

DRAFT MINUTES  
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS

May 18, 2023

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

**1. Roll Call**

Vice Chair Whitburn called the Board meeting to order at 8:07 a.m. A roll call sheet listing Board member attendance is attached.

**2. Public Comment**

Fausto Surposa – A Transdev bus operator provided a verbal statement to the Board during the meeting. Surposa spoke about the lack of available restrooms in his experience as a South Bay operator in the South Bay. Surposa spoke about anecdotal experience with the lack of restroom availability for drivers.

Jose Puga – A Teamster 683 representative provided a verbal statement to the Board during the meeting. Puga listed his intentions to continue striking and extend the strike to the Downtown location to restructure the unpaid run cut, split times and scheduling breaks. Puga made suggestions to the MTS Request for Proposal (RFP) process.

Erick Molina – Provided a verbal statement to the Board during the meeting. Molina criticized the use of portable restrooms as an environmental, health and safety risk.

Nicholas Lambrie – A resident of Imperial Beach and Transdev employee, provided a verbal statement to the Board during the meeting. Lambrie advocated for sheltered designated lunch areas and listed this as morale, stress and hygiene concern.

Nate Fairman – A representative of IBEW 465 provided a verbal statement to the Board during the meeting. Fairman proposed an in-house pension pilot program for mechanics. Fairman urged the Board to settle the strike with Transdev and urges restroom access for drivers.

Gretchen Newsom – A representative of IBEW Local 569 provided a verbal statement to the Board during the meeting and expressed solidarity for the previous Union leaders. Newsom also supported the Let's Go San Diego measure campaign to assist funding the regional transportation plan and hopes to work with the Board to further the initiative.

The Original Dra - Provided a verbal statement to the Board during the meeting. The Original Dra asked how many Board members biked to today's meeting and expressed urgency to provide restroom access to drivers.

**SPECIAL ITEM**

**3. Chairperson and Board Leadership Election**

Action would: 1) Elect a Chairperson for the remainder of this calendar year, December 31, 2023 and potentially for the next term beginning January 1, 2024 through December 21, 2025; and 2) Elect other vacant Board Leadership positions, as necessary.

### **Public Comment**

Truth - Provided a verbal statement to the Board during the meeting. Truth stated support for Member Goble and expressed opposition to the nomination of Member Dillard and Vice Chair Whitburn for the role of Chair. Truth expressed dissatisfaction with MTS, its service and other regional agencies.

Kelvin Barrios – Local 89 representative provided a verbal statement to the Board during the meeting. Barrios expressed support towards the Teamster union and urged the Board to address the strike issues. Barrios supported Vice Chair Whitburn as Chair and the election of Member Steve Goble as Vice Chair.

The Original Dra - Provided a verbal statement to the Board during the meeting. The Original Dra expressed general dissatisfaction with Board representatives.

### **Committee Comment**

Board Member Gastil nominated Vice Chair Whitburn as Chair for the remainder of the term and the following term beginning January 1, 2024.

Board Member Dillard recused herself as a Chair candidate. She thanked members for support and nominations and praised Vice Chair Whitburn for his leadership.

Board Member McCann nominated Member Goble as Vice Chair for the term and the following term beginning January 1, 2024 to align with the Chair's term.

### **Action Taken on ~~Recommended Consent Items~~**

Board Member Gastil moved to elect Vice Chair Whitburn as Chair. The vote was 10 in favor (Member: Chavez, McCann, Donovan, Goble, Leyba-Gonzalez, Gastil, Frank, Gloria, Whitburn, Hall) to 1 opposed (Member: Bush), Board Member Dillard abstaining and Board Member Montgomery Steppe, Board Member Elo-Rivera and Board Member Vargas absent.

Board Member McCann moved to elect Board Member Goble as Vice Chair. The vote was 11 to 0 in favor with Board Member Dillard abstaining and Board Member Vargas, Board Member Montgomery Steppe and Board Member Elo-Rivera absent.

### **CONSENT ITEMS:**

#### **4. Approval of Minutes**

Action would approve the April 20, 2023 Board of Director meeting minutes.

