EXECUTIVE COMMITTEE

Members are: Luis Alejo, Chair; Ed Smith, 1st Vice Chair; Mary Adams, 2nd Vice Chair; Robert Huit, Past Chair; Chris Lopez, County Representative; Michael LeBarre, City Representative

Wednesday, August 5, 2020

**9:00 AM**

REMOTE CONFERENCE ONLY
There will be NO physical location of the meeting.
Please see all the special meeting instructions at the end of the agenda.

Join meeting online at
https://us02web.zoom.us/j/775161178?pwd=STY4UzZZblpOK0VLdEs3RGZUS3kyUT09
OR
Via teleconference at +1 669 900 6833

Meeting ID: 775 161 178
Password: 536047

1. ROLL CALL

Call to order and self-introductions. If you are unable to attend, please contact Elouise Rodriguez, Senior Administrative Assistant. Your courtesy to the other members to assure a quorum is appreciated.

2. PUBLIC COMMENTS

Any member of the public may address the Committee on any item not on the agenda but within the jurisdiction of the Committee. Under this item, each member of the public is allowed three minutes to address concerns. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at maria@tamcmonterey.org by 5:00 pm the Monday before the meeting, and such comments will be distributed to the Committee before the meeting.
3. **BEGINNING OF CONSENT AGENDA**

Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

3.1 **APPROVE** the Executive Committee draft minutes of June 3, 2020.

   - Rodriguez

3.2 **APPROVE** a cash incentive award of $150 each for Dave Delfino, Stefania Castillo and Madilyn Jacobsen for excellent performance above and beyond their regular duties.

   - Goel

   *The Transportation Agency for Monterey County's adopted employee incentive program makes available a single-event cash award for an outstanding performance on a particular project. The award requires approval by the Executive Committee.*

END OF CONSENT AGENDA

4. **RECEIVE** report on the most current COVID-19 Protection Protocols and **RECOMMEND** the Board **APPROVE** one-time benefit related to COVID-19.

   - Goel

   *Agency staff is working to keep the COVID-19 Protection Protocols current to ensure that the return-to-office after telecommuting for several months is done in a safe and healthy manner for employees and visitors. An additional sell-back of 40.0 or 80.0 hours of accrued vacation is proposed since employees may be unable to take time-off due to the extra work/cancellation of vacation plans caused by the crisis.*

5. **RECEIVE** update on state and federal legislative activities and **ADOPT** positions on legislation on behalf of the Board of Directors.

   - Watson/Hale

   *Staff will present an updated draft bill list and an update on state and federal legislative activities.*

6. **RECEIVE** report on draft T AMC Board meeting agenda.

   - Muck
7. ANNOUNCEMENTS

8. ADJOURN

Next Executive Committee meeting is:
Wednesday, September 2, 2020
Please mark your calendars.

Important Meeting Information

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhances State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allows local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. The public is strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants should download the Zoom app at: https://zoom.us/download. A link to simplified instruction for the use of the Zoom app is: https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/.

Remote Meeting Public Comment: Due to current circumstances, there may be limited opportunity to provide verbal comments during the meeting. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to maria@tamcmonterey.org by 5:00pm the Monday before the meeting. Such comments will be distributed to the Committee before the meeting. Members of the public participating by Zoom are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

Agenda Packet and Documents: Any person who has a question concerning an item on this agenda may call or email the Agency office to make inquiry concerning the nature of the item described on the agenda. Complete agenda packets are on display online at the Transportation Agency for Monterey County website. Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public review at the Agency website. Agency contact information is as follows:

Transportation Agency for Monterey County
www.tamcmonterey.org
Office is closed an all employees are working remotely until further notice
TEL: 831-775-0903
EMAIL: info@tamcmonterey.org
**Agenda Items**: The agenda will be prepared by Agency staff and will close at noon nine (9) working days before the regular meeting. Any member of the Committee may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

**Alternative Agenda Format and Auxiliary Aids**: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency staff at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish language interpreters, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

**CORRESPONDENCE, MEDIA CLIPPINGS, AND REPORTS**

**C 1. RECEIVE** correspondence attached online.
Memorandum

To: Executive Committee
From: Elouise Rodriguez, Senior Administrative Assistant and Clerk of the Board
Meeting Date: August 5, 2020
Subject: Executive Draft Minutes of June 3, 2020

RECOMMENDED ACTION:
APPROVE the Executive Committee draft minutes of June 3, 2020.

