

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY
ADMINISTRATIVE CODE

Title 2

Administration

Chapter 2-01

Board of Directors

2-01-010 MTA Governing Board. The MTA is governed by a Board of Directors. The membership of the Board of Directors shall be as set forth in Public Utilities Code Section 130051. Unless the context otherwise dictates, the term Board of Directors when used in this Administrative Code, shall mean the Board of Directors governing the MTA.

2-01-020 Board of Directors Regular Meetings. The regular meetings of the Board of Directors shall be held the fourth Thursday of each month commencing at 9:30 a.m. at the MTA Headquarters Building, One Gateway Plaza, Los Angeles. If the regular meeting date falls on a holiday, or if for any other reason the Chair of the Board of Directors determines that the regular meeting in any month should be set for another time or date, the regular meeting shall be set at the date and time designated by the Chair.

2-01-030 Board of Directors Special Meetings. Special meetings of the Board of Directors may be called at any time in the manner provided by Government Code Section 54956.

2-01-040 Board of Directors Annual Meeting. The regular meeting of the Board of Directors held in June of each year shall be considered the annual meeting.

2-01-050 Adjourned Meetings. The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment in accordance with Government Code Section 54955.

2-01-060 Board of Directors Quorum. A majority of the voting members of the Board of Directors shall constitute a quorum, and except for any decision for which more than a majority vote is specifically required, any action of the Board of Directors shall require the affirmative vote of a majority of the voting members or the Board.

2-01-070 Committee of the Whole. At the time and place set for any meeting of the Board of Directors where an insufficient number of members are present to constitute a quorum, the members present may constitute themselves as a Committee of the Whole, and meet for the purpose of hearing reports from MTA staff or to discuss agenda matters or any other matter of interest to the members present, but no action as the Board of Directors may be taken on any matter. The Committee of the Whole shall automatically cease and become a meeting of the Board of Directors at any time sufficient members are present to constitute a quorum.

2-01-080 Board Committees. The Board of Directors shall have a minimum of five standing committees. The Chair of the Board of Directors may designate other standing and ad hoc committees subject to concurrence of the Board of Directors and shall make appointments to all committees. The Board of Directors may delegate to committees any responsibilities authorized by law including the power to approve contracts with a four-fifths vote.

2-01-090 Committee Quorum. A majority of the members of a committee shall constitute a quorum. Fifty percent of the members of a committee with an even number

of members shall constitute a quorum for that committee. When a committee cannot establish a quorum, any other member of the Board of Directors who is present may be temporarily appointed by the chair of the committee to sit as a substitute member of that committee for that meeting. Any member of the Board of Directors who is present at any committee meeting may participate in the discussion of that committee.

2-01-100 Committee Action. All actions taken by a committee, other than actions requiring a four-fifths vote, shall require the affirmative vote of a majority of all appointed committee members. All actions by a committee, which require a four-fifths vote for approval shall require the affirmative vote of four-fifths of all appointed committee members. Any agenda item which does not receive a sufficient vote for approval as required by this section shall be forwarded to the full Board of Directors for consideration without recommendation by the committee.

2-01-110 Ralph M. Brown Act. All meetings of the Board of Directors and of its standing and its ad hoc committees shall be conducted in accordance with the requirements of the Ralph M. Brown Act (Chapter 9, commencing with Section 54950, Part 1, Division 2, Title 5 of the Government Code).

2-01-120 Proceedings of the Board of Directors and Committees. The Board of Directors may adopt rules governing the proceedings of the Board of Directors and of its standing and ad hoc committees. Such rules may be suspended or modified from time to time by action of the Board of Directors. All proceedings of the Board of Directors and of its standing and ad hoc committees shall be governed by the law applicable thereto, such rules as are adopted by the Board of Directors and by Robert's Rules of Order Newly Revised. The General Counsel shall act as parliamentarian and, on request of the

Chair, shall give parliamentary advice. To the extent there is inconsistency among the provisions governing such proceedings, the order of precedence shall be applicable law, the rules adopted by the Board of Directors, and Robert's Rules of Order. The failure to follow Board adopted procedures or Robert's Rules of Order shall not invalidate any action taken.

