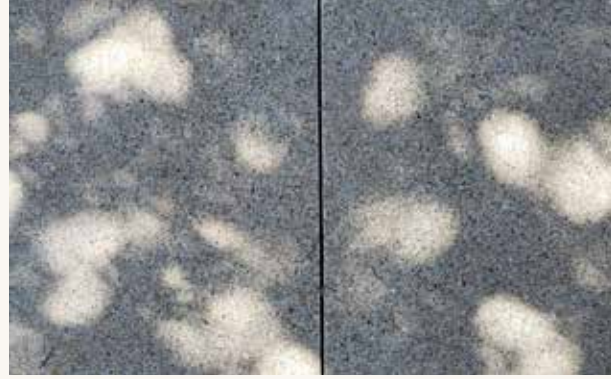
Planting is designed to use water efficiently.

Parking accomodates bikes, motorcycles, and cars.

Permeable drive surfaces reduce water runoff while meeting accessibility standrds.

Native planting requires less maintenance and promotes local biodiversity.

Hardscape Concepts



Building & Courtyard

The landscape tells a story about the place, the use, the people, their values, and their resources.

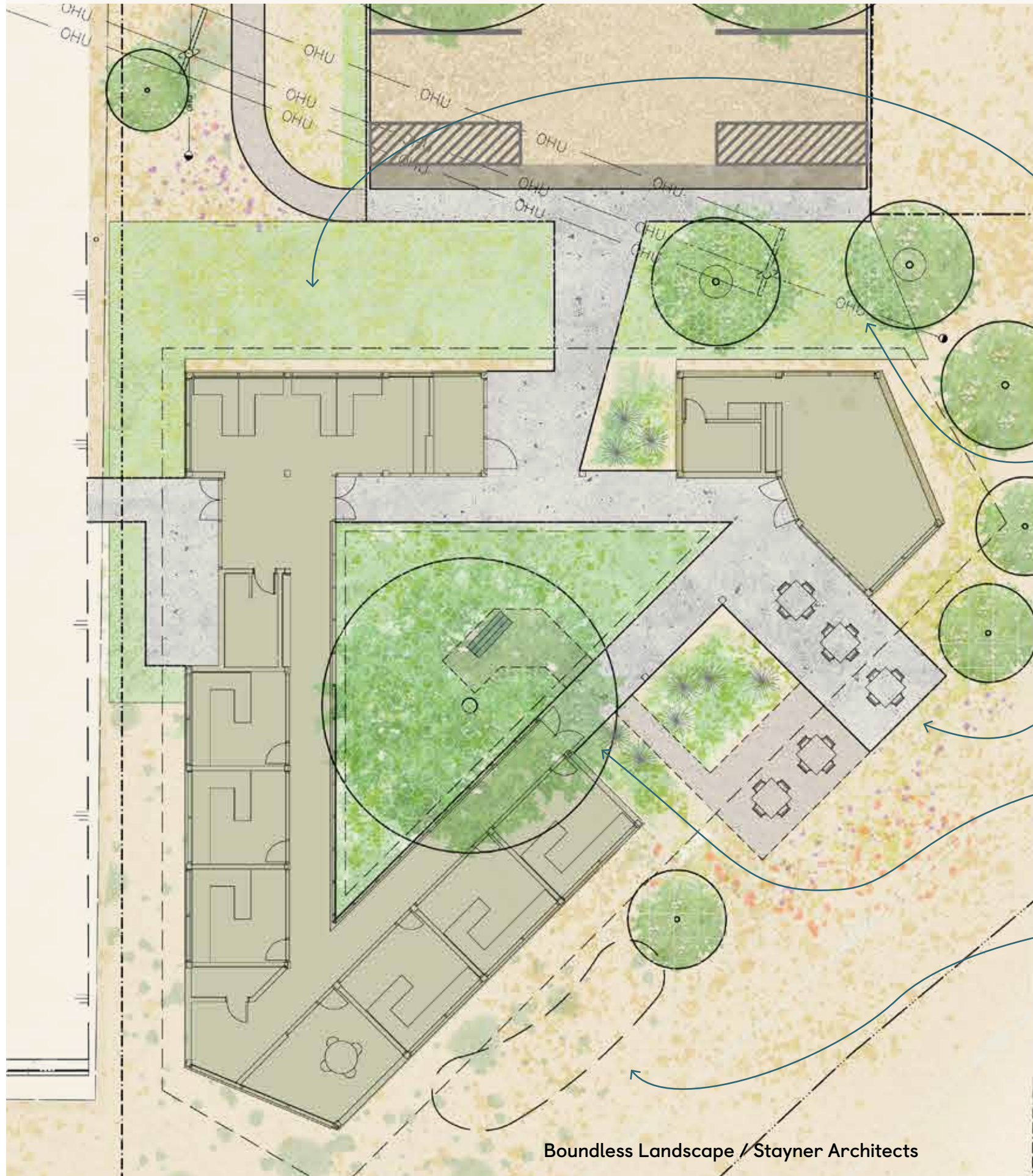
Low planting maintains visual connection to bus yard.

Planting species are chosen to protect utilities.

Outdoor event space provides both sunny and shaded seating.

The central viewing garden is visible from all spaces has seating for individuals.

Fire resistant planting is used throughout.



Planting Concepts



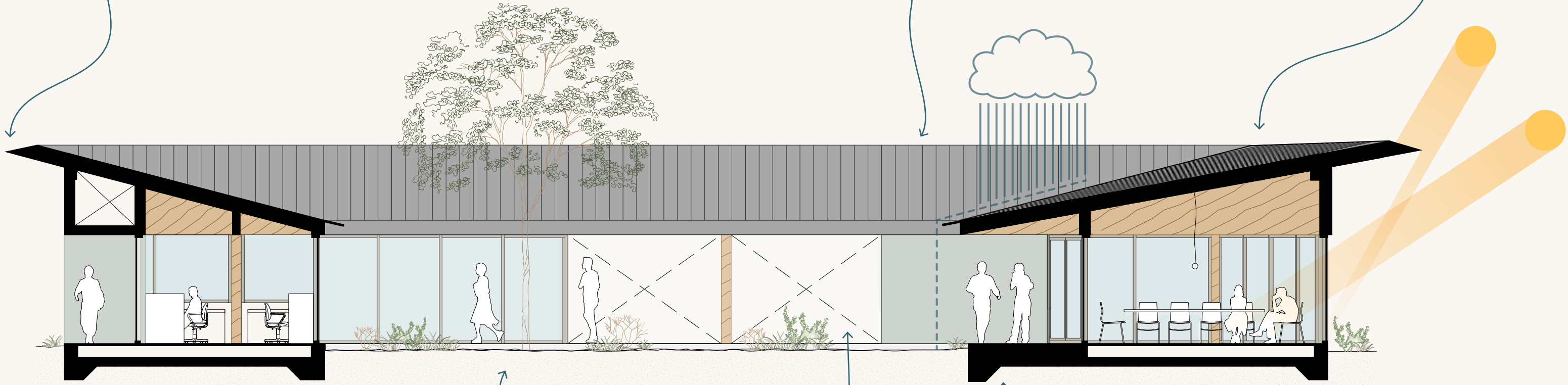


Building Strategies

Carefully calibrated overhangs address solar conditions on each face of the building.

Wall and roofing panels with are fire resistant, durable and low-maintenance.

The roof channels rainwater into the interior courtyard to provide water for the plants.



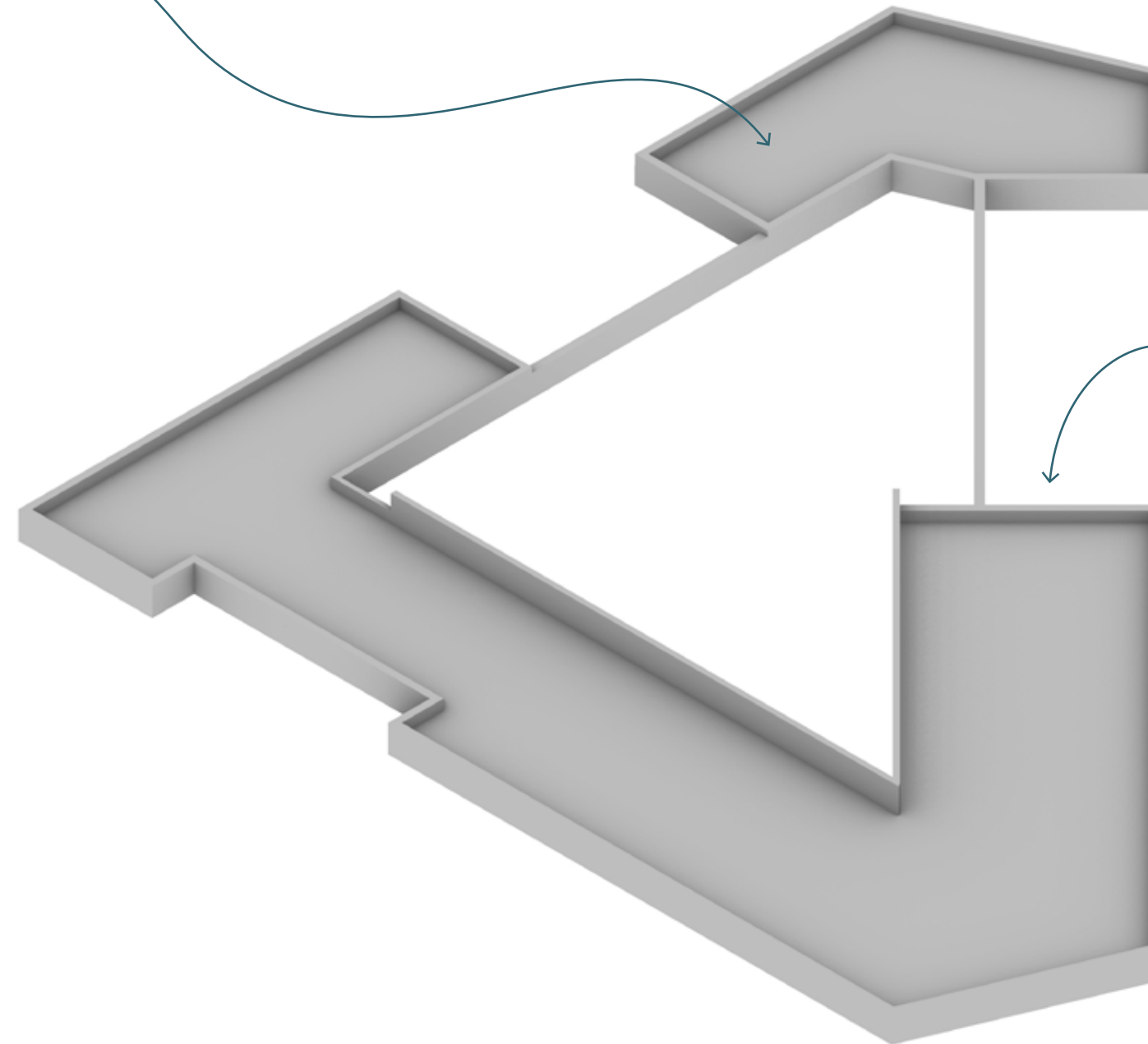
The building courtyard tells the botanical story of the geography ESTA serves.

The pavilion-like roof structure over interior and protected, outdoor spaces expose employees to fresh air and movement throughout the work day.

The courtyard and indirectly conditioned hallway provide a mixing space for informal interactions with leadership.

