



**MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION**

**Official Minutes**

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**September 2, 2009**

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
JOPLIN, MISSOURI, ON WEDNESDAY, SEPTEMBER 2, 2009**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, September 2, 2009, at the Missouri Department of Transportation District 7 Office, 3901 East 32<sup>nd</sup> Street, Joplin, Missouri. David A. Gach, Chairman, called the meeting to order at 10:00 a.m. The following Commissioners were present at the meeting location: David A. Gach, Rudolph E. Farber, Grace M. Nichols, Lloyd J. Carmichael, Duane S. Michie, and Stephen R. Miller.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Pete Rahn, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission were present on Wednesday, September 2, 2009.

\* \* \* \* \*

*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.  
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

**-- CLOSED MEETING --**

**VOTE TO CLOSE MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo, including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Upon motion duly made and seconded to convene in closed session, the Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Gach, Aye  
Commissioner Farber, Absent  
Commissioner Nichols, Aye  
Commissioner Carmichael, Aye  
Commissioner Miller, Aye  
Commissioner Michie, Aye

The Commission met in closed session from 8:00 a.m. until 9:45 a.m.

\* \* \* \* \*

**-- OPEN MEETING --**

**STEPHEN R. MILLER QUALIFIED AS A MEMBER OF THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**

On August 11, 2009, Governor Jeremiah “Jay” Nixon appointed Stephen R. Miller of Kansas City to the Missouri Highways and Transportation Commission for a term ending March 1, 2011, or until his successor is duly appointed and qualified, vice Mike Kehoe resignation.

He was duly sworn on August 25, 2009, at the Missouri Department of Transportation office in Jefferson City by Missouri Supreme Court Chief Justice William Ray Price, Jr.

\* \* \* \* \*

**APPROVAL OF MINUTES**

Upon motion by Commissioner Michie, seconded by Commissioner Farber, the Commission unanimously approved the minutes of the regularly scheduled meeting held on August 5, 2009. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

\* \* \* \* \*

**CONSENT AGENDA**

**Consent Agenda Process**

In order to make the most efficient use of Commission meeting time and to ensure Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or non-controversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

**Consideration of September 2, 2009, Consent Agenda**

No items were removed from the consent agenda. Upon motion by Commissioner Farber, seconded by Commissioner Nichols, the consent agenda items were unanimously approved by a quorum of Commission members present.

\* \* \* \* \*

**COMMISSION COMMITTEE REORGANIZATION**

Chairman Gach made the following appointments to the Commission committees/board:

**Legislative Committee** - Commissioner Miller, co-chair  
All Commission members serve on this committee.

\* \* \* \* \*

**COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS**

The Commission has two committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee reports were made during the September 2, 2009, meeting.

**Audit Committee** – Commissioner Farber stated there was no report.

**Legislative Committee** – Commissioner Carmichael reported legislators would return to Jefferson City on September 16, 2009 for veto session. Congress will reconvene on September 8, and hopefully take up an extension for SAFETEALU, which will expire at the end of September. An

extension is necessary so that highway funds will continue to be disbursed while a new authorization bill is prepared.

**Missouri Transportation Finance Corporation** – Commissioner Gach stated there was no report.

**MoDOT and Patrol Employees Retirement System** – Commissioner Farber explained there has not been a board meeting, but that the governance and investment committees have been working to ensure the necessary policies and procedures are in place. He also reported the newest board member, Commissioner Carmichael, attended his orientation session. Unfortunately, funding is a serious problem the board needs to address, and although the investments are down overall, they are up sixteen percent since the low in February.

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## **DIRECTOR’S REPORT**

During the September 2, 2009, Commission meeting, Director Pete Rahn provided the following report:

**Bond ratings.** The director reported that the ratings for the Grant Anticipation Revenue Vehicles (GARVEE) bonds received the highest tier rating of AA from the bond rating agencies of Moody’s and Fitch, and an even better rating of AA+ from Standard and Poor’s. The high ratings MoDOT received is a statement from the rating agencies that MoDOT has been very responsible in the use of its credit and its bonds to improve the transportation system in Missouri.

**Lifecycle of a Road.** The director presented a video prepared by the department to explain the lifecycle of a road. The video demonstrates how roads are just like cars, you build them and you use them up and at some point you have to buy them again because it is used up. The video is posted on the You Tube website and can be queried several ways in order to locate it. Eight other departments of transportation have asked permission to use the video because it clearly explains what happens to a road over its life.

\* \* \* \* \*

**JOPLIN-AREA OFFICIALS REGARDING GROWTH, ECONOMIC DEVELOPMENT,  
AND TRANSPORTATION NEEDS**

Mr. Rob O’Brian, President of the Joplin Area Chamber of Commerce, and Mr. David Hertzberg, Director of Public Works for the City of Joplin and Chair of the Joplin Area Transportation Study Organization, expressed appreciation for the recent transportation improvements in the Joplin area.

Mr. O’Brian introduced a video presentation that highlighted a request for five future projects: completion of improvements to US 71 to upgrade the corridor to I-49, improve the MO 171 / US 400 corridor for connectivity and traffic flow, continue progress to establish a new Joplin West Corridor to support growth and development, construct a new interchange at Main and Zora Streets for safety and connectivity, and finally for two interchanges along I-44 which includes construction of a new interchange at the Crossroads Business and Industrial Park and to reconstruct a deficient interchange at Range Line Road. Both Mr. Hertzberg and Mr. O’Brian commented on the ability to successfully partner with MoDOT to accomplish many projects in the region and look forward to the continued partnership with the department.

