

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

MINUTES/PROCEEDINGS

Regular Board Meeting
Board of Directors
District Board Room
425 South Main Street
Los Angeles

August 28, 1986

Called to order at 1:00 p.m.

Directors Present:

Jan Hall
Carmen A. Estrada
John F. Day
Nate Holden (arr. 1:12 p.m.)
Marvin L. Holen

Leonard Panish
Nick Patsaouras
Jay B. Price
Charles H. Storing
Gordana Swanson

Director Absent:

Norman H. Emerson

1. Director Holen presented Certificates of Merit to:
 - a. Susan Carter, Information Operator-of-the-Month;
 - b. Jessie Singleton, Maintenance Employee-of-the-Month; and
 - c. David Caudillo, Operator-of-the-Month.

2. Gayel Pitchford, Director of Personnel, presented Employee Suggestion Awards to employees.

3. Report of the President

President Hall announced that a Closed Session for the purpose of considering a Workers Compensation matter will be held at the conclusion of the agendaed items.

President Hall then presented Director Patsaouras with a picture taken during the press conference announcing the approval of the Metro Rail Full Funding Contract by the Urban Mass Transportation Administration.

4. Report of the General Manager

General Manager Dyer talked briefly about the schedule of events that will be taking place in Washington during the next 30-45 days. He spoke concerning the status of the Appropriations Bill and the Re-Authorization Bill. He asked the Board members to contact their Congressmen on these important pieces of legislation.

Mr. Dyer then reported on the meeting held by the United Transportation Union for the District's drivers on August 27. Approximately 1,000 drivers attended, as well as Supervisor Hahn, Director Holden and others. Presentations were made by Supervisor Hahn, Earl Clark and Mr. Dyer. He commented that the meeting was productive. Director Holden also spoke briefly on this subject, commending Mr. Dyer for his role. He thanked Earl Clark for his comments that the District is no place for drug use or abuse.

Agenda Items 4A & 4B

General Manager Dyer presented the Comprehensive Alcohol and Drug Abuse Policy by giving a brief summary of the background and the basic elements of the proposed policy. He indicated the four major elements are deterrence, detection, rehabilitation and enforcement.

Director Holden asked if the Board would consider the reports under Items 4A and 4B separately. President Hall indicated that staff had been directed on two separate occasions to prepare a comprehensive Alcohol and Drug Policy and on another occasion the Board directed staff to bring a recommendation on Mandatory Random Testing. Therefore, the reports were separate. Director Patsouras made a motion to separate the issues contained in the reports of 4A and 4B, which motion was seconded and carried, with Directors Day, Holden and Hohen voting against the motion.

Director Holden spoke to the policy as presented, indicating he would not be able to adopt the policy as it is currently written. He cited several portions, indicating his concerns. He then made a motion to amend Section 4.2 to read: "All other means of detection including mandatory, random testing, incident based testing, and the use of other state of the art methods available to detect possible users may be employed." This motion was seconded.

Director Holden presented a letter from the Office of the County Counsel, dated August 27, 1986 which summarized the opinion of O'Melveny & Myers on the issue of a drug and alcohol policy. He also offered a memorandum from the Office of the County Counsel dated August 28, 1986, suggesting language for a severability clause for consideration with a mandatory random drug testing policy. There was considerable discussion of these documents and the policy as presented by staff.

President Hall asked General Counsel Powers to give an analysis of the opinions offered by O'Melveny & Myers and by the County Counsel. Mr. Powers responded that both of these opinions indicate there is a risk involved regarding violation of the Fourth Amendment and they conclude that the District may prevail. The staff's opinion is that the risk is evident and the conclusion reached is that the District may not prevail. Regarding the Board's personal liability in taking action to institute mandatory random drug testing, Mr. Powers indicated that he, as the Board's General Counsel, could not say with any certainty that they would be immune, the best case he could present would be that they may well be immune.

Director Estrada indicated she supported the incident based policy as recommended by staff. The proposed policy is the toughest policy in the U.S., however, it is supportable. There may be a lawsuit, but the District will win if this policy is adopted. Director Estrada then commented on specific sections of the proposed policy and the opinions offered by other counsel.

Following extensive discussion, Director Day suggested that the proposed policy go back to staff for editing. He also said that he could not support the mandatory random testing because the policy before the Board would accomplish what is needed without going the extra step. If the policy does not accomplish what is intended, the Board can then very easily come back to the position advocated by Director Holden.

Director Estrada then made a substitute motion to accept the staff proposed recommended policy for incident based testing for alcohol and drug abuse. This motion was seconded and discussion ensued.

