



October 2, 2009

BOARD OF DIRECTORS MEETING
FRIDAY, OCTOBER 9, 2009

5. CONSENT CALENDAR:

A. Approve the Minutes of the Following Meetings:

1. Finance-Auditing Committee/Committee of the Whole of September 10, 2009

Motion

B. Attorney's Report
Denial of Claims

1. Subrogation Claim of Capital Insurance Group (Insured: Pamela and Doug Van Horn)
2. Claim of Robyn J. Carmel
3. Claim of Lucy Florez
4. Claim of Ingrid Robinson
5. Claim of James Farrell
6. Claim of Yelena Merkuryeva

Motion

Motion

Motion

Motion

Motion

Motion

C. Meeting of the Finance-Auditing Committee/Committee of the Whole
September 24, 2009
Chair J. Dietrich Stroeh

1. Ratification of Actions by the Auditor-Controller
 - a. Ratify Commitments and/or Disbursements
 - b. Ratify Previous Investments
 - c. Authorize Investments
 - d. Investment Report, July and August 2009

Resolution

Attachments



September 10, 2009

**REPORT OF THE FINANCE-AUDITING COMMITTEE/
COMMITTEE OF THE WHOLE**

Honorable Board of Directors
Golden Gate Bridge, Highway
and Transportation District

Honorable Members:

A meeting of the Finance-Auditing Committee was held in the Board Room, Administration Building, Toll Plaza, San Francisco, California, on Thursday, September 10, 2009, at 10:50 a.m., Chair Stroeh presiding.

Committee Members Present (8): Chair Stroeh; Vice Chair Pahre; Directors Cochran, Eddie, Elsbernd, Grosboll, Moylan and Sobel

Committee Members Absent (1): President Boro (Ex Officio)

Other Directors Present (2): Directors Reilly and Snyder

Committee of the Whole Members Present (10): Directors Cochran, Elsbernd, Grosboll, Moylan, Pahre, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly

Committee of the Whole Members Absent (9): Directors Brown, Campos, Chu, Dufty, Kerns, McGlashan, Newhouse Segal and Sanders; President Boro

Staff Present: General Manager Celia G. Kupersmith; Auditor-Controller Joseph M. Wire; Secretary of the District Janet S. Tarantino; Attorney David J. Miller; Deputy General Manager/Bus Transit Division Teri W. Mantony; Deputy General Manager/Ferry Transit Division James P. Swindler; Acting District Engineer and Deputy District Engineer Ewa Bauer; Acting Executive Assistant to the General Manager Sonia Pedlar; Assistant Clerk of the Board Patsy Whala

Visitors Present: None

FINANCE-AUDITING COMMITTEE/COMMITTEE OF THE WHOLE
SEPTEMBER 10, 2009/PAGE 2

1. **Authorize a Budget Increase in the FY 09/10 Bus Transit Division Capital Budget Relative to Contract No. 2009-BT-1, *Forty-Five Foot Diesel Inter-City Configuration Coaches*, with Motor Coach Industries, Inc.**

In a memorandum to Committee, Director of Bus Maintenance Gene Walker, Deputy General Manager/Bus Division Teri Mantony and General Manager Celia Kupersmith reported on staff's recommendation for Committee's concurrence with a budget increase relative to the award of Contract No. 2009-BT-1, *Forty-Five Foot Diesel Inter-City Configuration Coaches*. The report provided details regarding the award of Contract No. 2009-BT-1 to Motor Coach Industries (MCI), as well as other related actions. It is recommended that a budget increase in the FY 09/10 Bus Transit Division Capital Budget, in the amount of \$2,453,650.00, be authorized, to be funded with \$1,962,920.00 Federal Transit Administration (FTA) grant funds and \$490,730.00 from District reserves. A copy of the staff report is available in the Office of the District Secretary and on the District's web site.

Staff recommended and the Committee concurred by motion made and seconded by **Directors COCHRAN/PAHRE** to forward the following recommendation to the Board of Directors for its consideration:

RECOMMENDATION

The Finance-Auditing Committee recommends that the Board of Directors authorize a budget increase in the FY 09/10 Bus Transit Division Capital Budget in the amount of \$2,453,650.00, relative to the award of Contract No. 2009-BT-1, *Forty-Five Foot Diesel Inter-City Configuration Coaches*.

