

MINUTES/PROCEEDINGS

Special Board Meeting  
Board of Directors  
Tuesday, March 27, 1990  
District Board Room  
425 South Main Street  
Los Angeles

MARCH 27, 1990

Called to order at 2:45 p.m. by President Swanson

Directors Present:

Gordana Swanson, President  
Marvin L. Holen, Vice-President  
Joseph S. Dunning  
Larry Gonzalez

Jeff Jenkins  
Don Knabe  
Nick Patsouras  
Kenneth R. Thomas

Directors Absent:

Jerold F. Milner  
Jay B. Price

Charles H. Storing

1. Considered update report on security for the Blue Line system.

At the beginning of the meeting, President Swanson asked that the various documents before the Board be identified as follows:

- Exhibit A - Report from Alan F. Pegg, dated March 26, 1990,  
Subject: Blue Line Security Costs
- Exhibit B - 1 Report from Larry Gonzalez, dated March 27, 1990  
Subject: Proposed Contract with Los Angeles  
County Sheriff's Department and Los  
Angeles County Transportation Commis-  
sion.
- Exhibit B - 2 Resolution of the Board of Directors Southern  
California Rapid Transit District Approving an  
Agreement with the County of Los Angeles and  
the Los Angeles County Transportation Commis-  
sion for Law Enforcement Services (Metro Blue  
Line)
- Exhibit B - 3 Agreement for Law enforcement services on the  
Metro Blue Line.

Exhibit C - Report from Larry Gonzales dated March 27, 1990  
Subject: Agreement with Los Angeles County for  
the Sheriff's Department to Provide  
Law Enforcement Services on Metro  
Blue Line

Exhibit D - Comparison of various elements of the Los  
Angeles County Plan and the Alternative Plan.

Appearance of Transit Police Officer S. Barberic speaking  
against using the Sheriff's Department for security purposes  
on the Blue Line.

L. Malmberg, Peace Officers Research Association of  
California, also urged the Board to recognize and use the  
specialized talent of the Transit Police Force for the  
Security of the Blue Line.

Appearance of K. Heppy and L. Sanford speaking against the use  
of SCRTD Transit Police.

L. Tamacia, representative from the BART security, appeared  
urging the Board to use their own Transit Police for security  
on the Blue Line. He cited instances where the use of a  
transit agency's own force does a much more efficient job.

There was discussion between Mr. G. Swede, consultant for  
LACTC, Mr. Hammargren, LASD, and members of the Board and  
staff regarding costing and personnel. Upon question about  
the payment of capital cost to the Sheriff's Department by the  
LACTC, Mr. Swede reported this \$1,052,000 payment is for  
capital equipment needed for the service. He acknowledged  
that the useful life of some of this equipment may not be  
completely expended at the conclusion of the proposed two-year  
agreement.

Upon inquiry, it was stated that the Sheriff's Department  
would provide fare inspection services at no additional cost.  
He continued that this element was a part of their original  
proposal but was removed at the suggestion of the LACTC.

Director Gonzalez commented that important to this decision  
are two elements; 1) whether the Sheriff's Department should  
be involved, and 2) how long the Sheriff's Department would  
be around. The proposed resolution speaks to a two-year term,  
but it also speaks to discretion by stating that whenever the  
SCRTD decides that the Transit Police should be responsible  
for Blue Line law enforcement, LACTC will fund all reasonable  
costs incurred by the SCRTD in recruiting, hiring and training  
of personnel and procurement of equipment. Mr. Hammargren  
responded that it is the Sheriff's desire to enter into a  
contract that does not limit his abilities to hire officers,  
etc.

Discussion continued regarding the termination clause, and Mr. Hammargren volunteered to contact Sheriff Block to clarify this point.

Director Holen inquired about the authority of a fare enforcement person if they did not have police status. Chief Papa replied that it would require an adopted resolution of the Board to grant that authority to a non-sworn fare inspector.

Mr. Hammargren commented that the Sheriff's Department would like to be the law enforcement agency for the Blue Line, and they would be responsible to the District but does not intend to become the police agency for the Transit District. He continued that the Sheriff understands that at any time a client can become dissatisfied and can secure a different provider of services. He stated the Sheriff's position that the term of the contract would be for two years and that termination must be for cause.

A question was asked about the risk of litigation as a result of a part of the operation being performed by another agency. Upon advice of counsel, the Board recessed to Closed Session at 3:59 p.m. in accordance with Section 54956.9 B1 and B2 of the Code, returning at 4:33 p.m. with all Directors present except Directors Milner, Price and Storing.

Appearance of J. Travers speaking against the Transit Police.  
Appearance of F. Bielman, RTD Transit Police, speaking against the use of the Sheriff's Department.

Mr. Hammargren again appeared before the Board indicating he had talked to Sheriff Block and the Sheriff agrees with the concept of 'whenever' however, termination of the contract must be for cause not convenience. Upon further inquiry, Mr. Hammargren stated the termination clause in the contract would be the standard termination clause used in the Sheriff's contracts with municipalities.

