

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD AT LONG BEACH CITY COLLEGE LIBERAL ARTS CAMPUS BOARD ROOM, 4901 E. CARSON STREET, BUILDING T1100, LONG BEACH, CALIFORNIA 90808 ON JUNE 1, 2023 AT 10:00 A.M.

A. ROLL CALL

Members present:

- Michael Cano, Los Angeles County Metro
- Frank Colonna, Port of Long Beach
- Tim McOsker, City of Los Angeles
- Edward Renwick, Port of Los Angeles

Alternate members present:

- Tony Gioiello, Port of Los Angeles
- Duane Kenagy, Port of Long Beach

Members absent:

- Suely Saro, City of Long Beach

Also present and participating:

- Michael Leue, ACTA, Chief Executive Officer
- Kevin Scott, ACTA, Chief Financial Officer
- Heather McCloskey, ACTA, Co-General Counsel
- Maria Melendres, ACTA, Governing Board Secretary

B. OPENING STATEMENT

CHAIR MCOSKER PRESIDED AS CHAIR.

The meeting was called to order at 10:25 a.m. The opening statement was read into the record.

C. AGENDA ITEMS

Reports

1. MARCH 2023 CORRIDOR PERFORMANCE

Michael Leue presented the Corridor performance statistics through January 2023.

(Board Member Cano arrived at 10:29 a.m.)

Consent Agenda

2. MINUTES - ACTA GOVERNING BOARD SPECIAL MEETING OF APRIL 6, 2023 – APPROVED.

Minutes of the Special Meeting of April 6, 2023, of the Governing Board of the Alameda Corridor Transportation Authority, were presented to the Governing Board.

3. MONTHLY FINANCIAL REPORTS AS OF MARCH 2023 FINANCIAL REPORT – RECEIVED AND FILED.

Communication from Kevin L. Scott, Chief Financial Officer, dated June 1, 2023, recommending that the monthly financial reports as of March 31, 2023, be received and filed, was presented to the Governing Board.

No public comment was received on the Consent Agenda.

Chair McCosker motioned, seconded by Board Member Renwick that the minutes of the April 6, 2023, Special Meeting of the Alameda Corridor Transportation Authority be approved as submitted and that the Monthly Financial Reports as of March 31, 2023, be received and filed. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

Regular Agenda

- 4. FRASCA & ASSOCIATES, LLC & PFM FINANCIAL ADVISORS LLC - AGREEMENT NO. C0914 & C0915 – MUNICIPAL FINANCIAL ADVISOR SERVICES – APPROVED.

Communication from Kevin L. Scott, Chief Financial Officer, dated June 1, 2023, requesting the approval of Agreement No. C0914 with Frasca & Associates, LLC and Agreement No. C0915 with PFM Financial Advisors LLC for municipal financial advisory services for a not-to-exceed compensation of \$300,000 for each Agreement in effect for a five-year period and authorize the Chief Executive Officer or Chief Financial Officer to execute the agreements, was presented to the Governing Board.

No public comment was received on Item No. 4.

Board Member Colonna motioned, seconded by Board Member Renwick that Item No. 4 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

- 5. OCEAN BLUE ENVIRONMENTAL SERVICES, INC. & NRC ENVIRONMENTAL SERVICES, INC. – AGREEMENT NO. C0912 & C0913 – EMERGENCY RESPONSE & HAZARDOUS WASTE MANAGEMENT SERVICES – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated June 1, 2023, requesting the authorization of the Chief Executive Officer or his designee to execute agreements for Emergency Response and Hazardous Waste Management Services in a not-to-exceed amount of \$50,000 per firm for a three-year term with Ocean Blue Environmental Services, Inc. and NRC Environmental Services, Inc., was presented to the Governing Board.

No public comment was received on Item No. 5.

Board Member Kenagy motioned, seconded by Board Member Colonna that Item No. 5 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

6. WESTBOUND COMMUNICATIONS INC. – AGREEMENT NO. C0911 – MEDIA RELATIONS SERVICES – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated June 1, 2023, requesting the approval of the proposed Agreement No. C0911 with Westbound Communications Inc. for media relations services in an amount not-to-exceed \$270,000 for a three-year term and an option for the Governing Board to renew for an additional three years; and authorize the Chief Executive Officer or his designee to execute said amendment, was presented to the Governing Board.

