

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

April 26, 2007

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

1. Roll Call

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

2. Approval of Minutes

Ms. Atkins moved to approve the minutes of the April 12, 2007, Board of Directors meeting. Mr. Emery seconded the motion, and the vote was 11 to 0 in favor.

3. Public Comment

Chairman Mathis deferred Public Comment to Agenda Item No. 63.

CONSENT ITEMS

6. MTS: Taxicab Rates of Fare (TAXI 570.1, 590.10, PC 50761)

Recommend that the Board of Directors receive this report for information.

7. MTS: Limit on Taxicab Permits (TAXI 570, PC 50761)

Recommend that the Board of Directors amend Policy No. 34 (Attachment A of the agenda item) and place a 40 percent cap on ownership of individual City of San Diego taxicab permits.

8. MTS: Support for SANDAG's Urban Partnership Agreement Proposal (AG 230, PC 50101)

Recommend that the Board of Directors authorize the CEO to submit a letter of support for the San Diego Association of Governments' regional submittal to the United States Department of Transportation Urban Partnership Agreement solicitation.

9. MTS: Audit Report – San Diego Trolley, Inc. Safety Procedures (LEG 492, PC 50121)

Recommend that the Board of Directors receive this report for information.

10. MTS: Year-To-Date Operations Budget Status Report Through February 2007 (FIN 310, PC 50601)

Recommend that the Board of Directors receive the MTS Year-to-Date Operations Budget Status Report through February 2007.

11. MTS: Uniform Report of DBE Awards or Commitments and Payments (LEG 430, PC 50121)

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

Recommended Consent Items

Mr. Atkins referred to Consent Agenda Item No. 6, Taxicab Rates of Fare, and requested that future agenda items on this matter also include the current fares.

Ms. Atkins moved to approve Consent Agenda Item No. 6, 7, 8, 9, 10, and 11. Mr. Ewin seconded the motion, and the vote was 11 to 0 for Consent Agenda Item Nos. 6, 7, 8, 10, and 11, and 10-1 in favor for Consent Agenda Item No. 9, with Mr. Young casting the dissenting vote.

NOTICED PUBLIC HEARINGS

Ms. Tiffany Lorenzen made opening remarks for the Taxicab Administrative Hearing. She reviewed MTS's authority for entering into contracts for regulating transportation services and reported that MTS has such a contract with the City of San Diego. She reviewed details of MTS's relationship with the City in this area. She also reviewed portions of MTS's enabling legislation that pertain to requests for proposals and the protest process. She then reviewed the procedures, as outlined in MTS Policy 54, that would be used in the conduct of the hearing.

Chairman Mathis added that this process allows for cross examination of witnesses by opposing parties, and that all witnesses will testify under oath or affirmation. He also noted that a court reporter was present and would transcribe the proceedings. He added that he would be making rulings, and that the Board's role was to sit in judgment based on the evidence and testimony presented. Chairman Mathis advised everyone regarding the time that would be allowed for each phase of each hearing.

Chairman Mathis opened the hearing of Item 25a at 9:13 a.m.

25a. MTS: Administrative Hearing - AMM Livery, Inc. dba A-1 Taxi Company (ADM 110.1, PC 50761)

Kevin Bush, counsel for MTS, called John Scott, who provided testimony regarding the Request for Proposals (RFP) to Participate in the Issuance of 20 Additional Taxi Permits, which was issued on September 11, 2006. His testimony covered elements of the RFP, distribution of the RFP, the preproposal meeting and the minutes from that meeting, composition of the Evaluation Committee, conflict of interest statements signed by the members of that Committee, process for reviewing proposals and for advising proposers of the results of the evaluation, the protest process, composition of the protest committee, notification of the committee's ruling, and the protest reconsideration process. Mr. Scott testified that A-1 Taxi's proposal did not meet the minimum requirement regarding the submittal of the financial letter. He further testified that MTS CEO Paul Jablonski, in response to A-1's protest, requested that the Evaluation Committee evaluate A-1's proposal since they did submit something to fulfill this

requirement. Mr. Scott testified that A-1's score was 197 compared to the three winning scores of 245, 263, and 271 and ranked 16th among the proposals that were scored.

Exhibits were admitted as evidence and objected to. Mr. Timothy S. Noon, counsel for A-1, objected to the absence of certain individuals who submitted declarations.