ATTACHMENTS:
- Executive Committee draft minutes of June 3, 2020
1. **CALL TO ORDER:** Chair Alejo called the meeting to order at 9:00 a.m. Roll call was taken, and a quorum was confirmed.

   Staff present: Goel, Hale, Muck, Rodriguez, and Watson
   Others present: Agency Counsel Kay Reimann; Gus Khouri, Legislative Analyst; and County Counsel Katherine Hansen

2. **PUBLIC COMMENTS:** None
3. CONSENT AGENDA:

M/S/C Lopez/Smith/unanimous
On a motion by Committee Member Lopez and seconded by Committee Member Smith, the committee voted 6-0 to approve the minutes from the Executive Committee meeting of May 6, 2020.

4. LEGISLATIVE UPDATE

M/S/C Lopez/LeBarre/unanimous
On a motion by Committee Member Lopez, seconded by Committee Member Smith, the committee voted 6-0 to recommend Board approval of positions on legislation, with the addition of an “oppose unless amended” position on Senate Bill (SB) 1351 (Beall): Transportation Planning.

Gus Khouri, Agency legislative consultant, reported that the Legislature has returned from an extended spring break due to the COVID-19 Stay-at-Home order. After reconvening, their priority will be to enact a budget by June 15, 2020. The May Revise shows sales tax revenue at 27% below January’s budget projections, which impacts transportation revenues. Since data on sales and income tax revenues will not be fully available until July or August, the Legislature will reevaluate the budget in August.

Mr. Khouri noted that 90% of the bills in the attached bill list will not proceed this legislative session due to its shortened timeframe and will be deleted from the list going forward. Mr. Khouri noted that Senator Monning’s top priority is the TMC-sponsored SB 1231, related to habitat mitigation for State Route 156, noting that bill is on consent for the Senate Appropriations Committee on June 9 and is considered an urgency item. He reviewed the other new bill recommendations in the matrix, including Assembly Bill 2323 (Friedman): California Environmental Quality Act exemptions for transit-oriented development. The Committee recommended the Board approve a “support” position on this bill.

Regarding the other new bill recommendation, Mr. Khouri noted that statute currently allows 3% of Transportation Development Act/ Local Transportation Funds for planning purposes, unless Caltrans approves an increase to this amount. Senator Beall’s SB 1351 would place a 5% cap on the amount Caltrans could approve. TMC currently uses 4.62% for planning purposes; if the overall fund source decreases due to declining sales tax income, the percentage needed to cover planning would increase. The Committee recommended the Board approve an “oppose unless amended” position on this bill to exempt smaller counties.

Christina Watson, Principal Transportation Planner, reported that the House’s proposed transportation reauthorization act, the “INVEST in America” Act, was announced that
morning and that Ms. Watson will provide more information in the report to the TAMC Board. Executive Director Hale noted that the proposal of $500 billion over 5 years was an increase over the previous authorization bill, but that the Senate has not indicated their support for this bill, so staff was still expecting a continuing resolution before the September 30 expiration of the prior bill.

5. **EVALUATION OF EXECUTIVE DIRECTOR & COUNSEL**

   **M/S/C Lopez/Smith/unanimous**

   On a motion by Committee member Lopez and seconded by Committee member Smith the Committee approved evaluation form, procedure, and timeline for completing annual evaluation for Executive Director and received report on transition of Counsel.

