

A G E N D A

REGULAR MEETING

Governing Board of the Alameda Corridor Transportation Authority

Meeting Date:	August 18, 2022
Time:	3:00 P.M.
Location:	This meeting is being conducted via teleconference in accordance with Assembly Bill No. 361 approved by Governor Newsom on September 16, 2021, and Government Code Section 54953(e)(1). A physical location will not be available for public observance of the meeting or public comment.
Conference Call for Meeting Attendance and Live Public Comment.	Dial: (562) 342-1138 Participant Pin: 2178101
Written Public Comment about Agenda Items.	Email: PublicComment@acta.org Sender's name and contact information are appreciated.

This meeting is being held in accordance with the Brown Act as currently in effect under Assembly Bill No. 361 approved by Governor Newsom on September 16, 2021, and Government Code Section 54953(e)(1) that allows attendance by members of the Governing Board, ACTA staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

A. ROLL CALL

B. OPENING STATEMENT

Members of the public may join the meeting using the conference call number set forth on the agenda and may provide public comment on any agenda item. Live public comments will be heard no later than when each item is considered by the Governing Board. Each public speaker will be limited to three minutes to comment on each agenda item.

Any public comment received by email prior to the agenda item being called will be read into the record; any email received after an item has been considered by the Governing Board, but before the end of the meeting will be included in the minutes of the meeting.

The Governing Board may consider and act upon items as set forth on the agenda. Ordinarily, the Governing Board will not act on any matter which does not appear on the published agenda.



C. AGENDA ITEMS

Reports:

1. **June 2022 Performance Report (INFORMATION)**

Consent Agenda:

2. **APPROVE Minutes of the July 21, 2022, Regular Board Meeting of the Alameda Corridor Transportation Authority**
3. **APPROVE Resolution No. JPA 22-15 authorizing teleconference meetings for the ACTA Governing Board and its Audit Committee pursuant to AB 361**

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

E. CLOSED SESSION

None

ADJOURNMENT

As a covered entity under Title II of the Americans with Disabilities Act, the Alameda Corridor Transportation Authority (ACTA) does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the ACTA Office at (562) 247-7777.



Item 1

***Performance Report
June 2022***



Port Container Throughput (TEUs) – June 2022

	POLA		POLB		Combined	
	Jun-22	%Change*	Jun-22	%Change*	Jun-22	%Change*
Imports	444,680	-4.9%	415,677	16.4%	860,357	4.3%
Exports	93,890	-2.3%	115,303	-1.4%	209,193	-1.8%
Total Loaded	538,570	-4.5%	530,980	12.0%	1,069,550	3.1%
Empty	338,041	8.1%	304,432	21.7%	642,473	14.1%
Total	876,611	0.0%	835,412	15.3%	1,712,023	7.0%

	YTD	%Change*	YTD	%Change*	YTD	%Change*
Imports	2,747,787	-3.0%	2,460,406	6.3%	5,208,193	1.1%
Exports	626,830	-5.6%	710,593	-5.5%	1,337,423	-5.5%
Total Loaded	3,374,617	-3.5%	3,170,999	3.4%	6,545,616	-0.3%
Empty	2,039,286	5.7%	1,836,780	8.9%	3,876,066	7.2%
Total	5,413,903	-0.3%	5,007,779	5.3%	10,421,682	2.4%

