


# M E M O

## *Alameda Corridor Transportation Authority*

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To: Governing Board  
Meeting Date: December 14, 2023  
From: Michael C. Leue, Chief Executive Officer   
Subject: APPROVE Resolution No. JPA 23-6 approving the list of ACTA Officer Positions

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### **Recommendation:**

Adopt a resolution that clarifies and affirms the current ACTA Officers as required under the Amended and Restated Joint Exercise of Powers Agreement dated as of December 18, 1996 (as amended, the "Joint Powers Agreement") and approves adding the position of Chief Operating Officer as another officer.

### **Discussion:**

Section 4E (Officers) of the Joint Powers Agreement requires that the Governing Board appoint qualified personnel to fill the following positions:

1. General Manager, who shall be responsible for the administration of the Authority;
2. Authority Engineer, who shall be a registered professional engineer in California responsible for engineering and construction of the Alameda Corridor;
3. Treasurer, who shall be selected in accordance with Government Code Sections 6505.5 and 6505.6;\*
4. Auditor/Controller, who shall be selected in accordance with Government Code Sections 6505.5 and 6505.6;\*
5. General Counsel, from the City Attorney's Office of the City of Long Beach and/or the City of Los Angeles who shall provide legal advice to the Authority;
6. Secretary, who shall keep the official records and correspondence of the Authority; and
7. Such other officers as determined by the Governing Board.

\* Government Code Sections 6505.5 and 6506.6 allow such position to be filled by an employee of the Authority, an employee of the City of Los Angeles or the City of Long Beach, or a third party contractor.

Since ACTA's inception, such positions have been filled by either Port employees or employees of ACTA. Over the years, with Governing Board approval, such positions and/or additional positions have been added, re-named and/or consolidated as follows:

### General Manager

The original role of the General Manager (GM) was augmented in 1998 with the Board appointment of a Chief Executive Officer (CEO). The GM position was at that time re-named the General Manager and Chief Operating Officer (GM/COO). Later the GM/COO position was abolished, and the duties absorbed by the CEO.

***By the proposed resolution, it is affirmed that the position of the CEO includes the duties originally assigned to the General Manager, and that the CEO title replaces the GM title.***

### Authority Engineer

The role of Authority Engineer was initially performed by engineering representatives of both POLA and POLB. In 1998, the position was renamed the Director of Construction and Engineering (DCE) and filled with an ACTA contract employee. In early 2003, the position was refilled with an ACTA employee. In mid-2003, the position was absorbed into the CEO position, when the DCE was promoted to the CEO position. The current CEO has the requisite California PE license.

***By the approved by resolution JPA 21-1, it is affirmed that the CEO at this time also fills the role of the Authority Engineer.***

### Treasurer

The role of Treasurer has historically been filled with a Port financial staff member on a part-time basis. Recently it had been filled by a POLB financial staff member. However, most of the original functions of the Treasurer are now performed by the ACTA Chief Financial Officer (CFO). The Port-provided Treasurer is now responsible for general oversight as opposed to performing day-to-day functions.

***By the proposed resolution, it is affirmed that the Treasurer title remains unchanged; that the position at this time is provided by CFO of the Port of Los Angeles; and that such position currently consists of providing oversight of the ACTA CFO functions.***

### Auditor/Controller

The function of Auditor/Controller was originally performed by Port-provided personnel on a part-time basis, with the Auditor provided by one Port and the Controller provided by the other. The role of Controller was later absorbed into the ACTA CFO position. As regards the Auditor role, for a time ACTA maintained a separate Internal Auditor position during the peak of construction activity, but that role has subsequently been performed by independent external auditors under the purview of the CFO and overseen by the Audit Committee of the ACTA Governing Board.

***By the proposed resolution, it is affirmed that the position of the CFO at this time includes responsibility for the duties required to be performed by the Auditor/Controller and that the CFO title replaces the Auditor/Controller title.***

### General Counsel

The role of General Counsel, which was to be filled by either the City Attorney's Office of the City of Los Angeles or the City of Long Beach, was originally filled by the City of Los Angeles. By Board resolution in 2005, the role is now performed by Co-General Counsel from each of the City Attorney's Offices. Their services are reimbursed by ACTA.

***By the proposed resolution, it is affirmed that General Counsel title has been replaced by the Co-General Counsel title.***

**Secretary**

The role of Secretary has been provided by both ACTA and port staff over the years. Most recently the position is performed by an ACTA staff member, as approved by the Governing Board in March 2013.

***By the proposed resolution, it is affirmed that Secretary functions and title remain the same.***

**Chief Operating Officer**

The role of Chief Operating Officer (COO), as defined in the ACTA reorganization previously presented to the Board, is proposed to be added to the ACTA officers. The COO will report to the CEO and provide leadership in contract management with technical guidance to the performance of contracted services including engineering and railroad maintenance of way.

***By the proposed resolution, the Board will determine that the position of Chief Operating Officer should be added to the list of ACTA officers.***

It is recommended that the Board approve the attached resolution, affirming the ACTA Officer positions.

**Budget Impact:**

There is no change to the approved ACTA Program Budget caused by the adoption of this resolution since the Board approved the addition of COO to the FY24 budget when it was adopted.

**Co-General Counsel Review:**

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

**Transmittals:**

Transmittal 1 – Resolution JPA 23-6