



NORTH COUNTY TRANSIT DISTRICT

Board Members

Ed Gallo
Chairman
City of Escondido

Dave Roberts
Vice-Chair
City of Solana Beach

Julianne Nygaard
City of Carlsbad

David Druker
City of Del Mar

Jerome Stocks
City of Encinitas

Rocky Chavez
City of Oceanside

Chris Orlando
City of San Marcos

Bob Campbell
City of Vista

Bill Horn
County of San Diego

Executive Director

Karen King

General Counsel

C. Michael Cowett

For more information on NCTD,
please check out our web page at:

www.gonctd.com

MEETING of the NORTH COUNTY TRANSIT DISTRICT Board Room 810 Mission Avenue Oceanside, CA 92054

**THURSDAY
April 17, 2008
1:15 P.M. – Special
Meeting/Closed Session
2:00 P.M. – Regular Meeting**

NCTD's Mission

***Deliver safe, convenient, reliable, and
user-friendly public transportation services.***

***The NCTD Board of Director's purpose is to
use our diverse perspectives, knowledge,
leadership and community sensitivity to
provide advocacy and guidance that enables
NCTD to deliver the highest quality intermodal
public transportation for our region.***

For individuals with disabilities, we will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. We will make every attempt to accommodate requests that do not give 72 hour notice. Please contact our Customer Service Supervisor at (760) 966-6503.

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The NCTD office located at 810 Mission Avenue, Oceanside, CA is accessible by the COASTER (NCTD Commuter Rail), the SPRINTER (NCTD Light Rail System) and the BREEZE (NCTD Bus). Please log onto www.gonctd.com to check current routes and schedules, or call 1-800-COMMUTE.

**SPECIAL MEETING / CLOSED SESSION
AGENDA**

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**

A. CLOSED SESSION

- i. Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – Elizabeth Luke, Paul Shick and Michael Ward v. NCTD, Consolidated Superior Court Case No. GIN 051359
- ii. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators – Employee Organization: Teamsters Local 542 and Unrepresented Employees. Negotiating parties: Karen King and Rick Howard
- iii. Closed Session Pursuant to Government Code Section 54957 – Conference with Executive Director Concerning Public Employment and Reorganization of Employees’ Positions

REGULAR MEETING BEGINNING AT 2:00 PM

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**
- **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- **CHANGES TO THE AGENDA**
- **PUBLIC COMMUNICATIONS**

There is a time limit of 15 minutes for this section of Public Communications and each speaker is limited to three minutes for their presentation.

All persons wishing to address the Board during the meeting must complete a “Request to Speak” form. These forms are provided in a box at the table in the hallway, and must be completed and given to the Clerk of the Board before that agenda item is called.

**RECOMMENDED
ACTION**

B. MINUTES FOR REGULAR MEETING FOR MARCH 20, 2008
(Pages 6 - 11)

Approve

C. MINUTES FOR SPECIAL MEETING FOR MARCH 26, 2008
(Pages 12 - 13)

Approve

D. MINUTES FOR SPECIAL MEETING FOR APRIL 10, 2008
(Page 14)

Approve

All matters listed under CONSENT are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on the motion, unless members of the Board, the Executive Director, or the public, request specific items to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the Clerk of the Board on the "Request to Speak" form before that agenda item is called.

ITEMS PULLED FROM CONSENT WILL BE MOVED TO THE END OF THE AGENDA

RECOMMENDED ACTION

E. CONSENT ITEMS (Tabs 1 – 8)

Items reviewed and recommended for approval by the Governance Committee (G), Planning Committee (P), Monitoring Committee (M) or Staff (S)

- | | |
|--|---------|
| 1. Owner Controlled Insurance Program (OCIP) Contract for Final Audited Builder's Risk Insurance Premium (M) | Approve |
| 2. Maintenance-of-Way Facility Lease Extension (M) | Approve |
| 3. Amendment to SANDAG Staff Support MOU on the SPRINTER Project (M) | Approve |
| 4. Extension to On-Site IT Support Services (M) | Approve |
| 5. District Wide Right-of-Way Consulting Services (M) | Approve |
| 6. Increase Purchase Orders to Project Design Consultants for Engineering Support for the SPRINTER Project (S) | Approve |
| 7. Public Hearing Policy for Changes in Service Levels (G) (Attachments 7A and 7B) | Approve |
| 8. Board's Administrative Rules of Procedure (G) (Attachment 8A) | Approve |

OTHER BUSINESS (Tabs 9 – 13)

- | | |
|---|---------|
| 9. Smart Card Presentation (M)(Oral Presentation) | Receive |
| 10. Extension to COASTER Wireless Mesh Network (M) | Approve |
| 11. Completion of Master Plans for Carlsbad Village, Escondido and Oceanside Transit Centers (P) (Attachments 11A, 11B and 11C) | Receive |
| 12. Follow-Up from April 10, 2008 Working Session of the Board of Directors (S) (Attachment 12A) | Approve |
| 13. SPRINTER Start-Up Report (Oral Presentation) | Receive |

• SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE

• BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE

- **EXECUTIVE DIRECTOR'S REPORT**

- **REMAINING PUBLIC COMMUNICATIONS**

For any remaining speakers who have completed a "Request to Speak" form before the start of the meeting.

- **ADJOURNMENT**

- **CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)**

- ∅ Posting of Board Agenda (Page 34)

- ∅ Rules for Public Speakers at meetings of the North County Transit District (Page 35)

***The next regularly scheduled Board meeting will be held at
2:00 p.m. on Thursday, May 15, 2008
at 810 Mission Avenue, Oceanside, CA***

**MINUTES OF THE SPECIAL MEETING/CLOSED SESSION AND THE REGULAR MEETING
OF NORTH COUNTY TRANSIT DISTRICT HELD MARCH 20, 2008** **PAGE 1**

CALL TO ORDER

Chairman Ed Gallo called the meeting to order at 1:03 p.m.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); Dave Druker (City of Del Mar); Jerome Stocks (City of Encinitas); Hal Martin (Alternate, City of San Marcos); Lesa Heebner (Alternate, City of Solana Beach); Bob Campbell (City of Vista).

