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## Agenda

### JOINT MEETING OF THE BOARD OF DIRECTORS

for the  
Metropolitan Transit System,  
San Diego Transit Corporation, and  
San Diego Trolley, Inc.

June 26, 2008

9:00 a.m.

James R. Mills Building  
Board Meeting Room, 10th Floor  
1255 Imperial Avenue, San Diego

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#### ACTION RECOMMENDED

1. Roll Call
  
2. Approval of Minutes - June 12, 2008 Approve
  
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please turn off cell phones and pagers  
during the meeting



Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and the owner of the San Diego and Arizona Eastern Railway Company. MTS member agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

## CONSENT ITEMS

6. MTS: Transportation Development Act (TDA) Claim Adopt  
Action would adopt Resolution Nos. 08-9, 08-10, and 08-11 approving the fiscal year (FY) 2009 Transportation Development Act (TDA) claim. Budget Impact - This action would result in the receipt of \$72,341,770 in TDA Article 4.0 funds for MTS-area operators for FY 09 operations and capital; \$844,188 in TDA Article 8.0 funds for MTS Express Bus services and Coronado Ferry services; and \$3,965,784 in TDA Article 4.5 funds for ADA Access services.
7. MTS: Proposed 2008/2009 Internal Audit Plan Receive  
Action would receive a report for information. Budget Impact - None.

## CLOSED SESSION

24. a. MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.9(a): OPM, Inc. v. MTDB, et al., San Diego Superior Court Case No. GIS 008067-1 Possible Action
- b. MTS: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant Exposure to Litigation Pursuant to Subdivision (b) of California Government Code Section 54956.9: One Potential Case Possible Action

### Oral Report of Final Actions Taken in Closed Session

## NOTICED PUBLIC HEARINGS

25. None.

## DISCUSSION ITEMS

30. MTS: An Ordinance Amending Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule Approve  
Action would (1) read the title of Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-pricing Schedule (2) waive further readings of the ordinance; (3) introduce the ordinance for further consideration at the next Board meeting on July 17, 2008; and (4) direct publication of an ordinance summary. This action is necessary to make the MTS ordinance consistent with the SANDAG Comprehensive Fare Ordinance.

- |     |  |         |
|-----|--|---------|
| 31. | <u>MTS: Establishment of an Account in the San Diego County Investment Pool</u><br>Action would approve Resolution No. 08-12 to establish an investment account in the name of the San Diego Metropolitan Transit System within the San Diego County Investment Pool administered by the County Treasurer. | Approve |
|-----|--|---------|

REPORT ITEMS

- |     |   |             |
|-----|---|-------------|
| 45. | <u>MTS: Marketing Activities Overview</u><br>Action would receive a report on MTS marketing activities.   | Receive     |
| 46. | <u>MTS: Participation in the Google Transit Trip Planner</u><br>Action would receive a report for information.  | Receive     |
| 47. | <u>MTS: 2008 Rock 'n' Roll Marathon Recap</u><br>Action would receive a report for information.   | Receive     |
| 48. | <u>MTS: Year-to-Date Operations Budget Status Report through April 2008</u><br>Action would receive a year-to-date operations budget status report through April 2008.  | Receive     |
| 60. | <u>Chairman's Report</u>  | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u>  | Information |
| 62. | <u>Chief Executive Officer's Report</u>   | Information |
| 63. | <u>Board Member Communications</u>  |             |
| 64. | <u>Additional Public Comments Not on the Agenda</u><br>If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. |             |
| 65. | <u>Next Meeting Date:</u> July 17, 2008   |             |
| 66. | <u>Adjournment</u>  |             |

# DRAFT

JOINT MEETING OF THE BOARD OF DIRECTORS FOR THE  
METROPOLITAN TRANSIT SYSTEM (MTS),  
SAN DIEGO TRANSIT CORPORATION (SDTC), AND  
SAN DIEGO TROLLEY, INC. (SDTI)

June 12, 2008

MTS  
1255 Imperial Avenue, Suite 1000, San Diego

## MINUTES

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:09 a.m. A roll call sheet listing Board member attendance is attached.

Chairman Mathis welcomed Chairman Emeritus Leon Williams to the meeting.

2. Approval of Minutes

Mr. McLean moved to approve the minutes of the May 22, 2008, MTS Board of Directors meeting. Mr. Young seconded the motion, and the vote was 12 to 0 in favor.

3. Public Comment

*Doug Martin, California Council of the Blind/Blind Community Centers:* Mr. Martin stated that for the last 12 years he had been requesting that bus stop poles at Kemper Street and the Holiday Inn be differentiated in some way for sight-impaired patrons. He stated that this has now been done and thanked MTS for doing so.

