



Southern California Association of Governments
Remote Participation Only
June 30, 2021

**MINUTES OF THE MEETING
EXECUTIVE/ADMINISTRATION COMMITTEE (EAC)
WEDNESDAY, JUNE 2, 2021**

THE FOLLOWING MINUTES IS A SUMMARY OF ACTIONS TAKEN BY THE EXECUTIVE/ADMINISTRATION COMMITTEE (EAC). A VIDEO AND AUDIO RECORDING OF THE ACTUAL MEETING IS AVAILABLE AT: <http://scag.iqm2.com/Citizens/>

The Executive/Administration Committee (EAC) of the Southern California Association of Governments (SCAG) held its special meeting telephonically and electronically, given public health directives limiting public gatherings due to the threat of COVID-19 and in compliance with the Governor’s Executive Order N-29-20. A quorum was present.

Members Present

Hon. Clint Lorimore, President	<i>Eastvale</i>	District 4
Hon. Jan Harnik, 1st Vice President		RCTC
Hon. Carmen Ramirez, 2nd Vice President		Ventura County
Hon. Rex Richardson, Imm. Past President	<i>Long Beach</i>	District 29
Hon. Jorge Marquez, Chair, CEHD	<i>Covina</i>	District 33
Hon. Frank Yokoyama, Vice Chair, CEHD	<i>Cerritos</i>	District 23
Hon. David Pollock, Chair, EEC	<i>Moorpark</i>	District 46
Hon. Deborah Robertson, Vice Chair, EEC	<i>Rialto</i>	District 8
Hon. Sean Ashton, Chair, TC	<i>Downey</i>	District 25
Hon. Art Brown, Vice Chair, TC	<i>Buena Park</i>	District 21
Hon. Alan D. Wapner, Chair, LCMC		SBCTA
Hon. Peggy Huang, Vice Chair, LCMC		TCA
Hon. Kathryn Barger, President’s Appt.		Los Angeles County
Hon. Larry McCallon, President’s Appt.	<i>Highland</i>	District 7
Hon. Cheryl Viegas-Walker, President’s Appt.	<i>El Centro</i>	District 1
Hon. Donald P. Wagner, President’s Appt.		Orange County
Hon. Andrew Masiel, Sr.	<i>Pechanga Dev. Corp.</i>	TGRPB Representative
Mr. Randall Lewis, Ex-officio	<i>Lewis Group of Companies</i>	Business Representative

Staff Present

Kome Ajise, Executive Director
Darin Chidsey, Chief Operating Officer



Debbie Dillon, Chief Strategy Officer
Cindy Giraldo, Chief Financial Officer
Sarah Jepson, Director of Planning
Carmen Flores, Human Resources Director
Javiera Cartagena, Acting Director of Policy and Public Affairs
Julie Shroyer, Chief Information Officer
Michael Houston, Chief Counsel, Director of Legal Services
Ruben Duran, Board Counsel
Maggie Aguilar, Clerk of the Board

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Honorable Clint Lorimore called the meeting to order at 3:01 p.m. and asked Larry McCallon, Highland, District 7, to lead the Pledge of Allegiance.

Given the public health directives limiting gatherings due to COVID-19, President Lorimore announced the meeting was being held telephonically and electronically in compliance with the Governor’s Executive Orders.

PUBLIC COMMENT PERIOD

President Lorimore opened the Public Comment Period and outlined instructions for public comments.

He reminded the public to submit comments via email to ePublicComment@scag.ca.gov. Staff acknowledged there were no public comments received by email.

Seeing no public comment speakers, President Lorimore closed the Public Comment Period.

REVIEW AND PRIORITIZE AGENDA ITEMS

There was no prioritization of agenda items.

CONSENT CALENDAR

Approval Items

1. Minutes of the Meeting – May 5, 2021

2. Proposed Amendments to the Regional Council Policy Manual Relating to Teleconferenced Meetings
3. Contracts Amendment \$75,000 or Greater: Contract No. 18-028-C01, Regional Transportation Plan (RTP) Implementation and Technical Assistance Services, Amendment No. 5
4. Contracts \$200,000 or Greater: Contract No. 21-042-C01, Los Angeles Department of Transportation (LADOT) Senate Bill 743 (SB 743) Vehicle Miles Traveled (VMT) Mitigation Assistance Program
5. Contracts \$200,000 or Greater: Contract No. 21-044-C01, Curb Space Management Study

Receive and File

6. Purchase Orders \$5,000 - \$199,999; Contracts \$25,000 - \$199,999 and Amendments \$5,000 - \$74,999
7. CFO Monthly Report

Immediate Past President Alan Wapner, SBCTA, requested to pull Items 3 and 4 of the Consent Calendar and Regional Councilmember Peggy Huan, TCA requested to pull Item 4 of the Consent Calendar.

