



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

Board of Directors

Meeting Packet

December 8, 2021 at 2 p.m.



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

**AGENDA – BOARD OF DIRECTORS**  
**December 8, 2021 at 2:00 p.m. via teleconference**

---

**CORONAVIRUS DISEASE (COVID-19) ADVISORY AND MEETING PROCEDURE**

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

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

If you would like to submit public comment via email, please do so by 11:00 a.m. Wednesday, December 8, 2021 to [comments@valleylinkrail.com](mailto:comments@valleylinkrail.com). Please include “Public Comment December 8, 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](https://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  
December 8, 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 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](mailto:comments@valleylinkrail.com)

*If you are submitting public comment via email, please do so by 11:00 a.m. on Wednesday, December 8, 2021 to [comments@valleylinkrail.com](mailto:comments@valleylinkrail.com)*

*Please include “Public Comment - December 8, 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**  
**December 8, 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 November 10, 2021 Board of Directors Meeting.
  - b. Treasurer’s Report for October 2021.
  - c. Approve Dates for 2022 Board Meetings
  - d. Resolution R18-2021 Declaring that Agency meetings will continue to be held via teleconference
5. Executive Director’s Report – **INFORMATION**
6. Directors’ Discussion  
Comments, Questions and Agenda Requests
7. Next Meeting Details: Special Board Meeting to be held on December 22, 2021 at 10 a.m.
8. 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](mailto:comments@valleylinkrail.com).*

**AGENDA**

**ITEM 4 A**



Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)  
Minutes of November 10, 2021 meeting via Zoom Teleconference

---

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

The meeting of the board of directors was called to order by Chair Veronica Vargas at 2:00 p.m. Director Benjamin Cantu lead the Pledge of Allegiance.

2. **Roll Call of Members**

**Members Present**

Chair Veronica Vargas, City of Tracy  
Vice Chair Melissa Hernandez, City of Dublin  
Director Paul Akinjo, City of Lathrop  
Director Benjamin Cantu, City of Manteca  
Director Brittini Kiick (Livermore), LAVTA (*\*arrived during Item 4*)  
Director Bernice King Tingle, Mountain House  
Director John McPartland (District 5), BART  
Director Kathy Narum, City of Pleasanton  
Director Karen Stepper, Town of Danville  
Director Bob Woerner, City of Livermore  
Director Dan Wright, City of Stockton (*\*arrived during Item 5*)  
Director Leo Zuber (Ripon), ACE

**Members Absent**

Director David Haubert, Alameda County  
Director David Hudson, San Ramon  
Director Robert Rickman, San Joaquin County

3. **Public Comments**

There was no public comment.

4. **Consent Calendar – ACTION**

Motion to approve all items on Consent Calendar as follows:

- a. Minutes of Oct 14, 2021 Board of Directors Meeting.
- b. Treasurer's Report for September 2021.
- c. Approve Resolution R17-2021 of the Board to conduct meetings using teleconferencing pursuant to Government Code 54953 as amended by AB 361

**Motion:** Stepper/Narum

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

**Nay:** None

**Abstain:** None

**Absent:** Haubert, Hudson, Rickman, Wright

**Motion Passed**

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)  
Minutes of November 10, 2021 meeting via Zoom Teleconference

---

**5. Fiscal Year 2021 Basic Financial Statements and Memorandum of Internal Control – ACTION**

Tamara Edwards, Director of Finance, gave the floor to David Alvey, Audit Partner with MAZE & Associates, the authority's independent external auditor. Alvey summarized the findings of the audit and congratulated the Authority on receiving an unmodified/clean audit opinion, the highest level of assurance an audit firm can give an entity. Chair Vargas thanked Edwards for her hard work in making this possible.

**Motion:** Hernandez/Zuber

**Aye:** Akinjo, Cantu, Hernandez, Kiick, McPartland, Narum, Stepper, Tingle, Vargas, Woerner, Wright, Zuber

**Nay:** None

**Abstain:** None

**Absent:** Haubert, Hudson, Rickman

**Motion Passed**

**6. Executive Directors Report – INFORMATION**

Executive Director Michael Tree summarized the details of his staff report then turned the floor over to Deputy Executive Director Kevin Sheridan, who gave an update of the ongoing work with Caltrans. Marianne Payne, Manager of Policy, Planning and Environmental, reported on the recently adopted strategic plan, Plan Bay Area 2050 and a major infrastructure bill in the works. Tree wrapped up with an update on green hydrogen opportunities for the project. Comments were heard from members of the board. Public comment was heard from Vaughn Wolfe.