Foundation

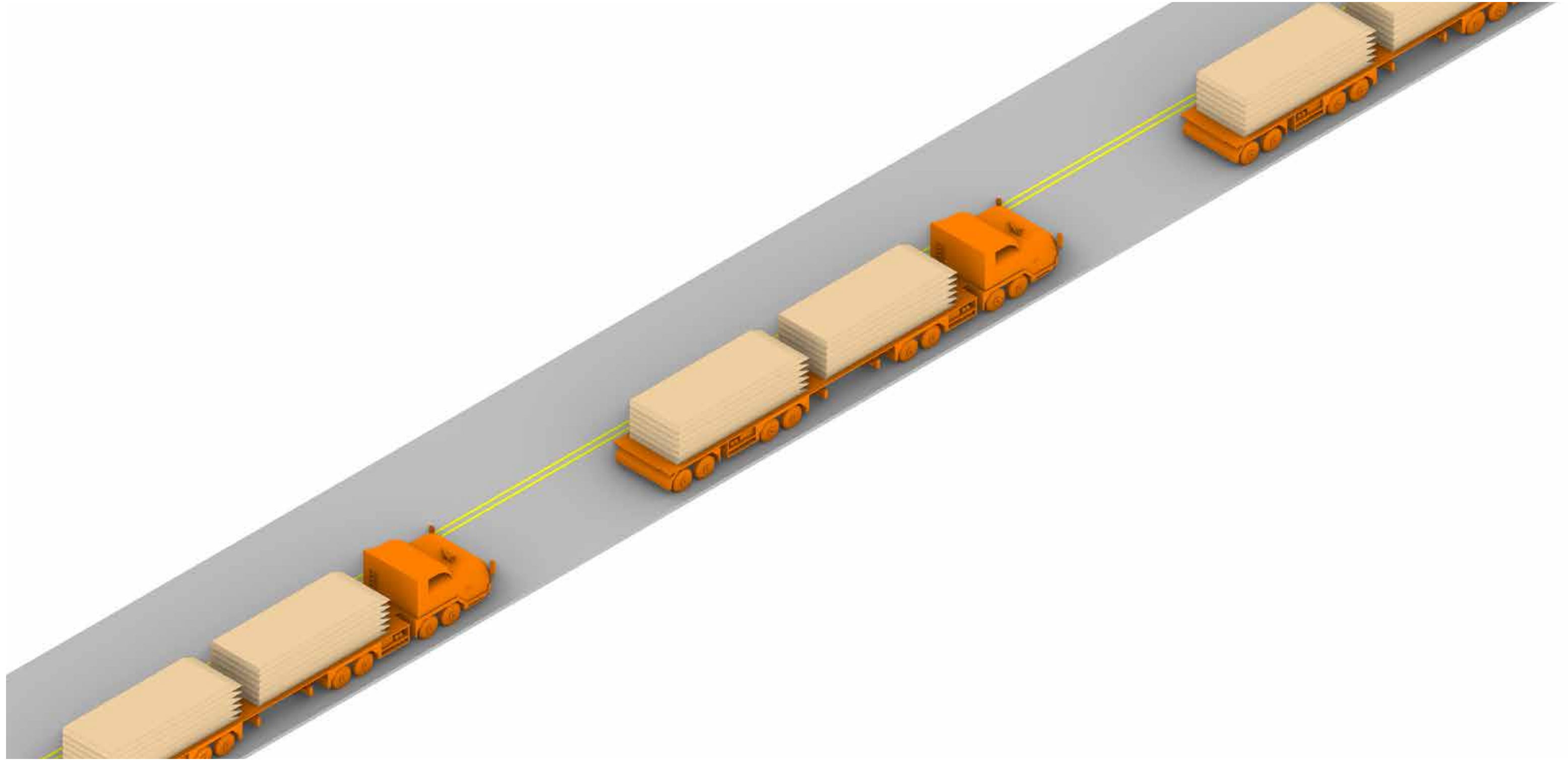
The recessed slab accommodates building services beneath a raised access floor, reducing roof penetrations/ceiling clutter and simplifying plan reconfigurations.



Typical foundations and stem walls make for a simple concrete pour.

Simultaneous to the foundation and sitework, the structural system and roof are precisely fabricated offsite by machines.

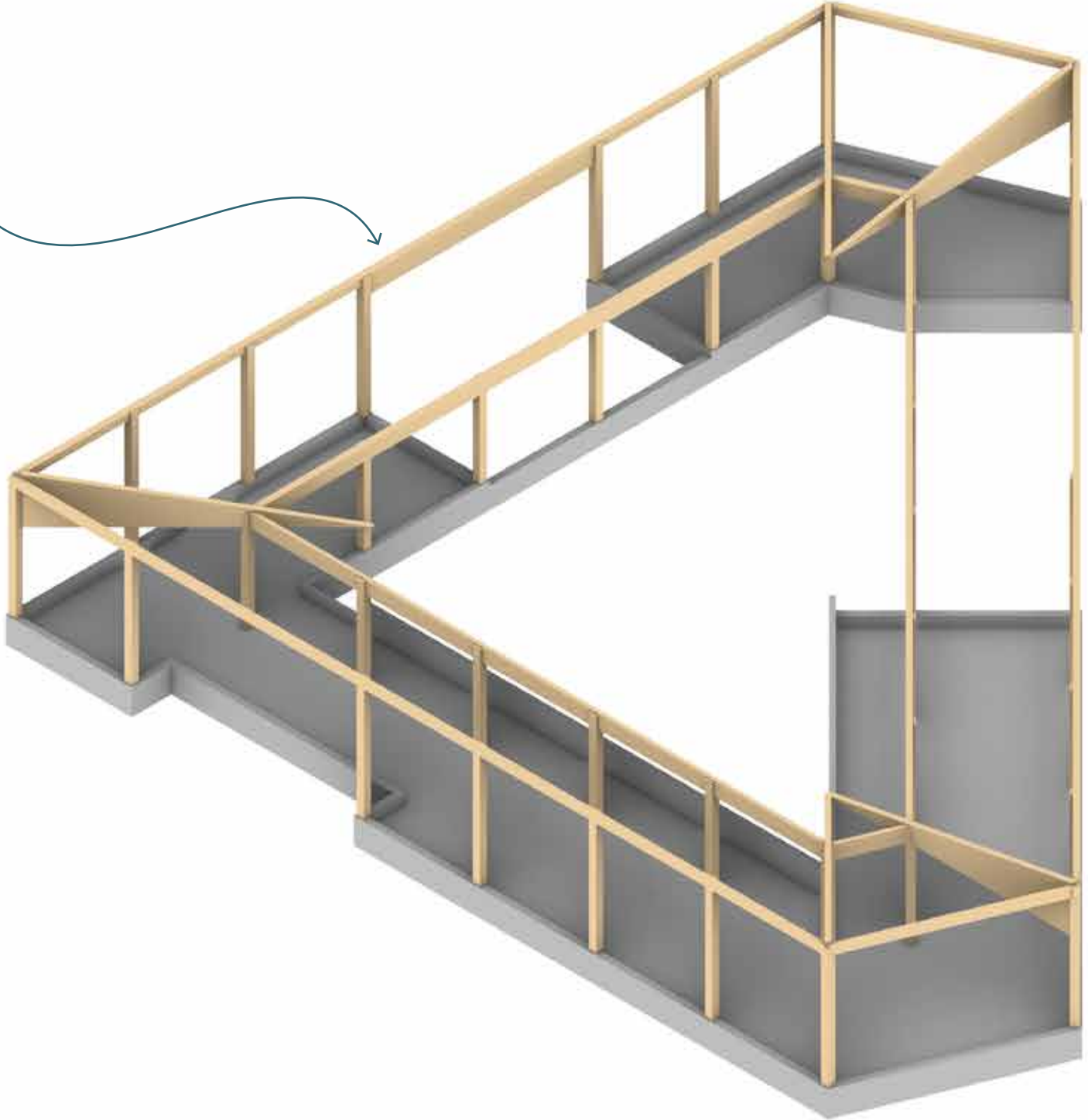
Off-site Mass Ply Fabrication



Off-site mass ply fabrication uses less on-site labor, meaning a reduction in prevailing wage labor traveling to remote areas.

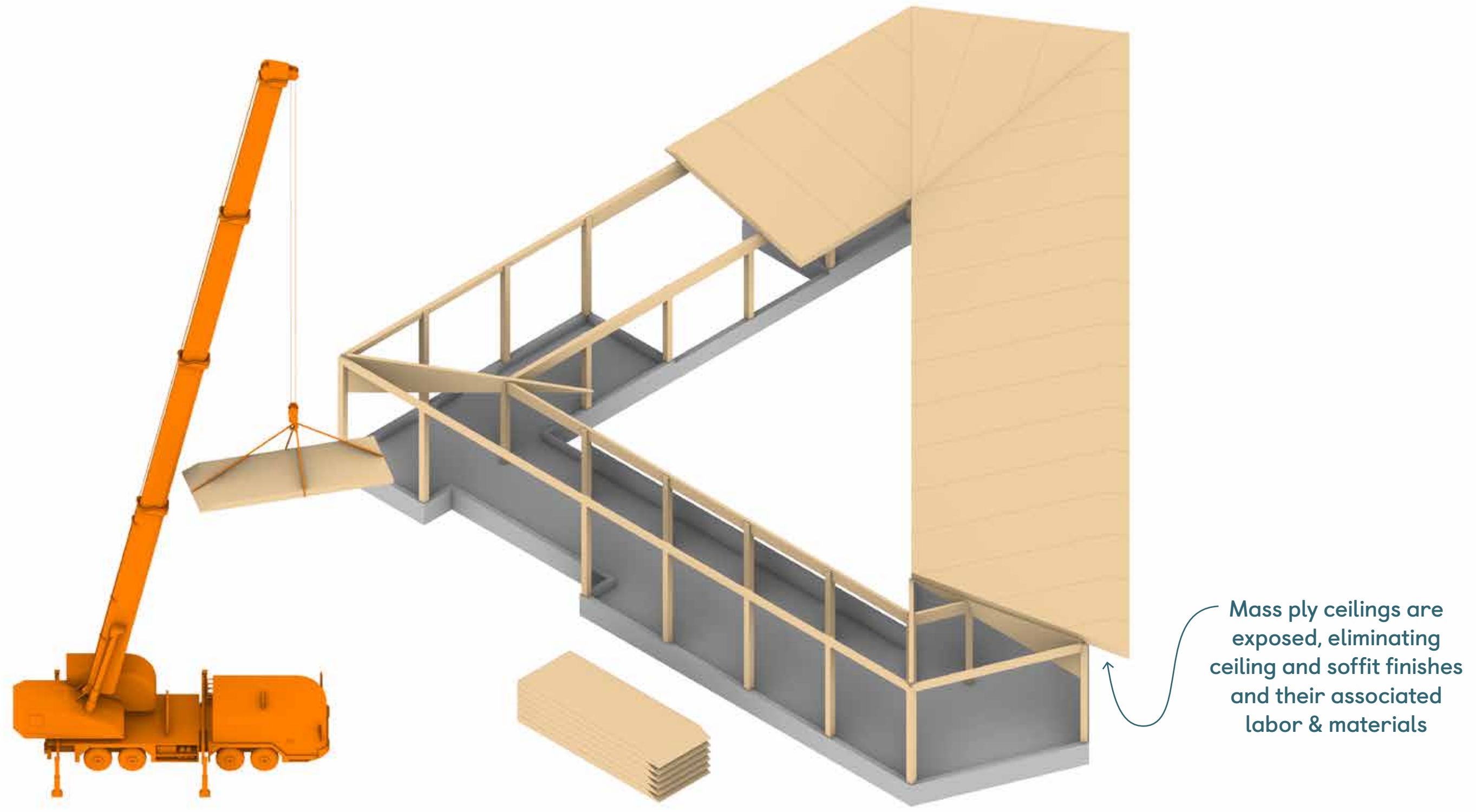
Beams & Columns

Mass ply is more dimensionally stable than stick-built construction and resistant to temperature fluctuations, making the building more durable.