A MOTION was made (Brown) to approve Consent Calendar, Items 1, 2 and 5; Receive and File Item 6 and 7. Motion was SECONDED (Barger) and passed by the following votes:

AYES: Ashton, Barger, Brown, Harnik, Huang, Lorimore, Marquez, McCallon, Pollock, Ramirez, Richardson, Viegas-Walker, Wagner, Wapner and Yokoyama (15)

NOES: None (0)

ABSTAIN: Ashton, Barger, and Wagner (Agenda Item No. 1 only) (3)

Regional Councilmember Alan Wapner, SBCTA, expressed concern about Agenda Item 3, specifically about the additional increase in contract value. He stated he always had concerns with change orders or additional increases, not to say they are not warranted, but still concerning.

Regional Councilmember Cheryl Viegas-Walker asked is staff could provide an explanation on this and how they can better track this to ensure that these increases do not occur again.

Executive Director Kome Ajise stated the points were well taken. He indicated this was just the

expansion of the work to get us to conclude the implementation activities on the 2020 plan. He expressed that part of what was happening here was the additional scope was related to the shifting landscape with COVID-19.

Chief Financial Officer Cindy Giraldo stated that this project was impacted by COVID-19 on the financial model that was being done so it made a lot of sense for the same consultant to keep doing the work. She indicated that bringing in somebody new would have required a complete rework and in the long run would have been more expensive for the agency.

Regional Councilmember Wapner stated that maybe staff needed to do a better job of projecting what the true cost might be and what the scope will be.

With no additional comments on Agenda Item 3, President Lorimore called on Regional Councilmember Peggy Huang, TCA, to provide comments on Agenda Item 4.

Regional Councilmember Huang expressed concern that under the subconsultant section of the contract the legal firm was the same as SCAG's Board Counsel, in this case Best, Best & Krieger (BB&K). She indicated that there was the appearance of a conflict of interest. She asked what would happen if there was a legal dispute.

Chief Counsel Michael Houston stated that in review of the agenda packet he had noticed this, and his perspective was that BB&K, as a subconsultant, was still going to be functioning as SCAG's lawyer, as a subconsultant, so any of the fiduciary duties that they have or any of the potential conflicts of interest they may have with respect to various clients, would be no different than the current status. He stated that from an ethical standpoint, from a conflicts of interest standpoint with ethics, he personally did not see there being a conflict in that regard because they would still be functioning as our lawyer.

Executive Director Kome Ajise expressed that he thought the part of where they might perceive a conflict is in the process of procurement, but Board counsel was not involved on that side and that was exclusively under the purview of Chief Counsel. He stated there was a separation and they also had to remember that BB&K also represented several of their jurisdictions and SCAG had managed those potential conflicts.

Regional Councilmember Huang stated she understood the part where they represent various jurisdictions, but this was a work order. She stated that if they have a conflict with this vendor, BB&K would be representing two of the two entities on both sides of the aisle, and she saw it as problematic.

Board Counsel Ruben Duran thanked Regional Councilmember Huang for raising the issue and just wanted to let the EAC members know that if they were more comfortable with him stepping away from the meeting for this part of the conversation, he was happy to do so or he could also stay and answer their questions to the extent that he could and had knowledge. He indicated they were the client and if they raised a question about a potential conflict, he certainly wanted to assuage their concerns.

Regional Councilmember Wapner stated he shared the same concern as Regional Councilmember Peggy Huang. He stated that he had worked with BB&K for over 25 years, and I knew that they were of the utmost ethics. He stated he did not understand what Chief Counsel Houston was saying about representing our interests on both sides, but they were being paid by the prime. He asked if a waiver of conflict was required in which they had to disclose a potential conflict because they represented both clients.

Chief Counsel Houston stated his understanding was that the work that was being performed pursuant to the master contract was all for the benefit of SCAG and that the work BB&K was performing was a component of the work being performed for SCAG.

