



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

## Agenda

### JOINT MEETING OF THE EXECUTIVE COMMITTEE

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

September 9, 2010

Executive Conference Room  
9:00 a.m.

- |   | <u>ACTION<br/>RECOMMENDED</u> |
|---|-------------------------------|
| A. ROLL CALL  |                               |
| B. APPROVAL OF MINUTES - July 8, 2010   | Approve                       |
| C. COMMITTEE DISCUSSION ITEMS   |                               |
| 1. MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8;<br><u>Property</u> : Palomar Street and Palm Avenue Transit Stations (Assessor Parcel Nos. 622-081-27 and 628-050-60); <u>Agency Negotiators</u> : Tiffany Lorenzen, General Counsel; and Tim Allison, Manager of Real Estate Assets; <u>Negotiating Parties</u> : BLT Family Housing, LLC; <u>Under Negotiation</u> : Price and Terms of Payment                                  | Possible<br>Action            |
| 2. MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8;<br><u>Properties</u> : 7490 and 7550 Copley Park Place, San Diego, California (Assessor Parcel Nos. 356-410-08 and 356-410-09); <u>Agency Negotiators</u> : Tiffany Lorenzen, General Counsel; and Tim Allison, Manager of Real Estate Assets; <u>Negotiating Parties</u> : RV Investment CA, LLC, RV Investment CA, LLC II; <u>Under Negotiation</u> : Price and Terms of Payment | Possible<br>Action            |
| D. REVIEW OF DRAFT SEPTEMBER 23, 2010, JOINT BOARD AGENDA   |                               |
| E. <u>REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA</u><br>Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc.<br>Relevant excerpts will be provided during the meeting.  | Possible<br>Action            |

Please turn off cell phones and pagers  
during the meeting

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)

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.



- F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- G. PUBLIC COMMENTS
- H. NEXT MEETING DATE: October 7, 2010
- I. ADJOURNMENT

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

DRAFT MINUTES

July 8, 2010

MTS  
1255 Imperial Avenue, Suite 1000, San Diego

A. ROLL CALL

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

B. APPROVAL OF MINUTES

Mr. Rindone moved for approval of the minutes of the June 17, 2010, MTS Executive Committee meeting. Mr. Selby seconded the motion, and the vote was 5 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

1. MTS: Blue Line Rehabilitation and Outreach Schedule

Mr. Wayne Terry, Chief Operating Officer of Rail, explained to the Committee phase one of the Blue Line Rehabilitation. He explained that the contract for Blue Line contact wire replacement has been awarded and work will commence in San Ysidro, moving north to San Diego. He also explained that the contract for Blue Line Aerial Signaling and Fiber Cable installation has been awarded and the work will commence in San Diego moving south to San Ysidro.

Mr. Terry mentioned that work will begin in late August and will take place on the weekends. He has coordinated with Transit for the operations support work power shutdowns, and shuttle services including bi-directional bus bridges will be provided for patrons. He has arranged for station ambassadors and security personnel to provide customer assistance. He explained that vehicle cleaning and maintenance will be conducted remotely on the south end of the shuttle loop. Mr. Terry also explained that security will provide after-hours protection for vehicles and equipment at remote locations.

Mr. Rob Schupp, Director of Marketing, discussed the trolley renewal communication program goals. He explained that communication will take place in advance of the weekend shut downs to ensure community and passenger awareness. He will be working with many community groups, involving the media, and will communicate the work in English and Spanish to the public. He explained the primary message to the community will be that the Blue Line rehabilitation is a critical reinvestment in public transportation infrastructure, that the project will enhance the travel experience, that construction delays are expected, and that MTS will provide alternative transportation during power shutdowns.

Mr. Schupp discussed the outreach tactics including; advertisements, mailings, one-on-one meetings, on-board information, website information, a hotline number and in-station communications. He also explained that in late August he will launch a media event at the E Street/Bayfront Station and will invite City Council, Community Groups and Stakeholders. He also provided a list of outreach groups he is targeting.

Mr. Roberts asked what the total cost of the Blue Line Rehabilitation project is and how many jobs the project was creating. In response, Mr. Jablonski explained that the total cost of the project including freight improvements is \$619 million. He further explained that \$250 million are TransNet funds, about \$160 million are Prop 1B funds, \$170 million in goods movement funds, \$60 million are from Prop 1A, and the remaining funds covered by ARA Recovery grant monies. It was stated that roughly 300 job creations have come from this project. Mr. Roberts expressed that the project cost and the job creation statistics should be made a priority in the community outreach agenda.

Mr. Rindone asked for clarification on the work timeframe for the Blue Line stations. Mr. Terry responded that some stations could take up to 3 weekends while others may only require 1 weekend. Mr. Rindone suggested that the presentation should emphasize that work will only be performed on the weekends as well as approximate variations of the weekends each station will be affected - the more informed the community is, the less questions they will have.

Mr. Jablonski stated that the Blue Line Rehabilitation wire replacement will be ongoing for a minimum of 30 weeks however 50 weeks have been scheduled to account for any problems that may occur. He also stated that some work will be conducted during the weekday after 7:00 p.m. and that the contract is set up to allow for work early in the day on Sundays to ensure there is no interruption to Monday morning service.

Mr. Mathis asked what measures have been made to ensure that copper stealing does not occur like it did in the Mission Valley East construction. Mr. Terry responded that security measures have been made to secure assets and that in the case of the Blue Line, there will continue to be presence on the system at all times.

Mr. Rindone wanted to ensure that the MTS area representative will be invited to the media launch event.