**7. Resolution R18-2021 AECOM Contract Agreement Addendum #5 – ACTION**

This item was pulled from the agenda without objection.

**8. Directors' Discussion**

Chair Vargas advised the board that Tree and Sheridan have been very active with community engagement, and after a successful report to the Mountain House Community Services District they will make a project presentation at the next meeting of the Tracy City Council. Directors Stepper and Akinjo requested additional information regarding Agenda Item #7.

**9. Adjourn to CLOSED SESSION**

**10.** Closed Session pursuant to Government Code Section 54957(b): PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: Executive Director

**11.** Closed Session pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATOR Agency Representative: Michael Conneran, Legal Counsel Unrepresented Employee: Executive Director

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)  
Minutes of November 10, 2021 meeting via Zoom Teleconference

---

12. **Reconvene to OPEN SESSION**
13. Consideration of Modification to Stipend Payment Arrangement with Executive Director Michael Tree – **ACTION**  
No reportable action was taken during closed session.
14. **Next Meeting**  
December 8, 2021 at 2 p.m. via teleconference
15. **Adjourn (McPartland/Wright)**  
Meeting adjourned without objection at 3:26 p.m.

**AGENDA**

**ITEM 4 B**





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

**STAFF REPORT**

SUBJECT: Treasurer's Report for October 2021  
FROM: Tamara Edwards, Director of Finance  
DATE: December 8, 2021

---

**Action Requested**

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

**Background/Discussion**

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

## **ATTACHMENT 1**



**Tri-Valley San Joaquin Regional Rail Authority**  
**BALANCE SHEET**  
**FOR THE PERIOD ENDING:**  
**October 31, 2021**

**ASSETS:**

108 CASH-GENERAL CHECKING	1,573,869	
120 ACCOUNTS RECEIVABLE	299,561	
150 PREPAID EXPENSES	0	
<b>TOTAL ASSETS</b>		<b>1,873,429</b>

**LIABILITIES:**

205 ACCOUNTS PAYABLE	(148)	
20501 DUE TO LAVTA	2,771,351	
22110 PAYROLL CLEARING	0	
211 PRE-PAID REVENUE	215,209	
22000 FIT	0	
22010 SIT	0	
22020 FICA	(0)	
22030 SDI	0	
22090 Worker's Comp	2,313	
22100 457	21,041	
<b>TOTAL LIABILITIES</b>		<b>3,009,766</b>

**FUND BALANCE:**

301 FUND RESERVE	0	
304 GRANTS, DONATIONS, PAID-IN CAPITAL	0	
30401 SALE OF BUSES & EQUIPMENT	0	
FUND BALANCE	(1,136,337)	
<b>TOTAL FUND BALANCE</b>		<b>-1,136,337</b>
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>		<b>1,873,429</b>

**Tri-Valley San Joaquin Regional Rail Authority  
REVENUE REPORT  
FOR THE PERIOD ENDING:  
October 31, 2021**

<b>ACCOUNT</b>	<b>DESCRIPTION</b>	<b>BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>BALANCE AVAILABLE</b>	<b>PERCENT BUDGET EXPENDED</b>
	Caltrans		0	0		
	MTC-Bridge Tolls	24,497,378	0	0	24,497,378	0.0%
	Alameda County/Strategic Development		0	0		
	Government Relations/Community Engage		0	0		
	<b>TOTAL REVENUE</b>	<b>24,497,378</b>	<b>0</b>	<b>0</b>	<b>24,497,378</b>	<b>0.0%</b>

Tri-Valley San Joaquin Regional Rail Authority  
EXPENDITURE REPORT  
October 31, 2021

