



Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

Board of Directors

Meeting Packet

June 9, 2021 at 2 p.m.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS June 9, 2021 at 2:00 p.m. via teleconference

CORONAVIRUS DISEASE (COVID-19) ADVISORY AND MEETING PROCEDURE

On March 16, 2020, the Health Officer of Alameda County issued an Order that has been continued through May 31, 2020, that directed that all individuals living in the county to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services.

Under the Governor's Executive Order N-29-20, this meeting may utilize teleconferencing. As a precaution to protect the health and safety of staff, officials, and the general public. Councilmembers 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 and will remain closed for the duration of the shelter-in-place order. Consequently, there will be no physical location for members of the public to participate in the meeting. We encourage members of the public to shelter in place and access the meeting online using the instructions listed on the agenda. Online attendees will have the opportunity to speak during Public Comment.

If you are would like to submit public comment via email, please do so by 11:00 a.m. on Wednesday, June 9, 2021 to comments@valleylinkrail.com. Please include "Public Comment June 9, 2021" and the agenda item in the subject line. In the body of the email please include your full name. Public comments submitted 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.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS June 9, 2021 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 need to 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 11:00 a.m. on Wednesday, June 9, 2021 to comments@valleylinkrail.com

Please include “Public Comment - June 9, 2021” 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
June 9, 2021 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 May 12, 2021 Board of Directors Meeting.
 - b. Treasurer’s Report for April 2021.
5. Executive Director’s Report – **INFORMATION**
6. Fiscal Year 2022 Budget – **ACTION**
7. Resolution R09-2021 Adoption of Human Resources Policy– **ACTION**
8. Resolution R10-2021 Authorizing the Executive Director to Execute an Employment Agreement with Kevin Sheridan as the Authority's Deputy Executive Director/Program Manager – **ACTION**
9. Resolution R11-2021 Authorizing the Executive Director to enter into a two-year lease agreement for office space located at 2600 Kitty Hawk Road, Livermore CA 94551 – **ACTION**
10. Directors’ Discussion
Comments, Questions and Agenda Requests
11. Next Meeting Details: July 14, 2021 at 2 p.m.
12. Adjourn

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.

AGENDA

ITEM 4 A



Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of May 12, 2021 meeting via Zoom Teleconference

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

Meeting was called to order by Board Chair Veronica Vargas at 2:01 p.m.

a. Oath of Office

Supervisor Rickman administered the oath to Councilmember Dan Wright, Stockton.

2. **Roll Call of Members**

Members Present

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

Members Absent

None

3. **Public Comments**

Public comment was heard from Herb Hastings.

4. **Consent Calendar – ACTION**

Motion to approve all items on Consent Calendar as follows:

- a. Minutes of March 10, 2021 Board of Directors Meeting.
- b. Treasurer's Reports for February and March 2021.

Motion: Cantu/Zuber

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

Nay: None

Abstain: None

Absent: None

Motion Passed

5. **Executive Directors Report – INFORMATION**

Executive Director Michael Tree gave an oral report

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of May 12, 2021 meeting via Zoom Teleconference

- **SB548** – This bill contained clarifications regarding the Authority, was approved by the full senate in April and continues to move forward.
- **Program Manager update** – Ric Rattray will continue to be involved in the project as the recruitment efforts for a Deputy Executive Director/Program Manager continue. Interviews set to be conducted within the next week. Information on hiring of the Authority’s first employees will be brought to the June board meeting.
- **Executive Committee** – The committee will meet this month; on the agenda will be the review of plans for NEPA and PA&ED environmental design with Caltrans. Staff is actively engaging with Congressmen in Washington DC and Assemblymembers in Sacramento regarding project funding.
- **NEPA** – Staff is working closely with the FTA. The General Engineering Consultants are updating the Valley Link Funding Plan and project schedule, both requirements for FTA to be the lead agency on NEPA.

There was no director discussion or public comment.

6. **Adopt Resolutions R07-2021 – Certification of the Final Environmental Impact Report (EIR) and R08-2021 – Project Approval of the Valley Link Project with Findings Required by the California Environmental Quality Act – ACTION**

Tree gave an overview of the project timeline and objectives then introduced Diane Cowin, AECOM and Rich Walter, ICF who gave a presentation on the final EIR’s recommended preferred alternatives, the benefits of these alternatives, responses to comments received and next steps.

Directors discussed this item. Public comment was heard from Adrian Brandt, Vaughn Wolfe, Dan Arriola, Dino Maragos, Donna Cabanne and Alice English. A list of all names of individuals and organizations, from which written public comment was received, was read and made available on the Authority’s website. Attorney Michael Conneran and Rich Walter, ICF responded to questions from the public.

Motion: Woerner/Stepper

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

Nay: None

Abstain: None

Absent: None

Motion Passed

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of May 12, 2021 meeting via Zoom Teleconference

7. Adopt Resolution R05-2021 to Approve and Adopt a Disadvantaged Business Enterprise (DBE) Program – ACTION

Conneran introduced Katherine Tsou, who gave a presentation on the DBE Program.

Directors discussed this item. David Shonbrun was allowed to comment on the previous agenda item. Public comment was heard from Scott Haggerty.

Motion: McPartland/Hudson

Aye: Akinjo, Cantu, Haubert, Hernandez, Hudson, Kiick, McPartland, Narum, Stepper, Tingle, Vargas, Woerner, Zuber

Nay: None

Abstain: None

Absent: Rickman, Wright

Motion Passed

8. Approve Resolution R06-2021 to Authorize the Executive Director to Execute a Contract Amendment with Rattray Program Management, LLC for Rail Program Management Consulting Services – ACTION

Tree gave a brief overview of the requested amendment. The directors discussed this item. No public comment was heard.

Motion: McPartland/Cantu

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

Nay: None

Abstain: None

Absent: Rickman

Motion Passed

9. Directors' Discussion

Director Hudson stressed the importance of board members and staff attending events like the American Public Transportation Association (APTA) Conference to keep abreast with the latest technologies and advancements in the world of rail.

10. Next Meeting

June 9, 2021 at 2 p.m.

11. Adjourn (Wright/Hudson – without objection)

Meeting adjourned at 4.11 p.m.

AGENDA

ITEM 4 B





Tri-Valley San Joaquin Valley **REGIONAL RAIL AUTHORITY**

STAFF REPORT

SUBJECT: Treasurer's Report for April 2021
FROM: Tamara Edwards, Director of Finance
DATE: June 9, 2021

Action Requested

Staff requests that the Tri-Valley – San Joaquin Valley Regional Rail Authority Board accept the Treasurer's Report for April 2021.

Background/Discussion

The Treasurer's Report shows all expenses and revenues for the month of April 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. April 2021 Treasurer's Report

ATTACHMENT 1



Tri-Valley San Joaquin Regional Rail Authority
BALANCE SHEET
FOR THE PERIOD ENDING:
April 30, 2021

ASSETS:

108 CASH-GENERAL CHECKING	1,129,792	
120 ACCOUNTS RECEIVABLE	(282)	
150 PREPAID EXPENSES	0	
TOTAL ASSETS		1,129,510

LIABILITIES:

205 ACCOUNTS PAYABLE	0	
20501 DUE TO LAVTA	2,860,116	
211 PRE-PAID REVENUE	178,290	
TOTAL LIABILITIES		3,038,406

FUND BALANCE:

301 FUND RESERVE	0	
304 GRANTS, DONATIONS, PAID-IN CAPITAL	0	
30401 SALE OF BUSES & EQUIPMENT	0	
FUND BALANCE	(1,908,895)	
TOTAL FUND BALANCE		-1,908,895

TOTAL LIABILITIES & FUND BALANCE		1,129,510
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Tri-Valley San Joaquin Regional Rail Authority
REVENUE REPORT
FOR THE PERIOD ENDING:
April 30, 2021

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
	Caltrans	20,000	0	0	20,000	0.0%
	MTC-Bridge Tolls	9,308,657	0	1,474,154	7,834,503	15.8%
	Alameda County/Strategic Development	39,950	0	20,475	19,475	51.3%
	Government Relations/Community Engage	58,815	0	0	58,815	0.0%
	TOTAL REVENUE	9,427,422	0	1,494,629	7,932,793	15.9%