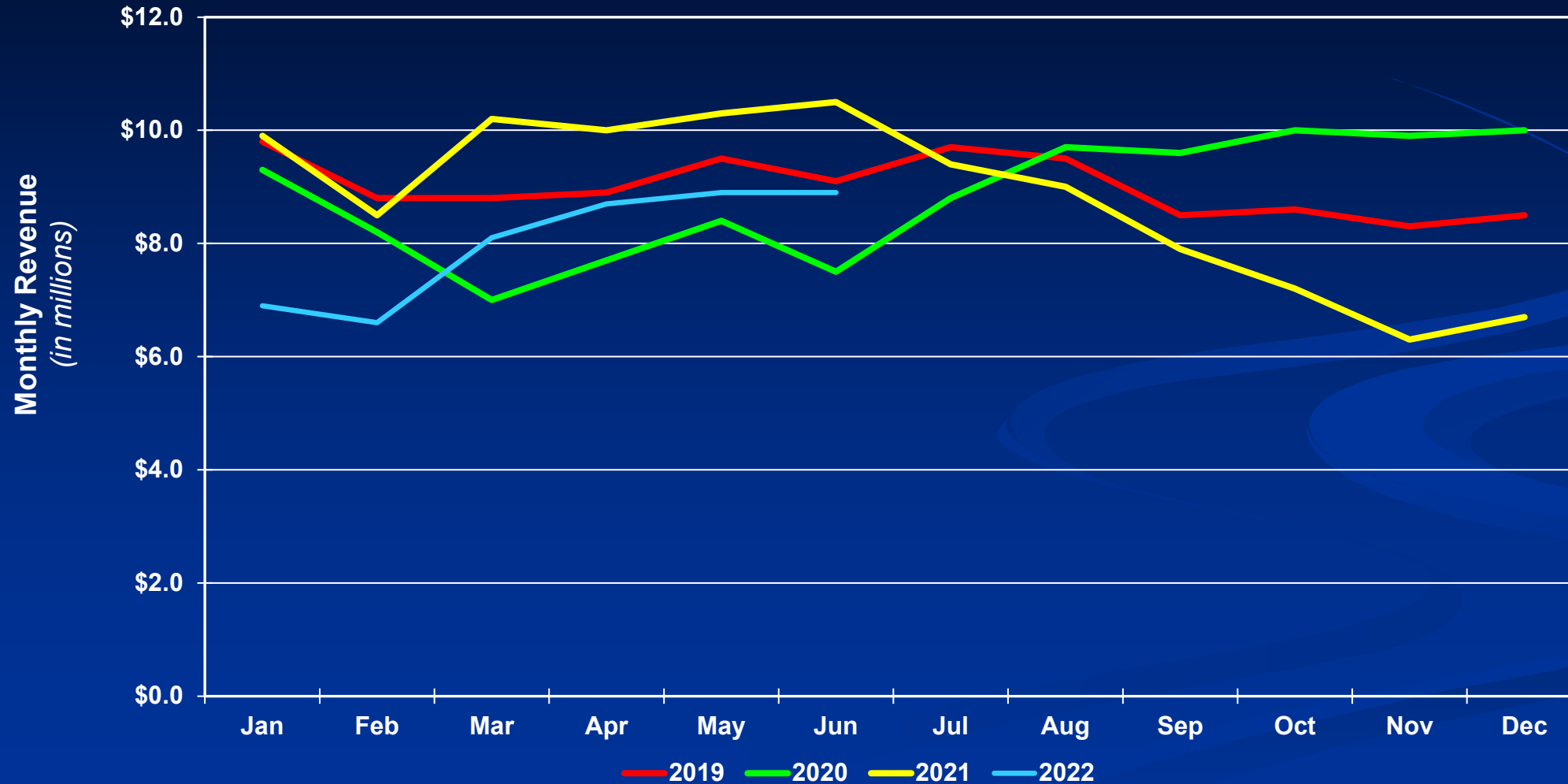
* Relative to same period in CY 2021

Performance Comparison

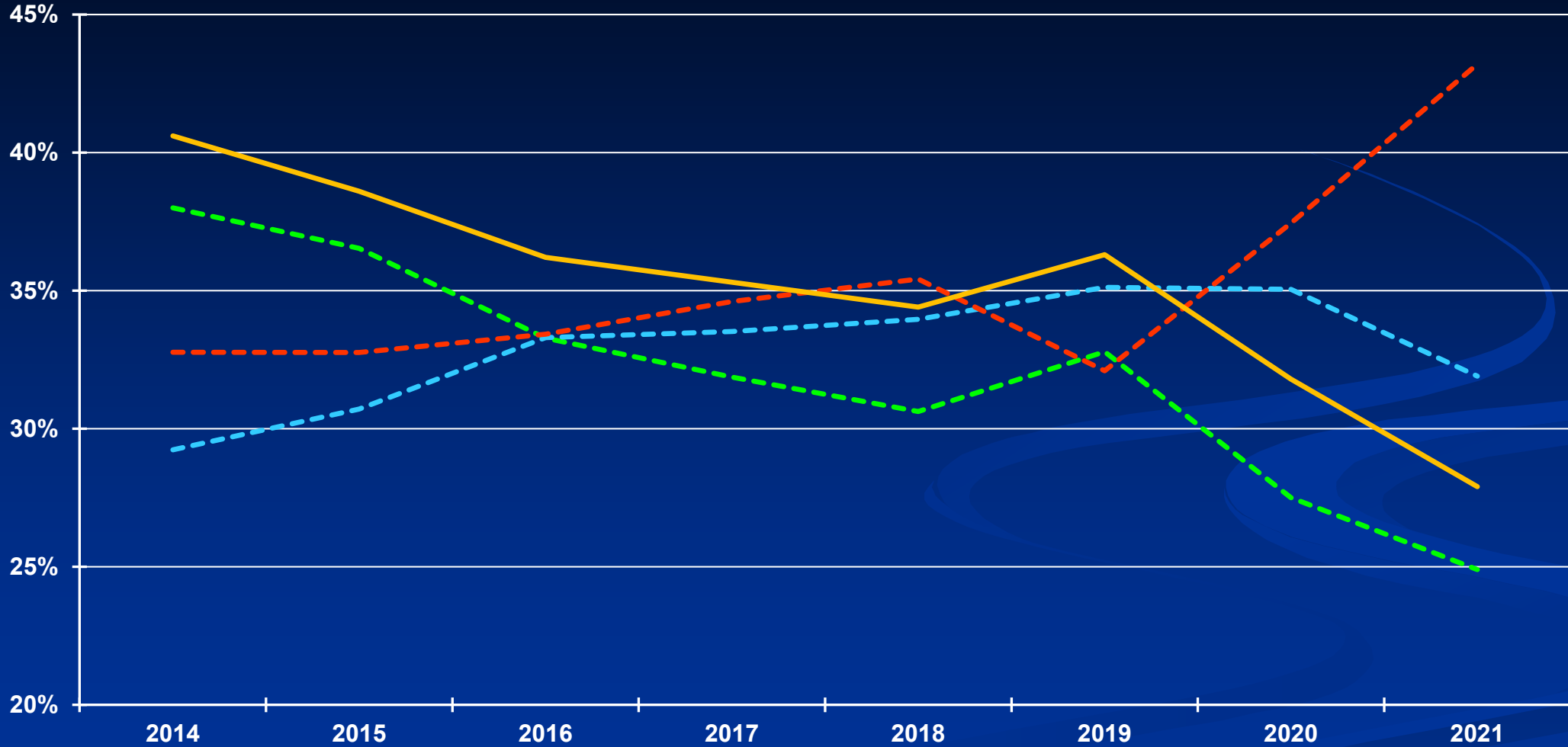
June 2022

	June 2022	CY22	FY22
Revenue	\$8.9 M	\$48.1 M	\$94.6 M
Change from 2021	- 15.2 %	- 19.1 %	- 19.4 %
TEU's	432,040	2,242,739	4,564,554
Change from 2021	- 16.0 %	- 20.4 %	- 16.4 %

