



Minutes

Measure M2 Environmental Oversight Committee

Committee Members

*Brian Goodell, Chair
Karen Drewe, CA Dept. of Fish & Wildlife
Dan Silver Endangered Habitats League
Derek McGregor, DMc Engineering
William Miller, US Fish and Wildlife Service*

*Orange County Transportation Authority
Conference Room 07
550 South Main Street
Orange, CA*

***Wednesday, February 1, 2023 at
2:30 p.m.***

Member(s) Absent

*Ajay Khetani, Taxpayer Oversight Committee
Chris Flynn, Caltrans (Brian Liu, Caltrans, attended on behalf of Chris Flynn)
Katrina Foley, OCTA Board of Directors
Joe Navari, CA Wildlife Conservation Board
Veronica Li, US Army Corp of Engineers*

Member(s) Teleconferencing

*Melanie Schlotterbeck, Vice Chair
Bev Perry, Civic Engagement Consultant*

Teleconference Location:

*Brea City Sports Park
3333 E. Birch Street Brea, CA 92821*

1. Welcome

Chair Brian Goodell called the Environmental Oversight Committee (EOC) meeting to order.

2. Pledge of Allegiance

Brian Liu led the Pledge of Allegiance.

3. Approval of September 14, 2022 Minutes

A motion was made by Melanie Schlotterbeck, seconded by Derek McGregor to approve, with changes, the September 14, 2022 EOC meeting minutes. Motion passed unanimously.

4. Environmental Mitigation Program Endowment Fund Investment Report

Dan Phu, Sustainability Planning Manager, and Robert Davis, Manager Treasury/Public Finance provided an update on the Environmental Mitigation Program Endowment Fund Investment Report.

Committee Member Comments:

A committee member asked for more detail on the two quarters of data, as the third quarter was down 4% while the first two quarters were minus 15%. Robert Davis responded that the first half of the fiscal year, July through September, was one of the worst performances for stocks and bonds on record. When you look at the S&P 500 and other indexes, they are down somewhere around 25% or higher. For this portfolio, being down approximately 15.6% is pretty good considering. For the endowment fund, the investing plan extends beyond normal economic cycles, so it is a longer-term outlook, over five to 10 years. This matches up with the endowment fund funding period through 2028 or 2029.

5. Coastal Fire Burn Area Update

Lesley Hill, Environmental Mitigation Program Project Manager, gave an update on this item. <This presentation available upon request.>

Committee Member Comments:

A committee member asked if the bike trail was shown on the photo. Lesley Hill responded yes.

6. Southern California Edison Coordination Update

Lesley Hill, Planning, gave an update on this item. <This presentation available upon request.>

Committee Member Comments:

A committee asked if there was any time frame when Edison would work on the easements. Lesley Hill responded there was no commitment on timing.

A committee asked if Edison efforts were being run out of their offices in the Inland Empire. Dan Phu responded he believed the office was in Rosemead.

A committee member asked if for the next meeting they could get a plan of where the utility lines actually run. Lesley Hill responded that they would work on this.

A committee member commented there is a parallel task going on; one discussion is the negotiations with Edison on the damage and how we get compensation for that damage and the second discussion is the go-forward plan. Are the two tied together or are they separate? Lesley Hill responded that the mitigation ratio and requirements will depend on if the poles remain in the same locations. Edison is being pushed to get back to them with the planned pole relocations and a proposal for compensation of damage that has occurred. Lesley said Edison is also working with California Coastal Commission who is requiring a coastal development permit for this after-the-fact work, and the commission is also asking for the same information. The go-forward plan is also being coordinated with OCTA legal and SCE legal with commitments that all future work would be consistent with a pending access agreement.

A committee member asked what type of notice has been given to Edison. Cassie Trapesonian, OCTA assistant general counsel, responded a "cease and desist" letter was sent to Edison after the impact of trespassing on different preserves had been found. Edison then responded by considering this as a claim versus a request from an agency.