President Hall stated that it appears that the base line position of every member of the Board is that not one single operator is to operate a bus under the influence of drugs or alcohol and the Board is going to do what is necessary and legal. She concluded by stating that she will support the substitute motion. If the mandatory random testing is included in the policy, the District will be in court and there will be no policy or program until the legal issues are resolved.

Director Storing asked Director Estrada to withdraw her substitute motion so that the amendment offered by Director Holden could be voted up or down. Director Estrada respectfully declined this request. Director Day indicated he would vote against the substitute motion unless the motion was amended to include that the document be sent back to staff for clarification of the points raised by the Board. Director Estrada commented that the document cannot be totally restrictive. She added that even the incident based policy will be challenged.

On a request for clarification of the motions on the floor, General Counsel Powers stated that Director Holden's motion should be considered as a primary motion because the intent of the motion was to accept staff recommendation with certain amendments.

Mr. Charles Coleman, representing the Brotherhood of Railway, Airline and Steamship Clerks, appeared before the Board. He spoke briefly about the union's involvement in the formulation of the policy. He also assured the Board that if mandatory random testing is included, the union will fight the implementation of the policy.

Greg Roberts also appeared before the Board speaking on this subject.

On a call for the question, a Roll Call vote was taken on the substitute motion presented by Director Estrada. The motion passed on a vote as noted below, and the Comprehensive Alcohol and Drug Abuse Policy as presented by staff was adopted:

Ayes:	Estrada, Hall, Holen, Panish, Price, Swanson
Noes:	Day, Holden, Patsouras, Storing
Abstain:	None
Absent:	Emerson

Director Day then presented a motion that the policy be returned to staff for the purpose of answering the concerns on certain sections as discussed by the Board and for clarification of intent, which motion was seconded, and discussion followed. Upon request, Director Estrada agreed that the motion be amended to include an implementation plan for the policy.

Mr. Coleman reappeared in response to comments made by the General Manager to further clarify the union's position on this matter.

Ms. Machada also appeared, stating that the District is protecting the drivers at the peril of the passengers.

On a call for the question, Director Day's motion was approved unanimously by a voice vote.

5. Director Special Items

Director Estrada requested a report on the District's efforts in protecting the safety of employees who work in the Headquarters Building. She noted that there is a safety risk in approaching and leaving the building.

Director Holden commended the staff, lobbyists and others who were responsible for securing the Full Funding Contract for the Metro Rail Project. He stated that the groundbreaking ceremony will be viewed nation-wide. He suggested, and made a motion to that effect, that a Board Committee be established to work directly with staff in putting together the program. This motion was seconded and unanimously carried. President Hall was appointed the task of setting up the committee.

EQUIPMENT & MAINTENANCE COMMITTEE

6. Received and Filed status report on A M General Wheelchair Retrofit dated August 26, 1986.

UNANIMOUS

Staff is to provide a status report in 60 days.

SURFACE OPERATIONS COMMITTEE

7. Received and Filed progress report on Robert F. Driver Company for renewing the District's Comprehensive Crime Insurance.

UNANIMOUS

CUSTOMER RELATIONS & PUBLIC INFORMATION COMMITTEE

8. Approved Requisition No. 6-4800-93 and authorized the General Manager to exercise an option for one additional year with Datagraphic Computer Services, Inc., North Hollywood, covering data processing and packaging fulfillment services to control the issuance of the College Vocational and High School Student Identification Cards at an estimated cost of \$133,000; form of option subject to approval of the General Counsel.

UNANIMOUS

It was also recommended that staff put together a program to aid law enforcement in its campaign regarding the South Side killings through the use of "take-ones" and/or car cards.

UNANIMOUS

FACILITIES & CONSTRUCTION COMMITTEE

9. Received and Filed report on July/August community meetings relative to the Westside Division site selection process.

UNANIMOUS

10. Authorized including the evaluation of the Jefferson Boulevard site, as described in the General Manager's report dated August 19, 1986, with the eight alternatives listed in the First Level Evaluation Report on the Evaluation of Alternatives for the current operation of Division 6.

UNANIMOUS

ADVANCE PLANNING COMMITTEE

11. Considered report on Special Service Fares. Director Estrada moved approval of staff recommendation, which motion was seconded.

Ed Duncan appeared and spoke on this item.

This item required eight affirmative votes for approval, and on a Roll Call vote, as noted below, the motion failed.

