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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 11, 2009

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 - May 28, 2009
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.

Approve

Please turn off cell phones and pagers
during the meeting

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

CONSENT ITEMS

- | | | |
|----|--|---------|
| 6. | <u>MTS: Elevator and Escalator Maintenance and Repair Services - Contract Award</u>
Action would authorize the CEO to execute: (1) MTS Doc. No. PWL113.0-09 for a five-year contract with KONE Elevator for San Diego Transit Corporation (SDTC) elevator maintenance and repair services; and (2) MTS Doc. No. PWL116.0-09 for a five-year contract with Omega Elevator for San Diego Trolley, Inc. (SDTI) elevator and escalator maintenance and repair services. | Approve |
| 7. | <u>MTS: Transit Security Grant Program</u>
Action would approve Resolution No. 09-20 authorizing the CEO to submit applications for funds provided by the federal Department of Homeland Security and administered through the State of California Office of Homeland Security. | Approve |
| 8. | <u>MTS: Investment Report - April 2009</u>
Action would receive a report for information. | Receive |
| 9. | <u>MTS: Audit Report - Payroll</u>
Action would receive an internal audit report on the MTS payroll process. | Receive |

CLOSED SESSION

- | | | |
|-----|---|--|
| 24. | <p>a. <u>MTS: CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
Pursuant to California Government Code Section 54956.8
<u>Property</u>: Assessor Parcel Nos. 667-020-70, 75, and 76, San Diego, California, in the Community of San Ysidro
<u>Agency Negotiators</u>: Tiffany Lorenzen, General Counsel, and Tim Allison, Manager of Real Estate Assets
<u>Negotiating Parties</u>: United States General Services Administration
<u>Under Negotiation</u>: Price and Terms of Payment</p> <p>b. <u>MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION</u>
Pursuant to California Government Code Section 54956.9(a): <u>Balfour Beatty/Ortiz v. Metropolitan Transit System</u> (Superior Court Case No. GIC 868963)</p> <p>c. <u>MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION</u>
Pursuant to California Government Code Section 54956.9(a): <u>Phelps v. SDTC</u> (Case No. 37-2008-0075323-CU-PO-CTL)</p> | <p>Possible
Action</p> <p>Possible
Action</p> <p>Possible
Action</p> |
|-----|---|--|

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. None.

REPORT ITEMS

- | | | |
|-----|---|-----------------|
| 45. | <u>MTS: Old Town Passenger Information Pilot Project</u>
Action would receive a report and provide input on the draft Old Town Passenger Information Pilot Project signage. | Possible Action |
| 46. | <u>MTS: Update on San Ysidro Port of Entry Reconfiguration Project</u>
Action would receive a report on the United States General Services Administration's (GSA's) San Ysidro Border Reconfiguration Project. | Receive |
| 47. | <u>MTS: 2009 Rock 'N' Roll Marathon</u>
Action would receive a report on operations during the Rock 'N' Roll Marathon. | Receive |
| 48. | <u>MTS: Mid-City Rapid Bus Project</u>
Action would receive a report on the Mid-City Rapid Bus Project. | 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>
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> June 25, 2009 | |
| 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)

May 28, 2009

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:04 a.m. A roll call sheet listing Board member attendance is attached.

Mr. Mathis requested a moment of silence in memory of former Board member Fred McLean.

Mr. Mathis welcomed Ms. Lorie Bragg, Alternate Board member representing Imperial Beach, to the MTS Board.

2. Approval of Minutes

Ms. Boyack moved to approve the minutes of the May 14, 2009, MTS Board of Directors meeting. Mr. McClellan seconded the motion, and the vote was 8 to 0 in favor with Ms. Bragg and Mr. Ovrom abstaining as they were not present for the May 14 meeting.

3. Public Comments

There were no public comments.

4. Transportation Security Administration Presentation

This item was cancelled.

CONSENT ITEMS:

6. MTS: East County Bus Maintenance Facility Budget Changes (CIP 10496)

Recommend that the Board of Directors approve budget changes and grant transfers for East County Bus Maintenance Facility projects.

7. MTS: Rural Medium-Duty Buses – Contract Award (CIP 11419)

Recommend that the Board of Directors authorize the CEO to execute MTS Doc. No. B0524.0-09 (in substantially the same form as Attachment A of the agenda item) with Creative Bus Sales to purchase three medium-duty transit vehicles.

8. MTS: Capital Improvement Project Funds Transfer (CIPs 11418, 11200)

Recommend that the Board of Directors approve the transfer of nonfederal funds from MTS CIP 11418 (MCS ADA Small Vehicle Procurement) to CIP 11200 (MTS Miscellaneous Capital No Federal).

9. MTS: An Ordinance Amending Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule and an Ordinance Amending Ordinance No. 13, an Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop (ADM 110.3)

Recommend that the Board of Directors (1) read the title of Ordinance No. 4 (Attachment A of the agenda item), An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule and Ordinance No. 13 (Attachment B of the agenda item), an Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop; (2) waive further readings of the ordinance; and (3) direct publication of an ordinance summary.

Action on Recommended Consent Items

Mr. Rindone moved to approve Consent Agenda Item Nos. 6, 7, 8, and 9. Ms. Boyack seconded the motion, and the vote was 10 to 0 in favor of Consent Item 6, 7, 8, and 9 (Ordinance No. 13 Only). The vote was 8 to 2 for Consent Item No. 14 (Ordinance No. 4 Only), with Ms. Lightner and Mr. Gloria casting the dissenting votes.

CLOSED SESSION:

24. Closed Session Items (ADM 122)

The Board convened to Closed Session at 9:07 a.m.

- a. MTS: CLOSED SESSION – 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: CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code section 54956.8: Property: 3650 Main Street, Chula, CA. Assessor Parcel No.: 623-250-23. Agency Negotiators: Tiffany Lorenzen, General Counsel; Tim Allison, Manager of Real Estate Assets; and Jane Wiggans, Wiggans Group, Inc. Negotiating Parties: Sav-On Systems, a California Limited Partnership.

The Board reconvened to Open Session at 9:38 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 from General Counsel.
- b. The Board received a report from the Manager of Real Estate Assets and gave direction to the Manager of Real Estate Assets and the CEO.

PUBLIC HEARING

25. MTS: FY 2010 Budget – Public Hearing and Adoption (FIN 310)

Mr. Paul Jablonski, CEO, stated that the development of the FY 2010 budget has been underway for six to seven months, and it is a balanced budget. He added that new information on sales tax revenues indicates they will be down an additional two percent for the current budget year. He stated that he felt the current budget could absorb that further decline but added that, if that decline continues, it will be an issue for the FY 2010 budget. He advised the Board that there will be a Budget Development Committee meeting June 22 at which time staff should be able to present updated information on sales tax revenues and efforts will begin to manage the FY 2010 budget based on that information.

Mr. Larry Marinesi, MTS Budget Manager, provided historical information on the development of the budget. He reported that revenues are down 0.1 percent and expenses are up 0.6 from FY 2009. He then presented five-year financial projections. He also reviewed elements that could negatively impact the budget, which included 1) declines in subsidy levels; 2) declines in passenger levels through the economic crisis; 3) increases in fuel prices; and 4) the loss of capital funding due to state actions that might occur as a result of the failed ballot initiatives.

Mr. McClellan stated that the public needs to be aware that the budget may have to be amended if any of the aforementioned concerns become a reality. In response to a question from Mr. Gloria, Mr. Marinesi stated that the State could further reduce State Transit Assistance funding. He further explained that MTS has received \$28 million in Proposition 1B funding and has applied for an additional \$30 million, which could potentially be at risk. He stated that the loss of Proposition 1B funding would affect the capital budget, not the operating budget. In response to a question from Mr. Ovrom, Mr. Marinesi explained that MTS staff is going through a data cleaning process of its Medi-Cal records relative to paratransit service that could result in a decline of \$1 million in state revenues. Mr. Jablonski advised Mr. Ewin that staff is prepared with options for various funding scenarios and is continually going through this process. He also advised the Board that it would be very difficult for the state to take Transportation Development Act funding because it is tied to local sales tax.

Mr. Jablonski advised Ms. Boyack that MTS has its financial results by the middle of the following month with the exception of figures for pass-sales revenues, which are not received from SANDAG until a month after that. He also advised her that MTS typically does one midyear budget amendment but that amendments could be deemed necessary.

Public Hearing

Chairman Mathis opened the Public Hearing at 9:56 a.m. There were no speakers, so Chairman Mathis also closed the Public Hearing at 9:56 a.m.

Action Taken

Mr. Young moved to (1) hold a public hearing, receive testimony, and review and comment on the fiscal year 2010 budget information (Attachment A of the agenda item) presented in this report; and (2) adopt Resolution No. 09-17 (Attachment B of the agenda item) approving the operating and capital budget for MTS and approving the operating budgets for SDTC, SDTC, MTS Contract Services, Chula Vista Transit, and the Coronado Ferry. Mr. Rindone seconded the motion, and the vote was 13 to 0 in favor.

DISCUSSION ITEMS:

30. MTS: Credit Agreement (FIN 300)

Mr. Tom Lynch, MTS Controller, reported that the proposed credit agreement is a classic working capital agreement that would make it possible to bridge the timing gap between the receipt of subsidy revenues and MTS's normal operating expenses. Mr. Lynch reviewed the specifics of the credit line and reported that this will provide a more economical and flexible way for MTS to address that gap.

In response to a question from Mr. Young, Mr. Lynch reported that MTS currently has a three-year contract with Bank of America. Mr. Cliff Telfer, Chief Financial Officer, pointed out that this particular type of agreement is covered under that contract; therefore, it was not bid out. Mr. Telfer also reported that a competitive bidding process was used to select Bank of America to provide banking services for MTS. Mr. Telfer explained to Mr. Young that Requests for Proposals (RFP) were sent to Bank of America, Wells Fargo, Union Bank, banks that expressed an interest in providing banking services to MTS, and others. Mr. Lynch explained that few banks are interested in the public sector - they are primarily interested in organizations that hold large cash balances, which MTS does not. Mr. Lynch further explained that only three banks submitted proposals and only two were responsive. He added that Bank of America was clearly the best choice. He confirmed for Mr. Young that each financial institution was notified of the contract opportunity in the same manner - through the RFP process. Mr. Telfer pointed out that the contract opportunity was also advertised in business journals. Mr. Young stated that it is important that MTS select banks that support the Community Reinvestment Act (CRA). He added that it seemed no preference was given to a particular financial institution and stated that this is also important.

Mr. Ewin stated that he remembered that the RFP process for this contract was pretty extensive. He stated that he appreciated Mr. Young's comments about the CRA and asked how often the banking-services contract was rebid. Mr. Lynch stated that the contract is rebid every three years, and there were specific criteria related to CRA in the RFP. Ms. Lorenzen stated points were assigned for this specific criteria as part of the evaluation process that was used to determine the most qualified bidder. Mr. Young thanked staff for doing that.