#### **5. Centralized Train Control (CTC) System Maintenance Agreement – Work Order Agreement (WOA) Approval**

Action would authorize the CEO to execute WOA 6 to MTS Doc. No. L1607.0-22 (WOA 6) with Wabtec, in the amount of \$161,687.00, for the Imperial Terminal Yard 25 Interlocking (INTL) option associated with the Imperial Terminal Double-Track (IMTDT) upgrade project.

6. **Demolition of Building at 1501 National Avenue as part of 12th & Imperial Transit Center Rehabilitation Improvement Project and Determination that Work Order is Categorically and Statutorily Exempt under the California Environmental Quality Act – Work Order**  
Action would 1) Authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC347-10 to MTS Doc. No. PWG347.0-22 with ABC General Contractor, Inc. (ABCGC) in the amount of \$882,136.07 to demolish the building at 1501 National Avenue and convert the space to employee parking; and 2) Determine that the demolition Work Order is categorically and statutorily exempt under the California Environmental Quality Act.
7. **Increased Authorization for Legal Services Contracts to Pay Projected Expenses in Fiscal Year 2024**  
Action would authorize the Chief Executive Officer (CEO) to execute amendments to the legal services contracts described herein increasing the dollar amounts of fifteen (15) legal services contracts by \$2,650,000.00 to cover anticipated Fiscal Year 2024 (FY 24) expenses.
8. **Sale of Ten (10) 60-FT Compressed Natural Gas (CNG) Articulated Buses to Santa Cruz Metropolitan Transit District (SCMTD) – Contract Approval for Sale of Surplus Property**  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0757.0-23 for the sale of ten (10) New Flyer 60-FT CNG buses (1100 Series) to the SCMTD for \$9,000.00 per vehicle, for a total of \$90,000.00.
9. **Investment Report – Quarter Ending March 31, 2023**
10. **PRONTO Fare Collection Spare Parts – Sole Source Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2660.0-23 with INIT Innovations in Transportation, Inc., (INIT) for the provision of fare collection spare parts in the amount of \$1,090,910.17, for a period of ten (10) years.
11. **Purchase of Seven (7) Starcraft Bus, Class E, Ford F-550/65 GGE Propane Powered – Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0758.0-23, with Creative Bus Sales (CBS), for the purchase of up to seven (7) Starcraft Bus, Class E, Ford F-550/65 GGE propane powered in the amount of \$2,034,500.02.
12. **Internal Audit Report – Travel Expense Claims**
13. **Internal Audit Report – Accounts Payable**
14. **Internal Audit Report – Information Technology Security**

**Public Comment**

Truth – Provided a verbal statement to the Board during the meeting. Truth spoke on item 6, 7, 8, 9, 11, 12 and 14. Truth was skeptical about the selected bidder for item 5. Truth acknowledged item 6 for building demolition that would allow for transit-oriented development housing. Truth commented on item 7 for legal services contract increases and questioned whether the increase was tied to the existing litigation with Grecia Figueroa v Nathan Fletcher

case. Truth acknowledged the revenue generated by item 8, compared to previous Mendoza Trolley donations. Truth acknowledged generated investments in Item 9 and stated that item 11's proposed bus size purchase was inadequate and propane powered. Truth noted item 12 and suggested Board members should only be reimbursed for public transit costs only and not reimbursed for meal expenses. They were against working with contractor DHS in item 14.

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra hoped that the maintenance agreement contract would enhance usefulness to employees and questioned CEQA exemptions. The Original Dra was not fond of increasing legal services with public funds. They discouraged the Board from Sole Source procurement contracts. The Original Dra discouraged the purchase of electric vehicles and criticized the travel policy and criticized the funding of cyber security and DHS as a contractor.

#### **Action on Recommended Consent Items**

Board Member Hall moved to approve Consent Agenda Item Nos. 4 to 14. Board Member McCann seconded the motion, and the vote was 12 to 0 in favor with Board Member Vargas, Board Member Montgomery Steppe and Board Member Elo-Rivera absent.

