



Report on the Mendocino Transit Authority

SUMMARY

Acting on complaints received about safety, misuse of public facilities, and employee intimidation, the Mendocino County Grand Jury undertook an investigation of The Mendocino Transit Authority (MTA).

BACKGROUND

The Mendocino Transit Authority is a Joint Powers Agency created in 1975 to provide transportation services within Mendocino County. The MTA board has seven appointed members, three of whom are appointed by the Board of Supervisors, with the remaining four members representing the cities of Ukiah, Point Arena, Willits and Fort Bragg,

In 1972, the State of California formed a state wide Regional Transportation Planning Agency (RTPA), to make sure dollars were available to provide transportation throughout the state. The legislation designated one quarter cent of sales tax be set aside for the state wide RPTA'S. The Mendocino County Council of Governments (MCOG) is the county's RPTA and receives approximately 2.5 million dollars annually, depending on sales tax revenue.

The majority of funds for MTA'S operating budget are publicly generated. Most of the funds come from MCOG with approximately \$500,000 more from fares annually. Other funding sources may be generated through federal grants, charters and contracts with the Ukiah Senior Citizen Center for the maintenance and storage of their fleet. Finally, since transit dollars are tied to sales tax revenue, MCOG has set up a 5% reserve account to take care of both transit dollars that do not materialize and unforeseen expenditures.

METHODOLOGY

The Grand Jury interviewed elected county officials, MTA management and employees, and conducted an on-site visit of the MTA Ukiah facility. Audits, financial documents and internal operational documents were reviewed. The U.S. Department of Transportation Federal Transit Administration Policy and Procedures Mandated Random Drug and Alcohol Testing Procedures were examined. Various on-line documents were examined including the 2003-2004 Mendocino County Grand Jury MTA report and responses.

FINDINGS

1. The MTA management reports directly to the MTA Board of Directors.
2. The MTA Board of Directors is responsible for the hiring and firing of MTA management.
3. The MTA annual operating budget is approximately \$ 3 million.



4. The MTA permits the use of its publicly funded shop space, tools, hydraulic lift and other equipment for the repair and maintenance of a private corporation's vehicle fleet for the personal gain (unjust enrichment) by an employee.
5. The MTA permits its employees to purchase automotive parts through the maintenance shop and permits the repair and maintenance of personal vehicles in the MTA shop.
6. The MTA permits the storage of old and non-operable vehicles belonging to employees and their friends, creating a *de facto* junkyard at the Ukiah facility.
7. Substantial liability to Mendocino County taxpayers has been created by the activities in findings 4, 5 and 6.
8. Some MTA hourly employees are not required to track their work hours.
9. The MTA does not have a policy and procedures manual covering the daily operation of the maintenance shop.
10. Some high-level MTA managers use verbal abuse and intimidation to control employees, creating a workplace of fear and anxiety.
11. The MTA bus drivers are on call and have at times been required to assist in cleaning the MTA fleet without the benefit of proper safety attire.
12. The MTA maintenance shop has no written safety guidelines for bus drivers to follow when cleaning the MTA fleet.
13. The MTA has failed to implement an Injury Illness Prevention Program.
14. The MTA receives a portion of its funding from the federal government which mandates implementation of random drug and alcohol testing.
15. U.S. Department of Transportation, Federal Transit Administration provides policy and procedures for the mandated Random Drug and Alcohol Testing (RDAT) program.
16. Under this mandate, the MTA is required to identify personnel who perform Safety Sensitive functions (ones that have a direct effect on day-to-day operations) who are subject to RDAT.
17. In small rural transit authorities all personnel have a direct effect on day to day operations and therefore perform Safety Sensitive functions.
18. The MTA does not identify all personnel who have a direct effect on the transit authority's day to day operations as Safety Sensitive.
19. The MTA Drug and Alcohol testing program is selective not random.
20. Some Safety Sensitive employees have gone untested for extended periods of time.
21. The MTA submits to a yearly Single Audit, a Triennial Performance Audit for the benefit of Mendocino Council of Governments (MCOG), and a Safety &



Loss Control Survey conducted by the California Transit Insurance Pool (CalTIP).

22. The MTA has failed to implement goals and objectives contained in the 1999 Five Year Transit Development Plan, the Safety and Loss recommendations outlined in the 2002 CalTIP survey, and recommendations in the 2000/01–2002/03 Triennial Performance Audit, all of which are designed to assess and improve the overall health and strength of the transit authority.
23. MTA employees responsible for handling cash are not bonded.

RECOMMENDATIONS

1. The Grand Jury recommends the immediate end to the process of unjust enrichment available to the individual employee. (Finding 4)
2. The Grand Jury recommends immediate remedial attention by management and the MTA Board of Directors relating to questionable policy decisions. (Findings 4, 5, 6)
3. The Grand Jury recommends that the MTA Board of Directors, MCOG and the Mendocino County Board of Supervisors meet with the MTA management to discuss the problems and potential liabilities to Mendocino County raised by the findings in this report. (Findings 4 through 23)
4. The Grand Jury recommends that all hourly MTA employees be required to individually record their work hours by use of a time clock to assure accuracy of actual work hours. (Finding 8)
5. The Grand Jury recommends that a policy and procedures manual be created covering the daily operations of the maintenance shop. (Findings 4, 5, 6, 8, 9, 11, 12)
6. The Grand Jury recommends an external review of management practices associated with abuse and intimidation of employees. (Findings 10, 19)
7. The Grand Jury recommends that cleaning procedures for bus drivers to follow when called on to clean the fleet be incorporated into the Policy and Procedure manual for the maintenance shop and be made readily accessible to all bus drivers. (Finding 11, 12)
8. The Grand Jury recommends that the MTA adopt and implement an Injury Illness Prevention Program. (Finding 13)
9. The Grand Jury recommends that the MTA designate all employees, including all levels of management, as Safety Sensitive and therefore subject to Random Drug and Alcohol Testing. (Findings 14, 15, 16, 17, 18, 19, 20)
10. The Grand Jury recommends that the MTA adopt and adhere to the U.S. Department of Transportation Federal Transit Administration Best Practices which ensures a truly random drug and alcohol testing program. (Findings 14, 15, 16, 17, 18, 19, 20)



11. The Grand Jury recommends that the MTA Board of Directors consider monitoring the transit authority's drug and alcohol testing procedures to ensure a random policy is in place. (Findings 14, 15, 16, 17, 18, 19, 20)
12. The Grand Jury recommends that the MTA management and MTA Board of Directors implement, insofar as is feasible, the recommendations of all audits, particularly those relating to safety. (Findings 11, 19, 20)
13. The Grand Jury recommends that the MTA Board of Directors and MCOG develop new management strategies to ensure the transit authority's future viability. (Findings 1 through 22)
14. The Grand Jury recommends that the MTA management immediately bond all employees who handle cash. (Finding 23)

COMMENTS

Taxpayers in Mendocino County expect a proactive MTA management team which holds safety and future sustainability as top priorities. In order to tackle the complex puzzle of rural public transportation, the existing management team has been presented with a comprehensive list of goals, objectives and performance measures all designed to reduce liability, costs and to improve the safety and performance records and ensure future sustainability of the agency (see Findings 21, 22). These guidelines are apparently being ignored. The instability of fuel prices and the economy exacerbate the MTA's problems. As reflected in this complaint report, the Grand Jury lacks confidence in the MTA management team's ability to carry out the agency's responsibilities.

RESPONSES REQUIRED

Mendocino County Board of Supervisors
Mendocino Transit Authority Board of Directors

RESPONSES REQUESTED

MTA Management
Director of MCOG