*Glenda Castle, California Council of the Blind/Blind Community Centers:* Ms. Castle stated that some bus operators call out ADA stops and some do not. She requested that MTS encourage operators to call out these stops more often and that MTS eventually install automated stop-announcement systems. She thanked MTS for differentiating the bus stop poles mentioned by Mr. Martin.

### CONSENT ITEM:

6. MTS: Uniform Report of DBE Awards or Commitments and Payments (LEG 430)

Recommend that the Board of Directors receive the Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments.

7. MTS: 9<sup>th</sup> Avenue and C Street Grade Crossing Replacement – Fund Transfer (CIP 10494, 11156)

Recommend that the Board of Directors request from the San Diego Association of Governments (SANDAG) Board of Directors a transfer of funds from the Orange Line Head Span Replacement Project (CIP 1115600) to the City College Station Realignment Project (CIP 1049400) as shown in the Fund Transfer Summary (Attachment A of the agenda item).

8. MTS: Senior and Disabled Lift Replacement Project – Fund Transfer and Contract Award  
(CIPs 11216, 11221, 11148)

Recommend that the Board of Directors (1) approve a fund transfer (Attachment A of the agenda item) from Capital Improvement Programs 11216 and 11221 to CIP 11148; and (2) authorize the CEO to execute MTS Doc. No. L0826.0-08 (in substantially the same form as shown on Attachment B of the agenda item) with Complete Coach Works, Inc. to furnish and install senior and disabled lifts on the fleet of 52 SD 100 light rail vehicles.

9. MTS: Poway Transit Services (OPS 920.5)

Recommend that the Board of Directors (1) authorize the CEO to exercise two carryover months allowable under the current contract (MS Doc. No. B0339.0-02 in substantially the same format as Attachment A of the agenda item) with First Transit (formerly Laidlaw Transit Services, Inc.) for Poway Transit Route Nos. 844 and 845 from July 1, 2008, through August 30, 2008; and (2) assign the service to Southland Transit to operate effective Sunday, August 31, 2008, for a projected savings of approximately \$50,000 annually.

10. MTS: Poway Transit Vehicles (CIP 11419)

Recommend that the Board of Directors authorize the CEO to execute MS Document No. B0478.1-07 (in substantially the same form as Attachment A of the agenda item) with Creative Bus Sales to purchase up to eight additional medium-duty buses utilizing the public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No. 1-05-23-16).

11. MTS: Contract Award for MTS Americans with Disabilities Act (ADA) Certification and Evaluation Services (OPS 980.5)

Recommend that the Board of Directors authorize the CEO to execute MS Doc. No. G1149.0-08 (in substantially the same format as Attachment A of the agenda item) with ADARide.com, LLC for ADA certification and evaluation services.

Discussion of Consent Agenda Items:

Mr. Young requested that Agenda Item No. 6, DBE Awards or Commitments and Payments, be pulled.

Mr. Monroe referred to Agenda Item No. 11 and stated that he felt that the cost of \$40 per assessment for qualifying ADA patrons was high. He asked if there wasn't some way, once a person was qualified for ADA, for MTS to tap into that data. Mr. Max Calder, Sr. Transportation Specialist, stated that MTS selected the most cost effective manner in which to qualify patrons for ADA services and briefly discussed other aspects of the program that are being done cost effectively. Mr. Monroe stated that the cost may decrease as technology develops and easier ways to qualify individuals become available. MTS CEO Paul Jablonski pointed out that the \$40 cost is only one and one-half times the cost of each access trip, which is \$25. He pointed out that this is a very valuable resource and that \$40 is a reasonable cost for making sure that people who are using this costly service are truly qualified to do so.

Agenda Item No. 6, DBE Awards or Commitments and Payments: In response to a request from Mr. Young, Ms. Tiffany Lorenzen, MTS General Counsel, reported that MTS completes a

semiannual report on the business that MTS does with DBE firms certified through CalTrans. She stated that the reporting format has recently changed because the CalTrans program has been significantly changed over the last couple of years as a result of litigation. In response to a question from Mr. Young regarding the level of DBE participation in MTS's contracts, Ms. Lorenzen reported that MTS is currently participating in a Southern California DBE Disparity Study to evaluate and improve participation levels. She stated that the complete report should be available in about 18 months. Ms. Lorenzen added that MTS usually achieves DBE participation that is within one to two percent of its goal. Mr. Young pointed out that MTS only had 2 contracts out of 52 that had DBE participation. Ms. Lorenzen reported that MTS purchases very specialized products and services, and there are few DBE firms certified through the CalTrans program that provide those products and services.