2-01-130 Limitations of Public Comment. The Board of Directors may adopt reasonable limitations for persons wishing to address the Board of Directors or a Board committee on an agenda item or as part of the general public comment. Limitations may be placed on the total number of speakers, the amount of time for each speaker, and the amount of time for all speakers on any particular matter. Reasonable deviations from the Board adopted limitations may be directed for a particular meeting or a particular matter at the discretion of the Chair of the Board of Directors or the Chair of a Board committee, unless otherwise directed by a vote of the Board or the committee.

2-01-140 Board Officers. The Officers of the Board of Directors shall be the Chair, the 1st Vice Chair and the 2nd Vice Chair, who shall all be members of the Board of Directors. There shall be an automatic City of Los Angeles/County/City Selection rotation in the filling of the Chair, the 1st Vice Chair and the 2nd Vice Chair. Unless the Board of Directors sets a different time period, each year the 1st Vice Chair shall automatically succeed to the position of Chair and the 2nd Vice Chair shall automatically succeed to the position of 1st Vice Chair. The election of the Board Officers shall be held each year at the annual meeting.

2-01-150 Duties of Board Officers. The Chair shall preside at all meetings of the Board of Directors and shall exercise and perform such other powers and duties as may

be assigned from time to time by the Board or prescribed by ordinance. In any case where the execution of a document or the performance of an act is directed, the Chair, unless a resolution or ordinance otherwise provides, is empowered to execute such documents or perform such act. The 1st Vice Chair shall perform the duties of the Chair in the absence or inability of the Chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chair. The 2nd Vice Chair shall perform the duties of the 1st Vice Chair and Chair in the absence or inability of these officers and shall be governed by the powers and restrictions upon these offices.

2-01-160 Vacancies in Board Offices. In the event of a vacancy during the term of the Chair, the 1st Vice Chair or the 2nd Vice Chair, the Board shall elect a replacement to fill the vacated office. The Board shall select a replacement from the Board members representing the same constituency as the departing officer, i.e., City of Los Angeles, County of Los Angeles, City Selection Committee to serve the remainder of the term of the vacant office.

2-01-170 Removal of Board Officers. Any Officer of the Board of Directors may be removed from office at any time by an affirmative vote of at least eight members of the Board of Directors.

2-01-180 Appointments of MTA Representatives to Other Boards. The Chair is authorized to make the appointment to fill a position on the board of another agency, which is to be filled by an MTA representative, unless the rules of that agency require appointment through a different procedure. Any person so appointed as the MTA representative shall serve at the pleasure of the current Chair unless the rules of the other

agency do not allow for removal. Any action taken by the Chair under this section may be overruled at any time by a majority vote of the members of the Board of Directors.

2-01-190 Director Expense Reimbursement and Travel Policy.

A. Members of the Board of Directors may from time-to-time be required to travel on behalf of the MTA. The Board of Directors shall approve in advance all Board member travel, except that authority is hereby given for travel to American Public Transportation Association related functions, and to Washington D.C. and Sacramento for legislative purposes. All MTA related travel shall be governed by the provisions contained in this section and should conform to the travel policy applicable to MTA employees unless the Board of Directors adopts a different policy.

B. All Directors will be required to declare under penalty of perjury that the information contained in a request for expense reimbursement is true and correct to the best of the Director's knowledge.

C. Director expense claims with supporting documentation shall be submitted monthly to the Board Secretary. Allowable expenses related to MTA business up to \$250 per month will be reimbursed upon approval by the Board Secretary. Expenses over \$250 per month shall be reviewed by the Board Secretary and approved by the Board Chair or his or her designee. Disputed expense claims shall be referred to the Executive Management and Audit Committee. If the dispute is not resolved by that Committee, the claim shall be referred to the Board of Directors for a final decision.

D. All Director expense reimbursement request are subject to audit and review and shall be included in the Inspector General's quarterly report on MTA expenses.

E. Except as otherwise provided by action of the Board of Directors, travel expense reimbursement for MTA employees and for members of the Board of Directors shall be subject to the same limits as are set from time-to-time by the County of Los Angeles for County-related travel by its officials and employees.

F. Travel related to MTA business by a person appointed under section 2-01-180 to serve as the MTA appointee on the board of another agency shall be subject to the rules set forth in this section.

2-01-200 MTA Officers Appointed by and Reporting Directly to the Board of Directors. The Board of Directors, by majority vote, shall appoint as MTA officers who report directly to the Board of Directors a Chief Executive Officer, a Board Secretary, a General Counsel, an Inspector General, and an Ethics Officer.