Tri-Valley San Joaquin Regional Rail Authority
EXPENDITURE REPORT
April 30, 2021

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
Direct Labor and Benefits						
	Executive Director	149,310	0	103,035	46,275	69.01%
	Administrative Assistant	96,200	0	62,311	33,889	64.77%
	Finance Director	42,000	0	25,819	16,181	61.47%
	IT support	36,000	0	0	36,000	0.00%
	Marketing Director	30,432	0	15,218	15,215	50.00%
	TOTAL - Direct Labor	353,942	0	206,383	147,559	58.31%
Consultants/seconded staff						
	Program Manager	490,000	0	0	490,000	0.00%
	Project Management support- Civil	373,607	0	0	373,607	0.00%
	Rail Vehicle Specs/Design	118,267	0	0	118,267	0.00%
	Program Management Staff	2,295,681	262,526	1,646,214	649,467	71.71%
	General Engineering Consultants	2,285,000	239,777	256,052	2,028,948	11.21%
	Environmental/30% Design	2,191,344	0	763,671	1,427,673	34.85%
	Feasibility Report	89,728	0	283,384	(193,656)	315.83%
	Strategic Development Dir	73,550	0	20,475	53,075	27.84%
	LTK	226,000	0	16,268	209,732	7.20%
	Government Relations/Community Engagement	15,000	0	16,775	(1,775)	111.83%
	TOTAL - Consultants	8,158,176	502,303	3,002,839	5,155,337	36.81%
Other Direct Costs						
	Legal	342,429	0	150,707	191,723	44.01%
	Insurance	10,000	0	7,624	2,376	76.24%
	Audits	25,000	0	5,395	19,605	21.58%
	Travel/Mileage/Mis	25,000	1,514	20,677	4,323	82.71%
	Office space/furnishings	145,000	0	1,122	143,878	0.77%
	ACE	20,000	0	0	20,000	0.00%
	BART	155,000	0	0	155,000	0.00%
	Caltrans Reimbursement	167,875	0	3,774	164,101	2.25%
	Union Pacific Reimbursement	25,000	0	0	25,000	0.00%
	TOTAL OTHER DIRECT COSTS	915,304.22	1,513.87	189,298.63	726,006	20.68%
	TOTAL OPERATING EXPENDITURES	9,427,422	503,817	3,398,520	6,028,902	36.05%
	LAVTA Expense		4,873	5,004		
	FUND BALANCE (OPERATING)	(0.37)	(508,690)	(1,908,895)		

AGENDA

ITEM 5





Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Executive Director's Report
FROM: Michael Tree, Executive Director
DATE: June 9, 2021

Action Requested

Informational item only.

Background/Discussion

An oral report will be provided at the Board meeting.

AGENDA

ITEM 6





Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Fiscal Year 2022 Budget
FROM: Michael Tree, Executive Director
DATE: June 9, 2021

Action Requested

Approve Budget for FY 2022

Background/Discussion

The Tri-Valley – San Joaquin Valley Regional Rail Authority continues to receive funding allocations from the Metropolitan Transportation Commission to advance the Valley Link Project. These funds are received on a reimbursement basis. The work for FY 2022 focuses primarily on the Project Approval/Environmental Documentation work in the I-580, federal environmental clearance, and 30% design. Included in this work will be the selection of train technology.

The Rail Authority anticipates that during FY 2022 supplemental funds will flow for the first time through the federal government, and that addition funds will also flow from the State. As these funds are received staff will bring back to the Board budget updates and amendments.

Attached is the anticipated revenues and expenses that make up the Fiscal Year 2022 budget. Below is a brief description of those revenues and expenses:

Revenues

MTC Allocations

MTC provided a multi-year allocation of bridge toll funds in June of 2020 in the amount of \$46.8 million to perform PA/ED work with Caltans in the 580, NEPA and 30% design as noted above in the staff report.

Expenses

Executive Director

The Executive Director for the Rail Authority is also the Executive Director for the Livermore Amador Valley Transit Authority and is paid a stipend for duties performed as the Executive Director of the Rail Authority.

Deputy Executive Director/Program Manager

This is a modified position (was previously titled Program Manager) for FY 2022 that is on the June 2021 Rail Authority agenda for approval. This position is considered in house and a key role for a wide variety of critical roles within the agency.

Finance Director

The Finance Director for the Rail Authority is also the Finance Director for the Livermore Amador Valley Transit Authority and is paid a stipend for duties performed as Finance Director of the Rail Authority.

Project Manager – Civil Engineering

The Project Manager over civil engineering is Mr. Bill O’Hair, who was previously seconded from BART to work full time on the Valley Link project. This position is a key role in the Rail Authority that the FTA expects to be in house. Mr. O’Hair retired recently from BART and is expected to be brought on board as an employee of the Rail Authority through approval of an employment agreement that will be considered by the Board in the July 2021 meeting.

Administrative Assistant

The Administrative Assistant is Ms. Candice Kendall, who is seconded from the Livermore Amador Valley Transit Authority.

General Engineering Consultant – WSP/PGH Wong

The General Engineering Consultant, and other consultants as needed, will pursue the 30% design effort and begin the environmental clearance process to ensure compliance with federal regulations. This effort is expected to take over 2 years and progress the work for on the State Highway System, architecture, systems, operations and maintenance, and the National Environmental Policy Act (NEPA). The Authority has budgeted \$30 million dollars to complete this work over multiple years.

Program Management Support Services

The Program Management Support Services (PMSS) will support the operational and administrative activities of the Authority and provide oversight/project controls of the GEC.

Government Relations/Community Engagement

Support for federal grants and other federal funding opportunities is provided by Peter Peyser. Support for State grants and other State funding opportunities is provided by Gus Khouri. Community engagement support is yet to be determined.

Insurance

The Rail Authority carries liability insurance for the agency.

Financial Audits

Each year the Rail Authority financial statements are audited to ensure the Board that the financial documents are accurately prepared and represented.

Legal and Legal Supplemental

General Counsel is provided by Mr. Michael Conneran of Hanson & Bridgett. Legal services have been used extensively to review the environmental work ongoing by the agency and to prepare and review contracts and Rail Authority policies and procedures.

Line of Credit

Thus far, cash flow management has been provided through the Livermore Amador Valley Transit Authority. Staff anticipates the need for a line of credit as more significant work is performed by consultant teams.

Office Space/Furnishings/Office Supplies

The Rail Authority has outgrown the simple one room cubicle arrangement provided by the Livermore Amador Valley Transit Authority and anticipates moving into an office suite during FY 2022 as provided for in the June 2020 MTC allocation of funds for the project. Accompanying that move into office to meet the needs of the Rail Authority will be the purchase of office furnishings and equipment. Office supplies are needed for the day-to-day work performed by the Rail Authority.

Travel/Mileage/Meetings

The travel/mileage budget is set up for regional meetings that require staff travel. Included in this line items are the costs associated with meetings, including Rail Authority Board meetings.

Caltrans/BART/ACTC/SJRRC/UPRR

Included in the June 2020 MTC allocation is funding to reimburse key partner agencies that are critical in the planning and delivery of Valley Link. These agencies include Caltrans, the Bay Area Rapid Transit District (BART), Alameda County Transportation Commission, San Joaquin Regional Rail Commission and the Union Pacific Railroad.

Recommendation

Approve Budget for FY 2022

Attachments:

1. FY 2022 Revenues and Expenses

ATTACHMENT 1



**TRI-VALLEY — SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY
FISCAL YEAR 2022 BUDGET**

REVENUES

MTC Allocation of RM2 Funds \$ 24,522,378.00

Grand Total Revenues \$ 24,522,378.00

EXPENSES

Direct Labor and Benefits

Executive Director	\$ 156,000.00
Deputy Exec Director/Program Manager	\$ 385,000.00
Finance Director	\$ 45,000.00
Project Manager / Civil	\$ 335,000.00
Administrative Assistant	\$ 95,000.00
Total	\$ 1,016,000.00

Consultants/Seconded Staff

General Engineering Consultant	\$ 17,148,694.00
Program Management Support Services	\$ 3,564,684.00
Government Relations/Community Engagement	\$ 350,000.00
Total	\$ 21,063,378.00

Other Direct Costs

Insurance	\$ 50,000.00
Financial Audits (incl software)	\$ 25,000.00
Legal / Legal Supplemental	\$ 430,000.00
Line-of-Credit	\$ 125,000.00
Office Space/Furnishings/Office Supplies	\$ 180,000.00
Travel/Mileage/Meetings	\$ 25,000.00
Caltrans	\$ 540,000.00
BART	\$ 440,000.00
ACTC	\$ 412,000.00
SJRRRC	\$ 150,000.00
UPRR	\$ 41,000.00
Total	\$ 2,418,000.00

Grand Total Expenses \$ 24,497,378.00

AGENDA

ITEM 7





Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Resolution R09-2021 Adoption of Human Resources Policy
FROM: Michael Tree, Executive Director, and Michael Conneran, General Counsel
DATE: June 9, 2021

Action Requested

Adopt attached Human Resources Policy to support hiring of employees by the Authority.