Bill Horn (County of San Diego) arrived at 1:30 pm. Rocky Chavez (City of Oceanside) arrived at 1:35 pm.

CLOSED SESSION

The Board went into Closed Session at 1:04 p.m. to discuss:

- i. Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – Elizabeth Luke, Paul Shick and Michael Ward v. NCTD, Consolidated Superior Court Case No. GIN 051359
- ii. Closed Session Pursuant to Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Potential Cases

The Board returned from Closed Session at 2:26 p.m. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss item i and had nothing to report. He said that in the matter of two cases of anticipated litigation, with respect to one of those items, the Board directed the Executive Director to deny all claims filed in the flooding cases pursuant to which NCTD has received claims.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); Dave Druker (City of Del Mar); Jerome Stocks (City of Encinitas); Rocky Chavez (City of Oceanside); Hal Martin (Alternate, City of San Marcos); Lesa Heebner (Alternate, City of Solana Beach); Bob Campbell (City of Vista); Bill Horn (County of San Diego).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Lesa Heebner led the Board, staff and the public in the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None

PRESENTATION OF COMMENDATIONS

Presentation of February 2008 Employees of the Month Commendations: Brian Graham, Director of Bus Operations and Maintenance, recognized Mr. Marty P. Mayors, Facility Maintenance Worker, and Mr. Thomas D. Arvin, Coach Operator, as the February 2008 Employees of the Month, with the Board's congratulations.

PUBLIC COMMUNICATIONS

Ms. Samantha Ewing, Oceanside, CA spoke on her concerns regarding changes to Routes 302 and 315, and the SPRINTER horn.

Mr. Fred Troost, Escondido, CA spoke on his concerns regarding the SPRINTER schedule coordination with the BREEZE schedules, and the need for crossing assistance at the Palomar SPRINTER station.

Ms. Lorraine Leighton, El Cajon, CA spoke on her concerns regarding the SPRINTER.

Ms. Dina Smith, Oceanside, CA spoke on her concerns regarding the BREEZE schedules and she asked if the Board can accept donations for things such as bathrooms, trash containers and a mini-bus to the Oceanside Harbor.

APPROVAL OF MINUTES

MOTION BY JULIANNE NYGGARD TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 21, 2008, SECONDED BY DAVE DRUKER. ABSTAIN: MARTIN AND HEEBNER. MOTION CARRIED.

CONSENT ITEMS

1. Old Town ADA Ramp Relocation – Flag Protection
 2. Procurement Policy and Executive Director's procurement Authority
 3. Drainage and Trackbed Repairs at Milepost 252 on Miramar Hill of the COASTER Corridor
 4. Bridge 225.4 Deck Replacement – Rail and Flagging
 5. Bridge 225.4 Deck Replacement Project – Busing
 6. Bridge Replacement Project Geotechnical Investigation
 7. Quarterly Financial Report for Six Months Ended December 31, 2007
 8. FY 2008 2nd Quarter Performance Report
- Meeting Date: April 17, 2008

9. Moody's Upgrade of NCTD Debt

10. College Pass Program Agreement for Cal State University San Marcos (CSUSM)

MOTION BY JULIANNE NYGAARD TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10, SECONDED BY BOB CAMPBELL. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

11. Award: Contract for Installation of Stormwater Best Management Practices (BMP's) on the SPRINTER Project Site

Tom Lichterman, Director of Rail Services, reviewed the staff report.

Hal Martin asked where Ground Science Technology, Inc. is located and if the West Coast Rail Constructors (WCRC) contractor would be paying for the cost of this item.

Don Bullock, Manager of Capital Construction, responded that they are located in Escondido, CA. He stated that the contract is set up as a unit price contract for all implementation, whether NCTD pays WCRC to install them, or this company, it would be by installation price.

Jerome Stocks said that this item shows that this Board and this agency is taking very seriously the commitment to clean water and to protecting the water and the environment and the ocean. He stated that he is concerned that the bids are based on unit pricing and since NCTD estimated the units, what degree of confidence do we have that the correct numbers of units were estimated.

Don Bullock responded that the consultant we hired to oversee the implementation of this contract quantified this amount and it was a best guess on their part because it's difficult to estimate how many linear feet will be needed.

Jerome Stocks asked if their per-unit price was less in the event we should need more.

Don Bullock responded that it would be significantly less and that staff is confident that they are competent to do the work.

MOTION BY JULIANNE NYGAARD TO APPROVE AGENDA ITEM 11, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

12. Increase Purchase Order: Right-Of-Way Consulting Services SPRINTER Light Rail Project

Ed Singer, Real Estate Assets Administrator, provided an overview of the staff report.

MOTION BY BOB CAMPBELL TO APPROVE AGENDA ITEM 12, SECONDED BY HAL MARTIN. MOTION CARRIED UNANIMOUSLY.

13. Paratransit Service Overview and Trends Workshop

Alane Haynes, Accessible Services Administrator, reviewed: paratransit requirements; contracted services; certifications; Paratransit Improvement Study; estimated cost increase; service and contractual changes; cost-saving strategies; individual mobility/travel training; no-show policy; medi-cal reimbursement; free fare results; contracted paratransit costs FY 07 vs. 08; potential annualized savings under current programs; future cost savings strategies; potential cost savings with new programs; and FACT update.

Ms. Lorraine Leighton, El Cajon, CA spoke on her concerns regarding drivers not calling out ADA's or streets.

Bob Campbell, speaking as Chairman of FACT, thanked Ms. Haynes for her service to FACT.

Dave Druker asked if paratransit included commuter service and he suggested that NCTD should work with the cities to remove barriers and to possibly help pay for their removal because it would reduce NCTD's costs in terms of providing that type of service.

Ms. Haynes responded that it did not include commuter service and she agreed that it would be good to work with the cities to remove barriers.

HAL MARTIN LEFT AT 3:20 PM.