   Rita Goel, Director of Finance & Administration reported that the Agency Bylaws require an annual evaluation of the Executive Director and Counsel. She also noted that the Executive Director contract expires June 30, 2021. However, as current Counsel Kay Reimann will be retiring in December, and a new Counsel will be appointed, the Executive Committee recommended not doing the Counsel evaluation this year.

   Katherine Reimann, Agency Counsel, announced that she will be leaving at the end of next year, and introduced Katherine Hansen as the incoming Agency Counsel replacement. Chair Alejo thanked Counsel Reimann for her efforts and commended her for doing a great job.

   Katherine Hansen reported that she is relatively new with the county counsel office. She started last year, but has worked in the private sector, Washington D.C., and in Government Affairs.

   Committee member LeBarre recommended that a final statement of work for counsel would be sufficient instead of a full evaluation. Chair Alejo concurred with LeBarre, noting an acknowledgment would be fine.

   Committee member Huitt recommended that the counsel evaluation form is not necessary, noting that Board members really don’t know all the details. Committee member Lopez concurred with Huitt. He also noted he appreciated all Kay has done, but the evaluation is a tedious process and did not think it needed to be done.
6. **TAMC DRAFT AGENDA**
Deputy Executive Director Muck reviewed the draft regular and consent agenda for the TAMC Board meeting of June 22, 2020. After Executive Committee discussion, the following items will be considered on the regular agenda:

- Executive Director Evaluation and Counsel Final Statement
- State Route 156 Plan
- Regional Conversation Investment Strategy update

On the consent agenda, the Board will consider actions related to several items including:

- Weighted Vote Table update
- COVID 19 Protection Protocols and Benefits
- Legislative Update
- Fort Ord Trail & Greenway Segment 1 Design Request for Proposals
- SB 743 VMT Threshold Development - Request for Proposals and Contract
- Central Coast Coalition MOU
- Measure X Citizens Oversight Committee Appointments
- Call Box Maintenance and Improvements Agreement; and
- Regional Fee Agreement

7. **ANNOUNCEMENTS**
Director Hale announced that she will be on vacation leave for two weeks on July 1, to July 15 noting that her husband will be having heart surgery. Board Alejo wished him a well surgery and recovery.

8. **ADJOURNMENT**
Chair Alejo adjourned the meeting at 10:32 a.m.
To: Executive Committee
From: Rita Goel, Director of Finance & Administration
Meeting Date: August 5, 2020
Subject: Employee Incentive Awards

RECOMMENDED ACTION:
APPROVE a cash incentive award of $150 each for Dave Delfino, Stefania Castillo and Madilyn Jacobsen for excellent performance above and beyond their regular duties.

SUMMARY:
The Transportation Agency for Monterey County’s adopted employee incentive program makes available a single-event cash award for an outstanding performance on a particular project. The award requires approval by the Executive Committee.

FINANCIAL IMPACT:
The financial impact of these one-time cash awards is $450.

DISCUSSION:
During the last four months, TAMC has weathered not only the COVID-19 shelter-in-place but also has secured approval of the Fort Ord Regional Trail and Greenway agreement by 7 agencies and their legal counsels, and has submitted three state SB 1 grant applications and the first ever federal BUILD grant application. The employees named herein are proposed for this modest incentive award in recognition of their extraordinary work in these three areas, as follows:

- Dave Delfino, Finance Officer: On March 16, 2020, the Transportation Agency for Monterey County ordered its staff to work from home due to the COVID-19 pandemic. Due to the sudden onset of the coronavirus and its severity, the decision to work remotely was made at a very short notice, with little preparation for how the day-to-day essential functions, particularly finance-related, could be handled remotely. Even with preparation, many of these functions required a physical presence of some staff at the office. During this unprecedented period, Dave Delfino took on an extra workload by being the sole presence in the office on a daily basis. He voluntarily came in and handled critical and essential functions such as preparing payroll, making payments to vendors, sending trust fund money to Monterey-Salinas Transit, invoicing grantees for reimbursements of funds, and conducting audit related activity. In addition, he sorted the mail, scanned and sent copies of important documents to staff working from home, coordinated tenting of the office for termites with the landlord, and assisted with the installation of COVID-19 social distancing signs/work in preparation for staff’s eventual return to the office. While the rest of the staff worked remotely or went into the office on an as-needed basis, Dave’s dedication and commitment to coming in every day has been essential to the day-to-day running of the Agency.