Background/Discussion

Valley Link is about to bring on permanent staff to administer the agency and oversee existing contracts. In order to properly manage this new function, the Authority needs to adopt policies that will regulate the employment function. The attached policy, based on the policy adopted by the LAVTA board, addresses this need.

Fiscal Impact

There are no financial impacts from the adoption of this policy apart from those addressed in the specific employment agreements.

Recommended Action

Staff and counsel request that the Board of Directors approve Resolution R09-2021, adopting Valley Link's Human Resources Policy.

Attachments

1. Resolution R09-2021
2. Human Resources Policy

ATTACHMENT 1





RESOLUTION NO. R09-2021

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY
ADOPTING A HUMAN RESOURCES POLICY**

WHEREAS, the Legislature adopted AB 758, establishing the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) under California Public Utilities Code Section 132651 *et seq.*, to plan, develop and deliver cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's rapid transit system in the Tri-Valley and the Altamont Corridor Express commuter rail service;

WHEREAS, as required by AB 758, the Authority prepared and delivered an initial Project Feasibility Report to the Legislature on June 30, 2019 to explore the improvement of transit connectivity between the Tri-Valley and San Joaquin Valley; and

WHEREAS, pursuant to the final Project Feasibility Report, the Authority has been engaged in the design and environmental activities to advance the Valley Link Rail Project (Project) towards construction and eventual operation; and

WHEREAS, on June 24, 2020 secured \$46.8 million from the Metropolitan Transportation Commission (MTC) for the Project including the preparation of 30% design plans, a federal environmental document, and various operational and technical reports that will allow the Project to advance expeditiously to meet the overall project schedule; and

WHEREAS, staff recommends that the Board adopt a Human Resources Policy to govern its employment relations and ensure compliance with applicable law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby adopts the Human Resources Policy attached as Exhibit A.

APPROVED AND PASSED, this 9th day of June 2021.

Veronica Vargas, Chair

ATTEST:

Michael Tree, Executive Director

ATTACHMENT 2



TRI-VALLEY–SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY
HUMAN RESOURCES POLICY

1. GENERAL PROVISIONS

1.1 PURPOSE

The objective of this policy is to facilitate efficient service to the public and to provide a human resources management system for the Tri-Valley–San Joaquin Valley Regional Rail Authority (the "Agency") that deals with all employees in an equitable and uniform manner.

1.2 SCOPE

In cases where these policies conflict with agreements duly agreed upon between any employee and the Agency, the provisions of the agreement shall govern. In all other cases, these rules shall apply.

2. POLICIES AND PROCEDURES

2.1 APPLICATIONS FOR EMPLOYMENT

Application for employment shall be made in a manner prescribed by the Executive Director. Applications shall require information on specific job experience, education, and training, shall contain job-related information, and shall be signed and dated by the applicant.

- 2.1.1 No questions on any application or asked at an interview shall attempt to elicit information concerning race (inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), religion, color, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity (including transgender identity), gender expression (including transgender expression, because an individual is transitioning or is perceived to be transitioning), sexual orientation, national origin, ancestry, marital status, citizenship status, uniform service member and veteran status, disability, genetic information, age, mental and physical disability (including HIV and AIDS), protected medical condition (cancer, or a history of cancer), creed, genetic information and/or any other basis protected by federal, state, or local law for the purpose of discrimination.

- 2.1.2 All statements submitted on the application or attached resume may be subject to investigation and verification prior to appointment.
- 2.1.3 All job openings will be subject to a competitive process. The Executive Director or designee shall determine whether competition shall be limited to internal candidates or shall be opened to all qualified candidates. If competition includes outside candidates, the job opening will be advertised as appropriate to the position and in accordance with the Valley Link Human Resources Procedures Manual.
- 2.1.4 The Agency shall conform to all requirements under the Americans with Disability Act relating to application for employment and continued service with the Agency.

2.2 APPOINTMENT

- 2.2.1 All appointments to vacancies shall be made by the Executive Director or designee after considering the qualifications of the applicants.
- 2.2.2 Qualified Agency employees will be given due consideration for any available position upon application for the position.

2.3 ATTENDANCE

- 2.3.1 Employees shall be in attendance at their job in accordance with the rules regarding hours of work, holidays and leave of absence.
- 2.3.2 An employee shall not be absent from work for any reason other than those specified in this Human Resources Policy without making prior arrangements with the Executive Director or designee. Unless prior arrangements are made, an employee who, for any reason, fails to report to work, shall make a sincere effort to immediately notify the Executive Director or designee of the reason for being absent. If the absence continues beyond the first day, the employee shall notify the Executive Director or designee on a daily basis unless other arrangements have been made. *The Executive Director or designee may require a medical certificate from the employee's treating physician if the absence continues over three consecutive days.*
- 2.3.3 Any unauthorized absence of an employee shall be deemed to be an absence without pay and may be cause for disciplinary action in accordance with applicable law.

2.4 OVERTIME COMPENSATION

- 2.4.1 Employees shall be paid for their hours worked in accordance with all legal requirements. Employees who qualify as administrative, executive, or professional employees within the meaning of the state and federal wage and hour laws, are exempt from overtime pay and are not subject to this policy. All nonexempt employees qualify for overtime pay.
- 2.4.2 All overtime work by a nonexempt employee must be approved in advance by an employee's supervisor. Because unauthorized overtime is against Facility policy, employees who work unauthorized overtime will be paid for that overtime, but are subject to discipline, possibly including termination.
- 2.4.3 Overtime pay is calculated at one and one-half (1½) times the employee's regular rate for all hours over eight (8) hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek or forty (40) hours in one workweek (see above for the Agency's established workdays and workweeks). Overtime is computed based on a nonexempt employee's total hours worked in a workday and a workweek. Hours for which the Agency pays but are not worked, e.g., paid time off under the Agency paid time off benefits, and paid holidays, do not count as hours worked for overtime purposes.
- 2.4.5 Overtime hours over twelve (12) in one workday, or over eight (8) on a seventh consecutive day of work, are paid at two (2) times the employee's regular rate.

2.5 HOURS OF WORK

- 2.5.1 The Administrative Office shall be open for the public between 8:30 a.m. and 5:00 p.m. each weekday, except on Agency holidays as per paragraph 5.1.1.
- 2.5.2 Employees will work per established full time (40 hours per week) or part-time schedule.

2.6 LAYOFF

- 2.6.1 The Executive Director may lay off employees for lack of work, budgetary restrictions, or due to other changes that take place. Layoffs will be made based on performance without regard for

seniority. The employee will be given two (2) weeks' notice, except in cases of emergency, before layoff takes place.

2.7 LEAVES OF ABSENCE

2.7.1 Personal Leaves:

The Executive Director or designee may grant a regular employee leave of absence without pay, not to exceed three (3) months, for personal leave.. No such leave shall be granted except in written form and upon written request of the employee setting forth the reason therefore. Upon expiration of a regularly approved leave of absence without pay, the employee shall be reinstated in the position held at the time leave was granted if such position is available; however, reinstatement is not guaranteed. Failure on the part of an employee on leave to report promptly at its expiration or within a reasonable time after notice to return to duty shall be cause for discipline. The Executive Director or designee may grant an employee in the introductory period a leave of absence without pay for one (1) calendar week only.

a. Medical and Other Benefits

During an approved personal leave of absence without pay per paragraph 2.7.2, employee must pay the employee's portion of the premium as directed by the Agency. Employee's health care coverage will cease if the employee's premium payment is more than 30 days late. If employee's payment is more than 30 days late, the Agency will send the employee a letter to this effect. If the Agency does not receive the Agency's co-payment within 15 days of that letter, the employee's coverage may cease. If employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee may be required to reimburse the Agency for the cost of the health benefit premiums paid by the Agency for maintaining coverage during the employee's unpaid leave.

During the unpaid leave, PTO accrual will cease.

2.7.2 Temporary Disability Leaves:

- a. An unpaid medical leave of absence may be granted for temporary medical disabilities with a doctor's written certificate of disability if a leave is necessary to reasonably accommodate a workplace injury or a qualified disability under the Americans With Disabilities Act or the Fair Employment and Housing Act.

Temporary disability leave runs concurrently with Family Medical Leave.