14. FY 2009 Budget Discussion

Richard Hannasch, Director of Fiscal and Support Services, stated that the Planning Committee suggested that a discussion be held with the full Board on some of the options relating specifically to the BREEZE and FAST services.

Kurt Luhrsen, Senior Planner, reviewed general ways that we can prioritize how we do service cuts.

Julianne Nygaard stated that she thought it would be appropriate for the full Board to have a half-day budget workshop.

Karen King said that there is a Planning Committee workshop scheduled for March 26 at 8:30 am if the rest of the Board wished to attend.

Bill Horn suggested that the Board Chair should write a letter to the Governor requesting a moratorium on all penalties to any state agency given the budget crisis that he has put us into.

Dave Druker stated that the workshop should include what can be cut and the actual cost of those cuts.

Ms. Lorraine Leighton, El Cajon, CA spoke on her concerns regarding cutting the Rail-2-Rail Program and COASTER service.

MOTION BY LESA HEEBNER TO TABLE THIS AGENDA ITEM TO MARCH 26, 2008 AT 8:30 AM AND TO AUTHORIZE THE CHAIRMAN TO SEND A LETTER TO THE GOVERNOR, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

15. Monthly SPRINTER Update Report

Tom Lichterman, Director of Rail Services, reviewed: first day of revenue service (March 9th); on-time performance; performance trends; fare enforcement; ridership demographics; trip lengths; and outlook.

Ms. Lorraine Leighton, El Cajon, CA spoke on her concerns regarding SPRINTER weekend service, bikes on the train, and Rider's Guide missing pages.

Bob Campbell stated that the comments he has received from the public is that the Vista Village Drive signalization needs some work and that the horn is not loud enough.

• **SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE**

Ellen Roundtree, Intergovernmental Affairs Officer, reviewed: the SANDAG agenda; federal activity and stated that Board members Nygaard and Stocks and herself, attended the APTA Legislative Conference in Washington, D.C., which included visits to NCTD's Legislative Delegation, to discuss transportation issues and funding problems; SANDAG and other agencies are working on the \$3 billion trade corridor improvement fund; CTA lawsuit; and SANDAG bill for additional tax for beach sand replenishment.

Bob Campbell requested that Board members receive a copy of Ms. Roundtree's notes, from today's meeting, to share with their staff.

ROCKY CHAVEZ LEFT AT 4:25 PM

• **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

Julianne Nygaard provided a report on her visit to Congressman Darrell Issa's office and stated that he is committed to go after funding for the San Luis Rey transit center.

Dave Druker stated that the COASTER fairground temporary stop will not happen for this year because they do not have the funds to do that.

• **EXECUTIVE DIRECTOR'S REPORT**

Karen King stated that: NCTD received a \$10K grant to make a safety video for the SPRINTER; and staff is gearing up for Padre service.

• **REMAINING PUBLIC COMMUNICATIONS**

None.

• **ADJOURNMENT**

The meeting adjourned at 4:28 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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**MINUTES OF THE SPECIAL MEETING OF NORTH COUNTY TRANSIT DISTRICT HELD
MARCH 26, 2008** **PAGE 1**

CALL TO ORDER

Vice-Chairman Dave Roberts called the meeting to order at 8:33 a.m.

ROLL CALL OF BOARD MEMBERS

Julianne Nygaard (City of Carlsbad); Dave Druker (City of Del Mar); Jerome Stocks (City of Encinitas); Dave Roberts (City of Solana Beach); Bob Campbell (City of Vista); Rocky Chavez (City of Oceanside).

Ed Gallo (City of Escondido) arrived at 8:42 a.m.

Absent: Bill Horn (County of San Diego) and Chris Orlando (City of San Marcos).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Rocky Chavez led the Board, staff and the public in the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None

PUBLIC COMMUNICATIONS

None.

OTHER BUSINESS

1. FY 2009 Budget Development Workshop

Richard Hannasch, Director of Fiscal and Support Services, reviewed: budget schedule and assumptions; funding reductions since February 2007; assumptions for FY 2009 budget; fuel assumptions; recent diesel prices; assumptions – passenger fares and ridership; FY 2009 draft budget – revenue and expenses; five-year outlook; options – COASTER and BREEZE related revenue and expenses; FAST performance data; farebox recovery comparison; options – FAST service and BREEZE-related expenses.

Karen King, Executive Director, stated that staff, up to this point in the budget preparation, has done everything we believe is within our authority to make decisions regarding how to increase revenues, how to save money, and where to get economies. She said that the purpose of this meeting is to provide staff direction from the Board on priorities and, where to start looking to close this gap.

Richard Hannasch stated that on the revenue side one of the things we have influence over is fares. He said staff will review the revenue side, the only thing on the table is fares, and then we will review the expense side, mode-by-mode, looking over the options, with the goal being to close the \$3 million gap.

Karen King reminded the Board that NCTD does not have the same control over the fares that we used to have because SANDAG sets the fares, but NCTD can make a recommendation to SANDAG. She said that SANDAG is working on a region-wide fare study that ultimately will propose what our fare structure should be. Ms. King stated that whatever the Board does here, it would be for the next year and then NCTD would probably be looking at some significant changes in fare structure in the following year. She said that the SMART card program, because of the nature of the technology, will cause us to look at how regional revenues are shared and it's not entirely clear what impact that will have on NCTD's budget.

Kurt Luhrsen, Senior Planner, reviewed options related to: the current fare structure; fare increase options; farebox recovery; FAST AND LIFT service; all-day service; and span of service.

ROCKY CHAVEZ LEFT AT 10:45 A.M. DAVE ROBERTS LEFT AT 11:02 A.M.

No action was taken by the Board. Further discussion will take place at the Planning Committee meeting scheduled for April 3, 2008.

