

Orange County Transportation Authority Board Meeting Orange County Transportation Authority Headquarters First Floor - Room 154, 600 South Main Street, Orange, California *Monday, October 25, 2010, at 9:00 a.m.* 

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

# **Agenda Descriptions**

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

# **Public Comments on Agenda Items**

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker Card's and submitting it to the Clerk of the Board. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

# **Public Availability of Agenda Materials**

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

# Call to Order

# Invocation

Director Glaab

# Pledge of Allegiance

**Director Buffa** 



# **Special Matters**

1. Presentation of Resolutions of Appreciation for Employees of the Month for October 2010

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2010-128, 2010-129, 2010-130 to Eda Scherer, Coach Operator; Davis Phan, Maintenance; and Sue White, Administration, as Employees of the Month for October 2010.

2. Special Recognition for Thirty Years of Safe Driving

Present an award to Coach Operator John J. Hinsley for achieving thirty years of safe driving.

# **Consent Calendar (Items 3 through 28)**

All matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

# **Orange County Transportation Authority Consent Calendar Matters**

3. Approval of Minutes

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of October 8, 2010.

4. Orange County Transportation Authority Internal Audit Department
Closeout of Peer Review Recommendations
Kathleen M. O'Connell

### Overview

The Internal Audit Department of the Orange County Transportation Authority has implemented all outstanding recommendations from its peer review performed in February 2010. The peer review found that the Internal Audit Department's quality control system was suitably designed and operating effectively to provide reasonable assurance of compliance with Government Auditing Standards for the year ended December 31, 2009; however, the peer review team provided a management letter with three recommendations to further strengthen the internal quality control system. The recommendations made by the peer review team have been implemented.



# 4. (Continued)

### Recommendation

Receive and file as an information item.

# 5. <u>Fiscal Year 2010 Federal Triennial Review</u>

Kathleen M. O'Connell

#### Overview

The Federal Transit Administration has completed a Fiscal Year 2010 Triennial Review of the Orange County Transportation Authority. The purpose of the review is to evaluate compliance with grant requirements and management practices as they relate to the use of federal funds. Eight deficiencies were found in five of the 24 areas reviewed. Five of the eight deficiencies were satisfactorily resolved before issuance of the final report. A plan for corrective action or resolution of the remaining three deficiencies will be completed by December 2, 2010, and submitted to the Federal Transit Administration.

#### Recommendation

Direct staff to complete a correction action plan to address deficiencies identified in the Fiscal Year 2010 Federal Triennial Review.

# 6. Review of 91 Express Lanes Toll Road Collections

Kathleen M. O'Connell

### Overview

The Internal Audit Department has completed a review of the 91 Express Lanes toll road violation collection process. The review was performed to ensure adequate controls exist over delinquent collections and that toll road operator, Cofiroute USA, LLC, and its delinquent violation collection subcontractor, Law Enforcement Services, Inc., are compliant with contract requirements, California Vehicle Code, and Orange County Transportation Authority Ordinance 2004-1. Based on the review, the Internal Audit Department provided three recommendations to enhance compliance with contract requirements and the California Vehicle Code. The Internal Audit Department also recommended that management consider enhanced financial statement reporting to better identify the nature of revenue and expenses.



# 6. (Continued)

#### Recommendation

Direct Cofiroute USA, LLC and Orange County Transportation Authority staff to implement recommendations included in Review of 91 Express Lanes Toll Road Collections, Internal Audit Report No. 08-016.

# 7. Review of Investment and Debt Advisory and Management Service Contracts

Kathleen M. O'Connell

#### Overview

The Internal Audit Department has completed a review of contracts and invoices for investment and debt advisory and management services. The review found that contractors are generally complying with written contracts and that controls exist over the review of invoiced services. The Internal Audit Department made two recommendations to require contractors to better describe services or provide progress reports and to ensure that all contracts exceeding five years be approved by the Board of Directors, as required by Procurement Policies and Procedures.

#### Recommendation

Direct staff to implement recommendations in the Review of Investment and Debt Advisory and Management Service Contracts, Internal Audit Report No. 09-011.

# 8. Fiscal Year 2010-11 Internal Audit Plan, First Quarter Update Kathleen M. O'Connell

#### Overview

The Orange County Transportation Authority Board of Directors adopted the Orange County Transportation Authority Internal Audit Department Fiscal Year 2010-11 Internal Audit Plan on July 26, 2010. This update is for the first quarter of the fiscal year.

# Recommendation

Receive and file the first quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2010-11 Internal Audit Plan.