Ayes:	Estrada, Hall, Holden, Holen, Panish, Patsaouras, Price
Noes:	Day, Storing
Abstain:	None
Absent:	Emerson, Swanson

Director Day then made a motion to reconsider. This motion was seconded and approved on a Roll Call vote, as noted below:

Ayes:	Day, Estrada, Hall, Holden, Holen, Panish, Patsaouras, Price
Noes:	Storing
Abstain:	None
Absent:	Emerson, Swanson

A motion was then made to approve the staff recommendation, which motion was approved by a Roll Call vote as noted below:

Ayes:	Day, Estrada, Hall, Holden, Holen, Panish, Patsaouras, Price
Noes:	Storing
Abstain:	None
Absent:	Emerson, Swanson

ADMINISTRATION, EFFICIENCY & ECONOMY COMMITTEE

12. Approved recommendations of the Transit Law Enforcement Policy Task Force.

UNANIMOUS

13. Considered modification to the District Tariff to provide free transportation for non-uniformed peace officers.

Director Estrada presented the committee's recommendation to concur with the staff proposal, which motion was seconded.

Director Storing made a motion to amend the question before the Board to approve the granting of free transportation for non-uniformed peace officers for a one-year period, at which time the program would be reviewed for its effect on the prevention of crime aboard the buses. This motion was seconded and discussed. Director Holen suggested that a report from staff be presented at the completion of one year's experience with the recommended free fare. Director Storing agreed and withdrew his motion to amend.

The original motion was unanimously carried.

FINANCE & JOINT DEVELOPMENT COMMITTEE

14. Received and Filed District's annual statement of its investment policy.

UNANIMOUS

15. Received and Filed District's monthly report on investments.

UNANIMOUS

FINANCE & JOINT DEVELOPMENT COMMITTEE - Cont'd.

16. Received and Filed report on the sale of equipment trust certificates in the amount of \$23 million to raise funds for bus procurements.

UNANIMOUS

17. Approved recommended fee schedule for Benefit Assessment appeals.

UNANIMOUS

RAPID TRANSIT COMMITTEE

18. Authorized the General Manager to approve a panel of pre-qualified firms, under RFP No. 128504 covering legal assistance in condemnation and relocation matters for the Metro Rail Project for an estimated cost of \$500,000; form of contract subject to approval of General Counsel.

This project is funded under UMTA Grant No. CA-03-0130.

UNANIMOUS

19. Approved Requisition No. 6-8100-193 and authorized the General Manager to bind the insurance coverage for the Metro Rail Owner-Controlled Insurance Program (OCIP), at an amount not to exceed \$4,000,000; form of documents subject to approval of General Counsel.

This project is funded in part under UMTA Grant No. CA-03-0130.

UNANIMOUS

RAPID TRANSIT COMMITTEE - Cont'd.

The Board considered an additional item, and on motion duly made, seconded and unanimously carried, Item No. 19A was added to the agenda.

- 19A. Approved amendment to the Administrative Agreement with the LACTC covering the financial participation of the LACTC in the MOS-1 Segment of the Metro Rail System and authorized execution of the Agreement, as amended, upon adoption by the LACTC; form of documents subject to approval of General Counsel.

UNANIMOUS

On motion duly made, seconded and unanimously carried, Agenda Item No. 30 was moved from the Consent Calendar to the Rapid Transit Committee establishing it as Agenda Item No. 19B.

- 19B. Authorized the General Manager to enter into a no-cost amendment with Metro Rail Transit Consultants (MRTC) to amend the insurance provisions of the contract to bring them into conformance with the District's Metro Rail Owner-Controlled Insurance Program (OCIP) and include provisions appropriate to hazardous waste responsibility; form of amendment subject to approval of General Counsel.

UNANIMOUS

PERSONNEL COMMITTEE

20. Authorized the General Manager to execute a contract with The Wyatt Company, San Diego, under RFP. No. 86-15 covering feasibility study and design of a flexible benefits program for non-contract employees for a cost of \$30,000; form of contract subject to approval of General Counsel.

UNANIMOUS

PERSONNEL COMMITTEE - Cont'd.

21. Approved reclassification of two vacant Program Control Analyst positions, Salary Range 10 (\$2,295-\$3,122), to Program Control Specialist, Salary Range 14 (\$2,801-\$3,808).

UNANIMOUS

CONSENT CALENDAR

22. Approved Requisition No. 6-8100-126 and authorized the General Manager to amend contract with Aleksandra Kasuba, New York, to provide additional plaza paving artwork at the Wilshire/Alvarado Station, at an additional cost of \$30,000 for a total cost of \$80,000; form of contract subject to approval of General Counsel.

