

Minutes of the
Orange County Transportation Authority
Orange County Transit District
Orange County Local Transportation Authority
Orange County Service Authority for Freeway Emergencies
Board of Directors Meeting

Call to Order

The June 8, 2020 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Jones at 9:01 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Roll Call

The Clerk of the Board conducted an attendance Roll Call and announced there was quorum of the Board of Directors (Board) as follows:

Directors Present: Steve Jones, Chairman

Via teleconference:

Andrew Do, Vice Chairman
Lisa A. Bartlett
Doug Chaffee
Laurie Davies
Barbara Delgleize
Michael Hennessey
Gene Hernandez
Joseph Muller
Mark A. Murphy
Richard Murphy
Miguel Pulido
Tim Shaw
Harry S. Sidhu
Michelle Steel
Donald P. Wagner
Gregory T. Winterbottom
Ryan Chamberlain, District Director
California Department of Transportation District 12

Director Absent: None

Also Present: Darrell E. Johnson, Chief Executive Officer (CEO)
Jennifer L. Bergener, Deputy CEO/Chief Operating Officer
Laurena Weinert, Clerk of the Board (COB)
Martha Ochoa, Assistant COB
James Donich, General Counsel (teleconference)

Invocation

Director Wagner gave the invocation.

Pledge of Allegiance

Chairman Jones led in the Pledge of Allegiance.

Special Calendar

Orange County Transportation Authority Special Calendar Matters

1. Public Hearing on Orange County Transportation Authority's Fiscal Year 2020-21 Budget and Personnel and Salary Resolution

(A verbatim transcript of this public hearing is on file in the Clerk of the Board's office.)

Darrell E. Johnson, CEO, provided opening comments and introduced Andy Oftelie, Chief Financial Officer (CFO), who provided a PowerPoint presentation as follows:

- Budget Themes;
- Novel Coronavirus (COVID-19) Impacts;
- Budget Overview – Budget Workshop Proposed;
- Budget Overview – Current Proposed;
- Budget Adjustments – Sources and Uses;
- COVID-19 Budget Reductions;
- Budget Sources & Uses;
- Staffing Levels;
- Recommendations; and
- Next Steps.

Mr. Oftelie noted for the record that at the request of Southern California Regional Rail Authority (Metrolink) Recommendation Letter D amount needs to be amended to \$9,863,627.

Mr. Oftelie stated that Metrolink's request includes annual insurance premium payments that have always been included in the first quarter payment from member agencies and were inadvertently left off the original ask.

1. (Continued)

A discussion ensued regarding:

- Director Hennessey acknowledged Mr. Johnson, CEO, Andy Oftelie, CFO, and Victor Velasquez, Department Manager, Financial Planning and Analysis, for producing a great budget and supports the proposed budget.
- Director Hennessey stated to the Board to expect changes to the next fiscal year's budget as information comes forward in the first three to six months of the budget.
- Director Wagner asked how much would be available to redirect the streetcar money to other important programs like senior mobility.
- Mr. Johnson stated that the streetcar construction and vehicle contracts are awarded and encumbered.
- Director Wagner asked if there is a clause in the streetcar contracts for a change circumstances, and the contractors may work with OCTA in change circumstances.
- Mr. Oftelie reported that in the proposed budget the streetcar has just under \$44 million.
- Mr. Johnson stated that the streetcar funding is from Measure M2, Project S and is specified for transit extensions to the Metrolink lines.
- Director Wagner provided his concerns about ridership demands post COVID-19 versus the original projection, as well as stated why would the streetcar continue to be funded especially since demands in OCTA's systems have declined.
- A discussion ensued about the streetcar federal full funding grant agreement, ridership demand projections for 2022 opening day in 2022, 405 Express Lanes federal loan is based upon traffic projections, and 91 Express Lanes traffic projections.
- Director Wagner stated that since the streetcar continues to be in the proposed budget, he will vote no for the budget.

The Clerk of the Board read into the record notifications to inform the public and local agencies of today's public hearing.

Chairman Jones opened the public hearing for public comments and with no public comments received, a motion was made by Director Pulido, seconded by Director Hernandez, and following the roll call vote, declared passed 17-0, to close the public hearing.

Director Steel requested a bifurcated vote for Recommendation A and for Recommendations B, C, and D vote on together.

1. (Continued)

For Recommendation Letter A, a motion was made by Director Pulido, seconded by Director Hennessey, and following a roll call vote, declared passed 15-2, to:

- A. Approve by Resolution the Orange County Transportation Authority's Fiscal Year 2020-21 Budget.