#### Action Taken

Mr. Rindone moved to receive a report for information. Mr. Selby seconded the motion, and the vote was 5 to 0 in favor.

## 2. MTS: Trolley Rehabilitation Project Update

Mr. John Haggerty, Principal Engineer for Design and Project Management for the San Diego Association of Government (SANDAG), provided an update on Low Floor Station Concepts for Orange Line shelters and paving. He explained that nine stations on the Orange Line will be rehabilitated to accommodate low floor vehicles; stations from 25<sup>th</sup> & Commercial to La Mesa Boulevard. He went over two different station options, option 2 being the preferred option, and includes roof replacement and adjustments to existing columns to support the new roofs to provide an open station concept. He provided a Power

Point presentation outlining a summary of proposed Orange Line shelters, a summary is below:

- 25<sup>th</sup> & Commercial – No New Shelters Proposed
- 32<sup>nd</sup> & Commercial – Proposed to match existing 25<sup>th</sup> & Commercial Shelter
- 47<sup>th</sup> Street – New Large Shelter and Small Shelters
- Euclid Avenue – New Large Shelter and Small Shelters
- Encanto/62<sup>nd</sup> Street – New Large Shelter
- Massachusetts Avenue – New Large Shelter and Small Shelters
- Lemon Grove Depot – New Small Shelters to match context of existing large shelter
- Spring Street – New Large Shelter and Small Shelters
- La Mesa Boulevard – New Small Shelters to match context of existing large shelter

Mr. Haggerty provided a cost summary for each station shelter. He explained the cost for the 32<sup>nd</sup> & Commercial station would be close to \$30,000. He also explained the cost for the large shelters at 47<sup>th</sup> Street, Euclid Avenue, Encanto/62<sup>nd</sup> Street, Massachusetts Avenue and Spring Street would be roughly \$205,000 while small complementary shelters at those same locations would be approximately \$75,000.

Mr. Roberts commented on the Lemon Grove Depot and the La Mesa Boulevard proposed shelter designs and stated that option 1 would match the existing look, and felt that option 2 with the vaulted roof would look inconsistent with the existing design.

Mr. Haggerty discussed the proposed paving for the Orange Line Stations. He explained that the 47<sup>th</sup> Street and the Euclid Avenue Stations proposed paving is French Grey color concrete slab. The proposed paving for the remaining seven stations are concrete unit pavers 12 x 12 inch length and 1 ¾ inch thick.

Mr. Haggerty then provided an update on Green Line Extension paving. He explained the proposed paving for the Washington Street station is concrete pavers 12 x 12 inch length and 1 ¾ inch thick and that the Middletown station would have the same concrete pavers but with a geometric pattern mirroring the wall behind the platform. He also mentioned that the proposed paving for the Santa Fe Depot and the Gaslamp Quarter stations are 2 ¼ inch brick pavers. Mr. Haggerty went on to explain that the proposed paving for the Seaport Village station is concrete pavers with a piano key pattern, proposed for County Center/Little Italy station is tile pavers while preserving the current square paving pattern. He added that the Convention Center station paving is proposed to be granite pavers with a two tone feature.

Mr. Roberts commented that that the Middletown station paving looks like patching on the platform and he would like to see something more consistent. He feels that the existing line across the pavement platform at the County Center/Little Italy station is not a feature that needs to be saved and would like the designer to consider omitting it from the final design. He also feels that the Washington Street station paving should relate to the surrounding brick buildings. He commented that the Gaslamp station design and paving proposal looks very good.

Action Taken

Mr. Selby moved to receive a report with direction given to staff. Mr. Roberts seconded the motion and the vote was 5 to 0 in favor.

3. MTS: Procurement, Integration, and Installation of Onboard Video Surveillance Systems for MTS Buses

Ms. Claire Spielberg, Chief Operating Officer of Transit, gave the Executive Committee a PowerPoint presentation on the MTS Mobile Onboard Video Surveillance Systems (MOBVSS) for MTS buses. She explained that the contract was initially awarded in September of 2007 but the contractor defaulted and left MTS with a partially completed project. She further explained that the contractor had previously installed MOBVSS in 152 forty-foot buses so the new contractor would have to new MOBVSS' that would be compatible with the existing system and the contractor would have to show proven reliability.

Mr. John Miller, Procurement Specialist, summarized the procurement Request for Proposal (RFP) process. He stated that RFP's were issued to forty-four potentially qualified vendors, six proposals were received back and deemed to be in compliance. He explained that proposals were evaluated by a five member evaluation committee, and four contractors were called for discussions in person. Following discussions proposers were asked to submit revised proposals and evaluators then found two competitive bids based on a technical factor weighing 50% and cost, also a 50% weight factor.

Ms. Spielberg summarized the technical evaluation objectives; most important was making sure the equipment had the ability to integrate with the existing system. It was also important to choose a contractor that had equipment that could wirelessly download video events, and could record a minimum of 240 hours of on board stored video. Another important feature was deemed to be synchronized audio in the driver's area. She explained that the desires for software performance needed to be license-free software, interactive speed and mapping interface, and integrated system management software.

Mr. Miller explained that cost proposals were scored with maximum points given to the lowest price and the committee's scores were averaged for each technical evaluation factor resulting in an overall score of 91.8 for Apollo Video Technology and 79.8 for the Transit Marketing Group. The best and final offer from each contractor turned out to be roughly a \$1 million difference.

