

Agenda

Monday, August 14, 2023

Special Board Meeting: 1:00 P.M.

**Location: NCTD Administrative Offices,
810 Mission Avenue, Oceanside, CA 92054**

View Live Stream at:

<https://www.youtube.com/GoNCTD>

MISSION

North County Transit District's mission is to deliver safe, convenient, reliable, and user-friendly public transportation services.

VISION

Our vision is to build an integrated transit system that enables our customers to travel easily and efficiently throughout our growing region.

For individuals with disabilities, NCTD will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. NCTD will make every attempt to accommodate requests that do not give 72-hour notice. Please contact the Clerk of the Board at (760) 966-6696 or clerk@nctd.org.

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/966-6696 or clerk@nctd.org. Persons with hearing impairment, please use the California Relay Service (CRS): 800/735-2929 TTY; 800/735-2922 voice; 800/855-3000 Spanish. CRS Customer Service: 877/632-9095 English or 877/419-8440 Spanish.

Agenda materials can be made available in alternative languages upon request. To make a request, please call (760) 966-6696 or email clerk@nctd.org at least 72 hours in advance of the meeting.

Los materiales de la agenda de NCTD están disponibles en otros idiomas. Para hacer una solicitud, llame al (760) 966-6696 o por correo electrónico a clerk@nctd.org al menos 72 horas antes de la reunión.

Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection at the office of the Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours.

PUBLIC COMMENT

IN-PERSON PARTICIPATION AT THE BOARD MEETINGS: All persons wishing to address the Board of Directors during the meeting can do so in-person. Speakers must complete a “Request to Speak” form provided before entering the Board Room at the NCTD, 810 Mission Avenue, Oceanside, CA. The completed form must be given to the Clerk of the Board before that agenda item is called. Members of the public may also submit their comments via email at publiccomment@nctd.org. All comments received prior to the start of the Board or Committee meeting will be provided to the Board/Committee and made available for public inspection on the NCTD website at: <https://gonctd.com/about-nctd/board-information/> prior to the meeting and included in the record of the Board/Committee Meeting.

VIRTUAL PARTICIPATION AT THE BOARD MEETINGS: Pursuant to Government Code section 54953, NCTD is providing alternatives to in-person attendance for viewing and participating in NCTD Board and/or Committee meetings.

Zoom Participation:

Members of the public may view or participate in the meeting through Zoom from a PC, MAC, iPad, iPhone, or Android device, at the following URL: <https://nctd.zoom.us/j/84267267337?pwd=aDMwb1I3WDJSckw2YXJxbjZ0U1VVQT09>
Passcode: 845191

Phone Participation:

To join the meeting by phone, dial 669-900-6833
Webinar ID: 842 6726 7337
Passcode: 845191

If you would like to speak on an agenda item via Zoom during the meeting, you must email the Clerk of the Board at clerk@nctd.org. Please provide the Clerk your name and item number you wish to comment on. *If you plan on calling into the Zoom meeting rather than videoconferencing, you must also provide the telephone number you will be using.* You must be logged on to the Zoom meeting by phone or online to speak. When it is your turn to comment, the Clerk of the Board will call you by name or phone number. Members of the public may register with the Clerk of the Board to speak on an agenda item until the public comment period for that item is closed.

The public may also provide oral comments on agenda items by calling (760) 966-6560. When prompted, the caller should identify the agenda item they wish to speak about and leave a message not to exceed three minutes. All telephonic comments received prior to the start of the Board or Committee meeting will be provided to the Board/Committee prior to the meeting and made available for public inspection on the NCTD website at: <https://gonctd.com/about-nctd/board-information/>.

REGULAR MEETING BEGINNING AT 1:00 PM

- CALL TO ORDER
- ROLL CALL OF BOARD MEMBERS
- PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG
- SAFETY BRIEF & EVACUATION PROCEDURES – Suheil Rodriguez, Clerk of the Board
- CHANGES TO THE AGENDA
- PUBLIC COMMUNICATIONS

There is a time limit of 15 minutes for this section of Public Communications and each speaker is limited to three minutes for their presentation.

All written and/or telephonic comments received by 5:00 p.m. the day before the meeting will be shared with the Board of Directors and made available for public inspection prior to the meeting. Written and/or telephonic comments may not be read aloud or played for the Board of Directors during the meeting. All telephonic and written comments will be made part of the record.