Chapter 2-05

Chief Executive Officer

2-05-010 Appointment of a Chief Executive Officer. The Board of Directors shall appoint a Chief Executive Officer to serve as the executive manager of the MTA under the direction of the Board of Directors. The Chief Executive Officer shall be a full time officer of the MTA and shall be appointed for a term of four years.

2-05-020 Authority and Responsibilities of Chief Executive Officer. The Chief Executive Officer shall have the following authority and responsibilities:

A. To plan programs and develop policies for the operation of the MTA within the limits of the authority established from time-to-time by the Board of Directors;

B. To organize the staff of the MTA for the most effective performance of the MTA's programs, and to retain well-qualified persons to carry out these programs;

- C. To provide leadership for all of the staff of the MTA;
- D. To direct, coordinate and evaluate the work of all MTA organizational units;
- E. To report to the Board of Directors at its regular and special meetings, and to the Chair of the Board of Directors between meetings, on the progress of programs being conducted, and to make recommendations to the Board of Directors with respect to Board actions that are necessary to further these programs;
- F. To commit expenditures to the extent permitted by law on behalf of the MTA consistent within the authorized budget and expenditure authority and such other limitations as may be set from time-to-time by the Board of Directors;
- G. To employ and discharge staff of the MTA as necessary to meet the objectives of the MTA consistent with the authorized budget and expenditure authority and such other limitations as may be set from time-to-time by the Board of Directors;
- H. To represent the MTA to government officials, business and community leaders and representatives, and others as necessary to further the interests and mission of the MTA;
- I. To award all contracts for construction based upon the lowest responsible and responsive bid submitted and to award and approve such other contracts under such authority as may be delegated to the Chief Executive Officer from time-to-time by the Board of Directors;
- J. To perform such other responsibilities as may be delegated from time-to-time by action of the Board of Directors; and

K. To further delegate any authority granted the Chief Executive Officer unless specifically prohibited by law or by action of the Board of Directors.

2-05-030 Removal of Chief Executive Officer. The Chief Executive Officer shall serve at the pleasure of the Board of Directors, but may be removed during his or her four year term of office only as follows:

A. By a two-thirds vote of all members of the Board of Directors for any reason, or

B. By a majority vote of all members of the Board of Directors if the Chief Executive Officer violates a federal or state law or regulation, or an ordinance, policy or practice of the MTA relative to ethical obligations, including, but not limited to, the acceptance of gifts or contributions.

2-05-040 Pro Tempore or Acting Chief Executive Officer. On recommendation of the Chief Executive Officer, the Board of Directors may approve a list of executive staff members authorized to serve as Chief Executive Officer Pro Tempore during any absence or disability of the Chief Executive Officer.

Chapter 2-10

Board Secretary

2-10-010 Appointment of a Board Secretary. The Board of Directors shall appoint a Board Secretary who shall be a full time officer of the MTA.

2-10-020 Authority and Responsibilities of Board Secretary. The Board Secretary shall have the following authority and responsibilities:

A. To give notice of all meetings of the Board of Directors and Board Committees as required by law, to keep the official minutes of all such meetings, to retain

the tapes of all such meetings for a period of at least five years, and to maintain custody of the seal of the MTA; and

B. To serve as agent for service of process for the MTA. Claims for money or damages against the MTA, and for wage garnishments of MTA employees, shall be referred to the Board Secretary. The Board Secretary is authorized to perform all functions of the Board of Directors prescribed by Part 3 of Division 3.6 of Title 1 of the Government Code with respect to such claims other than the allowance, compromise or settlement of such claims. The Board Secretary may delegate or refer claims not involving lawsuits to the appropriate MTA department. Claims involving lawsuits shall be referred to MTA Risk Management or the General Counsel, as appropriate.

2-10-030 Removal of Board Secretary. The Board Secretary serves at the pleasure of the Board of Directors and may be removed for any reason by a majority vote of the members of the Board of Directors.

Chapter 2-15

General Counsel

2-15-010 Appointment of a General Counsel. The Board of Directors shall appoint a General Counsel who shall be a full time officer of the MTA. The General Counsel may be an employee of the MTA or the Board of Directors may contract with another public agency to have the law office of that public agency serve as General Counsel for the MTA.

