

LOS ANGELES METROPOLITAN TRANSIT AUTHORITY

Minutes of Regular Meeting of
the Members of the Authority

May 3, 1960

Upon notice duly given, the Members of the Los Angeles Metropolitan Transit Authority met at a regular meeting at the Authority Board Room, 1060 South Broadway, Los Angeles 15, California, at 10:00 a.m. on May 3, 1960, at which time the Chairman called the meeting to order.

Chairman A. J. Eyraud, Members Don Belding, Fred S. Dean, N. R. Dumont, M. W. Hall, and Arthur J. Will were present. Member Carl P. Miller was absent. Also present were Executive Director C. M. Gilliss; General Attorney Gerald G. Kelly; General Manager Cone T. Bass; Treasurer Wm. W. Wakelee; Director of Business Development & Information James H. Raport; Ernest R. Gerlach of Coverdale & Colpitts, Consulting Engineers; Secretary Virginia L. Rees; Carter Barber of the Mirror News; Art Ryon of the Los Angeles Times; Jud Baker of the Herald-Express; and the public.

The Minutes of the Regular Meeting held April 19, 1960 were approved.

Transfer Advertising Agreements

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Executive Director be and he is hereby authorized to execute on behalf of the Authority, subject to approval of the General Attorney as to form, agreements with the following firms relating to refunding of fares and advertising on the backs of transfers for period June 17, 1960 through December 6, 1960:

Acousticon of Los Angeles
Clifton's Brookdale, Inc.
Marinello School of Beauty Culture
Paramount Downtown Theatre

Business Development and Information Division Report

Mr. Raport presented the report of the Business Development and Information Division. A copy of said report is on file in the office of the Secretary.

Approval of Work Order (Disposition of 21 Used Automobiles)

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that Work Order No. 1262, providing for the disposition of 21 used automobiles, be and the same is hereby approved.

RESOLVED FURTHER, that the Purchasing Agent be and he is hereby authorized and instructed to advertise for sealed bids for said 21 used automobiles, on an individual car basis, and to dispose of same on the basis of the best bids.

Disposal of Surplus Equipment

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the General Manager be and he is hereby authorized to dispose of the following equipment in a manner that best serves the interests of the Authority:

- 1 Fare Box No. 1909, Serial No. 39159
- 1 Chicago Pneumatic Air Grinder, Model ACP, S/N A-611392 Size - 330-P-4250
- 1 Vivid Duplicator - Model 1832C - Serial #6858

Approval of Work Order (New Administration Building)

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that Work Order No. 1264, providing for the construction of a new administration building at 6th Street and Central Avenue, Division 3201, at an estimated cost of \$75,000, be and the same is hereby approved.

Temporary Reroutings

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the temporary diversion of Line No. 5 caused by construction work, as per report dated April 25, 1960, filed with the Secretary, be and the same is hereby ratified and approved.

Line Changes - Alternate Route on Line No. 68

After discussion, upon motion duly made, seconded and unanimously carried, the following resolutions were adopted:

WHEREAS, the General Manager, with the approval of the Consulting Engineer, recommends an alternate route for certain Line No. 68 trips to be diverted over such route for the purpose of serving the City of Hope on Duarte Road;

NOW, THEREFORE, BE IT RESOLVED, that the General Manager be and he is hereby authorized and instructed to establish an alternate route on Line No. 68, in the manner described at this meeting and as set forth in detail in a report, dated April 20, 1960, filed with the Secretary of the Authority;

RESOLVED FURTHER, that the General Manager be and he is hereby authorized to make the appropriate revisions in the Official Route Authorizations of the Authority as adopted on April 5, 1960, to reflect the above changes.

Line Changes - Revised Route Description for Line No. 58

After discussion, upon motion duly made, seconded and unanimously carried, the following resolutions were adopted:

WHEREAS, the General Manager, with the approval of the Consulting Engineer, recommends a revised route description for Line No. 58 in order to avoid interference with a relocated street sign;

NOW, THEREFORE, BE IT RESOLVED, that the General Manager be and he is hereby authorized and instructed to revise the route of Line No. 58, in the manner described at this meeting and as set forth in detail in a report, dated April 26, 1960, filed with the Secretary of the Authority;

RESOLVED FURTHER, that the General Manager be and he is hereby authorized to make the appropriate revisions in the Official Route Authorizations of the Authority as adopted on April 5, 1960, to reflect the above change.

Changes of Bus Stops

The General Manager reported that for the purpose of more efficient operation and more convenience to the public, certain changes had been made in bus stops. After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the report of the General Manager relating to bus stop changes, as filed with the Secretary, be and the same is hereby ratified and approved.