A. CLOSED SESSION ITEM 1

1. Closed Session Pursuant to Government Code Section 54957(b)(1) – Public Employment - Title: Consideration of Interim Candidate for Appointment to Position of Executive Director
(*Karen Tucholski, Chief Operations Officer – Support Services*)

B. OTHER BUSINESS ITEM 2

2. Approve the Appointment of an Interim Executive Director and Associated Proposed Employment Agreement (Attachment 2A)
(*Karen Tucholski, Chief Operations Officer – Support Services*)

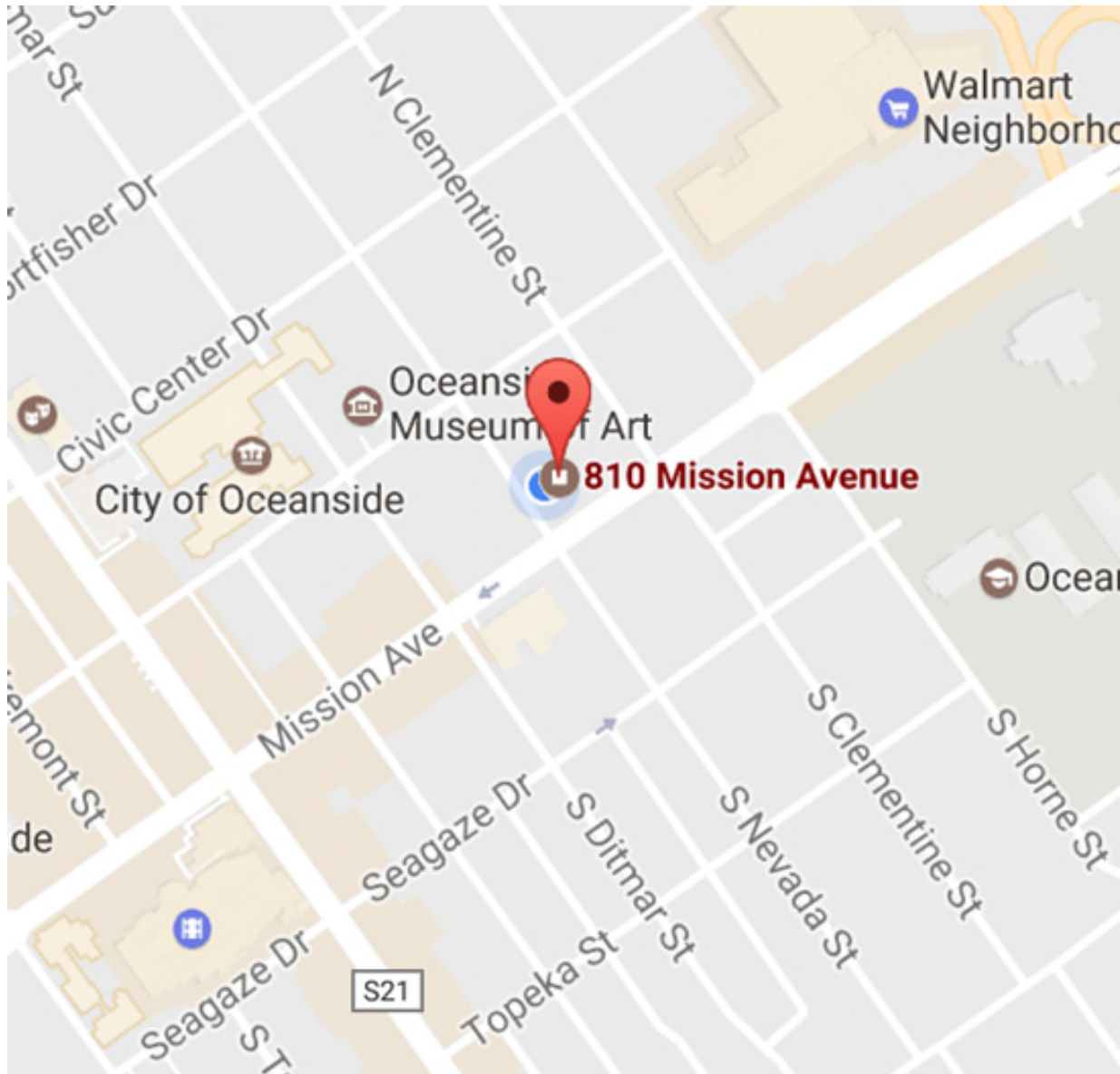
- EXECUTIVE DIRECTOR’S REPORT
- BOARD MEMBER REPORTS, COMMENTS, AND CORRESPONDENCE
- REMAINING PUBLIC COMMUNICATIONS
 - For any remaining speakers who have completed a “Request to Speak” form.
- ADJOURNMENT
- CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)
 - Posting of Board Agenda (Page 5)
 - Rules for Public Speakers at meetings of the North County Transit District (Page 6)
 - Quorum and Voting Information (Page 7)

Upcoming Meetings:

- **Regular Board Meeting: September 21, 2023 at 2:00 p.m.**

All Regular Board and Committee Meetings will be held at NCTD Administrative Offices, 810 Mission Ave., Oceanside CA, unless otherwise provided on public notice.

