

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD ON JULY 21, 2022 AT 3:00 P.M. VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL NO. 361 SIGNED BY GOVERNOR NEWSOM ON SEPTEMBER 16, 2021 AND GOVERNMENT CODE SECTION 54953(e)(1)

Members participating via teleconference:

Suzie Price, City of Long Beach
Joe Buscaino, City of Los Angeles
Michael Cano, Los Angeles County Metro
Mario Cordero, Port of Long Beach
Frank Colonna, Port of Long Beach
Edward Renwick, Port of Los Angeles

Alternate Members participating via teleconference:

Tony Gioiello, Port of Los Angeles
Duane Kenagy, Port of Long Beach (Mr. Kenagy became the voting member when Mr. Cordero left the meeting early)

Members absent:

None

Also participating via teleconference:

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

VICE CHAIR BUSCAINO PRESIDED AS CHAIR.

The meeting was called to order at 3:04 p.m. Roll call was taken.

REPORTS

1. MAY 2022 CORRIDOR PERFORMANCE

Mr. Michael Leue presented the Corridor performance statistics through May 2022.

(Board Member Renwick arrived at 3:10 p.m.)

2. 2022 BOND FINANCING REPORT

Mr. Kevin Scott presented the 2022 Bond Finance Report.

CONSENT AGENDA – ITEM NOS. 3-6

3. MINUTES - ACTA GOVERNING BOARD REGULAR MEETING OF JUNE 16, 2022 – APPROVED.

Minutes of the Regular Meeting of June 16, 2022, of the Governing Board of the Alameda Corridor Transportation Authority, were presented to the Governing Board.

4. MINUTES - ACTA GOVERNING BOARD SPECIAL MEETING OF JUNE 29, 2022 – APPROVED.

Minutes of the Special Meeting of June 29, 2022, of the Governing Board of the Alameda Corridor Transportation Authority, were presented to the Governing Board.

5. MONTHLY FINANCIAL REPORTS AS OF MAY 31, 2022 – RECEIVED AND FILED.

Communication from Kevin L. Scott, Chief Financial Officer, dated July 21, 2022, recommending that the monthly financial reports as of May 31, 2022, be received and filed, was presented to the Governing Board.

6. RESOLUTION NO. JPA 22-13 – TELECONFERENCE MEETINGS – GOVERNING BOARD AND AUDIT COMMITTEE – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated July 21, 2022, recommending that the Board approve Resolution No. JPA 22-13 authorizing the ACTA Governing Board and its Audit Committee to continue to hold teleconference meetings due to the COVID-19 pandemic, was presented to the Governing Board.

(Chair Price arrived at 3:18 p.m.)

No public comment was received on the Consent Agenda.

Board Member Renwick motioned, seconded by Board Member Colonna that Item Nos. 3, 4 & 6 be approved as recommended and that Item No. 5 be received and filed. Roll call was taken and carried by the following vote:

AYES: Buscaino, Cano, Colonna, Cordero, Gioiello, Price, Renwick

NOES: None

ABSENT: None

CLOSED SESSION

At 3:30 p.m., Vice Chair Buscaino recessed the Governing Board meeting to conduct a Public Employee Performance Evaluation for the Chief Executive Officer (Government Code Section 54957).

At 4:00 p.m., Vice Chair Buscaino left the meeting. Chair Price presided as chair.

At 4:09 p.m., the meeting was again called to order. Ms. Heather McCloskey, ACTA Co-General Counsel, announced that the Governing Board conducted a Public Employee Performance Evaluation for the Chief Executive Officer. She stated the Governing Board requested that the Board Secretary move forward with Item 9 for the Board's consideration, taking the item first on the Regular Agenda.

(Board Member Cordero left the meeting at the conclusion of Closed Session. Alternate Member Kenagy became the voting member for the remainder of the meeting.)

Roll call was taken. The following members were present: Chair Price, Board Members Cano, Colonna, Gioiello, Kenagy and Renwick.

REGULAR AGENDA – ITEM NOS. 7-9

9. RESOLUTION NO. JPA 22-14 – CHIEF EXECUTIVE OFFICER – SALARY AND BENEFITS PACKAGE ADJUSTMENTS – APPROVED.

Communication from Kevin L. Scott, Chief Financial Officer, dated July 21, 2022, recommending the Governing Board discuss and vote on merit and/or cost-of-living adjustment to the Chief Executive Officer's (CEO) salary and benefits package, based on the performance evaluation of the CEO in closed session, was presented to the Governing Board.

No public comment was received on Item No. 9.

Chair Price motioned seconded by Board Member Colonna that Resolution JPA 22-14 be approved with a merit adjustment in the amount of 4%; and a cost-of-living adjustment in the amount of 3.5%, effective July 1, 2022; and a car allowance adjustment in the amount of 3%, effective July 1, 2022, for the ACTA Chief Executive Officer. Roll call was taken and carried by the following vote:

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

NOES: None

ABSENT: Buscaino

At 4:22 p.m. Chair Price left the meeting. Board Member Renwick presided as chair.

7. ELECTION OF ACTA CHAIR AND VICE CHAIR FOR FY23 – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated July 21, 2021, recommending the Governing Board to elect a Chair and Vice Chair of the ACTA Governing Board for FY23, was presented to the Governing Board.

No public comment was received on Item No. 7.

Board Member Colonna made a motion, seconded by Board Member Gioiello, that Councilman Joe Buscaino be elected as Chair and that Councilwoman Suze Price be elected as Vice Chair of the Governing Board for FY23. Roll call was taken and carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, Renwick

NOES: None

ABSENT: Buscaino, Price

8. RAILWORK TRACK SERVICES LLC – CONTRACT TASK ORDER NO. 7 –UNION PACIFIC DOLORES YARD CROSSOVER PROJECT– APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated July 21, 2022, recommending the authorization of the Chief Executive Officer or his designee to execute Contract Task Order No. 7 under Agreement No. C0885 with RailWorks Track Services, LLC for payment of costs in the amount of \$871,354 for construction services on the UP Dolores Yard Crossover Project plus \$87,135 as a contingency for unforeseen conditions, was presented to the Governing Board.

No public comment was received on Item No. 8.

Board Member Colonna motioned, seconded by Board Member Gioiello that Item No. 8 be approved as recommended. Roll call was taken and carried by the following vote:

AYES: Cano, Colonna, Gioiello, Kenagy, Renwick

NOES: None

ABSENT: Buscaino, Price

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

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

E. CLOSED SESSION

None

F. ADJOURNMENT

At 4:29 p.m., the meeting was adjourned sine die.