- b. The duration of a disability leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation.
- c. If the disability leave is needed due to a work-related injury, all matters relating to an employee's leave rights, including compensation, benefits, substitution of paid leave, notice and certification requirements, and reinstatement shall be governed by the state workers' compensation laws.
- d. Requests for leave should be made as far in advance as possible. Employees are required to use any unused accrued sick leave and vacation. Employees may also be eligible for State Disability Insurance (SDI) benefits. Use of sick leave, vacation leave or State Disability Insurance benefits does not extend the time period of the leave of absence.

2.7.3 Family Medical Leave Act

The Agency provides family care, medical, and military family leave for up to 12 or 26 weeks per year, depending on the reason, in accordance with the California Family Rights Act of 1993 (CFRA) and the federal Family and Medical Leave Act of 1993 (FMLA).

To qualify for family care, medical, and military leave an employee must: (1) have worked for the Agency for at least 12 months, although it need not be consecutive; (2) worked at least 1,250 hours in the last 12 months; and (3) be employed at a worksite that has 50 or more employees within 75 miles.

Employees may qualify for family care, medical, and military family leave under CFRA if they are a California employee who: (1) has worked for the Agency for at least 12 months and have worked at least 1,250 hours in the last 12 months.

In the case of a pregnancy-related disability or other legally protected disability or medical condition or work-related injury, an employee may not need to satisfy all of the requirements above. In such circumstances, the leave should be evaluated under Pregnancy Disability Leave or the California New Parent Leave. Employees

eligible for leave under the 2021 CFRA policy may also be eligible to take up to 12 workweeks of unpaid protected leave during any 12-month period to bond with a new child of the employee.

Family care and medical leave may be requested for (1) the birth or adoption of an employee's child; or (2) the placement of a foster child with the employee; or (3) the serious health condition of an employee's child, domestic partner, spouse, parent, and of a grandparent, grandchild, or sibling; or (4) an employee's own serious health condition.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either (1) the individual being admitted to a medical care facility with the exception that they will remain at least overnight, or (2) continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Military exigency leave may be requested when there is qualifying military exigency arising out of the fact that an employee's spouse, domestic partner, child, or parent is on covered active duty (or have been notified of an impending call or order to covered active duty) in the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code.

Military caregiver leave may be requested to care for a covered servicemember if the employee is the covered servicemember's spouse, child, parent, or next of kin. For purposes of this leave, a covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness.

a. Amount of Leave

an employee may take a maximum of 12 weeks of family care, medical, and military exigency leave in a rolling 12-month period measured backwards from the date the employee's leave commences.

Employees who are unable to work due to pregnancy disability will be granted the greater of 12 weeks leave or the amount of leave to which the employee may be entitled under California state law for a pregnancy-related disability or in connection with childbirth. Family care leaves for the birth, adoption, or foster care placement of a child must be concluded within one year of the birth, adoption, or placement.

An employee may take a maximum of 26 weeks of military caregiver leave in a single 12-month period, inclusive of the time the employee takes for a family care, medical, or military exigency leave during that period. This 12-month period will be measured forward from the first day leave is taken.

Spouses who are both employed by the Agency may take a maximum combined total of 26 weeks in the 12-month period for the care of the servicemember and the birth, adoption, or foster care of their child or to care for an ill parent, provided that no more than 12 weeks of this combined 26-week period may be taken for reasons other than to care for the servicemember under the FMLA. Spouses who are both employed by the Agency and who are qualified for CFRA leave each may take their respective 12 workweeks of unpaid leave under the CFRA.

b. Time Off from Work Due to Employee's Disability Due to Pregnancy/ Childbirth/Adoption

Time off from work because of disability due to pregnancy, childbirth, foster care placement of a child, or adoption is counted as time used for FMLA/CFRA leave. Employees who are unable to work due to pregnancy will be granted the greater of 12 weeks leave or the amount of leave to which the employee may be entitled under California state law for pregnancy-related disability or in connection with childbirth. Family care leaves for the birth, adoption, or foster care placement of a child must be concluded within one year of the birth, adoption, or placement.. Pregnant employees should consult with Human Resources regarding their individual situation.

c. Notice of Leave

If the need for Family and Medical Leave is foreseeable, employee must give the Agency at least 30 days prior notice of the need for leave, preferably in writing. If this is not possible, employee must at least give notice as soon as practicable (generally within one (1) to two (2) business days of learning of the need for leave), and employee must comply with the Agency's usual and customary notice and procedural requirements for requesting leave absent unusual circumstances. Failure to provide such notice may be grounds for delay of leave. Additionally, if the employee is planning a medical treatment, the employee must consult with the Agency first regarding the dates of such treatment. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable. Where the need for leave is not foreseeable, employee should notify the Agency as soon as possible and practical.

The employee's notice must include sufficient information for the Agency to determine if the leave qualifies for FMLA/CFRA protection and for the Agency to determine the expected timing and duration of the leave.

e. Certification of a Serious Health Condition

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, employee must provide appropriate medical certification from the relevant health care provider within 15 calendar days after employee requests leave, if practicable. For foreseeable leaves the medical certification should be provided before leave begins. Failure to provide requested medical certification in a timely manner may be grounds for denial of foreseeable leave until such certification is provided. In the case of unforeseeable leaves, failure to timely provide the required certification may result in a denial of the employee's continued leave. The certification must include the name, address, phone and fax numbers of the health care provider and the type of medical practice, the approximate date on which the serious health condition began and its probable duration, a statement documenting the need for leave, and confirmation that, if the employee is the patient, employee is unable to perform one or more of the essential functions of the employee's job due to the serious health condition or, if a family member is the patient, confirmation that the family member is in need of care.

When permitted by law, the Agency, at its expense, may require an examination by a second health care provider designated by the

Agency, if it reasonably doubts the medical certification initially provided by the employee for the employee's own serious health condition. If the second health care provider's opinion conflicts with the original medical certification, the Agency, at its expense, may retain a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

Where the need for leave lasts beyond a single leave year, the Agency may require the employee to provide new medical certification in each subsequent leave year. Any request for an extension of the leave must be supported by an updated medical certification. Failure to provide requested recertification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Agency to support the employee's leave request.

f. Certification for a Qualifying Exigency

If the employee is requesting military exigency leave, employee must provide appropriate certification within 15 calendar days after employee requests leave, if practicable. Failure to provide requested certification in a timely manner may be grounds for delay of leave. Employee must provide a copy of the military member's active duty orders or other documentation issued by the military that indicates that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the member's active duty service.

Employee must also provide a signed statement of the facts regarding the qualifying exigency for which FMLA is requested, and provide the approximate date on which the qualifying exigency began or will begin, the beginning and end dates for the absence that is a single continuous period of leave (or, for intermittent or reduced schedule basis leave, an estimate of the frequency and duration of the qualifying exigency), and if the qualifying exigency involves meeting with a third party, provide appropriate contact information for any third party with whom the employee meeting and a brief description of the purpose of the meeting.

g. Certification for Military Caregiver Leave

If employee is requesting leave to care for a covered service member with a serious injury or illness, employee must provide medical certification that the serious injury or illness was incurred in the line of duty on active duty in the Armed Forces.

h. Reporting While on Leave

If employee takes leave because of the employee's own serious health condition or to care for a covered family relation, employee must contact the Agency as directed regarding the status of the condition and the employee's intention to return to work. In addition, employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change, are extended, or initially were unknown.

i. Leave is Unpaid

Family and Medical Leave is unpaid leave, although employee may be eligible for short-term or disability payments, paid family leave and/or workers' compensation benefits under those insurance plans. Employee may elect to substitute any accrued paid time off (e.g., PTO, administrative, etc.) for unpaid Family and Medical Leave. The use of paid leave is subject to the terms of the Agency's usual policies, procedures and restrictions applicable to that type of paid leave.

j. Medical and Other Benefits

For the first 12 weeks of an approved Family and Medical Leave, the Agency will maintain the employee's health benefits as if the employee continues to be actively employed. If paid leave is substituted for unpaid Family and Medical Leave, the Agency will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, employee must pay the employee's portion of the premium as directed by the Agency. Employee's health care coverage will cease if the employee's premium payment is more than 30 days late. If employee's payment is more than 30 days late, the Agency will send the employee a letter to this effect. If the Agency does not receive the Agency's co-payment within 15 days of that letter, the employee's coverage may cease. If employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee may be required to reimburse the Agency for the cost of the health benefit premiums paid by the Agency for maintaining coverage during the employee's unpaid leave.

During the unpaid portion of a family medical leave, PTO accrual will cease.

k. Intermittent and Reduced Schedule Leave

Leave because of a serious health condition, including pregnancy-related disabilities, or military caregiver leave, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours an employee works per workweek) if medically necessary. Qualifying exigency leave may also be taken intermittently or on a reduced-leave schedule. Any leave taken for birth or placement of a child must be taken in blocks of at least two weeks (but employee is allowed two exceptions), and must be taken within one year of the birth or placement of the child with the employee.