Mr. Young stated that other agencies are giving him the same explanation and stated that he wanted to hear how MTS is addressing the issue of how to increase participation rather than why it can't be improved. Ms. Lorenzen stated that MTS will be bringing its recommended goals for the coming year to the Board in July or August and stated that staff would be happy to include a list of areas in which improvements might be made. Mr. Young stated that he felt MTS should be more aggressive and thoughtful in trying to address this issue. Mr. Jablonski stated that he would discuss how MTS could be more proactive in this area with MTS's new Procurement Manager, Bruce Feerer.

#### Action on Recommended Consent Items

The Board voted 12 to 0 to approve Consent Agenda Items No. 7, 8, 9, 10, and 11. Mr. Ewin moved to approve Consent Agenda Item No. 6. Mr. Emery seconded the motion, and the vote was 12 to 0 in favor.

#### CLOSED SESSION:

##### 24. Closed Session Items (ADM 122)

The Board convened to Closed Session at 9:26 a.m.

- a. MTS: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): Balfour Beatty/Ortiz v. Metropolitan Transit System (Superior Court Case No. GIC 868963).
- b. MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9: OPM, Inc. v. MTDB, Et Al. (California Supreme Court Case No. GIS 008067-1).

The Board reconvened to Open Session at 9:47 a.m.

#### Oral Report of Final Actions Taken in Closed Session

Ms. Tiffany Lorenzen, MTS General Counsel, reported the following:

- a. The Board received a report and gave direction to outside counsel.
- b. The Board received a report and gave direction to outside counsel.

NOTICED PUBLIC HEARINGS:

25. MTS: FY 2009 Budget: Public Hearing and Adoption

Mr. Larry Marinesi, MTS Budget Manager, provided the Board with a recap of the budget process to date and provided a brief overview of the components of the budget shortfall and the categories in which changes were made to in order to balance the budget. He reviewed revenues and expenses pointing out that fuel costs comprise a substantial portion of MTS's expenses. He then provided a five-year projection of operating subsidies and stated that those deficits are within MTS's reach to address. He reported that the draft balanced budget will be presented to the SANDAG Board on June 13, and that the SANDAG Board is scheduled to actually approve the budget on June 27.

Chairman Mathis opened the hearing at 9:52 a.m.

There were no comments from the public.

Chairman Mathis closed the hearing at 9:53 a.m.

Actions Taken

Mr. Roberts moved to (1) hold a public hearing, receive testimony, and review and comment on the fiscal year 2009 budget information (Attachment A of the agenda item) presented in this report; and (2) adopt Resolution 08-8 (Attachment B of the agenda item) approving the operating and capital budget for MTS and approving the operating budgets for SDTC, SDTI, MTS Contract Services, Chula Vista Transit, and the Coronado Ferry. Mr. Clabby seconded the motion, and the vote was 10 to 1 in favor, with Mr. Monroe casting the dissenting vote.

DISCUSSION ITEMS:

30. SDTC: Retirement Plans Actuarial Valuation as of July 1, 2007 (OPS 960.5)

Mr. Bob McCrory, EFI Actuaries, provided the Board with an actuarial review and analysis as of July 1, 2007, for the SDTC pension plan. He reviewed a history of costs (not including debt service) and reported that investments are currently not keeping up with the Plan's interest rate assumption. He then reviewed current costs and reported that employees retired at a higher rate than expected for the period being discussed, which has contributed to the increase in cost. He stated about twice as many employees retired than were anticipated. He stated that the retirement rate assumption has been adjusted accordingly.

Mr. McCrory reviewed the history of the Plan's funding ratio, pointing out that the funding ratio went up when the pension obligation bonds were issued in 2004. He reported that the Plan is currently 86 percent funded. He suggested looking at this percentage as part of a process that would be similar to funding a child's college education. He also advised the Board that an actuarial accrued liability is not liability – it is actually a funding target. He stated that MTS is not behind in funding – all contributions have been made. He also reported that the Plan is not insolvent or unsound and will remain sound as long as the contribution is affordable. He presented comparative information for three other transit properties. This table showed that MTS had lower costs and was better funded than all three of these plans. He also discussed how future costs for the Plan are affected by various factors.

In response to a question from Mr. Ewin, Mr. McCrory reported that there are no legal issues that pertain to the maintenance of a particular funding ratio as long as MTS continues to fund the Plan. He added that MTS's contribution to the Plan would have to increase if the funding ratio started to decrease. In response to a question from Mr. Monroe, MTS Chief Financial Officer Cliff Telfer reported that employees are vested after a five-year period. Mr. McCrory advised Mr. Monroe that, on a termination basis, MTS's Plan may well be fully funded taking into consideration future salary and service factors if that causes MTS's accrued liability to drop. In response to a question from Mr. Faulconer about funding targets, Mr. McCrory stated that MTS's funding target is 100 percent. He added that some businesses prefer to have a reserve over that 100 percent level in order to address market fluctuations in the pension's portfolio. He confirmed for Mr. Faulconer that MTS is making the appropriate contributions to the Plan. He also advised Mr. Faulconer that having a reserve may provide a cushion for one or two years but probably not beyond that period of time. He stated that it is a good idea, in general, to maintain a reserve.

