

RESOLUTION NO. 2021-006

**OF THE ANAHEIM TRANSPORTATION NETWORK
DECLARATION OF URGENCY
OF WAGE ADJUSTMENT FOR THE
ANAHEIM RESORT TRANSPORTATION BUS OPERATORS
AND
AMENDMENT OF AGREEMENT WITH PCAM AND
WAIVER OF CERTAIN LIQUIDATED DAMAGES & PENALTIES
AS AUTHORIZED BY THE ANAHEIM TRANSPORTATION NETWORK
RESOLUTION NO. 2019-005**

WHEREAS, Anaheim Transportation Network (“ATN”) is a public benefit public transportation provider, created in 1995 to, among other things, to implement the City of Anaheim (“City”) mitigation measures described below and to develop and operate a public transportation system commonly known as the Anaheim Resort Transportation (“ART”) for The Anaheim Resort, the Platinum Triangle™ and other areas of the City and surrounding communities; and

WHEREAS, Anaheim Transportation Network (“ATN”), through Anaheim Municipal Code Ordinance #6464 is designated as a public transit operator for the City of Anaheim and is entrusted, among other things, to implement the City of Anaheim (“City”) mitigation measures and to develop and operate a public transportation system commonly known as the Anaheim Resort Transportation (“ART”) for The Anaheim Resort®, the Platinum Triangle™ and other areas of the City and surrounding communities; and

WHEREAS, ATN manages and operates Clean Fuel Public Transit system along fixed, on-demand and e-hail routes in The “Anaheim Resort”, “Center City”, and “Platinum Triangle” geographic areas identified by the Anaheim Resort®, Disneyland® Resort, Platinum Triangle™ and Center City Corridors Specific Plans, which have been approved by the City and have been amended from time to time; and

WHEREAS, The Platinum Triangle, the Anaheim and Disneyland Resort Specific Plans, and Center City Corridors Specific Plans identify Disneyland® Park, Disney’s® California Adventure, Downtown Disney District®, Anaheim Regional Intermodal Transportation Center, Anaheim Stadium, the Honda Center, City National Grove, Center City and the Anaheim Convention Center as special activity centers which are to be served by ART; and

WHEREAS, ATN has a franchise agreement with the City, as amended by Ordinance #6464, to develop, operate and administer ART Clean Fuel Public Transit System; and

WHEREAS, ATN contracts with a third party to provide ART Public Transit service in accordance with the ATN’s commitment to the City; and

WHEREAS, ATN approved Resolution No. 2019-005 authorizing assignment of certain public transit services to PCAM, LLC dba Parking Company of America (PCA), Inc. to provided supplementary personnel service for operation of ATN services ; and

WHEREAS, ATN adopted Resiliency and Recovery Plan for resumption of fixed, e-hail and on-demand routes to address fiscal impacts related to Governor Newsom proclaimed a State of Emergency in California, as a result of the threat of COVID-19, and to protect health and to protect the health and well-being of all Californians,

WHEREAS, upon re-opening from the State of California Emergency, as a result of the threat of COVID-19, an operator labor shortage occurred requiring ATN to adjust compensation for bus operators employed by PCAM

WHEREAS, ATN proposes to increase bus operator wages as follows:

	<u>Current Wage</u>	<u>Proposed Wage</u>
Bus Operator_ New	\$15.25	\$17.00
Bus Operator_6 mos+	\$15.50	\$18.00
Bus Operator_4 yrs+	\$16.00	\$19.00

Appropriate fringe benefits and taxes shall apply in addition to base wage compensation

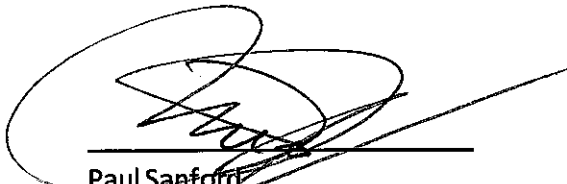
WHEREAS, ATN Board of Directors shall exercise Section 10.1 of the ATN Procurement Policy dealing with Emergency; Unusual and Compelling Urgency Clause to authorize pass through compensation for the operator wage adjustment to PCAM

WHEREAS, ATN shall amend certain section(s) of the assignment to the operating agreement between ATN and PCAM dealing with liquidated damages and penalties, specifically Table 1 of the Scope of Work – Missed Trips

NOW, THEREFORE, BE IT RESOLVED the ATN Board of Directors of the Anaheim Transportation Network finds the following and forwards its recommendations to adopt:

1. Emergency adjustment for bus operators to assist with full resumption of fixed and on-demand public transit services;
2. Authorize pass-through payment of wage adjustment including wage and applicable fringe benefits and payroll taxes to PCAM;
3. Exercise Section 10.1 of the ATN Procurement Policy *Emergency; Unusual and Compelling Urgency* to authorize compensation of wage adjustment to PCAM
4. Waive certain liquidated damages and penalties dealing with definition of missed trip

Adopted, signed, and approved this 13th day of July, 2021



Paul Sanford
Chairman

Attest:



Diana Kotler, Executive Director


I, Diana Kotler, ATN Executive Director of the Anaheim Transportation Network, do hereby certify that the foregoing Resolution No. 2021-006 of the ATN Board of Directors was duly approved by the Anaheim Transportation Network Board of Directors.



Diana Kotler, Executive Director

I, Diana Kotler, Executive Director of Anaheim Transportation Network, do hereby certify that the foregoing Resolution No. 2021-006 of the Board of Directors was duly adopted by the Board of Directors of Anaheim Transportation Network, at a regular meeting of the Board on July 13, 2021, and that it was so adopted by the following vote:

YEAS: 11
NEAS: 0
ABST: 4



Diana Kotler, Executive Director