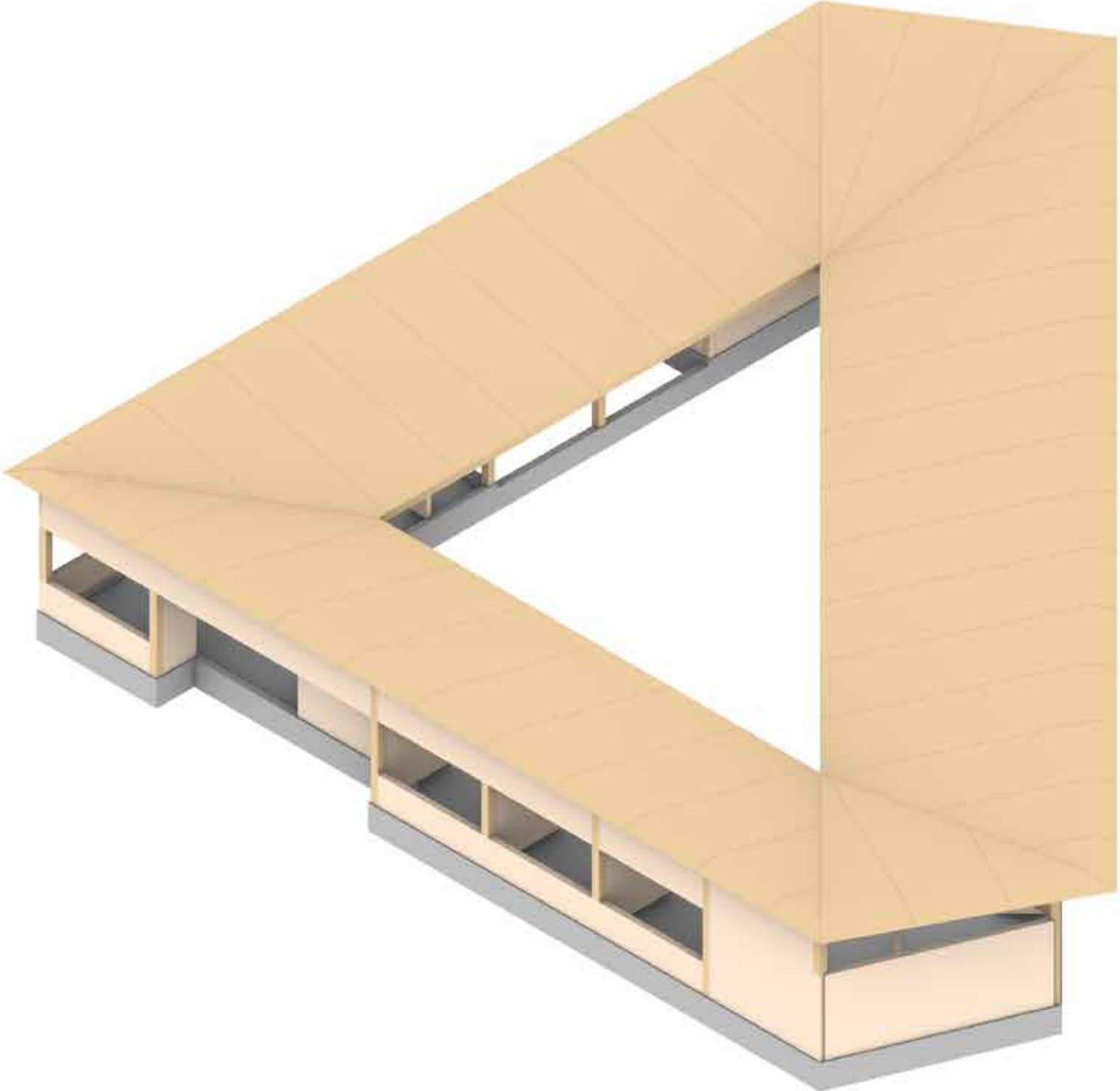
Decreased construction tolerances from machine fabrication reduce costly errors and delays and increase safety for laborers.

Mass Ply Panels



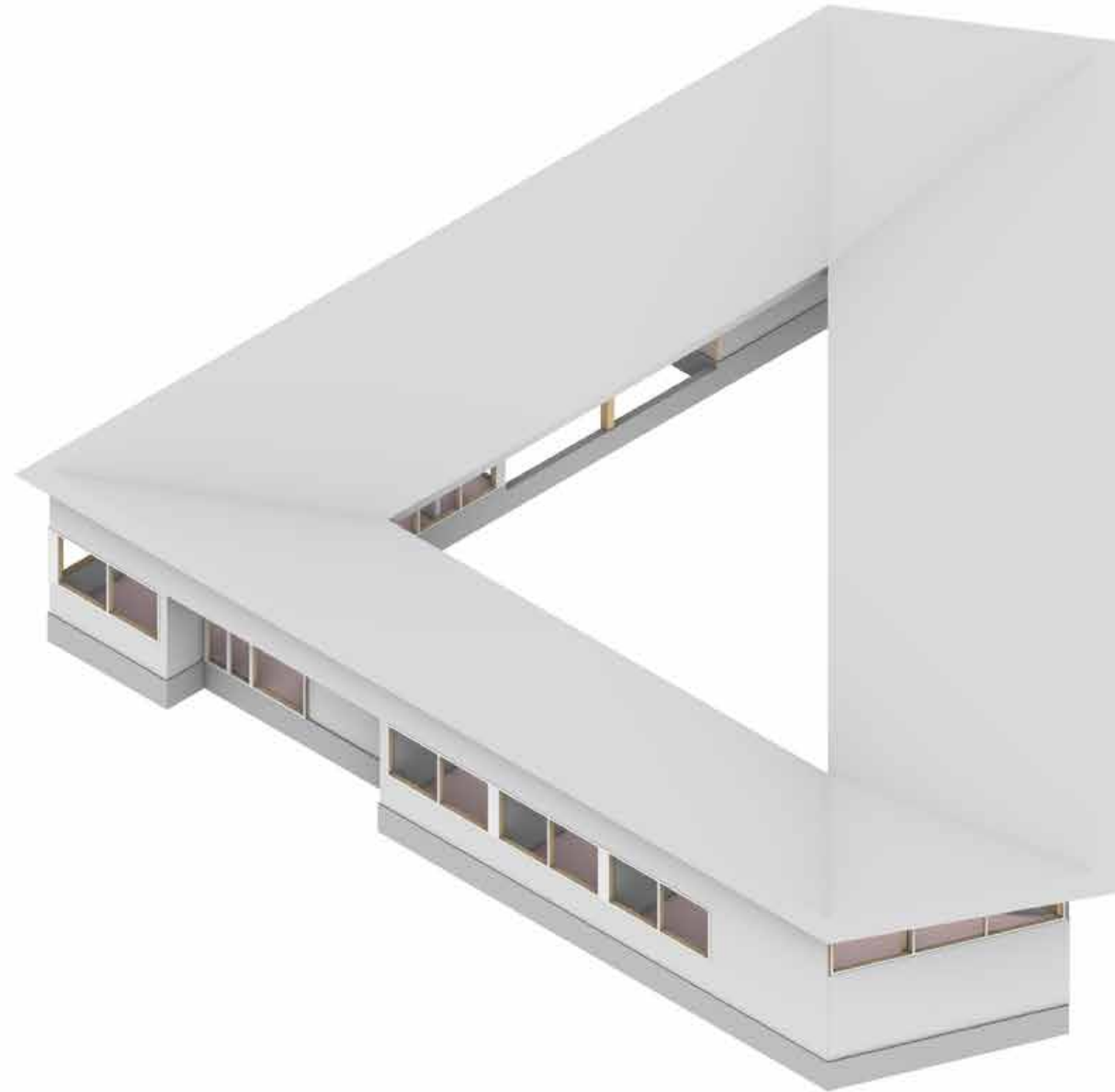
Mass Ply Columns & Beams erect quickly like an assembled kit of parts, minimizing the construction timeline.

Walls & Insulation



A repetitive structural grid provides the potential to fabricate exterior and interior walls off-site in addition to the structure.

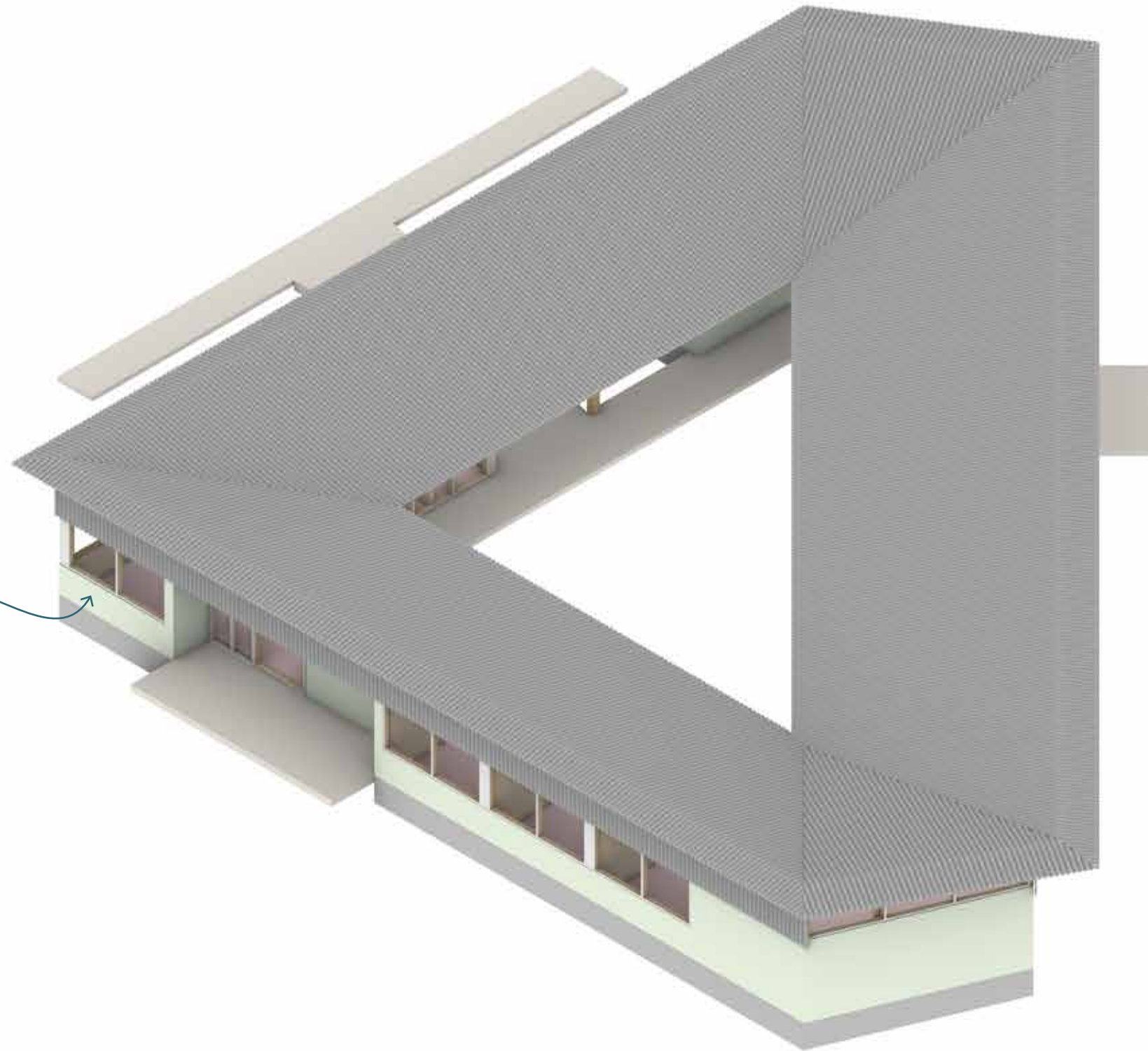
Glazing & Building Wrap



The speed of assembly allows for the building to be wrapped and sealed quickly, which is critical in an area subject to inclement weather.