2-15-020 Authority and Responsibilities of General Counsel. The General Counsel shall have the following authority and responsibilities:

A. To manage the legal affairs of the MTA;

B. To provide or arrange for the provision of legal representation to the MTA and to its officers and employees, in all matters where the MTA is a party or where the actions of MTA officers and employees within the course and scope of their MTA employment or official duties are at issue;

C. To provide legal advice to the Board of Directors, its individual members, and to MTA officers and employees on all matters pertaining to the operations and business of the MTA; and

D. To retain private counsel to assist in meeting the responsibilities set forth above, for matters which are highly complex or require special expertise, or where the General Counsel staff is not otherwise able to provide the most effective representation and advice. For any matter where the General Counsel has retained private counsel, that counsel shall report to and be under the direction of the General Counsel unless the General Counsel has a conflict of interest which prevents such oversight.

2-15-030 Removal of General Counsel. The General Counsel serves at the pleasure of the Board of Directors and may be removed for any reason by a majority vote of the members of the Board of Directors.

Chapter 2-20

Inspector General

2-20-010 Appointment of an Inspector General. The Board of Directors shall appoint an Inspector General who shall be a full time officer of the MTA and who shall be appointed for a term of four years.

2-20-020 Authority and Responsibilities of Inspector General. The Inspector General shall direct an independent and objective unit reporting directly to the Board of Directors and shall have the following authority and responsibilities:

A. To conduct and supervise audits, reviews and analyses, independent of those internal audits directed by the Chief Executive Officer, relating to the programs, operations and contracts of the MTA;

B. To receive and investigate complaints from any source and proactively conduct investigations concerning alleged abuse, fraud or waste of MTA resources;

C. To provide leadership and coordination in recommending policies or remedial actions to correct deficiencies and promote economy, efficiency and effectiveness of MTA programs and operations;

D. To provide the Board of Directors and management with independent analyses, evaluations and appraisals of the MTA's performance effectiveness, the accuracy of its information systems, the economic and efficient utilization of its resources, and the adequacy of its internal controls;

E. To report quarterly to the Board of Directors on MTA expenditures for travel, meals and refreshments, private club dues, memberships fees and other charges

and expenditures as specified by the Board of Directors and as required by Public Utilities Code Section 130051.28 (b);

F. To keep the Board of Directors and MTA management informed of issues and deficiencies relating to compliance with applicable policies, procedures, federal and state laws, regulations and grants, and the need for and the status of any appropriate corrective action;

G. To prepare and update as necessary, a pre-qualification questionnaire to be completed by business entities seeking to do business with the MTA as required by Public Utilities Code Section 130051.21;

H. To coordinate as necessary on criminal matters with law enforcement agencies;

I. To comply with the standards set forth in the Government Auditing Standards promulgated by the Controller General of the United States; and

J. To report expeditiously to the District Attorney, the California Attorney General, the United States Attorney or other appropriate prosecutorial and investigative agencies whenever the Inspector General has reasonable grounds to believe there has been a violation of criminal law.

2-20-030 Further Authority of Inspector General. In addition to the authority necessary to carry out those responsibilities set forth in section 2-20-020, the Inspector General shall have the following specific authority:

A. To have full, free and unrestricted access to all MTA records, reports, audits, reviews, plans, projections, documents, files, contracts, memoranda,

correspondence, data, information and other materials, whether maintained in a written format or contained on audio, video, electronic tape or disk, or in some other format;

B. To subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents as may be deemed relevant to any inquiry or investigation undertaken, as authorized in section 2-20-050.

C. To select, appoint, and employ, in accordance with applicable MTA Human Resources policies, such officers and employees as are required to carry out the functions, powers and duties of the Inspector General;

D. To enter into contracts and other arrangements for audits, investigations, studies, analyses and other services with public agencies and with private persons to carry out the duties and responsibilities of the Inspector General, in accordance with applicable procurement ordinances and procedures and within the budget approved by the Board of Directors;

E. To have direct and prompt access to any member of the Board of Directors, MTA officer, employee or contractor as may be necessary to carry out the duties and responsibilities of the Inspector General; and

F. To make available to appropriate law enforcement officials information and evidence which relates to criminal acts that may be obtained by the Inspector General in carrying out his or her duties and responsibilities.

2-20-040 Confidentiality of Inspector General Investigatory Files. All information compiled by the Inspector General as part of an investigation is confidential

and shall be considered an investigatory file under Government Code Section 6254, subdivision (f), and shall be subject to release only as set forth therein.

2-20-050 Subpoena Authority.