MAP OF NORTH COUNTY TRANSIT DISTRICT OFFICES



The NCTD Board Chambers is located at NCTD Administrative Offices, 810 Mission Avenue, Oceanside, CA 92054 and is accessible by the COASTER (NCTD Commuter Rail), SPRINTER (NCTD Hybrid Rail), and the BREEZE (NCTD Bus).

Please log onto www.goNCTD.com to check our current routes and schedules, or call 1-800-COMMUTE.

August 11, 2023

To: North County Transit District Board Members
From: Suheil Rodriguez, Clerk of the Board
Subject: POSTING OF SPECIAL BOARD AGENDA

In Compliance with the Ralph M. Brown Act, as Amended, the following information is provided.

The Agenda for this Special meeting of the Board was posted as follows:

Special Meeting: August 14, 2023 at 1:00 p.m.
Posted At: 810 Mission Avenue, Oceanside, CA
Posted Online At: www.goNCTD.com
Date & Time of Posting: August 11, 2023 at 12:00 p.m.
Posted By: Suheil Rodriguez, Clerk of the Board

Rules for Public Speakers at Meetings of the North County Transit District

Per Board policy, all public communications at meetings of the North County Transit District shall be made and received in accordance with the following procedures:

1. COMMENTS FOR MATTERS NOT ON AGENDA

- A. Total time limit for telephonic comments:
 - Beginning of meeting: Fifteen (15) minutes
 - End of meeting: No time limit.
- B. Time limit per speaker per meeting: Three (3) minutes, with no donation of time allowed.
- C. Priority: First come, first served. Speakers who registered to speak with the Clerk will be able to address the Board of Directors in the order they were received.
- D. Order on agenda: Comments for matters not on the agenda will be heard at the beginning of the meeting and if the time limit stated in Paragraph A is exhausted, comments that were unable to be heard due to time limit stated above, will be heard at the end of the meeting under “*Remaining Public Communications.*”

2. TIME LIMITS FOR ADDRESSING MATTERS ON THE AGENDA

- A. Total time limit: None.
- B. Time limit per speaker: Three (3) minutes, with one donation of three minutes, for a maximum of six minutes.
- C. These rules apply to both public hearing and non-public hearing items listed on the agenda.
- D. Comments made not germane to the subject matter of the agenda item being considered are out of order.

3. CUTOFF FOR TURNING IN SPEAKER SLIPS

- A. Members of the public may register with the Clerk to speak on an agenda item up until the public comment period is closed.

4. MODIFICATION OF RULES BY CHAIR

- A. The Board Chair may, in his or her absolute discretion, relax the requirements of these rules. However, a decision of the Chair to do so in one instance shall not be deemed a waiver of the rules as to any other instance or matter.

Quorum and Voting

Pursuant to Public Utilities Code § 125102, a majority of the Board members eligible to vote shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board eligible to vote; however, after a vote of the members is taken, a weighted vote may be called by any two members eligible to vote.

In the case of a weighted vote, the County of San Diego, and each city (with exception of the City of San Diego), shall, in total, exercise 100 votes to be apportioned annually based on population. Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the Board. When a weighted vote is taken on any item that requires more than a majority vote of the Board members eligible to vote, it shall also require the supermajority percentage of the weighted vote. County population: The population of the County of San Diego shall be the population in the unincorporated area of the county within the area of jurisdiction of the Board pursuant to Public Utilities Code § 125052.