Mr. Hertzberg explained how Joplin’s population is only 50,000, however during the day the population grows to almost 225,000 as people travel to the area to work, shop, go to school, or to use medical services. This increased population increases the demand on the transportation system and is a key reason why the community requested the five projects listed above.

Following discussion and inquiry, the commission thanked Mr. O’Brian and Mr. Hertzberg for their presentation.

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**MONETT AND BARRY COUNTY OFFICIALS REGARDING THE MO 37/ US 60 CORRIDOR**

Mr. Mark Nelson, Senior Executive Vice President of Community National Bank and Chair of the Monett Tax Increment Finance District, and the Honorable Cherry Warren, Presiding Commissioner of Barry County and Chair of the 37/60 Corridor Coalition requested the commission consider improving portions of Highway 37 and Highway 60 to four lanes. First, Mr. Nelson highlighted some of the successful cost-share projects that the City of Monett has partnered with MoDOT and accomplished since 1988. Although the department is installing an interim improvement of passing lanes along Highway 60 from Monett to Republic, the coalition would like for this portion of the roadway to be improved to four lanes. Many Monett residents commute to Springfield on Highway 60 and a four-lane highway will improve their safety and their livelihood. Highway 37 from Monett to the Arkansas state line is a key connection for the agriculture and tourism industries. It currently has passing lanes in some sections, but needs to be improved to four lanes to sustain the growth and economic development of the area. Following discussion and inquiry, the Commission thanked Mr. Nelson and Mr. Warren for their presentation.

\* \* \* \* \*

**PUBLIC COMMENT - APPRECIATION FOR PLANNING PARTNERSHIP**

Mr. Harry Rogers of the Harry S. Truman Coordinating Council welcomed the commission to the area. He also expressed appreciation for the cooperation and continuing partnership that led to projects and really enhanced the area. The planning process that involves the transportation advisory committees, regional planning commissions, and the department participate in together has proven to be exceptional. Mr. Rogers also complimented the district for their assistance and cooperation. Following discussion and inquiry, the Commission thanked Mr. Rogers for his comments.

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## CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects during the past month.

Mr. Nichols recommended (1) Award of contracts to the lowest responsive and responsible bidders for bids received on the August 21, 2009 letting, as recommended and noted in Table I below. Non-contractual costs for these projects are shown on the below tabulation. (2) Declare the bid of Concrete Strategies, LLC on call 603 as irregular for failure to complete the bid per Section 102.8 of the Missouri Standard Specifications for Highway Construction. (3) Declare the bids from Oesch Contracting, LLC on Calls 702 and X03 as irregular due to failure to submit an electronic bid for bids in excess of \$250,000 per Section 102.3 of the Missouri Standard Specifications for Highway Construction.

**Table I**  
**Award of Contracts**  
**August 21, 2009, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
101	PP	Nodaway	J1B0801J	\$514,649.50	\$0	Boone Construction Co.	Two Bridge Superstructure Replacements
102	Various	Caldwell	J1B0801H	681,866.50	0	Chester Bross Const. Co./ C.B. Equipment Inc.	Replace Three Bridge Decks
201	156	Macon	J2B0801E	381,187.98	0	Bleigh Construction Company	Bridge Deck Replacement
202	AC	Saline	J2B0801I	175,241.28	0	Lehman Construction, LLC	Bridge Deck Replacement
401	169	Clay	J4P2253	614,200.70	656.00	Emery Sapp & Sons, Inc.	Grading and Optional Paving to Add an Auxiliary Lane
402	7	Henry	J4B0801H	3,915,161.01	0	APAC-Missouri, Inc.	Bridge Rehabilitation on Five Bridges

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
501	65	Benton	J5P0892C	3,792,184.36	791.68	Lehman Construction, LLC	Grading, Drainage, & Alternate Bid Pavement (Superpave or PCCP)
601	IS 270	St. Louis	J6I2252	322,731.37	4,652.00	All Type Excavating Inc./ DBA L. Krupp Construction, Inc.	Optional Pavement to add Turn Lane, Grading, Drainage, Signing and Signals
602	364	St. Charles	J6U1028P	43,991,879.40	37,578.00	Fred Weber, Inc.	Grading, Alternate Bid Pavement (PCCP or Superpave), Bridge Rehabilitation and ADA Upgrades
			J6U1028Q		26,358.00		
603	H	St. Louis City	J6S1972	7,925,853.93	0	Kozeny-Wagner, Inc.	Bridge Rehabilitation, ADA Upgrades, Intersection Improvements
604	141	St. Louis	J6U0807E	741,604.60	512.00	Dave Kolb Grading, Inc.	Grading and Utility Relocation
701	B	St. Clair	J7B0801G	793,261.00	0	Burk Bridge Co.	Bridge Rehabilitation – Bridge Nos. A3642 and A3643
702*	H	McDonald	J7M0020	218,316.50	0	Bennett, Inc.	Bank Stabilization, Elk River (Natural Resource Conservation Service)
901	60	Howell	J9P2185	752,880.00	72.00	Pace Construction Company, LLC	Resurface with Superpave
X02	8	St. Francois	J0B0801C	767,924.00	512.00	HBI Construction, LLC	Bridge Rehabilitation
X03	EE	New Madrid	J0S2190	291,894.00	144.00	R. L. Persons Construction, Inc.	Guardrail Removal and Slope Shaping
			<b>TOTAL</b>	<b>\$65,880,836.13</b>	<b>\$71,275.68</b>		

\*Call 702 - Funding by Natural Resources Conservation Service \$163,737.38.

