

**Peninsula Corridor Joint Powers Board
Finance Committee
1250 San Carlos Avenue, San Carlos, CA 94070**

Minutes of March 25, 2024

Members Present: Devora “Dev” Davis, Ray Mueller (arrived at 2:33 pm), Monique Zmuda (Chair)

Staff Present: M. Bouchard, J. Harrison, G. Rogers, D. Seamans, A. To, M. Tseng, K. Yin

1. Call to Order/Pledge of Allegiance

Chair Zmuda called the meeting to order at 2:32 pm and led the Pledge of Allegiance.

2. Roll Call

District Secretary Dora Seamans called the roll and confirmed a Board quorum was present.

3. Public Comment on Items not on the Agenda

Adrian Brandt commented on the 7-car EMUs (electric multiple units), the need to start working towards shorter train sets and running them during off peak to decrease electricity and maintenance costs.

4. Consent Calendar

4.a. Meeting Minutes of February 26, 2024

4.b. Renew Findings of an Emergency Regarding the North Channel Embankment of the San Francisquito Creek Bridge Due to Erosion Pursuant to Public Contract Code §22050*

Motion/Second: Mueller/Davis

Ayes: Davis, Mueller, Zmuda

Noes: None

5. Accept Statement of Revenues and Expenses for the Period Ended February 29, 2024

Annie To, Director, Accounting, provided the presentation that included the following:

- Working on annual forecast of FY (fiscal year) 2024 that will be presented in April
- Year-to-date revenue at \$128.4 million versus \$128.3 million in adopted budget – a variance of \$400,000
- Year-to-date expense as of February 29th totaled \$124.5 million versus \$128.7 million in adopted budget – a favorable variance of \$4.2 million
- Annual revenue forecast for first eight months in 2024 aligned with the adopted budget

Motion/Second: Davis/Mueller

Ayes: Davis, Mueller, Zmuda

Noes: None

6. Authorize Amendment 1 to Contract with Olson Remcho LLP for General Counsel and Other Legal Services Including Execution of Two One-Year Option Terms

Graham Rogers, Business Operations Project Manager, provided the presentation that included the following:

- Contract term for three-year base term with additional two one-year contracts
- Need additional contract capacity to sufficiently cover and reflect the increased legal needs of the JPB
- Olson Remcho proposed adjustment to hourly rates which is a flat \$15 increase for each position ranging from three percent to 11 percent increase depending on the position

The Committee Members had a discussion and staff provided further clarification in response to the Committee comments and questions, which included the following:

- New hourly rates would be the same for first one-year option term with 60-day advanced notice to further increase fees going forward for second option period
- Proposed amounts going forward should be sufficient to cover the increased rates
- Five lawyers assisting James Harrison, General Counsel, with approximately 80 percent of his time dedicated to Caltrain
- Requested to trigger two-year process to allow time for review and plan once May 2026 approaches. About nine-month process to get contract awarded
- Suggested RFI (request for information) to conduct market check, then review and move forward with a RFP (request for proposal)

Motion/Second: Davis/Mueller

Ayes: Davis, Mueller, Zmuda

Noes: None

7. Award of Contract for On-Call Management of Soil Hazardous Waste and Other Environmental Compliance Services

Kevin Yin, Director, Contracts and Procurement, provided the presentation that included the following:

- Published RFP and received only one proposal from Millennium Consulting Associates of Pleasanton, California otherwise known as Mecca
- Selection Committee scored the proposal and determined insufficient information provided to receive an adequate score
- The RFP was reissued and again, received only one proposal from Mecca
- Selection Committee reviewed, scored, and determined the depth of experience and qualifications needed to successfully perform services
- Work directives will be funded through a variety of funding sources

The Committee Members had a discussion and staff provided further clarification in response to the Committee comments and questions, which included the following:

- Reason for only one proposal received

- Encouraged to think about soliciting proposals earlier rather than exercising one-year options
- Clarification why Mecca did not qualify initially
- Reference checks conducted
- On call contract allows access to contracts within weeks rather than months

Motion/Second: Davis/Mueller

Ayes: Davis, Mueller, Zmuda

Noes: None

8. Authorization to Apply to CalPERS for a Successor Agency Contract

James Harrison, General Counsel, provided the presentation that included the following:

- Caltrain should have its own contract with purpose of covering rail employees
- Intent for the Caltrain plan to mirror the SamTrans plan so the benefits would be the same
- Involves two steps: eligibility determination – qualify as public agency and stable revenue

The Committee Members had a discussion and staff provided further clarification in response to the Committee comments and questions, which included the following:

- Director Mueller noted his abstention and that he will have questions during closed session
- Close communication with VTA (Santa Clara Valley Transportation Authority) and City and County of San Francisco council. Begun discussions about amendments to the JPA (Joint Powers Authority)
- Working out timing for Boards to take action - have 12 to 15 months to get that done
- Had informal conversations with CalPERS (California Public Employees' Retirement System). Typically three months for response on eligibility
- New staff will be folded into the new retirement plan

Motion/Second: Davis/Zmuda

Ayes: Davis, Zmuda

Noes: None

Abstain: Mueller

9. Committee Member Requests – There were none.

10. Date/Time of Next Regular Finance Committee Meeting: April 22, 2024 at 2:30 pm

11. Adjourn – The meeting adjourned at 3:11 pm