

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20, ON SEPTEMBER 10, 2020 AT 9:30 A.M.

Members participating via teleconference:

Joe Buscaino, City of Los Angeles
Suzie Price, City of Long Beach
Frank Colonna, Port of Long Beach
Janice Hahn, Los Angeles County Metropolitan Transportation Authority
Edward Renwick, Port of Los Angeles

Alternate Members participating via teleconference:

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

Also participating via teleconference:

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

COUNCILMEMBER BUSCAINO PRESIDED AS CHAIR.

The meeting was called to order at 9:32 a.m. Roll call was taken.

1. CLOSED SESSION

At 9:38 a.m., Chair Buscaino recessed the Governing Board meeting to hold a conference with legal counsel – exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 of the Government Code. (One case). The facts and circumstances surrounding the exposure to litigation are set forth in the Minutes for the September 2, 2020 ACTA, UPRR, BNSF, Ports Conference Call for the Alameda Corridor Dispatch and Security Agreements.

At 10:12 a.m., Chair Buscaino left the meeting at the conclusion of closed session. Councilmember Suzie Price presided as chair in Councilmember Buscaino's absence.

At 10:14 a.m., the meeting was again called to order. Ms. Heather McCloskey, ACTA Co-General Counsel, announced there were no reportable actions from closed session.

Roll call was taken.

CONSENT CALENDAR - ITEM NOS. 2-4

Item 2 was pulled from the consent calendar. The minutes of the Governing Board meeting of June 11, 2020 were amended to include Mr. Michael Leue as a participant.

2. MINUTES - ACTA GOVERNING BOARD REGULAR MEETING OF JUNE 11, 2020 – RECEIVED AND FILED.

Minutes of the Regular Meeting of June 11, 2020 of the Governing Board of the Alameda Corridor Transportation Authority were presented to the Governing Board.

Chair Price motioned, seconded by Board Member Colonna that Item No. 2 be received and filed as amended. Roll call was taken and carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick

NOES: None

ABSENT: Buscaino

3. MONTHLY FINANCIAL REPORTS AS OF MAY 31, 2020 – RECEIVED AND FILED.

Communication from Kevin L. Scott, Chief Financial Officer, dated September 10, 2020, recommending that the monthly financial reports as of May 31, 2020, be received and filed, was presented to the Governing Board.

4. QUARTERLY INVESTMENT REPORT – SECOND QUARTER 2020 – RECEIVED AND FILED.

Communication from Kevin L. Scott, Chief Financial Officer, dated September 10, 2020, recommending the Quarterly Investment Report for Second Quarter 2020, be received and filed, was presented to the Governing Board.

Board Member Colonna motioned, seconded by Board Member Hahn that Item Nos. 3 & 4 be received and filed. Roll call was taken and carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick

NOES: None

ABSENT: Buscaino

5. JULY 2020 CORRIDOR PERFORMANCE – INFORMATION ITEM.

Mr. Scott gave an update on the Corridor performance statistics through July 2020, including: 1) the history of ACTA revenue; 2) projections for ACTA revenue vs. debt service; and 3) an illustrative phase one solution.

Board Member Renwick thanked ACTA management for bringing the potential for shortfall advances to the Board and stated the importance of moving forward as quickly as possible to examine refunding alternatives. Mr. Leue stated that one of the objectives for the new management team is to expand the usage of rail by focusing on bringing central valley export cargo to the ports and develop a short-haul rail alternative to trucks on the I-710 Freeway.

Mr. Scott stated that staff intends to issue a Request for Proposals (RFP) in the near future to build an investment team to address the short-term and long-term refunding needs. Board Member Renwick stated that staff should go through the RFP process, but asked that staff begin to work with the firms that managed the previous refunding and look at alternatives now.

Board Member Hahn asked whether there was any potential for COVID-19 related assistance from the federal government for ACTA or the ports. She asked whether ACTA qualified for assistance through the CARES Act.

Mr. Scott responded that staff had not explored the CARES Act. However, staff has explored the federal RRIF loan program. Mr. Scott stated that staff would explore the CARES Act and report to the Board at a future meeting, as requested.

6. ALAMEDA CORRIDOR DISPATCHING AGREEMENT – SEVENTH AMENDMENT – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated September 10, 2020, recommending the approval of the Seventh Amendment to the Alameda Corridor Dispatching Agreement and authorization of the Chief Executive Officer to execute the amendment, extending the term of the Alameda Corridor Dispatching Agreement between ACTA, the BNSF Railway Company, and Union Pacific Railroad Company, for up to six months through April 14, 2021, was presented to the Governing Board.

Board Member Colonna motioned, seconded by Board Member Renwick that Item No. 6 be approved as recommended. Roll call was taken and carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick

NOES: None

ABSENT: Buscaino

7. POLICE AND SECURITY SERVICES AGREEMENT – SEVENTH AMENDMENT – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated September 10, 2020, recommending the approval of the Seventh Amendment to the Corridor Police and Security Services Agreement and authorization of the Chief Executive Officer to execute the amendment, extending the term of the Alameda Corridor Police and Security Services Agreement, between ACTA, the BNSF Railway Company, and Union Pacific Railroad Company, for up to six months through April 14, 2021, was presented to the Governing Board.

Board Member Hahn asked where the theft was taking place. Mr. Leue responded that it occurred at the entire length of the Corridor with some hot spots in the city of Compton.

Board Member Hahn followed up with another question. She asked whether a presentation to the Board would be made before the April 2021 board meeting with information on the different models for police and security services along the Corridor. Mr. Leue responded that staff was open to discussing the options with the Board. He added that a meeting had not been held with the railroads to coordinate how to collaborate with an outside service provider. He also noted that the subsequent police and security agreement would be brought to the Governing Board for approval no later than April 2021, and as early as a Notice of Mutual Agreement could be obtained from the Ports and railroads.

Chair Price motioned with no objection from the Board. Roll call vote was taken and carried as follows:

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick

NOES: None

ABSENT: Buscaino

8. FAYE BUSINESS SYSTEMS GROUP, INC. – AGREEMENT NO. C0892 – WEBSITE REDESIGN SERVICES – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated September 10, 2020, recommending the approval of Agreement No. C0892 with Faye Business Systems Group, Inc. for Website Redesign Services in an amount not-to-exceed \$75,000 for a three-year-term and authorization for the Chief Executive Officer or Chief Financial Officer to execute said agreement, was presented to the Governing Board.

Chair Price motioned with no objection from the Board. Roll call vote was taken and carried as follows:

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick

NOES: None

ABSENT: Buscaino

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

10. ADJOURNMENT

At 10:45 a.m., the meeting was adjourned sine die.