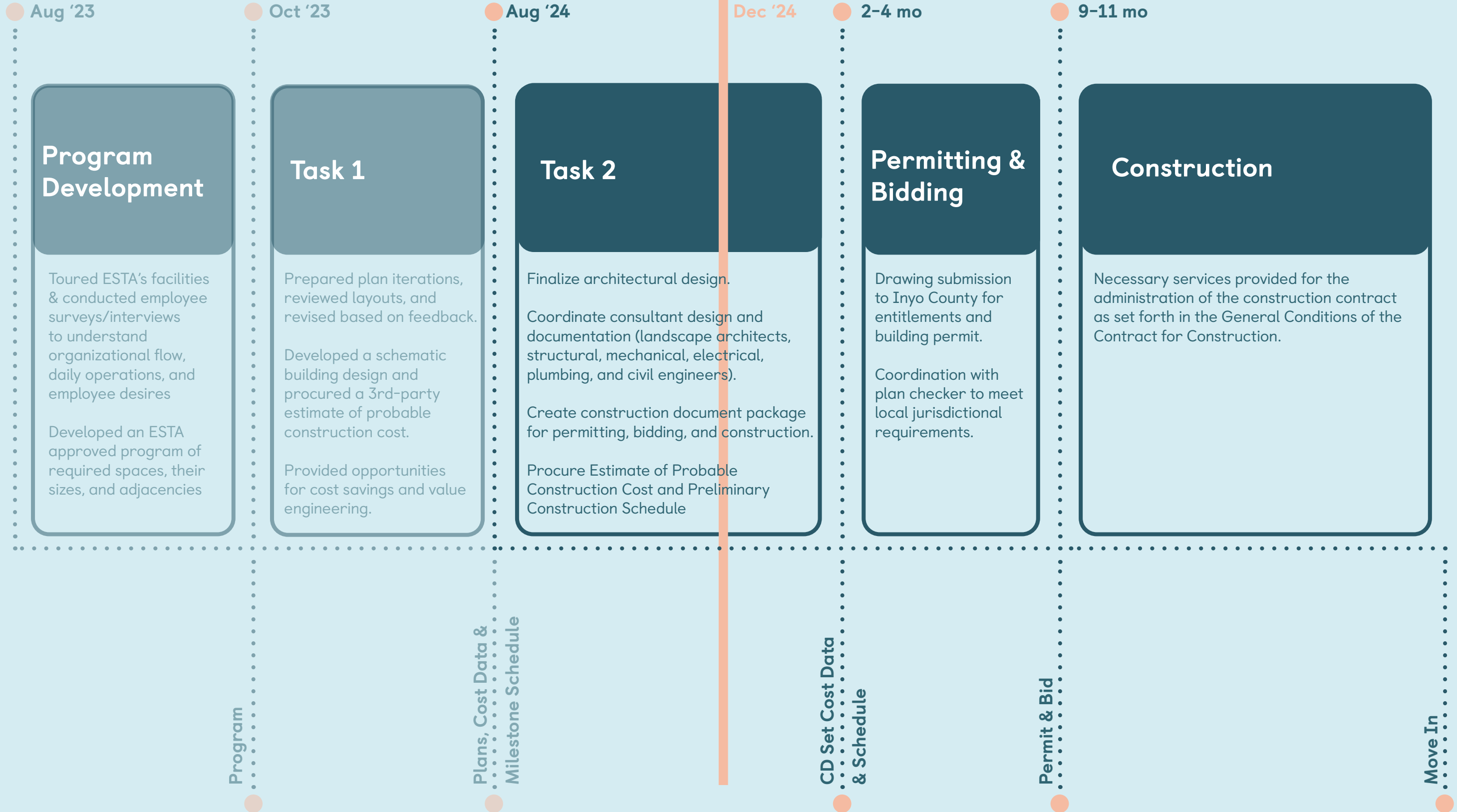
Roofing, Siding, Interior Finishes & Site Improvements

The material palette is restrained and elevates ordinary materials with intentional detailing.



Fiber cement roof & cladding can be installed by framing contractors, reducing specialized labor and minimizing the amount of different trades onsite.

Next Steps



Estimate of Probable Construction Cost

Building

\$3,114,271

Site work

\$515,905

(Clearing, grading, landscape installation, hardscape, utilities)

Owner defined scope

\$842,421

(Furniture, electrical switchgear and panel upgrade, bus charging panel and distribution, ground mounted solar array, A/V)

*This estimate was produced at the conclusion of Task 1. An updated estimate will be delivered with the conclusion of Task 2.

Construction Site Materials Changes

Change in index between annual average

	2019	2020	2021	2022	2023	2024
Concrete and related products	11.03	11.08	12.69	33.09	40.81	29.83
Asphalt and tar paving mixtures	4.71	-0.18	-0.26	16.24	13.93	0.75
Gypsum building materials	-17.79	0.22	43.44	56.22	34.12	2.42
Lumber, softwood	-26.5	64.9	117.38	-12.79	-109.45	-31.33
Sheet metal products	5.55	-1.23	42.5	54.06	14.8	3.55
Construction machinery	9.56	3.93	11.55	26.33	26.26	13.63
Steel for buildings	-1.67	-0.08	44.72	42.51	4.49	-25.97
Plastic construction products	3.31	4.03	52.03	66.39	13.06	-7.31
Diesel fuel	-25.98	-45.68	140.216	208.34	-22.55	-75.75



2024 SF Experts Projected Escalation

Organization	2021 Estimate	2022 Estimate	2023 Estimate	2024 Estimate	2025 Estimate
Public Institutions					
SFO	2-3	6-9	5	6	Avg. 4.5
SFPUC	4-5	6	6	5	4
REC (Custom Work)	-	-	-	-	2
Builders					
Pankow	3-4	5-10	5	2-3	3-4
Cumming Construction	3	5.6	4.8	5	4.68
Clark Construction	3-4	4.5-5.5	5.5	3.5-4	4-5
Jacobs	5	6-10	8	7-8	4-5
Market Consultants					
TBD Construction	3.5-4	4-5	6-7	6	4.5
Saylor Consulting Group	4	5	7	3-5	4
Martin Lee Corporation	5	8	8	5	5
Gordian* (5-year avg./2025)	3.6	3.8	5.88	6.27	5.68/-0.7
Average*	3.8	6.0	6.3	5.1	3.68
<i>*Uses Gordian number for 2025, not 5-year average</i>					



Bid Environment

- DPW received an **average of 3.4 bids and a median of 3 bids** (out of 24 projects)
- Winning bids were an average of 1.08x of engineer's estimates

# of Bids	% Differential (estimate vs. bid)
1	+25% to 50%
2-3	+10% to 25%
4-5	0% to 10%
6-7	0% to -10%
8 - 10	-10% to -20%

Source: Saylor Consulting Market Conditions SF Bay Area 4Q 2023

# of Bids	Low Bid Deviation From Estimate
1	1.15
2	1.11
3	1.07
4	1.01
5	0.95
6	0.91
7	0.89
8	0.88

Source: Cumming Construction Economic Forecast; from: Carr, Paul G., P.E., M.ASCE, "Investigation of Bid Price Competition Measured through Prebid Project Estimates, Actual Bid Prices, and Number of Bidders", Journal of Construction Engineering and Management, 2005

END

STAFF REPORT

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

Background

The current Executive Director's employment contract was initiated and approved by the Board in October of 2018 (Attachment A). The contract called for annual reviews and consideration of compensation adjustments. Pursuant to your Board's direction, attached for your consideration is a contract amendment effective the first full pay period in January 2025.

The reason for the relatively short period of time between reviews is a result of a six-month delay in my 2023 review.

Required Board Action

If the Board intends to change my salary and/or benefits, Government Code Section 54953(c)(3) requires the following:

"Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive... during the open meeting in which the final action is to be taken..."

In other words, if the Board decides to adjust my salary and/or benefits, you are required to summarize the package deal during this open session. There is no exact way that the report is required to be made, so you may simply read out my title, salary, any other direct monetary benefits, and a brief list of non-monetary benefits like health insurance, vacation, etc. That information is set forth in the proposed revisions to "Attachment B" to my employment agreement with ESTA.

Recommendation

Approve the submitted employment contract for the Executive Director, which includes a 3.0% salary increase effective January 13, 2025.

**AGREEMENT BETWEEN THE EASTERN SIERRA TRANSIT AUTHORITY
AND
FOR THE PROVISION OF PERSONAL SERVICES
AS THE EXECUTIVE DIRECTOR**

INTRODUCTION

WHEREAS, Phil Moores (hereinafter referred to as "Executive Director") has been duly appointed as EXECUTIVE DIRECTOR for the Eastern Sierra Transit Authority; and

WHEREAS, The Eastern Sierra Transit Authority (hereinafter referred to as "ESTA") and Executive Director desire to set forth the manner and means by which Executive Director will be compensated for performance of duties;

NOW THEREFORE, in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, ESTA and Executive Director hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK.

The Executive Director shall furnish to ESTA, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein.

Services and work provided by the Executive Director under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and county laws, ordinances, and resolutions.

2. TERM.

The term of this Agreement shall be from November 5, 2018 until terminated as provided below.

3. CONSIDERATION.

A. Compensation. ESTA shall pay Executive Director in accordance with the Schedule of Fees (set forth as Attachment B) for the services and work described in Attachment A which are performed by Executive Director.

B. Travel and Per Diem. ESTA shall reimburse Executive Director for the travel expenses and per diem which Executive Director incurs in providing services and work under this Agreement. Travel and per diem expenses will be reimbursed in accordance with ESTA's Expense and Use of Public Resources Policy, however, the Executive Director will not be reimbursed for intra-region travel by private automobile to destinations less than seventy-five (75) miles from Bishop, California.

C. No Additional Consideration. Except as expressly provided in this Agreement, Executive Director shall not be entitled to, nor receive, from ESTA, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement.

D. Manner of Payment. Executive Director will be paid in the same manner and on the same schedule of frequency as other ESTA employees.

E. Federal and State Taxes. From all payments made to Executive Director by ESTA under the terms and provisions of this Agreement, ESTA shall withhold all appropriate federal and state income taxes (resident and non-resident).

4. **WORK SCHEDULE.**

Executive Director's obligation is to perform the services and work identified in Attachment A which are needed within ESTA. It is understood by Executive Director that the performance of these services and work will require a varied schedule. Executive Director, in arranging his schedule, will coordinate and make arrangements to fulfill the requirements of the services and work which is necessary.

5. **REQUIRED LICENSES, CERTIFICATES, AND PERMITS.**

Any licenses, certificates, or permits required by the federal, state, county, or municipal governments for Executive Director to provide the services and work described in Attachment A must be procured by Executive Director and be valid at the time Executive Director enters into this Agreement. Further, during the term of this Agreement, Executive Director must maintain such licenses, certificates, and permits in full force and effect. Licenses, certificates, and permits may include, but are not limited to, driver's licenses, and professional licenses or certificates. ESTA will pay the cost of the licenses, certificates, and permits necessary for Executive Director to obtain and maintain a commercial driver's license and associated certificates in accordance with ESTA's Commercial Driver's License Reimbursements Policy. All other licenses, certificates, and permits will be procured and maintained in force by Executive Director at no expense to ESTA unless pre-authorized by the Board of Directors. Executive Director will provide ESTA, at ESTA's request, with evidence of current and valid licenses, certificates and permits which are required to perform the services identified in Attachment A. Where there is a dispute between Executive Director and ESTA as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, ESTA reserves the right to make such determinations for purposes of this Agreement.

6. **OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC.**

ESTA shall provide Executive Director with such supplies, reference materials, telephone service, and staff as is deemed necessary by ESTA for Executive Director to provide the services identified in Attachment A to this Agreement.

7. **ESTA PROPERTY.**

A. Supplies, Equipment, etc. All supplies, equipment, tools, protective or safety devices, badges, identification cards, keys, uniforms, vehicles, reference materials, furniture, appliances, etc. provided to Executive Director by ESTA pursuant to this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of ESTA. Executive Director will use reasonable care to protect, safeguard and maintain such items while they are in Executive Director's possession.

B. Products of Executive Director's Work and Services. Any and all compositions, publications, plans, designs, specifications, blueprints, maps, formulas, processes, photographs, slides, video tapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind which are created, produced, assembled, compiled by, or are the result or product of, Executive Director's services or work under this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of ESTA. At the termination of the Agreement, Executive Director will convey possession and title to all such properties to ESTA.

8. WORKERS' COMPENSATION.

ESTA shall provide workers' compensation coverage to Executive Director for all acts performed in the course and scope of providing the services described in Attachment A to this Agreement. In the event a claim is made by Executive Director for injuries received in the course and scope of providing such services, ESTA's liability shall be limited to workers' compensation benefits payable under the California Labor Code.

9. STATUS OF EXECUTIVE DIRECTOR.

All acts of Executive Director relating to the performance of this Agreement shall be performed by Executive Director as an employee of ESTA. Executive Director has no authority to bind, incur any obligation on behalf of, or exercise any right or power vested in, ESTA, except as expressly provided by law, defined in the ESTA Joint Powers Agreement, or set forth in Attachment A.

10. DEFENSE AND INDEMNIFICATION.

In the event the Executive Director is sued for acts performed within the course and scope of providing services and work described in Attachment A of this Agreement, ESTA shall defend, indemnify, and hold the Executive Director harmless from any and all liability arising from such acts as required by law.

11. TERMINATION AND DISCIPLINE.

Executive Director's services under this Agreement may be terminated by ESTA without cause, and at will, for any or no reason by giving to Executive Director ninety (90) days written notice of such intent to terminate.

Executive Director may terminate this Agreement without cause, and at will, for any reason whatsoever by giving thirty (30) days written notice of such intent to terminate to ESTA.

12. ASSIGNMENT.

This is an agreement for the personal services of Executive Director. ESTA has relied upon the skills, knowledge, experience, and training of Executive Director as an inducement to enter into this Agreement. Executive Director shall not assign or subcontract this Agreement, or any part of it, without the express written consent of ESTA.