**Commission Consideration and Action**

After consideration, and upon motion by Commissioner Michie, seconded by Commissioner Farber, the Commission took the following action:

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on the August 21, 2009 bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Declared the bid of Concrete Strategies, LLC on Call 603 as irregular for failure to complete the bid in accordance with the bidding documents.
3. Declared the bids of Oesch Contracting, LLC on Calls 702 and X03 as irregular due to failure to submit an electronic bid for bids in excess of \$250,000.

In keeping with the Commission’s Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above.

\* \* \* \* \*

**2010 – 2014 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM,  
2010 AMENDMENT**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended that ten projects totaling \$3,957,000 be added to the 2010-2014 Statewide Transportation Improvement Program (STIP), as noted in the tabulations below, and to delete two projects.

**Highway and Bridge Construction Schedule  
Projects Added  
September Amendment**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Jefferson J6L0900G	BB	Payment to the City of Hillsboro for resurfacing from Business Rte. 21 to Elm Street. This work was previously included in project 6L0900E. MoDOT's maximum is \$65,000. EW Gateway STP funds \$487,076 (STP-5476(604)).	2010	\$552

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
St. Louis J6S2303	D	Payment to the City of Vinita Park for roadway and access improvements for Mid-County Industrial park, signals, intersection improvements, left turn lanes and sidewalks from east of Walton Road to east of Crystal Industrial Court. MoDOT maximum - \$200,000. STP funds (STP-5417(602)) - \$1,258,461.	2010	1,458
Various J8Q2223	Various	Update Intelligent Transportation System (ITS) architecture for the Springfield region. This project utilizes the 2000 annual earmark ITS-0029(801).	2010	100
Various J8Q2225	Various	Purchase and installation of intelligent transportation system (ITS) software for the Springfield region. This project utilizes the 2001 annual earmark ITS-0129(801).	2010	281
			<b>TOTAL</b>	<b>\$2,391.00</b>

**Multimodal Operations  
Projects Added  
September Amendment**

<b>County Job No.</b>	<b>Location District</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Requested Additional Funds (Dollars in Thousands)</b>
St. Charles RRP-00S-267	St. Peters District 6	Install new lights and gates to convert crossings from passive to active warning devices at Executive Center Parkway on the Norfolk Southern Railroad in St. Peters.	2010	\$250
Webster RRP-00S-273	Seymour District 8	Install new light-emitting diodes (LED) warning lights at three locations: Commercial Street, Main Street, and Charles Street on the BNSF Railroad in Seymour.	2010	50
Pemiscot RRP-00S-270	Route J near Hayti	Upgrade existing light-emitting diodes (LED) warning lights at Rte. J and BNSF Railroad intersection near Hayti.	2010	50
			<b>TOTAL</b>	<b>\$350.00</b>

**Multimodal Operations  
Projects Added  
ARRA Ferry Boat Discretionary Funds  
September Amendment**

<b>County</b>	<b>Location District</b>	<b>Description of Improvement/Location</b>	<b>Requested Additional Funds (Dollars in Thousands)</b>

Lewis	Lewis County / Canton Port Authority	Construct a concrete road and staging area from South Front Street to the river ramp including steel safety swing gates to prohibit vehicles from driving down river ramp when ferry is out of service. Project also provides public restrooms, storage depot for ferry equipment and supplies, and a steel-docking ramp, which enables safe loading of RV's.	\$188
Mississippi	Mississippi County Port Authority	Construct a new barge, dock, two new larger engines and improved coolers.	1,028
<b>TOTAL</b>			<b>\$1,216.00</b>

**Local Projects Added and Deleted  
Regionally Distributed ARRA Enhancement Funds in Non-MPO Areas  
September Amendment**

<b>County Project No. District</b>	<b>Description of Improvement</b>	<b>Total Cost</b>
Montgomery ES03(007) District 3	Upgrade and extend the sidewalk on the north side of Booneslick Road from 3rd Street to Joy Street in Jonesburg.	\$83,813
Lincoln ES03(001)/3S219 5 District 3	Historic lighting from Rte. 61 interchange to Elm Tree Rd. in Moscow Mills.	-97,298
<b>TOTAL</b>		<b>(\$13,485.00)</b>

**Highway and Bridge Construction Schedule  
Right of Way and Construction Deleted  
Economic Recovery (ARRA) Projects  
September Amendment**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Lincoln JS2195	C	Payment for historic lighting from Elm Tree Rd in Moscow Mills to west ramps of Rte. 61 interchange. Total ARRA funds are \$79,900. City of Moscow Mills is project sponsor.	2010	\$79,900.00
<b>TOTAL</b>				<b>\$79,900.00</b>

Via approval of the consent agenda, the Commission unanimously approved the amendments to the 2010-2014 STIP as noted in the tabulation above.

\* \* \* \* \*

**REQUEST FOR APPROVAL OF LOCATION AND DESIGN OF HIGHWAYS**

**Route I-55 Outer Road, Scott County  
From South of Route AB to Route K in Scott City  
Job No. J0I0943  
Public Hearing Held July 17, 2008**

The proposed improvement provides for the construction of an outer roadway connection between Route AB and Route K. The outer road will consist of two 11-foot lanes with one-foot shoulders. The project will have normal access right of way. Traffic will be maintained on the existing roadways during construction. This project is 2.7 miles in length.

Mr. Mark Shelton, District 10 Engineer, recommended approval of the proposed location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission via approval of the Consent Agenda unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendation.

