



## **ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

### **MINUTES**

#### **Board of Directors - Regular Meeting**

VIRTUAL MEETING

Zoom webinar <https://actransit.zoom.us/j/91636373775>

Dial in phone number (669) 900-6833 Webinar ID 916 3637 3775

**Wednesday, July 22, 2020 at 5:00 PM**

**Phone (669) 900 6833**

**Webinar ID: 978 1201 6069**

**See Agenda for Instructions**

#### **MEMBERS OF THE BOARD OF DIRECTORS**

**JOE WALLACE, PRESIDENT (WARD 1)**

**ELSA ORTIZ, VICE PRESIDENT (WARD 3)**

**GREG HARPER (WARD 2)**

**MARK WILLIAMS (WARD 4)**

**DIANE SHAW (WARD 5)**

**H. E. CHRISTIAN PEEPLES (AT-LARGE)**

**JOEL YOUNG (AT-LARGE)**

#### **BOARD OFFICERS**

**MICHAEL A. HURSH, GENERAL MANAGER**

**JILL A. SPRAGUE, GENERAL COUNSEL**

**LINDA A. NEMEROFF, DISTRICT SECRETARY**

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a regular virtual meeting on Wednesday, July 22, 2020.

Members of the Board participated via video conference from off-site locations in accordance with the statewide shelter in place order issued on March 16, 2020.

The Closed Session listed on the agenda was cancelled.

President Wallace called the Board of Directors meeting to order at 5:02 p.m.

**2. ROLL CALL**

Director Peeples arrived to the meeting at 5:41 p.m.

**Present:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young

**3. PUBLIC COMMENT**

**Yvonne Williams:** President, ATU 192. Requested that the Board send letter to New Flyer of America, Inc. (Coach manufacturer) expressing support of Alabama-facility workers.

**4. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

**5. CONSENT CALENDAR**

MOTION: ORTIZ/SHAW to receive, approve or adopt the items on the Consent Calendar as indicated below. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

- 5.A.** Consider approving Special Board of Directors minutes on June 3, 2020. [20-281](#)

MOTION: ORTIZ/SHAW to approved Special Board of Directors minutes on June 3, 2020. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

- 5.B.** Consider approving Board of Directors minutes of June 24, 2020. [20-267](#)

MOTION: ORTIZ/SHAW to approve Board of Directors minutes of June 24, 2020. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

- 5.C.** Consider approving non-substantive amendments to Board Policy 160 - Board Officers: Employment Agreements, Performance Evaluations and Leave Notification. [20-282](#)

MOTION: ORTIZ/SHAW to approve non-substantive amendments to Board Policy 160 - Board Officers: Employment Agreements, Performance Evaluations and Leave Notification. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

- 5.D.** Consider adoption of Resolution No. 20-037 establishing the Appropriations Limit for Fiscal Year 2020-21 at \$551,175,027. [20-249a](#)

MOTION: ORTIZ/SHAW to adopt Resolution No. 20-037 establishing the Appropriations Limit for Fiscal Year 2020-21 at \$551,175,027. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

- 5.E.** Consider adoption of Resolution No. 20-038 authorizing the General Manager, or his designee, to submit an allocation request to the Metropolitan Transportation Commission (MTC) for Regional Measure 2 (RM2) Funds and execute any documents necessary for the East Bay Bus Rapid Transit (BRT) Project. [20-265](#)

MOTION: ORTIZ/SHAW to adopt Resolution No. 20-038 authorizing the General Manager, or his designee, to submit an allocation request to the Metropolitan Transportation Commission (MTC) for Regional Measure 2 (RM2) Funds and execute any documents necessary for the East Bay Bus Rapid Transit (BRT) Project. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

- 5.F.** Consider receiving the Monthly Report on Investments for May 2020. [20-284](#)

MOTION: ORTIZ/SHAW to receive the Monthly Report on Investments for May 2020. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

## **6. REGULAR CALENDAR**

### **Operations Items - Chair Young**

- 6.A.** Consider receiving an update on Computer Aided Dispatch and [20-201a](#)

Automated Vehicle Location (CAD/AVL) Real-Time Passenger Information System. [Requested by Director Harper - 3/11/20]

Senior Project Manager Sandra Lewis-Williams presented the staff report and addressed technical questions from the Board concerning real time predictions, operator log on rates and algorithms.