#### **DISCUSSION ITEMS AND REPORT ITEMS:**

##### **15. Fiscal Year (FY) 2024 Proposed Operating Budget (Mike Thompson)**

Mike Thompson, MTS Director of Financial Planning and Analysis, presented on the FY 2024 Proposed Operating Budget. He outlined the following items: revenue assumptions passenger levels, passenger revenue update, final revenue adjustments, Governor's FY 2024 May Revise, California Transit Association (CTA) Presentation to Budget Development Committee (BDC), revenue summary, expense assumption for energy, natural gas, final expense adjustments, expense summary, consolidated revenues less expenses, 5-year projection, contingency reserve balance, major initiatives and staff's recommendations.

#### **Public Comment**

Truth – Provided a verbal statement to the Board during the meeting. Truth question the budget increase percentage. Truth urged MTS to model the efficiency of bullet trains. They did not support the federal aid dollars that were allotted to MTS.

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra expressed frustration with the electrification mandate, implementation and cost. The Original Dra was unsatisfied with the convenience of the system.

Lief Gensert – A representative of Ride SD provided a verbal statement to the Board during the meeting. Gensert was happy to see the PRONTO tapping initiative allocated in the budget.

Connor Proctor – A representative of Ride SD provided a verbal statement to the Board during the meeting.

#### **Committee Comment**

Vice Chair Goble asked if the agency continues to be exempt from the fare recovery ratio requirement. Sharon Cooney, MTS Chief Executive Officer, confirmed that the requirement was suspended and that the agency is advocating to extend the exception. He also suggested reducing capital expenditures to save money and acknowledged that capital funding can not be

allocated for operations funding. Mr. Thompson responded that federal funding can be used for capital and preventative maintenance, but not operations. He stated that there is some flexibility with TDA and STA funding. Vice Chair Goble asked about the operating reserves and asked if the agency was confident in the allocated reserve amount to anticipate a potential recession. Mr. Thompson stated that the allocated funding percentage was based off of past experiences with the 2008 recession. Ms. Cooney added that the agency would need to cut service to accommodate for this type of scenario, which would require the agency to undergo the federal process of Title VI analysis and public outreach to cut a significant amount of service. Ms. Cooney highlighted that if a 30% cut in service was the only way to avoid a fiscal cliff, she suggests a comprehensive operations analysis contract to assist the agency's assessment of demand and create a report of suggested service cuts for the Board to approve.

Board Member Hall added that the Board may have to cut 50% of service nonetheless. Ms. Cooney replied while she did not recommend that strategy in this budget, once staff has a final assessment from the state, staff may recommend such cuts at the Fall Budget Development Committee.

Vice Chair Goble acknowledged that there were additional tactics beyond cutting expenses that could address the deficit. New ridership, especially with contactless payment initiatives, State and Federal aid, enforcement and raised fares.

Board Member Hall supported transit enforcement to ensure all riders are paying for transportation. He suggested investing additional funding in security.

Board Member Chavez added that the agency should be prioritizing passenger safety over passenger revenue.

Board Member Bush acknowledged the validity of the fiscal cliff. He agreed with Member Chavez to prioritize passenger safety and praised the security team for its approach and improvements. He added that an increase in ridership, along with security and amenities, such as bathrooms, would attract ridership to help with the fiscal cliff. Board Member Bush asked if the current budget identified restroom funding. Ms. Cooney added that staff will present on restrooms during item 17 of the agenda. She clarified that the addition of bathroom services is not included in this budget. Board Member Bush asked where restroom funds could be allocated. Mr. Thompson replied that funding is allocated in the trolley facilities budget and outside services operations funding. Board Member Bush asked if there was funding allocated to add service to support the re-opening of currently closed facilities. Ms. Cooney clarified that contractually, the 24<sup>th</sup> Street trolley station is maintained by the nearby Adult School, however it has not been reopened yet. Board Member Bush asked about a timeline to re-open the bathroom. Ms. Cooney hoped the facility would open within six months. Karen Landers, MTS General Counsel, explained the permitting obstacles the agency is facing in reopening the restrooms; however, it was up to the school's timeline to re-open and maintain the restroom. Board Member Bush asked about reopening dates for the Lemon Grove and SDSU station. Ms. Cooney replied that the restroom locations are not controlled by MTS and she could not speak to a timeline. Board Member Bush emphasized the importance of bathroom accessibility and urged the Board to prioritize it.