\* \* \* \* \*

**RATIFICATION AND APPROVAL OF RIGHT OF WAY PLANS FOR CONDEMNATION**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the approval of the Chief Engineer of the following right of way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
St. Louis	141	J6U0807	January 4, 2002
St. Charles	364	J6U1028B	September 13, 2006 (11 <sup>th</sup> Amended)

In accordance with Section 227.050 RSMo, the Commission via approval of the Consent Agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

\* \* \* \* \*

## **RESOLUTION AUTHORIZING SERIES 2009 FEDERAL REIMBURSEMENT STATE ROAD BONDS**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, recommended adoption of the following Resolution authorizing the issuance of Federal Reimbursement State Road Bonds, Series 2009, in an aggregate principal amount not to exceed \$600,000,000 to fund projects for the state highway system. The Resolution further delegates authority for approving certain documents and actions in connection with the issuance of said Series 2009 Bonds. Ms. Broeker also requested authority for the execution of documents related to the Series 2009 Bonds.

### **RESOLUTION**

#### **RESOLUTION AUTHORIZING THE ISSUANCE OF FEDERAL REIMBURSEMENT STATE ROAD BONDS, SERIES 2009, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$600,000,000, TO FUND PROJECTS FOR THE STATE HIGHWAY SYSTEM; AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID SERIES 2009 BONDS.**

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1. The Commission is duly organized and existing under Article IV, Section 29 of the Missouri Constitution and Sections 226.005 to 226.191 of the Revised Statutes of Missouri, as amended, and is vested with the powers and duties specified in Chapters 226 and 227 of the Revised Statutes of Missouri, as amended, including authority and supervision over the construction, reconstruction and repairs of state roads, highways and bridges which are constructed, improved and maintained in whole or in part by the aid of state moneys, and of highways constructed in whole or in part by the aid of moneys appropriated by the United States government, so far as such supervision is consistent with the acts of Congress relating thereto (the **“State Highway System”**).

2. The Commission is authorized to issue state road bonds to fund construction and reconstruction projects of the state highway system, which bonds are to be issued and payable as provided in Article IV, Section 30(b) of the Missouri Constitution, as amended, and Chapter 226 of the Revised Statutes of Missouri, as amended.

3. The Commission proposes to issue Federal Reimbursement State Road Bonds Series 2009 (the **“Series 2009 Bonds”**), in the principal amount not to exceed \$600,000,000, and to pay certain costs related to the issuance of the Series 2009 Bonds, on the terms and conditions provided for herein and in the Indenture described herein.

4. The Commission finds and determines that it is necessary and desirable in connection with the issuance of the Series 2009 Bonds that the Commission execute and deliver certain documents and that the Commission take certain other actions as herein provided.

**NOW THEREFORE, BE IT RESOLVED BY THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, AS FOLLOWS:**

**Section 1. Authorization of the Series 2009 Bonds.** The Commission is authorized to issue and sell the Series 2009 Bonds in an aggregate principal amount not to exceed \$600,000,000, for purposes aforesaid which shall be issued under and secured by and shall have the terms and provisions set forth in the Master Bond Indenture dated as of December 1, 2008, as supplemented and amended including the amendment by the Supplemental Bond Trust Indenture No. 2 referred to herein (collectively, the "Indenture"). The Series 2009 Bonds may be issued in two series designated Tax Exempt Federal Reimbursement State Road Bonds, Series A 2009 (the "Series A 2009 Bonds") and Taxable Federal Reimbursement State Road Bonds (Build America Bonds), Series B 2009 (the "Series B 2009 Bonds," with the Series A 2009 Bonds together with the Series B 2009 Bonds being collectively, the "Series 2009 Bonds"). The Series 2009 Bonds shall bear interest at various interest rates not to exceed a true interest cost of 6.00% per annum (with the interest rate for the Series B 2009 Bonds computed net of Build America Bond credits), and shall mature in principal installments with a final maturity not later than 2033 and a weighted average maturity of not less than 10 years and not more than 18 years. Bonds of each maturity of the Series 2009 Bonds may be issued as Series B 2009 Bonds so long as the true interest cost (net of Build America Bond credits) for bonds of such maturity is less than the true interest cost available for the Series A 2009 Bonds. The Series 2009 Bonds shall have such redemption provisions, including premiums, and other terms to be determined by the authorized officers of the Commission and the Missouri Department of Transportation ("MoDOT") in the manner described herein. The Series 2009 Bonds shall be sold by the Commission to Merrill Lynch, Pierce, Fenner & Smith, Incorporated (the "Underwriter"), as representative of the underwriters of the Series 2009 Bonds, under the hereinafter-described Bond Purchase Agreement with an underwriter's discount of not more than 0.75% of the aggregate principal amount thereof, plus accrued interest. The final terms of the Series 2009 Bonds shall be specified in the Indenture and Bond Purchase Agreement upon the execution thereof, and the signatures of the officers of the Commission or MoDOT executing such Indenture and Bond Purchase Agreement shall, subject to approval as to form by the Chief Counsel's Office, constitute conclusive evidence of their approval and the Commission's approval thereof.

**Section 2. Limited Obligations.** The Series 2009 Bonds shall be limited obligations of the Commission payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Bond Trustee (herein defined) and in favor of the holders of the Series 2009 Bonds, as provided in the Indenture. The Series 2009 Bonds shall not be deemed to constitute a debt or liability of the State of Missouri or a pledge of the full faith and credit of the State of Missouri. Nothing in the Series 2009 Bonds shall be construed as obligating the State of Missouri to pay or redeem any of the Bonds from, and the owners thereof may not look to, any general or other fund of the State of Missouri or of MoDOT, except as specifically provided in the Indenture.

