



Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

Board of Directors

Meeting Packet

July 13, 2022 at 2 p.m.



AGENDA – BOARD OF DIRECTORS
July 13, 2022 at 2:00 p.m. via teleconference

CORONAVIRUS DISEASE (COVID-19) ADVISORY AND MEETING PROCEDURE

This meeting will be held via teleconference in accordance with the Brown Act and Government Code § 54953(e), as a precaution to protect the health and safety of staff, officials, and the general public. The Board of Directors will not be physically in attendance, but will be available via video conference.

The regular meeting facilities for the meetings of the Board of Directors are currently closed to the public. Consequently, there will be no physical location for members of the public to participate in the meeting. We encourage members of the public to access the meeting online using the instructions listed on the agenda. Online attendees will have the opportunity to speak during Public Comment.

If you would like to submit public comment via email, please do so by 5:00 p.m. the day before the meeting to comments@valleylinkrail.com. Please include “Public Comment July 13, 2022” and the agenda item in the subject line. In the body of the email please include your full name. Public comments submitted via email will be posted online and will be read during Public Comment and will be subject to the regular three-minute time restriction.

This Board of Directors meeting will be conducted on the web-video communication platform Zoom. To view and/or participate in this meeting, members of the public will need to either download Zoom from the website zoom.us. It is recommended that anyone wishing to participate in the meeting complete the download process before the start of the meeting. To listen without viewing, members of the public may also join the meeting by calling in via telephone. A live stream will also be available on our YouTube channel without the ability to make public comment. All public comments will be subject to the regular three-minute time restriction.

There will be zero tolerance for any person addressing the Board making profane, offensive and disruptive remarks, or engaging in loud, boisterous, or other disorderly conduct, that disrupts the orderly conduct of the public meeting.

Upon request, the Tri-Valley-San Joaquin Valley Regional Rail Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A speech-to-text option (live transcription) is now available on all Zoom meetings. Live transcription currently only supports English and the accuracy of the feature depends on many variables, such as but not limited to: background noise, volume and clarity of the speaker's voice, lexicons and dialects. Requests for any other reasonable accommodation should be submitted in writing, and must include: your name, mailing address, phone number and brief description of the requested materials and the preferred alternative format or auxiliary aid or service at least 2 days before the meeting. Requests should be sent to: comments@valleylinkrail.com.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS July 13, 2022 at 2:00 p.m. via teleconference

How to listen and view meeting online:

- From a PC, Mac, iPad, iPhone or Android device click the link below:
<https://zoom.us/j/93548110883>
Password: **ValleyLink**
- To supplement a PC, Mac, tablet or device without audio, please also join by phone:
Dial: 1 (669) 900-6833
Webinar ID: 935-4811-0883
Password: **898381**

To comment by video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will be muted.

- Livestream online at: [Valley Link Rail YouTube Channel](#)

No option to make Public Comment on YouTube live stream.

How to listen via telephone to the meeting:

- For audio access to the meeting by telephone, use the dial-in information below:
Dial: 1 (669) 900-6833
Webinar ID: 935-4811-0883
Password: **898381**

*Please note to submit public comment via telephone dial *9 to raise your hand. The meeting’s host will be informed that you would like to speak. If you are chosen, you will be notified that your request has been approved and you will be allowed to speak. You will then press *6 to unmute yourself. Comments are limited to up to 3 minutes at the discretion of the board chair. After the allotted time, you will be muted by the host.*

To submit written comments:

- Send public comments prior to the meeting by email, to comments@valleylinkrail.com

If you are submitting public comment via email, please do so by 5:00 p.m. the day before the meeting to comments@valleylinkrail.com

Please include “Public Comment – July 13, 2022” and the agenda item to which your comment applies in the subject line. In the body of the email please include your full name. A list of the public comments submitted will be read during Public Comment and letters will be posted on the Authority’s website along with other meeting material.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS
July 13, 2022 at 2:00 p.m. via teleconference

1. Call to Order and Pledge of Allegiance
2. Roll Call of Members
3. Public Comments:
Members of the public may address the Board on any issues not listed on the agenda that are within the purview of the Authority. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Time limits on public comments may be established by the Chair.
4. Consent Agenda – **ACTION**
Recommend approval of all items on Consent Agenda as follows:
 - a. Minutes of June 8, 2022 Board of Directors Meeting.
 - b. Treasurer’s Report for May 2022.
 - c. Resolution R14-2022 Declaring that Agency meetings will continue to be held via teleconference
5. Executive Director’s Report – **INFORMATION**
6. Directors’ Discussion
Comments, Questions and Agenda Requests
7. Next Meeting Details: August 10, 2022
8. Adjourn

AGENDA

ITEM 4 A



Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of Special Board meeting on May 11, 2022 via Zoom Teleconference

1. **Call to Order and Pledge of Allegiance**

The meeting of the board of directors was called to order by Chair Veronica Vargas at 2:01 p.m. Vice Chair Melissa Hernandez lead the Pledge of Allegiance.

