

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD IN THE CITY HALL COUNCIL CHAMBER OF THE CITY OF LONG BEACH AT 333 W. OCEAN BOULEVARD, LONG BEACH, CALIFORNIA, ON NOVEMBER 10, 2016 AT 9:00 A.M.

Members present:

Joe Buscaino, City of Los Angeles
Suzie Price, City of Long Beach
Don R. Knabe, Los Angeles County
Metropolitan Transportation Authority
Duane Kenagy, Port of Long Beach
Edward Renwick, Port of Los Angeles
Gene Seroka, Port of Los Angeles

Members absent:

Rich Dines, Port of Long Beach

Also present:

John T. Doherty, ACTA, Chief Executive Officer
James P. Preusch, ACTA, Chief Financial Officer
Heather McCloskey, ACTA, Co-General Counsel

CHAIR BUSCAINO PRESIDED.

The meeting was called to order at 9:08 a.m. Roll call was taken.

CONSENT CALENDAR - ITEM NO. 1

1. MINUTES - ACTA GOVERNING BOARD REGULAR MEETING OF OCTOBER 13, 2016 – APPROVED.

Minutes of the regular meeting of October 13, 2016 of the Governing Board of the Alameda Corridor Transportation Authority were presented to the Governing Board.

Vice Chair Price motioned, seconded by Board Member Knabe that Item 1 be approved. Carried by the following vote:

AYES: Buscaino, Kenagy, Knabe, Price, Renwick

NOES: None

ABSENT: Dines, Seroka

(Board Member Seroka arrived at 9:15 a.m.)

2. REPORT OF AUDIT COMMITTEE – RECEIVED & FILED.

Communication from James P. Preusch, Chief Financial Officer, dated November 10, 2016, recommending that the Audit Committee Chair present and/or recommend future board action(s) regarding the FY16 Audited Financial Statements and the Single Audit Report, completed CY16 internal audits, and the FY18 internal Audit Plan, was presented to the Governing Board.

A public comment card was submitted by Mr. Jesse Marquez, Executive Director, Coalition for a Safe Environment. Mr. Marquez, asked that a public hearing be conducted to discuss ACTA's net deficit and Corridor's underutilization. He stated the purpose of the Corridor was to take trucks off the freeways and that the use of the Corridor has not been maximized. It should be used to its capacity now.

Board Member Renwick informed the Board that the Audit Committee met just prior to this meeting to review the FY16 Audited Financial Statements, Single Audit Report, CY16 Internal Audits and FY18 Audit Plan and found them all to be acceptable with no deficiencies.

Board Member Renwick stated that ACTA financials are easy to misinterpret and offered to meet with Mr. Marquez to explain them. For example, in FY16 many land assets were written off which would produce a net deficit. He stated that staff will prepare a monthly cash flow metric that will assist in identifying whether ACTA is cash flow positive or cash flow negative. It is anticipated that in 2017, ACTA will be cash flow positive.

Board Member Renwick motioned, seconded by Vice Chair Price, that the item be received and filed. Carried by the following vote:

AYES: Buscaino, Kenagy, Knabe, Price, Renwick, Seroka

NOES: None

ABSENT: Dines

3. SMALL BUSINESS ENTERPRISE PROGRAM – INFORMATION.

Communication from John T. Doherty, Chief Executive Officer, dated November 10, 2016, providing an update on the establishment of a Small Business Enterprise (SBE) Program for ACTA, was presented to the Governing Board.

Mr. Doherty presented background on the request by the Board to establish an ACTA SBE Program for non-federal funded contracts and the recommendations made by the Board to the draft plan presented at the October 2016 meeting. The key proposed features in the draft SBE Program discussed included: 1) establishing contract-specific goals on a contract-by-contract basis; 2) allowing demonstration of good faith effort by a bidder or proposer if a goal can't be met; 3) accepting SBE certification through any State or local agency certification/registration process; 4) conducting outreach including online subscription database(s), ACTA website, and media advertisements; and 5) incorporating no separate Very Small Business Enterprise (VSBE) goal. The Board recommendations included: a) veteran and disabled veteran owned and/or managed businesses, b) SBE set-aside solicitations where multiple SBE firms are available to perform the contract work, and c) preference evaluation methods to encourage participation.

Mr. Doherty stated that staff and legal counsel are evaluating the issues associated with implementing these recommendations. A report of the findings and revised final draft plan will be presented at the January 2017 Governing Board meeting.

4. SBE PARTICIPATION GOAL FOR CORRIDOR MAINTENANCE RFP - APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated November 10, 2016, recommending the approval of an SBE participation goal of 10% of contract price to be included in the Request for Proposal and subsequent agreement for the Alameda Corridor Maintenance Contract.

Vice Chair Price motioned, seconded by Board Member Kenagy, that the item be approved as recommended. Carried by the following vote:

AYES: Buscaino, Kenagy, Knabe, Price, Renwick, Seroka

NOES: None

ABSENT: Dines

5. SEPTEMBER PERFORMANCE – INFORMATION ITEM.

Mr. Doherty gave an update of Corridor performance for September 2016.

6. PUBLIC COMMENT

Mr. Jesse Marquez, Executive Director, Coalition for a Safe Environment, addressed the Governing Board requesting the following: 1) Report on ACTA's environmental compliance and mitigation, specifically in the areas of air pollution emissions, with an updated inventory; 2) Greenhouse gas emissions and its inventory and mitigation proposal; 3) Community noise mitigation; 4) Compliance to newly adopted State of California Caltrans ARB Freight Transportation Plans and recently issued Executive Order by Governor that mandates that all government agencies shall submit a plan in 2017 on how they will initiate California's transition to zero emissions freight transportation technologies (electric train technologies); 5) ACTA to sponsor feasibility study on the transition to zero emission electric trains technologies; 6) Financial Report references pollution remediation obligations, and public should be involved in reviewing and commenting on any ACTA agreements; and 7) Report on Hanjin bankruptcy impact involving the increased number of off-port container storage yards and traffic to and from these facilities.

7. ADJOURNMENT

At 9:35 a.m., the meeting was adjourned sine die.