- **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

None

- **EXECUTIVE DIRECTOR'S REPORT**

None

- **REMAINING PUBLIC COMMUNICATIONS**

None

- **ADJOURNMENT**

The meeting adjourned at 11:15 a.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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**MINUTES OF THE SPECIAL MEETING OF NORTH COUNTY TRANSIT DISTRICT HELD
APRIL 10, 2008** **PAGE 1**

CALL TO ORDER

Chairman Ed Gallo called the meeting to order at 9:05 a.m.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); Dave Druker (City of Del Mar); Jerome Stocks (City of Encinitas); Dave Roberts (City of Solana Beach); Rocky Chavez (City of Oceanside); Bill Horn (County of San Diego).

Absent: Bob Campbell (City of Vista) and Chris Orlando (City of San Marcos).

CHANGES TO THE AGENDA

None

PUBLIC COMMUNICATIONS

None.

OTHER BUSINESS

1. Working Session of the Board of Directors, facilitated by Dick Lyles, Ph.D., President and CEO of Leadership Legacies, to take no action and to discuss topics of interest to the Board.

No action was taken by the Board. Further discussion and action will take place at the Board meeting scheduled for April 17, 2008.

• **ADJOURNMENT**

The meeting adjourned at 2:47 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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MONITORING COMMITTEE REPORT

TITLE: OWNER CONTROLLED INSURANCE PROGRAM (OCIP) CONTRACT FOR FINAL AUDITED BUILDER'S RISK INSURANCE PREMIUM

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

That the NCTD Board of Directors authorize an increase of \$115,894 to the OCIP contract with Willis Risk & Insurance Services of San Diego to pay the final audited additional builder's risk insurance premium for the SPRINTER construction project.

**BACKGROUND
INFORMATION:**

On July 15, 2004, the Board authorized the Executive Director to implement an Owner Controlled Insurance Program (OCIP) for the SPRINTER construction project. Willis Risk & Insurance Services of San Diego had previously provided insurance brokerage and administrative services. Insurance was subsequently placed on the following lines of coverage: builder's risk (i.e., course of construction/property); workers' compensation; general liability; excess liability; and railroad protective liability.

The builder's risk coverage was placed with RLI Insurance Company. The policy term ran from November 3, 2004 through November 3, 2007 and provided limits of \$50 million per occurrence with a \$25,000 per occurrence deductible. The \$561,000 premium for the three-year term was calculated on anticipated hard construction costs of \$200 million. In November 2006, an additional \$89,295 premium was paid to add the light rail vehicles. As of November 3, 2007, the hard construction costs (excluding the light rail vehicles) had increased to \$246,122,264.

When auditing the policy following its recent termination, RLI determined that an additional \$115,894 premium is due. The increase in hard construction costs is about 23% (\$246,122,264 versus the original figure of \$200,000,000). The increase in the final audited premium is approximately 21% (\$676,894 versus \$561,000). Willis independently conducted its own calculations and has concurred that the additional premium is justified.

Relative to loss history, a total of five claims have been filed against the builder's risk policy. Paid claims to date amount to \$985,322. There is one claim still open and the total cost is not known at this time.

We recommend that the Board authorize the increase of \$115,894 to the SPRINTER OCIP in order to pay RLI Insurance for the final audited builder's risk insurance premium.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this request is \$115,894. The SPRINTER project (709507) OCIP funds have a remaining budget of \$262,364.47, and with Board approval, may be used to pay the additional builder's risk premium.

COMMITTEE On July 15, 2004 the Board authorized the Executive Director to implement
REVIEW: OCIP for SPRINTER. The policy ran from November 3, 2004 to November 3,
4/3/08 2007 at a cost of \$561,000 based on \$200M hard construction costs and was amended in November 2006 to include light rail vehicles, at a cost of \$89,295. As of November 3, 2007 hard construction costs had increased to \$246,122,264 and, due to the increase in construction costs, an additional premium of \$115,894 is due. Five (5) claims have been filed and to date \$985,322 has been paid in claims.

STAFF CONTACT: **Richard Hannasch**
Director of Fiscal and Support Services
E-mail: rhannasch@nctd.org Phone: 760/967-2809



MONITORING COMMITTEE REPORT

TITLE: MAINTENANCE-OF-WAY FACILITY LEASE EXTENSION

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the NCTD Board of Directors:
1) Approve an amendment to extend the term of the Maintenance-of-Way Facility lease at 4113 Avenida de la Plata until May 31, 2012; and
2) Authorize the Executive Director to execute all necessary and related documents.

BACKGROUND INFORMATION:

NCTD leases a 17,000 square foot building for its Maintenance-of-Way (MOW) Department located at 4113 Avenida de la Plata in Oceanside. The MOW facility houses the work trucks, specialized vehicles, some signal equipment and a large inventory of spare railroad parts. There are several offices, a conference room and two locker rooms. Workers arrive in private vehicles, receive their assignments, and are deployed to work sites along 100 miles of track that NCTD maintains.

Originally, NCTD owned an MOW facility aboard Camp Pendleton, just outside the Camp Del Mar Gate. However, that facility reverted to Department of Navy ownership in 2005 as part of the larger Stuart Mesa Facility Property Agreement. As a result, NCTD has had to lease a facility while continuing to pursue various options to acquire a NCTD-owned facility.

Among the options considered have been:

- Construction of a permanent facility in south Carlsbad, on Avenida Encinas, on property NCTD owns adjacent to the tracks. Preliminary design was undertaken, but the estimated cost to construct an entire new facility greatly exceeded available or foreseeable funding.
• Purchase an existing properly-zoned industrial building – This option was explored with three separate Oceanside-area properties but price and/or terms could not be agreed to. NCTD’s capital funds for that potential purchase were subsequently shifted to purchase the site for the San Luis Rey Transit Center.

While historically, NCTD’s practice has been to own rather than rent facilities, financial constraints and a lack of suitable alternatives to purchase prompted NCTD staff to investigate extending the current lease further.

The original lease term was two years in duration, commencing June 1, 2005 and terminating May 31, 2007. Prior to occupying the building, tenant improvements were constructed at a cost of approximately \$ 75,000. Throughout the lease term, NCTD invested further in the improvements, making the space suitable for its intended use. The lease contained two (2) one-year options. NCTD exercised both options, extending the termination date until May 31, 2009.

