

CALL TO ORDER

Chairman Ed Gallo called the meeting to order at 1:30 p.m.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); David Druker (City of Del Mar); Jerome Stocks (City of Encinitas); Jim Wood (City of Oceanside); Chris Orlando (City of San Marcos); Dave Roberts (City of Solana Beach); Judy Ritter (Alternate, City of Vista); Bill Horn (County of San Diego).

CLOSED SESSION

The Board went into Closed Session at 1:32 p.m. to discuss:

- i) Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – William Wardrop v. NCTD; Superior Court Case No. GIN 049827 – *Paula de Sousa, General Counsel, stated this item would not be discussed.*
- ii) Closed Session Pursuant to Government Code Section 54956.9 (b) – Conference with Legal Counsel – Anticipated Litigation – One Potential Case
- iii) Closed Session Pursuant To Government Code Section 54957 Re: Personnel Matter – Public Employee Performance Evaluation; And Conference with Labor Negotiators Regarding Unrepresented Employee (Section 54957.6) Title: Executive Director

The Board returned from Closed Session at 2:00 p.m. Paula de Sousa stated that the Board met in Closed Session, discussed item ii and had nothing to report. She stated that the Board would be continuing item iii in Open Session for consideration of: an amendment to the Executive Director's contract to increase the salary by 6% from \$183,645 to \$194,664; modifying the benefits to include a contribution not-to-exceed \$10,000, matching the Executive Director's contribution to her retirement plan; and a contribution of \$10,000 to the Executive Director's retirement plan, which does not require a matching contribution.

MOTION BY JULIE NYGAARD TO APPROVE ITEM iii, SECONDED BY BILL HORN.

MOTION BY CHRIS ORLANDO TO AMEND THE MOTION, TO MAKE THE INCREASE CONTINGENT UPON APPROVING THE BUDGET ITEM, MEANING THAT IF THE BUDGET WASN'T PASSED, THIS ITEM WOULD BE PENDING THE APPROVAL OF AN AMENDED BUDGET, SECONDED BY JIM WOOD.

Ed Gallo clarified that this was an amendment to the main motion and that the Board would vote on the amendment first. The vote was 5-3, and the amendment passed.  
No's: NYGAARD, HORN, GALLO.

Paula de Sousa stated that the Board would now be voting to approve Ms. King's contract contingent on approval of Agenda Item 7, the FY 2008 Budget Amendment.

Ed Gallo called for the vote. The vote was unanimous as amended.

Paula de Sousa stated that the action that was taken was that the item is approved contingent on separate approval of Agenda Item 7.

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**PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Judy Ritter led the Board, staff and the public in the Pledge of Allegiance to the American Flag.

**CHANGES TO THE AGENDA**

Jerome Stocks requested Agenda Item 7 be heard right after the Consent Calendar.

**PRESENTATION OF COMMENDATIONS**

Presentation of August 2007 Employees of the Month Commendations

Brian Graham, Director of Bus Operations and Maintenance, recognized Mr. Earnest S. Patterson, General Services Worker, and Mr. Gerald S. Edds, Coach Operator, as the August 2007 Employees of the Month, with the Board's congratulations.

**PUBLIC COMMUNICATIONS**

Mr. Fred Troost, Oceanside, CA spoke on his concerns regarding some Coach Operators on Routes 356 and 302.

**APPROVAL OF MINUTES**

MOTION BY DAVE ROBERTS TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 16, 2007, SECONDED BY JULIANNE NYGAARD. MOTION CARRIED UNANIMOUSLY.

**CONSENT ITEMS**

1. KTU+A On-Call Contract 0410-OS to MTS
2. Replenish Executive Director's Change Order Authority Pool for SPRINTER Construction Contracts

3. Legal Services Provider Panel Contract
4. State Transportation Improvement Program Funds for the Signal and Communication System Upgrade Project
5. San Luis Rey Transit Center Funding

MOTION BY JEROME STOCKS TO APPROVE AGENDA ITEMS 1, 2, 3, 4 AND 5, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

### **OTHER BUSINESS**

7. FY 2008 Budget Amendment

Richard Hannasch, Director of Fiscal and Support Services, reviewed the budget amendment.

MOTION BY BILL HORN TO APPROVE ITEM 7, SECONDED BY JEROME STOCKS.

Karen King stated that the California Transit Association filed a lawsuit against the state because the analysis that was commissioned earlier in the year, when things were looking more bleak, strongly indicated that perhaps not the entire \$1.3 billion that was diverted away from transit, but the majority of that funding, was done illegally. She said that the basis of the lawsuit is to say that the voters and other parts of the law specifically protected those revenues for mass transit uses, they are now being diverted to fund purposes that are not mass transit, and the greatest concern is that while the immediate year is of concern, those changes have been, as a result of trailer bills and other things, made permanent going into the future so it would reduce the funds available for public transit purposes permanently.