Board Member Colonna motioned, seconded by Board Member Renwick that Item No. 6 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

Items 7 & 8 were presented together.

7. EVERETT DOREY LLP; ORBACH HUFF & HENDERSON LLP; LAW OFFICE OF SIMA SALEK – LEGAL SERVICES AGREEMENTS – APPROVED.

Communication from Co-General Counsel Heather M. McCloskey and Thomas Oh, dated June 1, 2023, recommending that the Governing Board approve legal services agreements with Everett Dorey LLP; Orbach Huff & Henderson LLP; and the Law Office of Sima Salek and authorize the Chief Financial Officer or his designee to execute said agreements, was presented to the Governing Board.

No public comment was received on Item No. 7.

Board Member Renwick motioned, seconded by Board Member Kenagy that Item No. 7 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

8. LEGAL SERVICES – FIRST AMENDMENTS – APPROVED.

Communication from Co-General Counsel Heather M. McCloskey and Thomas Oh, dated June 1, 2023, recommending that the Governing Board approve 1) First Amendment to add an additional five-year term for legal services agreements with BDG Law Group; Best, Best & Krieger LLP; Gibbs Giden Locher Turner Senet & Wittbrodt LLP; Hawkins Delafield & Wood LLP; Kutak Rock LLP; Nixon Peabody LLP; O’Melveny & Myers LLP; and Theodora Oringher PC; 2) First amendments for an additional five-year term and additional funding with Nossaman LLP and Sheppard, Mullin, Richter & Hampton LLP; and 3) authorize the Chief Executive Officer or Chief Financial Officer to execute said agreements.

No public comment was received on Item No. 8.

Board Member Colonna motioned, seconded by Board Member Renwick that Item No. 8 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

9. ALAMEDA CORRIDOR ENGINEERING TEAM – CHANGE ORDERS 79 & 60 – EXTENSION OF AGREEMENT NO. C0027 – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated June 1, 2023, requesting the approval of two Change Orders to First Amended Agreement No. C0027 with the Alameda Corridor Engineering Team for FY24 in the aggregate amount of \$2,734,568 allocated as follows: \$2,558,568 for ACTA Support and \$176,000 for the SR-47 Project; extension of the term of the First Amended Agreement No. C0027 for one additional year through June 30, 2024 (via Change Orders Nos. 79 and 60); and authorization of the Chief Executive Officer or his designee to reallocate the FY24 funding between the ACTA Support and SR-47 Project budgets during the fiscal year provided the approved aggregate total compensation amount is not exceeded, was presented to the Governing Board.

No public comment was received on Item No. 9.

Board Member Gioiello motioned, seconded by Board Member Kenagy that Item No. 9 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

10. ACTA OFFICER AND EMPLOYEE PUBLICLY AVAILABLE PAY SCHEDULE – APPROVED AND ADOPTED.

Communication from Kevin L. Scott, Chief Financial Officer, dated June 1, 2023, recommending the approval and adoption of the Publicly Available Pay Schedule for ACTA’s Officers and Employees effective July 1, 2023, was presented to the Governing Board.

No public comment was received on Item No. 10.

Board Member Colonna motioned, seconded by Board Member Renwick that Item No. 10 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

11. FY 2023/2024 BUDGET – APPROVED AND ADOPTED.

Communication from Kevin L. Scott, Chief Financial Officer, dated June 1, 2023, recommending the adoption of the final FY 2023/2024 (FY24) Budget and appropriate cash spending of \$101,081,366, was presented to the Governing Board.

No public comment was received on Item No. 11.

Board Member Renwick motioned, seconded by Board Member Colonna that Item No. 11 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, McOsker, Renwick

NOES: None

ABSENT: Saro

12. PRESENTATIONS TO TONY GIOIELLO – RECOGNITION OF COMPLETION OF SERVICE AS BOARD MEMBER.

Board Member Gioiello was recognized by members of the Board and ACTA staff for his eight years of service as the alternate to the Executive Director representing the Port of Los Angeles on the Governing Board. Board Member Gioiello was presented with various items of recognition and words of appreciation.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no requests by the public to address the Governing Board.

E. CLOSED SESSION

None

ADJOURNMENT

At 11:27 p.m., the meeting was adjourned sine die.