Board Member Leyba-Gonzalez added, through anecdotal experience, that he does not believe there is sufficient restroom access along the trolley line.

### **Action Taken**

Vice Chair Goble moved to 1) Receive testimony, review, and comment on the FY 2024 San Diego Metropolitan Transit System (MTS) Operating Budget at a public hearing; and 2) Enact Resolution No. 23-4 adopting the FY 2024 operating budget for the MTS, San Diego Transit Corporation (SDTC), San Diego Trolley (SDTI), MTS Contract Services, and the Coronado Ferry. Board Member Bush seconded the motion, and the vote was 11 to 0 in favor with Board Member Vargas, Board Member Montgomery Steppe, Board Member Elo-Rivera, Board Member Gloria, absent.

#### **16. 2023 Public Safety Focus Groups Report (Mark Olson, MTS; and Judith McCourt, Redhill Group)**

Mark Olson, MTS Director of Marketing and Communications, and Judith McCourt, with Redhill Group, presented on 2023 Public Safety Focus Groups Report. She presented on: project purpose, project overview, key findings, feeling personally safe is important, experiencing or observing incidents is common, differed trip making by gender, traveling after dark, traveling after dark by gender, perceived safety while waiting for transit, good lighting and security make participants feel safe, women perceive riding the trolley and bus less safe than men, creating a safe trolley environment involves multiple elements, other strategies used to enhance personal safety, identification of security personnel is easy, security personnel are perceived as courteous and respectful, overall perceptions of security, perceptions of visible security, visible security enhances the feeling of personal safety, security is less visible in some areas, security goes beyond personnel, frequency of PRONTO card tapping varies, experienced fare checks, encouraging more riders to tap, behavior of other passengers as a concern, consistent application of existing policies, and feedback to-date.

### **Public Comment**

JoAnn Fields – A representative of the Asian Pacific Islander (API) Initiative provided a verbal statement to the Board during the meeting. Fields expressed safety concerns and service dissatisfaction. Fields agreed that increased transit ridership was cause for concern and encouraged the agency to include additional education and outreach language options.

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed safety concerns along the line and was skeptical about the highly rated customer satisfaction survey results.

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra questioned the validity of the survey's sample size and was concerned about the agency's reliance on cameras solely for safety.

### **Committee Comment**

Board Member Chavez urged the Board to better the safety of the system. She asked staff to confirm the on-board trolley panic buttons. Ms. Cooney clarified that they were intercom buttons to talk to the operators. Board Member Chavez noted the lack of live feed available to passengers with the operator.

Vice Chair Goble asked if alert information is passed on to bus drivers and trolley operators. Al Stiehler, MTS Director of Security and Passenger Safety, confirmed that the agency does receive alerts and descriptions/images are dispersed to the security team and operators as

soon as they are received. The Vice Chair asked if there was a communication system used while drivers and operators were operating the system. He asked if the Ride Assured submittals were received by a live operator or a messaging system. Mr. Stiehler replied that security dispatch, which operates 24/7, received these notifications. Vice Chair Goble asked how the agency coordinates the dispatch center with the location of the crime. Mr. Stiehler replied that the dispatch center and trolley center work closely together to address the issue in real time. Vice Chair Goble cautioned the use of the phrase safe space on the system as a liability issue.

Board Member Hall asked if staff tracked response times. Mr. Stiehler replied that the agency does not currently have a mechanism to track response times and number of calls, but is in an active procurement to acquire such data management software. Board Member Hall emphasized the urgency of that data for the Board to make decisions. Board Member Hall asked if the agency ever bans riders from the system. Mr. Stiehler replied that the agency does serve banning notices, however those riders often continue to use the system.

Board Member Frank urged the Board to create incentives to pay fares and enforce fares. She noted that the agency is the largest light rail system in the country that does not have sworn law enforcement. She implored the Board to make this consideration and continue to incorporate a private security element.