If leave is unpaid, the Agency will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced leave schedule, the Agency may temporarily transfer the employee to an available alternative position that better accommodates employee's recurring leave and has equivalent pay and benefits.

l. Returning from Leave

If employee takes leave because of the employee's own serious health condition, (except if the employee is taking intermittent leave) employee is required to provide medical certification from employee's health care provider that states that employee is able to resume work and that addresses the employee's ability to perform the essential functions of the employee's job. Employees failing to provide the return-to-work medical certification form will not be permitted to resume work until it is provided.

Under most circumstances, an employee who returns from a Family and Medical Leave will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if she or he had been continuously employed rather than on leave. In addition, employees who do not return to work are not entitled to an accrual of seniority or employment benefits that may have occurred during a leave period.

m. Employer Requirements

The Agency must inform employees requesting leave whether they are eligible for Family and Medical leave. If they are, the notice must outline any additional information that is required and outline the employees' rights and responsibilities. If they are not eligible, the notice must give a reason for the ineligibility. It is unlawful for any employer to interfere with, restrain, or deny the existence of any right provided under the FMLA/CFRA, to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA/CFRA or for involvement in any proceeding under or relating to the FMLA/CFRA. Employees may file a complaint with the U.S. Department of Labor or the California Department of Fair Employment and Housing, or employees may bring a private lawsuit to enforce the FMLA and the CFRA.

- 2.7.4 Leave of absence with pay shall be granted to an employee who is called or required to serve as a juror. The employee must return to work on any day that they are excused from service. The employee shall be paid the difference between his/her full salary and any payment received for such duty, except travel pay.
- 2.7.5 Leave of absence with pay shall be granted to an employee while going to and from court and answering a subpoena as a witness. The employee shall be paid the difference between his/her full salary and any payment received for such duty except travel pay.
- 2.7.6 Military leave shall be granted in accordance with provisions of law. Employees entitled to military leave shall give the Executive Director an opportunity, within the limits of military regulations, to determine when such leave shall be taken.
- 2.7.7 When an employee participates in a funeral ceremony he/she may use Paid Time Off (PTO) to perform such duty. Time not worked because of such absence shall not affect general leave accrued.
- 2.7.8 Where leaves without pay are granted, other than for disciplinary purposes, and do not exceed two (2) weeks, general leave shall accrue.
- 2.7.9 *Administrative Leave* - In recognition that management employees in positions classified as exempt are required to work hours beyond their regular hours of work to fulfill their management responsibilities, each exempt management employee shall be credited with seven (7) days of administrative leave per year.

The seven (7) days of administrative leave will be credited to each exempt management employee during the first pay period in July of each succeeding year.

All managers with unused administrative leave as of June 30 will be paid for said leave in the final pay period of the fiscal year.

Exempt management employees hired during the year preceding July 1 shall receive a prorated administrative leave. Management employees leaving the Agency prior to June 30 and who have unused Administrative Leave, will be credited on a prorated basis from July 1 to the termination date. If employee has used more than the prorated share, the final paycheck will be adjusted.

Exempt management employees are limited to the Executive Director and all employees in the Director Classification band.

2.8 INTRODUCTORY PERIOD

- 2.8.1 Original appointment shall be subject to an introductory period of six (6) months actual service.
- 2.8.2 New employees will be provided with an orientation to the Agency and their positions. Every month during the introductory period, new employees will meet with their supervisor to discuss the employee's performance to date. At the time of the discussion serious performance deficiencies shall be documented in writing and an action plan agreed to.
- 2.8.3 Upon completion of the introductory period, the Agency will review the employee's performance. If the Agency finds the employee's performance satisfactory and decides to continue his or her employment, it will advise the employee of any expected improvements. .
- 2.8.4 Employees not meeting performance requirements during the introductory period shall be notified of such action in writing by the Executive Director or designee at any time during the introductory period.
- 2.8.5 The introductory period may be extended once by the Executive Director for a period not to exceed ninety days, in order to further evaluate the performance of the employee.

2.9 TEMPORARY APPOINTMENTS

2.9.1 Appointments to Agency employment on other than an acting or regular basis shall be considered temporary. Such temporary appointments shall be allowed only as follows:

2.9.2 Temporary appointees shall serve at the discretion of the Executive Director or designee.

2.10 PROFESSIONAL DEVELOPMENT

2.10.1 Budgeted Agency funds may be used for attendance at professional development conferences, as approved by the Executive Director or designee.

2.10.2 Budgeted Agency funds may be used to meet the cost of registration and books for training requested by employee, provided that the program has been approved by the Executive Director or designee as being a benefit to the Agency. The Executive Director or designee, in considering a proposed training program, will require the employee to submit a Request for Authorization to Attend Training form and documentation which may as a minimum include:

- (1) An outline of program scope and purpose
- (2) An outline of specifics of the program to be undertaken
- (3) Proof of qualification for acceptance to the program
- (4) An outline of any leave from work required
- (5) A program expense budget
- (6) A demonstration that the Agency will accrue benefits from the training program equal to the Agency direct and indirect expense incurred; and
- (7) Any other information deemed to be necessary.

The Executive Director or designee shall make the final decision as to the approval of a requested training program based on the above-required prospectus.

2.10.3 Expenditure of Agency funds for academic courses shall be made after prior approval of the course by the Executive Director or designee. Employees shall furnish proof of a passing grade in the

course to receive tuition reimbursement by the Agency. Degree programs are excluded from this policy.

2.10.4 Leave from work may be granted for attendance at these programs if:

- (1) This is the only time the training is available
- (2) It can be scheduled so as not to unduly jeopardize operations of the Agency.

3. GENERAL CONDUCT, DISCIPLINE, TERMINATION, AND APPEAL

3.1 CONDUCT

3.1.1 It shall be the responsibility of all employees to represent the Agency in a courteous, efficient, and helpful manner. The purpose of the Agency's disciplinary procedure is to advise the employee of less than satisfactory behavior or conduct, and to act as a corrective measure for improvement.

3.2 CAUSES FOR DISCIPLINARY ACTION

3.2.1 Employees may be subjected to disciplinary action. The following, among others, are causes which, if shown to the satisfaction of the Executive Director or designee to be related to work performance, are sufficient for disciplinary action:

3.2.2 Being under the influence of alcohol or illegal drugs during working hours. Bringing or consuming alcoholic beverages on the Agency premises. Selling, using or possessing an illegal drug or controlled substance while on duty without a prescription.

3.2.3 Unsatisfactory work quality or quantity.

3.2.4 Failure to refusal to perform a work-related task, or Insubordination. Insubordination shall mean that the employee, having the ability to do a lawful reasonable act, which he/she is directed to do by the Executive Director or designee, willfully fails or neglects to perform the directed act.

3.2.5 Breach of written disciplinary action.

3.2.6 Absence without leave or failure to report to work after a leave of absence has expired or after such leave of absence has been disapproved or revoked.

- 3.2.7 Being habitually absent or tardy for any reason.
- 3.2.8 Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the Agency, its employees, customers or property.
- 3.2.9 Repeated garnishment of wages.
- 3.2.10 Falsifying or altering Agency records, including an application for employment or timekeeping records.
- 3.2.11 Disrespectful or discourteous conduct toward a customer or member of the public.
- 3.2.12 Misuse of Agency position, time, or property, including conducting personal business on Agency time and improper use of Agency equipment or credit card, or harming or destroying Agency property.
- 3.2.13 Disclosing or using confidential and/or proprietary information, such as the Agency's trade secrets, without authorization.
- 3.2.14 Theft, dishonesty.
- 3.2.15 Violating the Agency's rules against unlawful discrimination, harassment, or retaliation.
- 3.2.16 Failure to submit to a medical examination or failure to appear at the designated time and place for such examination.

3.3 TYPES OF DISCIPLINARY ACTIONS

In most cases, the Agency employs progressive steps in its disciplinary program. However, in all cases disciplinary measures shall be commensurate with the offense. Disciplinary measures may include verbal warnings, written warnings, suspensions, demotions, disciplinary probation, and terminations. Each disciplinary action, regardless of severity or position of employee, must be documented and state the grounds and reasons for the action.

3.3.1 Verbal Warnings

Verbal warnings are a discussion with the employee regarding infractions of Agency rules or policies, including the nature of the

violation, the expected behavior, and the discipline that will result if the infraction is repeated.