Mr. Faulconer felt that, if funds are available, MTS should consider shortening the amortization period from 30 years to 20 years. Chairman Mathis stated that this matter could be brought back to the Board. In response to a question from Mr. McClellan, Mr. Telfer explained that the five-year vesting period in the Plan was negotiated as part of MTS's collective bargaining agreement. Mr. McClellan felt that this factor should be reconsidered and should be comparable to what other agencies are doing. He specifically mentioned considering making the vesting period ten years.

In response to a comment from Mr. Young, Mr. McCrory stated that MTS uses a 30-year amortization with level payments. He stated that many agencies use a level amount of payroll. He stated that General Accounting Standards allow for 30-year amortizations. In response to another question from Mr. Young, Mr. Telfer stated that MTS's contribution for this year will be 14.53 percent, or \$4.7 million. Mr. Young asked what MTS's contribution would be for a 20-year amortization period and how that would affect MTS's funding ratio. Mr. McCrory stated that he did not have that figure at hand. Mr. Young felt that the Board should know the answers to these questions. Mr. McClellan felt that MTS should maintain its contribution at the 14.53 percent level in order to reach a fully funded level more quickly. He stated that MTS would then have a static contribution instead of one that fluctuates.

In response to a question from Mr. Rindone, Mr. Telfer reported that postretirement medical benefits are being studied as part of the annual audit. He stated that this matter will be discussed with the Audit Oversight Committee and then the full Board.

#### Action Taken

Mr. Emery moved to receive the actuarial valuation as of July 1, 2007, approve the pension contribution rate of 14.285 percent for SDTC's pension plans in FY 2009, and direct staff to readdress the Board regarding the questions asked and suggestions made during the discussion of this item. Mr. McClellan seconded the motion, and the vote was 10 to 0.

#### REPORT ITEMS:

45. MTS: Report on Route 923 Weekend Service Changes (SRTP 830)

Mr. Denis Desmond, MTS Senior Transportation Planner, reminded the Board that Route No. 923 had been discussed during the public hearing at the last Board meeting and that staff had

been asked to discuss the proposed service changes with the community and return to the Board with an update or revised proposal. Mr. Desmond reported that six alternatives were evaluated and that, after consulting with local stakeholders, it was decided to reduce hours on Route No. 923 but maintain weekend service. He added that other savings from minor adjustments to this route and other routes have also been identified. He stated that Route 923 may be reevaluated later in the year if necessary for the purpose of midyear budget adjustments.

In response to a question from Mr. Monroe regarding what the minor adjustments would be, Mr. Desmond reported that they include relocating the terminal for Route 923, making minor changes to Routes 933 and 934 in Imperial Beach, and changes to Route 30 in University City.

Mr. Faulconer thanked the Board for allowing additional time for study and discussion of Route 923 service changes. He thanked Mr. Desmond and Ms. Sharon Cooney, Interim Director of Planning and Scheduling, for their hard work on this issue. He stated that this is the second time that MTS staff has gone above and beyond to work with the communities affected by service changes.

Mr. McClellan suggested that future service changes include a transfer at Lindbergh Field. Mr. Desmond reported that a connection with the airport was one of the alternatives discussed.

#### Action Taken

Mr. Ewin moved to receive a report on the proposed Route 923 adjustments. Mr. Faulconer seconded the motion, and the vote was 10 to 0 in favor.

#### 60. Chairman's Report

Chairman Mathis reported that Governor Schwarzenegger, during a recent press conference in San Diego, presented MTS with the second installment of Proposition 1B funding of \$9 million. He stated that this is in addition to the \$18 million already received. He stated that the funding will be used to purchase 50 new buses. He also reported that he informed Governor Schwarzenegger about the APTA Annual Meeting and EXPO that is being held in San Diego in October of this year and invited him to participate.

Chairman Mathis reported that he recently attended the APTA Rail Conference in San Francisco. He stated that everyone is having budget problems and that ridership on light rail continues to increase. He stated that much funding is being requested for the expansion of existing systems and the building of new systems and added that he hopes that the federal government will provide that funding. Chairman Mathis briefly discussed his experience riding BART while in the Bay Area.

#### 61. Audit Oversight Committee Chairman's Report

Mr. Ewin, Chairman of the Audit Oversight Committee, reported that the Audit Oversight Committee met on June 5, 2008, and that draft minutes from that meeting will be forthcoming in the near future.