Mr. Roberts wanted to know what kind of assurances there would be against the contractor going out of business. Ms. Spielberg stated that the evaluators were extremely rigid in regards to financials and Mr. Miller commented that MTS required a performance bond from the contractor. Mr. Roberts questioned if performance bonds were not part of the standard operating procedure. In response, Ms. Tiffany Lorenzen, General Counsel, stated that it is assessed on a case-by-case basis with risk versus the cost benefit being factored into the decision. Mr. Jablonski added that when MTS purchases a product, payment is not made until the product is received, thus performance issues rarely arise. He also mentioned that the bond does raise the price of the contract but in this economy it is wise to do a bond.

Mr. Rindone commented that the performance bond requirement should be included in the presentation to the full board.

Mr. Jablonski stated that the new system is a state-of-the-art system that will add several security measures serving MTS very well in emergencies and protecting assets.

Action Taken

Mr. Rindone moved to forward a recommendation to the Board of Directors to authorize the CEO to award MTS Doc. No. B0521.0-09 to Apollo Video Technology to procure, integrate, and install onboard video surveillance systems (OBVSS) on MTS buses. Mr. Roberts seconded the motion, and the vote was 5 to 0 in favor.

4. MTS: Fiscal Year 2011 Revised Capital Improvement (CIP) Program)

Mr. Larry Marinesi, Budget Manager, gave a presentation on the Capital Improvements Program (CIP) fiscal year 2011 revised budget. He explained that in May, MTS received notification from the U.S. Department of Homeland Security that it would be providing additional funding for security-related projects, leading to a \$3.8 million addition to the fiscal year 2011 CIP. He explained that federal funding levels dropped by \$1,974,000. He stated that also in May, MTS would receive \$186,000 from the California Energy Commission's Alternative and Renewable Fuel and Vehicle Technology Program.

Mr. Marinesi mentioned that in June, MTS received \$2.7 million in state Prop 1B funds for on board trolley cameras. He stated that SANDAG approved the closeout of TransNet 1 funds which provided the allocation of \$2.2 million fund remaining expenses related to Mission Valley East Light Rail Transit Project. He also stated that in June the Board of Directors approved a shift of 7.9 million of Transportation Development Act (TDA) funding into the CIP and fiscal year 2010 balancing budget.

Mr. Marinesi proposed an \$800,000 earmark for federal register for the Regional Transportation Management System intended to support radio and dispatch equipment needs. In addition, staff has identified \$3,387,020 from previously budgeted capital projects to offset the decrease in federal formula funds and meet new identified fiscal year 2011 capital needs. He explained that there are a total of 47 projects funded in fiscal year 2011. He also explained that the federal and nonfederal funding adjustments resulted in a total of \$55.6 million available to be used for the CIP. Mr. Marinesi stated that the overall budget impact is a decrease in original funding combined with the addition of newly available funding will provide a net increase of \$19.1 million to the CIP.

Action Taken

Mr. Rindone moved to forward a recommendation to the Board of Directors to: (1) approve the adjusted fiscal year 2011 Capital Improvement Program (CIP) with the revised federal and nonfederal funding levels; and (2) forward a recommendation to the San Diego Association of Governments (SANDAG) Board of Directors to approve the amendment of the Regional Transportation Improvement Program (RTIP) in accordance with the fiscal year 2011 CIP recommendations. Mr. Selby seconded the motion, and the vote was 5 to 0 in favor.

5. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a) Metropolitan Transit System v. San Diego State University (Case No. 37-2007-00083692-CU-WM-CTL)

This item was not heard.

D. REVIEW OF DRAFT JULY 15, 2010, JOINT BOARD AGENDA

Recommended Consent Items

6. MTS: Investment Report - April 2010  
Action would receive a report for information.
7. MTS: State Transit Assistance (STA) Claims  
Action would adopt Resolution No. 10-20 approving fiscal year (FY) 2010 STA claims.
8. MTS: Proposed 2010/2011 Internal Audit Plan  
Action would approve the proposed 2010/2011 Internal Audit Plan.
9. MTS: Resolution of Designated Individual/Position Authorized to Act on Behalf of Metropolitan Transit System  
Action would adopt Resolution 10-16 to approve the Manager of Risk and Loss Prevention to act on matters relating to California State Association of Counties (CSAC) Excess Insurance Authority.
10. MTS: Investment Report - May 2010  
Action would receive a report for information.
11. MTS: Internal Audit Report - Contract Services  
Action would receive a report for information.
12. MTS: Internal Audit Report - Human Resources  
Action would receive a report for information.
13. MTS: Fiscal Year 2011 Revised Transportation Development Act (TDA) 4.0 Capital Claim  
Action would adopt Resolution No. 10-19 approving the revised fiscal year (FY) 2011 Transportation Development Act (TDA) Article 4.0 claim.



14. MTS: Transit System Safety, Security, and Disaster Response Account Program

Action would approve Resolution No. 10-17 authorizing the CEO to submit applications for funds provided by the Transit System Safety, Security, and Disaster Response Account (TSSSDRA) Program.

15. MTS: Amendments to the Joint Exercise of Powers Agreement and the Bylaws of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Member Agency

Action would approve the proposed amendments to the LOSSAN Joint Exercise of Powers Agreement and Bylaws.

16. MTS: Increased Authorization for Legal Services - Law Offices of R. Martin Bohl

Action would authorize the CEO to execute MTS Doc. No. G1072.5-07 with the Law Offices of R. Martin Bohl for legal services and ratify prior amendments entered into under the CEO's authority.

Recommended Consent Items

There was no additional discussion of the recommended Consent Items.