UNANIMOUS

23. Approved Requisition No. 6-4400-106 and authorized the General Manager to exercise an option for one additional year with Marchese Graphics, Inc., Los Angeles, covering graphic design services at an additional estimated cost of \$60,000, for a total estimated cost of \$115,000; form of option subject to approval of General Counsel.

UNANIMOUS

24. Approved Requisition No. 6-4400-132 and authorized the General Manager to exercise an option for one additional year with Van Noy Design Group, Torrance, covering graphic design services at an additional estimated cost of \$115,000; form of option subject to approval of General Counsel.

UNANIMOUS

CONSENT CALENDAR - Cont'd.

25. Approved Requisition No. 6-3900-25 and authorized the General Manager to execute a contract with Sage Management Systems Corp., Toronto, Canada, covering basic and extended maintenance for proprietary software program at an estimated cost of \$84,000; form of contract subject to approval of General Counsel.

UNANIMOUS

26. Approved Requisition No. 6-3599-241 and authorized the General Manager to amend an existing contract with Engineering Associates, Los Angeles, covering provision of engineering/drafting services, increasing the total cost by an additional \$7,500 to a total cost of \$27,500; form of contract amendment subject to approval of General Counsel.

UNANIMOUS

27. Approved Requisition No. 6-0990-92 and authorized the General Manager to exercise an option for two additional years with Jack and Marvin Selcer, Los Angeles, covering the lease for the East Los Angeles Customer Service Center at an additional estimated cost of \$35,000, for a total estimated cost of \$89,258; form of option subject to approval of General Counsel.

UNANIMOUS

28. Approved Requisition No. 6-3314-A3729 and authorized the General Manager to execute a contract with The Flxible Corporation, Compton, the lowest responsible bidder under Bid No. 8-8605 covering procurement of steering gear boxes for a one-year period with an option for one additional year at the election of the District, for an estimated annual cost of \$354,442; form of contract subject to approval of General Counsel.

UNANIMOUS

CONSENT CALENDAR - Cont'd.

29. Authorized the General Manager to execute a contract with DynaType Telecom, Glendale, under RFP No. 86-18 covering typesetting services for a one-year period for an estimated cost of \$25,000 with an option for two additional years at the election of the District; form of contract subject to approval of General Counsel.

UNANIMOUS

31. Authorized the General Manager to execute an Irrevocable Offer to Dedicate to the City of Los Angeles a 10-foot wide easement for public street purposes for future widening of Santa Fe Avenue between First Street and Fourth Street adjacent to the Metro Rail yards and shops site; form of documents subject to approval of General Counsel.

UNANIMOUS

32. Adopted Resolution correcting Legal Description contained in Resolution of Necessity to condemn Metro Rail Parcel A1-015 adopted December 13, 1984.

UNANIMOUS

33. Authorized the General Manager or his delegate to enter into a License Amendment with County Sanitation District No. 2 of Los Angeles County to extend the term of the License for the Rio Hondo Telecommunication site for an additional five-year term and an increase in the rent from \$300 to \$600 per annum; form of amendment subject to approval of General Counsel.

UNANIMOUS

CONSENT CALENDAR - Cont'd.

34. Received and Filed report on Board request status.

UNANIMOUS

35a. Approved minutes of regular Board meeting of July 31, 1986.

UNANIMOUS

35b. Approved Report Calendar for period July 25 through August 20, 1986.

UNANIMOUS

GENERAL ITEMS

36. New Business

Greg Roberts appeared before the Board speaking to the issue of the Safety Review Panel.

Ms. Machada also appeared before the Board speaking on transit related matters.

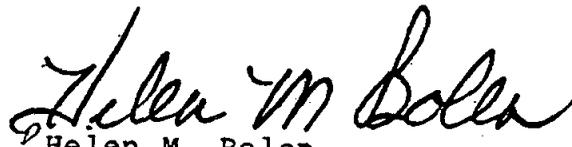
Mr. Walsh approached the Board. After several minutes of abusive dialogue, President Hall ruled Mr. Walsh out of order and directed him to leave the podium.

Mr. Sheldon Walter spoke about the Metro Rail Groundbreaking ceremony, suggesting a special invitation be sent to the President of the United States.

The Board recessed to Closed Session at 4:14 p.m. to consider a Workers Compensation matter.

The Board returned from Closed Session at 4:17 p.m. with Directors Hall, Holden, Estrada, Patsaouras, Price, Panish, Holen and Day in attendance. No report was given.

The meeting adjourned at 4:18 p.m.


Helen M. Bolen
District Secretary