Action Taken

Mr. Ewin moved to approve Resolution No. 09-11 (in substantially the same form as Attachment A of the agenda item) authorizing the CEO to execute a credit agreement with Bank of America (in substantially the same form as Attachment B of the agenda item). Mr. Ovrom seconded the motion, and the vote was 13 to 0 in favor.

REPORT ITEMS:

48. MTS: Operations Budget Status Report for March 2009 (FIN 310)
(Taken Out of Order)

Mr. Mike Thompson, MTS Budget Manager, reviewed actual revenues and expenses compared to budget for FY 2009 through March. He reported that MTS is under budget for this period by \$912,000. Mr. Jablonski stated that MTS was anticipating a \$1.7 million surplus by the end of the fiscal year. He stated that may not be achievable given recent declines in sales tax revenues.

Action Taken

Mr. Faulconer moved to receive the MTS Operations Budget Status Report for March 2009. Ms. Boyack seconded the motion, and the vote was 12 to 0 in favor.

45. MTS: Super Loop Pilot (OPS 11246)

Ms. Sharon Cooney, Interim Director of Planning, reported that Super Loop service will operate in a transit-rich environment, and because of TransNet, MTS will be able to introduce a pilot program of this service using the existing stops starting June 15. She stated that this is being done in response to the increased demand for service in this area. She introduced Dan Martin, SANDAG Principal Planner, to provide details on this project.

Mr. Martin reviewed the characteristics of the project including the number of stops, the routing of the service, hours of service, traffic priority treatments that will be put in place, and the distinctive bus stations and vehicles that will be used. Mr. Martin reported that the stations have been redesigned, and the new stations will cost approximately \$200,000, which is 60 percent less than the original design. He stated that all 12 of the vehicles that will provide this service have been delivered, and the construction component of the project will be paid for using federal funds. He stated that operating plans and agreements are in the process of being developed. He added that construction should begin in winter of 2009 and be completed in fall 2010, at which time Super Loop service would begin. Mr. Martin reviewed the details of the proposed interim service to begin June 15, 2009. Chairman Mathis pointed out that introducing a pilot program will provide MTS with an opportunity to evaluate whether or not the bus stops are located in the best places before construction begins to build those stops and will allow MTS to start using the distinctive Super Loop buses almost immediately.

In response to a question from Mr. Ewin, Mr. Jablonski stated that MTS does not pay for bus stop amenities – these are paid for by advertisers. He stated that MTS pays approximately \$100 for each bus stop sign and for a couple of hours of labor to erect each sign. Mr. Ewin expressed concern about the amenities being provided as part of this project while there are limited or no amenities in other communities.

In response to a question from Mr. Faulconer, Mr. Jablonski explained that MTS is charging the operating costs for this service to SANDAG. Ms. Cooney estimated a 40 percent farebox recovery ratio for this service. Mr. Jablonski stated that this farebox recovery ratio is a little bit higher than the ratio for MTS's other service and added that he was not sure it could be achieved during the first year in a pilot program. Mr. Faulconer stated that the route should travel where MTS can attract the most riders. Ms. Lightner requested that MTS be flexible in considering other alignments for this service, especially Regents Road.

Action Taken

Mr. Jones moved to receive a report on the Super Loop project. Mr. Gloria seconded the motion, and the vote was 13 to 0 in favor.

46. MTS: Federal Legislative and Funding Opportunities (LEG 410)

Mr. Jablonski introduced Mr. Peter Peyser, Blank Rome Government Relations, LLC, and reported that the contract for these services is a joint one with North County Transit and SANDAG.

Mr. Peyser introduced his associate, Beth Boehlert. Mr. Peyser reported on activities related to the reauthorization of the Surface Transportation Act. He stated that there is not enough revenue in the Highway Trust Fund to fund the various programs covered by the fund, including SAFETEA-LU, which expires on September 30, 2009. He stated that the program may have to be cut by 40 percent unless the government can find a way to obtain more funding. He added that there is talk of taking money from the General Fund for this purpose.

Ms. Boehlert reviewed congressional activities related to this matter. Mr. Peyser discussed transportation leadership within the Obama administration. He stated that the Democrats want to give the Obama administration an opportunity to address this issue and develop its own proposal. He stated that it may take a year to put all the pieces together but thought the outlook was positive.

Ms. Boehlert reviewed Obama's FY 2010 budget request and reported that the transportation bill is to be marked up in the House Appropriations Committee in July with floor action expected in September. She reported that Senate action is uncertain. She added that Senator Boxer has requested an earmark of \$5 million for MTS's Blue Line.

Mr. Peyser reported on the Mid-Coast Project. He stated that he and Mr. Ron Roberts had met with Matt Welbes, Acting Deputy Administration for the Federal Transit Administration (FTA). He stated that Mr. Welbes understands that the Mid-Coast Project is ready to move forward and encouraged MTS and SANDAG to start providing the FTA with information on this project so they can begin the evaluation process prior to MTS's submittal of a formal application. He stated that Mr. Welbes feels that MTS has a good track record with its projects. Mr. Peyser also discussed how the FTA's criteria for evaluating projects is changing under the direction of Congress. Mr. Peyser stated that the full-funding agreement for the Mid-Coast project will have to include a long-term authorization. He felt that there would be no problem with this unless it takes a long time to get the Surface Transportation Act reauthorized.

Ms. Boehlert briefly discussed the implementation of the American Recovery and Reinvestment Act (ARRA). Mr. Peyser briefly discussed the high-speed rail component of ARRA and stated that public transportation could find itself competing with high-speed rail for ARRA funding. He also stated that there is a \$1.5 billion multimodal discretionary element to ARRA that could be a valuable opportunity for public transportation. He reported that Blank Rome is also watching climate change legislation, which might provide some additional funding opportunities for public transportation.

In response to a question from Mr. Gloria, Ms. Cooney reported that MTS has also requested earmarks for bus replacements and for the Mid-City Rapid Bus Project.

In response to a question from Mr. Gloria about federal funding for transit operations, Mr. Peyser stated the federal government stopped providing operating funding years ago, with the exception of formula funds for preventative maintenance, because it didn't want to be involved in operating and contracting issues at the local level. He stated that transit agencies have been asking Washington, D.C. for operating funding since diesel prices spiked but there is not strong support for this concept in D.C. Ms. Boehlert stated that there are rumors that 10 percent of ARRA might be designated for operations. Mr. Gloria stated that Blank Rome, as it represents MTS in Washington, should pursue funding for operations as part of the solution to transit's problems. Mr. Peyser stated that his organization was ready to pursue that if requested to do so by the Board.

In response to a question from Mr. Faulconer, Ms. Cooney reported that applications for earmarks have to come from congressional district representatives. Ms. Cooney reported that Representative Susan Davis requested the earmark for bus replacements. Mr. Faulconer stated that he would to see a list of the earmark requests for projects submitted by MTS's federal delegates along with Blank Rome's win/loss record on past as well as current and future requests. Chairman Mathis stated that Ms. Cooney's efforts have centered on a list of projects approved by the Board. He stated that meetings are held on a fairly regular basis with federal delegates when they are in town to discuss these matters as well.

Action Taken

Mr. Rindone moved to receive a report from MTS's Washington representative. Mr. Ovrom seconded the motion, and the vote was 13 to 0 in favor.

47. MTS: Update on the San Ysidro Border Reconfiguration Project (CIP 10453)

This agenda item was trailed to the June 11, 2009, meeting.

60. Chairman's Report

Coca-Cola Scholarship: Chairman Mathis reported that Coca-Cola Scholarship awards would be presented at 11:30 a.m. by the clock tower and invited Board members to help make the presentations.

Siemens Visit: Chairman Mathis reported that he, Mr. Jablonski, and Mr. Wayne Terry, Chief Operating Officer – Trolley, visited the Siemens plant where the ultrashort trolley cars are being produced for Utah Transit. He stated that Siemens made a very impressive presentation. He added that Siemens has spent \$50 million to expand its production capacity and are doing almost all the construction of its cars instead of just doing the assembly.

61. Audit Oversight Committee Chairman's Report

Mr. Ewin stated that the next Audit Oversight Committee meeting would be held on June 4, 2009.

62. Chief Executive Officer's Report

Siemens Visit: Mr. Jablonski reported that Siemens is done with the final design of the ultrashort trolley car for Utah Transit. He stated that he was encouraged by the improvements that have been made to the design since the production of the S70 car. He stated that they discussed with Siemens a small number of elements that MTS would want changed on its cars, and it seemed that these would be viable options. He advised the Board that MTS will be using an option on Utah Transit's contract to purchase trolley cars and will begin discussions regarding the specifics of the contract with Siemens this summer. Mr. Terry stated that he passed along suggestions for improvements related to maintenance issues, including access, and Siemens was very receptive to those comments. Mr. Faulconer was very supportive of the ultrashort car and what it means for trolley operations on C Street. He saw it as a positive development and a great solution.

Homeland Security Viper Unit: Mr. Jablonski advised the Board that certain undocumented individuals were detained at Old Town by Viper Unit personnel. He stated that this issue

occurred about five years ago with the Border Patrol when they were conducting immigration checks on MTS services. He stated that the Border Patrol agents have since done a very good job of not impacting transit as they carry out their duties.

He stated that MTS personnel have met with the head of Homeland Security for this area to discuss public relations issues that result from these types of activities when they are carried out on public transportation services. He stated that they understand the issues and agreed to conduct their checks with sensitivity to those concerns. Mr. Gloria stated that he was able to reach Mr. Jablonski immediately when he discovered what had occurred, and Mr. Jablonski was already aware of what had happened. He stated that it is important that MTS customers know that MTS is being proactive in dealing with this issue. He stated that Mr. Jablonski is on top of this issue and expressed his appreciation for MTS's quick work in dealing with this matter.

63. Board Member Communications

Santee Street Fair: Mr. Jones invited board and staff members to attend the first annual street fair at Trolley Square. He stated that the fair will open at 9:00 a.m. and close at 9:00 p.m.

64. Additional Public Comments on Items Not on the Agenda

There were no additional Public Comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, June 11, 2009.

66. Adjournment

Chairman Mathis adjourned the meeting at 11:28 a.m.

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Office of the Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

Attachment: A. Roll Call Sheet
gail.williams/minutes

METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL

MEETING OF (DATE): 5/28/09

CALL TO ORDER (TIME): 9:04 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:07 a.m.

RECONVENE: 9:38 a.m.

PUBLIC HEARING: 9:56 a.m.

RECONVENE: 9:56 a.m.