Recommended Board Discussion Items

There was no discussion of recommended Discussion Items.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

No report was given on this item.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Mr. Rindone expressed his sympathy regarding the recent death of Gail Williams. He asked to have a moment of silence and wanted to adjourn the meeting in her memory.

G. PUBLIC COMMENTS *(Taken out of order)*

*Chris Jones* – Mr. Jones commented on behalf of the Southeastern Economic Development Corporation (SEDC) regarding the improvements for the Encanto/62<sup>nd</sup> Street station. He would like to thank everyone for the Orange Line improvements and is happy that the improvements will be made to Americans with Disabilities Act standards which are very important to the population of the southeastern region of San Diego. He stated that SEDC will be contributing \$315,000 to the Encanto/62<sup>nd</sup> Street station improvements to improve the interface between bus riders, trolley riders, and pedestrians. The SEDC feels that this station is very deserving of attention as it is older and not meeting needs to those in wheelchairs.

Mr. Haggerty responded that this station does have some issues regarding the bus stop and a retaining wall and how patrons gain access to the platform. SANDAG has met with SEDC out at the Encanto/62<sup>nd</sup> Street station last week and they are working together to facilitate improvements.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for Thursday, August 12, 2010, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 10:19 a.m.

---

Chairman

Attachment: A. Roll Call Sheet

H:\Minutes - Executive Committee, Board, and Committees\Minutes - 2010\MINUTES - Executive Committee 7-8-10 DRAFT.docx

**EXECUTIVE COMMITTEE  
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) July 8, 2010

CALL TO ORDER (TIME) 9:04 AM

RECESS \_\_\_\_\_

RECONVENE \_\_\_\_\_

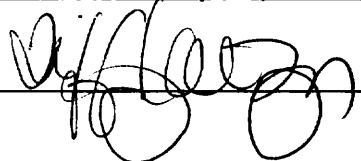
CLOSED SESSION \_\_\_\_\_

RECONVENE \_\_\_\_\_

ADJOURN 10:19 AM

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
LIGHTNER <input checked="" type="checkbox"/> (Young) <input type="checkbox"/>		
MATHIS <input checked="" type="checkbox"/>		
Imperial Beach Rotated to Chula Vista		
RINDONE (VC) <input checked="" type="checkbox"/> (Young - CPT) <input type="checkbox"/>		
ROBERTS <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>		
SELBY <input checked="" type="checkbox"/> (Ryan) <input type="checkbox"/>		
Transportation Committee Rep Slot (Mathis)		

SIGNED BY OFFICE OF THE CLERK OF THE BOARD: Valerie Vizkelati

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL: 



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

DRAFT

## Agenda

### JOINT MEETING OF THE BOARD OF DIRECTORS

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

September 23, 2010

9:00 a.m.

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

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

### ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - August 19, 2010 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

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)



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: Increased Authorization for Legal Services - McDougal Love Eckis Smith Boehmer &amp; Foley, APC</u><br>Action would authorize the Chief Executive Officer (CEO) to enter into MTS Doc. No. G1067.11-07 with McDougal Love Eckis Smith Boehmer & Foley, APC for legal services and ratify prior amendments entered into under the CEO's authority.   | Approve/<br>Ratify |
| 7. | <u>MTS: Service Trucks - Contract Award</u><br>Action would authorize the CEO to execute MTS Doc. No. G1330.0-10 with Fairview Ford Sales, Inc. for the purchase of three service trucks.   | Approve            |
| 8. | <u>MTS: Adoption of Amended 2010 Conflict of Interest Code</u><br>Action would: (1) adopt Resolution No. 10-22 amending the MTS Conflict of Interest Code pursuant to Political Reform Act (PRA) of 1974; (2) adopt the amended 2010 MTS Conflict of Interest Code; and (3) forward the amended 2010 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body). | Adopt              |
| 9. | <u>MTS: Investment Report for July 2010</u><br>Action would receive a report for information.   | Receive            |

## CLOSED SESSION

- |     |   |                    |
|-----|---|--------------------|
| 24. | a. <u>MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant To California Government Code Section 54956.8;</u><br><u>Properties:</u> 7490 and 7550 Copley Park Place, San Diego, California (Assessor Parcel Nos. 356-410-08 and 356-410-09);<br><u>Agency Negotiators:</u> Tiffany Lorenzen, General Counsel; and Tim Allison, Manager of Real Estate Assets;<br><u>Negotiating Parties:</u> RV Investment CA, LLC, RV Investment CA, LLC II;<br><u>Under Negotiation:</u> Price and Terms of Payment | Possible<br>Action |
|-----|---|--------------------|

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

## NOTICED PUBLIC HEARINGS

25. None.

## DISCUSSION ITEMS

30. None.

## REPORT ITEMS

- |     |   |             |
|-----|---|-------------|
| 45. | <u>MTS: Operations Budget Status Report for June 2010 (Mike Thompson)</u><br>Action would receive a report on MTS's operations budget status for May 2010.  | Receive     |
| 46. | <u>MTS: Blue Line Rehabilitation and Outreach Schedule (Rob Schupp)</u><br>Action would receive a report for information.   | Receive     |
| 47. | <u>MTS: Update on the Status of the Grossmont Trolley Station Joint Development Project (Tim Allison)</u><br>Action would receive an update regarding the status of the Grossmont Trolley Station Joint Development Project.  | Receive     |
| 48. | <u>MTS: South Bay Bus Rapid Transit (Jennifer Williamson from SANDAG)</u><br>Action would receive a report for information.   | 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> October 14, 2010  |             |
| 66. | <u>Adjournment</u>  |             |



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

## 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.

LEG 491 (PC 50633)

September 23, 2010

**Draft for  
Executive Committee  
Review Date: 9/9/10**

### SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES - MCDUGAL LOVE  
ECKIS SMITH BOEHMER & FOLEY, APC

### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to enter into MTS Doc. No. G1067.11-07 (in substantially the same form as Attachment A) with McDougal Love Eckis Smith Boehmer & Foley, APC for legal services and ratify prior amendments entered into under the CEO's authority.