Mr. Bush called Steve Celniker, City of San Diego Traffic Engineer, who provided testimony on the signing of conflict of interest statements, composition of the Evaluation Committee, the reason that A-1's proposal was considered to have not met the minimum criteria, scores of the top three proposals, and the reconsideration process. He testified that the same method was used to score A-1's proposal and reviewed the resulting score and how it compared to the top three scores.

Mr. Noon distributed to Board members Defense Exhibit 25a-53, which was made a part of the administrative record, and pointed out that this set of documents consists of excerpts from previously submitted exhibits. Mr. Noon cross-examined Mr. Celniker and made the point that the goal of City of San Diego Council Policy 500-02, Taxicab Permits, is to provide good quality local transportation service within the city. Mr. Celniker provided testimony regarding the background of the individuals who were on the Evaluation Committee. Mr. Celniker also provided testimony on the amount of time that was spent evaluating the proposals and the number of proposals that did not meet the minimum standard. Mr. Noon discussed scoring results for some of the elements of the top three proposals and compared that scoring to the scoring of those same elements in A-1's proposal. Mr. Celniker testified that the Evaluation Committee felt that A-1 seemed to be "piggybacking" on a company already in use by another cab company.

Mr. Noon stated that he felt the MTS's actions were in violation of City Policy 500-02 and the RFP. He stated that this is a flawed giveaway of valuable city resources. He objected to the fact that two Evaluation Committee members were from cities outside of San Diego and that the evaluators spent only 12 to 15 minutes evaluating each proposal. He also felt that the scoring process was flawed. He felt that the entire process should be thrown out or returned to the City of San Diego. He stated that these permits should be auctioned off and stated that most other cities handle taxi permitting in this fashion. He also stated that MTS Policy 54 was created for this particular hearing and stated that there should be a full evidentiary hearing with an Administrative Law Judge.

Mr. Noon called Akbar Majid, President of A-1 Taxi, who provided testimony confirming some of the facts already in testimony. Mr. Majid testified that he did not feel that the reconsideration process was fair. He testified that he reviewed 35 to 40 of the proposals and felt the scoring of the Evaluation Committee was arbitrary and flawed. He provided testimony on where he felt scoring for A-1 was unfair (facilities, vehicles, management, and handicapped access) and compared A-1's score with the scores for those categories for the top three proposals.

Mr. Noon called Anthony Palmeri, President of Yellow Radio Service, who provided testimony regarding his expertise and experience in the taxicab industry and regarding his opinion that the RFP was incorrect and did not conform to City Policy 500-02.

Mr. Bush cross-examined Mr. Palmeri regarding his company's relationship with Mr. Majid and A-1 Taxi. Mr. Palmeri testified that Yellow Radio is not financing Mr. Palmeri's startup and that

Yellow Radio Service is a cooperative. He also testified that he has about 280 vehicles in his facility, but that any other cabs can use any other cab facilities as well. Mr. Bush pointed out that any other cabs can also use his facility also. Mr. Palmeri testified that the top three proposers can also use his facility.

Mr. Bush cross-examined Mr. Majid, who testified that he works for Yellow Radio Service and that the staff members listed in his proposal also work for Yellow Radio Service. Mr. Majid testified that A-1 would provide two handicapped-accessible vehicles if they received ten permits and one if they receive five permits. Mr. Majid also testified that he met with Mr. Rindone's staff and talked to MTS General Counsel. Mr. Bush pointed out that the first page of the RFP states that proposers are not to contact MTS staff (other than Mr. Scott) or Board members in conjunction with the RFP, and that noncompliance with this requirement may result in the proposal being considered unresponsive.

During rebuttal, Mr. Bush recalled Mr. Celniker, who testified that the top three proposers really distinguished themselves from the other proposers by offering a commitment to the disabled community (Cool Cab) and service to certain communities that most cab companies don't want to serve (Somali Taxicab Association). Mr. Celniker also testified that the Nice Cab was strong in all rated categories. He also testified that the Evaluation Committee was concerned that A-1 was not an independent entity but rather an expansion of Yellow Cab.

During rebuttal by Mr. Noon, Mr. Celniker testified that he was not aware that there was any conflict of interest on the part of Evaluation Committee members or that any Committee member contacted with board members. He also testified that the Evaluation Committee could have visited Mr. Majid's facilities but elected not to because they felt they would then have to visit the facilities of all proposers in order to maintain fairness.