7. Update on Teleconferencing Options under the Ralph M. Brown Act

Cassie Trapesonian, OCTA assistant general counsel, gave an overview of the teleconferencing options for committees that abide by the Brown Act.

Committee Member Comments:

A committee member asked if any of the three options preclude the others; meaning can we go back to using the traditional, pre-pandemic, which is where the agenda is posted within the agency's jurisdiction so anyone can attend. Cassie Trapesonian responded the options are not mutually exclusive and a number of the options can be used at one time.

A committee member asked can this committee make decisions or does it have to be made by the Board of OCTA? Cassie Trapesonian responded technically a committee can make the decision on how that committee operates, but typically the committees follow the direction of the OCTA Board.

A committee member responded that they had a problem with taking the decision to the OCTA Board as the committee has the ability to decide given the circumstances of the committee members, they don't have to go to the OCTA Board and are adding a layer of complexity that is not necessary. Cassie Trapesonian responded, a point of clarification is the committee would not lose the ability to do the traditional teleconferencing, a practice used by the committees for a long time.

A committee member commented that right now there is a state of emergency, and this option is available until about a year from now, but if the Governor ceases the state of emergency before 2024, we could lose that option.

Cassie Trapesonian responded correct. The only clarification is if you are adopting the resolutions for a state of emergency, it has to be done by the Board every 30 days and the OCTA Board stopped adopting those for the Covid pandemic emergency, that one is off the table.

A committee member commented that the OCTA Board took option two off the table and the committee does not have the independent ability of adopting the option. Cassie Trapesonian responded yes, and once the agency stops, you cannot pick it up at a later time unless there is a new state of emergency.

A committee member commented for clarification, if they were to call in, it would need to be from a conference room where the public could come in to that location. Cassie Trapesonian responded yes, it has to be a public location that meets ADA (Americans with Disabilities Act) requirements - a home or nonpublic location cannot be verified. Agendas have to be posted outside the teleconference location for 72 hours prior to the meeting, and the public is able to hear and then be able to speak on the teleconference line when public comments are called.

A committee member asked what the quorum for the committee is. Marissa Espino responded seven.

A committee member commented that the meeting today is under the traditional options of the Brown Act. Cassie Trapesonian responded yes.

A committee member asked what if they were not at the location to post agenda 72 hours prior to the meeting. Cassie Trapesonian responded someone else could post.

8. Restoration Project Update

Lesley Hill, Planning, gave an overview and update on this item pertaining to the Fairview Park restoration project. <This presentation is available upon request.>

Committee Member Comments:

A committee member asked about how the work on the 13 acres was progressing.

Lesley Hill commented that it appeared to be going well from site visits, but there has not been in-depth checking to see if all requirements were being met. Meeting all of the criteria set in the restoration plan was still a question.

A committee member asked how a plan was put together for 23 acres and ended up with 15 acres. Lesley Hill responded she did not have an answer. The acreage was provided in the restoration application and in the restoration plan from the City. OCTA did not ground truth or survey the city's project area.

A committee member asked how this was discovered. Lesley Hill responded that after a site visit with the Wildlife Agencies and city staff in 2019, it seemed that on the ground vegetation was not matching the restoration plan. OCTA requested that the city provide mapping of the work that was done. More recently, city staff determined there was a larger acreage discrepancy than what was realized in 2019.

9. Hikes and Equestrian Rides

Marissa Espino, Public Outreach presented an update on this item.

There were no committee member comments.

10. Public Comments

Marissa Espino, Public Outreach stated that a public comment was submitted by the Sierra Club via email on Tuesday January 31, 2023, at 9:09 a.m. The EOC was emailed this comment at 10:24 a.m. on January 31, 2023.

A committee member commented the issue will be on a future agenda.

A committee member asked if any of the Pacific Horizon trails are in the management plan.

Lesley Hill, Planning, responded there is a resource management plan and there is a trail that has public access through the preserve.

11. Committee Member Reports

There were no committee member reports.

12. Next Meeting – May 3, 2023 at 2:30 p.m.

13. Adjournment

The meeting adjourned at 3:45 p.m.