



CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS MEETING
2910 East Fifth Street Austin, TX 78702

~ MINUTES ~

Executive Assistant/Board Liaison Gina Estrada
512-389-7458

Thursday, April 15, 2010
12:00 AM

11:36 AM Meeting Called To Order
12:10 PM Meeting Adjourned

I. Call to Order

II. Action Items:

1. Resolution CMTA-2010-23 COA Regional Mobility Funding

COA Regional Mobility Funding

Randy Hume, EVP, Finance Dept. discussed proposed amendments, one for the 1/4 cent, the COA Regional Mobility Funding and the other for the BGA/BCT Program. (see attachment)

Mike Martinez and Chris Riley recused from any discussion or voting on these items.

John Cowman wanted to know about the information on the chart above the green line?

Randy stated anything above the green line was excess sales tax available for building for capital projects or building back reserves, based on our long range plan. The blue line is what we use of our sales tax to support our operations, everything above the blue would be available for either capital or building back up our reserves.

Frank Fernandez stated that regarding the 1/4 cent we worked out an agreement that satisfies CMTA and the COA, we have a good compromise. He also wanted clarification regarding the 1/4 cent, Capital Metro's cash flow protection.

Randy stated the City recommended that we do it by an MOU and the MOU states what those dollar amounts actually are by the year.

Fernandez - I have a legal question - Are we going to get ourselves in a situation where the ILA would be considered a more binding agreement than the MOU? What if we have to move a project? What happens in that situation?

Kerri Butcher - If I understand your question, are you saying if they move a project over there that is worth more than what we have agreed to in our MOU that we will pay in that year? We would work with the City to ensure that they did not bill us for that amount of the project in that year and they didn't complete that amount of work in that year. What we will be asking in the resolution today is for you to finalize and execute the agreement saying what terms you would be allowing us to agree to. Also, are you requesting us to put the dollar figures in the ILA instead of the MOU?

Fernandez - I am concerned because of the lack of clarity in the ILA.

Butcher - The MOU is as binding as the ILA, either would be equally enforceable but it is up to you and City Council to decide what language you would like in the agreement.

Fernandez - If we were to go ahead today and move forward with the 1/4 cent for the City would that make a difference?

Butcher - City requested we take both actions together but we have requested that they are not in the same agreement.

Doug Allen - We could hold off on the second item because it is important that you feel comfortable with it.

Fernandez - I think we could move forward with the 1/4 cent, they should not have been tied together and if they were the Board should have been made aware of it.

RESULT: ADOPTED

2. Resolution CMTA-2010-24 COA Build Greater Austin/Build Central Tx Program
COA Build Greater Austin/Build Central Tx Program

Amended resolution to say - getting sign-off from Audit/Finance Committee.

Norm Chafetz - Do you want to run through Audit/Finance?

Fernandez - Yes because this is the first time we are seeing it at this meeting.

Allen - The intent is to make a modification, if the Board can take action to authorize staff to continue negotiations and discussion then we could get something back to you and the committee.

Fernandez - I am okay with that and we will see it before it gets approved?

Allen - If you can summarize the elements that you want to make sure that we need in the modification to make sure we are on the same page.

Fernandez - The two points on the chart, how we articulate, be clear or at least set a cap, some clear parameters.

John Langmore stated he would like to be informed on this before we vote and find out exactly what is the reception of the City on this?

Langmore - Propose we delete the word "execute".

Ann Stafford - Friendly Amendment.

Beverly Silas - Friendly Amendment.

Motion carried by Chafetz, seconded by Silas 6 ayes, 2 recused (Martinez, Riley)

RESULT: ADOPTED AS AMENDED [6 TO 0]
MOVER: Norm Chafetz, Board Member
SECONDER: Beverly Silas, Board Member
AYES: Chafetz, Silas, Langmore, Fernandez, Stafford, Cowman
ABSTAIN: Mike Martinez, Chris Riley

III. Adjournment

The meeting was adjourned at 12:10 pm.

ADA Compliance

Reasonable modifications and equal access to communications are provided upon

request. Please call 512-389-7458 or email gina.estrada@capmetro.org if you need more information.

BOARD OF DIRECTORS: Mayor Pro Tem Mike Martinez, Chairperson; John Langmore, Vice Chair; Beverly S. Silas, Board Secretary; Council Member Chris Riley; Mayor John Cowman; Frank Fernandez; Ann M. Stafford and Norm Chafetz . Board Liaison: Gina Estrada 389-7458, email gina.estrada@capmetro.org if you need more information.

The Board of Directors may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any legal issues, under Section 551.072 for Real Property issues, under Section 551.074 for Personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of Security Personnel or devices, arising regarding any item listed on this Agenda.

Date: April 15, 2010

Yvonne Allen
Legal/Board Support Specialist II

**Capital Metropolitan Transportation Authority
Board of Directors**

**MEETING DATE: 04/15/2010
CMTA-2010-23
COA Regional Mobility Funding**

SUBJECT: COA Regional Mobility Funding

FISCAL IMPACT: No fiscal impact.

ROUTE 2025 STRATEGIC ALIGNMENT: Does Not Apply

DBE PARTICIPATION: Does not apply.

RESPONSIBLE DEPARTMENT: Legal

LEGAL COUNSEL SIGNATURE: _____