Board Member Dillard agreed that public safety and cleanliness were dire issues. She commended the security team through anecdotal experience. She agreed that security needed to increase along the system and asked that cleanliness routines be increased to attract working professionals. She was unaware about the panic button location on the trolley and supported the retrofit of live camera feeds on the trolleys.

Vice Chair Goble supported the need for safety on the system. Ms. Cooney agreed that the agency needed additional security on the system and would bring a proposal to the Public Security Committee for an increase in staffing. Vice Chair Goble made a correlation between safety and ridership. He asked if Code Compliance Officers (CCI) and transit security officers (TSO) wear body cameras. Mr. Stiehler confirmed that they do. Vice Chair Goble asked if CCIs and TSOs needed to travel in pairs. Mr. Stiehler replied that was best practice for safety purposes.

Vice Chair Goble made a motion to have staff assess what it would cost to have more security on the system.

Board Member Gastil added that safety is a higher priority compared to keeping routes open. He stated that in his experience, people do not ride the trolley, because it doesn't go where it is needed. He added anecdotal experiences about folks in distress on the system who were loitering and suggested staff as health services liaisons and also enforcing fares to remove people from the system.

### **Action Taken**

Vice Chair Goble moved to receive a report and directed staff to assess the cost of additional security staff on the system. Board Member Dillard seconded the motion, and the vote was 10 to 0 in favor with Board Member Vargas, Board Member Montgomery Steppe, Board Member Elo-Rivera, Board Member Gloria, Board Member Hall absent.

## **17. Social Equity Listening Tour Findings and Funding (Stacie Bishop)**

Stacie Bishop, MTS Manager of Marketing, and Monique Lopez, with Pueblo Planning presented on Social Equity Listening Tour (SELT) Findings and Funding. They presented on: participatory planning, community-based organization (CBO) partners, SELT timeline, workshops, pop-ups, outreach areas, community stories, community-identified priorities, frequency by location, amenity asks, operation asks, customer service, programs, other notable priorities, reparative process, project findings, project funding approach, community feedback from virtual meetings, proposed project package, proposed projects, restroom information, other initiatives and staff's recommendation.

### **Public Comment**

Manny Rodriguez – A representative of City Heights Community College Corporation (CDC) and the Social Diego Transportation Social Equity Working Group. Rodriguez provided a written and verbal statement to the Board both during and prior the meeting. . Rodriguez cited a written comment provided in the [May 18, 2023 Final Meeting Packet](#) that urged the Board to assure initiatives such as the SELT continuous to be a partnership effort between the agency and the community. Rodriguez encouraged the formalization of an Equity Action Plan.

Randy Torres-Van Vleck – A representative of City Height Community College Corporation (CDC). Provided a verbal statement to the Board during the meeting. Torres-Van Vleck listed the benefits of the proposed project allocations and hoped to include previous community outreach initiatives such as Elevate SD and 10 Transit Lifelines.

JoAnn Fields – A representative from the API Initiative provided a verbal statement to the Board during the meeting. Fields stated the lack of CBO partnership for the AIP community and was dissatisfied with the language and education access for the community.

Corinna Contreras – A representative of Climate Action Campaign provided a verbal statement to the Board during the meeting. Contreras commended the agency for working with CBO's and supported the proposed infrastructure projects. Contreras urged the Board for a board policy on equity.

Carolina Martinez – A member of the Environmental Health Coalition and the Social Diego Transportation Social Equity Working Group provided a verbal statement to the Board during the meeting. Martinez urged the board to use Cal Enviro Screen to assess priority implementation areas. Martinez also recommended that the agency compose a consolidated document of constituent priorities.

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra claimed that the study was not conducted in an equitable way and advocated for restroom access.

Keara O'Laughlin – Representing the Center on Policy initiatives. Laughlin provided a verbal statement to the Board during the meeting and urged the Board to adopt an Equity Action Plan to address ongoing equity and customer engagement efforts.

Ariana Mondragon – Representing Mid-City CAN provided a verbal statement to the Board during the meeting. Mondragon urged the Board to use Cal Enviro Screen to assess priority implementation areas and incorporate an Equity Action Plan to address ongoing customer engagement efforts.



### **Committee Comment**

Board Member Chavez commended the agency for its valuable report.