Chairman Mathis closed the hearing of Item 25a at 10:19 a.m.

Public Comment

Abdulmalik H. Adan, Somalia Taxicab Association: Mr. Adan stated that there is no difference between Yellow Cab Radio and A-1. He stated that Yellow Radio sold its cars to the drivers, who are now calling themselves businesses. He felt the RFP process was fair and balanced. He stated that A-1 advocates for auctions because they are the only ones with the money to buy the permits.

Chairman Mathis advised the Board that public comment is not part of the record on which the Board should base its decision.

Ms. Lorenzen read outside counsel's recommendation on this item into the record. She then clarified that a final written decision is to be issued within ten days of the hearing, but the Board may make its decision during this meeting.

In response to a question from Mr. Young regarding the relationship between A-1 and Yellow Radio, Mr. Noon stated that A-1 is separate from Yellow Radio, and that Yellow Cab is a dispatch service. He added that there is no direct relationship – that this is what he was told.

Mr. Monroe expressed his concern over A-1's contact of Board members, and it was discovered that there were contacts and some meetings with other Board members or Board member staff

as well (Ms. Atkins - contact, Mr. Faulconer - contact, Mr. Rindone – Mr. Majid met with staff, Mr. Young – met with Mr. Palmeri). He reminded the Board that such contact is expressly prohibited within the RFP and suggested adding a finding to legal counsel's recommendation that A-1 violated the Point of Contact section of the RFP. Mr. Noon pointed out that these contacts were made after the scoring process was completed.

In response to a question from Mr. Emery, Mr. Celniker reported that one of the Evaluation Committee members was from Beverly Hills and one from Orange County. He stated that these individuals were selected because they operate under similar regulatory structures, and Beverly Hills has a substantial tourist industry.

Action Taken

Mr. Monroe moved to deny the protest filed by AMM Livery, Inc. doing business as A-1 Taxi Company based on an MTS Evaluation Committee's Request for Proposals review and score process based on the following findings: (1) Notice of hearing for protest reconsideration was properly provided to A-1; (2) A-1 submitted a Request for Protest Reconsideration requesting that MTS reconsider its determination that A-1's proposal failed to meet MTS minimum requirements. In response, MTS directed the Evaluation Committee to evaluate and score A-1's proposal; (3) The Evaluation Committee met on March 16, 2007, and evaluated and scored A-1's proposal utilizing the same means, criteria, and evaluation methods as utilized by the same Evaluation Committee members for review of the other qualifying proposals performed on November 13 and 14, 2006; (4) The scores issued by the Evaluation Committee for A-1 totaled 197 points, which was insufficient to qualify for an award of permits; (5) No violation of law, regulation, or arbitrary, irrational, or capricious act occurred relating to the March 16, 2007, evaluation and scoring of A-1's proposal by the Evaluation Committee; and (6) A-1 violated the Point of Contact section of the RFP. Mr. Emery seconded the motion, and the vote was 12 to 0 in favor.

Chairman Mathis opened the hearing of item 25b at 10:33 a.m.

25b. MTS: Administrative Hearing – Parsa Taxicab Service (ADM 110.11, PC 50761)

Mr. Al Van Slyke, counsel for Parsa Taxicab Service, requested a continuance and stated that adequate time was not provided. He also stated that MTS staff did not tell him there would be a time limit. Ms. Lorenzen stated that his was not true. Mr. Bush stated that proposers were notified in early March that proposals would be reviewed and scored and that there would be a hearing in late April. He added that on April 6, they were notified that there would be a hearing on April 26. He pointed out that only ten days are required for this notification. Ms. Lorenzen stated that they were given ample notice and all exhibits were produced in accordance with Policy 54. Chairman Mathis denied his request for a continuance.

Mr. Bush proposed that the foundation testimony provided by Mr. Scott and Mr. Celniker be applied to this hearing as well. Chairman Mathis stated that was acceptable.

Mr. Bush called Mr. Scott, who provided testimony verifying the protest-related process as it applied to Parsa. He reported that they were not rated because they did not meet the minimum requirement for 16 hours of training. He further testified that the CEO, in response to a protest from Parsa, requested that the Evaluation Committee rate their proposal. He testified that their

proposal received an evaluation of 200 points and ranked 15th among the other proposals that were scored. Mr. Scott provided testimony regarding the report from Schaller Consulting, the composition of the Evaluation Committee, the score sheets used, and conflict of interest statements completed by Committee members.