A. The Inspector General has the power to examine witnesses under oath, to compel the attendance of witnesses, and to compel the production of evidence by witnesses, within the course of an investigation authorized by this Chapter.

B. The Inspector General may issue a subpoena to compel the attendance of a witness to give testimony, or to compel the attendance of a witness to produce evidence when the subpoena is supported by affidavit from a member of the Office of Inspector General, which states the name and address of the witness, the exact things to be produced, and the materiality of the testimony or tangible evidence to the issues involved. The Inspector General is authorized to administer oaths to witnesses.

C. Subpoenas shall be issued in the name of the MTA, and they shall be attested by the Board Secretary. Subpoenas shall be served in the manner provided by law for the service of a summons. Witnesses shall be entitled to five dollars (\$5.00) per hour, to a maximum of thirty-five dollars (\$35.00) per day, plus twenty cents (\$0.20) per mile for each mile traveled round trip between the residence of the witness to the place for the witness's appearance as set forth in the subpoena.

D. If a witness disobeys a subpoena, the Inspector General shall apply to the court with jurisdiction over such matters, to compel the attendance of the witness. The Inspector General shall seek the penalties imposed by law upon the disobedience of a compelled subpoena.

E. Nothing in this ordinance shall limit or otherwise affect the power of the Board of Directors to compel the attendance of a witness to give testimony, or to compel the attendance of a witness to produce evidence.

2-20-060 Complaints by Employees, Disclosure of Identity, Reprisal.

A. The Inspector General may receive and investigate complaints or information from any sources, including any employees of the MTA or MTA contractors, concerning the possible existence of activity constituting a violation of law, rules or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

B. The Inspector General shall not disclose the identity of an employee from whom a complaint or information has been received, unless the employee has consented to such disclosure or such disclosure is unavoidable during the course of the investigation.

C. Any employee who makes a complaint or discloses information to the Inspector General shall not be subject to any reprisal or threat of reprisal for having made such a complaint or for having disclosed such information, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

2-20-070 Removal of the Inspector General. The Inspector General shall serve at the pleasure of the Board of Directors, but may be removed during his or her four year term of office only as follows:

A. By a two-thirds vote of all members of the Board of Directors for any reason, or

B. By a majority vote of all members of the Board of Directors if the Inspector General violates a federal or state law or regulation, or an ordinance, policy or practice of the MTA relative to ethical obligations, including, but not limited to, the acceptance of gifts or contributions.

Chapter 2-25

Ethics Officer

2-25-010 Appointment of an Ethics Officer. The Board of Directors shall appoint an Ethics Officer who shall be a full time officer of the MTA.

2-25-020 Authority and Responsibilities of the Ethics Officer. The Ethics Officer shall have the following authority and responsibilities:

A. To provide information to members of the Board of Directors to assist them in complying with ethics related requirements. When in doubt as to the applicability of any provision of a code of conduct [MTA Administrative Code, Title 5] to any particular situation, a Board Member may contact the Ethics Officer or the General Counsel for advice. Any such contracts or advice will be considered a confidential communication and shall be entitled to all the applicable privileges;

B. To serve as the filing officer for the Statement of Economic Interest Disclosures by MTA officers and employees;

C. To update the MTA Conflict of Interest Code and submit the updated Code biennially to the County of Los Angeles for approval by the Board of Supervisors as required by state law;

D. To serve as the MTA filing officer for lobbyist registration and reporting and to manage the lobbyist reporting administration pursuant to the chapter 5-20;

E. To provide ethics related education and advice to MTA staff, contractors, consultants, and members of the Board of Directors, and to otherwise promote high standards of ethics within the MTA;

F. To develop informational materials which are consistent with the codes of conduct in Title 5 of this Administrative Code and which describe the requirements of those codes in a readily understandable format, and to make such informational materials available to MTA officers and employees and persons doing business with the MTA;

G. To serve as the “Reconsideration Officer” to adjudicate an appeal from a determination that a contractor or bidder has failed to make good faith efforts to achieve the disadvantaged business enterprise goal; and

H. To retain and utilize such staff and other resources as are reasonably necessary to carry out the responsibilities set forth in this section, that the Board of Directors may assign or authorizes from time-to-time, and as prescribed by the rules, laws, or procedures applicable to the MTA.

2-25-030 Removal of Ethics Officer. The Ethics Officer serves at the pleasure of the Board of Directors and may be removed for any reason by a majority vote of the members of the Board of Directors.