Several key staff negotiated with the property owner to arrive at the amendment. Key terms of the extension are as follows:

- The base term would be extended three (3) years by this amendment until May 31, 2012
- NCTD could choose to extend two (2) additional years to 2014.
- Monthly rent 6/09-5/10: \$13,648; 6/10-5/11: \$14,057; 6/11-5/12: \$14,479

ATTACHMENT: None

FISCAL IMPACT: The current rent for the property is \$13,475 per month, or \$161,700 on an annual basis and is included in the FY 08 and FY 09 operating budgets in account 510.512105. The fiscal impact of this item in the first year of the extension is \$163,776. This amount would be budgeted in the FY 10 annual operating budget. Throughout the term of the second amendment and the options, the rental rate increases each subsequent year by 3.0% over the prior year.

COMMITTEE REVIEW: 4/3/08 The District currently leases a 17,000 square foot building for MOW facility and the lease runs to May 31, 2009. To ensure availability of a facility while the District pursues other alternatives, staff recommends the lease be extended until May 31, 2012, with an additional two-year option at the indicated monthly rent. The current cost is \$161,700 a year for FY 08 and 09.

STAFF CONTACT: **Tom Lichterman**
Director of Rail Services
E-mail: tlichterman@nctd.org Phone: 760/967-2855



MONITORING COMMITTEE REPORT

TITLE: AMENDMENT TO SANDAG STAFF SUPPORT MOU ON THE SPRINTER PROJECT

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the NCTD Board of Directors authorize the Executive Director to execute an Amendment to the Memorandum of Understanding with SANDAG for staff and consultant assistance on the SPRINTER project, increasing the maximum reimbursement amount by \$250,000.

BACKGROUND INFORMATION:

In September 2006, the Board approved an amendment to previous MOU's with SANDAG to obtain engineering and project management support on the SPRINTER project, in the amount of \$1,500,000. This was in response to an urgent need to obtain additional engineering assistance on the project as construction activity ramped up. SANDAG staffing and consultant levels assigned to the project have fluctuated since that date. Currently, SANDAG is providing one full-time staff engineer who is serving as design configuration manager, two consultants who support various engineering issues on the project, and project oversight assistance through the SANDAG Director of Engineering and Construction.

Based on a review of remaining funding authorization in the previous MOU amendment, and a projection of the remaining duration for which we will need these staff and consultant resources, NCTD and SANDAG staff are recommending a further amendment to this MOU to increase the total value by an additional \$250,000. This increase would cover the anticipated costs through December 2008 to assist with closing out remaining issues.

The justification and need for this increase is due to the following factors:

- Consultant support for Design Support for stormwater compliance.
- Management support of the As-Built documentation process which has been delayed due to design support for stormwater issues and redesigns mandated by the CPUC.
- Working with the Construction Manager to support overall project close-out.
- Providing on-going coordination with other agencies for issues that arise in the early months of SPRINTER operations.
- Manage the preparation of design and construction documents for the repairs to the slope failure along the creek near Crouch Street Station.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$250,000. This expense would be charged to the SPRINTER Project Administration budget, JB# 709506. The current Estimate at Completion for this budget line item is \$9,400,000, of which \$7,215,472 has been expended to date.

COMMITTEE REVIEW: In September 2006 the Board approved amendments to previous MOU's with SANDAG for engineering support for the SPRINTER project in the amount of \$1.5M. Additional support is needed for storm water compliance; management support for the "As-Built" documentation process; overall project closeout; on-going coordination; and design and construction documents for the slope failure near Crouch Street Station. The fiscal impact is \$250,000, which is available in SPRINTER Project Administration budget.

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MONITORING COMMITTEE REPORT

TITLE: EXTENSION TO ON-SITE IT SUPPORT SERVICES

Time Sensitive Consent

COMMITTEE RECOMMENDATION: That the NCTD Board of Directors authorize the Executive Director to amend the existing agreement with Datel Systems under RFP 6057 for an additional \$350,000.

BACKGROUND INFORMATION: In August 2006 the Board authorized a contract for on-call IT network support services for \$600,000 for the three-year period ending in August 2009, with two one-year optional extensions of \$200,000 per year.

The agreement is consistent with NCTD's on-going evaluation of cost-effectively balancing internal staff with contracted on-call support. Available on-call services include, but are not limited to: design services; recommendations for upgrades and equipment; troubleshooting equipment; configuration; hardware and software replacement strategies.

The IT team appropriately leveraged this agreement to complete a variety of projects, including updating the network infrastructure, upgrading NCTD workstations, and installing a fiber network. The contract had previously been amended to add maintenance associated with SPRINTER network devices, as the SPRINTER has tripled the number of devices on the NCTD network.

Primarily due to the successful expansion of SPRINTER-related network devices, we recommend that the contract be increased by \$350,000 for IT network support through August 2009. At that time, NCTD will evaluate whether it would be desirable to exercise an optional one-year extension, or whether to issue a new contract. Funds for the contract increase will be provided from already budgeted operating funds and capital projects.

ATTACHMENT: None.

FISCAL IMPACT: This request would increase the authorized contract amount by \$350,000 through August 2009. The \$350,000 would be funded from the SPRINTER operating funds in account 320.503316, and existing CIP funds from projects 107020 (Network Upgrades), 107021 (Server Upgrades), 107023 (Personal Computers), 105025 (Server Replacements), and in proposed CIP grants for FY 2009 109042 (Fiber Phase 2), 109043 (Network Monitoring), and 109032 (Personal Computers). There is no additional anticipated impact to the current operating budget.

COMMITTEE In August 2006 the Board authorized a contract with DATEL systems for
REVIEW: IT network support services in the amount of \$600,000 for a three-year
4/3/08 period with two one-year extensions of \$200,000 per year. This support
allows the District to balance internal staff with contracted on-call
services. Since the contract was approved, the District has tripled the
number of devices requiring IT support. This is primarily due to the heavy
emphasis of network related devices used by the SPRINTER project,
including the Dispatch Center and Security Center in the Escondido
Facility. Fiscal impact is \$350,000 through August 2009, which will be
funded through both CIP and SPRINTER Operating funds.

