



**MINUTES/PROCEEDINGS
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY**

**SPECIAL BOARD MEETING
BOARD OF DIRECTORS**

**MTA Headquarters
3rd Floor - Board Room
One Gateway Plaza
Los Angeles**

January 10, 1997

Called to order at 9:10 a.m.

Directors/Alternates present:

Larry Zarian, Chair/Jan Heidt

Richard Riordan, First Vice Chair/Hal Bernson

Yvonne Brathwaite Burke, Second Vice Chair/Michael Bohlke

Richard Alatorre

Michael Antonovich/Nick Patsaouras

James Cragin/Joseph Dawidziak

Don Knabe/Robert Arthur

John Fasana

Gloria Molina/Vivien Bonzo

Jenny Oropeza/Joyce Lawrence

Carol Schatz

Mel Wilson

Zev Yaroslavsky

Brent Felker, Ex Officio

Chief Executive Officer - Joseph E. Drew

Acting Board Secretary - Janne Nielson

Inspector General - Arthur Sinai

General Counsel - County Counsel

1. Received Public Comment

2. CLOSED SESSION

Personnel Matters - G.C. 54957

Public Employee Appointment - **Appointed Linda Bohlinger as
Interim Chief Executive Officer**

Conference with Legal Counsel
Existing Litigation - G.C. 54956.9(a)

Metro East Consultants v. MTA
Superior Court Case BC162753

As a result of discussions in Closed Session Agenda Item No. 6 including any hearing required prior to award was **deferred to the January 22 Board Meeting.**

Chairman Zarian welcomed FTA Deputy Administrator Leslie Rogers who was in the audience and introduced new Board member, Mayor Joyce Lawrence from the city of Downey.

OPEN SESSION

3. ADOPTED AS AMENDED **Code of Conduct** for MTA Board Members and Alternates.

Ryan Nakagawa explained that the Code has been expanded to include full and part time staff of Board members, Alternates or consultant advisors. It prohibits involvement in personnel actions or the hiring of employees by contractors/subcontractors. It also speaks to order at Board Meetings and treatment of staff, and provides sanctions for code violations.

Director Oropeza questioned the idea of having the individual responsible for monitoring Board ethics report to the Board. Director Yaroslavsky responded that any wrongdoing would actually be reported to the Inspector General who would recommend any discipline required. Matters of policy would be reported to the Board.

Director Schatz suggested that there be a prohibition against a lobbyist hired by the MTA also being able to represent a contractor or subcontractor on a matter before the MTA.

Director Fasana expressed the opinion that the revised Code is a good effort, but noted concern about the Code of Conduct and Ethics Policy being merged.

Director Schatz made a **substitute motion**, seconded by Director Yaroslavsky, to spend up to \$25,000 to have an outside firm that deals with ethics/lobbyist registration look at this policy and make recommendations.

The following **changes were agreed to**:

Section 14 - add to the last line, members"/**alternates**".

Section 25.b - **remove** the word "former". (Fasana)

Section 28.c - change to read "Any person who **receives compensation** to regularly provide advice, recommendations, or counsel to Board Members/Alternates regarding MTA activities and also advises another agency or entity which has a financial interest in an item before the Board shall be prohibited from giving advice, **directly or indirectly** to **any** Board Member/Alternate or **his/her** staff regarding the item." (Schatz)

Director Fasana made a motion, seconded by Director Alatorre, to change the last line of Section 10.g to **delete** the words "**full time**" staff and "**who are employees of a public agency**".

Agreement was reached to defer action on Section 10.g until the code is reviewed by a legal firm.

The **substitute motion** authorizing expenditure of \$25,000 for legal review was **APPROVED** on a voice vote with Directors Antonovich and Alatorre abstaining.

Director Fasana offered another **motion**, seconded by Director Antonovich, to further change Section 28.C by adding the word "**private**" before agency or entity...

The motion **FAILED** on the following Roll Call Vote:

Ayes:	Alatorre, Knabe, Fasana, Riordan
Noes:	Burke, Cragin, Molina, Oropeza, Schatz, Yaroslavsky
Abstain:	Antonovich, Zarian
Absent:	Wilson

The original **staff recommendation as amended** to include agreed upon changes was **APPROVED** on the following Roll Call Vote:

Ayes: Alatorre, Burke, Cragin, Knabe, Fasana, Molina,
Oropeza, Riordan, Schatz, Yaroslavsky, Zarian
Noes: None
Abstain: Antonovich
Absent: Wilson

4. Consider adoption of revised **Ethics/Lobbyist Policies**.

Items 3 and 4 were considered simultaneously as the Ethics Policy has been included in the Code of Conduct. The Lobbyist Policy remains a separate document which was not considered at this meeting.

5. Considered the following **actions required to implement adopted rail projects**:

- A. adopt a resolution reaffirming the MTA Board's commitment to the Metro Red Line Project as the highest-priority rail project in Los Angeles County;
- B. adopt recovery plan for funding of Metro Red Line Segment 3 with revised schedules and budgets including:
 - 1. transfer of \$300 million federal funds from the HOV program to the transit program;
 - 2. reduce the MTA budget by 5% and include this recommendation as part of the five-year business plan; and
 - 3. continued implementation of cost saving measures which improve project schedules.

for inclusion into the Long Range Transportation Plan update.