**Section 3. Authorization and Approval of Documents.** The following documents (the "Financing Documents") are hereby approved in substantially the forms filed in the records of the Secretary to the Commission, and the Commission is hereby authorized to execute and deliver each of such documents (the "Financing Documents") with such changes therein as shall be approved by the officers of the Commission or MoDOT executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the Commission's approval thereof, subject to approval as to form by the Chief Counsel's Office:

- (a) Supplemental Bond Trust Indenture No. 2 between the Commission and The Bank of New York Mellon Trust Company, N.A. (the “Bond Trustee”), providing for the issuance of the Series 2009 Bonds pursuant to the Indenture, and setting forth additional terms and provisions applicable to the Series 2009 Bonds.
- (b) Tax Compliance Agreement for the Series A 2009 Bonds between the Commission and the Bond Trustee, which sets forth certain representations, facts, expectations, terms and conditions relating to the use and investment of the proceeds of the Series A 2009 Bonds, to establish and maintain the exclusion of interest on the Series A 2009 Bonds from gross income for federal income tax purposes, and to provide guidance for complying with the arbitrage rebate provisions of §148(f) of the Internal Revenue Code (the “Code”).
- (c) Tax Compliance Agreement for the Series B 2009 Bonds between the Commission and the Bond Trustee, which sets forth certain representations, facts, expectations, terms and conditions relating to the use and investment of the proceeds of the Series B 2009 Bonds, to establish and maintain the status of the Series B 2009 Bonds as taxable “Build America Bonds” as defined in § 54AA of the Code, and to provide guidance for complying with the arbitrage rebate provisions of §148(f) of the Code.
- (d) Continuing Disclosure Agreement between the Commission and The Bank of New York Mellon Trust Company, N.A., as Dissemination Agent, under which the Commission agrees to provide continuing disclosure of certain financial information, operating data and material events, for the benefit of the owners of the Series 2009 Bonds and to assist the underwriters of the Series 2009 Bonds in complying with Rule 15c2-12 of the Securities and Exchange Commission.
- (e) Bond Purchase Agreement (the “Bond Purchase Agreement”) between the Commission and the Underwriter, under which the Commission agrees to sell and the Underwriter agrees to purchase the Series 2009 Bonds with an underwriter's discount of not more than 0.75% of the principal amount thereof, plus accrued interest, upon such terms and conditions thereof as set in the Bond Purchase Agreement.

**Section 4. Approval of Preliminary and Final Official Statement.** The form and substance of the Preliminary Official Statement relating to the Series 2009 Bonds submitted to the Commission is hereby in all respects ratified, confirmed and approved, and the officers of the Commission and MoDOT are hereby authorized, empowered and directed to execute the Preliminary Official Statement and the final Official Statement in the name and on behalf of the Commission. The Commission approves the use and distribution of the Preliminary Official Statement and final Official Statement by the Underwriters in connection with the offering and sale of the Series 2009 Bonds. The Preliminary Official Statement and the final Official Statement shall be in substantially the same form as the draft Preliminary Official Statement now on file in the records of the Secretary to the Commission and hereby approved, with such changes therein as shall be approved by the officer of the Commission or MoDOT executing the same, and such execution shall constitute conclusive evidence of such officer's approval and the Commission's approval of any departures therein from the form of the Preliminary Official Statement now on file in the records of the Secretary to the Commission. For the purpose of enabling the underwriters to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the Commission hereby deems the information contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the Commission and

MoDOT are hereby authorized, if requested, to provide the underwriters a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the underwriters to comply with the requirements of such Rule.

**Section 5. Execution of Series 2009 Bonds and Financing Documents.** The Chairman or the Vice Chairman of the Commission, or the Director, the Chief Engineer or the Chief Financial Officer of MoDOT, are hereby authorized and directed to execute the Series 2009 Bonds by manual or facsimile signature and to deliver the Series 2009 Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Commission in the manner provided in the Indenture. The Chairman or Vice Chairman of the Commission, or the Director, the Chief Engineer or the Chief Financial Officer of MoDOT, are hereby authorized and directed to execute and deliver the Financing Documents for and on behalf of and as the act and deed of the Commission subject to approval as to form by the Chief Counsel's Office. The Secretary to the Commission is hereby authorized and directed to attest to the Series 2009 Bonds by manual or facsimile signature, to the Financing Documents and to such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 6. Further Authority.** The Commission shall, and the officers, agents and employees of the Commission and MoDOT are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any arbitrage certificate, closing certificates, and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Commission with respect to the Series 2009 Bonds and the Financing Documents subject to approval as to form by the Chief Counsel's Office.

**Section 7. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the Commission.

After consideration, and upon motion by Commissioner Farber, seconded by Commissioner Nichols, the Commission took the following action:

1. Adopted a resolution authorizing the issuance of Federal Reimbursement State Road Bonds, Series 2009, in an aggregate principal amount not to exceed \$600,000,000, to fund projects for the state highway system; and authorizing and approving certain documents and actions in connection with the issuance of said Series 2009 Bonds.
2. Authorized the Secretary to the Commission to execute the Resolution confirming its adoption by the Commission, subject to approval as to form by the Chief Counsel's Office.
3. Authorized the Director, Chief Engineer or the Chief Financial Officer to execute the following documents for the Series 2009 State Road Bonds: (a) Supplemental Bond Trust Indenture No. 2, (b) Tax Compliance Agreement(s), (c) Continuing Disclosure Agreement, (d) Bond Purchase Agreement, (e) the Official Statements, and (f) any other ancillary documents, certificates, or instruments necessary to complete the bond issuance, subject to approval as to form by the Chief Counsel's Office.