Corridor Revenue Performance CY2019, CY2020, CY2021 & YTD 2022

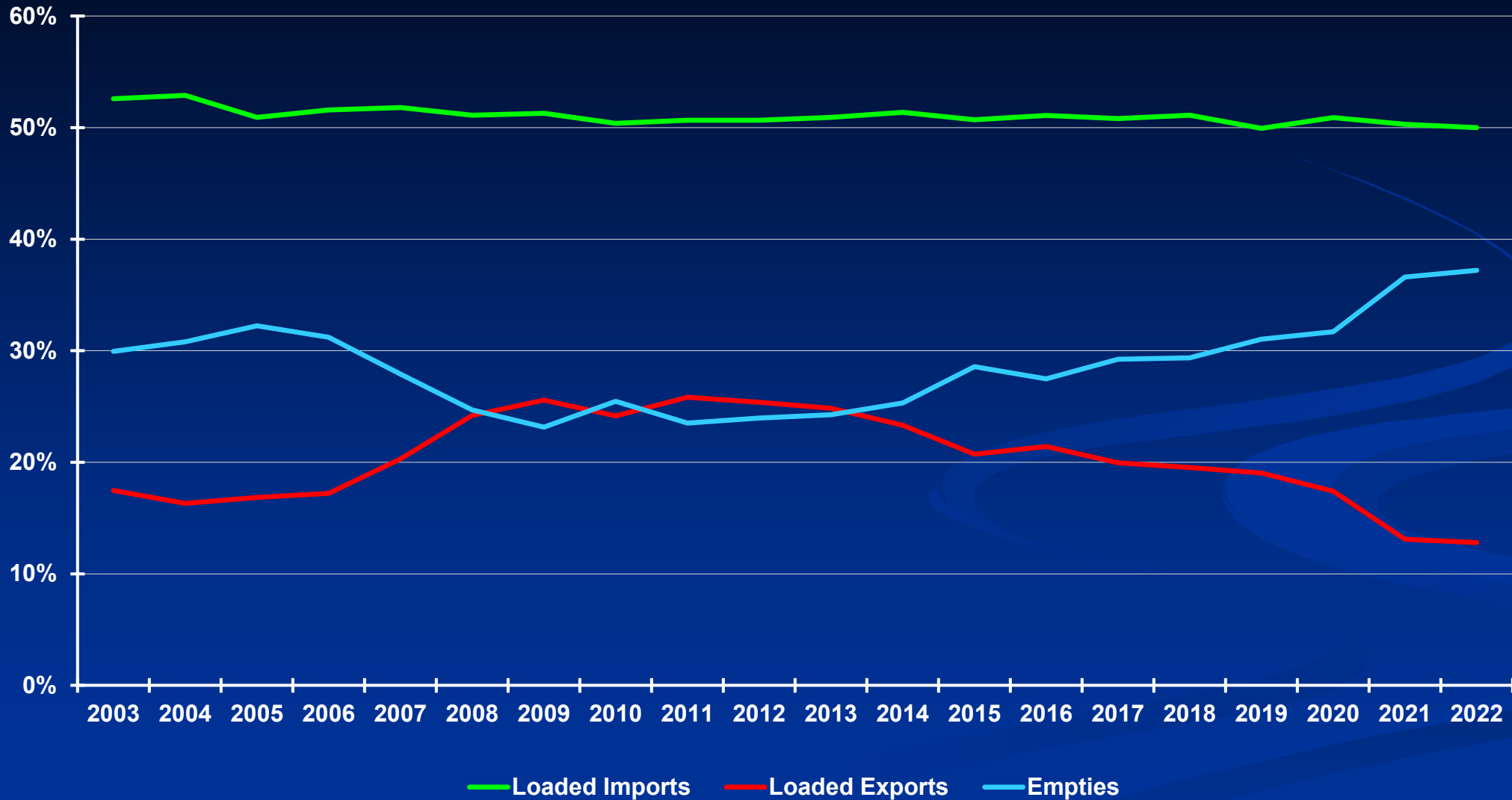


Port Cargo Mode Split



--- IPI --- Transload --- Truck — ACTA % of Ports' Loaded TEUs

Port Cargo Components



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

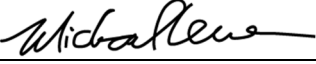
F. ADJOURNMENT

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

M · E · M · O

Alameda Corridor Transportation Authority

August 18, 2022

To:	Governing Board
From:	Michael C. Leue, Chief Executive Officer 
Subject:	<i>APPROVE Resolution No. JPA 22-15 authorizing teleconference meetings for the ACTA Governing Board and its Audit Committee pursuant to AB 361</i>

Recommendation:

Approve the proposed Resolution to authorize the ACTA Governing Board and its Audit Committee to continue holding teleconference meetings due to the COVID-19 pandemic.

