

CALL TO ORDER

Chairman Bob Campbell called the meeting to order at 1:00 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Carl Hilliard (City of Del Mar); Jerome Stocks (City of Encinitas); Sam Abed (City of Escondido); Rocky Chavez (City of Oceanside); Bob Campbell (City of Vista); Bill Horn (County of San Diego). Dave Roberts (City of Solana Beach) participated via conference phone.

Chris Orlando (City of San Marcos) arrived at 1:10 pm.

CLOSED SESSION

The Board went into Closed Session at 1:01 p.m. to discuss items i, ii, iii, and iv.

- i. Closed Session Pursuant to Government Code Section 54956.9(b) - Anticipated Litigation – Two Potential Cases
- ii. Closed Session Pursuant to Government Code Section 54957 – Conference with Executive Director Concerning Security Issue
- iii. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators. Agency Designated Representative: Matthew Tucker
Employee Organization: Teamsters Local 542 Unrepresented Employees: All
- iv. Closed Session Pursuant to Government Code Section 54956.95 - Public Employee Performance Evaluation (Executive Director) and Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators, Non-represented Employee, Executive Director

The Board returned from Closed Session at 1:50 p.m. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss items i, ii, iii and iv. Mr. Cowett made the following announcement in regard to item i, the execution of a settlement agreement with West Coast Rail Constructors with respect to the SPRINTER mainline construction contract: "The Board's previously approved settlement terms related to the SPRINTER Mainline Project were memorialized in the SPRINTER Mainline Project Settlement Agreement Number 2, fully executed on June 19, 2009. Settlement Agreement Number 2 settles all disputes related to the SPRINTER Mainline Project in an amount equal to \$7,384,378, plus payment of \$3.3 million for constructive acceleration compensation which was previously authorized under Settlement Agreement Number 1, with the exception of the Owner Controlled Insurance Program closeout, which will proceed in accordance with the project contract documents. The settlement agreement also preserves NCTD rights against WCRC related to third party actions, warranties, and latent construction defects. This results in a total contract value of \$238,985,000, which keeps the total cost of the project under the federally approved budget."

Mr. Cowett added that there was nothing to report on items ii, iii and iv.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Carl Hilliard (City of Del Mar); Jerome Stocks (City of Encinitas); Sam Abed (City of Escondido); Rocky Chavez (City of Oceanside); Chris Orlando (City of San Marcos); Dave Roberts (City of Solana Beach) participated via conference call; Bob Campbell (City of Vista); Bill Horn (County of San Diego).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Chris Orlando led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None

PUBLIC COMMUNICATIONS

None

APPROVAL OF MINUTES

MOTION BY BILL HORN TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 18, SECONDED BY JEROME STOCKS. ABSTAIN: ORLANDO. MOTION CARRIED.

CONSENT ITEMS

1. Oracle JD Edwards EnterpriseOne Support Contracts
2. Bridge Replacement Program-Change Order to HDR Engineering
3. Execute Five-Year Extension with TransitAmerica for COASTER Services
4. Increase Best, Best, and Krieger Contract with NCTD-Added Scope
5. Federal Transit Security Grant Program Application and Resolution
6. Agreement with City of Encinitas for Sheriff Support
7. Ordinance Prohibiting Alcohol After 9:00 PM on COASTER Trains

MOTION BY BILL HORN TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5, 6 AND 7, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

8. Issue Request for Proposals for Bus Transportation and Maintenance Services

Mr. Duane Horka, Vista, CA spoke on his role as a driver.

Ms. Lynda Badeaux, Oceanside, CA, spoke on her concerns regarding outsourcing.

Mr. Kenneth Jones, Oceanside, CA, spoke on his concerns regarding outsourcing.

Ms. Elisa Jones, Oceanside, CA, spoke on her role as a driver and her concerns regarding outsourcing.

Ms. Sharon Bourbeau, Oceanside, CA, spoke on her career at NCTD and her concerns regarding outsourcing.

Mr. Jaime Vasquez, San Diego, CA, stated that he was the Secretary/Treasurer of Teamsters Local 542 and the Principal Officer, and that on behalf of the Local Teamsters; they have done what was in their power to help NCTD receive funds that were lost through the State. He invited the Board to work with the Union to continue with these efforts.

Ms. Charlotte Owen, Oceanside, CA, spoke on her concerns regarding outsourcing.

Richard Hannasch, Director of Administration and Finance, provided an update on the California Transit Association lawsuit and sales tax revenue.

Mr. Bob Kuo (Robert Kuo Consulting) and Ms. Cyndy Pollan (Booz-Allen Hamilton) reviewed the findings of the Service Delivery Assessment.

Julie Austin, Director of Policy and Strategic Planning, presented the staff analysis and recommendation to authorize the Executive Director to issue a Request for Proposals for Bus Operations and Maintenance Services.

ROCKY CHAVEZ LEFT AT 3:35 PM.

MOTION BY JEROME STOCKS TO APPROVE AGENDA ITEM 8, SECONDED BY SAM ABED.
ROLL CALL VOTE: AYES: PACKARD, HILLIARD, STOCKS, ABED, ORLANDO, ROBERTS,
CAMPBELL, HORN. ABSENT: CHAVEZ. MOTION CARRIED.

9. Approve LOSSAN Project Priorities for Funding

MOTION BY BILL HORN TO APPROVE AGENDA ITEM 9, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

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

Julianne Nygaard provided a report on the July 1, 2009 LOSSAN Board of Directors meeting.

- **EXECUTIVE DIRECTOR'S REPORT**

No report.

- **REMAINING PUBLIC COMMUNICATIONS**

Ms. D. Smith, Oceanside, CA spoke on her concerns regarding public/private transportation options.

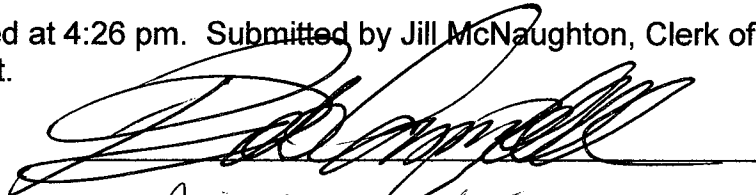
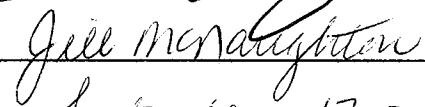
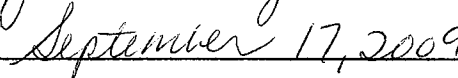
- **ADJOURNMENT**

The meeting adjourned at 4:26 pm. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/967-2808. Persons with hearing impairment, please use the California Relay Service (CRS): 800/735-2929 TTY; 800/735-2922 voice; 800/855-3000 Spanish. CRS Customer Service: 800/735-0373 or 800-735-0193 TTY.