\* \* \* \* \*

## **PROPOSED FISCAL YEAR 2011 APPROPRIATIONS REQUEST**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, presented the Missouri Department of Transportation Proposed Fiscal Year 2011 Appropriations Request in the amount of \$2,386,280,000 in projected revenue and \$2,653,504,000 in expenditures.

Ms. Broeker outlined her report, which includes an overview of the budget and appropriations process for the department, a review of trends through comparisons of past year's revenues and budgets, a summary of the major categories of the appropriations request, and finally she highlighted the major components of the Fiscal Year 2011 Appropriations Request. Once the appropriations request is approved by the Commission it is presented to the Office of Administration for inclusion in the state budget process.

Ms. Broeker began with a review of the budget and appropriations process. The process is approximately eighteen months long. It is a bottom up approach where Resource Management begins with giving districts and divisions target dollar amounts to work with and finding out how they would like to spend those funds. This appropriations request is the fourth step in a nine-step process.

Next, she presented a comparison of revenues from 2007 through 2011. Ms. Broeker explained that state revenues remain fairly flat over time; although state revenues are down from last year, and last year was down from the previous year. Federal revenues went up due to the receipt of American Recovery and Reinvestment Act (ARRA) funds. When ARRA funds are all used, federal funds will decline. In addition to federal and state revenues, the department received bond proceeds over time and is currently preparing for the next issuance. She continued with a review of budgets from 2007 through 2011. Trends show that funds expended for maintenance activities remain fairly constant while the construction program is declining largely due to the depletion of ARRA and

Amendment 3 funds. The remaining portion of the budget includes administration, multimodal, fleet, facilities, and information systems, which is also declining mostly due to the exhaustion of ARRA funds in the multimodal program.

Ms. Broeker briefly reviewed the distribution of the Fiscal Year 2011 Appropriations Request for major categories. The department strives to put as many dollars as possible on the road and in Fiscal Year 2011 \$1.9 billion is dedicated to construction. The next largest amount of money is \$504 million for system management, which includes maintenance, motor carrier services, and highway safety. The fleet, facilities, and information systems request is for \$114 million and the functions for these areas support construction and maintenance related activities. The smallest portions are the Multimodal of \$73 million and administration request for \$56 million.

Finally, Ms. Broeker reviewed some of the major components of the appropriations request. This request includes a reduction in personal service to reflect the Governor's recommendations and the legislatively approved decrease. Fringe benefits include a rate increase for both the retirement contribution and the medical insurance rate. The request for expense and equipment remains the same as last year and the department believes it will be able to manage within what is currently budgeted. The Construction Program includes a decrease in contractor payments are down, design and bridge consultant payments, and right of way payments. Under the Construction Program the amounts that are increasing are the debt service on bonds because the department is selling more bonds, and the accelerated program as local governments continue to participate in cost share in order to accelerate projects. The multimodal program request does not include an increase in General Revenue this year as it has in the past, and includes a decrease in \$41 million for some programs largely due to the depletion of ARRA funds.

Ms. Broeker recommended the commission approve the proposed Fiscal Year 2011 appropriations request totaling \$2.65 billion, subject to adjustment when MoDOT and Patrol Employees' Retirement System (MPERS) rate is known.

Commissioner Michie complimented staff for the ability to streamline the appropriations and budget process and for the ability to clearly explain the budget. Following further discussion, and upon motion by Commissioner Michie, seconded by Commissioner Farber, the Commission unanimously approved the Missouri Department of Transportation Fiscal Year 2011 Appropriations Request, as noted in the table below, and authorized staff to release the request to the Office of Administration – Division of Budget and Planning.