Chapter 2-30

Public Transportation Services Corporation

2-30-010 Organization and Establishment. The Public Transportation Services Corporation, also known as the PTSC, was established by the MTA in December 1996, as a nonprofit public benefit corporation to perform public transportation functions in coordination with and support of the MTA.

2-30-020 Authority and Responsibilities of PTSC. The authority and responsibilities of the PTSC are as set forth in its articles of incorporation and bylaws and are limited to those assigned by the MTA as necessary to further public transportation services and projects with the County of Los Angeles. The principal specific responsibilities of the PTSC are:

A. To provide the MTA with a mechanism for achieving financial savings in personnel and insurance costs;

B. To provide a means of achieving insurance premium tax savings through the creation of a joint powers authority with the MTA;

C. To provide a mechanism through which former Los Angeles County Transportation Commission employees and certain other employees providing services to the MTA can obtain retirement benefits through the Public Employees Retirement System;

D. To provide a mechanism through which employment tax savings can be achieved through non-election of Social Security Coverage; and

E. To conduct other essential and helpful regional public transportation activities, including planning, programming, administrative, operational management, construction and security functions as may be required in furtherance of the mission and purpose of the MTA.

2-30-030 Relationship of PTSC and MTA. As a corporation the PTSC has legal status distinct from the MTA, but by contract the PTSC functions solely as an organizational unit of the MTA. When serving as an organizational unit of the MTA, the PTSC is subject to all governmental privileges and immunities enjoyed by the MTA.

Except with regard to retirement benefits and employment taxes, the employees of the PTSC are subject to all the privileges, immunities and responsibilities that would apply if they were employed by the MTA. Unless the text otherwise provides, any reference in any rule, policy, resolution or ordinance to MTA employees shall be considered to also refer to employees of the PTSC.

Chapter 2-35

Tort Claims

2-35-010 Applicability. Pursuant to Government Code Section 935, all claims against the Los Angeles County Metropolitan Transportation Authority for money or damages which are excepted by Section 905 of the Government Code from the provisions of Chapters 1 and 2 of Part 3 of Division 3.6 of Title 1 of the Government Code, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedures prescribed in this chapter.

2-35-020 Claim Prerequisites. No suit for money or damages may be brought against the MTA on a cause of action specified in section 2-35-010 unless a written claim therefore has first been filed and acted upon in conformity with this chapter and Government Code Sections 945.6 and 946.

2-35-030 Claims - Time Limitation. The claim for any cause of action specified in section 2-35-010 shall be presented in the manner provided in section 2-35-050 not later than one year after the accrual of the cause of action; except that a claim on a cause of action for death or for injury to person or to personal property or growing crops shall be presented not later than six months after the accrual of the cause of action.

2-35-040 Claims - Late Filing. The late filing of claims governed by this chapter will be subject to the procedures set forth in those provisions of the Government Code referred to in subdivision (e) of Government Code Section 935.

2-35-050 Claims - Presentation and Contents. A signed, written claim shall be presented to the MTA by mailing or delivering it to the Board Secretary by the claimant or by a person acting on the claimant's behalf. The claim shall conform to the requirements of Government Code Section 910 or of a form provided by the MTA.

2-35-060 Claims - Statutory Procedures for Consideration and Action Adopted. Unless otherwise provided in this chapter, the procedure for consideration and action upon all claims filed pursuant to this chapter shall be the same as the procedure provided and required by Chapter 2 of Part 3 of Division 3.6 of Title 1 (commencing with Section 910) of the Government Code, which Chapter is hereby adopted as setting forth the requirements for claims filed pursuant to this chapter.

Chapter 2-40

Settlement of Claims

2-40-010 Chief Executive Officer Settlement Authority. The Chief Executive Officer is delegated authority to finally settle any claim or lawsuit brought against the MTA for monetary damages where the present value of the settlement does not exceed \$50,000 and the settlement of any workers compensation claim where the value of the settlement does not exceed \$200,000. The Chief Executive Officer may further delegate all or a portion of such authority to other MTA officers or employees, but any such delegation must be made in writing.

