



## **Call to Order**

The October 9, 2023, regular meeting of the Orange County Transportation Authority (OCTA) Board of Directors and affiliated agencies was called to order by Chairman Hernandez at 9:00 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

**Directors Present:** Gene Hernandez, Chairman  
Tam Nguyen, Vice Chairman  
Doug Chaffee  
Jose Diaz  
Andrew Do  
Jon Dumitru  
Katrina Foley  
Brian Goodell  
Michael Hennessey  
Fred Jung  
Farrah N. Khan  
Jessie Lopez  
Donald P. Wagner

**Directors Absent:** Jamey Federico  
Patrick Harper  
Steve Jones  
Vicente Sarmiento

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

## **Special Calendar**

### **1. Administration of the Oath of Office to Returning Orange County Transportation Authority Board of Directors**

James Donich, General Counsel, administered the Oath of Office to returning Board Member Michael Hennessey.

## **Consent Calendar (Items 2 through 9)**

### **2. Approval of Minutes**

A motion was made by Director Jung, seconded by Director Wagner, and declared passed by those present, to approve the minutes of the September 25, 2023 Orange County Transportation Authority and affiliated agencies' regular meeting.



**3. Investments: Compliance, Controls, and Reporting, January 1 through June 30, 2023, Internal Audit Report No. 24-501**

A motion was made by Director Jung, seconded by Director Wagner, and declared passed by those present, to direct staff to implement two recommendations provided in Investments: Compliance, Controls, and Reporting, January 1 through June 30, 2023, Internal Audit Report No. 24-501.

**4. Amendment to Purchase Order for Microsoft Enterprise Software Licensing**

A motion was made by Director Jung, seconded by Director Wagner, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Purchase Order No. C13676 with Dell, Inc., in the amount of \$527,744, to provide additional Microsoft software licenses and online services. This will increase the maximum cumulative obligation of the purchase order to a total value of \$3,281,993.

**5. Regional Planning Update**

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

**6. 2024 State Transportation Improvement Program**

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

- A. Approve the 2024 State Transportation Improvement Program submittal of nine projects for \$222.33 million, from fiscal year 2024-25 through fiscal year 2028-29.
- B. Authorize staff to make all necessary amendments to the State Transportation Improvement Program and the Federal Transportation Improvement Program and execute any necessary agreements to facilitate the recommendations above.

**7. Declare Surplus Property for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605**

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

- A. Declare the property located at 14980 Goldenwest Street, in the City of Westminster, within the Interstate 405 Improvement Project between State Route 73 and Interstate 605, Assessor's Parcel Numbers 096-522-02 and 096-522-04, as surplus land pursuant to the Surplus Land Act (Government Code Section 54221).

- B. Direct staff to seek potential buyers interested in the purchase of the surplus land located within the Interstate 405 Improvement Project between State Route 73 and Interstate 605 in accordance with Surplus Land Act (Government Code Section 54221) and the Real Property Policies and Procedure Manual, dated August 22, 2022. C. Direct staff to negotiate sales terms with potential buyers and return to the Board of Directors to recommend approval of the sale of the surplus land.

**8. Amendment to Agreement for Construction Management Support Services for the Interstate 5 Improvement Project from Alicia Parkway to El Toro Road**

A motion was made by Director Jung, seconded by Director Wagner, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-9-1605 between the Orange County Transportation Authority and Jacobs Project Management Co., in the amount of \$3,740,000, for additional construction management support services for the Interstate 5 Improvement Project from Alicia Parkway to El Toro Road. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$12,092,394.

**9. 2023 Measure M2 Sales Tax Forecast**

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

**Regular Calendar**

**10. Measure M2 Next 10 Delivery Plan: Market Conditions Key Indicators Analysis and Forecast**

Dr. Wallace Walrod, Orange County Business Council, and Dr. Marlon Boarnet, University of Southern California, provided a presentation on this item.

A motion was made by Vice Chairman Nguyen, seconded by Director Foley, declared passed, to continue to monitor market conditions key indicators and provide updates to the Board of Directors as appropriate.

**11. Request from the Measure M2 Taxpayer Oversight Committee to Obtain Independent Public Accounting Firm Services to Perform Measure M2 Compliance Audits on an Annual Basis Starting with Fiscal Year 2023**

Janet Sutter, Executive Director, Internal Audit, provided a report on this item.

Public comment was heard from Andrew Hamilton, OC Auditor/Controller.

James Donich, General Counsel, provided background on the local legislation.



A motion was made by Director Wagner, seconded by Director Foley, declared passed, to approve the recommendation presented.

- A. Approve a request of the Measure M2 Taxpayer Oversight Committee and authorize the Chief Executive Officer to execute Amendment No. 6 to Agreement No. C-8-1911 between the Orange County Transportation Authority and Crowe LLP, to provide a limited Measure M2 compliance audit for fiscal year 2023, on a time-and-expense basis, not to exceed \$125,000, and to extend the agreement through June 30, 2024. This limited compliance audit excludes testing at the local jurisdiction level. This will increase the maximum obligation of the agreement to a total contract value of \$1,647,505.
- B. Approve a request of the annual Measure M2 Taxpayer Oversight Committee for an annual Measure M2 compliance audit starting with fiscal year 2024. Contained in this request is the ability for the compliance audit to include testing at the local jurisdiction level.
- C. Approve an amendment to the Orange County Transportation Authority's Fiscal Year 2023-24 Budget, Executive Office Division, in the amount of \$965,000, to accommodate the amendment to Agreement No. C-8-1911, and to encumber additional funds for auditing services to be procured for the fiscal years ending 2024, 2025, and 2026. Additional auditing services are to be determined by the Orange County Transportation Authority Board of Directors upon request by the Taxpayer Oversight Committee and not linked to or directed by the Taxpayer Oversight Committee Audit Subcommittee Charter.

## **Discussion Items**

### **12. Public Comments**

Public comment was received from Peter Warner.

### **13. Chief Executive Officer's Report**

Jennifer L. Bergener, Deputy Chief Executive Officer, provided a report on the following:

- Metrolink Student Adventure Pass
- American Public Transportation Association Conference

### **14. Directors' Reports**

Director Foley announced the annual veterans program to be held at the Dana Point Women's Club. She also thanked Deputy Chief Executive Officer Bergener for her help at the District 5 Mayor's roundtable.



**15. Adjournment**

The meeting adjourned at 9:47 a.m.

The next regularly scheduled meeting of this Board will be held:

**9:00 a.m., on Monday, October 23, 2023**

OCTA Headquarters  
Board Room  
550 South Main Street  
Orange, California

ATTEST:

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Gina Ramirez  
Clerk of the Board Specialist, Principal