Chris Orlando asked if staff looked at budget cuts that might be made to accommodate the shortfall.

Mr. Hannasch stated that the SPRINTER operation adds \$10.8 million to the budget, and staff cut \$1 million from the non-SPRINTER costs, which was a decrease of approximately 1.7%. He added that the only way you can cut large dollars would be through service cuts, and when you are starting up a new mode of transportation you would prefer to avoid that.

Jim Wood expressed his concerns regarding the future for potential revenues.

Dave Druker stated that the SANDAG Transportation Committee discussed this item on September 7, 2007 and stated that the bigger problem is if we start cutting service and increase fares, it's a death spiral, and that we have to have a concerted effort to go to Sacramento and get our Legislature and the Governor to understand that this is important, especially with AB32.

Julianne Nygaard asked if there was any value in the Board writing a letter to the Governor.

Ed Gallo responded that NCTD wrote a letter and sent it to the Governor.

Jim Wood stated that the next letter from the NCTD Board should have all Board members signatures.

MOTION CARRIED UNANIMOUSLY.

6. Mobile Command Vehicle

Dave Papworth, Chief/Transit Enforcement Officer, reviewed the vehicle features.

Bill Horn questioned who was paying for this vehicle and why the vehicle was needed.

Mr. Papworth responded that it was being paid for by a Department of Homeland Security grant project under the FY 05 budget. He said that this is part of the inter-operable communications goal for federal and state agencies and NCTD felt it was important to have the ability to have inter-operable communications in the field in the event there is a disaster or incident where we need unified command with fire or law enforcement, and this would give us the ability to unify with the field incident command.

Dave Roberts questioned the expected life of the vehicle, how it would be marked on the outside, residual costs, insurance, and projected costs.

Mr. Papworth stated that the expected life is probably 10-15 years and the decision has not yet been made regarding how it will look.

Brian Graham stated that the maintenance cost will be minimal and that it would be garaged at the Fleet Maintenance Facility in the West Division.

MOTION BY JIM WOOD TO APPROVE AGENDA ITEM 7, SECONDED BY DAVE ROBERTS.  
MOTION CARRIED UNANIMOUSLY.

8. Local Multi-Hazard Mitigation Plan

Kristin Thomas, Environmental Project Planner, reviewed the contents of the plan.

Ed Gallo asked what the grant money would be used for.

Ms. Thomas responded that it's used for pre-disaster mitigation, such as drainage and bridges, and that each project is eligible for \$3 million.

MOTION BY JEROME STOCKS TO APPROVE AGENDA ITEM 8, SECONDED BY JULIANNE NYGAARD. MOTION CARRIED UNANIMOUSLY.

9. Board of Directors Planning Workshop

Karen King stated that the Governance Committee discussed a variety of ways the Board might improve their functioning, and as a result of that discussion, the Committee is recommending the Board hold a Workshop on November 8, 2007, to bring in a facilitator to review strategic issues that are relevant to NCTD at this time, and to scope out some actions as to how the Board might want to pursue addressing those in the future.

MOTION BY DAVE ROBERTS TO HOLD THE WORKSHOP ON NOVEMBER 8, 2007 AT 11:00 AM AND THAT THE GOVERNANCE COMMITTEE WILL COORDINATE WITH THE EXECUTIVE DIRECTOR ON ALL THE DETAILS, SECONDED BY DAVE DRUKER. MOTION CARRIED UNANIMOUSLY.

BILL HORN LEFT AT 3:05 PM.

10. SANDAG 5-1-1 Presentation

Mr. Thomas Bruccoleri, SANDAG 5-1-1 Program Manager, provided an update on the 5-1-1 services and reviewed goals, usage, new features and the strategic vision plan.

Ed Gallo asked if they are tracking complaints.

Mr. Bruccoleri responded that they are tracking complaints and that the complaints they get are around personalized services and the interactive voice response system.

No action required.

11. Monthly SPRINTER Update

Don Bullock, Manager of Capital Construction, stated that NCTD enacted the centralized train control system from the Vehicle Maintenance Facility. He stated that another significant milestone is that we have opened up a western section through the Loop, which includes all five bridges and the loop section all the way through western San Marcos, and the trains are being used to test the signal system. Mr. Bullock said that the final element to get operational, is that we have to submit a Safety Certification document to the CPUC, which is a comprehensive document that entails over 5,000 different elements that are certified in construction, design and testing.

No action required.

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

Pete Aadland, Director of Communications and Business Development, reviewed the SANDAG agenda.

No action required.

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

No reports.

- **EXECUTIVE DIRECTOR'S REPORT**

Karen King informed the Board that: NCTD now owns the property for the San Luis Rey Transit Center; and we have 12 replacement buses being delivered the end of October. She reminded the Board about the Real Estate Workshop on September 27, 2007.

- **REMAINING PUBLIC COMMUNICATIONS**

None

- **ADJOURNMENT**

The meeting adjourned at 3:40 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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