ORDINANCES ADOPTED: _____

ADJOURN: 11:28 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BOYACK	<input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/>		
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>	9:22 a.m. during AI 24	
FAULCONER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
GLORIA	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
JANNEY	<input type="checkbox"/> (Bragg) <input checked="" type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
OVROM	<input checked="" type="checkbox"/> (Woiwode) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>		
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		<input checked="" type="checkbox"/>
RYAN	<input type="checkbox"/> (B. Jones) <input checked="" type="checkbox"/>		
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>	9:07 a.m. during AI 24	
YOUNG	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:15 a.m. during AI 24	11:21 a.m. during AI 60
ZARATE	<input type="checkbox"/> (Parra) <input type="checkbox"/>		<input checked="" type="checkbox"/>

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

Gail Williams
[Signature]



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San Diego, CA 92101-7490
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Agenda

Item No. 6

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation and
San Diego Trolley, Inc.

OPS 960.2, 970.2

June 11, 2009

SUBJECT:

MTS: ELEVATOR AND ESCALATOR MAINTENANCE AND REPAIR SERVICES -
CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute:

1. MTS Doc. No. PWL113.0-09 (in substantially the same format as Attachment A) for a five-year contract with KONE Elevator for San Diego Transit Corporation (SDTC) elevator maintenance and repair services; and
2. MTS Doc. No. PWL116.0-09 (in substantially the same format as Attachment B) for a five-year contract with Omega Elevator for San Diego Trolley, Inc. (SDTI) elevator and escalator maintenance and repair services.

Budget Impact

The contract with KONE Elevator would not exceed \$47,169.20, and the contract with Omega Elevator would not exceed \$178,892.00.

The contract period of performance would be for a five-year base period beginning on July 1, 2009, and ending on June 30, 2014. This project is federally and state funded under SDTC's and SDTI's operating budget for a combined total of \$226,061.20 (FY 10 through FY 14). The operating budget is comprised of 80% federal and 20% local funds.



DISCUSSION:

MTS Policy No. 52 governing procurement of goods and services requires a formal competitive bid process for procurements exceeding \$100,000.

On February 26, 2009, MTS issued an Invitation for Bids (IFB) for Elevator and Escalator Maintenance and Repair Services to interested parties. This solicitation was divided into two groups to accommodate two scopes of work. Group "A" (SDTC) is for maintenance and repair services, including annual inspection and certification for its 3 elevators; and Group "B" (SDTI) is for maintenance and repair services, including annual inspection and certification for its 5 elevators and 4 escalators. Participants were allowed to bid on all groups or a single group. Each contract is for a five-year base period.

The following summarizes the results for each group (see Attachment C - Bid Summary):


Group "A"

This group received four bids of which one was found technically nonresponsive. KONE Elevator was the lowest responsive, responsible bidder at \$47,169.20.

Group "B"

This group received four bids of which one was found technically nonresponsive. Omega Elevator was the lowest responsive, responsible bidder at \$178,892.00.

Therefore, pursuant to MTS policy, staff recommends award of the contracts to KONE Elevator and Omega Elevator.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contacts: Frank Toth, 619.238.0100, Ext. 6511, frank.toth@sdmts.com
Fred Byle, 619.595.4937, fred.byle@sdmts.com

JUNE11-09.6.ELEVATOR ESCALATOR CONTRACT.CAQUINO.doc

Attachments: A. Draft Agreement for KONE Elevator
B. Draft Agreement for Omega Elevator
C. Bid Summary

STANDARD SERVICES AGREEMENT

DRAFT

PWL113.0-09
 CONTRACT NUMBER
 OPS 960.2
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2009, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: KONE ElevatorAddress: 12150 Tech Center Drive

Form of Business: Corporation
 (Corporation, partnership, sole proprietor, etc.)

Poway, CA 92064Telephone: 858-679-2400

Authorized person to sign contracts: Larry Garb Branch Manager
 Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS services and materials, as follows:

Provide monthly maintenance and repair services for MTS Bus, including annual inspections and certifications as stipulated in MTS's Invitation for Bids (IFB) for Elevator and Escalator Maintenance and Repair Services, MTS Doc. No. PWL113.0-09; including Addendum No. 1, MTS's Responses to Written Questions/Clarifications; and in accordance with the Standard Services Agreement, including the Standard Conditions Services, Federal Requirements, Safety Department's Standard Operating Procedures (SOP) (SAF-016), and KONE Elevator's Bid Proposal dated 4/29/09. If there are inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. MTS's Elevator and Escalator Maintenance and Repair Services IFB, Addendum No. 1, MTS's Responses to Written Questions/Clarifications, and KONE Elevator's Bid Proposal dated 4/29/09.
2. Standard Services Agreement, including the Standard Conditions Services, and Federal Requirements.

MTS BUS (SDTC)

Location	Address	Qty
Imperial Avenue Division (IAD)	100 16 th Street, San Diego, CA 92101	2 Elevators
Kearny Mesa Division (KMD)	4630 Ruffner Street, San Diego, CA 92111	1 Elevator

Services for both operating divisions shall be billed on a monthly basis (refer to the table below). Any additional services or repairs must be preapproved by the SDTC Facilities Department and shall be billed for time and materials under a separate invoice and paid under a separate purchase order.

Description	1 st Year (FY 10)	2 nd Year (FY 11)	3 rd Year (FY 12)	4 th Year (FY 13)	5 th Year (FY 14)
Turnkey maintenance and repair services for three (3) elevators per specifications (IAD & KMD)	\$450/mo.	\$473.68/mo.	\$498.61/mo.	\$524.85/mo.	\$552.47/mo.
Annual inspection and certification	\$675/yr	\$675/yr	\$675/yr	\$675/yr	\$675/yr
Call back charges (per hour)					
After hours and Saturdays (Up to 8 hours per year)	\$130.53	\$137.40	\$144.63	\$152.24	\$160.25
Sundays and holidays (Up to 8 hours per year)	\$180	\$189.47	\$199.44	\$209.93	\$220.97

Total expenditures for this contract shall not exceed \$47,169.20. Payment terms shall be net 30 days from invoice approval date. This contract shall remain in effect for five full years (July 1, 2009, through June 30, 2014).

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CONTRACTOR AUTHORIZATION

By: _____
 Chief Executive Officer

Approved as to form:

By: _____
 Office of General Counsel

Firm: _____

By: _____
 Signature

Title: _____

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$ 8,559.24 – Year 1		
\$ 8,974.12 – Year 2		
\$ 9,410.88 – Year 3		
\$ 9,870.56 – Year 4		
\$10,354.40 – Year 5		
\$47,169.20	331/332-53720	FY 10-14

By: _____
 Chief Financial Officer

Date _____

JUNE11-09.6.Atta.KONE ELEVATOR.CAQUINO.doc

STANDARD SERVICES AGREEMENT

DRAFT

PWL116.0-09
 CONTRACT NUMBER
 OPS 970.2
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2009, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Omega ElevatorAddress: 7015 Carroll Road, Suite A

Form of Business: Corporation
 (Corporation, partnership, sole proprietor, etc.)

San Diego, CA 92121Telephone: 858-564-0848

Authorized person to sign contracts: Sean Kelly President
 Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS services and materials, as follows:

Provide monthly maintenance and repair services for MTS Rail, including annual inspections and certifications as stipulated in MTS's Invitation for Bids (IFB) for Elevator and Escalator Maintenance and Repair Services, MTS Doc. No. PWL113.0-09; including Addendum No.1, MTS's Responses to Written Questions/Clarifications; and in accordance with the Standard Services Agreement, including the Standard Conditions Services, Federal Requirements, Safety Department's Standard Operation Procedures (SOP) (SAF-016), and Omega Elevator's Bid Proposal dated 4/29/09. If there are inconsistencies between the contract documents, the following order of precedence will govern the interpretation of this contract:

1. MTS's Elevator and Escalator Maintenance and Repair Services IFB, Addendum No. 1, MTS's Responses to Written Questions/Clarifications, and Omega Elevator's Bid Proposal dated 4/29/09.
2. Standard Services Agreement, including the Standard Conditions Services, and Federal Requirements.

MTS RAIL (SDTI)

Location	Address	Qty
Fashion Valley	1205 Fashion Valley Rd., San Diego, CA 92108	1 Elevator
Stadium	9449 Friars Rd., San Diego, CA 92108	1 Elevator
Grantville	4510 Alvarado Canyon Rd., San Diego, CA 92120	2 Elevators
SDTI-Building A	12 S. 13 th Street, San Diego, CA 92113	1 Elevator
SDSU	5260 Campanile, San Diego, CA 92182	4 Escalators

Services for SDTI shall be billed on a monthly basis (refer to the table below). Any additional services or repairs must be preapproved by the SDTI Maintenance of Way Department and shall be billed as time and materials under a separate invoice and paid under a separate purchase order.

Description	1 st Year (FY10)	2 nd Year (FY11)	3 rd Year (FY12)	4 th Year (FY13)	5 th Year (FY14)
Turnkey maintenance and repair services for five (5) elevators per specifications	\$625/mo.	\$625/mo.	\$655/mo.	\$675/mo.	\$685/mo.
Maintenance and repair services for four (4) escalators per specifications	\$1,800/mo.	1,800/mo.	\$1,890/mo.	\$1,945/mo.	\$2,000/mo.
Annual inspection and certification (5 elevators and 4 escalators)	No charge	No charge	No charge	No charge	No charge
Call back charges (per hour)					
After hours and Saturdays (up to 8 hrs. per year)	\$289	\$289	\$306	\$314.50	\$323
Sundays and holidays (up to 8 hrs. per year)	\$340	\$340	\$360	\$370	\$380

Total expenditures for this contract shall not exceed \$178,892.00. Payment terms shall be net 30 days from invoice approval date. This contract shall remain in effect for five full years (July 1, 2009, through June 30, 2014).