## Fiscal Year 2011 Appropriations Request (Dollars in Thousands)

	Fiscal Year 2008 Actual	Fiscal Year 2009 Actual	Fiscal Year 2010 Budget	Fiscal Year 2011 Appropriations Request
<b>Receipts</b>				
State Receipts	\$1,265,099	\$1,251,083	\$1,244,276	\$1,229,423
Less Motor Carrier Refunds	(29,017)	(24,429)	(30,200)	(30,200)
Less Miscellaneous Refunds	<u>(10,940)</u>	<u>(12,677)</u>	<u>(12,755)</u>	<u>(12,755)</u>
Net State Receipts	1,225,142	1,213,977	1,201,321	1,186,468
Federal Reimbursement	960,105	903,067	915,014	946,454
Federal Reimbursement – ARRA <sup>1</sup>	0	17,966	379,234	253,358
Bond Proceeds <sup>2</sup>	<u>540,871</u>	<u>144,469</u>	<u>315,000</u>	<u>0</u>
<b>Total Receipts</b>	<b><u>2,726,118</u></b>	<b><u>2,279,479</u></b>	<b><u>2,810,569</u></b>	<b><u>2,386,280</u></b>
<b>Disbursements</b>				
Administration	46,808	49,214	54,458	56,078
System Management				
Maintenance Operations <sup>3</sup>	426,202	460,714	450,489	459,644
Motor Carrier Services	6,930	7,100	8,308	8,529
Highway Safety	<u>15,678</u>	<u>26,531</u>	<u>35,548</u>	<u>35,633</u>
Total System Management	448,810	494,345	494,345	503,806
Program Delivery				
Construction Operations <sup>3</sup>	156,543	152,282	167,456	165,293
Contractor Payments <sup>4</sup>	1,004,200	1,113,016	1,518,103	1,255,825
Design and Bridge Consultant Payments <sup>4</sup>	35,935	54,799	40,000	25,000
Accelerated Program (Reimbursements)	17,368	6,947	3,668	39,400
Right of Way <sup>4</sup>	60,070	80,435	50,000	15,000
Federal Pass-Through <sup>4</sup>	103,216	121,815	135,000	125,000
Debt Service on Bonds	<u>167,620</u>	<u>198,486</u>	<u>206,671</u>	<u>281,020</u>
Total Program Delivery	1,544,952	1,727,780	2,120,898	1,906,538
Fleet, Facilities and Information Systems				
Operations <sup>3</sup>	37,243	36,577	41,841	42,713
Capital Improvements Investments	10,327	10,411	13,960	12,700
Information Systems Investments	28,575	26,662	30,000	30,000
Fleet Investments	<u>30,198</u>	<u>30,986</u>	<u>29,494</u>	<u>28,929</u>
Total Fleet, Facilities and Information Systems	106,343	104,636	115,295	114,342
Multimodal <sup>4</sup>	77,265	83,006	113,906	72,740
Mississippi River Parkway Commission	0	16	0	0
<b>Total MoDOT Disbursements</b>	<b><u>2,224,178</u></b>	<b><u>2,458,997</u></b>	<b><u>2,898,902</u></b>	<b><u>2,653,504</u></b>
Disbursements by Other State Agencies	<u>198,636</u>	<u>197,207</u>	<u>219,896</u>	<u>221,849</u>
<b>Total Disbursements for MoDOT and Other State Agencies</b>	<b><u>2,422,814</u></b>	<b><u>2,656,204</u></b>	<b><u>3,118,798</u></b>	<b><u>2,875,353</u></b>
<b>Receipts Over (Under) Disbursements<sup>5</sup></b>	<b><u>\$ 303,304</u></b>	<b><u>\$ (376,725)</u></b>	<b><u>\$ (308,229)</u></b>	<b><u>\$ (489,073)</u></b>

<sup>1</sup> Federal Reimbursements - American Recovery and Reinvestment Act of 2009 (ARRA) includes \$247.9 million from stimulus funds and \$5.5 million from the Federal Stabilization Fund.

<sup>2</sup> Bond proceeds for fiscal year 2010 have not been adjusted to reflect MHTC's decision to accelerate selling bonds in fiscal year 2010.

<sup>3</sup> Operations include personal services, fringe benefits and expense and equipment.

<sup>4</sup> Contractor Payments, Design and Bridge Consultant Payments, Right of Way, Federal Pass-Through and Multimodal include disbursements for the ARRA.

<sup>5</sup> Existing cash balances will fund the excess of disbursements over receipts.

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**RECOMMENDATION OF BANKING SERVICES PROVIDER**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, recommended approval of a three-year contract, with two optional one-year extensions, with Central Trust Bank for banking services for the checking, and investment accounts maintained for the Local Fund, the Medical and Life Insurance Plan, the Self Insurance Plan, and the Missouri Transportation Finance Corporation for funds held outside of the State Treasury. Fees for all banking services under the proposed contract will be calculated at 11 basis points on the average market value of the investment portfolio for each account.

Via approval of the consent agenda, the Commission unanimously approved the recommendation as noted above.

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**CERTIFICATION OF RECOVERY ACT TIGER DISCRETIONARY GRANT APPLICATIONS**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended approval to provide letters of certification for MoDOT project applications and to local agency sponsor applications for Recovery Act TIGER discretionary grant funds provided the applications meet MoDOT criteria.

Via approval of the consent agenda, the Commission approved the recommendation as noted.

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**THE I-70 AND ADAMS DAIRY PARKWAY TRANSPORTATION DEVELOPMENT DISTRICT, CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR**

On behalf of the Director, Beth Wright, District 4 Engineer, advised the Commission that in response to a petition filed by Home Depot USA, Inc., on November 26, 2002, the Circuit Court of

Jackson County established the I-70 and Adams Dairy Parkway Transportation Development District (TDD) as a political subdivision on July 16, 2003. The project includes upgrades to the following existing intersections: Adams Dairy Parkway and I-70, Adams Dairy Parkway and Coronado Drive, and Adams Dairy Parkway and RD Mize Road. The Home Depot entrance off of Coronado Drive and the Wal-Mart entrance off of Coronado Drive will have traffic signal and turn lane improvements. The project also includes reconstruction of Coronado Drive and RD Mize Road east of Adams Dairy Parkway, providing four lanes on each roadway. Additionally, the project provides a cross access between Adams Landing and Coronado Place. The I-70 and Adams Dairy Parkway TDD is partnering with the Adams Farm TDD and the Coronado Drive TDD to fund this project. The Commission does not own any real property within the proposed TDD and has no financial participation in the project.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, (1) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions in the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project, and (2) appointed the District 4 Engineer, or her designee, as the Commission advisor to the I-70 Adams Dairy Parkway TDD board of directors. In keeping with the Commission's Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

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**THE ADAMS FARM TRANSPORTATION DEVELOPMENT DISTRICT,  
CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR**

