



LOS ANGELES COUNTY TRANSPORTATION COMMISSION • 311 SOUTH SPRING STREET—SUITE 1206, LOS ANGELES, CALIFORNIA 90013 • (213) 626-0370

MINUTES

November 26, 1980

The regular Commission meeting was called to order by Chairman Schabarum at 3:20 p.m.

Members in attendance were:

Chairman Peter F. Schabarum
Councilman Russell Rubley
Mayor Edmond Russ
Wendell Cox
Eleanor Killeen, alternate to Supervisor Ward
Robert Reeves, alternate to Supervisor Hahn
Robert Geoghegan, alternate to Supervisor Edelman
Barna Szabo, alternate to Supervisor Burke
Ray Remy, alternate to Mayor Bradley
Pat Russell, alternate to Councilman Ferraro
Heinz Heckerth, ex-officio representing State of California

Staff members in attendance were:

Rick Richmond, Executive Director
Ronald Schneider, Principal Deputy County Counsel
Kathy Torigoe, Executive Secretary
Phyllis Eder, Secretary

APPROVAL OF MINUTES:

Mr. Cox moved for approval of the minutes of the November 12, 1980 meeting and was seconded by Mr. Geoghegan. No objection was heard.

CHAIRMAN'S REMARKS:

Chairman Schabarum thanked both Eleanor Killeen and Barna Szabo for their service on the Commission.

COMMITTEE REPORTS:Finance Review Committee:

Mr. Rubley presented to the Commissioners for their approval the following items:

The application for the SB 620 Discretionary Funds - the FRC recommends that the Commission support in concept the applications from the eligible applicants in Los Angeles County. Mr. Rubley moved for approval of the item and was seconded by Mr. Geoghegan.

Mr. Russ also requested that the staff present an analysis of applications in advance when the issue presents itself again next year.

Mr. Rubley also recommended to the Commissioners on behalf of the FRC that the Commission define priorities among and within the corridors identified for rapid transit in the Commission's Ordinance using Federal planning funds, if available, and Commission funds if not, at a cost not to exceed \$100,000. Staff was also directed to return with an RFP describing the specific work to be accomplished. Mr. Rubley moved for approval and was seconded by Ms. Russell.

Mr. Remy also suggested that the Commission not rush forward with the RFP. It should take a look at what is being done, how it effects all parts of the County, how the Commission is going to proceed, and how to gauge what the next step will be in light of litigation.

Mr. Heckeroth also suggested that the RFP include those agencies in the area that might be able to accomplish some of the duties.

Mr. Rubley explained that the proposed personnel manual had been carried over until the next meeting of the FRC. Mr. Rubley mentioned that tuition and mileage reimbursement were two items that had been approved by the FRC with no objection.

Mr. Szabo then questioned the overall outline of the manual and the consistency of the manual with the personnel policies of other agencies.

Mr. Rubley explained that the manual was not intended to be modeled after any single agency. The manual could have a combination of policies from different agencies.

Mr. Cox explained that the only issues that were up for approval today were the reimbursement of tuition and the reimbursement for mileage.

Mr. Rubley recommended that the item be a receive and filed item, to be continued until the next meeting.

Mr. Rubley also informed the Commission that the Executive Director's Budget Status Report relating to the implementation of Prop. A had been received and filed by the FRC.

Mr. Szabo suggested that as part of the implementation and budget plan, that the possibility of hiring a public relations firm to keep the people informed and up-to-date as to the activities of the Commission should be looked into, in the neighborhood of \$25,000. He further suggested that the Commission may want to proceed with such activities on a limited basis in the near term, possibly using the firm that was responsible for the Proposition A campaign.

Mr. Szabo made his suggestion into a motion along with the other categories that have been selected. Ms. Killeen seconded his motion.

Mr. Remy also suggested that a coordinated approach is necessary in deciding what exactly the public will be informed of.

No objection was heard to the motion.

Mr. Rubley also informed the Commission that the FRC had approved the distribution of a Commuter Bicycle RFP.

It was also stated the staff will be returning before the Commission with a full report on road needs caused by fire damage and possible sources of funding for local governments.

Mr. Rubley informed the Commissioners that the FRC had unanimously approved to forward to the IRC a recommendation to formulate a legislative strategy to seek additional funds for streets and highway projects and recognition by the State for TIP project priorities established by County Transportation Commission.

A short discussion followed.

Intergovernmental Relations Committee:

Mr. Remy mentioned that he had testified on behalf of the Commission and the Chair before Senator John Foran's Transportation Committee and the highway financing item mentioned by Mr. Rubley had been issues. Mr. Remy also assured the Commissioners that the IRC will devote substantial attention to the highway financing legislative proposals in the coming year.

Mr. Remy mentioned that the House of Representatives had moved forward in the adoption of a transportation bill. The Senate Bill did have monies for new rail starts but did not have the formula that the Commission had wanted in terms of the operating assistance.

ENGAGEMENT OF LEGAL COUNSEL:

Mr. Richmond recommended that a legal firm be engaged specifically to represent the Commission on the Prop. A majority issue.