President Lorimore asked Chief Counsel Houston whether Board Counsel should step out of the room.

Second Vice President Carmen Ramirez, Ventura County, stated that Mr. Duran would feel more comfortable if he stepped out. Board Counsel Ruben Duran step out of the meeting.

Regional Councilmember Cheryl Viegas-Walker stated she agreed with both Regional Councilmembers Huang and Wapner and as an alternative asked if they were comfortable with this proposal, that they tell the vendor that they were going to award the contract, but they would have to swap out BB&K for the same price with the same quality firm. Executive Director Kome Ajise stated it was the prerogative of the EAC to decide how they move forward with this.

Immediate Past President Rex Richardson, Long Beach District 29, asked Executive Director Ajise if there was a conflict of interest.

Executive Director Ajise stated that they did not perceive a conflict of interest. He stated he thought that where they would find a potential conflict is if BB&K had been part of our procurement process. He indicated BB&K was not part of our procurement process which went through our Chief Counsel.

Immediate Past President Rex Richardson stated he has had to deal with this in Long Beach and they have their own city attorney, but also have some of the larger firms on a panel that they use

on different issues. He stated he did not see a conflict and was comfortable with it, but it was ultimately up to the board.

Second Vice President Ramirez asked what the consequences of them not voting for this contract at this time would be and if it was time sensitive to get this done.

Chief Financial Officer Giraldo stated that the proposal that was recommended regarding allowing them to substitute that subconsultant was an option and that was probably the way they could move forward most quickly.

Regional Councilmember Sean Ashton, Downey, District 25, stated he agreed with the majority of the comments that had been made and thought this was an easy fix to just sub somebody out. He proceeded to make the motion that they approve the contract with the requirement that they sub out the attorney for another firm.

President Lorimore stated that as part of that motion they also had Agenda Item 3.

Regional Councilmember Ashton amended his motion to approve Agenda Items 3 and 4, with the requirement that the switch the attorney firm.

A MOTION was made (Ashton) to approve Consent Calendar Items 3 and 4, with a modification on Agenda Item No. 4 to substitute the identified legal firm listed under the subconsultants with another firm to be selected and not to exceed the identified cost. Motion was SECONDED (Huang) and passed by the following votes:

AYES: Ashton, Barger, Brown, Harnik, Huang, Lorimore, Marquez, McCallon, Pollock, Ramirez, Richardson, Robertson, Viegas-Walker, Wagner, Wapner and Yokoyama (16)

NOES: None (0)

ABSTAIN: None (0)

CFO REPORT

Chief Financial Officer Cindy Giraldo highlighted that SCAG received from HCD the draft amendment to the Regional Early Action Plan (REAP) standard agreement for \$35.6 million, which brought the total approved REAP funding to the full value of \$47.4 million. She indicated that SCAG has 30 days to review the agreement and provide feedback. As per the provisions outlined in the amendment, she reported the expenditure period for these newly approved funds begins August 19. She stated that to wrap up the fiscal year 2021-2022 budgets, staff had submitted the council approved overall work program to Caltrans and expected to receive final state and federal approval by June 30. As for

membership dues, she announced that SCAG had collected all the expected dues for the current fiscal year and had begun the process of preparing invoices for fiscal year 2021-2022 and agencies could expect to receive these invoices within the next two weeks.

PRESIDENT'S REPORT

President Lorimore announced the EAC Presidential appointments and welcomed Supervisor Katherine Barger from Los Angeles County; Supervisor Donald Wagner from Orange County; Larry McCallon from Highland, District 7; and Cheryl Viegas-Walker, El Centro, District 1. He reported that an EAC retreat was taking place on Thursday, June 24 at the Mission Inn in Riverside, where they were going to spend some time together working collaboratively through a strategic discussion planning for the year ahead. He noted there was a facilitator that was trying to set up time with them to talk through some of what they were going to discuss at the retreat. Lastly, he reminded the EAC members that the next meeting of the EAC was scheduled for Wednesday, June 30, 2021, at 3:00 p.m.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Kome Ajise reported they were beginning to see some reporting out of the 2020 Census and had updated estimates from the Department of Finance. One of the indications that they saw in the census was that California grew by about 6.1% in the 2010's, but slightly below the U.S. growth rate of 7.4%, which was one of the reasons they lost a seat at the state. He stated that during the year 2020, the state and SCAG lost about half of a percent of its population, attributable to the pandemic in some way. He reported the region managed to grow its housing stock by 0.7%, which was a lot better than what we had in 2019. He stated we had great opportunities to look more closely at long term sustainability and equity in our communities here in Southern California.