Updated 08/30/22			
2020 Service Area Population (ACS*)		953,037	
Cities Total		717,978	
Jurisdictions	2020 ACS	Percentage	Adj Vote
Carlsbad	114,411	12.0%	12
Del Mar	4,331	0.5%	1
Encinitas	62,967	6.6%	7
Escondido	150,396	15.8%	16
Oceanside	175,694	18.4%	18
San Marcos	96,219	10.1%	10
SD County	235,059	24.7%	25
Solana Beach	13,301	1.4%	1
Vista	100,659	10.6%	10
Total	953,037	100.0%	100
*ACS - American Community Survey			

**STAFF REPORT | APPROVE THE APPOINTMENT OF AN INTERIM EXECUTIVE
DIRECTOR AND ASSOCIATED PROPOSED EMPLOYMENT
AGREEMENT**

Time Sensitive: **Consent:**

**EXECUTIVE
COMMITTEE
RECOMMENDATION:**

Receive the recommendation from the Executive Committee to appoint Paul Ballard as the Interim Executive Director effective August 28, 2023 and approve the proposed Employment Agreement between the North County Transit District and the Interim Executive Director.

**BACKGROUND
INFORMATION:**

The Executive Director is engaged via an Employment Agreement with North County Transit District (NCTD) that is approved by the Board of Directors (Board). In accordance with NCTD Board Policy No. 3 – *Committees and External* Appointments which provides that the Executive Committee is responsible for developing recommendations for full Board approval on Executive Director selection, compensation and employment, the Executive Committee of the Board met in Closed Session on August 10, 2023, pursuant to Government Code § 54957(b)(1), to evaluate proposed candidates to serve as Executive Director on an interim basis. The Executive Committee met with and recommended Mr. Paul J. Ballard to serve as Interim Executive Director. Mr. Ballard is well qualified to serve in this role. He has served as Chief Executive Officer in transit agencies across the country and most recently served as Interim President and Chief Executive Officer at Trinity Metro – Fort Worth Transportation Authority and Interim Chief Executive Officer and General Manager at Regional Transportation District in Denver.

Following deliberation and discussion, the Executive Committee recommended the following actions:

1. Appoint Paul J. Ballard as Interim Executive Director effective August 27, 2023.
2. Approve the proposed Employment Agreement which provides for a bi-weekly salary of \$13,692.00 (equivalent to a calculated hourly rate of \$171.15) plus NCTD responsibility for business expenses as detailed therein.

The full Board will meet in Closed Session on August 14, 2023, pursuant to Government Code § 54957(b)(1) (Agenda Item No. 1), just prior to consideration of the proposed action herein to review the Executive Committee recommendations.

Based on the foregoing, it is the Executive Committee’s recommendation that the Board of Directors approve the appointment of Mr. Paul J. Ballard as Interim Executive Director effective August 28, 2023 and approve the proposed Employment Agreement Between North County Transit District and the Interim Executive Director. The four-month period of the appointment will formally commence on September 25, 2023, subject to extensions on a monthly basis thereafter.

ATTACHMENT: 2A – Employment Agreement Between the North County Transit District and Paul J. Ballard

GOAL/STRATEGIC DIRECTION: Realign and Improve Organization Structure

FISCAL IMPACT: The FY2024 fiscal impact for the Interim Executive Director compensation is approximately \$185,000 for the initial four (4) month period, which is funded by non-federal funds programmed in operating accounts 360.501xxx and 360.502xxx, which collectively have an FY2024 budget of \$1,123,076. Extensions of the employment agreement past the initial four (4) month term will be funded through the same operating accounts.

COMMITTEE REVIEW: Executive Committee

Date: August 10, 2023

STAFF CONTACT: **Karen Tucholski, Chief Operations Officer – Support Services**
E-mail: ktucholski@nctd.org Phone: 760-966-6574



**EMPLOYMENT AGREEMENT BETWEEN
THE NORTH COUNTY TRANSIT DISTRICT
AND
PAUL J. BALLARD**

This Interim Executive Director Employment Agreement (Agreement) effective as of the 14th day of August 2023 (Effective Date) is made by and between the North County Transit District, operating pursuant to Public Utilities Code section 125000, et. seq. (NCTD and/or Employer) and Paul J. Ballard, an individual as employee (Mr. Ballard and/or Employee) (collectively referred to as Parties) who hereby agree as follows:

RECITALS

WHEREAS NCTD desires to retain Mr. Ballard to serve as the Executive Director of NCTD on an interim basis (Interim Executive Director), and Mr. Ballard desires to serve as the Interim Executive Director of NCTD under the terms of this Agreement; and

WHEREAS the Board of Directors of NCTD (Board) is lawfully authorized to enter into contracts on behalf of NCTD and to appoint and affix the salary of the Executive Director (permanent and/or interim).

