RESOLUTION NO. 2009- 75

A RESOLUTION

APPROVING AND ADOPTING THE BUSINESS PLAN AND BUDGET FOR FISCAL YEAR 2010; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE FY2010 BUSINESS PLAN

WHEREAS, Texas Transportation Code Section 451.102(a) requires that the Board of Directors adopt an annual budget specifying major expenditures by type and amount prior to the expenditures of any funds in the budget year; and

WHEREAS, Texas Transportation Code Section 451.102(b) requires that METRO make the proposed budgets available for public review and hold a public hearing prior to adoption of the proposed budget; and

WHEREAS, in compliance with the cited statutory requirements, METRO has released proposed budgets for Fiscal Year 2010 and has held a public hearing regarding the proposed budgets; and

WHEREAS, the Board of Directors has reviewed the proposed budget for Fiscal Year 2010 and has considered the public comments thereon; and

WHEREAS, after due consideration of public comments, the Board of Directors approved a fare restructure including incremental adjustments for Fiscal Years 2009, 2010, and 2011, through Resolution No. 2008-77;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby finds and declares that all prerequisites required by law for the consideration and adoption of the budgets for Fiscal Year 2010 have been satisfied.
Section 2. The Board of Directors hereby approves and adopts an Operating Budget for Fiscal Year 2010 totaling $330,000,000.

Section 3. The Board of Directors hereby approves and adopts a Capital Budget for Fiscal Year 2010 totaling $683,238,000.

Section 4. The Board of Directors hereby approves and adopts a General Mobility Budget for Fiscal Year 2010 totaling $151,694,000.

Section 5. The Board of Directors hereby approves and adopts a Debt Service Budget for Fiscal Year 2010 totaling $99,000,000.

Section 6. The Board of Directors hereby directs the President & CEO to implement the fare increase, previously approved through Board Resolution 2008-77, as follows:

<table>
<thead>
<tr>
<th>Local/METRORail</th>
<th>FY2009</th>
<th>FY2010</th>
<th>Increase from FY09</th>
<th>% Increase from FY2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 1</td>
<td>$2.00</td>
<td>$2.10</td>
<td>$0.10</td>
<td>5%</td>
</tr>
<tr>
<td>Zone 2</td>
<td>$3.25</td>
<td>$3.40</td>
<td>$0.15</td>
<td>5%</td>
</tr>
<tr>
<td>Zone 3</td>
<td>$3.75</td>
<td>$3.90</td>
<td>$0.15</td>
<td>4%</td>
</tr>
<tr>
<td>Zone 4</td>
<td>$4.50</td>
<td>$4.70</td>
<td>$0.20</td>
<td>4%</td>
</tr>
</tbody>
</table>

Section 8. This Resolution is effective immediately upon passage.

PASSED this 17th day of September, 2009.
APPROVED this 17th day of September, 2009.

ATTEST: 

Assistant Secretary

David S. Wolff
Chairman of the Board
A RESOLUTION

AUTHORIZING THE EXECUTION OF A RENEWAL OF THE TRANSPORTATION IMPROVEMENT AGREEMENT FOR DESIGNATED AND FUTURE DESIGNATED PROJECTS WITH THE CITY OF HOUSTON

WHEREAS, METRO has committed to provide funding under the General Mobility Program to the City of Houston for transit-related improvement projects; and

WHEREAS, these projects are beneficial to residents, visitors to the City of Houston, and to METRO; and

WHEREAS, the current Transportation Improvement Agreement for Designated and Future Designated Projects ("Agreement") between METRO and the City of Houston will expire on September 30, 2009; and

WHEREAS, both METRO and the City of Houston wish to extend the Agreement until September 30, 2014, to coincide with METRO's commitment to provide General Mobility funding;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

1. The Board of Directors hereby authorizes and directs the President and CEO to execute and deliver a renewal of the Transportation Improvement Agreement for Designated and Future Designated Projects with the City of Houston, extending the Agreement through September 30, 2014.

2. This Resolution is effective immediately upon passage.
PASSED this 17th day of September, 2009.
APPROVED this 17th day of September, 2009.