Lease Agreement with Edward Keasbey, Inc. (dba So-Cal Equipment Supply Co.)

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Executive Director be and he is hereby authorized to execute on behalf of the Authority, as Lessor, a month-to-month lease agreement commencing May 1, 1960 with Edward Keasbey, Inc., dba So-Cal Equipment Supply Co., Lessee, of an area approximately 10,000 square feet located at the southwest corner of Wyandotte Street and Van Nuys Boulevard, Van Nuys, for use as an unimproved private parking lot at a monthly rental of \$100, said lease agreement to be subject to approval as to form by the General Attorney.

Report of Purchasing Committee

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Report of the Purchasing Committee of Authorizations for period April 19, 1960 through May 2, 1960, as discussed at this meeting and as filed with the Secretary, be and the same is hereby ratified and approved and the appropriate payments are hereby authorized.

Personnel - Abolishment of Contract Position

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the contract position of Medical Accounts Clerk in the Personnel Department be and the same is hereby abolished.

Personnel - Establishment of Non-contract Position

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the establishment of a new position entitled Salary Process Recorder in the Personnel Department be and it is hereby approved, said position to be placed in the Los Angeles Metropolitan Transit Authority Position Classification and Salary Plan at Salary Range 14, Step A.

Addition to Agenda - LATL Retirement Income Plan; Appointments to Pension Committee

Upon approval of the six Board Members present, consideration of approval of amendments to the Los Angeles Transit

Lines Retirement Income Plan and appointment of the Authority's Members of the Pension Committee under such plan was added to the agenda, and after discussion, upon motion duly made, seconded and unanimously carried, the following resolutions were adopted:

WHEREAS, the Los Angeles Transit Lines Retirement Income Plan (hereinafter referred to as the "LATL Plan") was adopted by Los Angeles Transit Lines (hereinafter referred to as "LATL") on August 17, 1948; and

WHEREAS, the Los Angeles Metropolitan Transit Authority (hereinafter referred to as the "Authority") has succeeded to LATL as the "Corporation" referred to throughout the LATL Plan on March 3, 1958; and

WHEREAS, the Transportation Union, Division 1277, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America (hereinafter referred to as "Transportation Union") was the certified collective bargaining agent for a majority of the employees of LATL as of the time the LATL Plan was originally adopted and is referred to throughout the LATL Plan as the "Union;" and

WHEREAS, the Transportation Union ceased to be the representative of a majority of the Authority's employees as of May 21, 1959, and thus is no longer the "Union" as that term is used throughout the LATL Plan; and

WHEREAS, the Members of the Authority by resolution dated April 5, 1960, authorized the Executive Director to effect such amendments to the LATL Plan as are necessary to provide the presently certified collective bargaining representatives of the Authority's employees proper representation on the Pension Committee which administers the LATL Plan;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the LATL Plan shall be amended as follows:

(1) Section 2.01(m) of the Retirement Income Plan is amended to read in its entirety as follows:

"'Union' means that association or associations of employees of the Corporation which have been certified by the State Conciliation Service of the State of California as a collective bargaining representative of any employee who is a Participant in the Plan and at the present means the Brotherhood of Railroad Trainmen, the Transportation Union, Division 1277, Amalgamated Association of Street, Electric Railway and Motor Coach Employes of America, and the Brotherhood of Railway Clerks."

(2) A new Section 2.01(q) is hereby added to the Retirement Income Plan to read in its entirety as follows:

"'Board of Directors' as used in this Plan may include the governing body of the Los Angeles Metropolitan Transit Authority which is now known as the 'Members' of the Authority."

(3) Section 3.01 of the Retirement Income Plan shall be amended to read in its entirety as follows:

"The Plan shall be administered by a Pension Committee, defined as, and sometimes referred to as the 'Committee,' consisting of seven (7) members, to which Committee is given all necessary power, duty and authority to administer the said Plan. Four (4) members of the Committee shall be appointed by the Corporation (hereinafter referred to as the 'Corporation Members' or 'Its Members,') and shall hold office at the pleasure of the Corporation. One member of the Committee shall be appointed by each Union (hereinafter referred to as a 'Union Member'), and each such Union Member shall hold office at the pleasure of the Union which appointed him. The members of the Pension Committee shall serve without compensation."