STAFF CONTACT: **Richard Hannasch**
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MONITORING COMMITTEE REPORT

TITLE: DISTRICT WIDE RIGHT-OF-WAY CONSULTING SERVICES

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the NCTD Board of Directors approve an increase of up to \$100,000 to the purchase order for Wiggans & Willett Inc. for real estate consulting services on District Wide ROW projects.

BACKGROUND INFORMATION:

NCTD has a number of projects that continue to require on-going real estate services. These projects include the San Luis Rey Transit Center and the Solana Beach Parking Structure project. Additionally, there are a number of small real estate right-of-way matters that require on-going resolution. Portions of this work may be reimbursed by a third party.

The type of consulting services typically provided by Wiggans and Willett Inc. include surveying, encroachment removal, appraisals, and final title work. Wiggans & Willett, Inc. is the general right-of-way consultant selected by the District and these services are within the scope of services under their contract.

ATTACHMENT: None.

FISCAL IMPACT: The fiscal impact of this action is up to \$100,000. These costs will be charged to various capital, operating and reimbursable accounts as appropriate, subject to funding availability.

COMMITTEE REVIEW: 4/3/08

This is an increase of the current contract with Wiggans & Willett Inc. Services include surveying, encroachment removal, appraisals and title work. This firm has been very involved in some of the continuing projects, including San Luis Rey Transit Center, Solana Beach Parking Structure project, and ROW matters. Fiscal impact – up to \$100,000. Funds will only be expended as required and would be charged to various capital, operating, and reimbursable accounts.

STAFF CONTACT:

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STAFF REPORT
TO THE BOARD

Agenda Item #
6

TITLE: INCREASE PURCHASE ORDERS TO PROJECT DESIGN CONSULTANTS (PDC) FOR ENGINEERING SUPPORT FOR THE SPRINTER PROJECT

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

That the NCTD Board of Directors increase the Purchase Orders to Project Design Consultants, under their On-Call contract, for design support services for the SPRINTER project in the amount of \$485,082.

**BACKGROUND
INFORMATION:**

Throughout the construction of the SPRINTER project, DMJM Harris was the Engineer of Record. However, beginning in early 2007, key DMJM staff which had been assigned to the SPRINTER field office began leaving DMJM to work for a new firm, Dave Evans and Associates (DEA). As a result, in order to retain the extensive project knowledge of these key individuals, the Board authorized the award of Purchase Orders to Project Design Consultants (PDC), in order to obtain the services of DEA, which is a sub-consultant to PDC. In addition to DEA, we have also used the PDC contract to obtain the services of a key traffic consultant (Stack Traffic Consulting), to provide support for interface of SPRINTER signals with City traffic control systems. These arrangements have worked out satisfactorily and enabled NCTD to complete most design work and enter revenue operations.

There are, however, some on-going design issues which must be addressed to close out the project. Some of these tasks were unanticipated and have created the need for additional design support services. Accordingly, staff is recommending an increase in the Purchase Order to PDC for DEA's and Stack Traffic Consulting services, to address the following design issues and needs:

- Loma Alta Creek slope failure repair – A portion of the creek bank west of Crouch Street Station failed in late 2007, resulting in the need to move the track over temporarily. We now need to design and construct approximately 400 feet of creek bank reinforcement.
- Utilities and drainage work – As a result of our stormwater challenges, we need to design many small permanent drainage improvements in order to comply with our Stormwater Permit.
- As-built drawings and support – Completion of the as-built drawings and documentation for the entire project has been an on-going task for the DEA employees; however, more urgent matters such as addressing CPUC's concerns on railings and gangways, designing stormwater BMP's, and conducting the preliminary work at the Loma Alta Creek slope failure have diverted these resources.

- Close-out traffic engineering services – Grade crossings at Vista Village Drive in Vista and S. Santa Fe in the County require additional design work to address operational issues that have been identified upon entering revenue operations. These efforts also include technical support to City traffic staffs on timing adjustments and providing draft maintenance protocols for local agencies' staff.
- Other general engineering support to close out the project.

PDC's proposal provides the support of the Principal Engineer (original DMJM on-site engineering manager), two project engineers, one traffic consultant engineer, and two CAD operators/draftspersons for varying periods up to July 31, 2008, which staff believes will be sufficient to address the remaining design support issues.

ATTACHMENT: None.

FISCAL IMPACT: The fiscal impact of this action, before considering off-setting savings on closed DMJM purchase orders, is \$485,082. However, there are several existing open Purchase Orders with DMJM with a balance totaling \$100,000 which can be closed out since those services will not be obtained from DMJM. Thus the net fiscal impact to NCTD is \$385,082. This cost would be charged to the SPRINTER project under JB #709509, Environmental Analysis and Design Support during Construction. The current budget for this item is \$14,892,571, of which \$13,722,214 has been expended and \$916,378 has been encumbered, leaving an available balance of \$253,979. The remainder will be funded from the contingency account, which has a sufficient balance to cover this item.

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GOVERNANCE COMMITTEE REPORT

TITLE: PUBLIC HEARING POLICY FOR CHANGES IN SERVICE LEVELS

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

That the NCTD Board of Directors approve a new public hearing policy.

**BACKGROUND
INFORMATION:**

The Board's public hearing policy on fare changes and major service changes was last revised over ten years ago, in February 1998. Since that time, federal regulations have granted transit agencies more flexibility in the specific events that warrant public hearings and the notification process. Additionally, California Senate Bill 1703, titled "Consolidated Transportation Agency" signed by the Governor September 2002, shifts the responsibility of public hearings of the region's fare and major service changes to the San Diego Association of Governments (SANDAG).

To ensure consistency with SANDAG's regional responsibility, NCTD staff and counsel have coordinated the proposed policy with SANDAG counsel. The proposed policy retains the Board's right to hold a public hearing for minor service changes, should they desire. The Board's current policy is attached for comparison purposes.