# 9. Communications by Independent Financial Statement Auditor Kathleen M. O'Connell

#### Overview

Mayer Hoffman McCann, P.C., the independent financial statement auditor of the Orange County Transportation Authority, is in the process of conducting the fiscal year 2009-10 audit. In connection with the audit, Mayer Hoffman McCann, P.C. is communicating the planned scope and timing of the audit as well as soliciting input on any matters of which the Finance and Administration Committee has knowledge that may have a bearing on the Orange County Transportation Authority's financial statements for the year ended June 30, 2010.

### Recommendation

Receive and file as an information item.

# 10. State Legislative Status Report

Manny Leon/Kristine Murray

#### Overview

An overview of the recently approved fiscal year 2010-11 state budget and associated impacts is provided. Additionally, a summary of the propositions slated for the November 2, 2010, ballot is included and the relevant impacts are discussed. Most notably, Propositions 22, 23, and 26 carry implications for the Orange County Transportation Authority.

#### Recommendation

Receive and file as an information item.

# 11. <u>Federal Legislative Status Report</u>

Richard J. Bacigalupo/Kristine Murray

### Overview

Congress has now adjourned and is scheduled to return on November 15, 2010, following the November elections. The Federal Legislative Status Report discusses recently introduced legislation, following which would increase the liability cap for passenger rail accidents, and also discusses proposed administrative changes to future distribution of federal funding.



# 11. (Continued)

# Recommendation

Authorize staff to oppose and work with author on H. R. 6150 or any similar legislation to retroactively increase the liability cap for passenger rail accidents.

# 12. <u>Transit Security Grant Award Authorization for 2010</u>

Ric Teano/Kristine Murray

#### Overview

The United States Department of Homeland Security awarded the Orange County Transportation Authority \$2.46 million in grant funds to support the implementation of on-board video surveillance equipment, develop preparedness plans, and conduct security training and exercises. An authorizing resolution to accept the grant award and enter into grant-related agreements is presented for adoption as required by the program.

### Recommendation

Adopt Orange County Transportation Authority Resolution No. 2010-117 authorizing the Chief Executive Officer to accept grant funds and file the grant related agreements needed to obtain financial assistance from the United States Department of Homeland Security to support the implementation of on-board video surveillance equipment, preparedness plans, training, and exercises.

# 13. Adopted SB 375 Regional Greenhouse Gas Reduction Targets

Kristin Essner/Kristine Murray

#### Overview

A report on the regional greenhouse gas emission reduction targets adopted by the California Air Resources Board staff pursuant to SB 375 (Chapter 728, Statutes of 2008), is provided.

# Recommendation

Receive and file as an information item.



# 14. Third Quarter 2010 Debt and Investment Report

Rodney Johnson/Kenneth Phipps

#### Overview

The California Government Code authorizes requires the Orange County Transportation Authority Treasurer to submit a quarterly investment report detailing the investment activity for the period. This investment report covers the third quarter of 2010, July through September, and includes a discussion on the Orange County Transportation Authority's debt portfolio.

#### Recommendation

Receive and file the quarterly investment report prepared by the Treasurer as an information item.

# 15. Fourth Quarter Fiscal Year 2009-10 Grant Status Report

Anthony Baruch/Kenneth Phipps

#### Overview

The Quarterly Grant Status Report summarizes grant activities for information purposes for the Orange County Transportation Authority Board of Directors. This report focuses on significant activity for the period of April through June 2010. The Quarterly Grant Status Report summarizes future and pending grant applications, awarded/executed and current grant agreements, as well as closed-out grant agreements.

### Recommendation

Receive and file as an information item.

# 16. Fiscal Year 2009-10 Fourth Quarter Budget Status Report

Victor Velasquez/Kenneth Phipps

### Overview

The Orange County Transportation Authority's has implemented the fiscal year 2009-10 budget. This report summarizes the material variances between the budget plan and actual revenues and expenses.



# 16. (Continued)

## Recommendation

Receive and file as an information item.

# 17. <u>First Quarter Fiscal Year 2010-11 Procurement Status Report</u> Virginia Abadessa/Kenneth Phipps

#### Overview

The first quarter procurement status report summarizes the procurement activities for information purposes to the Orange County Transportation Authority Board of Directors. This report focuses on procurement activity from July 1, 2010 through September 30, 2010, with a dollar value of \$250,000 or more. The first quarter procurement status report also projects future procurement activity for the second quarter as identified in the fiscal year 2010-11 budget.

#### Recommendation

Receive and file as an information item.

