



Orange County Transportation Authority

Executive Committee Agenda Monday, May 1, 2023 at 9:00 a.m.

Board Room, 550 South Main Street, Orange, California

Committee Members

Gene Hernandez, Chairman

Tam Nguyen, Vice Chairman

Andrew Do, Regional Transportation Planning Committee Chairman

Brian Goodell, Legislative & Communications Committee Chairman

Michael Hennessey, Finance & Administration Committee Chairman

Steve Jones, Transit Committee Chairman

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the Orange County Transportation Authority (OCTA) Clerk of the Board's office at (714) 560-5676, no less than two business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Agenda Descriptions

Agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Committee may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Meeting Access and Public Comments on Agenda Items

Members of the public can either attend in-person or listen to audio live streaming of the Board and Committee meetings by clicking this link: <https://octa.legistar.com/Calendar.aspx>

In-Person Comment

Members of the public may attend in-person and address the Board regarding any item. Please complete a speaker's card and submit it to the Clerk of the Board or notify the Clerk of the Board the item number on which you wish to speak. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. Comments shall be limited to three minutes.

Written Comment

Written public comments may also be submitted by emailing them to ClerkOffice@octa.net, and must be sent by 5:00 p.m. the day prior to the meeting. If you wish to comment on a specific agenda item, please identify the item number in your email. All public comments that are timely received will be part of the public record and distributed to the Board. Public comments will be made available to the public upon request.

EXECUTIVE COMMITTEE MEETING AGENDA

Call to Order

Pledge of Allegiance

Director Jones

Special Calendar

There are no Special Calendar matters.

Consent Calendar (Item 1)

All items on the Consent Calendar are to be approved in one motion unless a Committee Member or a member of the public requests separate action or discussion on a specific item.

1. Approval of Minutes

Recommendation

Approve the minutes of the March 6, 2023 Executive Committee meeting.

Attachments:

[Minutes](#)

Regular Calendar

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

James G. Beil

Overview

Staff has prepared a quarterly progress report on capital project delivery for the period of January 2023 through March 2023, for review by the Orange County Transportation Authority Board of Directors. This report highlights the Capital Action Plan for project delivery, which is used as a performance metric to assess delivery progress on highway, transit, and rail projects.

Recommendation

Receive and file as an information item.

Attachments:

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

EXECUTIVE COMMITTEE MEETING AGENDA

3. Measure M2 Eligibility for the City of Cypress

Adriann Cardoso/Kia Mortazavi

Overview

The Orange County Transportation Authority's Internal Auditor has concluded an audit of the City of Cypress financials for fiscal year 2021-22 related to Measure M2. The audit found the City of Cypress lacked adequate documentation to support whether it had spent sufficient discretionary funds on streets and road purposes to meet the maintenance of effort requirement for the Measure M2 Ordinance. Based on this information, recommendations related to compliance with the Measure M2 Ordinance are presented.

Recommendations

- 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.

Attachments:

[Staff Report](#)

[Attachment A](#)

Discussion Items

4. Public Comments
5. Chief Executive Officer's Report

EXECUTIVE COMMITTEE MEETING AGENDA

6. Committee Members' Reports

7. Closed Session

There are no Closed Session items scheduled.

8. Adjournment

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

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

OCTA Headquarters
Board Room
550 South Main Street
Orange, California