

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON FEBRUARY 8, 2007, AT 9:00 A.M.

Members present:

Janice Hahn, City of Los Angeles  
Bonnie Lowenthal, City of Long Beach  
Don R. Knabe, Los Angeles County  
Metropolitan Transportation Authority  
James C. Hankla, Port of Long Beach  
Geraldine Knatz, Port of Los Angeles

Members absent:

Richard D. Steinke, Port of Long Beach  
Douglas Krause, Port of Los Angeles

Also present:

John T. Doherty, ACTA, Chief Executive Officer  
James P. Preusch, ACTA, Chief Financial Officer  
Art Goodwin, ACTA, Director of Planning  
Carl Wolf, ACTA, Internal Auditor  
Charles Gale, ACTA, Co-General Counsel  
Thomas A. Russell, ACTA, Co-General Counsel  
Heather Burns, ACTA, Co-General Counsel

CHAIRPERSON HAHN PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Mr. Doherty stated that the minutes of the regular meeting of January 11, 2007, were amended to read that Item No. 12 had been tabled regarding Balfour Beatty Rail, Inc., Maintenance of Way Agreement.

Ms. Lowenthal moved, seconded by Mr. Knabe and unanimously carried, the minutes of the regular meeting of January 11, 2007, as amended, were declared read and approved as read.

CONSENT CALENDAR - ITEMS NOS. 1-4.

1. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED DECEMBER 31, 2006 – RECEIVED AND FILED.

Communication from James Preusch, Chief Financial Officer, dated February 8,

2007, recommending that the monthly financial reports for the period ended December 31, 2006, be received and filed, was presented to the Governing Board.

2. VASQUEZ & COMPANY, LLP – AMENDMENT TO CONTRACT NO. CO754 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 8, 2007, recommending authorization for the Chief Executive Officer to execute an Amendment to Contract No. CO754 with Vasquez & Company, LLP, for audit support services in the not-to-exceed amount of \$100,000, was presented to the Governing Board.

3. MAYER, HOFFMAN, AND McCANN – AMENDMENT TO CONTRACT NO. CO762 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 8, 2007, recommending authorization for the Chief Executive Officer to execute an Amendment to Contract No. CO762 with Mayer, Hoffman, and McCann, for audit support services in the not-to-exceed amount of \$50,000, was presented to the Governing Board.

4. MARIA MELENDRES – AMENDMENT TO PURCHASE ORDER NO. PO099 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 8, 2007, recommending authorization for the Chief Executive Officer to execute an Amendment to Purchase Order No. PO099 for website management services provided by Maria Melendres through June 30, 2007, in the amount of \$6,650, was presented to the Governing Board.

Mr. Hankla moved, seconded by Ms. Lowenthal, that the communications be received and filed and that Items Nos. 1-4 be approved as recommended. Carried by the following vote:

AYES: Members: Knatz, Hankla, Knabe, Lowenthal, Hahn  
NOES: None  
ABSENT: Krause, Steinke

5. QUATEMAN, LLP – AMENDMENT TO AGREEMENT NO. 747 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 8, 2007, recommending authorization for the Chief Executive Officer to issue an Amendment to Agreement No. 747 with Quateman, LLP, for legal services in the not-to-exceed additional amount of \$200,000, was presented to the Governing Board.

Ms. Knatz moved, seconded by Ms. Lowenthal, that the communication be

received and filed and that the Chief Executive Officer be authorized to issue an Amendment to Agreement No. 747 with Quatemen, LLP, for legal services in the not-to-exceed additional amount of \$200,000. Carried by the following vote:

AYES: Members: Knatz,Hankla,Knabe,Lowenthal,Hahn  
NOES: None  
ABSENT: Krause,Steinke

6. EXISTING LEGAL SERVICE AGREEMENTS – APPROVED IN CONCEPT.

Communication from John T. Doherty, Chief Executive Officer, dated February 8, 2007, recommending approval to extend ten existing legal service agreements for an additional year beginning July 1, 2007, for not-to-exceed amounts that will be brought to the Governing Board for approval in June 2007 as part of the annual budget process, was presented to the Governing Board.

Mr. Hankla moved, seconded by Ms. Knatz, that the communication be received and filed and that ten existing legal service agreements be approved in concept for an additional year beginning July 1, 2007, for not-to-exceed amounts that will be brought to the Governing Board for approval in June 2007 as part of the annual budget process. Carried by the following vote:

AYES: Members: Knatz,Hankla,Knabe,Lowenthal,Hahn  
NOES: None  
ABSENT: Krause,Steinke

7. PERFORMANCE UPDATE – INFORMATION ITEM.

Mr. Doherty gave an update on the annual performance comparison.

8. LEGISLATIVE UPDATE – INFORMATION ITEM.

Mr. Norm Emerson gave a legislative update.

9. PUBLIC COMMENT

There was no one present to address the Governing Board.

10. CLOSED SESSION

At 10:02 a.m., Chairperson Hahn recessed the Governing Board meeting to hold a closed session:

(a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9 – ACTA v. Kinder Morgan and ACTA v. Action

Metals.

At 10:08 a.m., the meeting was again called to order by Chairperson Hahn.

Mr. Thomas Russell, ACTA Co-General Counsel, reported that during closed session, the Governing Board authorized settlement of the ACTA v. Kinder Morgan case in the amount of \$295,000, and authorized settlement for waiver of costs in the ACTA v. Action Metals case.

ADJOURNMENT

At 10:10 a.m., the meeting was adjourned sine die.