# 18. <u>Changes to Orange County Transportation Authority's Procurement Process</u>

Virginia Abadessa/Kenneth Phipps

#### Overview

Each year, Orange County Transportation Authority's Chairman of the Board of Directors and the Chief Executive Officer establish goals for the organization. One of the goals for 2010 challenged staff to become more efficient in its work processes. The Contracts Administration and Materials Management Department has identified opportunities to expedite the architectural and engineering procurement process which will allow selected consultants to begin work sooner.

# Recommendation

Receive and file as an information item.



# **Orange County Transit District Consent Calendar Matters**

19. Review of Bridgestone/Firestone Agreement No. C-4-1065 Bus Tire Lease and Services

Kathleen M. O'Connell

#### Overview

The Internal Audit Department has completed a Review of the Orange County Transportation Authority's Agreement with Bridgestone/Firestone to provide bus tire lease and services. Internal Audit provided one recommendation to improve contract management and strengthen internal controls. Management has indicated that the recommendation has been implemented.

#### Recommendation

Receive and file Review of Bridgestone/Firestone Agreement No. C-4-1065, Bus Tire Lease and Services, Internal Audit Report No. 09-014.

# 20. Agreement for Bus Scheduling Software Upgrade

Annette L. Hess/Kenneth Phipps

#### Overview

The Orange County Transportation Authority originally purchased the HASTUS bus scheduling software from GIRO in 1999. The current version was purchased in 2006. Staff is now seeking to upgrade to HASTUS version 2010.

#### Recommendation

Authorize the Chief Executive Officer to execute Agreement No. C-0-1668 between the Orange County Transportation Authority and GIRO, in an amount not to exceed \$242,113, for the purchase of the HASTUS version 2010 bus scheduling and web trip planner software upgrade.



21. <u>Amendment to Agreement to Exercise Option Term for Customer</u> Information Center

Marlon Perry/Ellen S. Burton

### Overview

On September 18, 2006, the Board of Directors approved a four and one-half year agreement with Alta Resources to operate the Orange County Transportation Authority's Customer Information Center. The firm was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional services. The agreement provides for three one-year option terms for fiscal years 2011-12 through 2013-14. Staff is requesting Board of Directors approval to exercise the first option term.

# Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-6-0461 between the Orange County Transportation Authority and Alta Resources to exercise the first option term, in the amount of \$1,345,000, for fiscal year 2011-12, and to increase the maximum cumulative obligation to \$8,863,679.

# Orange County Local Transportation Authority Consent Calendar Matters

22. Santa Ana Freeway (Interstate 5) Gateway Project Audit
Kathleen M. O'Connell

### Overview

Agreed-upon procedures have been performed in relation to a cooperative agreement between the Orange County Transportation Authority and the California Department of Transportation for improvements to the Santa Ana Freeway (Interstate 5) between the Riverside Freeway (State Route 91) and the Los Angeles County line. Agreed-upon procedures were also applied to a contract between the Orange County Transportation Authority and Caltrop Engineering Corporation for the same project. Recommendations have been made to improve project management and controls.

#### Recommendation

Direct staff to implement recommendation 3 of the Report of Independent Accountants on Applying Agreed-Upon Procedures.



23. <u>Limited Scope Review Performed in Relation to an Audit of the Santa Ana Freeway (Interstate 5) Gateway Project</u>

Kathleen M. O'Connell

# Overview

The Internal Audit Department has completed a Limited Scope Review related to an audit of the Santa Ana Freeway (Interstate 5) Gateway Project. The Internal Audit Department provided four recommendations to improve management of contracts, strengthen internal controls over procurement, and ensure that Orange County Transportation Authority designated employees are properly reporting financial interests as required by the Fair Political Practices Act. Management has indicated that recommendations have been, or will be, implemented.

#### Recommendation

Direct staff to implement recommendations in the Limited Scope Review Performed in Relation to an Audit of Interstate 5 Gateway Project Contracts, Internal Audit Report No. 08-014.

24. Approval to Release Invitation for Bids for Construction of the Sand Canyon Avenue Railroad Grade Separation Project

Tom Bogard/Jim Beil

#### Overview

The Orange County Transportation Authority and the City of Irvine are working in partnership to develop a railroad grade separation at Sand Canyon Avenue in the City of Irvine. Over the past few months, Orange County Transportation Authority staff has worked with the City of Irvine, the City of Irvine's design consultant, and Southern California Regional Rail Authority to finalize project plans, specifications, and estimates. The project is now ready for construction. Board of Directors' approval is requested to issue an invitation for bids for construction of the Sand Canyon Avenue Railroad Grade Separation Project.