3.3.2 Written Warnings

Written warnings are a formal notice to the employee of a violation of Agency rules or policies. The written warning should describe the violation, cite any previous verbal or written warnings, and describe the expected behavior and the discipline that will result if the infraction is repeated.

3.3.3 Suspensions

Suspensions are unpaid, involuntary absences from work. Suspensions of five (5) days or more must be approved by the Executive Director or his/her designee. Employees suspended from Agency service shall forfeit all rights, privileges, and salary or other fringe benefits while on such suspension.

3.3.4 Demotions

Demotions are a change from one position to another having lesser duties, responsibilities and salary. Demotions must be approved by the Executive Director or his/her designee.

3.3.5 Disciplinary Probations

Employees may be placed into a probationary status because of unsatisfactory work performance and/or because of work rule violations. Employees have a specific timeframe within which to correct the problem behavior or performance. Immediate termination may occur during the disciplinary probation period if problems continue, new problems arise or if declines in performance occur.

3.3.6 Termination

Termination is the involuntary separation of the employee. Any termination must be approved by the Executive Director or his/her designee.

3.4 NOTICE OF DISCIPLINARY ACTION

3.4.1 Any disciplinary action that may result in suspension of five (5) or more days, demotion, or termination must be set forth in writing and provided to the employee at least five (5) days before the proposed

effective date. Notice of the proposed disciplinary action must include the following information:

- (i) A description of the proposed action, its effective date, and the rule or policy violated;
- (ii) A description of the acts or omissions forming the basis for the proposed action;
- (iii) A statement that a copy of any available materials upon which the action is based is attached to the notice.
- (iv) A statement that the employee has a right to respond orally, by requesting a conference with the supervisor imposing the discipline, or in writing prior to the effective date of the disciplinary action

3.5 RESIGNATION

3.5.1 An employee wishing to leave the service of the Agency in good standing will file with the Executive Director or his/her designee a written resignation stating the effective date and reason for leaving. The Agency requests that the employee submit the written resignation at least two (2) weeks in advance for the employee to be considered to have resigned in good standing.

3.5.2 Upon the submittal of a written or verbal notice of resignation, the action of the employee may not be rescinded without the approval of the Executive Director. The decision of the Executive Director on the request of an employee to withdraw a notice of resignation shall be final.

3.5.3 Failure of an employee to resign in good standing or give notice of resignation shall be entered in the employee's service record and may be cause for denying future employment with the Agency.

4. PERFORMANCE EVALUATIONS AND RATES OF PAY

4.1.1 Each regular employee shall receive an annual written performance evaluation. As part of the performance evaluation, an overall rating of clearly outstanding, exceeds expectations, meets expectations, needs improvement, or unsatisfactory will be given.

4.1.2 Regular employees receiving "needs improvement" or "unsatisfactory" performance evaluations will be provided with a

written action plan to improve performance and be scheduled for a follow up evaluation in six months.

- 4.1.3 New employees will be evaluated as described in paragraph 2.8. New employees who qualify for a six month evaluation prior to July 1st will be eligible for a prorated merit salary increase based on evaluation results and time served.

4.2 RATES OF PAY

- 4.2.1 Pay for Performance Compensation Plan The following is a description of the basic tenets of the Agency's performance pay plan for its employees who are not covered by a separate employment agreement. This plan underscores the Agency's commitment to achieving results and providing the best service with the finest employees.
- 4.2.2 Market Surveys – As part of the annual budget approval process, salary ranges will be established in accordance with procedures in the Human Resources Manual, which includes adherence to the Executive Director Compensation Policy and an annual salary survey for all established positions within the Agency. The Survey will establish a market range and midpoint for positions within the Agency.
- 4.2.3 Control Points – For each classification band in the pay plan a “control point” is established. The control point is considered the midpoint of the salary range. The midpoint represents the value of each position within the internal organizational structure. The plan provides an opportunity for individuals to earn up to 15% above their control point for continued exceptional performance. Conversely, salaries of employees not meeting the Agency's performance standards may drop to 15% less than the control point.
- 4.2.4 Performance Zones – Each salary range shall be divided into four performance zones as follows:

Zone One (85% through 95% of control point): This portion of the range is typically considered to be that into which a new employee is hired. However, where circumstances warrant, employees may be hired up to the control point.

Zone Two (96% through 104% of the control point): This is the portion of the salary range to which an employee may normally

expect to progress. Most employees will achieve and maintain a salary within this portion of the range.

Zone Three (105% through 111% of the control point): Only those employees whose performance, over time, exceeds expectations will achieve and maintain a salary that falls within this portion of the range.

Zone Four (111% through 115% of the control point): Only those employees whose performance, over time, far exceeds expectations will achieve and maintain a salary that falls within this portion of the range

- 4.2.5 Comp-Ratio – As part of the administration of the pay plan, a comp-ratio shall be computed for each employee. The comp-ratio represents the relationship of each employee’s current salary to the control point of his/her salary range. The comp-ratio is calculated by dividing the employee’s current salary by the control point of his/her salary grade.
- 4.2.6 Merit Salary Increase – Merit salary increases may be considered on an annual basis and distributed by the Executive Director based upon the recommendation of the supervisor and the following general guidelines
- Increase amounts should differ significantly as performance levels increase.
 - All other considerations being equal, employees in the lower performance zones of the salary range (below the control point) may receive larger percentage increases than those in higher performance zones (above the control point).
 - No salary increase shall be awarded in instances where a performance rating is “Needs Improvement” or “Unsatisfactory.”
- 4.2.7 In the month of June each year, employees will be eligible for individual salary adjustments effective July 1. Said increases shall be made based solely upon performance and in accordance with the guidelines above. No salary increase shall be made unless a performance appraisal has been made of the employee.
- 4.2.7 Performance Bonus – The Executive Director may recognize an employee’s specific accomplishments by authorizing a performance bonus. In the case of employees who do not report directly to the Executive Director the supervisor may recommend to the Executive Director that a bonus be given. The performance

bonus may be authorized for significant project accomplishments or significant cost savings beyond the normal high expectations of the staff. All bonuses granted shall be in the form of a one-time payment. The total of all bonuses granted shall not exceed 2% of the annual gross payroll.

4.2.8 Employees shall be paid salaries on the Friday following the end of the bi-weekly pay period.

5. BENEFITS

5.1 HOLIDAYS

5.1.1 Each full-time employee shall be entitled to the following paid holidays which are hereby declared to be official holidays of the Agency:

- a) New Year's Day January 1
- b) Martin Luther King, Jr. Day 3rd Mon. in January
- c) Washington's Birthday 3rd Mon. in February
- d) Memorial Day Last Mon. in May
- e) Independence Day July 4
- f) Labor Day 1st Mon. in September
- g) Veteran's Day November 11
- h) Thanksgiving Day 4th Thursday in Nov.
- i) Friday following Thanksgiving Day
- j) Christmas Eve December 24
- k) Christmas Day December 25
- l) New Year's Eve December 31

5.1.2 Any holiday falling on a Saturday shall be observed the preceding Friday. Holidays falling on a Sunday shall be observed the following Monday, unless that is already a designated holiday, in which case the holiday falling on a Sunday shall be observed on Friday.

5.2 PAID TIME OFF (PTO)

- 5.2.1 A plan for paid time off (PTO) shall be established for all employees regularly scheduled to work more than 1,040 hours on an annual basis, in lieu of traditional vacation leave, sick leave, bereavement leave, etc. PTO may be used for any leave purpose; however, its use shall be governed by the following sections.
- 5.2.2 Employees off work due to a disability, or on approved leave of absence, shall be required to use all PTO accrued prior to taking a leave of absence without pay. If an employee is eligible to receive disability benefits, PTO benefits will be coordinated with disability benefits to make up the difference between the disability benefit and the employee's monthly salary, until PTO benefits are exhausted.
- 5.2.2 There shall be two categories of PTO as outlined below:
- a) Scheduled PTO: Any PTO which can be reasonably forecast or anticipated, i.e. vacation, scheduled medical/dental appointments, extended weekends, personal leave, etc.
 - b) Unscheduled PTO: Any leave that is genuinely of an unanticipated nature, i.e. sick leave, bereavement leave, etc.
- 5.2.3 Scheduled PTO requires the approval of the Executive Director or his/her designee prior to the absence. Scheduled leave exceeding three weeks requires the special approval of the Executive Director. The employee shall be given due regard in selecting a convenient time to take scheduled PTO, provided it is not in direct conflict with the best interest of the Agency. A request for scheduled PTO should be submitted in accordance with established procedures. Every effort should be made to submit requests two weeks prior to the PTO.
- 5.2.4 The use of unscheduled PTO shall be reported on the employee's time card. Inappropriate or excessive use of unscheduled PTO may be grounds for disciplinary action.
- 5.2.5 "PTO Accrual": Depending on the status of the employee, the amount of PTO accrued shall be as follows:
- a) Full-Time Employees: Each full-time employee shall accrue PTO for each pay period of service, based on the years of service with the Agency. The accrual of PTO shall

begin upon entry on duty at the Agency. The accrual shall be in accordance with the following schedule:

Length of Service	PTO Accrued Each Pay Period
Beginning with the first day of service through the fifth year anniversary (without a break in service)	6.77 Hours
Following the fifth year	8.31 Hours

- b) Employees scheduled to work 20-40 Hours Per Week: For employees scheduled to work between 20 and 40 hours per week, the pro-rata share to be accrued will be the percentage of a regular 40 hour work week which they are scheduled to work, multiplied by the PTO accrued per month, as shown in Subsection a. above.