Lastly, he reported SCAG would be hosting the 32nd annual SCAG-USC Demographic workshop, which would again take place over two afternoons over ZOOM, on Tuesday June 8th and Tuesday June 15th. He indicated the theme for this year was the post pandemic city and that day one would feature a demographic checkup panel, which would dive into results from the 2020 Census and information on migration and population change, in addition to a collaborative panel with the USC's Schaeffer Center for Health Policy and Economics discussing the unequal impacts of COVID-19. Day two would include a keynote address by Tiffany Chu, founder of REMIX, and a panel on the future of the workforce, transportation, and housing. He further stated that each day would end with three roundtables for participants to learn more and sharpen their skills, and that this year's workshops would provide some insight as we launch into our 2024 Regional Plan.

FUTURE AGENDA ITEMS

Deborah Robertson stated she emailed staff a draft resolution that she's hoping the Regional Council will consider acting on in July. She stated that Congresswoman Norma Torres, introduced a

bill in support of the Myles Edward Scott Act, legislation to address the illicit recreational use of nitrous oxide. She reported they have been working to get some action in Congress that begins to better address and regulate this product that is not for public consumption. She indicated law enforcement was supportive and she was hoping to get support from the Regional Council on this health and human services issue.

ANNOUNCEMENTS

There were no announcements.

CLOSED SESSION

Ruben Duran, Board Counsel, announced Closed Session discussion on Public Employment, pursuant to California Government Code Section 54957(b)(1), Public Employee Performance Evaluation of the Executive Director.

President Lorimore recessed the EAC into Closed Session.

Public Employment

Pursuant to California Government Code Section 54957(b)(1)
Public Employee Performance Evaluation
Title: Executive Director

The Open Session reconvened.

President Lorimore asked if there were any public comments on the closed session. Seeing none, he closed the public comment period.

Ruben Duran, Board Counsel, reported that EAC members conducted a Performance Evaluation of the Executive Director and there was no reportable action.

ADJOURNMENT

There being no further business, President Lorimore adjourned the Regular Meeting of the EAC at 5:01 p.m.

[MINUTES ARE UNOFFICIAL UNTIL APPROVED BY THE EAC]

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Executive / Administration Committee Attendance Report

2021-22															
MEMBERS	CITY	Representing	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	Total Mtgs Attended To Date
Hon. Clint Lorimore, President	Eastvale	District 4	1												1
Hon. Jan Harnik, Chair, 1st Vice Chair		RCTC	1												1
Sup. Carmen Ramirez, 2nd Vice Chair		Ventura County	1												1
Hon. Rex Richardson, Imm. Past President	Long Beach	District 29	1												1
Hon. Jorge Marquez, Chair, CEHD	Covina	District 33	1												1
Hon. Frank Yokoyama, Vice Chair, CEHD	Cerritos	District 23	1												1
Hon. David Pollock, Chair, EEC	Moorpark	District 46	1												1
Hon. Deborah Roberston, Vice Chair, EEC	Rialto	District 8	1												1
Hon. Sean Ashton, Chair, TC	Downey	District 25	1												1
Hon. Art Brown, Vice Chair, TC	Buena Park	District 21	1												1
Hon. Alan Wapner, Chair, LCMC		SBCTA	1												1
Hon. Peggy Huang, Vice Chair, LCMC		TCA	1												1
Sup. Kathryn Barger, President's Appt.		Los Angeles County	1												1
Hon. Larry McCallon, President's Appt.	Highland	District 7	1												1
Hon. Cheryl Viegas-Walker, President's Appt.	El Centro	District 1	1												1
Sup. Donald P. Wagner, President's Appt.		Orange County	1												1
Hon. Andrew Masiel, Sr.	Pechanga Dev. Corporation	Tribal Government Regional Planning Board	1												1
Mr. Randall Lewis, Ex-Officio Member	Lewis Group of Companies	Business Representative	1												1
			18	0	0	0	0	0	0	0	0	0	0	0	18

Attachment: EAC Attendance Sheet 2021-22 (Minutes of the Meeting - June 2, 2021)