2. **Roll Call of Members**

Members Present

Chair Veronica Vargas, City of Tracy
Vice Chair Melissa Hernandez, City of Dublin
Director Paul Akinjo, City of Lathrop
Director Benjamin Cantu, City of Manteca
Director David Hudson, San Ramon
Director Brittni Kiick (Livermore), LAVTA (*Joined during #5*)
Director Bernice King Tingle, Mountain House
Director John McPartland (District 5), BART (*Joined during #4*)
Director Kathy Narum, City of Pleasanton
Director Robert Rickman, San Joaquin County
Director Karen Stepper, Town of Danville
Director Dan Wright, City of Stockton
Director Bob Woerner, City of Livermore
Director Leo Zuber (Ripon), ACE

Members Absent

Director David Haubert, Alameda County

3. **Public Comments**

Public comment was made by April Quintanilla and Adrian Brandt.

4. Consent Agenda – **ACTION**

Recommend approval of all items on Consent Agenda as follows:

- a. Minutes of May 11, 2022 Board of Directors Meeting.
- b. Treasurer's Report for April 2022.
- c. Resolution R13-2022 Declaring that Agency meetings will continue to be held via teleconference

Motion: Hudson/Stepper

Aye: Cantu, Hernandez, Hudson, King-Tingle, McPartland, Narum, Rickman, Stepper, Vargas, Woerner, Zuber

Nay: None

Abstain: Akinjo, Wright

Absent: Haubert, Kiick

Motion Passed

5. **Presentation on Link21 Program – INFORMATION**

Link 21 Director Sadie Graham and Capitol Corridor Manager Camille Tsau shared a presentation on the goals and objectives of the program and answered questions from members of the board. Executive Director Sheridan emphasized that while the program is still in the planning stages it is important to ensure all current and planned systems are considered in order to ensure a seamless

**Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of Special Board meeting on May 11, 2022 via Zoom Teleconference**

integration of the rail network for passenger rail. Public comment was heard from Vaughn Wolfe and Adrian Brandt.

6. Approve Final Budget Fiscal Year 2023 – ACTION

Executive Director Kevin Sheridan shared the final budget. He highlighted some changes made based on comments on the draft budget presented at the April board meeting. Directors discussed this item. There was no public comment.

Motion: Zuber/King-Tingle

Aye: Akinjo, Cantu, Hernandez, Hudson, Kiick, King-Tingle, McPartland, Narum, Rickman, Stepper, Vargas, Woerner, Wright, Zuber

Nay: None

Abstain: None

Absent: Haubert

Motion Passed

7. Federal Funding Update – INFORMATION

Chair Vargas announced that the Valley Link project reached a key milestone when, on May 26, the Federal Transit Administration (FTA) approved the Valley Link initial operating segment (IOS) into Project Development of the Capital Investment Grants (CIG) Program. She thanked all current and past directors, Senators Padilla, Congressmen Harder, McNerney, DeSaulnier and Swalwell for their contributions to helping the agency attain this goal. Deputy Director Wil Ridder outlined, per FTA standards, a number of key tasks that the agency will be required to complete so that the FTA can rate the project and allow the agency to secure funding. Staff met with FTA for a kick off meeting. Ridder thanked FTA staff for their timely review and approval of the request to enter into the CIG program. Directors discussed this item. There was no public comment.

8. Executive Director’s Report – INFORMATION

Sheridan gave an oral report from San Diego, where he was attending the 2022 American Public Transportation Association (APTA) Rail Conference. Sheridan highlighted some of the key features on the conference, among them zero-emission vehicles and technology advances. Sheridan then gave the floor to Legislative Advocate Gus Khouri who gave a legislative update on the State budget and the options Valley Link has for funding. Directors discussed this item. There was no public comment

9. Directors’ Discussion

Director Hudson urged members to attend the upcoming Air & Waste Management Association meeting, June 27-30th in San Francisco. Director King-Tingle thanked Vargas and Hernandez for all the work to promote the project and expressed how much she though the project contributed to the continued growth and expansion of the Mountain House community.