- Stefania Castillo, Associate Transportation Planner: Stefania coordinated with TAMC Legal Counsel (who deserves her own award) and the attorneys for the cities of Del Rey Oaks, Marina, Monterey, Seaside, the County, the
Monterey Peninsula Regional Parks District, and the Fort Ord Reuse Authority to update, rewrite and update again the master agreement for implementation of the Fort Ord Regional Trail and Greenway. She made one and many times two eloquent presentations to each of these governing bodies, sometimes waiting for hours before being heard. Her efforts assured that each of these agencies approved the same agreement, critical to the timely allocation of over $10 million in Active Transportation Funds.

- Madilyn Jacobsen, Transportation Planner: Madilyn has served as the team lead for four grant applications aimed at securing $20 million in funding required to deliver the Highway 156 - Castroville Interchange project in 2022. She coordinated with Caltrans District 5 and headquarters staff to submit four complex and differentiated grant applications within a 5 week time period. She put in evening and weekend hours in order to meet the deadlines and assure that the highest quality grant applications were prepared to maximize the chances of an award.

Management seeks Executive Committee approval to award these three staff members a special incentive due to their dedication and commitment to the Transportation Agency for Monterey County during the past four months.

ATTACHMENTS:

- Employee Incentive Program
4.4 Employee Incentive Program

A. All employees that are subject to step increases are eligible for this program. The total cost of this program shall not exceed $7,500 in a fiscal year. The purpose of this incentive program is not to increase employee compensation, but rather to realize a public benefit through the promotion of efficiency, initiative and morale in TAMC service. This incentive program serves the substantial public purpose of ensuring continued recruitment and retention of qualified and competent employees. With this incentive program, TAMC is taking steps to further the Agency's self-interest in recruiting and retaining the most competent employees.

B. If an employee demonstrates sustained superior performance over a significant period of time, the Executive Director may at his/her discretion approve the advancement or acceleration of a step increase for this employee. The definition of sustained superior performance includes consistent, day-to-day, unfailingly exceptional work output that is both quantitatively and qualitatively superior. Superior quality means written reports that are well thought out, timely, accurate, and written correctly for the intended audience. Superior quantity means volume of work above what would normally be expected of an average performer. Any award of this nature must have prior approval by the TAMC Executive Committee.

C. Alternatively, if an employee performs outstandingly and spectacularly on a particular project, the Executive Director may at his/her discretion authorize payment to this employee of a one-time cash award. The one-time cash award is for a piece of work or completed project that is over and above what is usually expected of that person in that job classification. It is for work “above and beyond” the call of duty that is beneficial to the Agency and to the public. The one-time cash awards may range from $50 to $150 each and cannot exceed an agency-wide total of $700 per fiscal year. Awards of this nature must have prior approval by the TAMC Executive Committee.

D. If an employee performs outstandingly “in the moment,” a Management Employee may award an Employee with an “employee of the moment” coupon, which could include low-value redeemable merchant coupons for outstanding performance of specific activity. The “employee of the moment” coupons would be from $5 to $10 each and would not exceed a total cost to the Agency of $300 a year. The “Employee of the Moment” award is for an action or individual piece of work that took less than one day to accomplish, and was superlative in and of itself in character, and successful in outcome. All TAMC Management is authorized to make this award.
To: Executive Committee
From: Rita Goel, Director of Finance & Administration
Meeting Date: August 5, 2020
Subject: COVID-19 Protection Protocols and Benefit

RECOMMENDED ACTION:
RECEIVE report on the most current COVID-19 Protection Protocols and RECOMMEND the Board APPROVE one-time benefit related to COVID-19.