ATTACHMENT:

7A – DRAFT North County Transit District Public Hearing Policy for Changes in Service Levels, effective 4-17-2008.

7B – North San Diego County Transit Development Board Policy on Public Comment Process for Changes in Fares and Service Levels, effective 2-19-1998

FISCAL IMPACT:

None

**COMMITTEE
REVIEW:**
2/06/08

The Committee reviewed a draft public hearing policy in February and recommended it be placed on the Consent Calendar. Through subsequent discussions with SANDAG, modifications have been made to further clarify both agencies roles and responsibilities.

STAFF CONTACT:

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GOVERNANCE COMMITTEE REPORT

TITLE: BOARD'S ADMINISTRATIVE RULES OF PROCEDURE

Time Sensitive Consent

COMMITTEE
RECOMMENDATION:

That the NCTD Board of Directors adopt the revised Administrative Rules of Procedure.

BACKGROUND
INFORMATION:

In December 2005 the Board of Directors assigned annual review of its administrative Rules of Procedure (Rules) to the Governance Committee. Staff has reviewed the current Rules and is recommending minor changes; one to the Public Hearing and one to the Ethics Training sections as follows:

Public Hearing

A Public Hearing is required for the adoption of North County Transit District's annual budget and public transportation service changes. The Hearings require a 15-day notice.

Ethics

For consistency purposes, it is recommended that the title of Audit and Compliance Officer shown in the Ethics Training section of the Rules be changed to the budgetary title of Audit and Financial Analyst.

As a reminder, all Directors are required to provide a certificate to the Audit and Financial Analyst indicating the dates they attended ethics training sessions and the entity which provided the training.

ATTACHMENT: 8A - Draft Administrative Rules of Procedure

FISCAL IMPACT: None

COMMITTEE
REVIEW:

2/06/08 Staff provided the Committee with a report on the proposed changes to the Administrative Rules of Procedure. The Committee recommended that the Board adopt the changes as a consent item.

STAFF CONTACT:

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MONITORING COMMITTEE REPORT

TITLE: EXTENSION TO COASTER WIRELESS MESH NETWORK

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

That the NCTD Board of Directors authorize the Executive Director to increase the contract with Datel Systems under RFP 6072-OS in the amount of \$600,000.

**BACKGROUND
INFORMATION:**

In 2006 NCTD issued an RFP and contract for the installation of a wireless mesh network along the coastal right-of-way. The first contract for the COASTER mesh network was authorized for \$300,000, with additional contract extensions to be issued as funds became available. The first contract authorized the installation of the wireless mesh network on ten miles of the coastal rail right-of-way, as well as nodes at all rail stations. Testing has indicated that the technology works well, and that it would be desirable to extend the network over the remaining right-of-way.

As part of the planning for new locations for nodes, NCTD and Datel Systems conducted an extensive survey along the right-of-way. Because the survey required using two high-rail trucks along the rail, the work had to be scheduled on a Sunday, and was delayed twice between January and March 2008 due to inclement weather. The survey determined the need for 53 additional wireless nodes to complete the wireless network infrastructure.

To authorize installation of the wireless mesh network over the remaining rail right-of-way, we recommend that the contract value be increased by an additional \$600,000. Of this amount, \$179,616 can be funded through the Department of Homeland Security. (To ensure the availability of the Homeland Security funds before their expiration on December 31, 2007, the Executive Director authorized an emergency increase in the wireless mesh contract amount on December 10, 2007.) An additional \$321,500 can be funded through CIP project 508002 included in the FY 2008 CIP project. The remaining \$98,884 will be requested as part of a grant application with the Department of Homeland Security. Should the grant not be funded, then this portion of the contract extension would not be executed

ATTACHMENT: None.

FISCAL IMPACT: In 2006 a RFP issued and contract awarded to DATEL Systems for installation of a wireless mess network along the coastal ROW. The network covered ten miles. DATEL identified the need for 53 additional nodes to complete the network. It will cost approximately \$600,000 to complete the network, which will be funded through various grants. There will be an incremental increase to the Operating Budget beginning in FY10 of approximately \$20,000 per year.

COMMITTEE This request would increase the authorized contract amount by \$600,000, with
REVIEW: funding allocated from capital improvement projects. There is no immediate
4/3/08 impact to the operating budget, although beginning in FY 2010 there will be an incremental cost in on-going maintenance to ensure all mesh nodes operate effectively (for example, cleaning the solar panels and testing the network interface cards). The incremental increase to the FY 2010 operating budget is estimated to be approximately \$20,000.

STAFF CONTACT: **Richard Hannasch**
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PLANNING COMMITTEE REPORT

TITLE: COMPLETION OF MASTER PLANS FOR CARLSBAD VILLAGE, ESCONDIDO, AND OCEANSIDE TRANSIT CENTERS

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the NCTD Board of Directors receive and approve the completed Concept Master Plans for Carlsbad Village, Escondido, and Oceanside Transit Centers.

BACKGROUND INFORMATION:

The Caltrans planning grant to produce Master Plans for development of the Carlsbad Village, Escondido, and Oceanside Transit Centers is complete. As presented on September 27, 2007 and January 17, 2008, the Master Plans address present and future transit needs to achieve several adopted Project Goals (Attachment 11A) and Guiding Principles for implementing the Master Plans (Attachment 11B).

Developing the Master Plans involved coordination with the cities of Carlsbad, Escondido, Oceanside and SANDAG to incorporate their input. Customer and community involvement through surveys, public workshops and responding to community questions has been a main feature of the plans. This input provided a foundation for the Master Plans' initial development. The second round of Public Workshops presented the Draft Concept Master Plans for public comment, and the comments were used to refine concepts and create alternative configurations. The second Public Workshop in Oceanside had over 50 attendees. The rider survey and public workshop comments are summarized in the Concept Master Plans (Attachment 11C).

