



# MINUTES

## *Executive Committee Meeting*

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### **Committee Members Present**

Steve Jones, Chairman

#### ***Via teleconference:***

Andrew Do, Vice Chairman

Laurie Davies

Michael Hennessey

Mark A. Murphy

Tim Shaw

### **Staff Present**

Darrell E. Johnson, Chief Executive Officer (CEO)

Jennifer L. Bergener, Deputy CEO

Laurena Weinert, Clerk of the Board

Martha Ochoa, Assistant Clerk of the Board

James Donich, General Counsel (teleconference)

### **Committee Members Absent**

None

### **Call to Order**

The May 4, 2020 regular meeting of the Executive Committee (Committee) was called to order by Chairman Jones at 9:00 a.m.

### **Roll Call**

The Clerk of the Board conducted an attendance Roll Call and announced there was quorum of the Committee.

### **Pledge of Allegiance**

Chairman Jones led in the Pledge of Allegiance.

#### **1. Public Comments**

There were no public comments.

### **Special Calendar**

There were no Special Calendar Matters.



## **Consent Calendar (Items 2 and 3)**

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

A motion was made by Director Davies, seconded by Vice Chairman Do, and following a roll call vote, declared passed 6-0, to approve the minutes of the Executive Committee meeting of April 6, 2020.

### **3. Adoption of the Orange County Transportation Authority's Public Transportation Agency Safety Plan**

A motion was made by Director Davies, seconded by Vice Chairman Do, and following a roll call vote, declared passed 6-0, to adopt the Public Transportation Agency Safety Plan as required under 49 CFR Part 673.

## **Regular Calendar**

### **4. Third Quarter Fiscal Year 2019-20 Capital Action Plan and Performance Metrics Report**

Jim Beil, Executive Director of Capital Programs, highlighted the third quarter fiscal year 2019-20 Capital Action Plan milestones and project risks due to the novel coronavirus (COVID-19).

A discussion ensued regarding:

- Due to COVID-19, there are right-of-way (ROW) risks for the State Route 55 (SR-55) widening project that were highlighted, and there could be property owners that do not want to litigate.
- In approximately one to two months, the SR-55 project ROW risks and schedule impacts will be known.
- Staff is working with OCTA's General Counsel in regards to the SR-55 project ROW concerns.
- James Donich, OCTA's General Counsel, highlighted the shared-use agreement (SUA) status for the Placentia Metrolink Station. Additionally, he stated that the Southern California Regional Rail Authority is the SUA lead negotiator.
- The Placentia Metrolink Station and parking structure cannot move forward until the final SAU is approved, and the BNSF Railroad does not control the City of Placentia owned land.

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



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### **5. Proposed Amendment to the Orange County Local Transportation Authority Measure M2 Ordinance No. 3**

Kia Mortazavi, Executive Director of Planning, reported on the background and reasons for the proposed temporary amendment to the Measure M2 (M2) Ordinance No. 3, and James Donich, OCTA's General Counsel, highlighted the M2 Ordinance amendment process.

A discussion ensued regarding the following:

- Senate Bill 1 (SB 1) has a maintenance of effort (MOE) requirement for cities, which has not been modified.
- In some cases, the SB 1 MOE is higher than the M2 MOE and may vary for each city.
- By June 2020, the cities are required to certify the level of M2 MOE they can provide.
- Concerns that some cities decrease in revenues and not meeting the M2 MOE requirement. Additionally, the penalty for not meeting the MOE requirement is the city will be suspended from receiving M2 funds for the next fiscal year.
- Mr. Donich stated the following:
  - The proposed M2 amendment is within the confines of the M2 Ordinance.
  - Waiving the M2 MOE for a specific amount of time would be in violation of what was presented to the voters.
  - If the Board of Directors seek to waive the M2 MOE requirements, OCTA is required to go back to the electorate and have an election.
  - M2 revenues are not meant to supplant local funds for general fund dollars.
- The state construction index is used to adjust for inflation, and the last adjustment was in 2019. Staff highlighted the timelines and process for the next adjustment as defined in the M2 Ordinance.
- Historically, the cities exceed the M2 MOE requirements which cumulatively is just below \$100 million.
- Darrell E. Johnson, CEO, highlighted the mechanics of the next adjustment, and the proposed amendment goes through fiscal year 2022.
- OCTA will know more information at the beginning of 2021 if additional relief is needed.



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### **5. (Continued)**

A motion was made by Vice Chairman Do, seconded by Director Hennessey, and following a roll call vote, declared passed 6-0, to:

- A. Direct staff to initiate the process to amend the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 to address the anticipated near-term negative growth in general fund revenues as it relates to the maintenance of effort requirement.
- B. Direct staff to set a date of June 22, 2020, for a public hearing and Board of Directors action to consider adoption of the amendment to the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 as it relates to the maintenance of effort requirement.
- C. Approve updates to the Fiscal Year 2020-21 Measure M2 Eligibility Guidelines, including revised maintenance of effort forms addressing the changes needed to implement the proposed amendment.

### **Discussion Items**

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

Darrell E. Johnson, CEO, reported on the following:

- OCTA's response efforts to the COVID-19 pandemic.
- Thanked the Committee Members for their leadership, support, and flexibility as OCTA does its part to continue serving the public in a manner that protects the public and OCTA's employees because of the pandemic.
- Today's M2 Ordinance discussion was important, and the Committee Members were thanked for their support.

#### **7. Committee Members' Report**

There were no Committee Members' reports.

#### **8. Closed Session**

There were no Closed Session items scheduled.



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### **9. Adjournment**

The Executive Committee meeting adjourned at 9:44 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Monday, June 1, 2020**, at the OCTA Headquarters, 550 South Main Street, Conference Room 07, Orange, California.

ATTEST

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Laurena Weinert  
Clerk of the Board

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Steve Jones  
Chairman