5.2.6 No employee shall accrue more than 346 hours of PTO. When an employee's unused PTO balance reaches this limit, all accrual of additional PTO shall cease until the balance falls below the maximum accrual limit.

5.2.7 Any employee separating from the Agency service who has accrued PTO shall be entitled to termination pay in lieu of such PTO. When separation is caused by death, payment shall be made to the employee's spouse or estate or, in applicable cases, as provided by the Probate Code of the State. Termination pay will be paid at the employee's current hourly rate at the time of termination, for any unused PTO.

5.3 PAID SICK LEAVE (TEMPORARY EMPLOYEES ONLY)

5.3.1 Temporary employees qualify to accrue paid sick leave upon the start of the temporary employee's employment. Temporary employees may take paid sick leave accrued under this policy if they have worked for the Agency for at least 90 days.

5.3.2 Temporary employees accrue one hour of paid sick leave for every 30 hours of work performed. Employees may not accrue more than 48 hours or six regularly-scheduled workdays of paid sick leave, whichever is greater, at any given time. Employees who reach the applicable cap will cease to accrue further paid sick leave hours until paid sick leave is used, at which point the employee will continue to

accrue additional paid sick leave up to the cap. Paid sick leave not used in a year otherwise carries over from year to year.

- 5.3.3 Temporary employees may take the greater of 24 hours or three regularly-scheduled workdays' worth of paid sick leave per year for any qualifying reason. Employees using paid sick leave must do so in minimum increments of two hours.
- 5.3.4 Paid sick leave may be used for the diagnosis, care (including preventative care), or treatment of an existing health condition of a temporary employee and certain family members of the employee. Employees who are the victim of domestic violence, sexual assault, or stalking also may use paid sick leave for treatment, assistance, and other purposes authorized by law.
- 5.3.5 If the need for sick leave is foreseeable, the employee must provide reasonable advance notice. If the leave is not foreseeable, the employee must provide notice of the leave as soon as practicable.
- 5.3.6 Accrued unused paid sick leave is not paid out upon termination. However, temporary employees separating from employment who are rehired within one year from the date of separation will have their previously accrued and unused paid sick days reinstated.

5.4 WORKERS' COMPENSATION

- 5.4.1 The employer shall observe the State law with regard to Workers' Compensation.

- 5.5 HEALTH COVERAGE DURING DISABILITY LEAVE. Full time employees off work due to a disability will continue to receive any existing health care benefits, as defined in Section 5.5, for up to six months following complete exhaustion of their leave accrual. At the end of six months employees on disability leave may continue coverage by paying the premium payments themselves through the Agency.

AGENDA

ITEM 8





Tri-Valley San Joaquin Valley **REGIONAL RAIL AUTHORITY**

STAFF REPORT

SUBJECT: Resolution R10-2021 Authorizing The Executive Director To Execute an Employment Agreement with Kevin Sheridan as the Authority's Deputy Executive Director/Program Manager

FROM: Michael Tree, Executive Director

DATE: June 9, 2021

Action Requested

Staff requests that the Board of Directors (Board) authorize the Executive Director to execute an Employment Agreement with Kevin Sheridan as the Authority's Deputy Executive Director/Program Manager, in a form approved by legal counsel.

Background/Discussion

Rail program management services are required as the Valley Link Project (Project) moves through the environmental and preliminary engineering phases. These services will support the Project as it begins the Caltrans Project Approval and Environmental Document (PA/ED) process and the pursuit of federal approvals under the National Environmental Quality Act (NEPA).

To date, these services have been provided by Ric Rattray, as an employee of BART and most recently as an independent contractor through his consulting firm, Rattray Program Management, LLC. In the near future, Mr. Rattray has plans to scale down his work load to part time necessitating that the Authority perform a recruitment. The Authority has widely advertised the Deputy Executive Director/Program Manager position, has interviewed several individuals for the position, and has determined that Kevin Sheridan, currently with the San Joaquin Regional Rail Commission, is the person best qualified for the position. Staff is now requesting the Board's authorization to allow the Executive Director to execute an Employment Agreement with Mr. Sheridan, in a form approved by legal counsel, and to establish benefit accounts and programs to fulfill the requirements of the Employment Agreement and applicable law.

Mr. Sheridan's contract will be for a three-year term, and provides for a three-month severance payment should his employment be terminated without cause during the contract term. He will initially be paid a salary of \$240,000 per year, which will increase after a three-month period to \$250,000 per year. In year two of his contract, he will be paid \$262,500, and in the third year, \$275,625. In addition, the agency will create a "cafeteria plan" for his benefits, to which it will deposit \$22,000 per year. The contract provides that the agency will establish a 401(a) plan and deposit 15% of his annual salary, and a 457 plan to which it will deposit 2% of his salary. He will also receive an automobile allowance of \$500 per month. No other

benefits are included. He will also be entitled to four weeks of Paid Time Off and seven days of Administrative Leave, per the HR policy.

Mr. Rattray will continue to assist with the Valley Link project.

Fiscal Impact

The cost of this Employment Agreement is within the Authority's existing budget.

Recommended Action

Authorize the Executive Director to execute an Employment Agreement with Kevin Sheridan as the Authority's Deputy Executive Director/Program Manager, in a form approved by legal counsel.

Attachments

1. Resolution R10-2021
2. Job Description, Deputy Executive Director/Program Manager

ATTACHMENT 1





RESOLUTION NO. R10-2021

* * *

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN EMPLOYMENT CONTRACT WITH KEVIN SHERIDAN TO SERVE AS THE AUTHORITY'S DEPUTY EXECUTIVE DIRECTOR/PROGRAM MANAGER

WHEREAS, the Legislature adopted AB 758, establishing the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) under California Public Utilities Code Section 132651 *et seq.*, to plan, develop and deliver cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's rapid transit system in the Tri-Valley and the Altamont Corridor Express commuter rail service;

WHEREAS, as required by AB 758, the Authority prepared and delivered an initial Project Feasibility Report to the Legislature on June 30, 2019 to explore the improvement of transit connectivity between the Tri-Valley and San Joaquin Valley; and

WHEREAS, pursuant to the final Project Feasibility Report, the Authority has been engaged in the design and environmental activities to advance the Valley Link Rail Project (Project) towards construction and eventual operation; and

WHEREAS, on June 24, 2020 secured \$46.8 million from the Metropolitan Transportation Commission (MTC) for the Project including the preparation of 30% design plans, a federal environmental document, and various operational and technical reports that will allow the Project to advance expeditiously to meet the overall project schedule; and

WHEREAS, staff recommends that the Board authorize the Executive Director to execute an Employment Agreement with Kevin Sheridan to serve as Deputy Executive Director/Program Manager.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby authorizes the Executive Director to execute an Employment Agreement with Kevin Sheridan to serve as Deputy Executive Director/Program Manager, in a form approved by legal counsel.

BE IT FURTHER RESOLVED that the Executive Director is authorized to take such additional actions necessary to establish benefit programs and comply with applicable law to enable the Authority to hire Mr. Sheridan.

APPROVED AND PASSED, this 9th day of June 2021.

Veronica Vargas, Chair

ATTEST:

Michael Tree, Executive Director

ATTACHMENT 2



TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

POSITION DESCRIPTION

POSITION Deputy Executive Director/Program Manager – Valley Link

CLASSIFICATION Exempt

POSITION DESCRIPTION

Under direction of the Executive Director and Board of Directors, the Deputy Executive Director/Program Manager (DED/PM) directs, administers and coordinates major executive or department-level programs, projects and activities; makes recommendations for action and assists in policy and procedure development and implementation; and performs related duties as assigned.