Discussion:

Due to the COVID-19 pandemic, from April 2020 onward the ACTA Governing Board and its Audit Committee have conducted public meetings via telephonic conference calls, while such remote meetings were authorized through various Executive Orders issued by the Governor of California. These Executive Orders expired on September 30, 2021.

On September 16, 2021, the Governor signed into law Assembly Bill 361 (AB 361), which amended certain requirements of the Ralph M. Brown Act (“Brown Act”) by allowing a continuation of similar remote meeting practices during declared states of emergency where certain requirements are met. Pursuant to the Governor’s Executive Order N-15-21, AB 361 went into effect on October 1, 2021.

To utilize the Brown Act remote meeting provisions set forth in AB 361, legislative bodies must make certain findings regarding the COVID-19 state of emergency and the need for remote meetings, and so long as the need for remote meetings continues, make those findings by a majority vote every 30 days. The attached Resolution (Transmittal 1) makes the necessary findings pursuant to the Brown Act to authorize the Governing Board and its Audit Committee to follow the teleconference meeting provisions of Government Code Section 54953(e)(2).



On September 30, 2021, the City of Long Beach Health Officer recommended that physical distancing measures continue to be practiced throughout Long Beach communities and that they be continued by the City's legislative bodies to minimize the spread of COVID-19 for the protection of the community, staff, presenters, and legislative body members.

The Los Angeles Board of Harbor Commission is continuing to meet remotely. For a period of time the Long Beach Board of Harbor Commission conducted hybrid meetings, allowing both the commissioners and the public to attend in-person or remotely. However, the Long Beach Board of Harbor Commission recently returned to fully remote meetings. ACTA will continue to monitor the meetings of both Ports and will evaluate conducting in-person meetings in the late summer or early fall or when the state of emergency is lifted.

The Long Beach City College (LBCC) has granted approval to hold meetings on its campus at the same location where ACTA held meetings prior to the pandemic. We are in the process of completing a new agreement with LBCC.

Budget Impact:

There will be no budget impact from the proposed action.

Co-General Counsel Review:

ACTA's Co-General Counsel has reviewed and approved the proposed Resolution as to form.

Transmittals:

Transmittal 1 – Resolution No. JPA 22-15

Resolution No. JPA 22-15

RESOLUTION TO CONTINUE TELECONFERENCE MEETINGS PURSUANT TO AB 361

WHEREAS, on March 12, 2020, the Governor of California issued Executive Order N-25-20 which temporarily suspended certain requirements of the Ralph M. Brown Act ("Brown Act") in light of the COVID-19 pandemic, an ongoing public health state of emergency; and

WHEREAS, the Governor issued additional Executive Orders in 2020 and 2021 further suspending various requirements of the Brown Act for public meetings; and

WHEREAS, following expiration of the Executive Orders, on September 16, 2021, the Governor signed into law Assembly Bill 361 ("AB 361"), allowing for teleconference meetings under the Brown Act during declared states of emergency; and

WHEREAS, there is a continuing state of emergency concerning the COVID-19 pandemic at both the State and City of Long Beach levels, and, on September 30, 2021, the City of Long Beach Health Officer issued a recommendation for the continuation of virtual public meetings; and

NOW THEREFORE BE IT RESOLVED as follows:

Section 1. The ACTA Governing Board finds that the COVID-19 pandemic state of emergency continues to directly impact the ability of legislative bodies to meet safely in person and that the City of Long Beach Health Officer's recommendation to practice physical distancing measures remains in effect.

Section 2. The ACTA Governing Board hereby authorizes the ACTA Governing Board and its Audit Committee to hold teleconference meetings in accordance with Government Code Section 54953(e)(1)-(2).

Section 3. This resolution shall take effect immediately upon its adoption by the ACTA Governing Board, and the Board Secretary shall certify the vote adopting this resolution.

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY THAT the foregoing resolution was adopted by the ACTA Governing Board at its meeting held on August 18, 2022.

Maria M. Melendres
Board Secretary

APPROVED AS TO FORM

_____, 2022
MICHAEL N. FEUER, City Attorney

By _____
Heather M. McCloskey, Deputy City Attorney
ACTA Co-General Counsel