(4) Section 3.02 of the Retirement Income Plan is amended to read in its entirety as follows:

"The Board of Directors of the Corporation may appoint and remove Its Members of the Committee by appropriate resolutions or delegate by appropriate resolution to any officer or officers of the Corporation that the Board deems advisable, the authority to make appointments for the Corporation to the said Committee and also to remove for and on behalf of the Corporation any Member of said Committee appointed by the Corporation. If the Board of Directors by appropriate resolution delegates the authority of appointing and removing Its Members of the said Committee to any officer or officers, a duly certified copy of the resolution delegating such authority under the seal of the Corporation, together with the signature of the officer or officers to whom such authority has been delegated, certified by the Secretary or Assistant Secretary of the Corporation under the seal of the Corporation, shall be delivered to the Trustee and to each of the Unions, and upon any change in the personnel of the officer or officers of the Corporation to whom such authority is delegated, the Trustee shall be furnished with the signature of such substituted or new officer or officers to whom the authority is delegated, certified by the said Secretary or Assistant Secretary of the Corporation. Upon the appointment of any person to the Committee by the Corporation or the removal from the Committee of a nominee of the Corporation, a copy of the resolution of the Board of Directors certified by the Secretary or Assistant Secretary under the seal of the Corporation, or the written order of the officer or officers to whom the authority of appointment and removal has been delegated by the Board, together with the signature of the person appointed to the said Committee and his address and telephone number, certified as correct by the Secretary or Assist-

"tant Secretary of the Corporation and attested by its seal, shall be delivered to the Trustee and to each of the Unions.

"The appropriate governing body of each of the Unions may appoint and remove Its Member of the Committee by appropriate resolutions or delegate by appropriate resolution to any officer or officers of such Union that such governing body deems advisable, the authority to make appointments for such Union of Its Member of said Committee and also to remove for and on behalf of such Union Its Member of said Committee appointed by said Union. If the appropriate governing body of a Union by appropriate resolution delegates the authority of appointing and removing Its Member of the said Committee to any officer or officers, a duly certified copy of the resolution delegating such authority under the seal of the Union, together with the signature of the officer or officers to whom such authority has been delegated certified by the Secretary or Assistant Secretary of the Union under the seal of the Union shall be delivered to the Trustee, to the Corporation and to the other Unions, and upon any change in the personnel of the officer or officers of such Union to whom such authority is delegated, the Trustee shall be furnished with the signature of such substitute or new officer or officers to whom the authority is delegated certified by the said Secretary or Assistant Secretary of such Union under the seal of such Union. Upon the appointment of any person to the Committee by any Union or the removal from the Committee of a nominee of any Union a copy of the resolution of the appropriate governing body of such Union certified to by the Secretary or Assistant Secretary and under the seal of such Union, or the written order of the officer or officers to whom the authority of appointment and removal has been delegated by such governing body, together with the signature of the person appointed to the said Committee and his address and telephone number,

"certified to as correct by the Secretary or Assistant Secretary of such Union and attested by its seal, shall be delivered to the Trustee, to the Corporation and to the other Unions.

"The Trustee shall have the right to rely absolutely upon the certificates which it receives from the Corporation and the Unions as hereinbefore provided, attesting the appointment or removal of persons by the said Corporation and the Unions to or from the said Committee, and upon receiving the certificate as hereinbefore provided as to the appointment of any person as a Member of said Committee, to presume that such person remains a Member of the Committee until the Trustee receives a certificate, as hereinbefore provided, of his removal by his appointor or his resignation, in the manner herein-after provided."

(5) Section 3.03 of the Retirement Income Plan shall be amended to read in its entirety as follows:

"Immediately upon the appointment of the Members of the Pension Committee by the Corporation and by the Unions and in any event within fifteen (15) days after the promulgation of this Plan and within fifteen (15) days after May 3, 1960, regardless of whether the Union Members of the Committee have been appointed, the Executive Director or General Manager of the Corporation shall call an organization meeting of the Pension Committee at which meeting the Committee shall elect a Chairman, a Vice Chairman, Secretary and such other officers as the Committee shall deem appropriate, and the Committee shall adopt and promulgate such rules, not inconsistent with the Plan, as it shall deem advisable to carry out the purposes and intent of this Plan, and for its effective administration. The Committee may from time to time, by a majority vote, revise and amend its said rules.

"The Committee shall have power to act by a majority of Its Members present at any meeting duly and regularly called pursuant to the method provided for by the Committee, even though all of the Members of the Committee are not present at such meeting, provided there is a quorum of the Committee present at said meeting. The Committee may delegate to any one of Its Members the duty of instructing the Trustee as to the purchase of all endowment and insurance policies and the conversion of insurance policies into annuity policies or contracts, the payment of premiums, and any other ministerial acts. No direction, however, to the Trustee with reference to borrowing for the Trust or Trust Estate or with reference to the investment of any part or portion of the Trust Estate shall be valid unless authorized by a majority of the Committee at a meeting duly called therefor, and the certificate of the resolution authorizing such direction to the Trustee is signed by a majority of the Committee."