10. Next Meeting

July 13, 2022 at 2 p.m. via teleconference

11. Adjourn

Meeting adjourned without objection at 3.43 p.m.

AGENDA

ITEM 4 B





Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Treasurer's Report for May 2022
FROM: Tamara Edwards, Director of Finance
DATE: July 13, 2022

Action Requested

Staff requests that the Tri-Valley – San Joaquin Valley Regional Rail Authority Board accept the Treasurer's Report for May 2022.

Background/Discussion

The Treasurer's Reports shows all expenses and revenues for the month of May as well as the year to date totals.

The fund balance reflected on both the balance sheet and the expense report is the difference between the revenue received and the expenses. As the Rail Authority's funding is all on a reimbursement basis this will be reflected as a negative amount (expenses higher than revenues) until year end when accruals are done at which time the fund balance will be zero. Additionally, as all of the Rail Authority's funding is on a reimbursement basis LAVTA continues to provide the cash flow for the Rail Authority which is reflected in the funds due to LAVTA line item.

Attachments:

1. May 2022 Treasurer's Report

ATTACHMENT 1



Tri-Valley San Joaquin Regional Rail Authority
BALANCE SHEET
FOR THE PERIOD ENDING:
May 31, 2022

ASSETS:

108 CASH-GENERAL CHECKING	1,335,612	
120 ACCOUNTS RECEIVABLE	(582)	
150 PREPAID EXPENSES	0	
TOTAL ASSETS		1,335,031

LIABILITIES:

205 ACCOUNTS PAYABLE	0	
20501 DUE TO LAVTA	2,929,055	
22110 PAYROLL CLEARING	0	
211 PRE-PAID REVENUE	45,720	
22000 FIT	0	
22010 SIT	0	
22020 FICA	(0)	
22030 SDI	0	
22090 Worker's Comp	8,264	
22100 457	87,474	
TOTAL LIABILITIES		3,070,513

FUND BALANCE:

301 FUND RESERVE	0	
304 GRANTS, DONATIONS, PAID-IN CAPITAL	0	
30401 SALE OF BUSES & EQUIPMENT	0	
FUND BALANCE	(1,735,483)	
TOTAL FUND BALANCE		-1,735,483
TOTAL LIABILITIES & FUND BALANCE		1,335,031

Tri-Valley San Joaquin Regional Rail Authority
REVENUE REPORT
FOR THE PERIOD ENDING:
May 31, 2022

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
	Caltrans	0	0	0		
	MTC-Bridge Tolls	24,497,378	13,986	2,399,915	22,097,463	9.8%
	Alameda County/Strategic Development	0	0	0		
	Government Relations/Community Engage	0	0	0		
	TOTAL REVENUE	24,497,378	13,986	2,399,915	22,097,463	9.8%

Tri-Valley San Joaquin Regional Rail Authority
EXPENDITURE REPORT
May 31, 2022

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
Direct Labor and Benefits						
	Executive Director	49,583	3,333	102,500	(52,917)	206.72%
	Executive Director #2	250,000	22,500	267,482	(17,482)	106.99%
	Deputy Executive Director	106,417	19,968	76,130	30,287	71.54%
	Administrative Assistant	95,000	12,631	61,571	33,429	64.81%
	Finance Director	45,000	7,000	35,000	10,000	77.78%
	Manager of Policy, Planning, and Environmental	180,000	17,756	164,080	15,920	91.16%
	Rail Engineering, and Construction Project Manager	195,000	19,083	174,854	20,146	89.67%
	IT support	5,000	0	0	5,000	0.00%
	Director or Innovation	30,000	3,333	26,667	3,333	88.89%
	Marketing Director	30,000	2,500	22,500	7,500	75.00%
	Employee Benefits	200,000	9,933	69,445	130,555	34.72%
	TOTAL - Direct Labor	1,186,000	118,038	1,000,229	185,771	84.34%
Consultants/seconded staff						
	Project Management support- Civil	335,000	0	49,888	285,112	14.89%
	Program Management Staff	2,239,684	0	579,168	1,660,516	25.86%
	General Engineering Consultants	17,148,694	160,172	1,417,309	15,731,385	8.26%
	AECOM	750,000	0	0	750,000	0.00%
	Hydrogen Proof of Concept	100,000	17,368	20,895	79,105	20.90%
	Government Relations/Community Engagement	320,000	18,000	166,000	154,000	51.88%
	TOTAL - Consultants	20,893,378	195,540	2,233,260	18,660,118	10.69%
Other Direct Costs						
	Legal	430,000	31,230	214,818	215,182	49.96%
	Insurance	50,000	0	10,370	39,630	20.74%
	Audits	25,000	45	105	24,895	0.42%
	HR	10,000	2,798	2,798	7,202	27.98%
	Line of Credit	115,000	0	0	115,000	0.00%
	Travel/Mileage/Mis	25,000	6,230	29,713	(4,713)	118.85%
	Office space/furnishings	180,000	12,260	78,531	101,469	43.63%
	ACTC	412,000	0	0	412,000	0.00%
	SJRRC	150,000	0	0	150,000	0.00%
	BART	440,000	165,540	496,621	(56,621)	112.87%
	Caltrans Reimbursement	540,000	745	35,083	504,917	6.50%
	Union Pacific Reimbursement	41,000	0	0	41,000	0.00%
	TOTAL OTHER DIRECT COSTS	2,418,000.00	218,848.98	868,037.89	1,549,962	35.90%
	TOTAL OPERATING EXPENDITURES	24,497,378	532,427	4,101,527	20,395,851	16.74%
	LAVTA Expense		616	25,607		
	FUND BALANCE (OPERATING)		(519,057)	(1,727,219)		