Action by the Board

Refer to the Transportation Committee Meeting of September 10, 2009

AYES (10): Directors Cochran, Elsbernd, Grosboll, Moylan, Pahre, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly

NOES (0): None

2. **Authorize a Budget Increase in the FY 09/10 Bus Transit Division Capital Budget Relative to Contract No. 2010-BT-6, *Thirty-Five Foot Hybrid Buses*, to New Flyer on Behalf of the Marin County Transit District**

In a memorandum to Committee, Director of Capital and Grant Programs Gayle Prior, Deputy General Manager/Bus Division Teri Mantony and General Manager Celia Kupersmith reported on staff's recommendation for Committee's concurrence with a budget increase relative to approval of actions for Contract No. 2010-BT-6, *Thirty-Five Foot Hybrid Buses*, with New Flyer of America (New Flyer) on behalf of the Marin County Transit District (MCTD). The report provided details regarding Contract No. 2010-BT-6, including the procurement of coaches from New Flyer, as well as other related actions. It is recommended that a budget increase in the FY 09/10 Bus Transit Division Capital Budget, in the amount of \$295,000.00, be authorized, to be funded with \$236,000.00 FTA grant funds and \$59,000.00 local funds from MCTD, subject to

**FINANCE-AUDITING COMMITTEE/COMMITTEE OF THE WHOLE
SEPTEMBER 10, 2009/PAGE 3**

availability. A copy of the staff report is available in the Office of the District Secretary and on the District's web site.

Staff recommended and the Committee concurred by motion made and seconded by **Directors COCHRAN/PAHRE** to forward the following recommendation to the Board of Directors for its consideration:

RECOMMENDATION

The Finance-Auditing Committee recommends that the Board of Directors authorize a budget increase in the FY 09/10 Bus Transit Division Capital Budget in the amount of \$295,000.00, relative to the approval of actions for Contract No. 2010-BT-6, *Thirty-Five Foot Hybrid Buses*.

Action by the Board

Refer to the Transportation Committee Meeting of September 10, 2009

AYES (10): Directors Cochran, Elsbernd, Grosboll, Moylan, Pahre, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly
NOES (0): None

3. Authorize the Filing of an Application with the Metropolitan Transportation Commission for Regional Measure 2 Funds to Support Implementation of the Advanced Communications and Information System Project

In memorandum to Committee, Director of Capital and Grant Programs Gayle Prior, Auditor-Controller Joseph Wire and General Manager Celia Kupersmith reported on staff's recommendation to authorize the General Manager or her designee to file applications and execute funding agreements with the Metropolitan Transportation Commission (MTC) for Regional Measure 2 (RM2) funds, to support implementation of the Advanced Communications and Information System (ACIS) project.

The ACIS project is a District-wide radio communications system comprised of multiple components including real-time information systems, which is the portion of the ACIS project that is eligible for funding under the RM2 program.

As a part of MTC's RM2 Regional Traffic Relief Plan Policies and Procedures, the District is required to adopt resolutions formally authorizing project application with MTC and to provide various assurances as provided in Attachment A of this report. The application for grant funds will provide \$1,655,000.00 to support implementation of the ACIS project and is included in the FY 09/10 Bus Transit Division Capital Budget. A copy of the staff report, including Attachment A, is available in the Office of the District Secretary and on the District's web site.

Staff recommended and the Committee concurred by motion made and seconded by **Directors PAHRE/SOBEL** to forward the following recommendations to the Board of Directors for its consideration:

RECOMMENDATION

The Finance-Auditing Committee recommends that the Board of Directors authorize the General Manager, or her designee, to execute and submit an application, related assurances and allocation request with the Metropolitan Transportation Commission for Regional Measure 2 funds in the amount of \$1,655,000.00, to support implementation of the Advanced Communications and Information System Project.

Action by the Board at its meeting of September 11, 2009 - Resolution
NON-CONSENT CALENDAR

AYES (10): Directors Cochran, Elsbernd, Grosboll, Moylan, Pahre, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly

NOES (0): None

4. Authorize Filing an Application with the Bay Area Air Quality Management District FY 09/10 Transportation Funds to Support Larkspur Ferry Shuttle Service Operations

In a memorandum to Committee, Capital and Grant Programs Manager Gayle S. Prior, Auditor-Controller Joseph Wire and General Manager Celia Kupersmith reported on staff's recommendation to approve actions relative to the filing of an application with the Bay Area Air Quality Management District for FY 09/10 Transportation Fund for Clear Air Program grant funds to support peak period ferry feeder service between Fairfax/Sir Francis Drake and the Larkspur Ferry Terminal (LFT). These funds are distributed to agencies to implement projects to reduce air pollution, such as ferry feeder services.

The report stated that Golden Gate Ferry ridership has been increasing by over five percent per year and staff anticipates an increase in future ridership due to the escalating gasoline prices. The goal of the service is to reduce traffic congestion and vehicle emissions in the U.S. Highway 101 Golden Gate Corridor by offering an effective shuttle service that will encourage LFT patronage.