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
<b>Direct Labor and Benefits</b>						
	Executive Director	156,000	0	12,396	143,604	7.95%
	Deputy Executive Director	250,000	22,500	0	250,000	0.00%
	Administrative Assistant	95,000	0	7,699	87,301	8.10%
	Finance Director	45,000	0	3,500	41,500	7.78%
	Manager of Policy, Planning, and Environmental	180,000	19,131	31,074	148,926	17.26%
	Rail Engineering, and Construction Project Manager	195,000	20,458	33,396	161,604	17.13%
	IT support	5,000	0	0	5,000	0.00%
	Marketing Director	30,000	0	2,500	27,500	8.33%
	Employee Benefits	200,000	8,941	17,124	182,876	8.56%
	<b>TOTAL - Direct Labor</b>	<b>1,156,000</b>	<b>71,031</b>	<b>206,420</b>	<b>949,580</b>	<b>17.86%</b>
<b>Consultants/seconded staff</b>						
	Project Management support- Civil	335,000	0	49,888	285,112	14.89%
	Program Management Staff	3,119,684	166,130	394,526	2,725,158	12.65%
	General Engineering Consultants	17,148,694	313,905	313,905	16,834,789	1.83%
	Government Relations/Community Engagement	320,000	30,000	50,000	270,000	15.63%
	<b>TOTAL - Consultants</b>	<b>20,923,378</b>	<b>510,034</b>	<b>808,319</b>	<b>20,115,059</b>	<b>3.86%</b>
<b>Other Direct Costs</b>						
	Legal	430,000	15,474	22,222	407,779	5.17%
	Insurance	50,000	0	359	49,641	0.72%
	Audits	25,000	0	0	25,000	0.00%
	Line of Credit	125,000	0	0	125,000	0.00%
	Travel/Mileage/Mis	25,000	814	6,820	18,180	27.28%
	Office space/furnishings	180,000	18,959	35,361	144,639	19.64%
	ACTC	412,000	0	0	412,000	0.00%
	SJRRRC	150,000	0	0	150,000	0.00%
	BART	440,000	0	0	440,000	0.00%
	Caltrans Reimbursement	540,000	3,429	3,429	536,571	0.63%
	Union Pacific Reimbursement	41,000	0	0	41,000	0.00%
	<b>TOTAL OTHER DIRECT COSTS</b>	<b>2,418,000.00</b>	<b>38,675.29</b>	<b>68,189.96</b>	<b>2,349,810</b>	<b>2.82%</b>
	<b>TOTAL OPERATING EXPENDITURES</b>	<b>24,497,378</b>	<b>619,741</b>	<b>1,082,929</b>	<b>23,414,449</b>	<b>4.42%</b>
	<b>LAVTA Expense</b>		1,609	4,085		
	<b>FUND BALANCE (OPERATING)</b>	<b>-</b>	<b>(621,350)</b>	<b>(1,087,013)</b>		

**AGENDA**

**ITEM 4 C**





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

**STAFF REPORT**

SUBJECT: Set Board of Directors Meeting Dates for 2022

FROM: Michael Tree, Executive Director

DATE: December 8, 2021

---

**Action Requested**

Approve 2022 meeting calendar for Tri-Valley – San Joaquin Valley Regional Rail Authority Board of Directors.

**Background/Discussion**

Staff proposes to continue the pattern, holding the regular meeting of the Tri-Valley – San Joaquin Valley Regional Rail Authority Board of Directors on the 2<sup>nd</sup> Wednesday of each month at 2 p.m.

**Attachments**

1. Draft Schedule of Meeting Dates for Calendar Year 2022

## **ATTACHMENT 1**





Board of Directors  
Meeting Calendar 2022

**2nd Wednesdays from 2 to 4 p.m.**

**DATES**

January	12
February	9
March	9
April	13
May	11
June	8
July	13
August	10
September	14
October	12
November	9
December	14

**AGENDA**

**ITEM 4D**





## STAFF REPORT

**SUBJECT:** Resolution R18-2021 Declaring that Agency Meetings Will Continue To Be Held Via Teleconference

**FROM:** Michael Tree, Executive Director

**DATE:** December 8, 2021

---

### **Action Requested**

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

### **Background/Discussion**

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

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

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

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

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

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

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

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

### **Fiscal Impact**

There is no fiscal impact associated with this action.

### **Recommended Action**

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

### **Attachments**

1. Resolution R18-2021

## **ATTACHMENT 1**





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

**RESOLUTION NO. R18-2021**

\* \* \*

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

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

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

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

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

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

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

**APPROVED AND PASSED**, this 8<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
 Veronica Vargas, Chair

**ATTEST:**

\_\_\_\_\_  
 Michael Tree, Executive Director

**AGENDA**

**ITEM 5**





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

STAFF REPORT

SUBJECT: Executive Director's Report  
FROM: Michael Tree, Executive Director  
DATE: December 8, 2021

---

**Action Requested**

Informational item only.

**Background/Discussion**

An oral report will be provided at the Board meeting.