2-40-020 Public Liability/Property Damage Claims Committee. There shall be a Public Liability/Property Damage Claims Committee, or PL/PD Claims Committee, composed of the following persons or their designees: the General Counsel, the Chief Financial Officer, the administrative head of the unit responsible for risk management and the MTA's third-party claims administrator, if any. Except as set forth below, the PL/PD Claims Committee shall review and approve all settlements of claims, including claims in litigation, which seek a monetary recovery from the MTA exceeding \$50,000 for damages resulting from bus or rail accidents or other negligent actions of MTA employees or agents acting within the course and scope of their employment or agency, employment disputes, and construction contract and other contract disputes. The PL/PD Claims Committee is delegated authority to finally settle any claim brought before it pursuant to this section where the present value of the settlement does not exceed \$200,000. A claim settlement with a value exceeding \$200,000 will be reviewed and approved by the PL/PD Claims Committee, but after approval by that Committee must be presented to the Board of Directors for final approval.

2-40-030 Settlements Requiring Special Consideration. Notwithstanding section 2-40-020, if the General Counsel determines that the consideration of a proposed settlement, regardless of its value, is of particular urgency or involves policy or other considerations not necessarily within the expertise of the members of the PL/PD Claims Committee, the matter may be brought directly to the Board of Directors for consideration without first having been presented to the Claims Committee.

2-40-040 Payment of Approved Settlements. Upon the presentation of written documentation of the approval of a claim settlement pursuant to the procedures set forth

in this chapter, the Chief Financial Officer or his or her designee is authorized to draw a warrant on the MTA treasury in the amount of the settlement to liquidate the claim and, if applicable, the appropriate authorization for expenditure shall be increased by an equal amount.

Chapter 2-45

Transit Operator Jurisdictional Disputes

2-45-010 Historical Background and Legislative Intent. This chapter is a reenactment of Los Angeles County Transportation Commission Ordinance 10, adopted as required by Article 7 of Chapter 4 of Division 12 (commencing with Section 130370) of the Public Utilities Code, as the procedure for the resolution of transit service disputes between operators within the County of Los Angeles. In adopting this chapter, it is not the intent of the Board of Directors to make significant substantive changes in Ordinance 10 but only to update Ordinance 10 to recognize that the MTA is the successor agency to the Los Angeles County Transportation Commission and to make other clarifying, but essentially non-substantive, revisions.

2-45-020 Notice to Affected Operator. A transit operator who proposes a change in its transit service which may adversely affect another transit operator in the county shall notify the affected other operator in writing, with a copy to the Chief Executive Officer of the MTA, unless the affected other operator has indicated that it has no objection to the proposed change in service. If notice is given, there shall be no action taken to alter the service until either:

A. The affected operator indicates in writing that it has no objection. The affected operator shall have up to twenty (20) working days from receipt of the notice to

respond. Failure to respond within that period shall be deemed to be notice that the affected operator has no objection to the proposed action; or

B. The matter is resolved through the procedures set forth in this chapter.

2-45-030 Meeting of Operators. The affected operator may request in writing a meeting with the operator proposing the action to resolve the dispute. The meeting should normally take place within one (1) week of the request. The MTA Chief Executive Officer shall be notified in writing of the date, time, and place of such a meeting. The operators shall act in good faith in an effort to reach an agreement. If the operators reach a mutually satisfactory agreement, the Chief Executive Officer shall be notified in writing of the nature and conditions of the agreement. Any party to the dispute may refer the dispute to the MTA at any time after the meeting described in this section. Any such referral shall be in writing and shall state the nature of the dispute.

2-45-040 Mediation by MTA Chief Executive Officer. Upon receipt of notification from one or more parties to the dispute that agreement cannot be reached, the Chief Executive Officer, or a staff member he or she may designate, shall make an effort to mediate the dispute and bring about an agreement. If an agreement is not reached within ten (10) working days from receipt of the notification, the matter shall be referred to the Board of Directors.

2-45-050 Assignment to a Dispute Resolution Committee. Upon referral of the dispute to the Board of Directors, the Chair shall refer the matter to a Dispute Resolution Committee, which shall consist of no more than five members of the Board of Directors, appointed by the Chair. In lieu of specifically naming members to serve on a Dispute Resolution Committee, the Chairman designates a standing committee of the Board of

Directors to serve as the Dispute Resolution Committee and to preside over a hearing on the dispute. When the Dispute Resolution Committee has been designated, the Chief Executive Officer shall formally notify all parties to the dispute that the MTA is assuming jurisdiction of the dispute and that the Dispute Resolution Committee will hold a hearing, which shall be open to the public, at a specified time and place. Said hearing shall be conducted according to the following rules of procedure:

A. The parties shall, at least five (5) days prior to the hearing date, submit to the Dispute Resolution Committee an original and five copies, with copies to the opposing party, of the points and authorities, affidavits, declarations, exhibits and other evidence intended to be used at the hearing. If affidavits or declarations under penalty of perjury are to be used, the affiant or declarant must be present and available at the hearing for questioning by the opposing party or by the Dispute Resolution Committee.