SUMMARY:
Agency staff is working to keep the COVID-19 Protection Protocols current to ensure that the return-to-office after telecommuting for several months is done in a safe and healthy manner for employees and visitors. An additional sell-back of 40.0 or 80.0 hours of accrued vacation is proposed since employees may be unable to take time-off due to the extra work/cancellation of vacation plans caused by the crisis.

FINANCIAL IMPACT:
Based on a survey of employees, the short-term cost of the vacation sell-back is projected at approximately $10,997 for an additional up to 40.0 hours and $21,994 for an additional up to 80.0 hours. However, permitting employees to sell back vacation time will actually save money over time by reducing the long-term liability on the Agency’s balance sheet at current pay rates vs. higher pay rates in the future as this is money owed by law to the employee. Additionally, fringe benefits costs such as pension will not have to be paid on the hours sold back, resulting in additional Agency savings.

DISCUSSION:
COVID-19 Protection Protocols
Due to the recent spike in COVID-19 cases in Monterey County, no change has been made to the protocols since the Board reviewed these in June. All Board and Committee meetings are expected to remain remote, perhaps through the end of 2020. In support of the shelter-in-place and our Go831 trip reduction mission, staff will be encouraged to continue to work from home as much as possible.

Vacation sell-back
Employees continue to accrue vacation at their regular rates, but many have cancelled vacations due to flight restrictions and the shelter-in-place requirement. Current Agency policy sets a 40 hour limit on vacation sell-back, and an accrual limit of 260 hours for regular employees. Given the financial benefits of limiting excess vacation accrual, it is beneficial for both the Agency and employees to allow a one-time increase in vacation sell-back of up to 40 or 80 hours in the coming fiscal year. This sell-back would still be subject to the requirements for the current sell-back provisions, including requiring the employee to retain a minimum of 80 hours on the books after the sell-back.

Staff asks for Executive Committee consideration of increasing the vacation sell-back amount by either 40 or 80 hours.
ATTACHMENTS:

- Vacation sell back rules
C. **Reduced time employees** earn vacation on a pro rata basis (percent of full-time hours worked) according to the foregoing schedule. Reduced time employees working less than or equal to 20 hours per week, do not accrue vacation or sick leave.

D. **Sick Leave Payoff.** Agency employees whose services are terminated by death, or who qualify for and officially retire from services to the Agency, shall be eligible to be paid his/her accumulated sick leave, up to a maximum of two hundred (200) hours.

E. **Vacation Accrual.** Vacation hours in excess of maximum accrued hours listed above, must be used by January 1 each year. An employee who reaches the maximum accrued hours of vacation shall cease accruing time until his/her accrual drops below the maximum. In certain circumstances, the Executive Director may approve a carry-over of year-end accruals over maximum hours listed above, however, in no event shall payment for accrued vacation hours on termination exceed maximum hours listed above. Employees who are paid for less than one half (1/2) their regularly scheduled hours in a given pay period shall not accrue vacation for that pay period.

F. **Vacation Leave Cash Out.** Regular Management and General Employees may sell back to the Agency up to forty (40) hours of vacation leave in any calendar year if the following conditions are met:
   1. Vacation or annual leave can be cashed out only in increments of eight (8) hours.
   2. The employee has used (taken) ten (10) vacation/annual leave days during the calendar year in which the irrevocable election is signed.
   3. The employee must have at least eighty (80) hours of vacation/annual leave remaining after the “cash out” of some of their vacation/annual leave.
   4. The employee makes an irrevocable election in writing to cash-out vacation/annual leave and submits such election to the Director of Finance and Administration prior to December 15 of the calendar year for which the election is made.