SAN DIEGO METROPOLITAN TRANSIT SYSTEM		CONTRACTOR AUTHORIZATION																				
By: _____ <div style="text-align: center;">Chief Executive Officer</div> Approved as to form: _____ By: _____ <div style="text-align: center;">Office of General Counsel</div>	Firm: _____ By: _____ <div style="text-align: center;">Signature</div> Title: _____																					
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">AMOUNT ENCUMBERED</th> <th style="text-align: left; border-bottom: 1px solid black;">BUDGET ITEM</th> <th style="text-align: left; border-bottom: 1px solid black;">FISCAL YEAR</th> </tr> </thead> <tbody> <tr> <td>\$ 34,132.00 – Year 1</td> <td></td> <td></td> </tr> <tr> <td>\$ 34,132.00 – Year 2</td> <td></td> <td></td> </tr> <tr> <td>\$ 35,868.00 – Year 3</td> <td></td> <td></td> </tr> <tr> <td>\$ 36,916.00 – Year 4</td> <td></td> <td></td> </tr> <tr> <td>\$ <u>37,844.00</u> – Year 5</td> <td></td> <td></td> </tr> <tr> <td>\$178,892.00 - Total</td> <td>380-53710</td> <td>10-14</td> </tr> </tbody> </table>	AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR	\$ 34,132.00 – Year 1			\$ 34,132.00 – Year 2			\$ 35,868.00 – Year 3			\$ 36,916.00 – Year 4			\$ <u>37,844.00</u> – Year 5			\$178,892.00 - Total	380-53710	10-14	By: _____ <div style="display: flex; justify-content: space-between;"> <div>Chief Financial Officer</div> <div>Date</div> </div>
AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR																				
\$ 34,132.00 – Year 1																						
\$ 34,132.00 – Year 2																						
\$ 35,868.00 – Year 3																						
\$ 36,916.00 – Year 4																						
\$ <u>37,844.00</u> – Year 5																						
\$178,892.00 - Total	380-53710	10-14																				

JUNE11-09.6.AH.B.OMEGA ELEVATOR.CAQUINO.doc



1255 Imperial Avenue, Suite 1000
 San Diego, CA 92101-7490
 619.231.1466, FAX: 619.234.3407

Att. C, AI 6, 6/11/09

BID SUMMARY

MTS IFB NO. PWL113.0-09 ELEVATOR AND ESCALATOR MAINTENANCE AND REPAIR SERVICES

GROUP A (SDTC)	
COMPANY NAME	BID AMOUNT
KONE Elevator * 12150 Tech Center Dr., Poway, CA 92064	\$ 47,169.20
Omega Elevator 7015 Carroll Canyon Rd., Ste. A, San Diego, CA 92126	\$ 50,192.00
Reliable Elevator ** 8245 Ronson Rd., Ste. J, San Diego, CA 92111	\$ 58,748.00
Amtech Elevator 4837 Mercury St., San Diego, CA 92111	\$ 67,277.00

* Lowest responsive, responsible bidder

** Nonresponsive bidder

GROUP B (SDTI)	
COMPANY NAME	BID AMOUNT
Omega Elevator * 7015 Carroll Canyon Rd., Ste. A, San Diego, CA 92126	\$ 178,892.00
KONE Elevator 12150 Tech Center Dr., Poway, CA 92064	\$ 203,398.68
Reliable Elevator ** 8245 Ronson Rd., Ste. J, San Diego, CA 92111	\$ 220,104.00
Amtech Elevator 4837 Mercury St., San Diego, CA 92111	\$ 222,760.00

* Lowest responsive, responsible bidder

** Nonresponsive bidder



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Agenda

Item No. 7

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

AG 210.9 (PC 50102)

June 11, 2009

SUBJECT:

MTS: TRANSIT SECURITY GRANT PROGRAM

RECOMMENDATION:

That the Board of Directors approve Resolution No. 09-20 (Attachment A) authorizing the Chief Executive Officer (CEO) to submit applications for funds provided by the federal Department of Homeland Security and administered through the State of California Office of Homeland Security.

Budget Impact

None.

DISCUSSION:

Resolution No. 09-20 would authorize filing applications with and requesting reimbursements from the California Office of Homeland Security (OHS) and would satisfy requirements of the federal fiscal year 2008 Transit Security Grant Program. MTS's allocation for closed-circuit television (CCTV) onboard systems for light rail vehicles and buses is a total of \$1,500,000.

A handwritten signature in black ink, appearing to read 'Paul C. Jablonski', is written over a horizontal line.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Nancy Dall, 619.557.4537, nancy.dall@sdmts.com

JUNE11-09.7.TRANSIT SECURITY GRANT.NDALL.doc

Attachment: A. Resolution No. 09-20

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 09-20

Resolution Approving the Submittal of Applications and Requests for Reimbursements
for Fiscal Year 2008 Transit Security Grant Program Funding

WHEREAS, the San Diego Metropolitan Transit System (MTS) is a public entity established under the laws of the State of California for the purpose of providing transportation services in the County of San Diego who desires to apply for and obtain funding for transit security purposes.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that MTS does hereby authorize the Chief Executive Officer, or designated representative, to file and execute any actions necessary on behalf of MTS for the purpose of obtaining federal financial assistance for grant 2008-RL-T8-K018 provided by the federal Department of Homeland Security and subgranted through the State of California.

1. General Counsel, or designated representative, is authorized to execute and file all assurances or any other documents required by the California Department of Transportation.

2. The Chief Financial Officer, or designated representative, is authorized to provide additional information as the California Department of Transportation may require in connection with the application for Department of Homeland Security grants.

PASSED AND ADOPTED, by the Board of Directors this _____ day of ____ 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

Agenda

Item No. 8

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

FIN 300 (PC 50601)

June 11, 2009

SUBJECT:

MTS: INVESTMENT REPORT – APRIL 2009

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact:

None.

DISCUSSION:

Attachment A is a report of MTS investments as of April 2009. The first column provides details about investments restricted for capital support and debt service—the majority of which are related to the 1995 lease and leaseback transactions.

The second column, unrestricted investments, reports the working capital for MTS operations employee payroll and vendors' goods and services. This column includes the investment in San Diego Transit Corporation's (SDTC's) repurchased pension obligation bonds and represents an asset that is not currently available to fund operations.

Total cash and investment balances have increased by \$5.1 million primarily due to the receipt of certain subsidies and reimbursements that were delayed in the prior month.

\$10 million was transferred from the operating account to the Legal Aspects of International Financial Institutions (LAIF) account in April. The average monthly yield in the LAIF investment is 1.61%.



The funds restricted for debt service are structured investments with fixed returns that do not vary with marked fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities.

Other restricted funds are designated for various capital improvement projects.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Linda Musengo, 619.557.4531, linda.musengo@sdmts.com

JUNE11-09.8.INVESTMT RPT APRIL 09.LMUSENGO.doc

Attachment: A. Investment Report

**San Diego Metropolitan Transit System
Investment Report
April 30, 2009**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 9,816,779	\$ 6,381,549	\$ 16,198,328	0.01%
Total Cash and Cash Equivalents	<u>9,816,779</u>	<u>6,381,549</u>	<u>16,198,328</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	3,087,356	-	3,087,356	N/A *
US Bank - retention trust account	2,515,455	-	2,515,455	N/A *
Bank of America - Proposition 1B TSGP grant funds	2,699,484		2,699,484	N/A *
Total Cash - Restricted for Capital Support	<u>8,302,295</u>	<u>-</u>	<u>8,302,295</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	15,692,463	15,692,463	1.61%
Bank of New York Money Market POB interest	-	562	562	
Total Investments - Working Capital	<u>-</u>	<u>15,693,025</u>	<u>15,693,025</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	33,707,897	-	33,707,897	
Rabobank - Payment Undertaking Agreement	86,247,213	-	86,247,213	7.69%
Total Investments Restricted for Debt Service	<u>119,955,110</u>	<u>-</u>	<u>119,955,110</u>	
Investment in SDTC Pension Obligation Bonds				
Bank of America custodial account	-	35,630,000	35,630,000	
Total Investment in SDTC Pension Obligation Bonds	<u>-</u>	<u>35,630,000</u>	<u>35,630,000</u>	
Total cash and investments	<u>\$ 138,074,184</u>	<u>\$ 57,704,574</u>	<u>\$ 195,778,758</u>	

N/A* - Per trust agreements, interest earned on retention accounts is allocated to trust beneficiary (contractor)



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San Diego, CA 92101-7490
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Agenda

Item No. 9

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

LEG 492

June 11, 2009

SUBJECT:

MTS: AUDIT REPORT - PAYROLL

RECOMMENDATION:


That the Board of Directors receive an internal audit report on the MTS payroll process.

Budget Impact

None.

DISCUSSION:

During May 2009, the MTS Internal Auditor performed a review of internal controls and procedures to assess the adequacy of internal controls over the payroll process. As a result of the review, six recommendations were made for management's consideration. Management has reviewed the recommendations and is taking action to address the issues noted.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Mark Abbey, 619.557.4573, mark.abbey@sdmts.com

JUNE11-09.9.PAYROLL AUDIT RPT.MABBEY.doc

Attachment: A. Payroll Audit Report (Redacted Copy to Public)

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



Att. A, AI 9, 6/11/09

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619/231-1466
FAX 619/234-3407

Memorandum

DATE: May 29, 2009
TO: Tom Lynch
Emma Aguilera
FROM: Mark Abbey
SUBJECT: AUDIT REPORT: PAYROLL

LEG 492

EXECUTIVE SUMMARY

I have completed a review of controls over the payroll process at MTS. The audit was performed in accordance with the approved audit plan.

Audit Objectives and Scope

The objective of the audit was to assess the adequacy of controls in place over the payroll process in order to determine the following:

1. Payments are made only to valid employees.
2. All payroll master file changes are properly authorized.
3. All payments are made in accordance with employment contracts, approved rates, and hours worked.
4. Payroll costs, including overtime, are adequately controlled.
5. Payroll records are maintained in a secure manner.

Observations and Recommendations

Although MTS's payroll controls are adequate, my review did reveal several control weaknesses. The following are the recommendations that resulted from my review:

1. Segregate payroll duties for improved internal control.
2. The Controller or his delegate should review and approve payroll registers on a regular basis.

3. Ensure timely deletion of terminated employees from the Stromberg system.
4. Provide training to SDTC shop supervisors on entering holiday hours into the Stromberg system.
5. Ensure that all payroll records are accounted for and maintained in a secure, locked location with access limited to authorized staff only.
6. Balance input of SDTC administrative time sheets to Ellipse totals to ensure accuracy.

A detailed explanation of these recommendations is provided in the following Detailed Observations. I wish to thank all Payroll personnel for their cooperation and assistance during the course of this review.

BACKGROUND

At the time of my review, payroll was being processed on two different systems. All MTS and SDTI employees are being paid using the ADP system, and all SDTC employees are being paid on the Ellipse system. As for timekeeping, SDTC and SDTI operators' time is recorded on the Hastus system while shop personnel timekeeping is done using the Stromberg system. Both timekeeping systems are interfaced with the payroll systems. All management and clerical staff use manual time sheets.

There are three payroll staff and one Payroll Manager. The Payroll Manager reports to the MTS Controller in the Finance Department.

Below is a summary of actual FY 08 personnel costs (including fringes benefits) and personnel head counts.

	*FY 2008 PERSONNEL COSTS	HEAD COUNT
MTS (excluding Taxicab)	\$101,347,479	1,647

*Includes fringe benefits

Personnel costs represent a very large cost element to the MTS system and, therefore, having a strong system of internal controls over these costs is essential.

DETAILED OBSERVATIONS

1. Segregation of Duties

I noted that the Payroll Manager is responsible for the input of all payroll master file changes into the Ellipse system, including setting up new employees, changing pay rates, and deleting employees. She is also responsible for printing paychecks and distributing them to SDTC staff. The risk exists that fictitious employees could be set up on the payroll system, and fraudulent payments could go undetected. Duties such as payroll master file updates and printing and distribution of paychecks should be segregated between payroll staff to ensure adequate internal control and minimize the risk of fraud. In addition, someone independent of the Payroll Department should be periodically reviewing the payroll (see recommendation No. 2 following).

Recommendation

Segregate payroll duties for improved internal control.

