



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

### **AGENDA**

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

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

[Zoom link https://actransit.zoom.us/j/98487175063](https://actransit.zoom.us/j/98487175063)

**Wednesday, November 10, 2021 at 5:00 PM**

**Closed Session 4:00 PM (Items 8A-8D)**

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

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

**JOEL YOUNG, VICE PRESIDENT (AT-LARGE)**

**JOVANKA BECKLES (WARD 1)**

**JEAN WALSH (WARD 2)**

**MARK WILLIAMS (WARD 4)**

**DIANE SHAW (WARD 5)**

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

#### **BOARD OFFICERS**

**MICHAEL A. HURSH, GENERAL MANAGER**

**JILL A. SPRAGUE, GENERAL COUNSEL**

**LINDA A. NEMEROFF, DISTRICT SECRETARY**

**Advisory for Virtual Public Meetings**

Due to the COVID-19 pandemic and pursuant to the Brown Act, the Board of Directors of the Alameda-Contra Costa Transit District and all advisory, oversight, and inter-agency liaison committees are authorized to hold remote teleconference meetings and no locations for the public are required to be provided or noticed in the meeting agenda. The public can access the meeting via a call-in option or an internet-based service option as listed below and the agenda for this remote meeting provides an opportunity for members of the public to directly address the body in real time. No action shall be taken during a disruption that would prevent members of the public from offering public comments using the call-in or internet-based option. Remote meetings shall be reconsidered every thirty days.

**Public Participation and Public Comments**

To access the Board of Directors meeting by video conference click or paste this Zoom link into your browser: <https://actransit.zoom.us/j/98487175063>. To make a live public comment, use the "raise your hand" feature in Zoom to indicate that you wish to speak on an item. You will be muted upon joining the meeting and unmuted by the meeting host when it is your turn to speak. The comment time is limited to 2 minutes per speaker.

To dial into the meeting from your telephone, call: (669) 900 6833 Webinar ID: 984 8717 5063. The telephone numbers listed may change from meeting to meeting.

If you dialed in and wish to speak on an agenda item, dial \*9 (star nine) to "raise your hand" when the agenda item is called. When you are called to speak by the last 4 digits of your phone number or by name, the host will unmute you. If you decide not to speak, you may dial \*9 to "lower your hand".

**Written Public Comments**

To send a written comment directly to the Board BEFORE the meeting starts, please click on <https://actransit.legistar.com/Calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submissions close at 4:30 p.m. prior to the start of the meeting.

Written comments can also be emailed to [myvoice@actransit.org](mailto:myvoice@actransit.org). Please indicate the agenda item number in the subject of the email. Email submissions must be received by 3:00 p.m. prior to the start of the meeting.

For the members of the public who only wish to listen to the Board of Directors meeting (and not provide comment), a live audio stream (no video) is available online at: <https://actransit.legistar.com/Calendar.aspx> [Under the "Audio" column, Click on the "In Progress" link. This can only be done while streaming.]

Note: AC Transit does not provide technical support to users accessing the meeting by telephone/Zoom.

**1. CALL TO ORDER****2. ROLL CALL****3. PRESENTATION**

- 3.A. Update from the Alameda County Transportation Commission on the San Pablo Avenue Corridor Project. [Requested by Director Walsh - 3/10/2021] [21-522](#)

Presenters: Alameda County Transportation Commission  
Tess Lengyel, Executive Director  
Cathleen Sullivan, Director of Planning

**4. PUBLIC COMMENT**

Any person may directly address the Board at this time on any item of interest to the public that is within the subject matter and jurisdiction of the Board. Boardmembers may briefly respond to statements or questions from the public, ask questions for clarification, refer a matter to staff, request staff to report back at a subsequent meeting, or direct staff to place the matter on a future agenda. However, under the Brown Act, the Board cannot engage in discussion or take action on any item not listed on the agenda. Public Comment on a specific agenda item will be invited at the time the item is being considered. Two (2) minutes are allowed for each item.”

