

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 OCTOBER 12, 2006, AT 9:00 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
Molly Campbell, Port of Los Angeles

Members absent:

Bonnie Lowenthal, City of Long Beach

Also present:

John T. Doherty, ACTA, Chief Executive Officer
Art Goodwin, ACTA, Director of Planning
Charles Gale, ACTA, Co-General Counsel
Thomas A. Russell, ACTA, Co-General Counsel

CHAIRPERSON HAHN PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Mr. Steinke moved, seconded by Mr. Hankla and unanimously carried, the minutes of the regular meeting of July 13, 2006, were declared read and approved as read.

Mr. Doherty congratulated Mr. Steinke on receiving the 2006 Good Scout of the Year Award.

CONSENT CALENDAR - ITEMS NOS. 2-10.

1. ELECTION OF VICE-CHAIR FOR THE REMAINING FY07 TERM.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending the Governing Board elect a new Vice-chair of the ACTA Governing Board representing the City of Long Beach for the remaining FY07 term to replace previous Vice-chair, the Honorable Frank Colonna, was presented to the Governing Board.

Mr. Hankla moved, seconded by Mr. Krause, that Ms. Bonnie Lowenthal, Long Beach City Councilmember, be elected as Vice-chair of the Governing Board for the remaining FY07 term. Carried by unanimous vote.

2. MONTHLY FINANCIAL REPORTS FOR AUGUST 2006 – RECEIVED AND FILED.

Communication from James Preusch, Chief Financial Officer, dated October 12, 2006, recommending that the Monthly Financial Reports for August 2006, be received and filed, was presented to the Governing Board.

3. FY06 CLOSEOUT ADJUSTMENT CHANGE ORDERS TO AMENDED AGREEMENT NO. CO027 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending authorization for the Chief Executive Officer to execute FY06 closeout adjustment Change Orders to Amended Agreement No. CO027, in the aggregate additive amount of \$18,830, for services provided by the Alameda Corridor Engineering Team, was presented to the Governing Board.

4. ACET – AMENDMENT TO FY07 CONTRACT WORK ORDER – THIRD TRACK RAIL BRIDGE PROJECT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending authorization for the Chief Executive Officer to issue an amendment to FY07 Contract Work Order with ACET, for additional engineering studies related to the Third Track Rail Bridge Project, was presented to the Governing Board.

5. ACET – AMENDMENT TO FY07 CONTRACT WORK ORDER – SR-47 PORT ACCESS EXPRESSWAY PROJECT - APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending authorization for the Chief Executive Officer to issue an amendment to FY07 Contract Work Order with ACET, for additional work related to the SR-47 Port Access Expressway Project, was presented to the Governing Board.

6. MASS ELECTRIC CONSTRUCTION COMPANY – CHANGE ORDERS TO CONTRACT NO. CO732 FOR THE ADDITIONAL CONTROL POINTS PROJECT - APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending authorization for the Chief Executive Officer to execute Change Orders with Mass Electric Construction Company for ACTA Contract No. CO732, in the net deductive amount of \$42,840, for the Additional Control Points Project, was presented to the Governing Board.

7. RON RAKICH AND ASSOCIATES, INC. – AMENDMENT TO AGREEMENT NO. 712 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending authorization for the Chief Executive Officer to execute an amendment to Agreement No. 712 with Ron Rakich and Associates, Inc., for risk management services, extending the term through June 30, 2007, in an amount not to exceed \$50,000, was presented to the Governing Board.

8. FINANCIAL AUDIT BY KPMG – INFORMATION ITEM.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, providing the Governing Board information regarding the KPMG annual audit agreement, was presented to the Governing Board.

9. NEW INTEGRATED ACCOUNTING SOFTWARE – INFORMATION ITEM.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, providing the Governing Board information regarding the new integrated accounting software package, was presented to the Governing Board.

10. QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2006 – RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending that the Quarterly Investment Report for the quarter ending June 30, 2006, be received and filed, was presented to the Governing Board.