Vice President Ortiz commented that on several occasions the bus prediction in the AC Transit mobile app was different than the information she received from the call center. Vice President Ortiz wanted to know if AC Transit has the ability to monitor the buses in real time and, if true, why does the app show different information. Ms. Lewis-Williams advised that the Operations Control Center monitors the movement of busses 24-7 in real time. She added that third-party apps work in different ways and that their predictions may differ, and further explained that the AC Transit RealTime app is still under development and keeps improving.

Director Shaw commented on the importance of the bus operator log on time and asked what could cause log-on issues. Ms. Lewis-Williams advised that many factors of operational and/or technical nature can cause the log-on issues. General Manager Hursh added that the system is going through an update and the issues with the log-on rate are expected to be resolved.

Director Harper vocalized his frustration with inaccurate predictions at bus stops. His complaint was echoed by Vice President Ortiz and President Wallace.

**Public Comment:**

**Yvonne Williams**, President, ATU 192, raised concern about an event of a software failure and asked if the operators would have communication with the Operations Control Center. Staff briefly answered that there are fallback protocols in place for such events.

**Matt** asked the AC Transit Board to support organized labor during the pandemic. Director Young interrupted the comment advising Matt to submit the comment to the Board electronically, as public comment must be related to the current agenda item only.

MOTION: ORTIZ/SHAW to receive an update on Computer Aided Dispatch and Automated Vehicle Location (CAD/AVL) Real-Time Passenger Information System. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Young

**Absent:** Peeples

- 6.B.** Consider receiving an update on critical Department of Innovation and Technology projects.

[20-121b](#)

Chief Information Officer Ahsan Baig presented the staff report.

Director Harper asked why cyber security was more important now during COVID-19 than it was before the pandemic. Mr. Baig advised that many employees are working from home using their home networks which have lower security standards than the District.

Director Williams asked if the IT Department had received any feedback from employees about their technological issues or concerns. Mr. Baig responded that employees have mostly reported issues with passwords, not having access to some applications and issues with the email traffic.

MOTION: WILLIAMS/HARPER to receive an update on critical Department of Innovation and Technology projects. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young

#### **External Affairs Items - Chair Ortiz**

- 6.C.** Consider receiving the monthly legislative report and approval of legislative positions. [20-286](#)

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report.

MOTION: WILLIAMS/WALLACE to receive the monthly legislative report and approve SUPPORT positions on H.R. 2 Moving Forward Act and ACA 5/Prop 16 to repeal Prop 209. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young

#### **Planning Items - Chair Shaw**

- 6.D.** Consider authorizing the General Manager to amend contract 2018-1437 for community outreach and public engagement services for the Bus Rapid Transit (BRT) Project and to exercise the second option year. [18-106c](#)

External Affairs Representative Steven Jones presented the staff report.

Director Harper expressed concern with extending a contract for services on a project that the District had to borrow money to complete. General Manager Michael Hursh explained that the services were needed to ensure a seamless launch of the new service and to build support for the line. He added that the services would not be needed beyond October and that the contract included a clause to terminate for convenience.

Director Harper believed the District should take a conservative approach and asked if the money saved by the contract could be used to help sustain regular service. Mr. Hursh explained that a lot of effort had gone into the project thus far and the services

were needed to ensure a smooth transition for the project. Director Harper asked if staff would bring an action to the Board in October to terminate the contract. Mr. Hursh advised that he would do that if it was the Board's pleasure.

Director Shaw clarified that there would be no additional funds needed to extend the contract for one year. Contract Specialist Michael Silk advised that any contract that needed an extension of time or additional funds would require the District to exercise a one-year option. He further confirmed that there was an early termination clause in the contract and there were sufficient funds to cover the extension.

MOTION: ORTIZ/WALLACE to authorize the General Manager to amend contract 2018-1437 for community outreach and public engagement services for the Bus Rapid Transit (BRT) Project and to exercise the second option year. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Shaw, Williams, Peeples, Young

**Nayes:** Harper

- 6.E.** Consider authorizing the General Manager to exercise the second-year option for contract 2018-1435 for construction management services for the Bus Rapid Transit (BRT) Project for tasks associated with the final project closeout. [18-105c](#)

Director of East Bay Bus Rapid Transit David Wilkins presented the staff report.

MOTION: HARPER/WALLACE to authorize the General Manager to exercise the second-year option for contract 2018-1435 for construction management services for the Bus Rapid Transit (BRT) Project for tasks associated with the final project closeout. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young

- 6.F.** Consider receiving the monthly construction progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) Project. [20-275](#)

Director of Bus Rapid Transit David Wilkins presented the construction update, External Affairs Representative Steven Jones advised of community outreach efforts, and Contracts Compliance Administrator Phillip Halley offered the progress made toward reaching the District's workforce and Disadvantaged Enterprise goals.