Michelle Caldwell explained the staff-recommended recovery plan, adding that once Board approval is received, it will be submitted to the FTA on January 15. Jim de la Loza reported that a workshop is planned in February with the Bus Riders' Union Joint Working Group.

Board members asked Tom Parkinson of Gannett Fleming who performed the PMO Mid-City review, if all reasonable alignments were reviewed, if current cost estimates are reasonable, if they were actuarially determined, and if savings are possible. Mr. Parkinson responded affirmatively to each question. Regarding cost savings he said value engineering should be done later in the design, one station could be deleted, and the greatest savings would result from reconsideration of an aerial alignment on Wilshire. That statement prompted considerable discussion. Linda Bohlinger explained that a motion from Director Antonovich was approved in December requesting authority to bring Metro System out of the Ground and was amended to include all lines except Eastside and directed the PMO to review cost containment and report to the Special Construction Committee in February.

Eric Mann, Co-Chair of the Joint Working Group gave an oral report calling the Board's attention to the requirements of the Consent Decree (102 buses over and above those scheduled for replacement, a 2 Yr., 50-bus pilot program for service expansion, and by December 1997, achieving a 1.35 load factor) and requesting that the funding for the Consent Decree be given the same level of effort and specificity that's being given to rail.

Director Riordan offered an **amending motion to the staff recommendation**, seconded by Director Burke, that the MTA Board direct the CEO to:

1. Issue an IFB for the procurement of new buses to relieve overcrowding and add pilot service; and
2. Return to the Board in 30 days with a report describing how many additional buses and over what period would be required to replace MTA buses over 12 years of age, and request Board approval to issue an RFP for the procurement of the required replacement vehicles; and
3. Return to the Board in 30 days with cost estimates for the purchase, operation, and maintenance of both the new buses and replacement buses.
4. Hold a "Bus Workshop" within 60 days (and prior to consideration of the Long Range Plan update) that presents for Board action a funding plan for the procurement, operation, and maintenance of the MTA bus system through 2010, including full compliance with the Consent Decree; and further

5. That the intent of the Board is that the approval of the \$300 million transfer and accompanying actions will not affect implementation of compliance with the Federal Consent Decree.

The Board agreed to bifurcate the staff recommendation, and **APPROVED 5.B as amended to include Director Riordan's motion** on the following Roll Call Vote:

Ayes: Alatorre, Burke, Molina, Oropeza, Riordan, Schatz,
Wilson, Zarian
Noes: Antonovich, Dawidziak, Arthur, Fasana, Yaroslavsky
Abstain: None
Absent: None

Director Antonovich then presented a **motion amending 5.A**, seconded by Director Fasana, to:

Adopt a resolution reconfirming the MTA's commitment to the Metro Rail Red Line Project as its first priority rail transit project, "with the understanding that the MTA will request the FTA to amend the Full Funding Grant Agreement to allow non-subway configurations as part of the Red Line Project."

The **motion FAILED** on the following Roll Call Vote:

Ayes: Antonovich, Dawidziak, Knabe, Fasana, Zarian
Noes: Alatorre, Burke, Molina, Oropeza, Riordan, Schatz,
Wilson, Yaroslavsky
Abstain: None
Absent: None

Director Antonovich presented a second **motion**, seconded by Director Fasana, that:

The Board instruct staff to stay within the current Mid-City budget by adopting an above-ground configuration, and return to the Board in 60 days with a specific proposal to accomplish this.

The **motion FAILED** on the following Roll Call Vote:

Ayes: Antonovich, Knabe, Fasana, Zarian
Noes: Alatorre, Burke, Dawidziak, Molina, Oropeza, Riordan,
Schatz, Wilson, Yaroslavsky
Abstain: None
Absent: None

On motion duly made and seconded, the Board APPROVED 5.A as written on the following Roll Call Vote:

Ayes: Alatorre, Burke, Dawidziak, Knabe, Molina, Oropeza,
Riordan, Schatz, Wilson, Yaroslavsky, Zarian
Noes: Antonovich
Abstain: Fasana
Absent: None

6. DEFERRED to January 22, 1997 Board Meeting.

- A. holding a Hearing at 11:00 a.m. in compliance with Superior Court Temporary Restraining Order in Metro East Consultants v. MTA, Superior Court Case BC162753, related to the contract for Construction Management Services on the Metro Red Line Eastside Extension.
- B. selection and negotiation of a contract covering **Construction Management Services on the Metro Red Line Eastside Extension**, returning to the Board for final approval of an agreement and a contract amount; and
- C. issuance of a Letter Contract/Limited Notice to Proceed to the selected firm in an amount not to exceed \$5,000,000 for immediate start-up services.

Prepared by: Michele Jackson


ANNE NIELSON
ACTING MTA SECRETARY

Adjourned