ATTEST:

[Signature]
Assistant Secretary

[Signature]
David S. Wolff
Chairman of the Board
RESOLUTION NO. 2009-77

A RESOLUTION

AUTHORIZING THE EXECUTION OF A RENEWAL TO THE TRANSPORTATION IMPROVEMENT AGREEMENT FOR DESIGNATED AND FUTURE DESIGNATED PROJECTS WITH THE HARRIS COUNTY OF HOUSTON

WHEREAS, METRO has committed to provide funding to the Harris County for transit improvement projects; and

WHEREAS, these projects are beneficial to residents, visitors to Harris County, and to METRO; and

WHEREAS, the current Transportation Improvement Agreement for Designated and Future Designated Projects ("Agreement") between METRO and Harris County will expire on September 30, 2009; and

WHEREAS, both METRO and Harris County wish to extend the Agreement until September 30, 2014, to coincide with METRO’s commitment to provide General Mobility funding;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

1. The Board of Directors hereby authorizes and directs the President and CEO to execute and deliver a renewal of the Transportation Improvement Agreement for Designated and Future Designated Projects with Harris County, extending the Agreement through September 30, 2014.

2. This Resolution is effective immediately upon passage.
PASSED this 17th day of September, 2009.
APPROVED this 17th day of September, 2009.

ATTEST:

Assistant Secretary

David S. Wolff
Chairman of the Board
RESOLUTION NO. 2009-78

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A MEMORANDUM OF UNDERSTANDING WITH THE HOUSTON COMMUNITY COLLEGE SYSTEM

WHEREAS, METRO has committed to recruit from Houston area communities to fill workforce needs in relation to METRO Solutions projects; and

WHEREAS, METRO and the Houston Community College System ("HCCS") have worked together to identify potential opportunities for transit-related training programs; and

WHEREAS, METRO and HCCS desire to enter into a non-binding Memorandum of Understanding in order to allow them to cooperatively evaluate and determine the potential of developing transit-related curricula;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby authorizes and directs the President & CEO or his delegate to execute and deliver a non-binding Memorandum of Understanding with the Houston Community College System for the exploration of transit-related training opportunities and the potential development of related curricula.

Section 2. This Resolution is effective immediately upon passage.

PASSED this 17th day of September, 2009.
APPROVED this 17th day of September, 2009.

ATTEST:

[Signature]
Assistant Secretary

[Signature]
David S. Wolff
Chairman of the Board
METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY
MEMORANDUM OF UNDERSTANDING WITH
THE HOUSTON COMMUNITY COLLEGE SYSTEM

The following Memorandum of Understanding (the MOU) is a non-binding agreement that sets forth the terms of understanding between the Metropolitan Transit Authority of Harris County, (METRO), and the Houston Community College System, (HCCS), with regard to educational services provided through HCCS.

I) Purpose of Agreement

Recognizing the need to improve and promote educational services within its general workforce in support of METRO Solutions Phase II, METRO seeks to explore a beneficial relationship with HCCS. It is the purpose of the MOU to establish a cooperative and mutually beneficial relationship between the parties.

II) Duration of Agreement

The MOU is effective on the date of execution of the MOU and will remain in full force and effect until the MOU is cancelled by either party in accordance with the terms set forth herein. The parties to this MOU reserve the right to modify the scope, direction, structure and content of this MOU based upon legislative changes, Local Board directives, availability of funding, or other circumstances as warranted and agreed upon by the parties.

III) Services Provided

1. The Metropolitan Transit Authority of Harris County (METRO)

METRO provides regional public transportation services to the Houston-Galveston region.

2. The Houston Community College System

HCCS is a tax-supported public post-secondary institution offering technical programs, associate degrees, certificates, workforce training, and lifelong learning opportunities for all people in the local community. HCCS also provides English as a Second Language (ESL). HCCS has several campuses and centers located throughout the greater Houston area. HCCS uses both fulltime and adjunct teachers to provide instruction for technical programs, associate degree programs, continuing education and workforce programs.

IV) General Provision

It is understood by both METRO and HCCS that each party should be able to fulfill its responsibilities under this MOU in accordance with the provisions of law and regulations that govern their activities. Nothing in this MOU is intended to negate or otherwise render ineffective any such provisions or operating procedures. If at any time either party is unable to perform its functions under this MOU consistent with such party's statutory and
regulatory mandates, the affected party should immediately provide written notice to the other party to establish a date for mutual resolution of the conflict.