#### Budget Impact

Not to exceed \$90,000 for McDougal Love Eckis Smith Boehmer & Foley, APC.  
Recommended amounts should be contained within the fiscal year 2011 budget.

### DISCUSSION:

On January 18, 2007, the Board approved a list of qualified attorneys for general liability and workers' compensation for use by MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC) (hereinafter referred to as the Agencies) staffs on an as-needed basis. Thereafter, MTS began to contract with approved attorneys for various amounts depending upon current and anticipated needs.

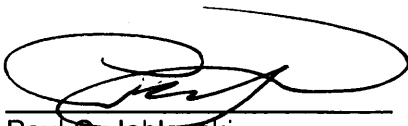
Pursuant to Board Policy No. 52 (Procurement of Goods and Services), the CEO may enter into contracts with service providers for up to \$100,000. The Board must approve all agreements in excess of \$100,000. All attorneys listed have multiple cases that are



scheduled to proceed to trial, and the total cost of their legal services will exceed the CEO's authority.

McDougal Love Eckis Smith Boehmer & Foley, APC are currently under contract with the Agencies for \$530,000. Attorney Steven Boehmer has successfully defended the Agencies in a number of tort-liability matters. Pending invoices for recent and current services are anticipated to exceed current contract authority due to legal-defense costs.

The CEO has approved contracts up to the \$100,000 authority level. Therefore, staff is requesting Board approval of MTS Doc. No. G1067.11-07 with McDougal Love Eckis Smith Boehmer & Foley, APC for legal services and ratification of prior contracts/ amendments entered into under the CEO's authority.

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: James Dow, 619.557.4562, [jim.dow@sdmts.com](mailto:jim.dow@sdmts.com)

SEPT23-10.6.LEGAL SVCS.MCDOUGAL ET AL.JDOW.doc

Attachment: A. MTS Doc. No. G1067.11-07



DRAFT

September 23, 2010

MTS Doc. No. G1067.11-07  
LEG 491 (PC 50633)

Mr. Steven E. Boehmer  
McDougal Love Eckis Smith & Boehmer, APC  
8100 La Mesa Blvd, Suite 200  
La Mesa, CA 91942-6476

Dear Mr. Boehmer:

Subject: AMENDMENT NO. 11 TO MTS DOC. NO. G1067.0-07: LEGAL SERVICES – GENERAL  
LIABILITY

This letter will serve as Amendment No. 11 to MTS Doc. No. G1067.0-07. This contract amendment authorizes additional costs not to exceed \$90,000 for professional services. The total value of this contract, including this amendment, is \$620,000. Additional authorization is contingent upon MTS approval.

If you agree with the above, please sign below, and return the document marked "Original" to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Steven E. Boehmer  
McDougal Love Eckis Smith & Boehmer, APC

Date: \_\_\_\_\_

SEPT23-10.6.AttA.LEGAL SERVICES  
MCDOUGAL G1067.11-07.JDOW.doc



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

## 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.

September 23, 2010

CIP 11289

**Draft for  
Executive Committee  
Review Date: 9/9/10**

### SUBJECT:

MTS: SERVICE TRUCKS - CONTRACT AWARD

### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1330.0-10 (in substantially the same format as Attachment A) with Fairview Ford Sales, Inc. for the purchase of three service trucks.

#### Budget Impact

The total amount of \$204,654.23 would be funded under FY 11 Capital Improvement Program (CIP) No. 11289-1300 (100% Transportation Development Act [TDA] local funding).


### DISCUSSION:

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

The three service trucks would come outfitted with air compressors, lubrication and fueling equipment, and other maintenance accessories required to perform road repairs to buses. The trucks would primarily be used by Maintenance Department personnel who perform repairs on buses that are away from the service facilities. Two of the service trucks would be utilized by MTS fixed-route contractors at the South Bay and East County facilities. The remaining one service truck would be utilized by MTS bus operations.



On July 16, 2010, MTS issued an Invitation for Bids (IFB) to interested parties for the purchase of three service trucks. A total of five bids were received on August 10, 2010 (see Bid Summary – Attachment B); all five bids were found responsive. Fairview Ford Sales, Inc. is the lowest responsive and responsible bidder at \$204,654.23. Therefore, pursuant to MTS policy, staff recommends award of MTS Doc. No. G1330.0-10 to Fairview Ford Sales, Inc. to purchase three service trucks.



