

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 9, 2006, AT 8:30 A.M.

Members present:

Janice Hahn, City of Los Angeles
Don R. Knabe, Los Angeles County
Metropolitan Transportation Authority
James C. Hankla, Port of Long Beach
Richard D. Steinke, Port of Long Beach
Douglas Krause, Port of Los Angeles
Geraldine Knatz, Port of Los Angeles

Members absent:

Frank Colonna, City of Long Beach

Also present:

John T. Doherty, ACTA, Chief Executive Officer
James P. Preusch, ACTA, Chief Financial Officer
Carl R. Wolf, ACTA, Auditor
Charles Gale, ACTA, Co-General Counsel
Thomas A. Russell, ACTA, Co-General Counsel

VICE CHAIRPERSON HAHN PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Mr. Knabe moved, seconded by Mr. Steinke and unanimously carried, the minutes of the regular meeting of January 12, 2006, were declared read and approved as read.

PRESENTATION TO CARL WOLF

Mr. Doherty presented a retirement plaque to Mr. Carl Wolf, ACTA Auditor. Mr. Doherty stated that Mr. Wolf had been with ACTA since July 1999.

Mr. Wolf thanked the ACTA Governing Board and ACTA Audit Committee.

CONSENT CALENDAR - ITEMS NOS. 1-5.

1. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED DECEMBER 31, 2005 – RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated February 3, 2006, recommending that the monthly financial reports for the period ended December 31, 2005, 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 3, 2006, recommending authorization for the Chief Executive Officer to execute Amendment No. 1 to Contract No. CO754 with Vasquez & Company, LLP, increasing the not-to-exceed amount from \$100,000 to \$200,000, for audit support services, was presented to the Governing Board.

3. ACTA, LOS ANGELES DEPARTMENT OF WATER AND POWER, AND AMTRAK – AGREEMENT FOR DWP POWER LINE – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 3, 2006, recommending authorization for the Chief Executive Officer to execute an agreement(s) between and among ACTA, the Los Angeles Department of Water and Power (DWP), and Amtrak for a DWP power line at the North End of the Corridor, was presented to the Governing Board.

4. JONES, DAY LAW FIRM – FIRST AMENDMENT TO AGREEMENT NO. 740 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 3, 2006, recommending authorization for the Chief Executive Officer to execute a First Amendment to Agreement No. 740 with the law firm of Jones, Day increasing the compensation from \$500,000 to \$850,000 for FY06, was presented to the Governing Board.

5. ESTABLISHMENT OF A PANEL OF LAW FIRMS FOR POSSIBLE ENGAGEMENT AGREEMENTS – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 2, 2006, recommending authorization for the Chief Executive Officer to establish a panel of law firms for possible engagement agreements on a contingency basis and to include the law firm of Pearson, Soter, Warshaw & Penny, LLP on the panel, was presented to the Governing Board.

Mr. Knabe moved, seconded by Mr. Krause, that the communications be received and filed and that Items Nos. 1-5 be approved as recommended. Carried by the following vote:

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

6. ACTA, FAST LANE TRANSPORTATION AND THE PORT OF LOS ANGELES – THREE-PARTY RIGHT-OF-ENTRY PERMIT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 2, 2006, recommending authorization for the Chief Executive Officer to execute a three-party right-of-entry permit between and among ACTA, Fast Lane Transportation, and the Port of Los Angeles for empty container storage on approximately four acres of land in East Wilmington near the intersection of Farragut and I Streets, was presented to the Governing Board.

Mr. Knabe moved, seconded by Ms. Knatz, that the communication be received and filed and that the Chief Executive Officer be authorized to execute a three-party right-of-entry permit between and among ACTA, Fast Lane Transportation, and the Port of Los Angeles for empty container storage on approximately four acres of land in East Wilmington near the intersection of Farragut and I Streets. Carried by the following vote:

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

7. RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE PERMITS WITH VARIOUS UTILITY OWNERS FOR OCCUPANCY OF THE SOUTH END UTILITY CORRIDOR – ADOPTED.

Communication from John T. Doherty, Chief Executive Officer, dated February 3, 2006, recommending adoption of a resolution authorizing the Chief Executive Officer to execute permits with various utility owners for occupancy of the South End Utility Corridor, was presented to the Governing Board.

Ms. Knatz moved, seconded by Mr. Steinke, that the communication be received and filed and that a resolution authorizing the Chief Executive Officer to execute permits with various utility owners for occupancy of the South End Utility Corridor be adopted. Carried by the following vote:

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

8. FOURTH QUARTER 2005 INVESTMENT REPORT – RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated January 31,

2006, recommending the Fourth Quarter 2005 Investment Report be received and filed, was presented to the Governing Board.

Mr. Steinke moved, seconded by Mr. Knabe, that the Fourth Quarter 2005 Investment Report be received and filed. Carried by the following vote:

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

9. DECEMBER FINANCIAL AND OPERATIONS PERFORMANCE REPORT – INFORMATION ITEM.

Mr. Doherty gave an overview of the December Financial and Operations Performance Report.

At 9:10 a.m. Mr. Hankla arrived at the meeting.

10. ACTA'S EXPANDED MISSION UPDATE – INFORMATION ITEM.

Communication from John T. Doherty, Chief Executive Officer, dated February 3, 2006, providing updated information on ACTA's Expanded Mission, was presented to the Governing Board.

Mr. Doherty stated that, due to an extensive legislative update, an overview of ACTA's Expanded Mission would not be given.

11. LEGISLATIVE UPDATE.

Mr. Norm Emerson gave a legislative update.

PUBLIC COMMENT

Ms. Karen Mayfield addressed the Governing Board on relocation matters.

CLOSED SESSION

At 9:35 a.m., Vice Chairperson Hahn recessed the Governing Board meeting to hold an attorney-client meeting pursuant to Government Code Section 54956.9, Subdivision (b), regarding anticipated litigation (three potential cases).

At 10:00 a.m., Mr. Knabe left the closed session.

At 10:30 a.m., the meeting was again called to order by Vice Chairperson Hahn.

Mr. Thomas Russell, Co-General Counsel to ACTA, announced that there were no reportable actions from the closed session.

ADJOURNMENT

At 10:32 a.m., the meeting was adjourned sine die.