Mr. Bush called Mr. Celniker, who testified that Parsa did not meet the minimum requirement for 16 hours of training but were rated after being requested to do so by the CEO in response to Parsa's protest. He testified that the same committee members evaluated the proposal using the same evaluation system and provided a brief summary of the committee's evaluation of the Parsa proposal.

Mr. Van Slyke cross-examined Mr. Celniker. Mr. Van Slyke stated that the top three proposals did not meet the requirement for 16 hours of training in their proposals. Mr. Celniker testified that the top three proposers plus more than 20 of the other proposers did meet the minimum requirement for training.

Mr. Van Slyke cross-examined Mr. Scott, who testified that he was not at the Evaluation Committee meetings to score the proposals but to answer questions as needed.

Mr. Van Slyke called Sasha Atta, who testified that Parsa was disqualified for not having 16 hours of training. He testified that it was not fair to have the same panel reevaluate a proposal - that taking this approach simply reaffirms the original score. He also testified that the score sheets that were used for the top three proposals have notations written on them and Parsa's score sheet did not. He also testified that his company has strong experience and financial backing, minority experience, and that his operators collectively speak 45 different languages. He also testified that Parsa had the required financial letter. He testified that he disagreed with the scoring for experience, the provision of alternate-fuel vehicles, provision of handicapped-accessible service, experience of operators, and facilities. He also testified that he drove by the address provided by Somali Taxicab Association, and there is no such address. Mr. Atta testified that Parsa provides ongoing training exceeding six months for its operators along with sensitivity training.

Mr. Van Slyke requested that the Board appoint a new Evaluation Committee comprised of members not knowledgeable about the scoring that has already been completed, or void and redo the RFP process. He stated that Parsa is entitled to due process and a fair hearing.

Mr. Bush cross-examined Mr. Atta. During this testimony, there was discussion revolving around the wording of the requirement for training as opposed to *classroom* training.

During rebuttal, Mr. Bush recalled Mr. Celniker, who testified that each Evaluation Committee member evaluated a proposal and then the group collectively evaluated the proposal. He stated that there were times when one evaluator would miss something in a proposal and the other evaluators would point out that oversight. He also testified that this was a very competitive process for three blocks of permits. He testified that there were 57 proposals to review and all were strong.

During rebuttal, Mr. Van Slyke stated that Parsa was disqualified for not having 16 hours of classroom training, and the top three proposals also did not have 16 hours of classroom

training. He stated that Parsa operators have experience, and classroom training will be provided. He stated that this was not a fair hearing.

Chairman Mathis closed the hearing of Item 25b at 11:34 a.m.

Public Comment

Shuayb Mumin, Somali Taxi Association: Mr. Mumin stated that Parsa representatives are not being honest. He stated that Somali has 40 operators who are licensed and have been driving since 1996, and no operator has less than one year of experience. He stated that they have facilities and provided the address for those facilities. He stated that they are willing to serve areas other taxicab companies do not want to serve.

Chairman Mathis advised the Board that public comment is not part of the record on which the Board should base its decision.

Ms. Lorenzen read outside counsel's recommendation on this item into the record.

Mr. Atta reported, in response to a question from Mr. Monroe, that no one from Parsa contacted any Board member or Board member offices.

Action Taken

Mr. Young moved to deny the protest filed by Parsa Taxicab Service based on an MTS Evaluation Committee's Request for Proposals review and score process based on the following findings: (1) Notice of hearing for protest reconsideration was properly provided to Parsa; (2) Parsa submitted a Request for Protest Reconsideration requesting that the Evaluation Committee be directed to score Parsa's proposal and rank the score with other proposals previously scored; (3) MTS directed the Evaluation Committee to evaluate and score Parsa's proposal; (4) The Evaluation Committee met on March 16, 2007, and evaluated and scored Parsa's proposal utilizing the same means, criteria, and evaluation methods as utilized by the same Evaluation Committee members for review of the other qualifying proposals performed on November 13 and 14, 2006; (5) The scores issued by the Evaluation Committee for Parsa totaled 200 points, which was insufficient to qualify for an award of permits; (6) Parsa was notified of the scoring of its proposal and ranking; and (7) No violation of law, regulation, or arbitrary, irrational, or capricious act occurred relating to the evaluation and scoring of Parsa's proposal by the Evaluation Committee. Mr. Emery seconded the motion, and the vote was 12 to 0 in favor.