Management Response

All changes of any type (inclusive of new hires, terminations, pay changes, addresses, etc.) come from forms or contract documents received from the Human Resources Department. No changes are ever initiated directly by the Payroll Department. Human Resources personnel set up new hires and terminations for SDTC in the Ellipse system. Payroll personnel enter in pay rate changes, etc. only upon receiving a payroll authority form from Human Resources.

For SDTI and MTS who are on the ADP system, payroll coordinators enter in all information into the system based upon payroll authority forms received from Human Resources. During each payroll, the ADP system prints out a "change information" report showing changes to employee data. This report is all inclusive containing new hires, terminations, pay rate changes, etc. and is reviewed by the Payroll Manager.

Going forward, payroll coordinators (rather than the payroll manager) will enter in payroll changes for SDTC in Ellipse as they do now for SDTI and MTS. As stated previously, new hires and terminations for SDTC are already done by the Human Resources Department. The Ellipse system has no existing reports for changes. The Payroll Manager will investigate whether such a report can be created in the Ellipse system.

2. Independent Review of Payroll

During my review of the MTS payroll records, I noted that there is no evidence that the Controller or his delegate review the payroll register on a regular basis. Payroll preparation is the responsibility of the Payroll Department. To ensure that only valid employees are paid, an independent review of payroll records should be made periodically by management. This procedure would minimize the risk of someone adding fictitious employees to the payroll.

Recommendation

The Controller or his delegate should review and approve payroll registers on a regular basis.

Management Response

Currently, staff accountants in the Finance Department review the payrolls as payroll information is posted to the general ledger.

In addition to staff accountants, a variety of people (including department managers, the Assistant Budget Manager, the Budget Manager, the Finance Manager, and the Controller) analyze wage expense line items each month. Significant variations to the budget are analyzed primarily by comparing personnel in the relevant department as budgeted to the personnel being paid from the payroll registers. This is a major means of reducing the chances that a fictitious employee could be on the payroll.

Going forward, the Controller or the Finance Manager will review and sign the payroll register as an added check.

3. Terminated Employees in Stromberg Timekeeping System

My review of the April 2009 Stromberg database revealed three former SDTI employees still active in the system. To avoid erroneously assigning hours to terminated employees and to

keep the system updated, SDTI shop supervisors should be provided with a regular listing of terminated employees on a monthly basis.

Recommendation

Ensure timely deletion of terminated employees from the Stromberg system.

Management Response

The three employees discussed above were terminated in March and April 2009. The Stromberg system requires employees be terminated for a complete pay cycle prior to being deleted. This timing difference accounted for the three employees staying in the Stromberg system—these employees have since been deleted.

4. Holiday Hours for SDTC Shop Employees

I noted that errors were being made when SDTC shop supervisors were entering holiday hours for shop employees into the Stromberg system. In some cases, employee's holiday pay was calculated at triple time in error. This occurred because some shop supervisors entered the holiday hours incorrectly into Stromberg. To avoid these errors in the future, additional training should be provided to Stromberg users in the SDTC shop.

Recommendation

Provide training to SDTC shop supervisors on entering holiday hours into the Stromberg system.

Management Response

Payroll coordinators review the data coming from all time and attendance systems; e.g., Stromberg and Hastus, and make corrections in the various payroll systems (Ellipse and ADP) as needed. The reason for this is that MTS's union contracts are very complex, entering employee's time into a time and attendance system can be challenging. The holiday hours for the SDTC shop employees were corrected and paid properly. These and other similar corrections are a routine part of each payroll. Payroll and Information Technology personnel continuously work with supervisors and managers throughout MTS on how to record time correctly in the time and attendance systems (e.g. Stromberg and Hastus) so as to reduce the need for manual corrections by payroll personnel and the possibility of errors.

The Payroll Manager will continue working to improve the knowledge level of supervisors and managers on the Stromberg system particularly SDTC shop supervisors entering holiday hours.

5. Payroll Records

During my review of the payroll for April 2008, payroll documentation supporting ICMA deductions for two employees and a W-4 for another employee could not be located. MTS should ensure that all payroll documentation is maintained on file to support pay rates and payroll deductions.

In addition, I noted that the MTS payroll files were stored in an unlocked office in an unlocked file. In order to ensure confidentiality and security of payroll records, it is critical that [REDACTED]

Recommendation

Ensure that all payroll records are accounted for and maintained in a secure, locked location with access limited to authorized staff only.

Management Response

Payroll records are and always have been kept in a separate room with a locked door. During the Mills Building remodel time period, this was especially challenging. As this has been completed, stability has returned.

Mills Building management is completing a project to [REDACTED]

The missing payroll documents noted during the audit will be replaced.

6. Input of SDTC Administrative Time Sheets

I noted that when payroll staff key in the hours for SDTC administrative staff into Ellipse, the total time sheet hours are not balanced in total to the number of hours keyed into the Ellipse system. The risk exists that a keying error could go undetected resulting in a payroll error. A machine tape of the hours should be balanced against the total hours keyed into Ellipse to ensure that no input errors are made.

Recommendation

Balance input of SDTC administrative time sheets to Ellipse totals to ensure accuracy.

Management Response

Time sheets that come from managers are not uniformly correct, and the errors need to be corrected by payroll personnel. After entry into the Ellipse system, a report is produced containing the hours as entered. This is checked against each and every time sheet ensuring that the hours entered are correct.

JGardetto/
M-FINAL-PAYROLL 09.MABBEY.doc

cc: Paul Jablonski, Tiffany Lorenzen, Cliff Telfer - MTS



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

Agenda

Item No. 45

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

SRTP 850

June 11, 2009

SUBJECT:

MTS: OLD TOWN PASSENGER INFORMATION PILOT PROJECT

RECOMMENDATION:

That the Board of Directors receive a report and provide input on the draft Old Town Passenger Information Pilot Project signage.

Budget Impact

None at this time.

DISCUSSION:

After evaluating the responses from three qualified firms, MTS has contracted the services of CHK America to evaluate the current passenger information system at its busiest multimodal hub, Old Town Transit Center. In evaluating and recommending improvements, CHK has incorporated best practices from similar projects in London, Chicago, Austin, Los Angeles, Washington D.C., and other transit agencies.

The evaluation included two site visits as well as five travel scenarios by three test groups. The participants in the test groups (individuals who had never been to Old Town) were asked to perform several transfer scenarios. In all scenarios, the test subjects found the existing signage inadequate to easily determine connection locations and times. Based on the evaluation, CHK has recommended improvements to the existing information strategy by designing prototype service information and directional signage.

Staff will provide a report on recommendations for bus stop identity signage, additions to existing directional signage, new information centers on the west side bus bays, a transit center schematic and destination finder, a bus connections poster, stop-specific bus corridor panels, and new platform-specific trolley diagrams and timetables.

CHK and MTS plan to manufacture and install the Pilot Signage Program over the next two months and will evaluate the signage over a three- to six-month period by observing and polling customer response. If successful, the signage could be added incrementally to the entire MTS system.



Paul C. Jablonski
Chief Executive Officer

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Agenda

Item No. 46

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

CIP 10453

June 11, 2009

SUBJECT:

MTS: UPDATE ON THE SAN YSIDRO BORDER RECONFIGURATION PROJECT

RECOMMENDATION:

That the Board of Directors receive a report on the United States General Services Administration's (GSA's) San Ysidro Border Reconfiguration Project.

Budget Impact

None.

DISCUSSION:

The San Ysidro Port of Entry is the busiest land port in the hemisphere. The Port of Entry currently processes an average of 50,000 northbound vehicles and 25,000 northbound pedestrians per day. The San Diego Association of Governments (SANDAG) projects an increase in vehicular traffic at San Ysidro of up to 70% by 2030. SANDAG's recent study indicates that substantial regional economic impacts will continue to result from increasing wait times at the border. The United States Customs and Border Protection Agency determined that the existing outdated, 30-year-old facility can no longer support enforcement activities and must be expanded and reconfigured to improve passenger and vehicular processing.

Over the past 12 months, the GSA has worked with community stakeholders, MTS, SANDAG, the City of San Diego, and the California Department of Transportation to improve upon the design and functionality of the proposed GSA facility at San Ysidro.

These improvements have been included in the Draft Environmental Impact Statement (DEIS). The DEIS was released for public review on May 8, 2009, and includes the following three design alternatives for the San Ysidro Port of Entry:

1. *Preferred Alternative* would demolish most of the existing facilities, and new facilities would be constructed, including new primary and secondary inspection areas, an administration building, a pedestrian building, a central plan, one pedestrian bridge, a parking structure, and other support structures. The expanded facility would consist of approximately 210,000 gross square feet of building space, 31 northbound inspection lanes, six southbound inspection lanes, two new southbound pedestrian crossings, and a new southbound roadway connecting with Mexico's planned El Chaparral Land Port of Entry facility.
2. *Pedestrian Crossing Alternative* is similar to the Preferred Alternative but would entail a different cross-border pedestrian circulation scheme. While the Preferred Alternative proposes to remove the existing southbound pedestrian crossing and construct two new southbound pedestrian crossings (one at Virginia Avenue and one east of the existing GSA facility just south of the trolley station), the Pedestrian Crossing Alternative would provide a single southbound pedestrian crossing at its existing location.
3. *No-Build Alternative* would assume that no improvements of the existing San Ysidro Port of Entry would be implemented.

If approved, the Preferred Alternative would be constructed in three phases over a period of approximately four years with some overlap of phases occurring. The Pedestrian Crossing Alternative would follow the same schedule. The ultimate build-out of each scenario is contingent upon Mexico's ability to develop on schedule a new El Chaparral facility, which would support southbound crossing activity.

Staff will provide a report on the proposed plan and its potential impacts on MTS services.