WHEREAS the Board, at a duly noticed special meeting held on August 14, 2023, selected Mr. Ballard to serve as NCTD’s Interim Executive Director (Agenda Item No. 2);

WHEREAS this Agreement sets forth all of the terms and conditions of interim employment as agreed to between NCTD and Mr. Ballard.

AGREEMENT TERMS AND CONDITIONS

NOW THEREFORE, in consideration of the material promises accruing to the Parties and the mutual covenants contained herein, NCTD and Mr. Ballard agree as follows:

Section 1. Duties and Responsibilities.

Mr. Ballard will render full-time professional services to NCTD in the capacity of Interim Executive Director of NCTD for the term of this Agreement. Mr. Ballard will at all times, faithfully, industriously and to the best of his ability, perform all duties that may be required of him by virtue of his position as Interim Executive Director. Mr. Ballard is hereby vested with authority to act on behalf of the Board in keeping with ordinances and policies adopted by the Board as amended from time to time, and the Administrative Policies and Procedures. In addition, Mr. Ballard shall perform in the same manner any special duties assigned or delegated to him by the Board consistent with his position.

A. Specific Duties:

Overall Management: As the Interim Executive Director, Mr. Ballard shall be responsible for management of all aspects of NCTD operations on a day-to-day basis, subject to the policy direction of the Board and in consultation with the General Counsel.

Mr. Ballard's duties and responsibilities shall generally include, but not be limited to, the following:

1. Supervision of all division chiefs and employees, except the General Counsel who reports to the Board. Mr. Ballard may delegate to staff and hire and terminate NCTD employees, except the General Counsel, in accordance with applicable law and NCTD policies, rules and regulations;
2. Responsibility for overall management of employee relations matters;
3. Assisting the Board in community and public relations matters;
4. Monitoring, managing, and overseeing the District budget and the District's revenues and expenses in collaboration with the Chief Financial Officer;
5. Assuming overall responsibility for management of staff, except the General Counsel, and in guiding NCTD towards its Board-approved goals;
6. Assuring that NCTD's financial affairs are properly managed, accounted for; and audited, and that appropriate reports thereon are made to the Board and to others as required by law;
7. Conferring with legislative liaisons regarding legislative matters, monitoring, reporting on, and making recommendations on legislative activities;
8. Attending all regular and special meetings of the Board and Board committees and subcommittees as requested;
9. Meeting with the City Councils and managers of each of the member agencies of NCTD, and with the County Board of Supervisors and its Chief Administrative Officer, as necessary;
10. Representing the Board and staff in contacts and communications with the public, member agencies, and other outside agencies and organizations with respect to transit matters and NCTD issues, within the scope of Board policies and programs;
11. Such other and further activities as the Board may from time to time direct;
12. Assisting the Board and/or Board committees and/or subcommittees in the selection of a permanent Executive Director, as requested by the Board.

A copy of the Executive Director Job Description is attached for reference (Attachment 1).

B. Direction from the Board:

Mr. Ballard shall take direction as to matters of NCTD business only from the Board as a whole, from the Chair, or from a duly-authorized Board Committee(s) which has been granted the power by the Board to give direction to Mr. Ballard.

Section 2. Term of Employment.

The term of this Agreement shall be for a period of four (4) months beginning as of August 27, 2023, and continuing month-to-month automatically thereafter unless terminated as provided herein. It is the stated intention of both Parties that this Agreement is designed to continue until a new Executive Director assumes the position, plus any additional transition period as agreed to by both Parties. This Agreement is estimated to last for four-to-six months unless terminated as hereinafter provided.

Section 3. Compensation and Benefits.

- a) As compensation to Mr. Ballard for the services to be rendered to NCTD during the term of this Agreement, from August 28 to September 1, 2023, to support transition with NCTD's current Executive Director, Mr. Ballard will be compensated the daily rate of \$1,369.20. The period of September 2, 2023 through September 24, 2023 will be uncompensated. Commencing on September 25, 2023, Mr. Ballard shall be paid a bi-weekly salary of \$13,692.00, equivalent to a calculated hourly rate of \$171.15, for the duration of services being performed for the term of this contract. In the event that the expiration of this agreement falls in the middle of a bi-weekly pay period, Mr. Ballard will be paid pro-rata for the number of business days worked during that pay period. This salary will be payable in accordance with NCTD's regular payroll procedures only for the term of this contract.
- b) Mr. Ballard shall be employed by NCTD and entitled to and receive the conditions of employment which are generally available to regular employees of NCTD, including but not limited to, the 401(a) and 457(b) plans sponsored by NCTD which Mr. Ballard may elect to participate in.
- c) Mr. Ballard will be credited with 15 vacation days. The crediting date for the 15 days will be the October 6, 2023 pay date which includes September 25, 2023.
- d) Mr. Ballard will receive holiday leave/pay when/if the NCTD offices are closed for official holidays during the term of this Agreement.
- e) Mr. Ballard understands and agrees that if his employment at NCTD meets the threshold for CalPERS enrollment (i.e., 1000 hours or 125 days), NCTD will be obligated to enroll Mr. Ballard in CalPERS and that he would not vest in the CalPERS benefits due to the 5-year cliff vesting schedule.