Mr. Knabe moved, seconded by Ms. Campbell, that the communications be received and filed and that Items Nos. 2-10 be approved as recommended. Carried by the following vote:

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

11. APPOINTMENT OF MR. SAM A. JOUMLAT - NEW ACTA TREASURER AND AUDITOR/CONTROLLER - APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending designation of Mr. Sam A. Joumlat of the Port of Long Beach as ACTA's new Treasurer and Auditor/Controller to replace Mr. Michael Slavin of the Port of Long Beach, who has retired; and extending appreciation to Mr. Michael Slavin for his exemplary service over the last four years as ACTA's Treasurer and eighteen years as its Auditor/Controller, was presented to the Governing Board.

Mr. Knabe moved, seconded by Mr. Steinke, that the communication be received and filed and that Mr. Sam A. Joumblat be appointed as ACTA's new Treasurer and Auditor/Controller. Carried by the following vote:

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

12. RESOLUTION NO. JPA 2-06 - SUPPORTING PROPOSITIONS 1A AND 1B ON THE NOVEMBER 2006 BALLOT – ADOPTED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending adoption of a resolution in support of Proposition 1A – "Transportation Funding Protection – Legislative Constitutional Amendment" and Proposition 1B – "The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006," was presented to the Governing Board.

Mr. Jeff Lustgarten from Cerrell & Associates gave an overview of Propositions 1A and 1B.

Mr. Knabe moved, seconded by Mr. Hankla, that the communication be received and filed and that the resolution in support of Propositions 1A and 1B on the November 2006 ballot be adopted. Carried by the following vote:

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

13. AMENDMENT TO AGREEMENT WITH THE PORTS OF LONG BEACH AND LOS ANGELES FOR THE ADVANCED TRANSPORTATION MANAGEMENT SYSTEM PROJECT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending authorization for the Chief Executive Officer to execute an amendment to the Agreement with the Ports of Long Beach and Los Angeles for the Advanced Transportation Management System Project for the additional not-to-exceed amount of \$583,700 in matching funds, was presented to the Governing Board.

Mr. Kerry Cartwright, Port of Long Beach Manager of Transportation Planning, gave an overview of the Advanced Transportation Management System Project.

Mr. Hankla moved, seconded by Ms. Campbell, that the communication be received and filed and that the Chief Executive Officer be authorized to execute an amendment to the Agreement with the Ports of Long Beach and Los Angeles for the Advanced Transportation Management System Project for the additional not-to-exceed amount of \$583,700 in matching funds. Carried by the following separate voice vote:

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

14. BST ASSOCIATES – CONTRACT TO UPDATE NATIONAL BENEFITS OF TRADE DATA THROUGH THE PORTS OF LOS ANGELES AND LONG BEACH – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated October 12, 2006, recommending authorization for the Chief Executive Officer to execute a contract with BST Associates to update the national benefits of trade data through the Ports of Los Angeles and Long Beach, in the not-to-exceed amount of \$170,000, and authorization for the Chief Executive Officer to execute a three-party agreement among ACTA and each of the Ports that provides a one-third cost share each to fund the contract with BST Associates, was presented to the Governing Board.

Mr. Steinke moved, seconded by Mr. Krause, that the communication be received and filed and that the Chief Executive Officer be authorized to execute a contract with BST Associates to update the national benefits of trade data through the Ports of Los Angeles and Long Beach, in the not-to-exceed amount of \$170,000, and that the Chief Executive Officer be authorized to execute a three-party agreement among ACTA and each of the Ports that provides a one-third cost share each to fund the contract with BST Associates. Carried by the following vote:

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

15. LEGISLATIVE UPDATE – INFORMATION ITEM.

Mr. Doherty gave a legislative update.

16. AUGUST PERFORMANCE REPORT – INFORMATION ITEM.

Mr. Doherty gave an overview of the August Performance Report.

At 10:05 a.m., Mr. Knabe left the meeting.

17. PUBLIC COMMENT.

There was no one present to address the Board.

18. CLOSED SESSION

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

closed session:

(a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the California Government Code (three potential cases).

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

(c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Section 54956.8 – Parcel NE-034.

(d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Section 54957

At 10:40 a.m., the meeting was again called to order by Chairperson Hahn.

There were no reportable actions from the closed session.

ADJOURNMENT

At 10:41 a.m., the meeting was adjourned sine die.