The DED/PM is responsible for complex and professional administrative duties in support of management initiatives. This position serves as liaison between departments and executive offices and/or assists in managing resources and programs; reviews and evaluates complex programs or directly manages activities and provides substantive recommendations within area of assignment.

DUTIES AND RESPONSIBILITIES - *Duties may include, but are not limited to, the following:*

- Provides professional and complex administrative support to the Executive Director and Board of Directors; develops, plans, organizes, directs and administers, reviews and evaluates complex programs and activities within area of assignment.
- Manages and oversees capital and operating construction projects and initiatives including budget and forecast for staffing, equipment, materials, supplies, and capital and operating projects funds related to capital and operating projects.
- Manages and oversees management team; oversees training, development, performance management including corrections of deficiencies, implementation of discipline and termination process.
- Oversees the development and implementation of executive office and assigned department goals, objectives, policies and priorities for each assigned service area.
- Establishes appropriate service and staffing levels; monitors and evaluates the efficiency and effectiveness of service and project delivery methods and procedures; allocates resources accordingly.
- Oversees the delivery of services for the Valley Link Project; works with key staff to identify and resolve problems.
- Assesses and monitors workload, administrative and support systems, and internal reporting relationships; identifies opportunities for improvement; directs and implements changes.
- Directs various projects including setting policies, goals and objectives and determines priorities to meet those objectives.

- Directs contracts related to planning, development/engineering and architectural interdisciplinary design and construction; directs the utilization of contracted consultant services on projects; resolves disputes with design/engineering consultants and construction contractors and negotiates major change orders.
- Oversees the financial control and administration of projects including the development of new project scopes, criteria, budgets and schedules.
- Oversees and coordinates contract administration; directs the preparation of requests for proposals for consultant and contractor services; coordinates the review of principles; submits and presents recommendations to the Executive Director and Board of Directors.
- Oversees the engineering design, development, testing and procurement of new revenue vehicles and the rehabilitation of vehicles.
- Selects, trains, motivates and evaluates assigned personnel; provides or coordinates management staff training; works with employees to correct deficiencies; implements discipline and termination procedures.
- Oversees and participates in the development and administration of budgets; approves the forecast of funds needed for staffing, equipment, materials and supplies; approves expenditures and implements budgetary adjustments and controls as appropriate and necessary.
- Explains and defends assigned programs, policies and activities; negotiates and resolves sensitive and controversial issues.
- Represents assigned projects to other executive staff, departments, elected officials, and outside agencies; and, coordinates activities with other departments and outside agencies and organizations.
- Ensures customer service and collaboration with the public, stakeholders, and other departments.
- Participates on a variety of boards, commissions and committees; prepares and presents staff reports and other necessary correspondence.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of public transportation development services.
- Responds to and resolves difficult and sensitive citizen inquiries and complaints.

Behavior

The employee shall work well under pressure meeting multiple and sometimes competing deadlines. The employee shall at all times demonstrate cooperative behavior with colleagues, supervisors, contract service providers, and the public.

KNOWLEDGE/SKILLS REQUIRED BY POSITION

Knowledge of:

- Operations, services and activities of a comprehensive public rail transportation system new development program including all structures and systems engineering, construction, and administrative program areas.
- Principles and practices of civil and structural engineering.
- Principles and practices of construction project management.
- Advanced principles and practices of program development, implementation and administration.
- Priorities of Executive Director and Board of Directors.
- Land acquisition process.

- Policies and procedures to develop and construct a project on the state highway system.
- Principles and practices of budget preparation and administration.
- Principles and practices of contract negotiation and administration.
- Principles of supervision, training and performance evaluation.
- Related Federal, State and local laws, codes and regulations.
- Methods and techniques of research and analysis.
- Methods and techniques of policy analysis and development.
- Principles of strategic planning.
- Current office procedures, methods and equipment including computers and supporting word processing and spreadsheet applications.
- Principles of business letter writing and report preparation.
- Principles and procedures of filing and record keeping.

Skills & Abilities:

- Managing and directing the development of comprehensive public rail transportation project including the structures and systems engineering, construction, financial and administrative program areas
- Managing overall program scope
- Developing and administering executive office and assigned departmental budgets, goals, objectives and procedures
- Analyzing and assessing programs, budgets, policies and operational needs and making appropriate adjustments
- Identifying and responding to sensitive community and organizational issues, concerns and needs.
- Delegating authority and responsibility
- Planning, organizing, directing and coordinating the work of lower level staff and consultants/contractors
- Selecting, supervising, training and evaluating staff
- Analyzing problems, identifying alternative solutions, projecting consequences of proposed actions and implementing recommendations in support of goals
- Researching, analyzing and evaluating new service and project delivery methods and techniques
- Overseeing and managing various disciplines and phases of rail transit projects, including planning, development/engineering and construction phases
- Overseeing and coordinating contract administration of consultant and contractor contracts
- Preparing clear and concise administrative and financial reports
- Preparing and administering large and complex budgets
- Administering contractor and consultant contracts
- Preparing clear and concise administrative and financial reports
- Interpreting and applying applicable Federal, State and local policies, laws and regulations
- Communicating clearly and concisely, both orally and in writing
- Establishing and maintaining effective working relationships with those contacted in the course of work
- Exercising sound independent judgment within general policy guidelines
- Independently preparing correspondence and memoranda
- Researching, analyzing, compiling and summarizing a variety of materials

- Operating office equipment including computers and supporting word processing and spreadsheet applications
- Understanding the organization and function of a public agency
- Interpreting and explaining Authority policies and procedures

ORGANIZATIONAL RELATIONSHIPS

Position reports directly to:

Executive Director

Position currently supervises:

General Engineering Contractors (GEC)

Project Management Support Services (PMSS)

Position coordinates with:

Authority staff

Consultants

Representatives of federal, state, regional, county and city agencies

Local civic groups and businesses

Utilities, railroads, transit agencies and other public service providers

Vendors and contractors

The public

QUALIFICATIONS

Bachelor's degree(s) in Engineering, Transportation Planning, Business Administration, Urban Planning, or related field. The position requires at least five (5) years of experience in managing the development of large-scale transportation projects.

AGENDA

ITEM 9





Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Resolution R11-2021 authorizing the Executive Director to enter into a two-year lease agreement for office space located at 2600 Kitty Hawk Road, Livermore CA 94551.

FROM: Michael Tree, Executive Director

DATE: June 9, 2021

Action Requested

Staff requests that the Board of Directors approve Resolution R11-2021 authorizing the Executive Director to execute an agreement to lease office space for the Tri-Valley – San Joaquin Valley Regional Rail Authority, in a form approved by legal counsel.

Background/Discussion

The Authority currently utilizes office space provided by the Livermore Amador Valley Transit Authority (one room with multiple small open air cubicles). The Authority now has certain space requirements, as is necessary for its efficient operation of the business, that exceed the availability at its current location.

Staff has located office space at 2600 Kitty Hawk Road, Suite 103 in Livermore. The office space is a 5-office suite with a reception area, conference room and break room, with approximately 2,500 square feet. The negotiated two-year lease is \$5,000 per month for the first year and \$5,150 per month the second year.

The office space is without furniture and staff anticipates the need to purchase a modest supply of furniture.

Fiscal Impact

The funds for the lease agreement and office furniture and equipment are included in the June 24, 2020 allocation of RM2 funds from MTC.

Recommendation

Staff recommends the Authority Board approve the attached resolution which authorizes the Executive Director to enter into a lease agreement as described.

Attachments

1. Resolution R11-2021

ATTACHMENT 1





Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

RESOLUTION NO. R11-2021

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY — SAN JOAQUIN
VALLEY REGIONAL RAIL AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A LEASE AGREEMENT FOR OFFICE SPACE**

WHEREAS, the Tri-Valley–San Joaquin Valley Regional Rail Authority has certain space requirements as is necessary for the efficient day-to-day operations of the business.

WHEREAS, funding has been allocated to the Tri-Valley – San Joaquin Valley Regional Rail Authority on June 24, 2021 by the Metropolitan Transportation Commission for the leasing of office space;

THEREFORE, BE IT RESOLVED, that the Board of Directors of the Tri-Valley – San Joaquin Valley Regional Rail Authority hereby authorizes the Executive Director to execute a lease agreement, in form acceptable to legal counsel, for office space at 2600 Kitty Hawk Road, Suite 103, Livermore, CA for 2 years at \$5,000 per month for the first year and \$5,150 per month for the second year.

REGULARLY PASSED AND ADOPTED this 9th day of June, 2021.

Veronica Vargas, Chair

ATTEST:

Michael Tree, Executive Director