13. NONDISCRIMINATION.

Executive Director agrees to comply with various provisions of the federal, state, and county statutes, laws, and ordinances applicable to ESTA, and providing that no person in the United States shall, on the grounds of race, color, religion, ancestry, sex, age, physical handicap, or national origin, be subjected to discrimination.

14. CONFIDENTIALITY.

Executive Director agrees to comply with various provisions of the federal, state, and county laws and ordinances providing that information and records kept, maintained, or accessible by ESTA, shall be privileged, restricted, or confidential. Disclosure of such confidential, privileged, or protected information shall be made by Executive Director only as allowed by law.

15. CONFLICTS.

Executive Director agrees that he has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the work and services under this Agreement. Executive Director agrees to complete and file appropriate conflict of interest statements.

16. POST AGREEMENT COVENANT.

Executive Director agrees not to use any confidential, protected, or privileged information which is gained from ESTA in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Executive Director agrees for a period of two years after the termination of this Agreement, not to seek or accept any employment with any entity, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with ESTA, or who has been an adverse party in litigation with ESTA, and concerning such, Executive Director by virtue of this Agreement has gained access to ESTA's confidential, privileged, protected, or proprietary information.

17. AMENDMENT.

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change is in written form, and executed with the same formalities as this Agreement, and attached to the original Agreement to maintain continuity.

18. NOTICE.

Any notice, amendments, or additions to this Agreement, including change of address of either party during the term of this Agreement, which Executive Director or ESTA shall be required, or may desire, to make shall be in writing and shall be sent by prepaid first-class mail to the respective parties as follows:

ESTA
Chairperson – Board of Directors
P.O. Box 1357
Bishop, CA 93515

Executive Director:
Phil Moores
191 Alpine Drive
Aspendell, CA 93514

19. ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless the same be in writing executed by the parties hereto.

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AGREEMENT BETWEEN EASTERN SIERRA TRANSIT AUTHORITY
AND PHIL MOORES
FOR THE PROVISION OF PERSONAL SERVICES
AS THE ESTA EXECUTIVE DIRECTOR

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
19 DAY OF October, 2018.

ESTA

By: Kirk A. Stapp
Print or Type Name

Kirk A. Stapp
Signature

Dated: 10/19/18

EXECUTIVE DIRECTOR

By: Phil Moores
Print or Type Name

Phil Moores
Signature

Dated: 10/8/18



**AGREEMENT BETWEEN THE EASTERN SIERRA TRANSIT AUTHORITY
AND PHIL MOORES
FOR THE PROVISION OF PERSONAL SERVICES
AS THE ESTA EXECUTIVE DIRECTOR**

TERM:

FROM: November 5, 2018 **TO: Termination**

SCOPE OF WORK:

The Executive Director shall have all of the authority and shall fulfill all of the obligations of the position as defined in the Joint Powers Agreement establishing the Eastern Sierra Transit Authority.

**AGREEMENT BETWEEN THE EASTERN SIERRA TRANSIT AUTHORITY
AND PHIL MOORES
FOR THE PROVISION OF PERSONAL SERVICES
AS THE ESTA EXECUTIVE DIRECTOR**

TERM:

FROM: November 5, 2018

TO: Termination

SCHEDULE OF FEES:

- Salary: \$ 118,600 annually
 - Retirement: If Classic -CalPERS 2% at 55 formula, classic member 100% paid by ESTA
If PEPRA CalPERS 2% at 62 formula, employer contribution only.
 - Health Insurance: PERS Choice (employee contribution = 17%, currently, \$118.82/mo.),
PERS Select (employee contribution = 13%, \$85.12/mo.), or monthly stipend of \$408 if
no health coverage is elected, and employee provides proof of health insurance
coverage comparable to ESTA's.
 - Vision/Dental Reimbursement: \$1,000 per year plus \$400/year for one or more
qualifying dependents
 - Comprehensive Leave: Employee will start accruing at the 4 – 10 (year) ; 31 days/year
for years 11-15; and 34 days/year for years 16+
 - Paid Holidays: 11 per year
 - Deferred Compensation: ESTA provided 457(b) plan. No ESTA contribution
 - Life Insurance: \$50,000 paid by ESTA
 - Relocation allowance (one time): \$7,500
- I. ESTA will make the same adjustment to the Executive Director's salary, benefits, allowances
and other forms of compensation as for other administrative employees except as provided in
paragraph II below.
 - II. The ESTA Board will review the performance of the Executive Director at least annually and
may at that time adjust compensation as determined to be fair and reasonable. Should any
adjustment be made at this time, the date of such adjustment will become the anniversary date
for any subsequent compensation changes subject to paragraph I. above.

ESTA
EXECUTIVE DIRECTOR EMPLOYMENT CONTRACT

Page 7

**AGREEMENT BETWEEN THE EASTERN SIERRA TRANSIT AUTHORITY
AND PHIL MOORES FOR THE PROVISION OF PERSONAL SERVICES AS
THE ESTA EXECUTIVE DIRECTOR**

TERM FROM: January 13, 2025 TO: Termination

SCHEDULE OF FEES:

- Salary: \$149,432.40 annually.
- Retirement: Classic Calpers 2% at 55 formula, and 100% paid by ESTA.
- Health Insurance: PERS Choice (employee contribution = 17%), PERS Select (employee contribution = 13%), or monthly stipend of \$408, if no health plan is selected.
- Vision/Dental/Hearing Reimbursement: \$1,500/yr. plus \$600/yr. for qualifying dependents.
- Comprehensive Leave: Employee will accrue at the 11–15-year rate.
- Paid Holidays: 12 per year
- Life Insurance: \$50,000, paid by ESTA
 - I. ESTA will make the same adjustment to the Executive Directors salary, benefits, allowances, and other forms of compensation as for other employees except as provided in the paragraph below.
 - II. The ESTA Board will review the performance of the Executive Director at least annually and may at that time adjust compensation as determined to be fair and reasonable. Should any adjustment be made at this time, the date of such an adjustment will become the anniversary date for any subsequent compensation changes subject to paragraph I. above.

**AMENDMENT NUMBER 5 TO
AGREEMENT BETWEEN THE EASTERN SIERRA TRANSIT AUTHORITY
AND
PHIL MOORES
FOR THE PROVISION OF PERSONAL SERVICES
AS THE ESTA EXECUTIVE DIRECTOR**

WHEREAS, the Eastern Sierra Transit Authority (hereinafter referred to as "ESTA") and Phil Moores (hereinafter referred to as "Contractor"), have entered into an Agreement to provide personal services contractor services dated October 19, 2018.

WHEREAS, ESTA and Contractor do desire and consent to amend such Agreement as set forth below.

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

ESTA and Contractor hereby amend such Agreement via a revised ATTACHMENT B, which is attached hereto and incorporated herein.

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS 12th DAY OF December, 2024.


ESTA

By: 
signature

Bob Gardner
Print name

Dated: 12/26/24

CONTRACTOR

By: 
signature

Phil Moores
print name

Dated: 12/16/24

The effective date of this Amendment to the Agreement is January 13, 2025. All the other terms and conditions of the Agreement are unchanged and remain the same.

STAFF REPORT

Subject: Equal Employment Opportunity Program

Initiated by: Dawn Vidal, Administration Manager

BACKGROUND:

In October 2013, the Eastern Sierra Transit Authority established a policy statement defining the Authority's commitment as an equal opportunity employer and to an active Nondiscrimination Program (EEO Policy). At this time, it is necessary to update the Authority's EEO Policy to comply with FTA Circular 4704.1A, Equal Employment Opportunity Program Guidelines for Grant Recipients.

ANALYSIS/DISCUSSION:

As a subrecipient of Federal funds, ESTA is required to comply with FTA Circular 4704.1A, Equal Employment Opportunity Program Guidelines for Grant Recipients.

This draft has been reviewed and approved by Caltrans. The updated EEO Program is valid for four years, December 12, 2024 through December 11, 2028.

ESTA's EEO Program is attached for the Board's review and approval.

FINANCIAL CONSIDERATIONS

The reaffirmation of ESTA's EEO Program will not result in any financial impact.

RECOMMENDATION

The Board is requested to pass and adopt Resolution 2024-04, the approval of Eastern Sierra Transit Authority Equal Employment Opportunity Program.



Eastern Sierra Transit Authority

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

December 12, 2024 through December 11, 2028

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I. STATEMENT OF POLICY

A. Policy Statement

Eastern Sierra Transit Authority has a strong commitment to the community we serve and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve. No person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.

Eastern Sierra Transit Authority Equal Employment Opportunity (EEO) policy applies to all employment actions, including but not limited to, recruitment, hiring, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation.

All applicants and employees have the right to file complaints alleging discrimination. Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated.

Eastern Sierra Transit Authority is committed to providing reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

As Eastern Sierra Transit Authority's Executive Director, I maintain overall responsibility and accountability for Eastern Sierra Transit Authority's compliance with its EEO Policy and Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed Dawn Vidal, Administration Manager as Eastern Sierra Transit Authority's EEO Officer. Dawn Vidal can be reached by phone at 760-872-1901 x11 or by email dvidal@estransit.com. Dawn Vidal will report directly to me and acts with my authority with all levels of management, labor unions, and employees.

All Eastern Sierra Transit Authority executives, management, and supervisory personnel, however, share in the responsibility for implementing and monitoring Eastern Sierra Transit Authority's EEO Policy and Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved. Eastern Sierra Transit Authority will evaluate its managers' and supervisors' performance on their successful implementation of Eastern Sierra Transit Authority's policies and procedures, in the same way Eastern Sierra Transit Authority assesses their performance regarding other agency's goals.

Eastern Sierra Transit Authority is committed to undertaking and developing a written nondiscrimination program that sets forth the policies, practices and procedures, with

goals and timetables, to which the agency is committed and make the EEO Program available for inspection by any employee or applicant for employment upon request.

I am personally committed to a workplace that acts upon its daily responsibility to treat all applicants and employees with dignity and respect, as well as equitably under the guidelines of our EEO Policy and Program.



Phil Moores, Executive Director Signature

12/4/24

Date

II. DESIGNATION OF PERSONNEL RESPONSIBILITY

A. Equal Employment Opportunity Officer

The Administration Manager for the Authority, is designated as the EEO Officer. In this capacity, the Administration Manager will report directly to the Executive Director.

As the EEO Officer, the Administration Manager's duties and responsibilities will include, but not necessarily be limited to:

- Developing the EEO policy statement and a written EEO Program
- Assisting management/Human Resources in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals
- Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed
- Reviewing the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood
- Concurring in the hiring and promotion process
- In conjunction with human resources, periodically reviewing employment practices policies (e.g., hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures, and union agreements
- Reporting at least semiannually to the Executive Director on each department's progress in relation to the agency's goals and on contractor and vendor compliance
- Serving as liaison between the agency; Federal, state, county, and local governments; regulatory agencies; and community groups representing minorities, women, and persons with disabilities, and others
- Maintaining awareness of current EEO laws and regulations, and ensuring the laws and regulations affecting nondiscrimination are disseminated to responsible officials
- Investigating complaints of EEO discrimination
- Providing EEO training for employees and managers
- In conjunction with human resources, advising employees and applicants of available training programs and professional development opportunities and the entrance requirements
- Auditing postings of the EEO policy statement to ensure compliance information is posted and up to date.

B. Department Heads, Managers and Supervisors

Although the EEO Officer is primarily responsible for implementing an agency's EEO Program, all officials, managers, and supervisors are responsible for ensuring EEO

and must not discriminate based on a protected class. All managers—from the supervisor of the smallest unit to the Board Chair and Executive Director —bear responsibility for ensuring that agency EEO Program policies and programs are carried out. EEO responsibilities for agency officials, supervisors and managers include:

- Participating actively in periodic audits of all aspects of employment to identify and remove barriers obstructing the achievement of specified goals and objectives
- Holding regular discussions with other managers, supervisors, employees, and affinity groups to ensure agency policies and procedures are being followed
- In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the nondiscrimination program
- Cooperating with the EEO Officer in review of information and investigation of complaints
- Encouraging employee participation to support the advancement of the EEO Program (e.g., professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring)

III. DISSEMINATION OF THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

The Equal Employment Opportunity Program of the Authority will be disseminated to its employees, job applicants, and the community using several communication techniques. The EEO Officer will be responsible for program implementation and will assure that the following are accomplished:

Internal Communications

The existence of its EEO policy and program will be communicated to employees, applicants, and potential applicants by:

- Providing written communications from the Executive Director such as the policy statement
- Posting official EEO materials (e.g., Federal and state labor laws poster(s)) and the agency's policy statement on bulletin boards, near employee boxes, in employees' breakrooms, and in the employment/personnel office
- Including the EEO policy statement in the agency's personnel and operations manual, employee handbooks, reports, and manuals
- Meeting with top management officials (e.g., bus operations, human resources, planning, marketing, etc.) at a minimum semiannually to discuss the EEO Program and its implementation
- Meeting with all employees and affinity groups to seek input on the program implementation
- Conducting periodic EEO training for employees and for managers
- Conducting EEO training for all new supervisors or managers within 90 days

- of their appointment
- Including the policy statement in employee orientation materials and require new employees to sign a form acknowledging they have read and understand the policy.