The Concept Master Plans reflect balanced long-term direction for improved transit operations and increased ridership and operational revenue, while promoting city objectives and regional smart growth and environmental objectives. The Master Plans will undergo refinements as they progress and are implemented over time. Board approval allows NCTD to utilize the Master Plans to continue work with each city to refine and secure permit approval costs and timelines, research and position implementation opportunities, and identify interests in participating in the projects. Prohibitive structured parking costs previously presented will be a focus of this work. When feasibility can be achieved, the Board will consider whether to move one or more of the proposed projects forward.

ATTACHMENT:

- 11A - Master Plans Project Goals
11B - Guiding Principles for Master Plan Implementation
11C - CEO Concept Master Plans (provided under separate cover)

FISCAL IMPACT:

None

- COMMITTEE REVIEW:** At this meeting, the Committee received a detailed presentation on the proposed concept plan for the Oceanside Transit Center property. Staff reported that community input received on the proposal has supported a dense development in order to take full advantage of the parcel and to intensify and support other commercial and residential uses in the downtown area. With the Master Planning process now complete, the next steps would be to:
- Work with each City to refine the concepts and secure the permitting process.
 - Search for commercial interest by private developers.
 - Define funding opportunities.
 - When financially feasible, develop an RFQ/RFP process for developers for one or more of the sites.

The Committee recommended that the full Board review and approve the proposed conceptual master plan for Oceanside Transit Center, as well as those for Carlsbad Village Station and Escondido Transit Center.

STAFF CONTACT: **Pete Aadland**
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STAFF REPORT
TO THE BOARD

Agenda Item #
12

TITLE: FOLLOW-UP FROM APRIL 10, 2008 WORKING SESSION OF THE BOARD OF DIRECTORS

Time Sensitive Consent

RECOMMENDATION:

That the NCTD Board of Directors:

- 1. Assign the Governance Committee responsibility for recommending changes, if considered necessary, to NCTD’s Mission and Vision Statements,**
- 2. Appoint an Ad Hoc Committee for the purpose of developing a legislative strategy to address state funding for public transit, and**
- 3. Adopt a Board Charter .**

BACKGROUND INFORMATION:

On April 10, 2008 the NCTD Board of Directors conducted a workshop to continue discussions regarding the development of a clear and specific strategic focus for NCTD and to establish a direction for the next five years. Building upon work completed at the November 8, 2007 Board Workshop, the Board reviewed NCTD’s Mission and Vision statements, discussed topics of interest, defined Board Outcomes and developed a Board Charter. There were three recommendations developed at the Workshop. The recommended actions are:

- Assign the Governance Committee responsibility for recommending changes, if considered necessary, to NCTD’s Mission and Vision Statements which would then be considered for adoption by the Board at a subsequent meeting.
- Appoint an Ad Hoc Committee for the purpose of developing a legislative strategy by June 2008 to address state funding for public transit. Proposed composition of the Ad Hoc Committee is to include Board Members Julianne Nygaard, David Druker, Bill Horn and Chris Orlando.
- Adopt the Board Charter, including Board outcomes, that were developed at the April 10, 2008 Workshop and inform each jurisdiction’s governing body about the Charter. The desired outcomes as defined at the Workshop are:
 - To create and maintain coalitions that enhance our clout with the state legislature, and
 - Cause state legislature to put a firewall around revenues designated for public transit funds to ensure they are used for their designated purpose by July 1, 2009 budget.

The Board Charter developed on November 8, 2007 and April 10, 2008 is attached.

ATTACHMENT: 12A - Board of Directors Charter

FISCAL IMPACT: None

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April 17, 2008

TO: North County Transit District Board Members
FROM: Clerk of the Board
SUBJECT: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, As Amended, the following information is provided.

The Agenda for this meeting of the Board was posted as follows:

Meeting Date and Time:	April 17, 2008; 1:15 p.m.
Posted At:	810 Mission Avenue, Oceanside, CA
Date & Time of Posting:	April 11, 2008; 5:00 p.m.
Posted By:	Clerk of the Board

TO: North County Transit District Board Members
FROM: Ed Gallo, Chairman
SUBJECT: RULES FOR PUBLIC SPEAKERS AT MEETINGS OF THE NORTH COUNTY TRANSIT DISTRICT

Per Board policy, all public communications at meetings of the North County Transit District shall be made and received in accordance with the following procedures:

I. COMMENTS ON ITEMS NOT ON AGENDA

- A. Total time limit all speakers:
Beginning of Meeting: Fifteen (15) minutes
End of Meeting: No time limit.
- B. Time limit per speaker per meeting: Three (3) minutes, with no donation of time allowed
- C. Priority: First come first served. All Speaker Slips will be numbered as the Clerk of the Board receives them. Those not allowed to speak at the beginning of the meeting due to limit stated above, will be called at the end of the meeting.
- D. Order on agenda: Items will be heard at the beginning of the meeting and if the time limit stated in paragraph A is exhausted, those who filled out a speaker slip and have not yet spoken, will be given an opportunity to speak at the end of the meeting under "*Remaining Public Communications*".

Comments not addressing items on the agenda are out of order.

II. TIME LIMITS FOR ADDRESSING MATTERS ON THE AGENDA

- A. Total time limit: None.
- B. Time limit per speaker: Three (3) minutes, with one donation of three minutes, for a maximum of six minutes
- C. These rules apply to both public hearing and non-public hearing items listed on the agenda.

Comments made not germane to the subject matter of the agenda are out of order.

III. CUTOFF FOR TURNING IN SPEAKER SLIPS

Speakers wishing to speak to an item on the Board Agenda must submit a speaker slip to the Clerk of the Board before that agenda item is called. Speaker slips will be available at the meeting.

Speakers turning in slips after discussion begins on an item will be heard at the end of the meeting under "*Remaining Public Communications*".

IV. MODIFICATION OF RULES BY CHAIR

The Board Chair may, in his or her absolute discretion, relax the requirements of these rules. However, a decision of the Chair to do so in one instance shall not be deemed a waiver of the rules as to any other instance or matter.