Vice President Ortiz asked what would happen if the Federal Transit Administration found issues during testing that would delay the start of the BRT service. Mr. Hursh advised that Line 1 would continue to run and hoped the District would know during the first week of August whether the service would launch on time. Questions were also addressed concerning outreach to riders about the new service and the official ribbon cutting event.

MOTION: ORTIZ/WILLIAMS to receive the monthly construction progress and

operational readiness report on the East Bay Bus Rapid Transit (BRT) Project. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young

- 6.G.** Consider authorizing the General Manager sign a “Commitment Letter” on behalf of AC Transit concerning the Blueprint project planning process for Plan Bay Area 2050 as required by the Metropolitan Transportation Commission (MTC). [20-270](#)

[An amendment to the draft letter was presented by President Wallace and is incorporated into the file by reference.]

Senior Transportation Planner Nathan Landau presented the staff report.

President Wallace commented that public transit was a civil rights issue and believed that the District should strive to have free or discounted fares for low income riders. Reference was made to the amendments to the letter that he was proposing which called for the District to participate in the Metropolitan Transportation Commission's (MTC) Clipper START means-based fare program at the 20% fare reduction level and motioned same.

Director Peeples commented that he would support the motion but was concerned about MTC's ability to handle the administrative oversight of the eligibility process, and that funding for the program would come from unrestricted resources that the District could otherwise utilize to support the operation of bus service.

Director Harper agreed with both President Wallace and Director Peeples and believed that local service should be free.

MOTION: WALLACE/ORTIZ to authorizing the General Manager sign a “Commitment Letter” on behalf of AC Transit concerning the Blueprint project planning process for Plan Bay Area 2050 as required by the Metropolitan Transportation Commission (MTC), including amendments offered by President Wallace calling for the District to participate in MTC's Clipper START means-based fare program at the 20% fare reduction level. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young

Director Harper left the meeting at 6:50 p.m.

#### **Board Administrative Matters - President Wallace**

- 6.H.** Consider the adoption of Resolution No. 20-036 honoring the legacy and lifetime achievements of former Alameda County Supervisor and City of Hayward Councilperson Gail Steele. [Requested by Director Williams - 7/8/20] [20-290](#)

There was no staff presentation.

Director Peeples spoke fondly of Ms. Steele's quirky personality and love of small animals, which she sometimes brought to work. He also spoke of her dedication and commitment to children, including those who were crime victims.

MOTION: WILLIAMS/ORTIZ to adopt Resolution No. 20-036 honoring the legacy and lifetime achievements of former Alameda County Supervisor and City of Hayward Councilperson Gail Steele. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Shaw, Williams, Peeples, Young

**Absent:** Harper

**7. CLOSED SESSION/REPORT OUT**

There was nothing to report out of Closed Session. The Closed Session was cancelled.

**7.A. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Acting Executive Director of Human Resources Nathaniel Kramer;

Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,

Unrepresented Employees

**8. AGENDA PLANNING**

**8.A. Agenda Planning Pending List for July 22, 2020.**

[20-010m](#)

President Wallace requested that the Board consider using head signs on busses to support the Black Lives Matter movement. [Vice President Ortiz concurred]

Director Williams requested that the Board adopt a resolution in support of Black Lives Matter.

Director Peeples requested a report on the security of the District's data on the Microsoft Office 365 cloud application in view of a recently filed law suit. [President Wallace concurred]

Director Williams requested that the Board consider approving a letter to New Flyer encouraging them to work with the Alabama Coalition to negotiate and sign an enforceable, national Community Benefits Agreement. Director Shaw requested that the staff report include more information about the topic. [Vice President Ortiz concurred]

Director Shaw requested a report on the feasibility of shifting buses from schools that will be holding virtual classes to support service to schools providing in-person instruction. [Director Williams concurred]



Director Young requested that staff amend the Board Policy allowing the General Manager to implement emergency service and, if feasible, look at allowing the General Manager to plan for service adjustments in June 2021. [Vice President Ortiz concurred]

**9. GENERAL MANAGER'S REPORT**

**9.A.** General Manager's Report for July 22, 2020.

[20-008m](#)

The report was presented for information only.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on meetings and events attended since the last Board meeting.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:03 p.m. The next meeting of the Board is scheduled for August 5, 2020 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff  
District Secretary