**5. MODIFICATIONS TO THE AGENDA****6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

- 6.A. Consider approving Board of Directors minutes of October 13, 2021. [21-509](#)  
Staff Contact: Linda Nemeroff, 891-7284

- 6.B. Consider approving Board of Directors/Board Officer Retreat minutes of September 29, 2021. [21-439](#)  
Staff Contact: Linda Nemeroff, 891-7284

- 6.C. Consider the adoption of Resolution No. 21-041 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through December 10, 2021. [21-053b](#)  
Staff Contact: Linda Nemeroff, 891-7284

- 6.D. Consider receiving the FY 2021-22 First Quarter Travel and Meeting Expense Report for Directors and Board Officers. [21-484](#)  
Staff Contact: Linda Nemeroff, 891-7284

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- 6.E. Consider receiving the Accessibility Advisory Committee minutes of September 14, 2021. [21-516](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.F. Consider receiving the Quarterly Report on the District's involvement in external planning processes. [21-469](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.G. Consider receiving the Monthly Report on Investments for September 2021. [21-523](#)  
Staff Contact: Chris Andrichak, 891-4855
- 6.H. Consider receiving the FY 2021-22 First Quarter Employee and Non-Employee Out-of-State Travel Report. [21-491](#)  
Staff Contact: Chris Andrichak, 891-4855
- 6.I. Consider approving of the FY 2022-23 Annual Budget Development Process and Calendar. [21-481](#)  
Staff Contact: Chris Andrichak, 891-4855
- 6.J. Consider authorizing the General Manager or his designee to file and execute applications and funding agreements with the Federal Transit Administration (FTA) for the Fiscal Year (FY) 2021 Buses and Bus Facilities Program to rehabilitate or replace maintenance lifts at the District's Central Maintenance Facility (CMF). [21-517](#)  
Staff Contact: Chris Andrichak, 891-4855
- 6.K. Consider receiving the FY 2021-22 First Quarter Surplus and Obsolete Materials Report. [21-482](#)  
Staff Contact: Chris Andrichak, 891-4855
- 6.L. Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [21-483](#)  
Staff Contact: Chris Andrichak, 891-4855
- 6.M. Consider receiving the Monthly Legislative Report. [21-124](#)  
Staff Contact: Beverly Greene, 891-7255
- 6.N. Consider adopting the District's 2022 Federal and State Legislative Programs. [21-541](#)  
Staff Contact: Beverly Greene, 891-7255
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- 6.O. Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of April 1, 2021 through September 30, 2021. [21-524](#)

Staff Contact: Lynette Little, 891-7271

- 6.P. Consider authorizing the General Manager to execute documents through the State of California State Consortium Contract for the procurement of fourteen (14) non-revenue vehicles to replace older vehicles that have surpassed their useful life. [21-452](#)

Staff Contact: Salvador Llamas, 891-7215

## 7. REGULAR CALENDAR

### External Affairs Items - Chair Williams

- 7.A. Consider receiving the FY 2021-2022 First Quarter Report of the External Affairs, Marketing, and Communications Department for July-September 2021. [21-518](#)

Staff Contact: Beverly Greene, 891-7255

- 7.B. Consider receiving report on the current AC Transit Ward boundaries as aligned with 2020 the U.S. Census data. [21-029b](#)

Staff Contact: Linda Nemeroff, 891-7284

### Finance and Audit Items - Chair Shaw

- 7.C. Consider adopting Resolution No. 21-044 to defer the implementation of the January 1, 2022 scheduled Transbay fare increase by six months to July 1, 2022. [17-234g](#)

Staff Contact: Chris Andrichak, 891-4855

- 7.D. Consider receiving the Year-End Financial Statements and Independent Auditor's Report for the Fiscal Year Ended June 30, 2021. [21-520](#)

Staff Contact: Chris Andrichak, 891-4855

### Planning Items - Chair Peoples

- 7.E. Consider receiving a report on the District's plans and timeline for redesigning the service network. [21-508](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 7.F. Consider receiving a report on the District's planned service changes associated with the December 2021 Sign-up. [21-519](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 7.G. Consider receiving a report on the Rockridge BART Station Transfer Point - Alternatives Analysis and Feasibility Study. [Requested by Director Peoples 11/11/2015, 10/23/2019 and Director Walsh 6/9/2021] [21-470](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

