

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 MARCH 10, 2011, AT 9:00 A.M.

Members present:

Gary DeLong, City of Long Beach
Don R. Knabe, Los Angeles County
Metropolitan Transportation Authority
Susan E. Anderson Wise, Port of Long Beach
Richard D. Steinke, Port of Long Beach
Robin Kramer, Port of Los Angeles
Mike Christensen, Port of Los Angeles

Members absent:

Janice Hahn, City of Los Angeles

Also present:

John T. Doherty, ACTA, Chief Executive Officer
James P. Preusch, ACTA, Chief Financial Officer
Charles Gale, ACTA, Co-General Counsel
Heather McCloskey, ACTA, Co-General Counsel

VICE CHAIR DeLONG PRESIDED.

Vice Chair DeLong recommended going through the consent items first, followed by the closed session.

CONSENT CALENDAR - ITEMS NOS. 2-6.

2. MINUTES – JANUARY 13, 2011, REGULAR MEETING – APPROVED.

Minutes of the January 13, 2011, regular meeting of the Governing Board of the Alameda Corridor Transportation Authority were presented to the Governing Board for approval.

3. QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING DECEMBER 31, 2010 – RECEIVED AND FILED.

Communication from James Preusch, Chief Financial Officer, dated March 10, 2011, recommending that the Quarterly Investment Report for the period ending December 31, 2010, be received and filed, was presented to the Governing Board.

4. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED JANUARY 31, 2011 – RECEIVED AND FILED.

Communication from James Preusch, Chief Financial Officer, dated March 10, 2011, recommending that the monthly financial reports for the period ended January 31, 2011, be received and filed, was presented to the Governing Board.

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

Communication from James P. Preusch, Chief Financial Officer, dated March 10, 2011, recommending authorization for the Chief Executive Officer or Chief Financial Officer to:

(a) Execute an Amendment to Contract No. CO754 with Vasquez & Company, LLP, for a two-year extension for audit support services through FY13, increasing the not-to-exceed contract amount by \$120,000, and

(b) Amend the FY11 Program Budget to incorporate this sum so that FY12 audit activities can begin immediately in FY11, was presented to the Governing Board.

6. SR-47 CONSTRUCTION COOPERATIVE AGREEMENT WITH CALTRANS – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated March 10, 2011, recommending authorization for the Chief Executive Officer or Chief Financial Officer to execute a Construction Cooperative Agreement with Caltrans for the SR-47 Project pursuant to existing Caltrans District Cooperative Agreement No. 07-4872, executed July 16, 2009, was presented to the Governing Board.

Board Member Wise motioned, seconded by Board Member Steinke, that the communications be received and filed and that Items Nos. 2-6 be approved as recommended. Carried by the following vote:

AYES: Members: Kramer, Christensen, Wise, Steinke, DeLong
NOES: None
ABSENT: Knabe, Hahn

At 9:08 a.m., Board Member Knabe arrived at the meeting.

1. CLOSED SESSION

At 9:10 a.m., Vice Chair DeLong recessed the Governing Board meeting to hold a conference with legal counsel pursuant to Government Code Section 54956.9, Subdivision (a) (two cases), regarding existing litigation, and Government Code Section 54956.9, Subdivision (b) (one potential case), regarding anticipated litigation.

At 10:12 a.m., Board Member Knabe left the meeting during the closed session.

At 10:50 a.m., the meeting was again called to order by Vice Chair DeLong.

Mr. Charles Gale, Co-General Counsel to ACTA, announced that on the second matter during closed session, EPA 311 Order, there was a vote taken by the Board on certain actions. He stated Mr. John Doherty, ACTA CEO, would summarize those actions.

Mr. Doherty stated there were two actions taken by the Board:

1) Appropriate \$2 million to the EPA Order Response Fund, Project R10, for costs associated with the EPA 311 Order related to the Dominguez Channel mystery oil release and encroachment into the ACTA track-drain system, which shall be comprised of \$500,000 in ACTA unrestricted funds and \$1,500,000 of port-furnished advance funds.

2) Authorize temporary draw-downs from ACTA unrestricted funds, as may be necessary, to support vendor commitments/payments while awaiting the deposit of some or all of the \$1,500,000 port-furnished funds. The restricted funds will then be replenished.

3) Authorize the execution of a cost allocation agreement amongst ACTA and the Ports.

7. FISCAL YEAR 2012 BUDGET PROCESS AND SCHEDULE – INFORMATION ITEM.

Communication from James Preusch, Chief Financial Officer, dated March 10, 2011, regarding the FY12 budget process and schedule, was presented to the Governing Board for information only.

Vice Chair DeLong recommended ACTA staff inquires what the level of interest is from the Governing Board in conducting a Budget Workshop.

8. RAILROAD REHABILITATION AND IMPROVEMENT FUND (RRIF) LOAN UPDATE – INFORMATION ITEM.

Communication from James P. Preusch, Chief Financial Officer, dated March 10, 2011, regarding the Railroad Rehabilitation and Improvement Fund (RRIF) Program, was presented to the Governing Board for information only.

9. SR-47 AND RAIL BRIDGE UPDATE – INFORMATION ITEM – LAID OVER.

10. ACTA JANUARY PERFORMANCE UPDATE – INFORMATION ITEM – LAID OVER.

11. LEGISLATIVE UPDATE – INFORMATION ITEM – LAID OVER.

Due to time constraints, Items Nos. 9-11 were laid over to the next Governing Board meeting.

12. PUBLIC COMMENT.

There was no one present to address the Governing Board.

ADJOURNMENT

At 10:55 a.m., the meeting was adjourned sine die.