

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 August 24, 2020 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Jones at 9:02 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 (COB) conducted an attendance Roll Call and announced there was quorum of the Board of Directors (Board) as follows:

Directors Present:     Steve Jones, Chairman  
                               Joseph Muller  
                               Mark A. Murphy

***Via teleconference:***

Andrew Do, Vice Chairman  
Lisa A. Bartlett  
Doug Chaffee  
Laurie Davies  
Barbara Delgleize  
Michael Hennessey  
Gene Hernandez  
Richard Murphy  
Miguel Pulido  
Tim Shaw  
Harry S. Sidhu  
Michelle Steel  
Donald P. Wagner

Director Absent:     Ryan Chamberlain, District Director  
                                         California Department of Transportation District 12

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

## **Invocation**

Director Steel gave the invocation.

## **Pledge of Allegiance**

Director M. Murphy led in the Pledge of Allegiance.

## **Special Calendar**

There were no Special Calendar matters.

## **Consent Calendar (Items 1 through 16)**

### **Orange County Transportation Authority Consent Calendar Matters**

#### **1. Approval of Minutes**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of August 10, 2020.

#### **2. Coronavirus Update**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

#### **3. Oversight Controls and Contract Compliance Related to the Interstate 5 Project: State Route 55 to State Route 57, Internal Audit Report No. 20-510**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to direct staff to implement the recommendation provided in Oversight Controls and Contract Compliance Related to the Interstate 5 Project: State Route 55 to State Route 57, Internal Audit Report No. 20-510.

#### **4. 91 Express Lanes Update for the Period Ending June 30, 2020**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

**5. Fourth Quarter Fiscal Year 2019-20 Procurement Status Report**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

**6. Orange County Transportation Authority Investment and Debt Programs Report - June 2020**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

**7. Fiscal Year 2019-20 Fourth Quarter Grant Reimbursement Status Report**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

**8. State Legislative Status Report**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

**9. Federal Legislative Status Report**

A motion was made by Director Hernandez, seconded by Director Davies, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

**10. Agreements for Health Insurance Services**

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

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-5-3649 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for Kaiser Permanente Health Plan, Inc., on a cost per employee basis, for prepaid medical services through December 31, 2021. The annual 2021 Kaiser Permanente Health Plan, Inc. premium cost will vary in accordance with actual enrollment.

**10. (Continued)**

- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-5-3650 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for Anthem Blue Cross, on a cost per employee basis, for prepaid medical services through December 31, 2021. The annual 2021 Anthem Blue Cross health maintenance organization premium costs will vary in accordance with actual enrollment.
- C. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-5-3651 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for Anthem Blue Cross, on a cost per employee basis, for preferred provider organization medical services through December 31, 2021. The annual 2021 Anthem Blue Cross preferred provider organization premium costs will vary in accordance with actual enrollment.
- D. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-5-3652 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for Anthem Blue Cross, on a cost per employee basis, for a consumer driven health plan through December 31, 2021. The annual 2021 Anthem Blue Cross consumer driven health plan premium costs and health savings account expenses will vary in accordance with actual enrollment.
- E. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 10 to Agreement No. C-1-2996 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for Delta Dental, on a cost per employee basis, for preferred provider organization dental services through December 31, 2021. The annual 2021 Delta Dental preferred provider organization premium costs will vary in accordance with actual enrollment.
- F. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 10 to Agreement No. C-1-2995 between the Orange County Transportation Authority and Delta Dental, on a cost per employee basis, for health maintenance organization dental services through December 31, 2021. The annual 2021 Delta Dental health maintenance organization premium costs will vary in accordance with actual enrollment.

**10. (Continued)**

- G. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-8-1869 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for Delta Dental, on a cost per employee basis, for health maintenance organization dental services through December 31, 2021. The annual 2021 Delta Dental health maintenance organization premium costs will vary in accordance with actual enrollment.
- H. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-1-2997 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for Vision Service Plan, on a cost per employee basis, for vision services through December 31, 2021. The annual 2021 vision services premium costs will vary in accordance with actual enrollment.
- I. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Purchase Order No. C-7-1897 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for VOYA for life and accidental death and dismemberment insurance through December 31, 2021. The annual 2021 life and accidental death and dismemberment premium costs will vary in accordance with actual volume in the plan.
- J. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Purchase Order No. C-7-1898 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for VOYA to provide supplemental life insurance to employees at their own expense through December 31, 2021.
- K. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Purchase Order No. C-7-1899 between the Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for VOYA for short-term and long-term disability insurance through December 31, 2021. The annual 2021 short-term and long-term disability premium costs will vary in accordance with actual volume in the plan.
- L. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Purchase Order No. C-7-1900 between Orange County Transportation Authority and Public Risk Innovation, Solutions, and Management for VOYA with Compsych to provide employee leave administration through December 31, 2021.