AGENDA

ITEM 4 C





STAFF REPORT

SUBJECT: Resolution R14-2022 Declaring that Agency Meetings Will Continue To Be Held Via Teleconference

FROM: Kevin Sheridan, Executive Director/CEO

DATE: July 13, 2022

Action Requested

Staff requests that the Board of Directors (Board) adopt a resolution declaring that agency meetings will continue to meet via teleconference to ensure the health and safety of the public.

Background/Discussion

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20, effective October 1, 2021. At that point, agencies would have transitioned back to public meetings held in full compliance with the preexisting Brown Act teleconference rules. Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including San Joaquin Public Health Services, the California Department of Public Health and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

On September 16, 2021, Governor signed Assembly Bill (AB) 361 into law, effective October 1, 2021, to allow agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction. AB 361 will sunset on January 31, 2024.

Under AB 361, a local agency will be allowed to meet remotely without complying with prior Brown Act teleconference requirements when:

- The local agency holds a meeting during a state of emergency declared by the Governor, and either
 - State or local health officials have imposed or recommended measures to promote social distancing, or
 - The legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

As discussed above, state and local officials continue to recommend social distancing. Therefore, Valley Link can continue to conduct meetings via teleconference, as long as it adheres to the following emergency requirements under Government Code Section 54953(e)(2), added by AB 361:

1. The legislative body gives notice and posts agendas as otherwise required by the Brown Act, including directions for how the public can access the meeting.
2. The legislative body does not take formal action on any item whenever there is a disruption in the meeting broadcast.
3. The public is allowed to provide comment in real time.
4. The legislative body allows time during a public comment period for members of the public to register with any internet website required to submit public comment.

For upcoming teleconference meetings, the Board can continue to follow the AB 361 requirements by declaring every 30 days that it has reconsidered the circumstances of the state of emergency and either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (2) state or local officials continue to impose or recommend measures to promote social distancing. These findings can be made through the consent calendar.

Fiscal Impact

There is no fiscal impact associated with this action.

Recommended Action

Adopt the attached resolution declaring that meetings of the Tri-Valley-San Joaquin Valley Regional Rail Authority will continue to be held via teleconference in accordance with Assembly Bill 361 and the provisions of Government Code Section 54953(e).

Attachments

1. Resolution R14-2022

ATTACHMENT 1





RESOLUTION NO. R14-2022

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN
VALLEY REGIONAL RAIL AUTHORITY DECLARING THAT AGENCY MEETINGS WILL
CONTINUE TO BE HELD VIA TELECONFERENCE**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19.; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow legislative bodies to conduct meetings electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency where state or local officials have recommended measures to promote social distancing; and

WHEREAS, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including San Joaquin County Public Health Services, the California Department of Public Health and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

NOW, THEREFORE, BE IT RESOLVED that, in order to ensure the health and safety of the public, meetings of the Tri-Valley-San Joaquin Valley Regional Rail Authority will continue to be held via teleconference in accordance with Assembly Bill 361 and the provisions of Government Code Section 54953(e).

APPROVED AND PASSED, this 13th day of July, 2022.

Veronica Vargas, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

AGENDA

ITEM 5





Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Executive Director's Report
FROM: Kevin Sheridan, Executive Director/CEO
DATE: July 13, 2022

Action Requested

This is an information item and no action is requested.

Background/Discussion

An oral report will be provided at the board meeting.