The report also stated that, in accordance with federal guidelines, grant funding will be requested for a two-year period, which represents the maximum amount of time allotted for shuttle/feeder services. The proposed shuttle service will be funded at an estimated annual cost of \$352,270.00 (90% Federal/10% District), for a total project cost of \$704,540.00. As a result of the proposed ferry feeder service, it is anticipated that the fare revenue generated from new ferry riders will offset the District's local match. A copy of the staff report is available in the Office of the District Secretary and on the District's web site.

Staff recommended and the Committee concurred by motion made and seconded by **Directors PAHRE/SOBEL** to forward the following recommendations to the Board of Directors for its consideration:

RECOMMENDATION

The Finance-Auditing Committee recommends that the Board of Directors authorize Authorized the General Manager, or her designee, to file applications and execute funding agreements with the Bay Area Air Quality Management District for the FY 09/10 Transportation Fund for Clear Air Grant Program, to support a two-year peak period ferry shuttle service between Fairfax/Sir Francis Drake and the Larkspur Ferry Terminal, for an estimated operating cost of \$352,270.00 per year.

**Action by the Board at its meeting of September 11, 2009 - Resolution
NON-CONSENT CALENDAR**

AYES (10): Directors Cochran, Elsbernd, Grosboll, Moylan, Pahre, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly

NOES (0): None

5. Public Comment

There was no public comment.

6. Adjournment

All business having been concluded, the meeting was adjourned at 10:53 a.m.

Respectfully submitted,

J. Dietrich Stroeh, Chair
Finance-Auditing Committee

JDS:JST:PLW;plw

Memorandum

TO: Board of Directors
FROM: David J. Miller
DATE: September 30, 2009
RE: Board Meeting on October 9, 2009

Subrogation Claim of Capital Insurance Group (Insured: Pamela and Doug Van Horn)

The District received a subrogation claim on behalf of Capital Insurance Group (Insured: Pamela and Doug Van Horn) alleging property damage in the amount of \$3,504.35. Claimant alleges that on July 21, 2009, a District bus struck the insured's vehicle as Pamela Van Horn pulled out of a parking space on northbound Van Ness Avenue in San Francisco. Claimant asserts that the bus had turned right onto Van Ness Avenue at the time of the collision. As a result of the incident the insured's vehicle allegedly sustained damage to the front bumper, hood, left fender, grille and headlamps. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Robyn J. Carmel

The District received a claim on behalf of Robyn J. Carmel alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on June 16, 2009, she was a passenger on a District bus that either struck a vehicle in front of it or stopped suddenly to avoid a collision, near the intersection of The Embarcadero and Sansome Street in San Francisco. The claimant asserts that as a result of the incident she sustained a whiplash injury, a concussion and other head injuries, a bruised and swollen jaw, an eye injury, and a gum hematoma, lacerations and swelling. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Lucy Florez

The District received a claim on behalf of Lucy Florez alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on February 26, 2009, after exiting from a District bus, she was struck by a vehicle as she crossed 4th Street in San Rafael in a crosswalk near Ida Street. The claimant asserts that the design of the District's bus stop at that location caused a hazard for pedestrians exiting from a bus and crossing the street. As a result of the incident, claimant allegedly sustained a fractured right arm, left arm abrasions, left hip pain, emotional stress, and a closed head injury. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Memorandum To:
Board of Directors
September 30, 2009
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Claim of Ingrid Robinson

The District received a claim on behalf of Ingrid Robinson alleging property damage in the amount of \$295.00. Claimant alleges that on July 30, 2009, while she was driving in the center lane on Lombard Street in San Francisco, a District bus in the right lane struck the passenger side view mirror of her vehicle. As a result of the incident the passenger side view mirror of claimant's vehicle was allegedly broken off. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of James R. Farrell

The District received a claim on behalf of James R. Farrell alleging property damage in the amount of \$400.00. Claimant alleges that on August 23, 2009, he was sitting in his parked vehicle in a passenger loading zone in the 2000 block of Lombard Street in San Francisco when a passing District bus struck the left side view mirror of his vehicle. The claimant asserts that the left side view remote-controlled mirror of his vehicle was broken off and a portion of the left door was damaged. The claim has been forwarded to John Glenn Adjusters.


Recommend denial of the claim.

Claim of Yelena Merkurjeva

The District received a claim on behalf of Yelena Merkurjeva alleging personal injuries and property damage in an unstated amount. Claimant alleges that on August 6, 2009, she was stopped at a stop sign on Marina Boulevard at Webster Street in San Francisco when a non-revenue District vehicle struck the rear of her vehicle. As a result of the collision the claimant's body was allegedly thrown forward and backward and the left side of her head hit the headrest. The incident allegedly exacerbated claimant's pre-existing neck and upper back pain. Claimant further asserts that the bumper of her vehicle was damaged and the trunk will not open as a result of the collision. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Respectfully submitted,



DAVID J. MILLER

DJM:aer