**11. SB 1 (Chapter 5, Statutes of 2017) State of Good Repair Program Recommendations for Fiscal Year 2020-21 Funds**

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

- A. Approve Resolution No. 2020-056, consistent with the SB 1 State of Good Repair Program Guidelines, authorizing the use of up to \$5.347 million in fiscal year 2020-21 SB 1 State of Good Repair Program funding for facility modifications, upgrades, and replacement projects.
- B. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above recommendations.

**Orange County Transit District Consent Calendar Matters**

**12. Cooperative Agreement with the City of Laguna Beach for the Senior Mobility Program**

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

- A. Approve the Senior Mobility Program Service Plan for the City of Laguna Beach.
- B. Authorize the Chief Executive Officer to execute Cooperative Agreement No. C-0-2400 between the Orange County Transportation Authority and the City of Laguna Beach, to provide Senior Mobility Program funding through June 30, 2021.

**13. Cooperative Agreements for Federal Transit Administration Section 5316 Grant Program**

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

- A. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2454 between the Orange County Transportation Authority and Abrazar, Inc., in the amount of \$237,800, to fund the Section 5316 grant program for a two-year term effective October 1, 2020 through September 30, 2022.

**13. (Continued)**

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2455 between the Orange County Transportation Authority and Boys and Girls Clubs of Huntington Valley, in the amount of \$118,200, to fund the Section 5316 grant program for a two-year term effective October 1, 2020 through September 30, 2022.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2456 between the Orange County Transportation Authority and Dayle McIntosh Center for the Disabled, in the amount of \$193,400, to fund the Section 5316 grant program for a two-year term effective October 1, 2020 through September 30, 2022.
- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2457 between the Orange County Transportation Authority and North Orange County Community College District, in the amount of \$315,800, to fund the Section 5316 grant program for a two-year term effective October 1, 2020 through September 30, 2022.
- E. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2458 between the Orange County Transportation Authority and Women Helping Women/Men2Work, in the amount of \$73,600, to fund the Section 5316 grant program for a two-year term effective October 1, 2020 through September 30, 2022.

**Orange County Local Transportation Authority Consent Calendar Matters**

**14. Consultant Selection for On-Call Commercial Real Estate Brokerage Services**

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

- A. Approve the selection of CBRE, Inc., as the firm to provide on-call commercial real estate brokerage services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2160 between the Orange County Transportation Authority and CBRE, Inc., at a specified commission structure to provide on-call commercial real estate brokerage services for an initial term of three years with one, two-year option term.

**15. Approval to Sell Two Excess Parcels**

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

- A. Determine that Parcel No. 334-051-26 is exempt surplus land, pursuant to Government Code Section 54221(f)(1)(B), as it is less than 10,000 square feet in area, has no record access, and is planned to be sold to an owner of contiguous land.
- B. Determine that Parcel No. 334-051-27 is exempt surplus land, pursuant to Government Code Section 54221(f)(1)(B), as it is less than 10,000 square feet in area, has no record access, and is planned to be sold to an owner of contiguous land.
- C. Direct staff to sell the two unimproved contiguous parcels, Parcel No. 334-051-26 and Parcel No. 334-051-27, located in the City of Placentia.
- D. Authorize the Chief Executive Officer to negotiate and execute a purchase and sale agreement with Cougar Stone, Inc., for the sale price of \$100,000.

**16. Approval to Release Request for Proposals for Measure M2 Environmental Mitigation Program Interim Preserve Maintenance**

A motion was made by Director Hernandez, 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 0-2477 for contractor services to conduct maintenance-type services on the seven Orange County Transportation Authority Preserves.
- B. Approve the release of Request for Proposals 0-2477 to provide maintenance-type services for the Measure M2 Environmental Mitigation Program interim preserve maintenance for a five-year initial term with two, one-year option terms.