Section 4. Termination.

This Agreement may be terminated:

- a) at any time by the Board with thirty (30) days' notice to Mr. Ballard;
- b) by resignation of Mr. Ballard, provided Mr. Ballard shall have provided thirty days (30) written notice unless the Parties otherwise agree in writing; and
- c) by the incapacitation that renders Mr. Ballard unable to perform his duties or his death.

Section 5. Compensation and Benefits After Termination.

- a) The Board will have no further obligation to provide compensation or benefits to Mr. Ballard after this Agreement is terminated other than payments of approved expenses and unpaid but earned compensation. Mr. Ballard shall not be entitled to any severance benefits, or to any other termination benefits under law or NCTD rules and regulations.

Section 6. Expenses.

- a) Reimbursement:

NCTD shall reimburse Mr. Ballard for reasonable and necessary, documented business expenses incurred in the performance of the duties and responsibilities set out in this Agreement upon presentation, in accordance with NCTD's Administrative Policy and Procedure GM-0003 – *Travel and Reimbursement* (Attachment 2), of reasonably detailed statements of expense for which reimbursement is claimed:

- i. Travel to/from meetings of relevant industry groups and Boards.
 - ii. Travel to/from relevant informational and educational seminars.
- b) NCTD Direct Pay:
- i. The reasonable and actual cost of temporary lodging in San Diego County for the duration of this contract will be paid directly by NCTD.
 - ii. NCTD will ensure an NCTD non-revenue vehicle is assigned to Mr. Ballard for the duration of his tenure as Interim Executive Director at NCTD.

Section 7. Indemnification.

NCTD shall, to the fullest extent permitted by law, indemnify and hold harmless Mr. Ballard from and against any and all claims, actions, causes of action, or judgments of any kind for which Mr. Ballard may be held liable and which arise out of or relate to Mr. Ballard's performance of his job duties at NCTD provided (1) Mr. Ballard acted in good faith at all times and (2) Mr. Ballard's actions or failures to act which gave rise to liability occurred during and within the course and scope of his employment at NCTD.

In addition, NCTD shall defend, at NCTD expense and with counsel of NCTD's choosing, any action, claim, or proceeding in which Mr. Ballard is named and which alleges actions on the part of Mr. Ballard, or failures to act, within the scope of the above-referenced indemnity obligation even if such action, claim, or proceeding is ultimately proved groundless.

Section 8. Other Terms and Conditions.

A. Dispute Resolution

1. **Informal Meet and Confer:** The Parties agree to meet and confer informally as the first step toward resolution of any dispute related to this Agreement.
2. **Board Resolution:** If the Parties are unable to resolve the matter informally through meet and confer, the matter shall be submitted to the Board for final resolution at a meeting to be held by the Board within thirty (30) days of submittal, and shall make a final decision within forty-five (45) days of the initial meet and confer session, unless Board and Mr. Ballard mutually agree to a longer period.
3. **Litigation:** Neither party shall commence any litigation, arbitration, or other formal dispute resolution process until the process described in Sections A. 1 and A. 2 above have been completed.

B. Governing Law: This Agreement shall be interpreted and enforced in conformance with the laws of the State of California.

C. Entire Agreement: This Agreement, together with the Exhibits attached hereto, represents the entire agreement between the parties and supersedes any prior agreements, written or oral, and any representations, written or oral, not expressly included herein.

D. Venue: The venue for any litigation to interpret or enforce this Agreement shall be the San Diego Superior Court, North County Division.