G. **Vacation and Compensatory Time Scheduling and Advances.** Vacations and compensatory time must be scheduled in advance and approved by employee's supervisor. While every effort will be made to afford the
Agenda Item 5.

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Memorandum

To:            Executive Committee
From:          Christina Watson, Principal Transportation Planner
Meeting Date:  August 5, 2020
Subject:       Legislative Update

RECOMMENDED ACTION:
RECEIVE update on state and federal legislative activities and ADOPT positions on legislation on behalf of the Board of Directors.

SUMMARY:
Staff will present an updated draft bill list and an update on state and federal legislative activities.

FINANCIAL IMPACT:
Some bills on the list may impact TAMC finances, in particular in relation to Measure X revenues.

DISCUSSION:

Attached online are a state update from Agency legislative consultant Gus Khouri and an updated draft bill list. Two additions from the list adopted by the TAMC Board of Directors on June 24, 2020 are shown in underline:

- Senate Bill (SB) 288 (Wiener), California Environmental Quality Act: exemptions, known as the Sustainable Transportation COVID-19 Recovery Act. Staff recommends a support position, and recommends the Executive Committee adopt a position on behalf of the Board of Directors given the urgency of this legislation.
- SB 1459 (Caballero), State Route 183 relinquishment, would authorize the relinquishment of a segment of State Route 183 to the City of Salinas. Staff recommends a support position.

Two other bills, Assembly Bill (AB) 2323 (Friedman) and SB 1351 (Beall) have both been substantially amended since the Board adopted positions. Staff will discuss the amendments and seek Executive Committee input as to whether a change in position is warranted due to the amendments.

The TAMC-sponsored bill, Senate Bill 1231 by Senator Monning, which will allow the California Department of Fish and Wildlife to issue an incidental take permit for the Santa Cruz Long-toed Salamander for the purpose of enabling Caltrans to construct the State Route 156 West corridor project, passed the Senate on June 11 and is now progressing through the Assembly.

Federal transportation authorization legislation is moving forward via the House Resolution (H.R.) 2, the Moving Forward Act (see web attachments 3, 4 and 5). The Moving Forward Act marks a transformational investment in American infrastructure that would create millions of jobs, take bold action on the climate crisis, and address disparities in urban, suburban, and rural communities across our country. The White House has threatened to veto it if it were to pass through the Senate, which in itself seems unlikely at this juncture.
On July 8, the House Appropriations Committee passed its Transportation, Housing and Urban Development spending bill for fiscal year 2021 (see web attachment 6).

Senate bill 2404 (S. 2404), the Build Local Hire Local Act (see web attachment 7), was introduced in July 2019.

Staff will provide a verbal update on all activities at the meeting.

WEB ATTACHMENTS:

1. State legislative update
2. State bill list
3. The Moving Forward Act (H.R. 2) factsheet
4. July 9, 2020 Transportation for America blog post, "What’s next for the INVEST Act?"
5. June 26, 2020 article in Politico, “How Planes, Trains and Automobiles Worsened America’s Racial Divide: For decades we’ve built racial inequities into our roads, subways and sidewalks. Better transportation policies now could play a big role in dismantling structural racism.”
6. Transportation, Housing and Urban Development appropriations bill summary
7. Build Local Hire Local Act summary
Agenda Item 1.

Memorandum

To: Executive Committee
From: Christina Watson, Principal Transportation Planner
Meeting Date: August 5, 2020
Subject: Correspondence

RECOMMENDED ACTION:
RECEIVE correspondence attached online.

WEB ATTACHMENTS:
- June 29, 2020 document transmitted via Mayor Delgado from Dennis Lowery entitled "Passenger Train Private/Public Partnership Introduction"
- July 13, 2020 letter to Dennis Lowery and Michael Groves in re: Monterey Branch Line Rail Service Unsolicited Proposal
- July 17, 2020 email from Dennis Lowery to Mayor Delgado