Chairman Mathis opened the hearing of item 25c at 11:42 a.m.

25c. MTS: Administrative Hearing – Express Courier Systems, Inc. dba Checker Cab
(ADM 110.11, PC 50671)

Mr. John Barriage, counsel for Checker Cab, objected to the time limit for the proceedings. He stated that imposing this requirement deprives his client of due process and is fundamentally unfair. He stated that he was not made aware prior to the hearing that there would be time constraints. He stated that this matter should be submitted to an Administrative Law Judge for consideration. He also objected because his exhibits were not provided to Board members before the hearing. He also objected to the participation of MTS's legal counsel in the RFP process. He referred to the hearing as a quasi-legal process.

Mr. Bush proposed that the foundation testimony provided by Mr. Scott and Mr. Celniker be applied to this hearing as well. Chairman Mathis stated that was acceptable.

Mr. Bush called Mr. Scott, who testified that he developed the RFP with the help of a consultant. He testified that the letter from a financial institution confirming the taxicab company's ability to finance their proposed business plan was to be submitted as part of the proposal. He also testified that there were questions regarding this requirement at the preproposal meeting, and it was verified during the meeting that the financial letter was to be included as part of the proposal. He testified that the proposers were at this meeting and were able to ask questions. He also testified that Mr. Haji Moradi of Checker Cab was present at this meeting. Mr. Scott stated that minutes were prepared that included this discussion, and these minutes were mailed to all proposers certified, return-receipt requested whether or not the proposer attended the preproposal meeting. He testified that the return receipt for these minutes was signed by Checker Cab and returned to MTS. Mr. Scott testified that Checker Cab did not include its financial letter in its proposal and did not ask if the financial letter was required as part of its proposal. Mr. Scott testified regarding the protest process as it occurred with Checker Cab.

Mr. Barriage stated that language in other documents and other locations within the RFP caused proposers to conclude that financial letters were not needed until 90 days after contract award. He cited the specific locations of these references.

Mr. Barriage cross-examined Mr. Scott, who testified that the financial letter was to be submitted as part of the proposal. Mr. Barriage entered into exhibit a tape recording of the preproposal meeting. Mr. Scott testified that minutes, not a transcript, were prepared using the tape recording of the meeting. Mr. Barriage stated that the minutes do not match the tape recording. Mr. Scott testified that he did not tell the Administrative Assistant who prepared the minutes what to say in the minutes regarding this matter. Mr. Scott also testified that the portion of the minutes that deals with lobbying regulations is the only portion that does not represent something that was said during the meeting, but was added later. He also testified that 30 proposals were rejected because they did not include a financial letter.

Mr. Barriage called Mr. Haji Moradi, who testified that Checker Cab wanted to provide quality service to people in San Diego. He testified that he attended the preproposal meeting and that no one said at the meeting that the financial letter had to be submitted with the proposal. He testified that the question was raised but he did not hear the answer. Mr. Barriage played the portion of the recording during which this issue was addressed at the preproposal meeting.

Mr. Bush cross-examined Mr. Moradi, who testified that he did not read the minutes to find out the answer to the question nor did he call anyone to ascertain the answer.

During rebuttal, Mr. Barriage recalled Mr. Celniker, who testified that Checker Cab proposed using NexTel for its dispatch system, and Ms. Susan Hafner, Director of Multimodal Operations and Mr. Scott stated that this approach would not meet MTS requirements. Mr. Barriage referred to Plaintiff's Exhibit 25c-11 and pointed out the Checker proposed 24-hour dispatch and computer-aided dispatch with NexTel has a backup system.

Chairman Mathis closed the hearing of Item 25c at 12:37 p.m.

Mr. Moradi reported, in response to a question from Mr. Monroe, that no one from Checker contacted any Board member or Board member offices.

In response to a question from Ms. Atkins, Ms. Lorenzen reported that the document prepared by the Administrative Assistant based on the results of the tape recording for the preproposal meeting is referred to as minutes, which summarize the meeting, and is not a transcript of the meeting.

Ms. Lorenzen read outside counsel's recommendation on this item into the record.