---

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Elliot Hurwitz, 619.595.7031, [elliot.hurwitz@sdmts.com](mailto:elliot.hurwitz@sdmts.com)

SEPT23-10.7.SERVICE TRUCKS.CAQUINO.doc

Attachments: A. Draft Standard Procurement Agreement  
B. Bid Summary

## STANDARD PROCUREMENT AGREEMENT

**DRAFT**

G1330.0-10  
 CONTRACT NUMBER  
 CIP 11289-1300  
 FILE NUMBER(S)

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2010, 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: Fairview Ford Sales, Inc.Address: 292 North "G" Street

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

San Bernardino, CA 92412Telephone: 909.386.0281

Authorized person to sign contracts: Todd Eff Commercial Fleet 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 three (3) service truck vehicles as stipulated in MTS's Invitation for Bids (IFB), MTS Doc. No. G1330.0-10; including MTS's Responses to Written Questions/Clarifications; and in accordance with the Standard Procurement Agreement, including the Standard Conditions Procurement, Safety Department's SOP (SAF-016), and Fairview Ford's Bid Proposal dated 8/10/10. If there are inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. MTS's Purchase of Three Service Trucks IFB, MTS's Responses to Written Questions/Clarifications;
2. Fairview Ford's Bid Proposal dated 8/10/10; and
3. Standard Procurement Agreement, including the Standard Conditions Procurement.

Price includes the three vehicles per technical specifications, California sales tax (8.75%), "exempt" license, California tire fee, and delivery at \$68,218.08 each. Payment terms shall be net 30 days from invoice date. Delivery for the vehicles shall be completed within 180-210 days or sooner upon receipt of purchase order or contract.

Vehicle shall be delivered to: **Metropolitan Transit System (MTS)**  
 Attn: Mike Fitzgerald (619) 238-0100, Ext. 6498  
 100 16th Street  
 San Diego, CA 92101

The registered owner will be: **San Diego Metropolitan Transit System (MTS)**  
 1255 Imperial Avenue, Suite 1000  
 San Diego, CA 92101

The total cost of this contract shall not exceed \$204,654.23.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer	Firm: _____
Approved as to form:	By: _____ Signature
By: _____ Office of General Counsel	Title: _____

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
<b>\$204,654.23</b>	CIP 11289-1300	11

By: \_\_\_\_\_  
 Chief Financial Officer Date

**BID SUMMARY**

**MTS DOC. NO. G1330.0-10  
PURCHASE OF THREE (3) SERVICE TRUCKS**

<b>COMPANY NAME</b>	<b>BID AMOUNT</b>
<b>Fairview Ford Sales, Inc. *</b> <b>292 North "G" Street, San Bernardino, CA 92412</b>	<b>\$ 204,654.23</b>
Wondries Fleet 400 S. Atlantic Blvd., Alhambra, CA 91801	\$ 207,168.95
Villa Ford 2550 N. Tustin Avenue, Orange, CA 92865	\$ 207,674.44
Raceway Ford 5900 Sycamore Canyon Blvd., Riverside, CA 92507	\$ 211,078.09
Trans West Truck Center 10150 Cherry Avenue, Fontana, CA 92335	\$ 232,665.94

**\* Lowest responsive, responsible bidder**

SEPT23-10.7.AttB.BID SUMMARY 3 SVC TRUCKS.CAQUINO.doc



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.

September 23, 2010

ADM 110 (PC 50101)

**Draft for  
Executive Committee  
Review Date: 9/9/10**

### SUBJECT:

MTS: ADOPTION OF AMENDED 2010 CONFLICT OF INTEREST CODE

### RECOMMENDATION:

That the Board of Directors:

1. adopt Resolution No. 10-22 (Attachment A) amending the MTS Conflict of Interest Code pursuant to the Political Reform Act (PRA) of 1974;
2. adopt the amended 2010 MTS Conflict of Interest Code (in substantially the same format as Attachment B); and
3. forward the amended 2010 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

### Budget Impact

None.

### DISCUSSION:

As a public agency, MTS is required to comply with the provisions of the PRA, which mandates that public agencies maintain a Conflict of Interest Code for each of its publicly elected officials as well as certain designated staff. Every other year, MTS is required by the PRA to revise and update its Conflict of Interest Code. Attachment B is the proposed amended 2010 Conflict of Interest Code incorporating the model provisions as drafted by the California Fair Political Practices Commission (FPPC). The



proposed 2010 Conflict of Interest Code contains the model terms and conditions as well as:

1. a list of designated officials who manage public investments (Attachment B, Exhibit A)
2. a list of designated positions for employees (Attachment B, Exhibit A); and
3. Disclosure Categories (Attachment B, Exhibit B).

General Counsel is requesting that the Board of Directors adopt Resolution No. 10-22 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974, adopt the 2010 MTS Conflict of Interest Code in substantially the same format as attached, and forward the 2010 MTS Conflict of Interest Code to the County of San Diego—the designated code-reviewing body.



---

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, [Tiffany.Lorenzen@sdmts.com](mailto:Tiffany.Lorenzen@sdmts.com)

SEPT-23-10.8.CONFLICT OF INTEREST.TLOREN.doc

Attachments: A. Resolution No. 10-22  
B. Proposed Amended Appendix for 2010 Conflict of Interest Code  
C. Existing 2008 Conflict of Interest Code

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 10-22

Resolution of the Board of Directors of the Metropolitan Transit System Adopting an Amended Appendix to the Conflict of Interest Code Pursuant to the Political Reform Act of 1974

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest that potentially affect all officers, employees, and consultants of the Metropolitan Transit System ("MTS") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code"), which was amended on October 16, 2008, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within MTS have made it advisable and necessary pursuant to sections 87306 and 87307 of the Act to amend and update MTS's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief, which could result in MTS being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Appendix was provided to each affected designated employee and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Board of Directors on September 23, 2010, at which time all present were given an opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by a vote of two-thirds or more of all of the members of the San Diego Metropolitan Transit System Board of Directors as follows:

1. The Board of Directors does hereby adopt the proposed amended Appendix to the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the General Counsel and available to the public for inspection and copying.
2. The said amended Appendix to the Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval.
3. The said amended Appendix to the Conflict of Interest Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Appendix as submitted.