On behalf of the Director, Beth Wright, District 4 Engineer, advised the Commission that in response to a petition filed by the City of Blue Springs, Blue Springs Development Three, Inc., Meiners Market of Blue Springs, and Coronado Partners, L.L.C. on April 8, 2008, the Circuit Court of Jackson County established the Adams Farm Transportation Development District (TDD) as a political subdivision on August 25, 2008. The project includes upgrades to the following existing intersections: Adams Dairy Parkway and I-70, Adams Dairy Parkway and Coronado Drive, and Adams Dairy Parkway and RD Mize Road. The Home Depot entrance off of Coronado Drive and the Wal-Mart entrance off of Coronado Drive will have traffic signal and turn lane improvements. The project also includes reconstruction of Coronado Drive and RD Mize Road east of Adams Dairy Parkway, providing four lanes on each roadway. Additionally, the project provides a cross access between Adams Landing and Coronado Place. The Adams Farm TDD is partnering with the Coronado Drive TDD and the I-70 and Adams Dairy Parkway TDD to fund this project. The Commission does not own any real property within the proposed TDD and has no financial participation in the project.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, (1) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions in the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project, and (2) appointed the District 4 Engineer, or her designee, as the Commission advisor to the Adams Farm TDD board of directors. In keeping with the Commission's

Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

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**THE CORONADO DRIVE TRANSPORTATION DEVELOPMENT DISTRICT,  
CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR**

On behalf of the Director, Beth Wright, District 4 Engineer, advised the Commission that in response to a petition filed by Wal-Mart Stores East, LP on April 27, 2009, the Circuit Court of Jackson County established the Coronado Drive Transportation Development District (TDD) as a political subdivision on July 23, 2009. The project includes upgrades to the following existing intersections: Adams Dairy Parkway and I-70, Adams Dairy Parkway and Coronado Drive, and Adams Dairy Parkway and RD Mize Road. The Home Depot entrance off of Coronado Drive and the Wal-Mart entrance off of Coronado Drive will have traffic signal and turn lane improvements. The project also includes reconstruction of Coronado Drive and RD Mize Road east of Adams Dairy Parkway, providing four lanes on each roadway. Additionally, the project provides a cross access between Adams Landing and Coronado Place. The Coronado Drive TDD is partnering with the Adams Farm TDD and the I-70 and Adams Dairy Parkway TDD to fund this project. The Commission does not own any real property within the proposed TDD and has no financial participation in the project.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, (1) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions in the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project, and (2) appointed the District 4 Engineer, or her designee, as the

Commission advisor to the Coronado Drive TDD board of directors. In keeping with the Commission's Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

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**REPORT AND RECOMMENDATION REGARDING ORDERS OF RULEMAKING,  
BREATH ALCOHOL IGNITION INTERLOCK DEVICE CERTIFICATION AND  
OPERATIONAL REQUIREMENTS**

On behalf of the Director, Leanna Depue, Highway Safety Director, reminded the Commission that at the May 6, 2009, meeting the Commission authorized the filing and publication of the notice of proposed amended rulemaking for 7 CSR 60-2, Breath Alcohol Ignition Interlock Device Certification and Operational Requirements, that will correct references to the Highway Safety Division and Department, amend rule definitions, and update standards and specifications for the breath alcohol ignition interlock program to use new technology to ensure reliability and increase public safety. The amended rules were published in the *Missouri Register* on June 15, 2009, and MHTC received one comment during the 30 days following the publication. Ms. Depue recommended incorporation of the comment into proposed amended rules 7 CSR 60-2.010 and 2.030, and approval of the final orders of rulemaking for all of the proposed amended rules for filing with the Joint Committee on Administrative Rules and the Office of the Secretary of State. She further recommended that the Director, Chief Engineer, or Chief Financial Officer be authorized to execute any document appropriate and necessary to complete this final rulemaking process.

Via approval of the consent agenda, the Commission unanimously approved the rulemaking recommendations.

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**REPORT AND RECOMMENDATIONS REGARDING NOTICE OF PROPOSED RULEMAKING, DAVID’S LAW SIGNING**

On behalf of the Director, Eileen Rackers, State Traffic Engineer, presented to the Commission the notice of proposed administrative rules 7 CSR 10-27.010 - .040, David’s Law Signing, which requires the Missouri Department of Transportation to establish a drunk driving risk reduction awareness program, including a drunk driving victim memorial sign program. The proposed rulemaking is required to implement David’s Law pursuant to Truly Agreed to and Finally Passed House Bill 683. Ms. Rackers recommended approval of the proposed permanent rulemaking for filing with the Joint Committee on Administrative Rules, and the Office of the Secretary of State for publication in the Missouri Register. She further recommended the Director, Chief Engineer, or Chief Financial Officer be authorized to execute any document appropriate and necessary for initiating this rulemaking process.

Via approval of the consent agenda, the Commission unanimously approved the rulemaking recommendations as noted above.

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**--- REPORTS ---**

The Commission received the following written reports.

**FINANCIAL – BUDGET – REPORTS  
YEAR-TO-DATE FINANCIAL REPORT, July 31, 2009**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2010 monthly financial report for the period ending July 31, 2009, with budget and prior year comparisons.

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**DELEGATION OF AUTHORITY FOR EXECUTION OF DOCUMENTS,  
OPERATING BUDGET APPROPRIATIONS**

In keeping with the Commission's delegation of authority for specific staff members to execute documents in keeping with its approved budget, and in keeping with the Commission's desire to be apprised of all single purchases over \$200,000, Beth Ring, General Services Director, submitted a report showing the purchase orders issued and contracts executed that exceeded \$200,000 in the fourth quarter of Fiscal Year 2009.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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