**Operations Items - Chair Beckles**

- 7.H. Consider receiving a report on bus only lane and bus stop violation enforcement. [Requested by Director Walsh - 8/11/21] [21-474](#)  
Staff Contact: Salvador Llamas, 891-7215
- 7.I. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the First Quarter (Q1) of Fiscal Year 2022. [21-455](#)  
Staff Contact: Salvador Llamas, 891-7215

**Board Administrative Matters - President Ortiz**

- 7.J. Consider adopting the 2022 regular Board meeting schedule taking into consideration the District's holiday schedule and any days requested by Directors to be included in the holiday schedule; and reschedule regular meetings if necessary. [21-488](#)  
Staff Contact: Linda Nemeroff, 891-7284

**8. CLOSED SESSION/REPORT OUT**

The items for consideration are listed below and will be reported on by the General Counsel as necessary at the end of the meeting.

**8.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

Katisha Adams vs. AC Transit, WCAB Case Nos. ADJ8196618; ADJ9597565

Quarterly Litigation Report:

- Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-02572-TSH;
- White v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-03804-TSH;
- Dollene Jones v. AC Transit Retirement Board, et al., U.S. District Court (No.Cal.Dist.), No. 20-cv-00385-SI;
- Dollene Jones v. AC Transit Retirement Board, et al., ACSC No. RG20-050706; and
- Claim of Farmers Insurance Exchange (21-AL00077).
- Report regarding violations at the District’s Emeryville and Hayward facilities during this reporting period.

**8.B. Conference with Legal Counsel – Potential Litigation (Two Cases)**

(Government Code Section 54956.9(b))

**8.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;
  - Executive Director of Human Resources Sebron Flenaugh III;
- Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,  
Unrepresented Employees

**8.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**9. AGENDA PLANNING**

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of at least one other Director.

9.A. Review of the Agenda Planning Pending List.

[21-018s](#)

**10. GENERAL MANAGER’S REPORT**

10.A. General Manager’s Report for November 10, 2021.

[21-020s](#)

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

Next Meeting: December 8, 2021 at 5:00 p.m.

## MEETING DISCLOSURES

**Public Comment:** For subjects not listed on this agenda, the public will be invited to speak under the "PUBLIC COMMENTS" section of the regular meeting agenda. For specific agenda item(s), speakers will be invited to address the Board at the time the item is being considered. All speakers, including anyone using simultaneous translation equipment, are allowed two (2) minutes to present comments. Speakers using a translator will receive twice the allotted time. Individuals wishing to present more detailed information are encouraged to submit comments in writing. Written comments are included in the record for meeting(s), and as such, are available for public inspection and may be posted to the District's website.

**Electronic Devices:** All electronic devices such as cell phones, smartphones, tablets and similar-sounding devices, shall be placed on mute, vibrate or silent mode during Board meetings pursuant to District Ordinance No. 12.

**Order of Agenda Items:** The Board may discuss any item listed on this agenda and in any order.

**Availability of Agenda Related Materials:** Written agenda related materials for all open session regular meetings are available to the public 72 hours prior to the meeting or at the time the materials are distributed to a majority of the Board. Written materials presented at a meeting by staff or a member of the Board will be available to the public at that time, or after the meeting if supplied by an outside party. Agenda related materials are available on the District's website or by contacting the District Secretary's Office.

**Wheelchair Access and Assistive Listening Devices:** Due to existing shelter-in-place orders related to the spread of the Coronavirus, in-person public meetings are prohibited. Meetings can be accessed by telephone or Zoom video conference. A live audio stream of the meeting and an archive of past meetings can be accessed via the District's website at <https://actransit.legistar.com/Calendar.aspx>. Please see page 1 of the agenda for further details.

**Alternative Formats/Interpreters:** Written materials in appropriate alternative formats or disability related modification/accommodation must be made three business days in advance of the meeting to help ensure availability. Subject to availability, sign language and foreign language interpreters will be provided upon request with 72-hour notice. Please direct requests for disability related modification or accommodation and/or interpreter services to Linda A. Nemeroff, District Secretary, 1600 Franklin Street, Oakland, California, 94612 or call (510) 891-7201. To access a recording of the current agenda by telephone, dial (510) 891-7200. District Ordinance No. 13 prohibits non-service animals at District facilities unless specifically authorized by law. To accommodate individuals with severe allergies and environmental illnesses, meeting participants should refrain from wearing scented products to the meeting.