PASSED AND ADOPTED this 23rd day of September 2010.

AYES:

NAYS:

ABSENT:

ABSTAINING:



---

Chairman  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

---

Clerk of the Board  
San Diego Metropolitan Transit System

---

General Counsel  
San Diego Metropolitan Transit System

SEPT23-10.8.AttA.RESO 10-22.  
COI.TLORENZEN.DOC

Attachment: Proposed Amended Appendix to the Conflict of Interest Code

# APPENDIX

## CONFLICT OF INTEREST CODE

### OF THE

## METROPOLITAN TRANSIT SYSTEM

(Amended September 23, 2010)

### EXHIBIT “A”

#### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to MTS’s Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>1</sup>:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

---

<sup>1</sup> Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Assistant/Copy Center Coordinator	4
Advertising Specialist	5
Assistant Budget Manager	1, 2
Assistant Director – Transit System Security	5
Assistant Technology Officer	5
Assistant Transportation Operations Specialist	2, 5
Budget Manager	1, 2
Business Systems Analyst	5
Buyer	4
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Chief Technology Officer	5
Communications Design Manager	5
Communications Designer	5
Contract Services Administrator	5
Controller	1, 2
Director of Governmental Affairs & Community Relations	1
Director of Human Resources and Labor Relations	5
Director of Maintenance	5
Director of Marketing & Communications	5

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Planning & Scheduling	1, 2
Director of Transit System Security	5
Director of Transportation	1
General Counsel	1, 2
Liability Claims Adjuster	1, 2
Loss Prevention Manager	5
Manager of Capital Projects	1, 2
Manager of Facilities	5
Manager of Human Resources	5
Manager of Marketing	5
Manager of Procurement	4
Manager of Real Estate Assets	1, 2
Media & Communications Specialist	5
Network Operations Manager	5
Performance Monitoring Specialist	2, 4
Principle Contract Administrator	4
Project Engineer	1, 2
Regulatory Enforcement Supervisor	6
Revenue Manager (ALL)	5
Right-of-Way Agent	1, 2
Right-of-Way Engineer	1, 2

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Risk & Claims Manager	5
Senior Transportation Planner	1, 2
Software Development Manager	5
Storeroom Manager	4
Superintendent of LRV Maintenance	5
Superintendent of Transportation	5
Superintendent of Wayside Maintenance	5
Taxicab Administration Manager	5
Transit Operations Technician	5

Consultant<sup>2</sup>

---

<sup>2</sup> Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **EXHIBIT “B”**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of MTS.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS.

Category 3: All investments and business positions and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

Category 4: All investments and business positions and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 5: All investments and business positions and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's department, unit or division.

Category 6: All investments and business positions and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the Designated Employee's department, unit or division.

**LEGISLATIVE VERSION**  
**(SHOWS CHANGES MADE)**

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**METROPOLITAN TRANSIT SYSTEM**

**(Amended October 16, 2008September 23, 2010)**

**EXHIBIT “A”**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to MTS's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>1</sup>:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

---

<sup>1</sup> Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
ADA Manager	6
<u>Advertising Specialist</u>	<u>5</u>
Assistant Budget Manager	1, 2
Assistant Director – Transit System Security	<u>65</u>
<u>Assistant Technology Officer</u>	<u>5</u>
Assistant Transportation Planner <del>Operations Specialist</del>	2, <u>65</u>
<del>Associate Transportation Planner</del> <u>Transit Operations Technician</u>	<del>2, 65</del>
Budget Manager	1, 2
<u>Business Systems Analyst</u>	<u>5</u>
Buyer	<del>54</del>
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Chief Technology Officer	<u>65</u>
Communications Design Manager	<u>65</u>
Communications Designer	<u>65</u>
Contract Services Administrator	<del>6-5</del>
Controller	1, 2
<u>Administrative Assistant/Copy Center Coordinator</u>	<u>54</u>
Director of Governmental Affairs & Community Relations	1



<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Human Resources and Labor Relations	<u>65</u>
Director of Maintenance	<u>65</u>
Director of Marketing & Communications	<u>65</u>
Director of Planning & Scheduling	1, 2
Director of Transit System Security	<u>65</u>
Director of Transportation	1
<del>Engineering Liaison</del> /Project Engineer	1, 2
General Counsel	1, 2
Liability Claims Adjuster	1, 2
<u>Manager of Capital Projects</u>	<u>1, 2</u>
Manager of Facilities	<u>65</u>
Manager of Human Resources	<u>65</u>
Manager of Marketing	<u>65</u>
Manager of Procurement	<u>54</u>
Manager of Real Estate Assets	1, 2
Media & Communications Specialist	<u>65</u>
Network Operations Manager	<u>65</u>
Performance Monitoring Specialist	2, <u>54</u>
Principle Contract Administrator	<u>54</u>
<del>Procurement Analyst</del>	6
Regulatory Enforcement Supervisor	<u>76</u>

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Revenue Manager (ALL)	<del>4</del> , <u>65</u>
Right-of-Way Agent	1, 2
Right-of-Way Engineer	1, 2
Risk & <u>Claims Manager</u> <del>Administrator</del>	<u>65</u>
<del>Risk Management Coordinator</del> <u>Loss Prevention Manager</u>	<u>65</u>
Senior Transportation Planner	1, 2
Software Development Manager	<u>65</u>
Storeroom Manager	<u>54</u>
Superintendent of LRV Maintenance	<u>65</u>
Superintendent of Transportation	<u>65</u>
Superintendent of Wayside Maintenance	<u>65</u>
Taxicab Administration Manager	<u>65</u>
Consultant <sup>2</sup>	

---

<sup>2</sup> Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **EXHIBIT "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions ~~in business entities,~~ and sources of income, including gifts, loans and travel payments, that are located in, ~~that~~ do business in or own real property within the jurisdiction of MTS.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS.