Documentation that the EEO policy and program have been brought to the attention of employees and managers will be kept. This includes maintaining agendas and sign-in sheets for meetings conducted when the EEO policy and its implementation are explained.

External Policy Dissemination

1. All major recruiting sources, including minority and women's organizations, community agencies, community leaders, vocational and technical schools, and colleges will be informed of the Authority's EEO Program. These sources will be requested to actively recruit and refer minorities and women for all positions within the Authority.
2. When advertisements for employment are placed, they are placed in media that minorities have access to, as well as other news media. All employment advertisements contain the phrase "An Equal Opportunity Employer".
3. The existence and benefits and the Authority's EEO Program will be communicated to private and public employment agencies by dissemination of the Eastern Sierra Transit Authority's Policy Statement.

IV. ASSESSMENT OF PRESENT EMPLOYMENT PRACTICES

It is the policy of the Eastern Sierra Transit Authority to aggressively recruit the most qualified people to staff the Authority; and in doing so, it will afford equal opportunity for employment, selection, training, promotion, compensation and benefits, to all persons without regard to race, color, age (over 40), sex, religion, national origin, disability, medical condition, marital status, genetic information or ancestry, or any other factor not related to the requirements of a work assignment.

The Administration Manager or designee shall be responsible for establishing recruitment, examination and referral procedures and shall be responsible for all employment activity in the Authority. Recruitment activities are monitored on a quarterly basis and have been summarized for this Attachment C – Employment Practices and Assessment Chart

Recruiting Sources

- A. The Authority actively seeks minorities and females for existing and future employment. Recruitment notices are distributed to various sources

including, but not limited to, those agencies listed below:

Cerro Coso Community College
Eastern Sierra College Center
4090 W. Line Street
Bishop, CA 93514

Mono County Workforce Services
workforceservices@mono.ca.gov

Cerro Coso Community College
Eastern Sierra College Center
101 College Parkway
Mammoth Lakes, CA 93546

Owens Valley Career Development
Center
2574 Diaz Lane
Bishop, CA 93514

Employment Development
Department
914 N. Main Street
Bishop, CA 93514

Bishop Paiute Tribe
50 Tu SU Lane
Bishop, ca 93514

Inyo County
Public Assistance & Employment
914 N. Main Street
Bishop, CA 93514

Veterans Services
207 W. South St.
Bishop, CA 93514

Inyo County
Public Assistance & Employment
380 N. Mt, Whitney
Lone Pine, CA 93545

Newspaper advertising is normally placed in the Inyo Register, Mammoth Times and El Sol. The Inyo Register is circulated in the high minority communities located in Inyo County, and the Mammoth Times is circulated in the high minority communities located in Mono County. El Sol is circulated in both Inyo and Mono counties in Spanish. On-line advertising is placed on the Authority website, www.estransit.com.

B. Source of Applications

The majority of applicants gain knowledge of the opening through the state employment office, local newspaper advertisements, www.estransit.com, and through the various organizations receiving a recruitment notice. Applicants may also "walk-in" to the Authority looking for employment.

Professional, technical and managerial applicants may also be the result of local and national newspaper advertising or respondents to recruitment notices sent to various transit properties, public agencies or transit associations.

C. Recruitment and Selection Procedures

The recruitment process begins when the Administration Manager is notified there is a position to be filled and informed of other relevant specifications. All recruitment activity is preceded with a review of the job description to ensure specifications and requirements of the position are current, realistic and necessary. The department head, the Administration Manager and the Executive Director approve openings to be filled.

Human resources post an internal recruitment notice on employee bulletin boards. Classified employment advertising is placed in all appropriate publications. For most positions the Inyo and Mono County publications are adequate. However, for the highly skilled and/or managerial positions, advertisements in national trade publications and publications outside the Eastern Sierra Region may be necessary. Circumstances dictate whether positions will be advertised with a closing date or remain open until filled.

All applicants are required to complete an Authority application. Upon receipt, all applications are recorded on the recruitment log.

Prior to the interview, the hiring manager and human resources meet to develop a program of questions to be used during the interview. The questions are derived from the job description. These questions are approved by the Administration Manager. The applicant's answer to each question is scored on a scale of 1-5, with 5 being the highest score.

The human resources and hiring manager screen all applications and select applicants who meet the minimum requirements of the positions. The most qualified applicants are tested and interviewed by human resources and the department head or their designee, the Administration Manager may be included in the interview process on selected positions. Second level interviews, if deemed necessary, are conducted by the Administration Manager and department head.

The department head and human resources refer one to three qualified candidates to the hiring manager to be interviewed at a second level, if desirable. The hiring manager selects the successful candidate after all interviews are completed. Applicants may be rejected at any point during the recruitment and selection process and will receive written notification of such rejection.

The human resources extend a verbal offer of employment to the successful candidate after checking references and issues a formal offer letter, which is provided to the candidate for signature via mail or in-person. The acceptance letter outlines the terms of employment, including anticipated

start date, rate of pay, and introductory/probationary policies, etc. The offer of employment is contingent on the candidate successfully passing a, background check, drug screen and DMV/employment physical if required for the position, consistent with federal drug-testing requirements and the Americans with Disabilities Act (ADA).

The human resources perform a background investigation through ADP, Inc. The following information is verified and/or reviewed:

1. Present/previous employment
2. Educational degrees and professional certificates (if a job requirement)
3. Driving record (for positions requiring operation of the Authority's vehicles)
4. Criminal record if applicable
5. Social Security number verification
6. Credit history if applicable

If the applicant passes the drug screen and physical, if required, and all background information has been satisfactorily reviewed and verified, the new employee is instructed to report to human resources or the Department Head on the first day of employment for orientation.

D. Description of Aptitude/Selection Tests

Following is a description of aptitude/selection tests administered to job applicants:

1. Typing test: A standard typing test is given to individuals applying for positions requiring a minimum typing speed (i.e., secretary and receptionist).
2. Job-related skills test: Written tests may be given to determine a person's ability to perform the duties of the position. Passing scores are routinely set at 85%. An applicant who does not pass either the job-related skills test(s) or other job-related skills tests may not retest for a period of one year.

E. Seniority Practices, Promotions and Transfer Procedures

1. Seniority is determined by the date of original hiring by the Authority. All employees in the bargaining unit are on probation until they complete six months of employment.
2. It is the Authority's policy to fill job vacancies by promotion or transfer of qualified employees within the organization whenever possible.

The following qualifications are considered when selecting an employee to fill an upgraded position:

- a. Attitude, skill, ability and past performance
- b. Disciplinary record
- c. Attendance record
- d. Safety record
- e. Length of service
- f. Tests results (if position warrants testing)
- g. Interview results

To be considered for promotion, an employee must submit an application to human resources. The procedures outlined in Section V, D are followed for screening, testing, interviewing and selection. An internal candidate will not be required pass a pre-employment physical. However, promotions into safety sensitive positions or positions with increased lifting requirements will require pre-employment physical.

An employee requesting a transfer must submit an application to human resources. The employee's qualifications, as listed above, will also be considered when a transfer is requested. The Executive Director will approve or disapprove the request based on the recommendations of the department head and Administration Manager.

F. Compensation and Benefits

Compensation and benefits schedules are applied without regard to race, color, age, sex, religion, national origin, disability, medical condition, marital status, genetic information, or ancestry.

The following benefits are applicable to benefitted employees:

1. Group insurance benefits, including PERS Health, dental & vision reimbursement, disability and life insurance (as applicable)
2. Comprehensive leave
3. PERS Retirement
4. Flexible Benefit Program
5. Deferred Compensation
6. Employee Assistance Plan
7. Free transportation on ESTA routes for the employee and family members in the same residence.
8. Paid holidays
9. Military leave

10. Jury Duty leave
11. Bereavement leave
12. Leave of absence (with or without pay)
13. All benefits required by State, Federal and local law (i.e. SDI, Workers Compensation, etc.)

The following benefits are applicable to non-benefitted employees:

1. PARS retirement
2. California Sick Leave
3. Deferred Compensation
4. Employee Assistance Plan
5. Free transportation on ESTA routes for the employee and family members in the same residence.
6. All benefits required by State, Federal and local law (i.e. SDI, Workers Compensation, etc.)

G. EEO Investigative Process:

Eastern Sierra Transit Authority's EEO Policy protects applicants and employees from discrimination and harassment that is based on legally protected categories and protects them from retaliation for involvement in the EEO process. All complaints will be handled with confidentiality and with the utmost respect for privacy. Below is an outline of the EEO complaint process for reporting unprofessional or disrespectful behavior.

1. **Contact** ESTA's EEO Officer to discuss complaint. Complaints can be made in writing or reported in person. EEO Office will notify complainant whether complaint is accepted for investigation. Non-EEO issues will be referred to a manager, supervisor or human resources as appropriate.
2. **Investigation-** The EEO Officer interviews the complainant, respondent, and any witnesses, and reviews the evidence. Absent extraordinary circumstances, the EEO Office shall conclude its investigation within 90 days and then will have 30 days to submit a investigative report to the Executive Director.
3. **Determination-** Within 30 days from receipt of the report, the Executive Director will review the findings and communicate a determination to the EEO Officer. An allegation that is not supported by a preponderance of the evidence means that, based on the evidence, it is not likely that there was a violation of the EEO Policy. An allegation that is supported by a preponderance of the evidence means that, based on the evidence, it is more likely than not that there was a violation of the EEO Policy
4. **Closing Notices-** EEO Officer will send closing notices to the parties after the Executive Director has made a determination

H. Terminations and Disciplinary Practices

All employees serve an introductory period of six (6) months. The introductory period is a span of time during which an employee is evaluated by his/her supervisor on the performance of the duties of the position, and on those qualities that comprise the overall make-up of the employee including attendance, reliability, trustworthiness, etc. If problems begin to occur, the immediate supervisor and the EEO Officer will counsel the employee.

If at any time during the introductory period an employee is performing in an unsatisfactory manner, and it is determined that the performance cannot improve, the employee will be released without recourse. The reasons for removal will be clearly defined and applied consistently. The release will be reviewed and approved by the EEO officer and the Executive Director to ensure consistency and non-discriminatory. If it is determined that the employee may be able to improve their performance, the introductory period may be extended as described in ESTA's Personnel Rules.

If the evaluation indicates satisfactory performance at the end of the employee's introductory period, the employee will achieve regular status.

If a regular employee begins to perform in an unsatisfactory manner, the immediate supervisor will discuss job performance with the employee. The employee will be given a period of time to improve his/her performance. The employee may be dismissed or otherwise disciplined if no improvement is noted at the end of this period.

Hourly/union employee disciplinary and termination procedures are in accordance with the provisions of collective bargaining agreements with the Eastern Sierra Transit Authority Employees Association, and the Management & Confidential Employees Association. These documents outline the disciplinary actions to be taken when dealing with indefinite suspensions, suspensions for term, loss of pay and oral and written reprimands. Reasonable accommodations will be made for members with disabilities.

Disciplinary and termination actions are monitored on an on-going basis, reported on quarterly., Decisions will be made in a manner consistent with EEO principles.

V. **MONITORING AND REPORTING SYSTEMS**

A. Quarterly Reporting

On a quarterly basis, information regarding the number of employees hired,

promoted, resigned, retired, or terminated, etc., will be compiled by the human resources. The data will be synthesized by race, sex, and job classification and submitted to the Administration Manager.

B. Semi-Annual Review and Annual Review

Semi-annually, the Administration Manager will review with the Executive Director a summary of the progress made over the preceding six (6) months. Assessments and corrective action will be made at this time. An annual report will be prepared by the Administration Manager, which will include the information gathered in the quarterly reports and an evaluation of the Equal Employment Opportunity Program.

