



## **Call to Order**

The Monday, November 28, 2022, regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Murphy at 9:02 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

**Directors Present:** Mark A. Murphy, Chairman  
Gene Hernandez, Vice Chairman  
Lisa A. Bartlett  
Doug Chaffee  
Barbara Delgleize  
Andrew Do  
Katrina Foley  
Brian Goodell  
Patrick Harper  
Michael Hennessey  
Steve Jones  
Fred Jung  
Joseph Muller  
Tam Nguyen  
Vicente Sarmiento  
Donald P. Wagner  
Ryan Chamberlain

**Staff Present:** Darrell E. Johnson, Chief Executive Officer  
Jennifer L. Bergener, Deputy Chief Executive Officer  
Andrea West, Interim Clerk of the Board  
Gina Ramirez, Clerk of the Board Specialist, Principal  
Allison Cheshire, Clerk of the Board Specialist, Senior  
James Donich, General Counsel

## **Special Calendar**

### **1. Update on Emergency Railroad Track Stabilization in the Vicinity of Milepost 206.8 on the Orange Subdivision**

Jennifer L. Bergener, Deputy Chief Executive Officer, updated this item.

A motion was made by Vice Chairman Hernandez, seconded by Director Nguyen, and declared passed by those present, to reaffirm Resolution No. 2022-075 authorizing the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track stabilization in the vicinity of Mile Post 206.8 on the Orange Subdivision, and to return to the Board of Directors, as required, to report on the status thereof.

Director Jones was not present to vote on this item.



**2. Salute to Outgoing Orange County Transportation Authority Board of Directors**

Resolutions of Appreciation were presented to outgoing Director Delgleize and outgoing Director Muller.

**3. Salute to Outgoing Taxpayers Oversight Committee Chairman Frank Davies**

Resolution of Appreciation was presented to outgoing Taxpayers Oversight Committee Chairman Frank Davies.

**4. Presentation of Resolutions of Appreciation for Employees of the Month for November 2022**

Resolutions of Appreciation were presented to Ignacio Cuica, Coach Operator, Robert Rodriguez, Maintenance, and Alicia Yang, Administration.

**Consent Calendar (Items 5 through 11)**

**5. Approval of Minutes**

A motion was made by Director Wagner, seconded by Vice Chairman Hernandez, and declared passed by those present, to approve the minutes of the November 14, 2022 Orange County Transportation Authority and affiliated agencies' special meeting.

Director Nguyen abstained from voting on this item, having not been present for the meeting.

Director Jones was not present to vote on this item.

**6. 91 Express Lanes Update for the Period Ending - September 30, 2022**

A motion was made by Director Wagner, seconded by Vice Chairman Hernandez, and declared passed by those present, to receive and file as an information item.

Director Jones was not present to vote on this item.



**7. Conflict of Interest Code and 2022 Annual Statement of Economic Interests Filing**

A motion was made by Director Wagner, seconded by Vice Chairman Hernandez, and declared passed by those present, to:

- A. Approve the list of designated positions and disclosure categories subject to the Orange County Transportation Authority's Conflict of Interest Code.
- B. Direct the Clerk of the Board to distribute and monitor the 2022 annual Statement of Economic Interests - Form 700 to Members of the Board of Directors and designated positions, to be filed by April 1, 2023.

Director Jones was not present to vote on this item.

**8. Status Report of State Legislation Enacted in 2022**

A motion was made by Director Wagner, seconded by Vice Chairman Hernandez, and declared passed by those present, to receive and file as an information item.

Director Jones was not present to vote on this item.

**9. Final 2023-24 State and Federal Legislative Platforms**

A motion was made by Director Wagner, seconded by Vice Chairman Hernandez, and declared passed by those present, to:

- A. Adopt the revised 2023-24 State and Federal Legislative Platforms.
- B. Direct staff to distribute the adopted platforms to elected officials, advisory committees, local governments, affected agencies, the business community, and other interested parties.

Director Jones was not present to vote on this item.

**10. Performance Evaluation of State Legislative Advocate, Topp Strategies**

A motion was made by Director Wagner, seconded by Vice Chairman Hernandez, and declared passed by those present, to receive and file the staff evaluation of the state advocacy services of Topp Strategies as an information item and provide any additional comments.

Director Jones was not present to vote on this item.



**11. Performance Evaluation of Federal Legislative Advocate, Potomac Partners, DC**

A motion was made by Director Wagner, seconded by Vice Chairman Hernandez, and declared passed by those present, to receive and file the staff evaluation of the federal advocacy services of Potomac Partners, DC as an information item and provide any additional comments.

Director Jones was not present to vote on this item.

**Discussion Items**

**12. Employment and Travel Follow-Up Surveys Results**

Dr. Tim McLarney, President, True North Reserach, provided a presentation on this item.

**13. Public Comments**

Public comment was received via email from Dona Piercy, Teamsters Local 952 on November 27, 2022, at 3:33 p.m. and provided to the Board of Directors via email on November 28, 2022, at 8:09 a.m.

In person public comment was received from Dona Piercy, Teamsters Local 952.

**14. Chief Executive Officer's Report**

Darrell E. Johnson, Chief Executive Officer, reported on the following:

- Opening of Fourth Street in Santa Ana
- College Pass Program award received from the Orange County Business Council

**15. Directors' Reports**

Director Foley expressed her concern over the labor negotiations, asked for a state of emergency to be declared, and asked for a Closed Session today to discuss the matter.

A motion made by Director Foley and seconded by Director Harper, to declare a state of emergency and schedule a closed session to discuss the potential work stoppage of the Maintenance workforce represented by Teamsters Local 952. The motion failed 11-5.



A discussion ensued between Board members regarding the following:

- Concerns regarding correspondence sent to a few of the Directors from Teamsters Local 952 and were not provided to all Board Members.
- Scheduling a closed session for December 5, 2022.
- There may be a work stoppage if the November 30 deadline passes with no resolution between the parties.

James Donich, General Counsel, stated that OCTA is not currently undergoing a work stoppage. There is an assumption of a work stoppage.

**16. Closed Session**

There were no Closed Sessions scheduled.

**17. Adjournment**

The meeting adjourned at 11:14 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, December 12, 2022**

OCTA Headquarters  
550 South Main Street  
Orange, California.

ATTEST:

---

Gina Ramirez  
Clerk of the Board Specialist, Principal