(6) Section 3.05 of the Retirement Income Plan shall be amended to read in its entirety as follows:

"No Member of the Committee shall be liable to any Participant or Beneficiary, or to the Corporation or to any Union, for any act or acts of said Member with reference to the maintenance or administration of this Plan, provided he acts or fails to act in good faith, nor shall any Member of the Committee be responsible for the exercise in good faith of his discretion as to any matter entrusted to the discretion of the Committee, and all directions of the Committee to the Trustee, as herein provided for, shall be binding and conclusive upon all parties the benefits provided for therein, or in, to or under the said Trust or Trust Estate. All decisions of the Commit-

"tee as to the facts of any case and the meaning and intent of any of the provisions of the Plan or of the rules and regulations made pursuant thereto, and of their application to any case, shall be final and conclusive, and the Trustee may conclusively rely upon any direction given it by the Committee or any Member thereof designated for that purpose as to ministerial acts as provided in Paragraph 3.03 hereof."

(7) Section 3.06 of the Retirement Income Plan shall be amended to read in its entirety as follows:

"In any matter affecting any Member of the Committee in his individual capacity as Participant under the Plan, separate and apart from his status as a Member of the Committee, such interested Member shall have no authority or vote in the determination of such matter as a Member of the Committee, but the Committee shall determine such matter as if said interested Member were not a Member of the Committee; provided, however, that this shall not be deemed to take from said interested Member any of his rights hereunder as a Participant. Provided further that if the remaining qualified Members of the Committee constitute less than a quorum of the Committee, or are unable to reach a decision affecting the rights of the disqualified Member or Members, then the appointor of each disqualified Member shall appoint a substitute Member of the Committee who shall be certified to the Unions, to the Trustee and/or the Corporation, as the case may be, in the manner provided in Paragraph 3.02. Such substitute Member shall act as a Member of the Committee only upon the question affecting the rights of the disqualified Member."

(8) Section 3.07 of the Retirement Income Plan shall be amended to read in its entirety as follows:

"The Members of the Committee shall hold office until resignation or removal by their appointor. Any Member of the Committee may resign and such resignation shall be effective on written notice being delivered to the Chairman, the Trustee, the Corporation and the Unions. Any Member of the Committee may be removed by his appointor and such appointor shall have the power to fill any vacancy of the Members appointed by it."

(9) Section 3.08 of the Retirement Income Plan shall be amended to read in its entirety as follows:

"The Committee, in addition to the powers heretofore granted it, shall have the right to employ and consult such investment counsel and actuaries as it deems advisable, and to incur any reasonable administrative expense, such as clerical or other services, as is reasonably necessary to enable the Committee to properly function and carry out the duties and powers imposed on it herein.

"The reasonable fees and costs incurred by the Committee shall be paid by the Trustee direct to the persons employed by the Committee on directions of the Committee out of the Trust Estate. The payment by the Trustee on directions of the Committee of any fee or charge shall be deemed approval by the Trustee of the necessity and reasonableness of such charge, and such approval shall be conclusive and binding on all parties in interest.

"In the event that the Trustee shall deem any fee or charge which the Committee directs it to pay, including those authorized by subparagraph (3) of Paragraph 3.04, either unnecessary or unreasonable in amount, the

"Trustee shall so advise both the Corporation and the Unions. If either the Corporation or a Union fails to advise the Trustee of its view of such fee or charge within twenty (20) days, the Trustee may conclusively presume that it regards such fee or charge as both reasonable and necessary.

"If the Corporation and all the Unions shall advise the Trustee that they regard the fee or charge as necessary or reasonable in whole or in part, the Trustee shall pay such portion of the fee or charge as the Corporation and the Unions agree is necessary and reasonable.

"If the Corporation or a Union advises the Trustee that any fee or charge is regarded by it as unnecessary or unreasonable, either in whole or in part, the Trustee shall not pay the charge (except to the amount, if any, which both the Corporation and the Unions have advised the Trustee they agree is reasonable, as hereinbefore provided) until after the Trustee has received instructions thereon from a court of competent jurisdiction."

(10) The first paragraph of Section 4.02 of the Retirement Income Plan shall be amended to read in its entirety as follows:

"Neither the establishment of the Plan nor the Trust nor any modification thereof nor the creation of any fund or account nor the payment of any benefits shall be construed as giving any Participant or any person whatsoever any legal or equitable rights against the Corporation, the Trustee or the Committee, except as expressly granted to them by the Plan, and shall not be construed as giving any Participant the right to be retained in the service of the Corporation, and all Participants shall be subject to discharge to the same extent as though this Plan and the Trust were not in existence. Neither the Corporation, the Committee nor the Trustee nor any Union guarantees the Trust or Trust Estate against loss or depreciation, nor shall they or any of them be responsible for the validity of any re-