Director Steel noted that at the recent Finance and Administration Committee meeting, James Donich, OCTA's General Counsel, advised her to vote no when you do not agree with just one thing about the streetcar out of the entire budget. Director Steel agreed with all the proposed budget, however, because of the streetcar, she will vote no.

For Recommendation Letter A, Directors Steel and Wagner voted in opposition.

Director Mark A. Murphy requested out of an abundance of caution that Recommendation Letter C be voted on separately, because he will need to recuse himself due to a potential conflict for employment.

To accommodate Director Mark A. Murphy's request, maker of the motion Director Pulido and maker of the second Director Hennessey, amended the motion for a separate Recommendation Letter C vote.

For Recommendations Letter B and amended Letter D, a motion was made by Director Pulido, seconded by Director Hennessey, and following a roll call vote, declared passed 17-0, to:

- B. Approve the Personnel and Salary Resolution for Fiscal Year 2020-21.
- D. Approval of fiscal year 2020-21 Orange County Transportation Authority member agency contribution to the Southern California Regional Rail Authority, first quarter operating subsidy, in an amount up to \$9,863,627.

For Recommendation Letter C, a motion was made by Director Pulido, seconded by Director Hennessey, and following a roll call vote, declared passed 16-0, to:

- C. Authorize the Chief Executive Officer to negotiate and execute the software and hardware licensing, maintenance, and emergency support purchase orders and/or agreements.

Due to a potential conflict of employment, Director Mark A. Murphy recused himself from participating or voting.

2. Coronavirus Update

Darrell E. Johnson, CEO, provided an update on OCTA's efforts to proactively respond to the COVID-19 pandemic.

No action was taken on this information item.

Consent Calendar (Items 3 through 17)

Orange County Transportation Authority Consent Calendar Matters

3. Approval of Minutes

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of May 22, 2020.

4. 91 Express Lanes Update for the Period Ending - March 31, 2020

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to receive and file as an information item.

5. Amendment to Agreement for Service and Maintenance of Security Systems

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-7-1676 between the Orange County Transportation Authority and Convergent Technologies LLC, in the amount of \$65,000, for additional project support services. This will increase the maximum obligation of the agreement to a total contract value of \$341,000.

6. Agreement for Occurrence Tracking System Replacement

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to:

- A. Approve the selection of Origami Risk LLC, as the firm to provide cloud-based claims management software as a service in support of the Orange County Transportation Authority's Occurrence Tracking System for Risk Management and Safety departments.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2023 between the Orange County Transportation Authority and Origami Risk LLC, in the amount of \$495,170, to provide cloud-based claims management software as a service to replace Orange County Transportation Authority's Occurrence Tracking System for a three-year term.

7. Agreement for Deferred Compensation Services

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to:

- A. Approve the selection of Nationwide Retirement Solutions as the firm to provide deferred compensation services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2014 between the Orange County Transportation Authority and Nationwide Retirement Solutions, to perform a broad range of defined contribution services related to the administration of the 457(b), 401(a), and 3121 plans, for an initial term of five years with two, five-year option terms.

8. Active Transportation Update

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to receive and file as an information item.

Orange County Transit District Consent Calendar Matters

9. Medical Exams, Internal Audit Report No. 20-508

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to receive and file Medical Exams, Internal Audit Report No. 20-508, as an information item.

10. Approval to Release Request for Proposals for an Enterprise Asset Management System

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2272 to select a firm to provide an enterprise asset management system.
- B. Approve the release of Request for Proposals 0-2272 to select a firm to provide an enterprise asset management system for a seven-year initial term with two, two-year option terms.

Due to a potential conflict for employment, Director Mark A. Murphy recused himself from participating or voting.

Orange County Local Transportation Authority Consent Calendar Matters

11. Cooperative Agreement with the California Department of Transportation for the Interstate 5 Widening Project Between Interstate 405 and State Route 55

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-0-2317 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$1,200,000, to provide oversight of the plans, specifications, and estimates, and to advertise and award the construction contract for the Interstate 5 widening project between Interstate 405 and State Route 55, Segments 1 and 2.

12. Consultant Selection for On-Call Right-of-Way Support Services for Capital Improvement Projects

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to:

- A. Approve the selection of Epic Land Solutions, Inc., as the firm to provide on-call right-of-way support services for capital improvement projects.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1613 between the Orange County Transportation Authority and Epic Land Solutions, Inc., in the amount of \$3,500,000, for an initial term of three years, with two, one-year option terms to provide on-call right-of-way support services for capital improvement projects.

13. Cooperative Agreement with the California Department of Transportation for the Interstate 5 Improvement Project Between Avenida Pico and San Diego County Line

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-0-2334 between the Orange County Transportation Authority and the California Department of Transportation, at no cost, for preparation of the project report and environmental document for the Interstate 5 improvement project between Avenida Pico and the San Diego County Line.