# 24. (Continued)

## Recommendation

Approve the release of Invitation for Bids 0-1662 for construction of the Sand Canyon Avenue Railroad Grade Separation Project.

25. Amendment to Agreement for Project Management Services for Ongoing Support of Rail Planning and Capital Projects
Kelly Hart/Jim Beil

#### Overview

On October 27, 2008, the Orange County Transportation Authority Board of Directors approved an agreement with Atwell Consulting Group, LLC to provide project management services in the development of the Anaheim Regional Transportation Intermodal Center, Go Local Program, and the monitoring of activities associated with the California High-Speed Rail project. The current agreement is set to expire on October 30, 2010. In order for Atwell Consulting Group, LLC to provide continued project management services for the Rail Programs Department, staff is recommending that the one-year option term of the agreement be exercised.

#### Recommendation

Authorize the Chief Executive Officer to exercise the one-year option term and execute Amendment No. 2 to Agreement No. C-8-1133 between the Orange County Transportation Authority and Atwell Consulting Group, LLC, in an amount not to exceed \$108,000, to provide continued project management services for ongoing support of rail planning and capital projects, for a total contract amount of \$450,000.



26. <u>Authority to Acquire Real Estate for the Laguna Niguel/Mission Viejo</u>
<u>Metrolink Station Parking Expansion Project</u>

Simin Yazdan/Jim Beil

# **Overview**

The Orange County Transportation Authority and the City of Laguna Niguel have been jointly pursuing options for the expansion of parking at the Laguna Niguel/Mission Viejo Metrolink Station. The owners of the property adjacent to the station on Camino Capistrano may be willing to sell a portion of its property for this parking expansion. Acquisition of the property will be conducted as a direct sale in accordance with the Orange County Transportation Authority right-of-way policies and procedures.

### Recommendation

Authorize the Chief Executive Officer, or his designee, to make an offer in the amount of \$2,776,000 plus closing costs to the property owners, and execute agreements for the acquisition of real property located at 28332 Camino Capistrano, Laguna Niguel.

**27.** Metrolink Ridership and Revenue Quarterly Report Megan Taylor/Jim Beil

### Overview

The Southern California Regional Rail Authority is a five-member joint powers authority that operates the 400-mile commuter rail system known as Metrolink. A report on Metrolink ridership and revenue for service in Orange County covering the fourth quarter of fiscal year 2009-10 is provided for Board of Directors' review.

#### Recommendation

Receive and file as an information item.



# 28. <u>Agreement for Board of Equalization Administration of Transaction</u> and Use Tax

Rodney Johnson/Kenneth Phipps

### Overview

The Orange County Local Transportation Authority has adopted, and the voters of the County of Orange have approved by the required two-thirds vote, Ordinance No. 3, named the "Renewed Measure M Transportation Ordinance and Investment Plan." The attached agreement and resolution authorize the California State Board of Equalization to perform exclusively all functions incident to the administration and operation of the Renewed Measure M Transportation Ordinance and Investment Plan.

#### Recommendations

- A. Authorize the Chief Executive Officer to execute the Agreement for State Administration of District Transactions and Use Taxes.
- B. Adopt Board of Directors' Resolution No. 2010-124.

# Regular Calendar

# **Orange County Transit District Regular Calendar Matters**

# 29. Revenue Update and Fare Change

Kenneth Phipps

#### Overview

Staff has analyzed sales tax collections over the past two quarters and determined the financial feasibility of deferring the fare increase that is planned for January 2011.

### Recommendation

Defer the fare increase planned for January 2011 by at least six months and direct staff to reconsider a fare increase during the next budget cycle.



# Orange County Transportation Authority Regular Calendar Matters

30. <u>Amendments to Agreements for Health Insurance Services</u>
Lisa Arosteguy-Brown/Patrick J. Gough

#### Overview

The Orange County Transportation Authority currently has agreements with various companies to provide medical, dental, life, and disability insurance for administrative employees and employees represented by the Transportation Communications International Union. These agreements expire December 31, 2010.