## **Regular Calendar**

### **Orange County Local Transportation Authority Regular Calendar Matters**

#### **17. 2020 Measure M2 Sales Tax Forecast**

Andrew Oftelie, Chief Financial Officer, provided a PowerPoint presentation as follows:

- Background;
- Historical Measure M Sales Tax Revenues;
- Short-Term Growth Rate Forecasts;
- Long-Term Growth Rate Forecasts;
- Annual Measure M2 (M2) Sales Tax Revenue Forecast;
- University Forecasts;
- Results of Updated Forecasts;
- Actual vs Projected Growth Rates;
- Forecast Comparison – 2020 vs 2019;
- Reasons for anticipated decline in short-term; and
- Next Steps.

A discussion ensued regarding the following:

- Director Wagner asked how often the M2 forecast report is provided given the uncertain outlook.
- Mr. Oftelie stated that typically the M2 forecast report is provided once a year in spring; however, this year the Finance and Administration (F&A) Committee has been presented the forecast more often.
- Mr. Oftelie also stated that a month ago, the Board was sent a memo about the M2 forecast status, and staff will return to the F&A Committee and Board in October 2020 with an updated M2 forecast.
- Director Shaw stated the cities rely on the M2 Local Fair Share (LFS) funding and asked how OCTA is communicating to the local jurisdictions about the M2 forecast.
- Mr. Oftelie stated that OCTA will reach to the local jurisdictions through the typical channels about the updated M2 forecast.

A motion was made by Director Chaffee, seconded by Director Hennessey, and following a roll call vote, declared passed 16-0, to direct staff to determine the impacts of the updated forecasts to Orange County Transportation Authority programs and projects and return to the Board of Directors with options to address the decrease in projected sales tax revenue.

**18. Public Comments**

The COB stated that two public comments were received from Craig A. Durfey on August 10 and 23. The COB also stated that the Board Members were emailed the August 10 comment on August 19 and August 23 comment on August 24 at 7:36 a.m., and both comments will be retained as part of the record for today's Board meeting.

**19. Chief Executive Officer's Report**

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

- California Transportation Commission Appointment (CTC) -
  - An email was sent to the Board about Governor Newsom's CTC appointment, and OCTA wanted to publicly acknowledge and congratulate Michele Martinez for the Governor's appointment to the CTC.
  - Ms. Martinez worked regularly with OCTA when she served on the Santa Ana City Council, and OCTA looks forward to working with Ms. Martinez in her new role on the CTC.
  - Ms. Martinez replaced Lucy Dunn – whose term expired earlier this year, and OCTA greatly appreciates Ms. Dunn's more than 10 years of service on the CTC.
  - OCTA also looks forward to continuing to work with Ms. Dunn in her role as President and CEO of the Orange County Business Council.
- Employees of the Month for August were recognized as follows:
  - Operations Employee of the Month is Alberto De La Rosa. Mr. De La Rosa is a Coach Operator at the Garden Grove Base who started his driving career with OCTA in July 2000.
  - Maintenance Employee of the Month is Pio Balonda. Mr. Balonda joined OCTA in April 2018 and is currently a Service Worker on the second shift at the Garden Grove Base.
  - Administrative Employee of the Month is Kevin Quon. Mr. Quon started as a Business Analyst in October 2016 and is currently a Financial Analyst in the Financial Planning and Analysis Department.
  - OCTA's August Employees of the Month were congratulated.

**20. Directors' Reports**

Director Hennessey thanked Lucy Dunn for her years of service on the CTC and being an Orange County advocate to obtain funding. He also commented on the budget and M2 forecasts and wanted staff to know how much he appreciated them giving up their special award and merit increase this fiscal year.

**21. Closed Session**

A Closed Session was held as follows:

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.

James Donich, OCTA's General Counsel, reported out that the Board met in Closed Session to discuss negotiations with the Transportation Communications International Union.

In Closed Session, a motion was made by Director Pulido, seconded by Director R. Murphy, and following a roll call vote by General Counsel, declared passed 15-0, to approve a one-year extension to the Transportation Communications International Union collective bargaining agreement from April 1, 2020 through March 31, 2021 at a 2.6 percent increase in salary, not to exceed \$72,000.

Director Wagner was not present to vote on the Closed Session item.

**22. Adjournment**

The meeting adjourned at 9:50 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, September 14, 2020**, at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

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Laurena Weinert  
Clerk of the Board

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Steve Jones  
Chairman