V) Responsibilities Under this Agreement

In consideration of the mutual aims and desires of the parties to this MOU and in recognition of the public benefit to be derived from effective implementation of the services involved, the parties agree that their responsibilities under this agreement are as follows:

METRO shall partner with HCCS to evaluate educational services needs in the following areas:

A. METRO Training

METRO is consistently looking for ways to enhance training of its existing and potential workforce. METRO will identify areas of training need within its internal work force and work with HCCS to develop a curriculum that addresses those needs.

HCCS will utilize the curriculum to train individuals in high need areas as identified by METRO.

METRO will seek to actively recruit eligible, competitive applicants from applicable programs

B. Post-Construction METRO Solutions Phase II Training

METRO staff will coordinate with HCCS faculty to develop a specialized training program for future positions at METRO Operations and Maintenance facilities and for other positions as identified and agreed upon by METRO.

VI) Program Limitations

A. Participation in an HCCS training program created in coordination with METRO should not be construed as a guarantee of employment.

B. Allocation of Costs

METRO and HCCS assume full responsibilities for all the respective costs associated with performance of the terms of the MOU unless otherwise specified.

VII) Unenforceable Provisions

In the event that any provision of this MOU is unenforceable, or held to be unenforceable, then the Board and HCCS agree that all other provisions of this MOU have force and effect, and shall not be affected.
VIII) Discrimination Clause

a. Parties to this MOU shall not unlawfully discriminate, harass or allow harassment against any employee or applicant, or applicant for employment or applicant due to gender, race color, ancestry, religion, national origin, physical disability, mental disability, medical condition, age or marital status. Parties to this MOU shall include non-discrimination and compliance provisions of this clause in all related subcontracts or financial agreements.

b. Parties to this MOU shall assure compliance with the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination on the basis of disability as well as applicable regulations and guidelines pursuant to the ADA.

IX) Amendment or Cancellation of MOU

The MOU may be amended at any time in writing and by mutual consent of the parties. The MOU may be cancelled by either party upon thirty (30) days written notice except where cancellation is for cause, i.e. a material breach of any of the provisions of this Agreement; it may be cancelled upon delivery of written notice to the other party.

APPROVED:

Frank J. Wilson                                           Mary S. Spangler, Ph.D.
President/CEO                                             Chancellor
Metropolitan Transit Authority                             Houston Community College System

Date ______________                                    Date ______________
A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A ONE-YEAR CONTRACT WITH PETROLEUM TRADERS CORPORATION TO SUPPLY AND DELIVER GASOLINE

WHEREAS, METRO requires 87 Octane reformulated gasoline for use in its non-revenue vehicles; and

WHEREAS, METRO staff anticipates requiring approximately 336,000 gallons of gasoline during FY2010; and

WHEREAS, after a competitive bidding process, Petroleum Traders was found to be the lowest responsive and responsible bidder to supply and deliver the gasoline;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby authorizes and directs the President & CEO to execute and deliver a one-year contract with Petroleum Traders to supply and deliver 87 Octane reformulated gasoline in an amount not to exceed $848,800.00.

Section 2. This Board Resolution is effective immediately upon passage.

ATTEST:

PASSED this 17th day of September, 2009.
APPROVED this 17th day of September, 2009.

David S. Wolff
Chairman of the Board
RESOLUTION NO 2009- 80

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A THREE-YEAR CONTRACT WITH A.O. PHILLIPS AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED $3,000,000

WHEREAS, METRO is in need of an Internal Program Advisor for consultation on METRO Small Business and Disadvantaged Business Enterprise Program ("SBE/DBE"); and

WHEREAS, after a competitive procurement process A.O. Phillips & Associates was determined to be most qualified; and

WHEREAS, METRO staff anticipates the need for these services for three years; and

WHEREAS, these services, which shall be utilized on an as-needed basis, are expected not to exceed $3,000,000.00;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby authorizes and directs the President & CEO to execute and deliver a three-year contract with A.O. Phillips & Associates in an amount not to exceed $3,000,000.

Section 2. This resolution is effective immediately upon passage.

PASSED this 17th day of September, 2009.
APPROVED this 17th day of September, 2009.

ATTEST:

Paula J. Landers
Assistant Secretary

David S. Wolff
Chairman of the Board