Category 3: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

Category 4: All investments and business positions ~~in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.~~

Category 54: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 65: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's ~~D~~department, unit or division.

Category 76: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee's ~~D~~department, unit or division.

# **APPENDIX**

## **CONFLICT OF INTEREST CODE**

### **OF THE**

## **METROPOLITAN TRANSIT SYSTEM**

**(Amended October 16, 2008)**

### **EXHIBIT "A"**

#### **OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to MTS's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>1</sup>:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

---

<sup>1</sup> Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
ADA Manager	6
Assistant Budget Manager	1, 2
Assistant Director – Transit System Security	6
Assistant Transportation Planner	2, 6
Associate Transportation Planner	2, 6
Budget Manager	1, 2
Manager of Marketing	6
Buyer	5
Chief Operating Officer – Transit Services	1
Chief Operating Officer – Rail	1
Communications Design Manager	6
Communications Designer	6
Contract Services Administrator	6
Controller	1, 2
Copy Center Coordinator	5
Director of Governmental Affairs& Community Relations	1
Director of Human Resources and Labor Relations	6
Director of Maintenance	6
Director of Marketing & Communications	6

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Planning & Scheduling	1, 2
Director of Transit System Security	6
Director of Transportation	1
Engineering Liaison/Project Engineer	1, 2
General Counsel	1, 2
Liability Claims Adjuster	1, 2
Manager of Facilities	6
Manager of Human Resources	6
Chief Technology Officer	6
Manager of Procurement	5
Manager of Real Estate Assets	1, 2
Media & Communications Specialist	6
Network Operations Manager	6
Performance Monitoring Specialist	2, 5
Principle Contract Administrator	5
Procurement Analyst	6
Regulatory Enforcement Supervisor	7
Revenue Manager (ALL)	4, 6
Right-of-Way Agent	1, 2
Right-of-Way Engineer	1, 2
Risk Administrator	6

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Risk Management Coordinator	6
Senior Transportation Planner	1, 2
Software Development Manager	6
Storeroom Manager	5
Superintendent of LRV Maintenance	6
Superintendent of Transportation	6
Superintendent of Wayside Maintenance	6
Taxicab Administration Manager	6
Consultant <sup>2</sup>	

---

<sup>2</sup> Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **EXHIBIT “B”**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income located in, that do business in or own real property within the jurisdiction of MTS.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Category 7: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee's Department.





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

## 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.

**Draft for  
Executive Committee  
Review Date: 9/9/10**

September 23, 2010

#### SUBJECT:

MTS: INVESTMENT REPORT FOR JULY 2010

#### RECOMMENDATION:

That the Board of Directors receive a report for information.

#### Budget Impact

None.

#### DISCUSSION:

Attachment A comprises the report of MTS's investments as of July 2010. The combined total of all investments has increased by \$20 million in the current month, which is largely attributable to the receipt of \$15 million in Federal Transit Administration (FTA) funds for preventive maintenance and \$10 million in TransNet funds for operations and capital projects. The first column provides details about investments restricted for capital improvement projects and debt service, the majority of which are related to the 1995 lease and leaseback transactions. The funds restricted for debt service are structured investments with fixed returns that will not vary with market fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities. The second column, unrestricted investments, reports the working capital for MTS operations for employee payroll and vendors' goods and services. During July, \$20 million was transferred to short-term investment accounts at Local Agency Investment Fund and the County of San Diego Investment Pool.

A stylized signature of Paul C. Jablonski in black ink.

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Linda Musengo, 619.557.4531, [linda.musengo@sdmts.com](mailto:linda.musengo@sdmts.com)

SEPT23-10.9.INVESTMENT RPT JULY.LMUSENGO.doc

Attachment: A. Investment Report for July 2010

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)



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  
Investment Report  
July 31, 2010**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<b>Average rate of return</b>
Cash and Cash Equivalents				
Bank of America - concentration sweep account	<u>\$ 1,199,172</u>	<u>\$ 13,392,509</u>	<u>\$ 14,591,681</u>	0.00%
Total Cash and Cash Equivalents	<u>1,199,172</u>	<u>13,392,509</u>	<u>14,591,681</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	2,269,756		2,269,756	N/A *
Local Agency Investment Fund (LAIF) Proposition 1B TSGP grant funds	<u>2,547,762</u>		<u>2,547,762</u>	0.53%
Total Cash - Restricted for Capital Support	<u>4,817,518</u>	<u>-</u>	<u>4,817,518</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF) County of San Diego Investment Pool		<u>30,592,243</u> <u>18,551,725</u>	<u>30,592,243</u> <u>18,551,725</u>	0.53%
Total Investments - Working Capital	<u>-</u>	<u>49,143,968</u>	<u>49,143,968</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	36,417,879	-	36,417,879	
Rabobank - Payment Undertaking Agreement	<u>83,556,240</u>	<u>-</u>	<u>83,556,240</u>	7.69%
Total Investments Restricted for Debt Service	<u>119,974,119</u>	<u>-</u>	<u>119,974,119</u>	
Total cash and investments	<u><u>\$ 125,990,809</u></u>	<u><u>\$ 62,536,477</u></u>	<u><u>\$ 188,527,285</u></u>	

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