### Recommendations

- A. Authorize the Chief Executive Officer to execute Amendment No. 6 to Agreement No. C-5-0455 between the Orange County Transportation Authority and Kaiser Foundation Health Plan, Inc., on a cost per employee basis for prepaid medical services through December 31, 2011. The annual 2011 Kaiser Foundation Health Plan, Inc., premium cost will vary in accordance with actual enrollment.
- B. Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-8-1054 between the Orange County Transportation Authority and Aetna, on a cost per employee basis, for prepaid medical services through December 31, 2011. The annual 2011 Aetna health maintenance organization premium costs will vary in accordance with actual enrollment.
- C. Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-8-1055 between the Orange County Transportation Authority and Aetna, on a cost per employee basis, for open access managed choice medical services through December 31, 2011. The actual 2011 Aetna Open Access Managed Choice premium costs will vary in accordance with actual enrollment.
- D. Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-5-2862 between the Orange County Transportation Authority and MetLife Insurance Company, on a cost per employee basis, for preferred provider organization dental services through December 31, 2011. The annual 2011 MetLife Insurance Company dental preferred provider organization premium costs will vary in accordance with actual enrollment.



# 30. (Continued)

- E. Authorize the Chief Executive Officer to execute Amendment No. 1 to Purchase Order No. A-15726 between the Orange County Transportation Authority and Lincoln Financial Group, on a cost per employee basis, for life and accidental death and dismemberment insurance through December 31, 2013. The annual cost will vary in accordance with actual enrollment.
- F. Authorize the Chief Executive Officer to execute Amendment No. 1 to Purchase Order No. A-15616 between the Orange County Transportation Authority and Lincoln Financial Group, on a cost per employee basis, for short-term and long-term disability insurance through December 31, 2013. The annual cost will vary in accordance with actual enrollment.
- G. Authorize the Chief Executive Officer to approve the 2011 Employee Contribution Schedule effective January 1, 2011, and opt-out credit program of \$200 per month per employee.

# 31. <u>91 Express Lanes Debt</u>

Kirk Avila/Kenneth Phipps

#### Overview

In December 2008, the Orange County Transportation Authority privately placed \$100 million in Series B two-year, fixed-rate mode bonds for the 91 Express Lanes with the Orange County Investment Pool. The \$100 million private placement is subject to a mandatory tender on December 18, 2010, and the bonds must be remarketed. Over the past several months, staff has evaluated various alternatives related to the remarketing of the 91 Express Lanes Series B debt and the outstanding interest rate swaps. Staff is recommending a new private placement transaction with the Orange County Investment Pool for the \$100 million in fixed-rate mode bonds with a final mandatory tender date of August 15, 2013.

# Recommendations

A. Authorize staff to negotiate final terms with the Orange County Treasurer's office on a new private placement for the \$100 million in 91 Express Lanes variable rate demand bonds and return to the Board of Directors with draft financing documents.



# 31. (Continued)

B. Authorize staff to negotiate final terms with Woodlands Bank on an assignment of the \$75 million interest rate swap and return to the Board of Directors with draft swap documents.

# Orange County Local Transportation Authority Regular Calendar Matters

32. <u>Proposition 1B/Measure M Traffic Light Synchronization Program Phase I Results</u>

Ronald Keith/Kia Mortazavi

#### Overview

The Orange County Transportation Authority has been working with local agencies, the County of Orange, and the California Department of Transportation on the implementation of the first phase of the Proposition 1B/ Measure M Traffic Light Synchronization Program. This report provides a summary of the results for Alicia Parkway, Beach Boulevard (State Route 39), and Chapman Avenue.

#### Recommendation

Authorize staff to release interim results to the California Department of Transportation and California Transportation Commission.

# 33. Measure M2 Plan of Finance

Kirk Avila/Kenneth Phipps

#### Overview

Over the next few years, the Measure M2 Program will incur several hundred million dollars in program expenditures. These expenditures will exceed the amount of Measure M2 sales tax revenues projected to be collected during the same time period. Staff has completed a plan of finance which identifies the program requirements over the next three years and discusses financing alternatives for the Measure M2 Program.



# 33. (Continued)

# Recommendations

- A. Adopt the Orange County Transportation Authority Measure M2 Plan of Finance, which identifies the Measure M2 project requirements over the next three-years and discusses the Build America Bonds Program as an option for financing upcoming expenditures.
- B. Authorize an issuance of sales tax revenue bonds by December 31, 2010, to fund Measure M2 expenditures in the freeway, transit, streets and roads, and environmental cleanup programs through fiscal year 2012-13.

# **Discussion Items**

### 34. Public Comments

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.

# 35. Chief Executive Officer's Report

# 36. Directors' Reports

# 37. Closed Session

Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 regarding the maintenance unit. The lead negotiator for the Orange County Transportation Authority is Paddy Gough, and the Teamsters Local 952 negotiator is Patrick Kelly or his designee.

# 38. Adjournment

The next regularly scheduled meeting of this Board will be held at **9:00 a.m.** on **Monday**, **November 8**, **2010**, at Orange County Transportation Authority Headquarters.