



DATE: March 24, 2016

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
Dan Cherrier, Principal Project Delivery Manager

SUBJECT: Adopt Volunteer Crossing Guard Program (Action), Agenda Item No. 11

RECOMMENDATION

Adopt the proposed Volunteer Crossing Guard Program. This Program will be paid 100% by participating school districts. No impact to the TAM budget. Note, the TAM Finance and Policy committee recommended this Program for approval at the March 14, 2016 meeting.

BACKGROUND

The Measure A ½ cent transportation sales tax passed by voters in 2004 included several elements under our Safe Access to Schools program. Primary elements have been implemented very successfully in Marin, including our Safe Routes to School education program, Safe Pathway projects around schools, and our Crossing Guard program. At the February 23, 2006 TAM Board meeting, the Commissioners directed staff to implement a countywide crossing guard program utilizing paid crossing guards. Early development indicated that our program would both supplement and replace the current volunteer or school district paid guards then in place. It was determined that the best action would be to have TAM directly contract with the crossing guard vendor rather than have each individual school district maintain an individual contract.

A Request for Proposals was issued on March 30, 2006 for the crossing guard services with a sample contract containing a requirement for the selected vendor to be in compliance with the Marin County Living Wage Ordinance. Over the years, the contract costs—cost per guard—have risen to keep pace with increases in the Living Wage. The TAM Board reaffirmed a desire to maintain the Marin County Living Wage at the January 2015 meeting.

At that same 2015 meeting, staff was requested to explore alternate funding sources to maintain the program at the existing number of crossing guards. Note that by the time this was discussed in early 2015, the demand for guards countywide had exceeded 140 locations, as compared to approximately 80 sites when the program was initiated. Fortunately, in 2010, Marin voters approved a \$10 vehicle registration fee for local transportation needs with a Safe Routes to Schools/ Crossing Guard element which allowed an additional crossing guards to be deployed annually. Currently Sales Tax funds alone can only support 56 crossing guards and 11 paid through the Vehicle Registration Fee.

TAM has been able to maintain the program at previous levels by utilizing one time Safe Routes funds distributed through the One Bay Area Grant program to cover needs in FY 14-15 and FY 15-16, along with a small amount in FY 16-17 and FY 17-18. In addition, previously unallocated funds from the Vehicle Registration Fee have been assigned to make up the difference for Fiscal 2016/2017.

Staff are scheduled to reevaluate the crossing guard locations and propose a new list effective August 2018. TAM may choose to keep funding the current guard level using a continuum of federal funds under OBAG2, OR choose to assign additional Vehicle Registration Fee funds. Otherwise, a reduction of 10 to 14 guards may have to occur.

DISCUSSION/ANALYSIS

Several alternative funding sources were explored by TAM staff. TAM is already utilizing one time Safe Routes funding from MTC under OBAG, applied to the crossing guard program. The problem with this approach is the lack of a stable funding stream results in difficulty in planning for a long term crossing guard program. TAM has also assigned unallocated funds from the Vehicle Registration Fee to be applied to the program for the next school year. Unfortunately, these funds are only programmed in a two-year cycle with the same issues for long term stability.

Staff have determined that the only potential program to maintain or expand the existing program level is to institute a Volunteer Crossing Guard Program. The Program as envisioned would be managed by the existing TAM crossing guard vendor, All Cities Management Services (ACMS). All Cities has provided a price for these services of \$200 per each new guard and \$18 per day. The resulting cost to the school district would be approximately \$4,000 for the school year.

ACMS would provide background checks in accordance with TAM standards, as well as equipment, classroom training, on the job training, supervision, liability insurance, management, discipline up to termination and ready to go replacements in the advent of sickness or tardiness. The replacement guards would be provided at the normal rate of \$87 per day. Therefore, since once a guard is deployed it is TAM's policy to keep the guard on site until either the winter break or the end of the school year, the School District would be required to enter into an agreement for up to \$16,000. This amount would only be reached if the volunteer left service towards the beginning of the semester and a replacement was not able to be located. Otherwise, if a volunteer stays for the full school semester, the cost should be \$4000 maximum.

The volunteer guard would be indistinguishable from a paid guard. Supervision would be exactly the same with ACMS having complete control over all aspects of guard performance. Unfortunately, ACMS is unable to offer Workman's Compensation insurance to a volunteer position. Therefore, legally the guard would be a School District sponsored volunteer managed by ACMS.

Note that TAM's liability for the program, along with the schools and local city/town or the county, depends on a program whereby we fund guards from a well-managed process of establishing priority locations. Following both accepted national standards for evaluating sites, and considering any unique local features, TAM can implement our program down to a cutoff where the funding runs out. TAM cannot choose to fund a guard further down below the cutoff line, except where there is an emergency, whereby TAM has implemented guards further down below the cutoff on a pilot basis. The volunteer program does not violate this critical aspect of liability protection. All costs are borne by the school, with TAM merely providing a paid service. This aspect has been carefully reviewed by our Legal Counsel, County of Marin County Counsel, and supported as such.

Staff is recommending that the volunteer program be instituted in time for the 2016/2017 school year. Observations of the next 30 ranked positions on the approved list (Ranks 78-107) indicate that these locations would serve Marin students well if guarded. The rollout of the program to these locations would allow for issues to be resolved prior to the expected cutbacks that may occur the following school year. Several of the 30 locations already have a guard paid for 100% by the respective school district. A list of the 30 locations has been included as an Attachment. A yes in the third column indicates that the position is

currently guarded through a 100% District funding source. A bolded line indicates that this location once had a guard as part of the TAM Program and new data placed the site below the cutoff line during updated counts. Note that schools can work to place a volunteer guard at any of the remaining locations, even beyond the next 30 locations on the list, as the school will be covering all costs.

Staff expect that not every School District will choose to participate or be able to secure a volunteer. It is expected that the volunteer positions will turn over frequently and that several volunteers will be required per location.

FISCAL CONSIDERATION

The Volunteer Guard Program will be paid 100% by participating school districts. The school districts may look to local jurisdictions to participate to help defray some of the costs. TAM will provide oversight of a larger program and have more sites to audit. These costs are part of the Transportation Sales Tax – Strategy 4 Program Management and will not be segregated for the Volunteer Program.

TAM will enter into an interagency agreement with each school district and a funding agreement with each private school that chooses to participate. The agreement will be for the entire year and be of sufficient value to provide a paid position for the entire time should a volunteer be unable to be maintained. The agreement will be for approximately \$16,000 per location with the other party expected to contribute approximately \$4,000 per year per location if a volunteer can be maintained. This amount will vary depending on how many volunteers are required to maintain the location.

NEXT STEPS

TAM has been working with an Ad-Hoc consisting of two Marin school district superintendents- Tom Lohwasser and Valerie Pitts and a director from the Marin County Office of Education (MCOE)- Mike Grant. The Ad-Hoc has met three times previously and presented to the full MCOE Superintendents meeting. The idea of the volunteer program was met with acceptance. Note that TAM and school superintendent Valerie Pitts also presented the program to the Marin Managers Association.

Should the TAM Board vote to authorize the Volunteer Crossing Guard Program, staff will meet with the Ad-Hoc one additional time to strategize on the best way to approach the school districts and private schools to participate in the program.

Staff will evaluate the Program after the 2016/2017 School Year should there be any participation, and determine if the Programs shows merit to deal with the upcoming funding shortage to maintain the paid guards at the existing number of locations.

ATTACHMENT

Crossing Guard Locations – Rank 78 to 107 – Sorted by School District