Board Member Gastil thanked Pueblo Planning and suggested an earlier presentation time in the future.

Board Member Bush commended the report for extensive, intentional and comprehensive outreach efforts required for effective collaboration. He updated the Board about concerns brought up in the May 11<sup>th</sup> Executive Committee meeting, that included lack of East County implementation programs and lack of reach to the API community. He encouraged additional outreach to be more community inclusive and advocated for the funding of bathrooms. Board Member Bush asked if the proposed allocated project funding could be used for existing restrooms. Ms. Cooney explained that for the agency to have a portable restroom, it needs to be coupled with security, which increases the cost of restrooms. She added that the agency received direction from the Budget Development Committee to increase service levels to pre-pandemic levels; however, that service could be put off to accommodate the funding of restroom operations if that was the Board's direction. Board Member Bush suggested forming an ad hoc committee to have the cities and MTS realize the implementation of this amenity. He was unsatisfied with the current proposal not including restroom funding allocations.

Vice Chair Goble asked why project funding improvements will not be implemented east of the Mission Valley area. Ms. Bishop replied that El Cajon, Poway and La Mesa operate their own bus shelters. MTS does not install or maintain the program on behalf of those Cities. The lighting program does extend to Lemon Grove and bus stop lighting project locations have not been selected. She added that the agency is looking at focusing on rural areas for the lighting projects since they conventionally have less lighting than urban areas. The Facilities team recommended additional trash installations in the downtown areas, since it is heavily populated with needed service. Vice Chair Goble expressed disappointment with the lack of shelter construction in East County since temperatures can be several degrees hotter than the coastal areas of San Diego. He has been told that the City of El Cajon does not receive bus shelter maintenance funding. Ms. Cooney confirmed that there was an existing Memorandum of Understanding (MOU) in place with the City and that the agency would be happy to work with City staff to transfer over ownership. Vice Chair Goble stated that based on economic and population demographics, East County should be categorized as an area of equity. He asked staff if there was a voluntary ambassador program that could create a welcoming environment. Ms. Cooney replied that the existing ambassador program pays staff and is used to create such environment. Vice Chair Goble stated that better marketing initiatives were necessary since this was a need from the SELT report. He confirmed that the cost of a portable restroom was not in the rental of the unit itself, but the security monitoring. He noted that the City used similar trash cans, but trash ended up at the side of the bin, because the bin was jammed or people did not want to use the receptacle. He suggested that the agency contract with a nonprofit to maintain trash services.

### **Action Taken**

Board Member Gastil moved to 1) Approve the following allocations of funding for Social Equity Listening Tour projects: a) Approximately \$1.7 million for Bus Stop Shelter Upgrades; b) Approximately \$450,000 for Orange Line Lighting Project; c) Approximately \$120,000 for Bus Stop Solar Lighting Project; d) Approximately \$250,000 for upgraded trash receptacles at downtown Trolley Stations; e) Approximately \$200,000 for the Beyer Bridge Underpass Lighting

and Mural project; and 2) Direct staff to develop a draft Board Policy on Equity. Board Member Bush seconded the motion, and the vote was 9 to 0 in favor with Board Member Vargas, Board Member Montgomery Steppe, Board Member Elo-Rivera, Board Member Gloria, Board Member Hall and Board Member Dillard absent.

**OTHER ITEMS:**

**18. Chair Report**

There was no Chair's report.

**19. Chief Executive Officer's Report**

Ms. Cooney announced the Universal-Pass agreement with the City of San Diego. Ms. Cooney recognized this agreement as the first employer sponsored U-pass. She hoped to see additional cities sponsor similar programs.

**20. Board Member Communications**

There were no Board Member communications.

**21. Additional Public Comments on Items Not on the Agenda**

There were no additional public comments.

**CLOSED SESSION:**

The Board convened to Closed Session at 11:53 a.m.

**22. Closed Session - Conference with Legal Counsel – Anticipated Litigation**

Initiation of litigation pursuant to Government Code 54956.9 (d)(4) (one potential case)

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session: The Board approved a final settlement with the California Employment Development Department regarding a claim submitted by MTS. The vote was 9 members in favor (Member: Bush, Chavez, Donovan, Frank, Gastil, Goble, Leyba-Gonzalez, McCann and Whitburn) with 6 members absent (Member: Dillard, Elo-Rivera, Vargas, Gloria, Hall and Montgomery-Steppe).