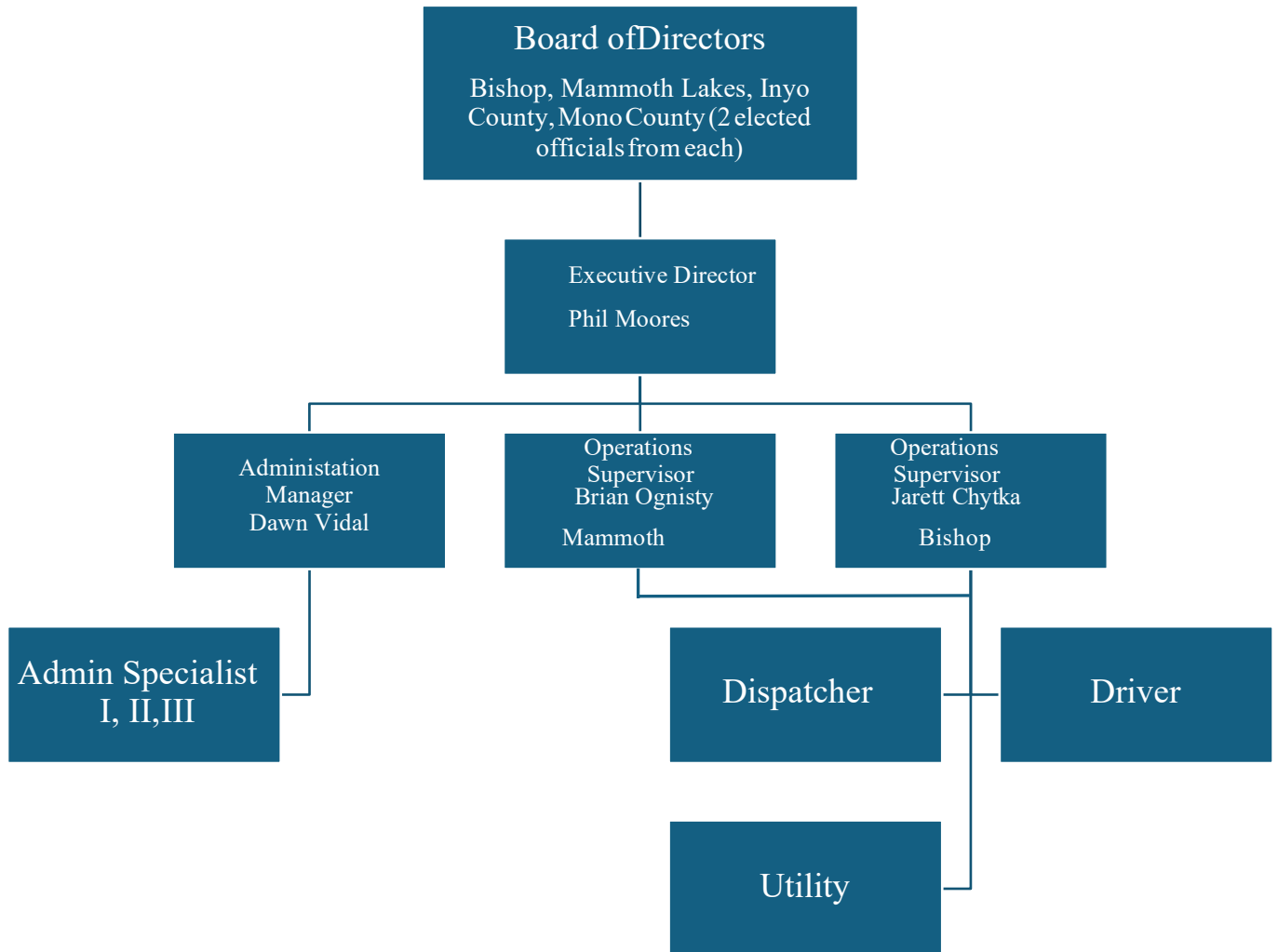
The evaluation process will highlight the policies and objectives that were accomplished, as well as pinpoint those areas in which the Authority failed to achieve the objectives within the timetables that were set. The evaluation process will allow the EEO Action Officer to amend and reset the existing objectives as well as identify other areas of underutilization and develop new objectives with timetables to remedy these deficiencies.

C. EEO Complaint Tracking

The Administration Manager maintains a log of all discrimination complaints. The log includes complainant name, parties involved, date of incident/complaint, list of complaint(s) and current status. This log is updated as complaints arise. Once complaint is investigated the log is updated.

Attachment A

Eastern Sierra Transit Authority's Organizational Chart



Attachment B
List of Subrecipients or Contractors Monitored by
Eastern Sierra Transit Authority

Eastern Sierra Transit Authority does not have any contractors payed with Federal funds.

Attachment C Required Training for Supervisors

In addition to the video training on the California JPIA website ([Supervisor Skills Respect, Integrity & Inclusion](#)) The following information is provided and discussed:

Managing Equal Employment Opportunity

March 17, 2022 SHRM

Overview

Public policy regarding equal employment opportunity (EEO) is expressed in constitutions and more particularly in anti-discrimination laws. In the United States, these laws exist at the federal, state and local levels. EEO laws vary greatly from one place to another in terms of employers or other entities they cover, the particular classes of persons they protect, the transactions they regulate, and the type and extent of legal remedies they provide for. The philosophical concept of EEO arises, at least implicitly, whenever employers engage employees. The methods a government uses to regulate equal employment opportunity are another manner. U.S. employers operating abroad and foreign employers operating in the United States must be mindful of relevant EEO requirements. Employers in other global contexts also need to know what standards govern their practices.

U.S. EEO laws are applicable to numerous employer actions, and HR professionals should be fully aware of their broad reach. A body of effective best practices was developed to reduce EEO complaints and to manage them effectively when they do occur.

What Is an Employment "Opportunity"?

U.S. EEO laws prohibit discrimination on the basis of stated characteristics in terms and conditions of employment. As such, "opportunities" exist in numerous employment contexts, including:

- Internal and external recruiting.
- Applications for employment.
- Interviewing job candidates.
- Pre-employment testing.
- Background investigations.
- Hiring.
- Compensation.
- Benefits.
- Perquisites (also known as perks) or employee services.
- Working conditions.
- Dress and appearance.

- Leave management.
- Disciplinary actions.
- Promotions, transfers or demotions.
- Exercise of legal rights.
- Downsizing, layoff or reductions in force.
- Termination.

Protected Classes of Persons in the United States

A collection of federal laws and executive orders make it illegal to discriminate in the terms and conditions of employment based one or more of the following characteristics:

- Race.
- Color.
- Ethnicity/national origin.
- Sex.
- Sexual orientation.
- Gender identity or expression.
- Pregnancy.
- Religion, belief and spirituality.
- Age.
- Disability.
- Use of family and medical leave.
- Military status.
- Genetic information.

Federal laws

The following U.S. federal laws prohibit certain types of employment discrimination:

- The Civil Rights Act of 1866 was passed to implement the 13th Amendment to the U.S. Constitution. It contains a provision that grants all persons the same right to "make and enforce contracts . . . as is enjoyed by white citizens."¹
- The [Equal Pay Act of 1963](#) applies to employers with two or more employees and to labor unions. The law prohibits discrimination in compensation based on sex in relation to jobs that require equal skill, effort or responsibility and that are performed under similar working conditions.

- [Title VII of the Civil Rights Act of 1964](#) applies to employers with 15 or more employees, each working 20 or more weeks in the current or preceding calendar year; state and local government; employment agencies; labor unions; and U.S. citizens employed by U.S.-owned or controlled companies in foreign countries. Title VII prohibits discrimination based on race, color, national origin, sex (including sexual orientation and gender identity or expression) and religion.
- The [Age Discrimination in Employment Act of 1967](#) (ADEA), as amended by the Older Workers Benefits Protection Act of 1990, applies to employers with 20 or more employees, each working 20 or more weeks in the current or preceding calendar year, employment agencies, labor organizations, U.S.-owned or controlled organizations operating in foreign countries, and legislative and executive branches of the U.S. government. The laws prohibit discrimination against persons age 40 and older.
- The [Pregnancy Discrimination Act of 1978](#) amended Title VII to include pregnancy, childbirth and related conditions (e.g., abortion) in the definition of sex-based discrimination.
- The [Immigration Reform and Control Act of 1986](#) (IRCA) prohibits discrimination on the basis of national origin or citizenship, except for illegal immigrants, by employers having four or more employees.
- Titles I and V of the [Americans with Disabilities Act of 1990](#) (ADA) apply to employers with 15 or more employees, local governments, employment agencies and labor unions. It prohibits discrimination against qualified persons with disabilities, persons with perceived disabilities and persons associated with those having disabilities.
- [Executive Order 11246 of 1965](#) requires federal contractors to include agreements in contracts not to discriminate against an employee on the basis of race, color, sex, religion or national origin and requires certain federal contractors to have affirmative action plans.
- The [Family and Medical Leave Act of 1993](#) (FMLA) applies to employers with 50 or more employees and prohibits discrimination against employees for exercising their FMLA rights.
- The [Uniformed Services Employment and Reemployment Rights Act of 1994](#) (USERRA) applies to all employers, regardless of size, and to all regular employees, regardless of position or full- or part-time status, and prohibits discrimination on the basis of military status and military service obligations. USERRA also provides certain re-employment rights following service.
- Title III of the [Consumer Credit Protection Act \(CCPA\)](#) prohibits an employer from discharging an employee whose earnings have been subject to garnishment for any one debt, regardless of the number of levies made or proceedings brought to collect it.

State and local laws

States and municipalities in the U.S. often cover smaller employers and prohibit employment

discrimination based on many of the same criteria as the federal laws and some criteria that are not covered by federal laws. For example, some states prohibit discrimination on the basis of:

- Marital status.
- Sexual orientation.
- Gender identity or expression and cross-dressing.
- [Hair texture or style](#).
- Legal off-duty conduct, such as smoking.
- Whistle-blowing.
- Taking leave to serve on a jury or to be a witness in a legal proceeding or to vote.

EEO Globally

Globalization has affected the area of EEO in terms of formal applicability of one country's EEO laws to persons working in another country and in terms of expectations about the extent to which equal employment opportunity should be a societal or organizational norm.

In some instances, for example, discrimination is prohibited against the citizens of the native country but explicitly permitted when it comes to immigrants, especially illegal immigrants. There is currently debate in the U.S. as to what rights immigrants—both legal and illegal—should have in terms of EEO. The right to work in a foreign country is subject to that country's immigration laws, which vary widely from country to country.

Theories of Employment Discrimination

Since the enactment of Title VII of the Civil Rights Act, four theories of employment discrimination have emerged under U.S. law: disparate treatment, disparate impact, harassment and retaliation.

Disparate treatment

Disparate treatment discrimination occurs when an employer intentionally takes an employee's protected status into consideration when taking an adverse employment action, such as a termination or layoff decision. An example of intentional discrimination is an employer that learns of an employee's pregnancy and, based at least in part on that knowledge, selects the pregnant employee for layoff rather than a less-qualified employee who is not pregnant.

Disparate impact

Disparate impact discrimination, also known as adverse impact discrimination, occurs when an employer adopts a policy or practice that seems neutral and nondiscriminatory on its surface but has a disproportionately negative effect on members of a protected class. Practices that have been found to have a disparate impact on protected groups include:

Minimum height requirements. These have been found to disproportionately affect women, Hispanics and Asians.

Physical agility tests. These can have a disparate impact on women.

Clean-shaven requirements. These have been found to adversely affect African-American men who are disproportionately affected by a skin condition that is aggravated by shaving.

In a court proceeding, once disparate impact is established, the employer must demonstrate that the challenged requirement is job related for the position in question and consistent with business necessity. If the employee can point to a less discriminatory way to satisfy the business needs, the employer may be obligated to adopt that alternative.

Harassment

Harassment is a form of disparate treatment (i.e., intentional) discrimination. The theory has its roots in sexual harassment cases under Title VII, but courts have applied the same reasoning to harassment on the basis of other protected characteristics, such as race or religion. Sexual harassment can occur in two forms: by the opposite sex or by the same sex.

Quid pro quo harassment. This type of harassment involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment, or when submission to or rejection of such conduct by an employee is used as the basis for employment decisions, including termination.