14. Membership Appointments for the Measure M2 Environmental Cleanup Allocation Committee

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to:

- A. Approve the reappointment of current committee members serving on the Measure M2 Environmental Cleanup Program Environmental Cleanup Allocation Committee for an additional three-year term.
- B. Appoint two committee members to replace outgoing members on the Measure M2 Environmental Cleanup Program Environmental Cleanup Allocation Committee.

15. Environmental Mitigation Program Endowment Fund Investment Report for March 31, 2020

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to receive and file as an information item.

16. Measure M2 Eligibility Review Recommendations for Fiscal Year 2018-19 Expenditure Reports

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to:

- A. Find all 35 Orange County local agencies eligible to receive net Measure M2 revenues.
- B. Direct staff to solicit from the City of Anaheim a restated fiscal year 2018-19 expenditure report to address miscategorized maintenance of effort expenditures identified in M2 Agreed Procedures Reports, Fiscal Year Ended 2019.

17. Measure M2 Quarterly Progress Report for the Period of January 2020 Through March 2020

A motion was made by Director Hennessey, seconded by Director Davies, and following a roll call vote, declared passed 17-0, to receive and file as an information item.

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

18. Amendment to Agreement for Additional Program Management Consultant Services for the Highway Program

Rose Casey, Director of Highway Programs, reported on the recommended contract amendment for additional program management consultant services for the Highway Program.

A motion was made by Director M. Murphy, seconded by Director Wagner, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 10 to Agreement No. C-5-3767 between the Orange County Transportation Authority and Mott MacDonald, LLC, in the amount of \$5,329,618, to provide additional program management consultant services for the Highway Programs Department. This will increase the maximum obligation of the agreement to a total contract value of \$24,780,661.

Discussion Items

19. Public Comments

There were no public comments.

20. Chief Executive Officer's Report

Darrell E. Johnson, CEO, reported the following:

Taxpayer Oversight Committee (TOC) Public Hearing -

- Tomorrow night at 6:00 p.m., via teleconference, the TOC will hold its 29th Annual Measure M Public Hearing to review OCTA's implementation of Measure M.
- At the hearing, the TOC will review major committee actions taken, financial audit results and expenditure reports, annual eligibility review, and listen to public comments.

20. (Continued)

Measure M Quarterly Report Acknowledgement –

- The Measure M quarterly report under today's agenda Item 17 was completed by Tami Warren, and after nearly 36 years of dedicated service to OCTA, Ms. Warren has announced her retirement.
- Ms. Warren joined OCTA in 1984 and served as the Program Manager overseeing OCTA's Measure M program since October 2011.
- Ms. Warren's leadership and institutional knowledge have been invaluable in helping OCTA deliver the Measure M program, particularly over the last few months when OCTA have faced unprecedented revenue and forecast challenges due to the pandemic.
- On behalf of OCTA and himself, Mr. Johnson thanked Ms. Warren for her service and wished her well in retirement.

21. Directors' Reports

Director Winterbottom inquired if many of the 60-foot buses were in service. Jennifer L. Bergener, Deputy CEO/Chief Operating Officer, responded that there is no current demand for the 60-foot buses, and OCTA continues to monitor.

Director Hennessey echoed Mr. Johnson's comments about Ms. Warren and thanked her for excellent service to OCTA and Orange County.

Director Delgleize commented on when she first met Ms. Warren and thanked her for the dedication and tremendous service to OCTA and residents of Orange County.

22. Closed Session

A Closed Session will be held as follows:

- A. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 regarding the coach operators. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of Human Resources and Organizational Development, and Teamsters Local 952 representative.
- B. Pursuant to Government Code 54957.6 to discuss collective bargaining agreement negotiations with the Transportation Communications International Union regarding the parts/stock room clerks and facilities maintenance employee unit. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of Human Resources and Organizational Development, and Transportation Communications International Union representative.

22. (Continued)

All Board Members were present for the Closed Session Letters A and B.

James Donich, General Counsel, reported out for Closed Session, Letter A that the Board met regarding the contract negotiations with Teamsters Local 952 for the coach operators collective bargaining agreement.

A motion was made by Director Winterbottom, seconded by Director Pulido, and declared passed 16-1, to approve a one-year extension to the existing coach operators collective bargaining agreement with a 2.6 percent wage increase.

Director Muller voted in opposition.

23. Adjournment

The meeting adjourned at 10:37 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, June 22, 2020**, at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

Laurena Weinert
Clerk of the Board

Steve Jones
Chairman