



**Committee Members Present**

Gene Hernandez, Chairman  
Tam Nguyen, Vice Chairman  
Andrew Do  
Brian Goodell  
Michael Hennessey  
Steve Jones

**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  
OCTA Staff

**Committee Members Absent**

None

**Call to Order**

The May 1, 2023, Executive Committee regular meeting was called to order by Chairman Hernandez at 9:00 a.m.

**Consent Calendar (Item 1)**

**1. Approval of Minutes**

A motion was made by Director Do, seconded by Director Goodell, and declared passed by those present to approve the minutes of the March 6, 2023 Executive Committee meeting.

**Regular Calendar**

**2. Third Quarter Fiscal Year 2022-23 Capital Action Plan Performance Metrics**

Jim Beil, Executive Director, Capital Planning, provided a report on this item.

No action was taken on this receive and file as an information item.

**3. Measure M2 Eligibility for the City of Cypress**

Kia Mortazavi, Executive Director, Planning, provided a report on this item.

A motion was made by Director Hennessey, seconded by Director Do, and declared passed by those present to:

- A. Find the City of Cypress an ineligible jurisdiction to receive or apply for net Measure M2 revenues.



- B. Suspend payments of net Measure M2 revenues to the City of Cypress until the City of Cypress can demonstrate compliance with Measure M2 eligibility requirements and the Board of Directors acts to find the City of Cypress an eligible jurisdiction.
- C. Require the City of Cypress to demonstrate supplemental investment of discretionary transportation funds equal to the amount of discretionary investment that was short of the maintenance of effort benchmark in the fiscal year 2021-22 (approximately \$1.38 million) as a condition of accessing suspended funds upon being found an eligible jurisdiction.
- D. Authorize the Chief Executive Officer to execute Amendment No. 5 to Contract No. C-8-1911 with Crowe, LLP to revise the scope of work, add an additional task to apply agreed-upon procedures to assess compliance with maintenance of effort expenditure requirements, extend the agreement through December 31, 2025, and authorize staff to deduct audit costs from any future net Measure M2 payments to the City of Cypress.
- E. Authorize the Chief Executive Officer to negotiate and execute a settlement agreement with the City of Cypress to correct and remedy the fiscal year 2021-22 audit issues and confirm required actions to become an eligible jurisdiction.

#### **Discussion Items**

##### **4. Public Comments**

Public comment was received from Susie Whitelaw of Save Our Beaches.

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

Jennifer L. Bergener, Deputy Chief Executive Officer, reported on the Following:

- Train service through San Clemente suspended
- National Bike Month – Bike rally on Tuesday, May 18

##### **6. Committee Members' Reports**

Vice Chairman Nguyen reported that he attended the Day of Remembrance event at the Vietnam Memorial in Westminster. OCTA staff was also in attendance.

Director Do reported that he attended the Day of Remembrance event.



**7. Closed Session**

There were no Closed Session items scheduled.

**8. Adjournment**

The meeting adjourned at 9:20 a.m.

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

**9:00 a.m. on Monday, June 5, 2023**

OCTA Headquarters

550 South Main Street

Orange, California