- E. Integration Clause:** If any part, provision, paragraph, or subparagraph of this Agreement shall be held to be void or unenforceable by a final judgment of a court of competent jurisdiction, then unless that provision is found in such proceeding to be material to this Agreement, said void or unenforceable provision shall be severed from this Agreement and the balance of this Agreement shall remain in full force and effect. In the event that the void or unenforceable provision is found to be material to this Agreement, then the entire Agreement shall be void.
- F. Independent Review/Interpretation:** NCTD and Mr. Ballard affirm by signing this Agreement that they have each had an opportunity to review and consider this Agreement, and to have it reviewed and to receive advice from independent advisors of their own choosing, including attorneys, and that each knowingly and voluntarily enters into this Agreement. NCTD and Mr. Ballard further affirm that this Agreement was the mutual product of their negotiations, including give and take, and that neither party shall be considered the drafter of this Agreement such that the Agreement is interpreted against that party.
- G. Public Record:** Mr. Ballard acknowledges that this Agreement is a public record under California law available for public inspection and copying.
- H. Counterparts:** This Agreement may be signed in counterparts.

SIGNATURES ON FOLLOWING PAGE

DATED: _____ By: _____
Jewel Edson, Board Chair
NORTH COUNTY TRANSIT DISTRICT

DATED: _____
Lori A. Winfree, General Counsel
NORTH COUNTY TRANSIT DISTRICT

DATED: _____
Paul J. Ballard, an Individual

APPROVED BY BOARD ACTION DATED: August 14, 2023

[CLERK STAMP]
Suheil Rodriguez
Clerk of the Board



EXECUTIVE DIRECTOR Job Description

August 2023

FSLA STATUS: Exempt
GRADE: Board-Executive Director
APPROVE: Board

DEFINITION

Under policy direction of the North San Diego County Transit District Board of Directors, the Executive Director plans, organizes, directs, and administers all functions of NCTD and develops recommendations for action for the Board of Directors (Board) and executes decisions of the Board.

Distinguishing Characteristics

The Executive Director is the Chief Executive Officer and is one of two direct reports to the Board (the other position is General Counsel). This position is distinguished by its overall responsibility for all aspects of the administration, management, and development of NCTD's multimodal regional public transit system including both bus and rail operations except for compliance and internal audit programs which report directly to the General Counsel.

Supervision Received and Exercised

The Executive Director reports to the Board and is responsible for the supervision and management of all personnel staff and functions except for the functions managed by the General Counsel. The Executive Director and the General Counsel are required to work in a collaborative manner to support the effective and efficient operations of NCTD.

Essential Job Functions

Typical Tasks

The Executive Director is accountable to the Board of Directors for the following:

- Demonstrates strong leadership abilities and skills in understanding who the customer is and how to reach and serve the customer better.
- Serves the Board of Directors in the development and implementation of strategies and initiatives to foster the continued provision of a safe and efficient public transportation system.
- Understands the interests of local business and industry, community, community groups, local and federal government, the media, and the public.
- Ensures that functions that impact administrative, technology, capital program and transit services are conducted in an efficient, effective, and connected manner.
- Ensures a collaborative and team-oriented culture that prioritizes customers and front-line employees.
- Ensures the continued safety and reliability of the system and its positive perception by the public.
- Ensures that performance and quality management plans are successfully implemented.

- Reviews operating results of NCTD, compares them to established objectives, and takes steps to ensure that measures are taken to correct unsatisfactory results.
- Promotes the needs of NCTD to local, state, and federal governments.
- Promotes Equal Employment Opportunity and Affirmative Action programs and enforces accountability of management staff for accomplishment of EEO/Affirmative Action program goals and objectives.
- Promotes Americans with Disabilities Act (ADA) compliance, encourages disability awareness and sensitivity, and enforces ADA internally and externally on all services.
- Ensures the on-going development and implementation of strategic and capital plans that support the advancement of NCTD's mission and goals.
- Oversees the adequacy and soundness of NCTD's financial structure.
- Ensures that legislative and discretionary funding programs are aligned with the needs of NCTD and are effectively managed to achieve positive outcomes.
- Ensures the effective programming of federal, state, and local funding to support the needs of the NCTD.
- Supports the General Counsel in fostering a culture of compliance as it relates to regulatory and legal requirements.
- Identifies potential sources of funds.
- Imparts transportation knowledge to the Board of Directors to help facilitate its decision-making process.
- Performs other related duties as required.

Minimum Qualifications

Employment Standards

Considerable education, and progressively responsible executive experience in a transportation related field; experience in transportation planning and operations; experience with planning, designing, and construction of transportation projects; experience in personnel management, experience in developing, negotiating, and managing commercial agreements, experience in legislative and public affairs, working with local, state and federal appointed and elected officials, which demonstrates possession and application of the following knowledge and abilities.