Director Knabe made a motion to adopt a resolution to enter into agreements with the Los Angeles County Sheriff's Department and the Los Angeles County Transportation Commission as attached to the document entitled "Exhibit C" for the provision of law enforcement services on the Blue Line for a two-year period, with the resolution to be amended to include provision for fare inspection by the Sheriff's Department at no additional cost, and the funding of start-up costs of the Transit Police Department by the Los Angeles County Transportation Commission 'whenever' the decision is made by the SCRTD Board of Directors to have this law enforcement service performed by the Transit Police, and to

include a cancellation clause for cause not convenience, during the term of the contract. This motion was seconded.

Director Holen stated his opposition to the motion because of the demoralizing effect upon the Transit Police Department as well as the increased cost of the provision of law enforcement services under this contract. He expressed concern about the tenure of the Sheriff's Department given the real world realities.

The motion passed on a Roll Call vote as noted. A copy of the complete resolution is attached hereto.

Ayes: Dunning, Gonzalez, Jenkins, Knabe, Patsaouras,  
Swanson, Thomas  
Noes: Holen  
Abstain: None  
Absent: Milner, Price, Storing

The meeting adjourned at 5:03 p.m.

  
Helen M. Bolen  
District Secretary

## RESOLUTION

WHEREAS, the Southern California Rapid Transit District and the County of Los Angeles, through their respective legislative bodies, are desirous of entering into an agreement whereby the County of Los Angeles, through the Sheriff thereof, shall provide law enforcement services for the Southern California Rapid Transit District on the Metro Blue Line, a 20.6 mile Light Rail Transit line between downtown Los Angeles and downtown Long Beach entirely within the County of Los Angeles; and

WHEREAS, the County of Los Angeles, through its Sheriff's Department, will provide to the Southern California Rapid Transit District law enforcement services for an estimated annual cost of \$9,953,934, excluding liability insurance, based on current service requirements and conditions. The services will include fare inspection, but will not include security guards; should such personnel be provided by the Southern California Rapid Transit District, only non-sworn personnel shall be used; and

WHEREAS, the Los Angeles County Transportation Commission will fund the Sheriff Department's estimated annual cost of \$9,953,934 for the provision of law enforcement services on the Metro Blue Line, start-up capital costs for the Sheriff's Department, liability insurance, and all reasonable costs incurred by the Southern California Rapid Transit District in administering the Agreement; and

WHEREAS, the Los Angeles County Transportation Commission will fund the ongoing wages, fringe benefits, and all other related net costs for Southern California Rapid Transit District Police personnel and equipment, hired and/or procured to date for the purpose of providing law enforcement services on the Metro Blue Line, when such personnel and/or equipment are transferred to, and used for the purposes of enhancing security on, the Southern California Rapid Transit District bus system; and

WHEREAS, the Los Angeles County Transportation Commission will fund whenever the SCRTD Board of Directors decides that the SCRTD Police should be responsible for Metro Blue Line law enforcement all reasonable net costs incurred by the Southern California Rapid Transit District in recruiting, hiring and training personnel and the procurement of equipment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Southern California Rapid Transit District as follows:

1. That a proposal by the County of Los Angeles for the Sheriff thereof to provide basic law enforcement services and fare inspection services to the Southern California Rapid Transit District on the Metro Blue Line at an estimated annual cost of \$9,953,934, excluding liability insurance, is accepted by the Southern California Rapid Transit District; and
2. The General Manager is authorized and directed to negotiate and execute said District-County Law Enforcement Services Agreement by, and on behalf of, the Southern California Rapid Transit District; and
3. This Agreement shall become effective no sooner than 12:00 a.m. July 16, 1990 and when ratified and adopted by the Board of Supervisors of the County of Los Angeles. This Agreement shall remain in effect until June 30, 1992 and the Southern California Rapid Transit District shall have the right to terminate only for cause, but not for convenience, prior to this date; and
4. The Agreement shall stipulate that Southern California Rapid Transit District Metro Blue Line Security Guards provided by the Southern California Rapid Transit District for the Metro Blue Line will not be sworn peace officers as defined under the statutes of the State of California; and
5. The General Manager shall certify to the adoption of this Resolution and send a certified copy, along with five original signed copies of said District-County Agreement, to the Chief Administrative Officer, Intergovernmental Relations, Room 723, Hall of Administration, 500 West Temple Street, Los Angeles, California 90012; and
6. The General Manager is authorized and directed to negotiate an Agreement with the Los Angeles County Transportation Commission which will call for the full reimbursement of all salary, fringe and other related net costs for Southern California Rapid Transit District Police personnel and equipment, hired and/or procured to date for the purpose of providing law enforcement services on the Metro Blue Line, when such personnel and/or equipment are transferred to, and used for the purpose of enhancing security on the Southern California Rapid Transit District bus system; and

7. The General Manager is authorized and directed to negotiate an Agreement with the Los Angeles County Transportation Commission which will call for the full reimbursement of the net costs whenever the SCRTD Board of Directors decides that the SCRTD Police should be responsible for Metro Blue Line law enforcement incurred by the Southern California Rapid Transit District in the recruitment, hiring and training of personnel, and in the procurement of equipment.

#### CERTIFICATION

The undersigned, duly qualified and acting as District Secretary of the Southern California Rapid Transit District, certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the Board of Directors of the Southern California Rapid transit District held on March 27, 1990.

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District Secretary

DATED: April 9, 1990

(SEAL)