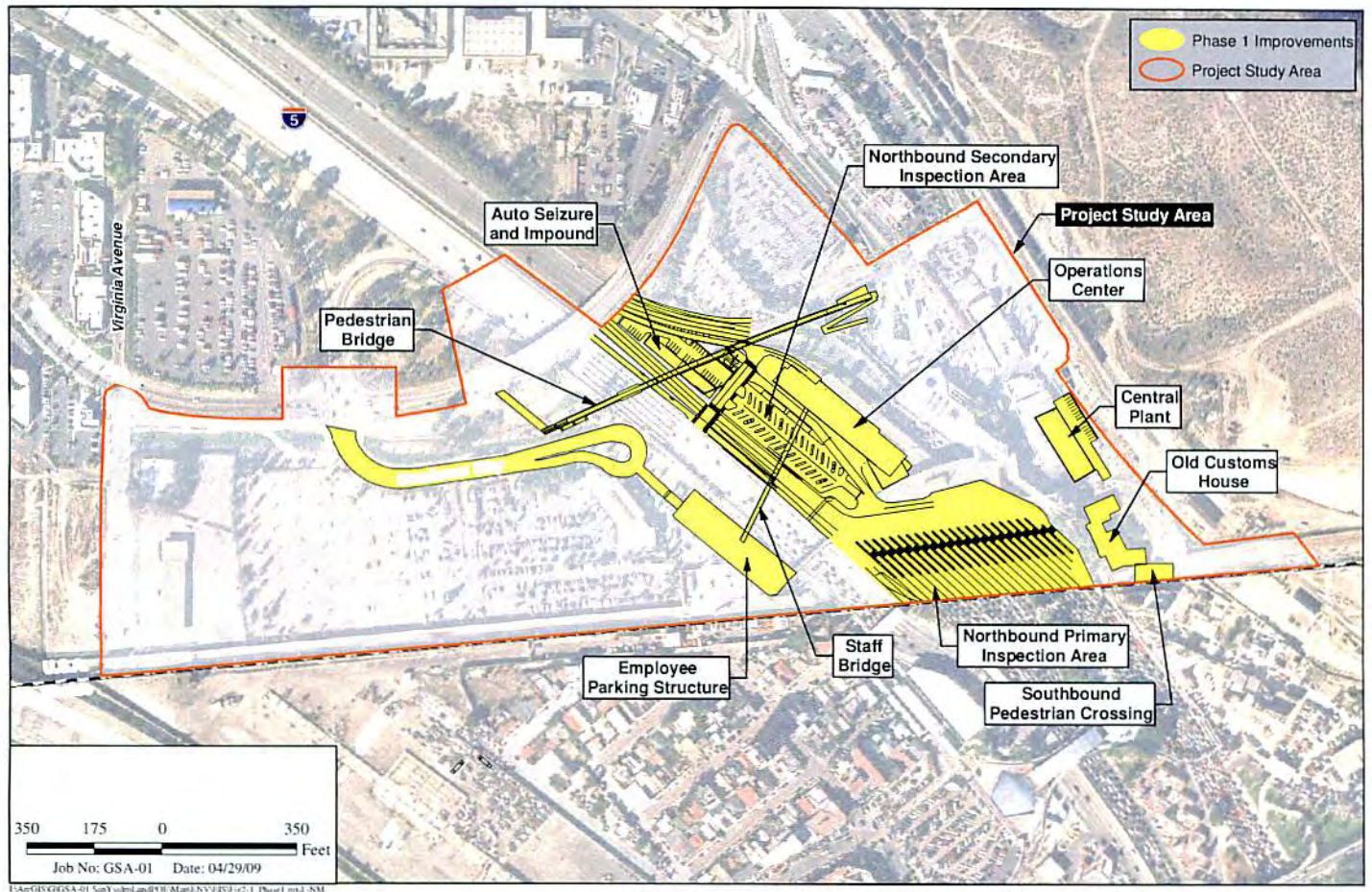


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Michael Daney, 619.515.0932, mike.daney@sdmts.com

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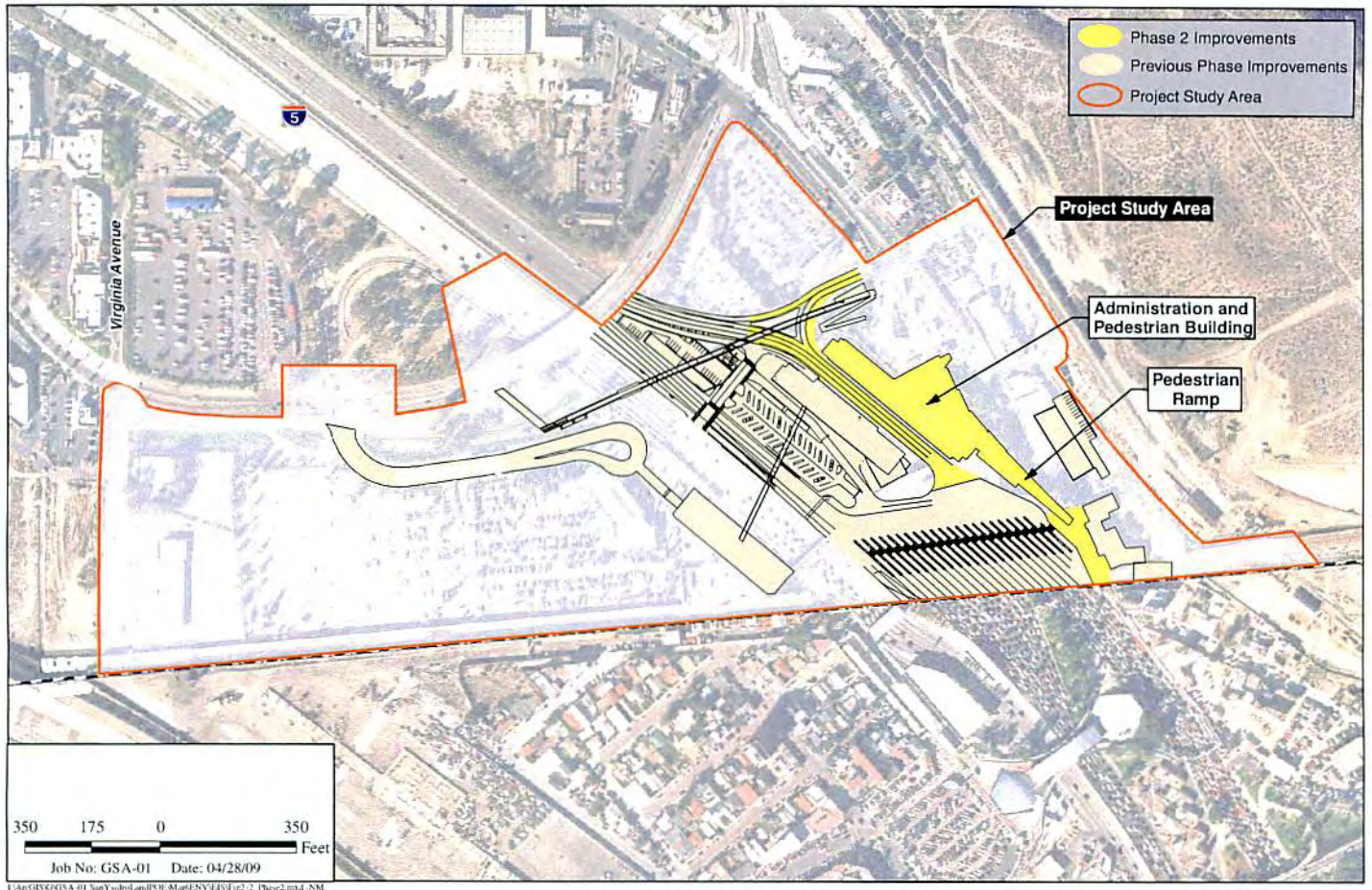
Attachments: A. Preferred Alternative - Phase 1 Improvements
B. Preferred Alternative - Phase 2 Improvements
C. Preferred Alternative - Phase 3 Improvements
D. Pedestrian Crossing Alternative – Phase 1 Improvements
E. Pedestrian Crossing Alternative – Phase 2 Improvements
F. Pedestrian Crossing Alternative – Phase 3 Improvements