It was further explained that the Board of Equalization did forward to the Attorney General's Office a copy of the Commission's request for imposition on the sales tax. A number of specific questions were asked in regards to the adequacy of the majority received in the November election.

A letter had been received from the Attorney General's Office regarding the Commission's position with a request that a response be provided by December 19, 1980.

Mr. Richmond had considered a total of six firms. Mr. Richmond recommended that the Commission engage the firm of Nossaman, Krueger, & Marsh. Mr. Richmond was particularly impressed with this firm's previous experience in working with statewide issues and propositions and taxation. The firm also has a strong background in litigation.

The specific activities that would be undertaken by the Special Counsel, as proposed by County Counsel, would consist of acting on behalf of the Commission on litigation and appeals that might arise, preparation and development of the necessary studies and research and investigation in order to prepare a position in support of arguments on the Commission's position on Prop. A, participation in any meetings necessary, and involvement in the negotiation of favorable determinations on the issue.

The County Counsel could see no problems in working with the Special Counsel.

Mr. Reeves made a motion to accept Mr. Richmond's suggestion that the firm of Nossaman, Krueger, & Marsh be hired to represent the Commission in the legal issues involved with Prop. at a negotiated hourly rate, and total expenses shall not exceed \$75,000 in the current fiscal year.

Mr. Szabo seconded Mr. Reeve's motion.

Mr. Geoghegan suggested that a postponement be made in the selection. He felt that the Commission should solicit the widest possible range of attorneys for this purpose. Mr. Geoghegan suggested that the decision for selecting an attorney be put off for two weeks to allow for additional input and feedback.

Mr. Russ supported the request and questioned the terms in the contract stipulating that 30 days notice must be given to Counsel prior to termination, and the waiting period of 90 days for billing.

Mr. Schneider explained in response to a question from Mr. Szabo that the Special Counsel would probably be the lead counsel, as they will be more familiar on a day-to-day basis with the litigation.

Mr. Szabo also felt that the counsel should get in contact with the other agencies that are involved with this issue.

Mr. Schneider explained that other agencies might file their own briefs. Hiring our own Special Counsel would not preclude any other agency from filing briefs in litigation.

Mr. Russ suggested that there be a clause written into the contract that Counsel must get an authorization from the Executive Director before any representation. The second suggestion was to hire the firm on an interim basis, without a contract, to represent the Commission before the Attorney General.

Mr. Cox supported the motion reluctantly. He was concerned about not only finding the best legal firm but, also, about the possibility of missing some of the important discussions likely to occur prior to December 19.

Mr. Geoghegan then offered a substitute motion. The motion read that there would be a continuation on the matter for two weeks.

It was also included in the motion that the Executive Director would be directed, with the assistance of Mr. Schneider and Mr. Russ, to redraft the contract to reflect some of the observations that had been made.

Mr. Geoghegan's motion was seconded by Mr. Russ.

Mr. Russ made an amendment to Mr. Geoghegan's motion that the contract would be referred to the Finance Review Committee before it is presented to the Commission for approval.

Mr. Szabo suggested that the approach should be one step at a time. The first task would be to deal with the Attorney General situation. He suggested that an interim contract be made to handle it, and if further steps would be necessary, then go into a long term contract.

A roll call vote was taken:

YES: Mr. Russ, Ms. Killeen, Mr. Geoghegan, Mr. Rubley, and Mr. Schabarum

NO: Mr. Remy, Ms. Russell, Mr. Cox, Mr. Szabo, and Mr. Reeves

Motion did not pass.

A motion was made by Mr. Russ to attempt to negotiate an agreement with the firm of Nossaman, Krueger, & Marsh on an interim basis to last until the firm contract is executed, the interim would last for up to three weeks, to represent the Commission with the Attorney General and the Board of Equalization upon the figure that was negotiated and for that period only.

Mr. Russ' motion was seconded by Mr. Szabo.

Mr. Richmond indicated to the Commissioners that the hourly rate for the firm in question ranged from \$70 to \$150 per hour, depending upon the personnel involved.

Chairman Schabarum was the only member voting no to the motion. Motion carried.

Mr. Russ made a motion that the long term agreement would come before the Finance Review Committee and be reviewed before it is brought before the full Commission.

Mr. Reeves seconded Mr. Russ' motion. No objection or discussion was heard. Motion carried.

NOTICE OF MEETINGS:

Mr. Richmond informed the Commission that there had been a change in the date of the SCC meeting from December 5, 1980 to December 8, 1980.

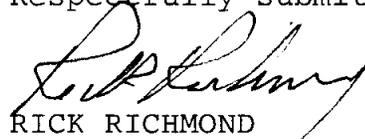
NEW BUSINESS:

Mr. Heckerth reported to the Commission that the last contract for the completion of the 5 mile gap on Rte. 118 was awarded. The contract will last for about two years.

ADJOURNMENT:

Meeting adjourned at 4:30 p.m.

Respectfully submitted,



RICK RICHMOND
Executive Director