Action Taken

Mr. Clabby moved to deny the protest filed by Express Courier Systems, Inc. doing business as Checker Cab based on the following findings: (1) Notice of hearing for protest reconsideration was properly provided to Checker Cab; (2) Checker Cab failed to attach a letter from an accredited financial institution to its proposal stating that Checker Cab had the financial resources to fund its proposed business plan within 90 days of the permit award; (3) The minimum requirements of the September 11, 2006, MTS RFP, under Section III (10), set out that a letter must be submitted from an accredited financial institution stating that the proposer has the resources to fund the business plan as proposed within 90 days of the permit award; (4) On September 26, 2006, at a preproposal conference meeting attended by Moradi Haji on behalf of Checker Cab, the attendees were advised by John Scott of MTS that the financial letter should be attached to the proposal; (5) A copy of the September 26, 2006, minutes, which included Mr. Scott's advisement, was mailed to Moradi Haji; and (6) No written inquiry or e-mail was sent to John Scott from Checker Cab inquiring whether a letter was required to be included with the proposal. Mr. Emery seconded the motion, and the vote was 9 to 0 in favor.

25d. MTS: Administrative Hearing – White Top Cab (ADM 110.11, PC 50761)

Chairman Mathis asked if anyone was present at the hearing to represent White Top Cab. When there was no response, Chairman Mathis reported that MTS Policy 54 states that any protestor who fails to make an appearance shall be deemed to have waived the right to appeal and shall forfeit all rights to a hearing. Ms. Lorenzen read the section of Policy 54 that covers this matter.

Action Taken

No action was taken

Each of the aforementioned witnesses was sworn in by the Clerk of the Board.

DISCUSSION ITEMS

30. MTS: Award of Taxicab Permits (ADM 110.1, PC 50761)

Ms. Susan Hafner, Director of Multimodal Operations, provided the Board with highlights of the proposals submitted by Nice Cab, Cool Cab and Somali Taxi Association, which were the three highest scored proposals. She pointed out that if one of these companies is not able to fulfill the implementation of its permits, the next highest ranking firm would receive the award.

Public Comment

George Abraham: Mr. Abraham spoke briefly about the requirement that the letter from a financial institution be included in each proposal and stated that the process has to be fair.

Mohamud Magtayn: Mr. Magtayn stated that smaller cab companies are at a disadvantage. He stated that only large companies can participate in this type of process.

Ms. Atkins extended her appreciation to staff who worked on this project. She stated that she would like a report on the language capabilities of the various taxicab companies. She also pointed out that taxicab issues are frequently controversial. She stated that, while the taxicab companies that appeared before the Board made some good points, the evaluation process seemed to be done in an appropriate manner. She also stated that staff should evaluate how the three awardees have done compared to their business plans in about 6 to 12 months. Ms. Hafner stated that each company must sign an agreement as part of the permit issuance process, and that agreement details a monitoring process. She stated that the results of the monitoring process will be reported to the Board.

Mr. Young stated that he was very pleased that the RFP specifically supported taxicab companies that are willing to service communities that are currently not being served. Mr. Monroe stated that he was pleased that the RFP process specifically supported companies with strong customer service programs, vehicles that are fueled with compressed natural gas, and vehicles that are handicapped accessible.

Action Taken

Ms. Atkins moved to approve the award of 20 taxicab permits as follows: (1) 10 permits to Amir Aghassi, doing business as Nice Cab; (2) 5 permits to Behzad Hafezi, doing business as Cool Cab; and (3) 5 permits to Somali Taxi Association. Mr. Monroe seconded the motion, and the vote was 9 to 0 in favor.

60. Chairman's Report

There was no report made by the Chairman.

61. Chief Executive Officer's Report

Mr. Peter Tereschuck, SDTI President-General Manager, provided the Board with an update to an earlier memo that was faxed to the Board regarding a recent La Mesa press release.

62. Board Member Communications

Ms. Atkins reported that San Diego City Council representatives on the MTS Board will be unable to attend the Board's May 10 meeting because of a conflict with a City meeting. Chairman Mathis stated that the May 10 Finance Workshop is being rescheduled to May 24.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

64. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, May 10, 2007, at 9:00 a.m. in the same location.

65. Adjournment

Chairman Mathis adjourned the meeting at 12:55 p.m.

Chairperson
San Diego Metropolitan Transit System
Filed by:

Approved as to form:

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

Office of the General Counsel
San Diego Metropolitan Transit System

Attachment: A. Roll Call Sheet

gail.williams/minutes