Preferred Alternative - Phase 1 Improvements

SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS

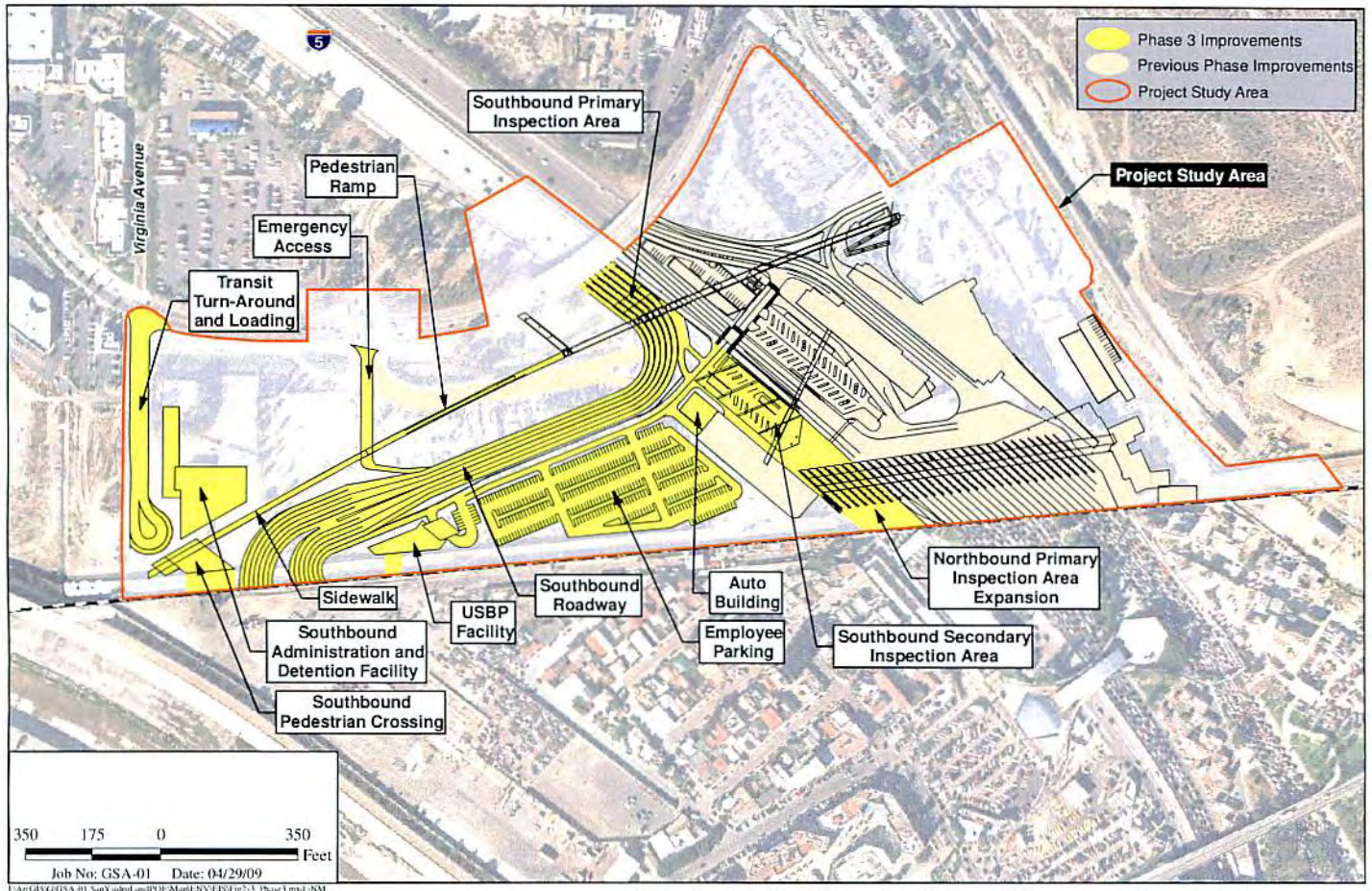
Figure 2-1



Preferred Alternative - Phase 2 Improvements

SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS

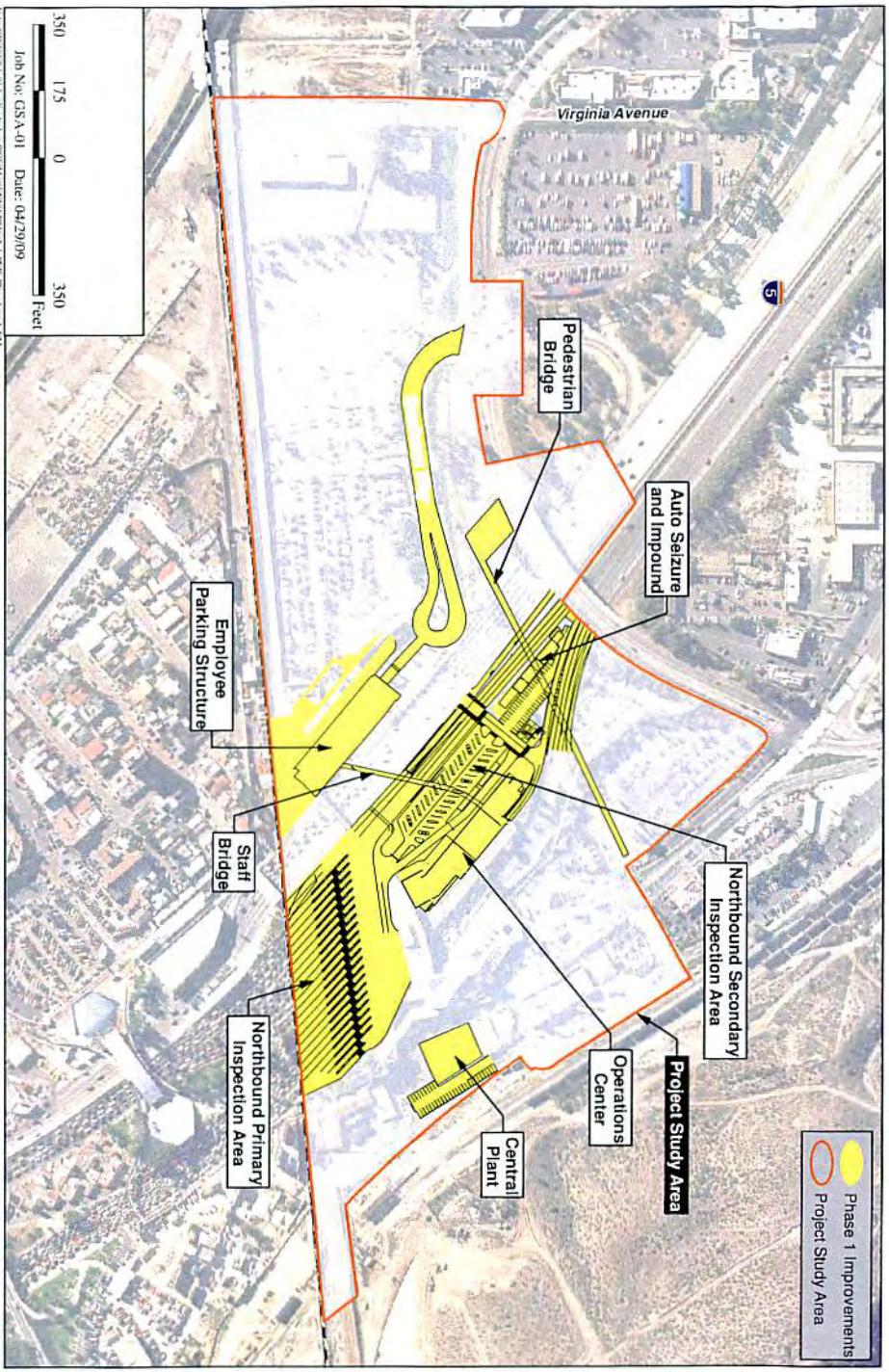
Figure 2-2



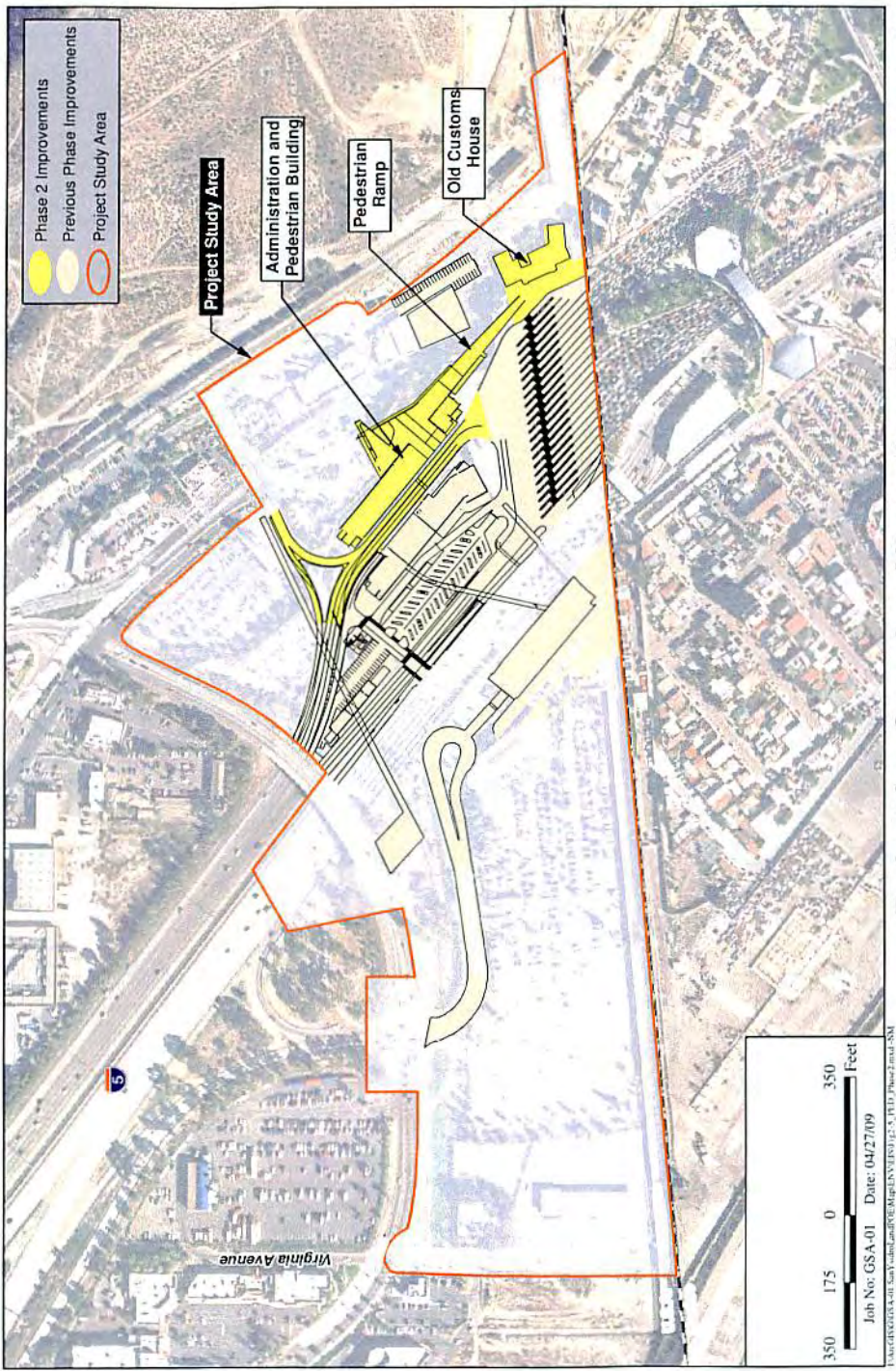
Preferred Alternative - Phase 3 Improvements

SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS

Figure 2-3



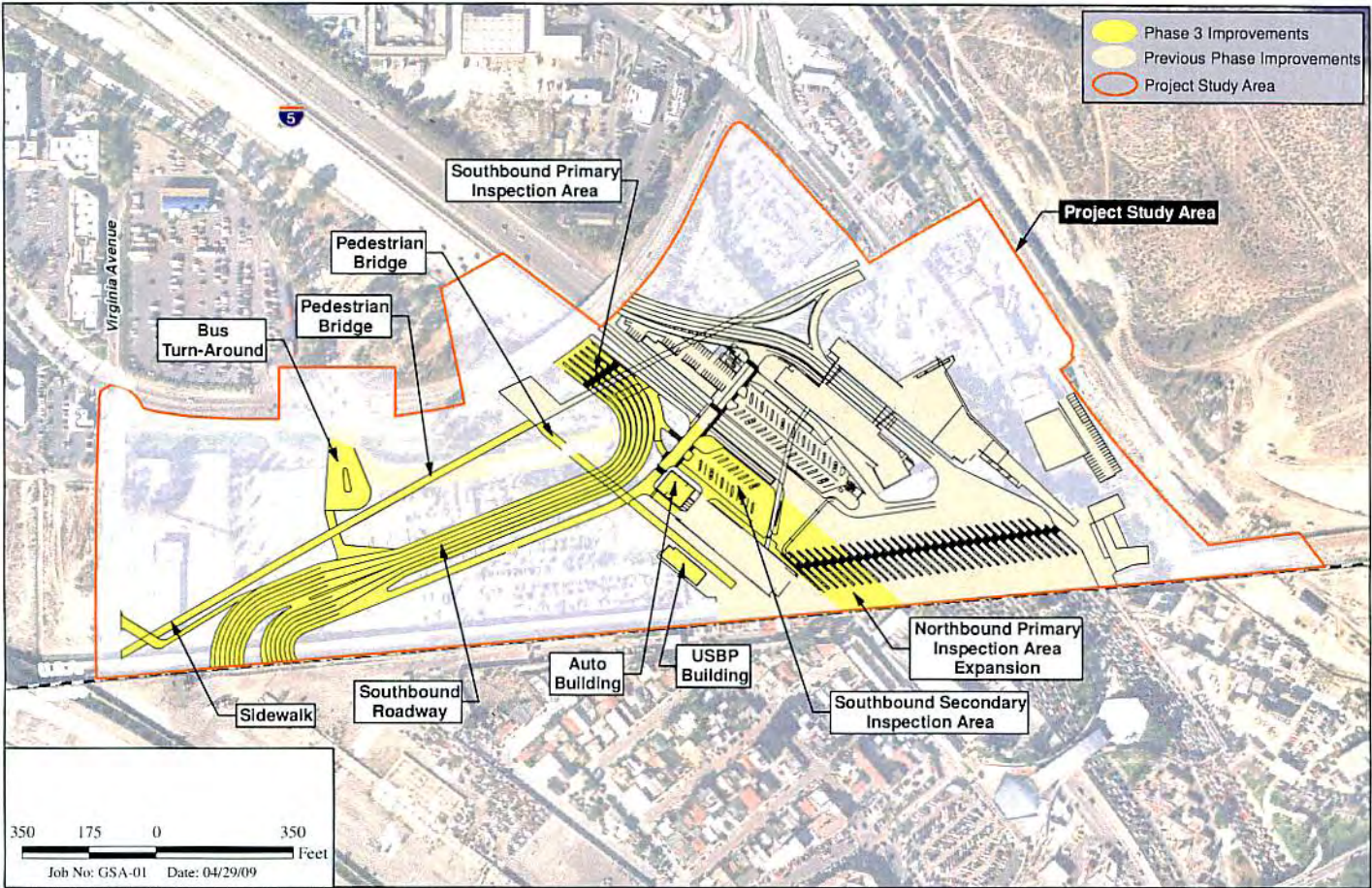
Pedestrian Crossing Alternative - Phase 1 Improvements
SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS
Figure 2-4



Pedestrian Crossing Alternative - Phase 2 Improvements

SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS

Figure 2-5



Pedestrian Crossing Alternative - Phase 3 Improvements

SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS

Figure 2-6



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Agenda

Item No. 47

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

SRTP 825

June 11, 2009

SUBJECT:

MTS: 2009 ROCK 'N' ROLL MARATHON

RECOMMENDATION:

That the Board of Directors receive a report on operations during the Rock 'N' Roll Marathon.