Supplemental Information

Knowledge of:

- Principles of administration and management.
- Laws, ordinances, rules, and regulations affecting public transportation.
- Potential sources of federal, state, and local funding for public transportation.
- Public transportation planning and operations.
- Multi-modal transportation/land use planning.
- Strategic long-term fiscal planning and cost management; creative financial methodologies; and information management systems.
- Economic, political, social, and psychological factors related to providing and use of public transportation.

Ability to:

- Achieve and implement NCTD's Strategic Plan Goals.
- Recognize the need to bring transportation planning and operations together, recognizing the critical relationship between land use, and transportation system improvements.
- Understand the ramifications of actions which affect customers, the local community, the region, and federal interests.
- Effectively communicate transportation policy and planning issues and alternatives to the Board of Directors.
- Plan, organize, and direct all NCTD activities, except those under the control of the General Counsel.
- Supervise, select, motivate, and evaluate key personnel.
- Promote employee ownership and a positive work environment.
- Establish and maintain an effective system of communications throughout the organization.
- Interpret and analyze fiscal, operational, and planning data, user reactions, and governmental regulations.
- Establish management objectives and plan programs to accomplish them.
- Attract and retain key individuals with a goal toward succession planning and recruitment and promotion of women and minorities.
- Represent NCTD locally, regionally, and nationally.
- Effectively communicate with key NCTD stakeholders.
- Strive to build consensus among the Board of Directors, staff, labor, internal committees, and external groups.
- Work with labor groups to resolve problems and bring about positive change.
- Work effectively and persuasively with elected officials, other agencies, the business community, organized labor, senior and disabled communities, public constituencies, and the press.

Desired Attributes

- Models behaviors that will foster a culture based on diversity, equity, inclusion, innovation, collaboration, transparency, and continuous improvement.
- Excellent written and verbal communication skills.
- Ability to foster and enhance teamwork.
- Ability to foster conflict resolution.
- Ability to advance and successfully implement creative solutions.
- Strong analytical and organizational skills.

Experience and Education

Bachelor's degree from an accredited college or university, master's degree preferred with major course work in public administration, business administration, planning, engineering, or a related field or discipline. A minimum of 15 years of senior management experience, including six years of executive level management, administrative, and supervisory responsibility. Experience in the transit industry and/or public sector agencies is highly desirable, but not required. Must have the experience, education, and training that would likely produce the requisite knowledge, skills, and abilities to be an Executive Director and to be responsible for the NCTD's multimodal regional public transit system; must possess a valid California driver's license and a five year safe driving record; ability to qualify for, attain, and maintain, any certificates or licenses required by regulatory agencies.

PRINT Employee Name

Employee Signature

Date

DRAFT

RELATED TO
AGENDA ITEM 2

NORTH COUNTY
TRANSIT DISTRICT



Approve the Appointment of an Interim Executive Director and Associated Proposed Employment Agreement

Special Board Meeting
August 14, 2023

COASTER SPRINTER BREEZE FLEX LIFT

Background

- **NCTD Board Policy No. 3 – *Committees and Appointments*, provides that the Executive Committee is responsible for developing recommendations for full Board approval related to Executive Director selection, compensation, and employment.**
- **Board of Directors approval is required to appoint an Interim Executive Director**
- **The NCTD Executive Committee met in Closed Session on August 10, 2023 to discuss the appointment of an Interim Executive Director**
- **Committee recommendation was advanced to the full Board for consideration in Closed Session at today’s meeting**



Committee Recommendations

- **Appoint Mr. Paul Ballard as Interim Executive Director**
 - Effective August 28, 2023
 - Mr. Ballard has extensive experience in transit leadership at the executive level within transit agencies throughout the country
 - Mr. Ballard recently served as Interim President and Chief Executive Officer at Trinity Metro – Fort Worth Transportation Agency and Interim Chief Executive Officer and General Manager at Regional Transportation District in Denver
- **Proposed Employment Agreement:**
 - One week transition period from August 28-September 1 overlapping with Mr. Tucker's employment
 - Initial term of four month commencing September 25, 2023 subject to monthly extensions thereafter
 - Compensation Package includes: Bi-weekly salary of \$13,692, standard employee benefits, standard business expenses



Recommendation

The Executive Committee recommends that:

1. The Board of Directors appoint Mr. Paul Ballard as the Interim Executive Director effective August 28, 2023; and
2. Approve the proposed Employment Agreement between the North County Transit District and Mr. Paul Ballard.