Hostile environment harassment. A hostile work environment exists when conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. For a hostile environment to be unlawful, it must be so pervasive and severe that it effectively alters the terms of employment. The environment must be such that a reasonable person would find it hostile or abusive.

Retaliation

Most U.S. laws that prohibit employment discrimination also prohibit retaliation against an employee because the employee has exercised rights under the statute at issue.

For example, Title VII of the Civil Rights Act makes it illegal for an employer to discriminate against an employee because that employee opposed any discriminatory practice; made a charge of discrimination; or testified, assisted or participated in any manner in an investigation, proceeding or hearing. The individual employee who claims to be the victim of discrimination can also claim to be the victim of retaliation for complaining about it.

Lawsuits based on retaliation can be even more difficult for employers to defeat than lawsuits based on direct discrimination. Employers must exercise caution not to attempt, or appear to attempt, to "get even" when conducting disciplinary terminations or layoffs in which the affected employees have participated in protected activities.

Preventing Violations and Managing Risk

Just as violations of EEO laws can be systemic, adherence to EEO requirements is most effective when systemic. Employers can take many actions to prevent EEO violations and charges of discrimination, including:

- Adopting an organizational philosophy that treats employees as individuals entitled to respect and fair treatment, not as commodities.
- Establishing clear written policies and practices that genuinely reflect the employer's EEO values, and then sticking to them and creating thorough documentation of human resource decisions.
- Emphasizing the employer's EEO values, policies and procedures in new-employee onboarding and training.
- Providing ongoing training at all levels about the employer's EEO values, policies and procedures.
- Creating an EEO conflict resolution process that is truly open-door.

- Designating and empowering a responsible individual to address EEO issues: an ethics officer, EEO officer, affirmative action officer, diversity officer, ombudsman or director of human resources.
- Investigating employee complaints thoroughly and consistently.

In addition to the steps described above, employers also manage their EEO risk through:

- Internal dispute resolution programs, such as grievance procedures, mediation and arbitration.
- Employer practices liability insurance.
- Using releases of claims as part of a severance pay plan or ad hoc settlement of EEO claims.
- Ongoing management of EEO issues.

Enforcement

In the United States, EEO laws are enforced both by public agencies and private lawsuits.

Administrative agencies

Federal EEO laws are generally administered by the [U.S. Equal Employment Opportunity Commission \(EEOC\)](#). See [EEOC Coordination of Federal Government Equal Opportunity](#).

Most state governments have one or more civil rights enforcement counterparts to the EEOC, referred to by the EEOC as [Fair Employment Practice Agencies](#). State civil rights agencies usually have concurrent jurisdiction with the EEOC to investigate charges of discrimination under the laws administered by the EEOC, as well as exclusive jurisdiction to administer their own laws.

Charge of discrimination

Employees or other persons who believe their rights to equal employment opportunity have been violated may file a [Charge of Discrimination](#) with the EEOC, with the appropriate state agency or with both. A discrimination charge filed with the EEOC is a sworn statement outlining in very general terms why the charging party believes his or her EEO rights have been violated. The EEOC will assist the charging party in the preparation of this form based on an interview with the charging party. The discrimination charge is often accompanied by a more detailed sworn statement, or affidavit, especially if the charging party has legal counsel.

Agency investigation

The EEOC or state counterpart will notify the employer or other party being charged—the respondent—of the allegations made by the charging party and request that the respondent provide a written response to the allegations and copies of pertinent documents such as policies, performance evaluations and documentation of any disciplinary actions. In some instances, the investigating agency will also request information about workforce demographics.

Responding to EEO Complaints

An employer's obligations in the face of an EEO complaint are to do the following:

- Conduct an investigation that is prompt, fair and thorough.
- Take appropriate remedial measures.

Conciliation efforts

Before or after the respondent submits its response to the charge of discrimination and agency

request for information, the agency typically offers to assist the parties in reaching a negotiated resolution. Sometimes the agency investigator facilitates conciliation; sometimes the agency provides an experienced mediator and facilities for the parties to meet and to attempt to negotiate a resolution satisfactory to both sides.

Agency determination

If the parties do not agree to a negotiated resolution, the agency will proceed to make a determination about whether it believes there is probable cause to believe the respondent violated the charging party's EEO rights. Although the situation under state laws may be different, a determination that discrimination either did or did not occur is nonbinding and is probably not admissible in court proceedings.

The right to sue

The agency charged with administering the particular EEO law must be given the first opportunity to address the issue (i.e., a charging party cannot bypass the agency and immediately file a lawsuit). At the end of the investigation and issuance of its charge determination, the agency will notify the charging party in a right-to-sue letter that he or she may now proceed to file a lawsuit, if desired, and will also state how much time the charging party has to do so, typically 90 days.

Private and agency lawsuits

Under the laws administered by the EEOC, the issuance of the right-to-sue letter starts the clock running for an aggrieved person to file a complaint with an appropriate court of law. This process ordinarily requires hiring an attorney on a contingent-fee basis. In certain circumstances, though, the agency will file a lawsuit on the charging party's behalf, thereby providing the employee with expert government-paid legal counsel.

Factors in the EEOC's decision to file suit on an employee's behalf include:

- The number of employees affected (especially if a class action).
- The type of violation alleged.
- The agency's desire to flesh out unanswered questions under the law or to further the public interest in targeting certain high-priority fields or industries.

Legal Remedies

U.S. EEO laws provide courts and some agencies with a broad array of legal remedies for EEO violations, including:

- **Injunction.** An injunction is a court order requiring the defendant to stop doing something (i.e., a prohibitive injunction) or to start doing something (i.e., a mandatory injunction). A classic example of a prohibitive injunction would be an order to stop using an applicant screening test that is deemed to violate EEO rights.
- **Reinstatement.** A typical example of a mandatory injunction is an order requiring an employer to reinstate a discharged employee to the individual's former position.
- **Back pay.** Back pay is the basic form of damages calculation, awarding the employee the difference between what the employee actually received and what the employee would have received if not for the EEO violation. In a case under the Equal Pay Act, the back pay might be the wage differential between male and female employees. In a case for wrongful discharge under the Americans with Disabilities Act, the back pay might equal

the value of the employee's total compensation package from the date of discharge through the date of the court judgment.

- **Front pay.** In situations in which reinstatement is not practical, a discharged employee may be awarded front pay, which is compensation for a reasonable time into the future reflecting the expected longevity of the employee's employment with the organization.
- **Compensatory damages.** Title VII was amended by the Civil Rights Act to allow for recovery of what it calls "compensatory damages."² The significance of the Civil Rights Act is that it allows for the recovery of damages for emotional distress, job search costs and other forms of damages that did not fall into back pay or front pay. The law also allows for trial by jury in Title VII cases. Compensatory damages are capped at various levels depending on the number of persons the defendant employs.
- **Debarment.** Some U.S. laws provide for debarment, disqualification from eligibility for future federal contracts or cancellation of current federal contracts.
- **Punitive damages.** Also known as exemplary damages, punitive damages are assessed not to compensate the victim but to punish the wrongdoer and to set an example for others.
- **Agency oversight.** Ongoing reporting to and monitoring by the administrative agency.
- **Attorney fees.** Reasonable attorney fees, interest and court costs are available under certain circumstances.

Endnotes

¹Cornell University Law School, Legal Information Institute. 42 U.S.C §1981—equal rights under the law. Retrieved from <http://www.law.cornell.edu/uscode/text/42/1981>.

²U.S. Equal Employment Opportunity Commission. (1991). The Civil Rights Act of 1991. Retrieved from <http://www.eeoc.gov/laws/statutes/cra-1991.cfm>.

RESOLUTION NO. 2024-04

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EASTERN SIERRA
TRANSIT AUTHORITY APPROVING THE EQUAL EMPLOYMENT
OPPORTUNITY PROGRAM**

WHEREAS, the Eastern Sierra Transit Authority established a program defining the Authority's commitment as an equal opportunity employer and to an active Nondiscrimination Program (the EEO Program); and

WHEREAS, the EEO Policy states that the Policy shall be updated and reaffirmed every four years; and

NOW, THEREFORE, BE IT RESOLVED by the Eastern Sierra Transit Authority Board of Directors that:

1. The ESTA Board approves the Eastern Sierra Transit Authority Equal Employment Opportunity Policy Program (EEO Program) dated December 12, 2024 through December 11, 2028.

PASSED AND ADOPTED this 17th day of October, 2024 by the following vote:

AYES: *Gardner, Griffiths, Orrill, Bubser, Sauser, Salcido*
NOES: *0*
ABSENT: *Freundt, Swartz*
ABSTAIN:



**Bob Gardner - Chairperson
Sierra Transit Authority Board of
Directors**

Attest: Linda Robinson
Secretary of the Board

By: 

California Department of Transportation

DIVISION OF LOCAL ASSISTANCE
P.O. BOX 942874, MS-1 | SACRAMENTO, CA 94274-0001
(916) 653-8620 | FAX (916) 654-2409 TTY 711
www.dot.ca.gov/programs/local-assistance



December 3, 2024

Eastern Sierra Transit Authority
ATTN: Dawn Vidal
P.O. Box 1357
Bishop, CA 93515

Dear Ms. Vidal:

Re: Equal Employment Opportunity (EEO) Plan Acceptance

Thank you for submitting the Eastern Sierra Transit Authority EEO Plan. The CA Department of Transportation, EEO Office, has reviewed your plan and has determined that it meets the requirements set forth in the Federal Transit Administration's (FTA) EEO Circular, 4704.1A, "Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients," revised April 20, 2017.

Please upload your agency's approved EEO Plan and this letter into the BlackCat system under the "Important Documents" tab.

Your next EEO Plan must be updated and submitted by December 2028.

We thank you for partnering with us to meet the FTA compliance requirements. Please feel free to contact me at (916) 657-5206, should you have any questions or need immediate technical assistance. I can also be reached by e-mail at Sharon.Beasley@dot.ca.gov

Sincerely,

Sharon Beasley

SHARON BEASLEY
Federal Transit Policies and Reporting
Office of Federal Programs
Transit Grants and Contracts

STAFF REPORT

Subject: Budget Amendment – ESTA Vehicles
Initiated by: Dawn Vidal, Administrative Manager

Background:

ESTA received a 5339-grant award to purchase seven vehicles which were expected to arrive prior to June 30, 2024. Three of the vehicles were not received until July 5, 2024. The expense, including local share due were not built into the 2024-25 budget. A budget amendment is required to make this change.

Discussion:

ESTA would like to amend the FY2024-25 budget to include these vehicles in the 5655 objects line item. This change falls within the capital portion of the budget.

Recommendation:

Authorize by attached resolution to amend the FY 24-25 budget to increase expense in the ESTA budget by a total of \$904,362 in budget object code 5655 to the following budget codes:

153215 Reno \$422,955	153216 Lancaster \$481,408
Bus 720 VIN 4UZADRFCXRCVJ2063	\$299,156.67
Bus 721 VIN 4UZADRFC3RCVJ2065	\$299,156.67
Bus 723 VIN 4UZADRFC6RCVJ2061	\$306,048.16

RESOLUTION 2024 - 07

**A RESOLUTION OF THE BOARD OF DIRECTORS, EASTERN SIERRA
TRANSIT AUTHORITY (ESTA), ADOPTING AND APPROVING THE
BUDGET AMENDMENT TO INCREASE BUDGET LINE ITEM 5655
VEHICLES FOR THE FY 2024-25**

WHEREAS, the Authority received a 5339-grant award to purchase seven vehicles which were expected to arrive prior to June 30, 2024. Three of the vehicles were not received until July 5, 2024. The expense, including local share due were not built into the 2024-25 budget.

WHEREAS, a budget amendment approved by the Authority's board of directors is required to make this change.

NOW, THEREFORE, BE IT RESOLVED by the Eastern Sierra Transit Authority Board of Directors that \$904,362 will be added to the FY 2024-25 capital expenditure line item 5655 to cover the purchase of bus #720, Bus #721 and Bus#723 that the Authority received on July 5, 2024.

PASSED AND ADOPTED this 12th day of December 2024 by the following vote of the Eastern Sierra Transit Authority Board of Directors:


AYES: Griffiths, Orrill, Gardner, Bubser, Souser, Salcido

NOES:

ABSTAIN:

ABSENT: Swartz, Freundt

Attest: Linda Robinson
Board Clerk


Bob Gardner, Chairperson
Eastern Sierra Transit
Authority Board of Directors

By 
Linda Robinson