Budget Impact

None at this time.

DISCUSSION:

The Rock 'N' Roll Marathon was held in San Diego on Sunday, May 31. This was the 12th year overall for this event and 5th year under the current route. Staff will report on transit operations during the event.

Paul C. Jablonski
Chief Executive Officer

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JUNE11-09 47 ROCKNROLL SCOONEY doc



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Agenda

Item No. 48

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

SRTP 820.2

June 11, 2009

SUBJECT:

MTS: MID-CITY RAPID BUS PROJECT UPDATE

RECOMMENDATION:

That the Board of Directors receive a report on the Mid-City Rapid Bus Project.

Budget Impact

None at this time. Capital and operating costs for the service will be covered by a federal New Starts grant and TransNet funds.

DISCUSSION:

Mid-City Rapid is a Bus Rapid Transit (BRT) route currently in the advanced preliminary engineering stages for the Park and El Cajon Boulevards corridor between Downtown San Diego and San Diego State University. Originally an MTDB Transit First Project, it was included in the TransNet II ordinance for capital and operating costs. In 2007, SANDAG applied for and received a Federal Transit Administration (FTA) Very Small Starts (VSS) New Starts grant to cover 50% of the capital cost.

The route largely follows and will eventually replace MTS's existing limited-stop Route 15 but with improvements that will make the service faster, more attractive, and generate more ridership. These upgrades include signal priority measures, service to Balboa Park, new natural gas articulated buses, electronic real-time passenger information, better frequencies, and branded stations with larger platforms, new shelters, lighting, and landscaping. The service will operate seven days per week, every 15 minutes for most of the day, and every 10 minutes during weekday peak periods.

The Mid-City BRT Project is currently entering a final design phase with the San Diego Association of Governments (SANDAG) planners and engineers finalizing details of station locations and the signal priority treatments. Station design work, including the shelters and passenger amenities, will commence this summer, and vehicle procurement will take place late this year. Construction will begin in 2010 with vehicle delivery and service anticipated to start in 2011.



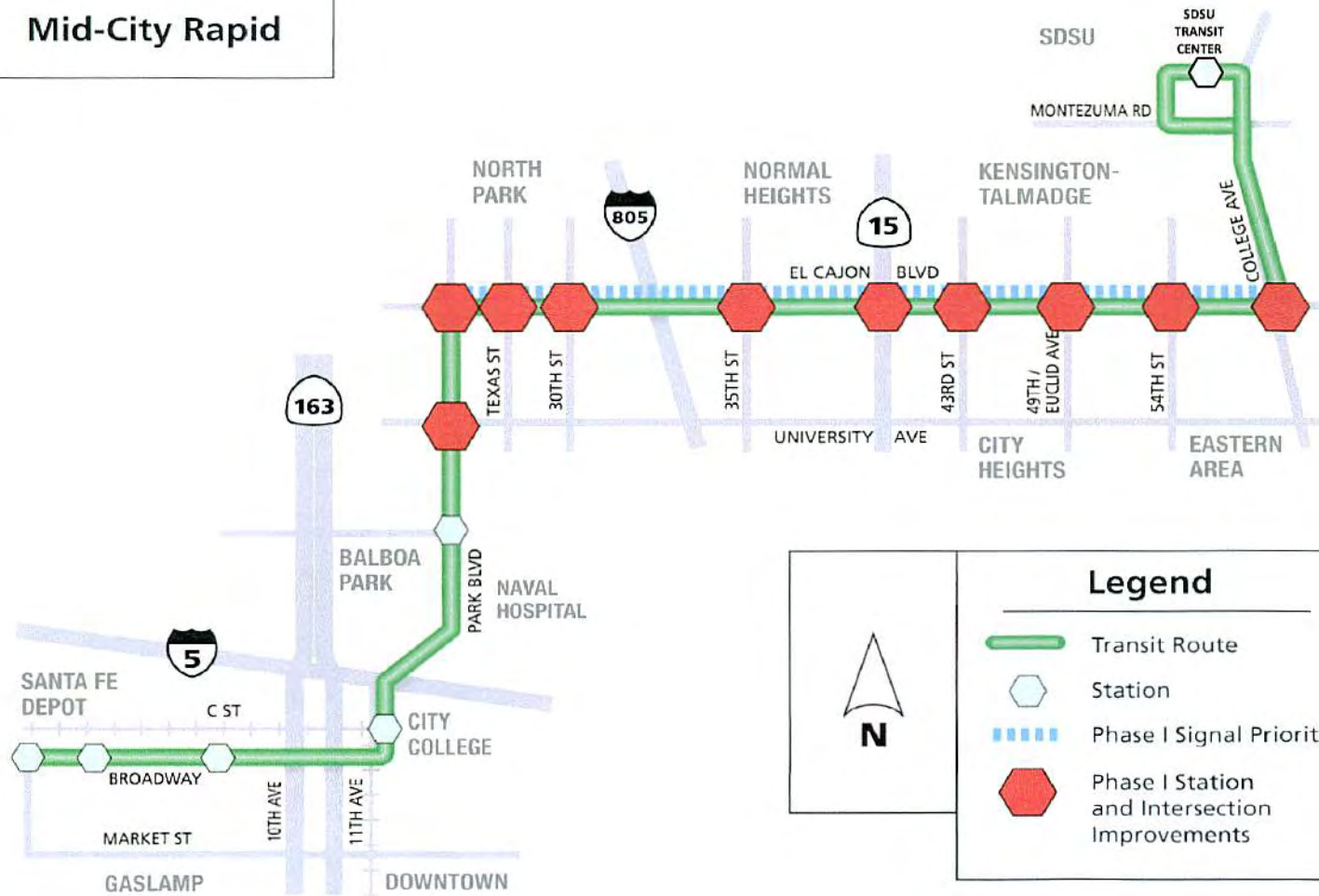
Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Denis Desmond, 619.515.1929, Denis.Desmond@sdmts.com

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Attachment: A. Mid-City Bus Rapid Project Route Map

Mid-City Rapid





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Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

June 11, 2009

In accordance with Board Policy No. 52, Procurement of Goods and Services, attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period May 19, 2009, through June 1, 2009.

[gail.williams/agenda item 62](#)

CONTRACTS - Expense

Doc #	Organization	Subject	Amount	Day
L0889.0-09	ETIC ENGINEERING	ROE PERMIT SITE BORINGS SOIL STUDY	\$0.00	5/22/2009
G1078.3-07	RYAN MERCALDO & WORTHINGTON	LEGAL SERVICES GENERAL & TORT LIABILITY	\$30,000.00	5/26/2009
G1249.0-09	AZTEC LANDSCAPING, INC.	RANCHO BERNARDO/DELLAGO BRT STATION MAIN	\$33,132.00	5/26/2009
PWL114.1-09	ELECTRO SPECIALTY	CIVIC CENTER TROLLEY STATION CCTV SYSTEM	\$2,053.19	5/26/2009
G1105.1-07	LAW OFFICES OF ROD COPPEDGE	LEGAL SERVICES - WORKERS COMP	\$20,000.00	5/28/2009
S200-09-409	CITY OF SAN DIEGO	BAYSHORE BIKEWAY CONSTRUCTION	\$0.00	6/1/2009

PURCHASE ORDERS

DATE	Organization	Subject	AMOUNT
5/26/2009	SUPER WELDING OF SO CA	52" X 36" MESH DECKING WWATERFALL	\$5,954.12
5/26/2009	PIXEL IMAGING INTERNATIONAL	TROLLEY WRAP - COMPASS CARD	\$10,875.00
5/26/2009	OFFICE DEPOT	HON310 SERIES 4 DRAWER FILE	\$1,221.19
5/28/2009	MULTICARD SYSTEMS	COLOR RIBBON KIT	\$2,262.00
6/1/2009	CUBIC TRANSPORTATION	DRIVER CONTROL UNIT	\$31,588.96
6/1/2009	THE PINNACLE GROUP	EMC DISKXTENDER	\$18,843.78
6/1/2009	DAVEY TREE EXPERT CO	REMOVE ONE FICUS TREE TO LOW STUMP	\$2,400.00
6/1/2009	REID AND CLARK SCREEN	SMALL ROUTE DECALS	\$1,883.55
6/1/2009	DATA TICKETS	CHARGERS 09 TRANSIT BROCHURE	\$2,144.55

WORK ORDERS

Organization	Subject	Amount	Day
DAVID EVANS & ASSOCS	DESIGN FOR MTS CANINE SHELTERS	\$18,878.98	6/1/2009

CONTRACTS - Revenue

Doc #	Organization	Subject	Amount	Day
L5691.0-08	ZONDIROS CORP	JOINT ROE PERMIT NCTD BIKEWAY PROJECT	(\$2,400.00)	5/22/2009
L5699.0.09	TRC SOLUTIONS INC	JOINT ROE PERMIT NCTD GROUND WATER MONIT	(\$1,000.00)	5/22/2009
G1256.0-09	PHELPS DEVELOPMENT	ADV PURCHASE OF TRANSIT PASSES CCDC REQ	(\$15,048.00)	5/26/2009
BO525.0-09	ELITE RACING	AGREEMENT TO PROVIDE BUS SVC 2009 RxR	(\$110.00)	6/1/2009
S200-09-410	ORTIZ ASPHALT PAVING INC	ROE PERMIT RTE 94 BUCKMAN SPRINGS	(\$1,500.00)	6/1/2009