B. Arguments at the hearing will normally be limited to thirty (30) minutes by each party. Each party will have the right to submit additional written arguments within one (1) week after the hearing. Service of any such additional written argument shall be simultaneously served on the opposing party.

C. The Chief Executive Officer, if directed by the Dispute Resolution Committee, shall provide the Committee, with an analysis of the dispute and a recommendation for appropriate Committee action.

D. Within a reasonable time after the right to submit additional arguments had expired, the Dispute Resolution Committee shall prepare and forward to the Board of Directors for appropriate action its Proposed Decision and Order.

2-45-060 Action By Board of Directors. Upon receipt of the Proposed Decision and Order the Board of Directors may take any one of the following actions:

- A. Approve and adopt the Proposed Decision and Order;
- B. Refer the matter back to the Dispute Resolution Committee for further proceedings; or
- C. Require a transcript of the testimony and other evidence relevant to the decision of Dispute Resolution Committee and take such action as in its opinion is indicated by the evidence. In such case the Board of Directors' decision may cover all phases of the matter, including the deletion or addition of any condition; or
- D. Set the matter for a *de novo* hearing before the full Board of Directors. The decision of the Board of Directors at any such *de novo* hearing shall be based upon the arguments and evidence that was before the Dispute Resolution Commission and shall such additional argument and evidence which the Board, in its sole discretion, agrees to receive.
- E. The Board of Directors shall serve notice of any action taken on all parties.
- F. Any action of the Board of Directors under paragraphs A., C. or D., which decides the dispute before the Board shall be final and conclusive.

Chapter 2-50

Public Hearings

2-50-010 Public Hearing Required.

- A. The MTA shall hold a public hearing subject to the procedures set forth in section 2-50-020 before doing any of the following:

1. Adopting a change which increases the transit fares charged the general public;
2. Revising the service on a bus line which reduces the transit route miles by at least twenty-five (25) per cent;
3. Revising the service on a bus line which reduces the transit revenue vehicle miles by at least twenty-five (25) per cent; or
4. Implementing a new bus service route;

B. Experimental or emergency service changes, which are describe in paragraphs A.2., A.3. or A.4., may be instituted for 180 days or less without a public hearing, provided that a public hearing must be held during that time period if the experimental or emergency service is to continue for more than 180 days.

C. If there are a number of changes on a route in a fiscal year which add up to the percentages set forth in paragraphs A.2. or A.3. of this section, a hearing must be held prior to the change which causes the percentage to be exceeded.

D. Nothing in this section is intended to require a public hearing for standard seasonal variations in transit service unless the number, timing or type of service changes meet the criteria set forth in paragraphs A.2. or A.3. of this section.

E. Notwithstanding any other provision of this section, it shall not be considered a service change for which a public hearing is required if reduced or discontinued service is replaced by another type of service or service from a different provider without substantial interruption and at a level, which when compared to the previous service, does not constitute a reduction exceeding the percentages set forth in paragraphs A.2. or A.3. of this section.

2-50-020 Public Hearing Procedures. Any public hearing required by section 2-50-010 shall be conducted as set forth in this section.

A. Notice of the hearing shall be published in at least one newspaper of general circulation, at least thirty (30) days prior to the date of the hearing. Consideration should also be given to publication in neighborhood and ethnic newspapers as appropriate to provide notice to the members of the public most likely to be impacted by the proposed action.

B. Notice of the public hearing shall also be announced by brochures available on transit vehicles and at customer service centers.

C. In order to ensure that the views and comments expressed by the public are taken into consideration, MTA staff shall prepare a written response to the issues raised at the public hearing. That response should also include a general assessment of the social, economic and environmental impacts of the proposed change, including any impact on energy conservation.

D. The public hearing related to a recommendation to increase transit fares charged the general public shall be held before the Board of Directors and any action taken to increase the fares charged the general public must be approved by a two-thirds vote of the members of the Board of Directors. The Board of Directors may delegate to another body or a hearing officer appointed by the Chief Executive Officer the authority to hold the public hearing related to a reduction in bus service.