**23. Closed Session - Conference with Legal Counsel – Anticipated Litigation**

Initiation of litigation pursuant to Government Code 54956.9 (d)(4) (one potential case)

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session: The Board received a report from legal counsel.

The Board reconvened to Open Session at 1:11pm.

**ADJOURNMENT**

**24. Next Meeting Date**

The next regularly scheduled Board meeting is June 15, 2023 at 9:00am.

\*Clerk's note: Subsequent to this meeting, the Board held a Special Board of Directors meeting on June 8, 2023.

**25. Adjournment**

The meeting was adjourned at 1:12 p.m.

/S/ Stephen Whitburn  
Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

/S/ Dalia Gonzalez  
Clerk of the Board  
San Diego Metropolitan Transit System

/S/ Karen Landers  
General Counsel  
San Diego Metropolitan Transit  
System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
ROLL CALL

MEETING OF (DATE): May 18, 2023 CALL TO ORDER (TIME): 8:07 a.m.  
 RECESS: \_\_\_\_\_ RECONVENE: \_\_\_\_\_  
 CLOSED SESSION: 11:53 a.m. RECONVENE: 1:11 p.m.  
 PUBLIC HEARING: \_\_\_\_\_ RECONVENE: \_\_\_\_\_  
 ORDINANCES ADOPTED: \_\_\_\_\_ ADJOURN: 1:12 p.m.

JURISDICTION	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
City of Chula Vista	Chavez	<input checked="" type="checkbox"/>	Cardenas	<input type="checkbox"/>	8:07 a.m	1:12 p.m.
City of Chula Vista	McCann	<input checked="" type="checkbox"/>	Cardenas	<input type="checkbox"/>	8:07 a.m	1:11 a.m.
City of Coronado	Donovan	<input checked="" type="checkbox"/>	Duncan	<input type="checkbox"/>	8:07 a.m	1:12 p.m.
County of San Diego	Vacant	<input type="checkbox"/>	Vargas	<input type="checkbox"/>	ABSENT	ABSENT
City of El Cajon	Goble (Vice-Chair)	<input checked="" type="checkbox"/>	Ortiz	<input type="checkbox"/>	8:07 a.m	1:12 p.m.
City of Imperial Beach	Leyba-Gonzalez	<input checked="" type="checkbox"/>	Aguirre	<input type="checkbox"/>	8:07 a.m	1:12 p.m.
City of La Mesa	Dillard	<input checked="" type="checkbox"/>	Arapostathis	<input type="checkbox"/>	8:07 a.m	11:20 a.m.
City of Lemon Grove	Gastil	<input checked="" type="checkbox"/>	Mendoza	<input type="checkbox"/>	8:07 a.m	1:12 p.m.
City of National City	Bush	<input checked="" type="checkbox"/>	Rodriguez	<input type="checkbox"/>	8:08 a.m.	1:12 p.m.
City of Poway	Frank	<input checked="" type="checkbox"/>	Pepin	<input type="checkbox"/>	8:07 a.m	1:11 a.m.
City of San Diego	Montgomery Steppe	<input type="checkbox"/>	Von Wilpert	<input type="checkbox"/>	ABSENT	ABSENT
City of San Diego	Elo-Rivera	<input type="checkbox"/>	LaCava	<input type="checkbox"/>	ABSENT	ABSENT
City of San Diego	Gloria	<input checked="" type="checkbox"/>	Moreno	<input type="checkbox"/>	8:07 a.m	8:54 a.m.
City of San Diego	Whitburn (Chair)	<input checked="" type="checkbox"/>	Campillo	<input type="checkbox"/>	8:07 a.m	1:12 p.m.
City of Santee	Hall	<input checked="" type="checkbox"/>	Koval	<input type="checkbox"/>	8:07 a.m	10:51 a.m.

SIGNED BY THE CLERK OF THE BOARD: /S/ Dalia Gonzalez