



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

### **MINUTES**

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

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

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

**Wednesday, January 26, 2022 at 5:00 PM**

**<https://bit.ly/3HcpPqa>**

#### **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**

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, January 26, 2022, at 5:00 p.m.

The meeting was called to order at 4:15 p.m. for the purpose of Closed Session. All Board members were present except Director Peeples (who arrived at 4:22 p.m.). The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:50 p.m.

President Ortiz called the Board of Directors meeting to order at 5:03 p.m.

**2. ROLL CALL**

**Present:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

**3. PRESENTATION****3.A. Update on State Legislative Activities. [22-013](#)**

Darius Anderson from Platinum Advisors gave an update on the budget, the legislature and the future state of California politics given the number of officials resigning or leaving public office in 2022 and 2024. He added that a number of resignations at the federal level could also occur if Republicans take the house in November. He added that out of chaos and change will come opportunities because of the influx of federal dollars and prioritization of transit.

Steve Wallauch from Platinum Advisors gave an overview of the legislative successes in 2021 and activities in the second half of the legislative session; the Governor's proposed budget; the state transportation budget, including zero emission vehicles and infrastructure; and workforce funding for training programs.

Mr. Wallauch further addressed questions from the Board concerning AB 1400 (universal health care), operating and capital grant opportunities, public safety, aid for unsheltered populations, and free student transportation under SB 878 (Skinner).

**Public Comment:**

There were no comments offered.

This item was presented for information only.

**4. PUBLIC COMMENT**

**Andreas Cluver**, Secretary-Treasurer, Alameda County Construction and Building Trades Council (ACBTC), commented how a Community Workforce Agreement would be a win for everyone and expressed optimism towards possible planning and collaboration with AC Transit and other agencies to benefit future infrastructure projects funded by new federal and state infrastructure funds.

V asked for AC Transit's response to a downed bus sign incident at Melrose Avenue and 50th Avenue in Oakland in May 2021 which required a lengthy amount of time to be resolved and was a nuisance in the community.

**Janet Lemmons**, local business owner on Castro Valley Blvd., voiced concern and frustration at the negative impact of bus shelters taken over by homeless people along Castro Valley Blvd. and Redwood Road. Lemmons described several incidents of poor sanitation and public safety issues to bus patrons and local businesses brought on by this situation and asked for a solution.

**Ken Carbone**, Chair of the Castro Valley Municipal Advisory Council, added comments to bus shelter concerns brought by Janet Lemmons and asked the Board to address community concerns more closely regarding these bus shelters. Carbone also asked the Board to consider making an open-ended complaint with the Alameda County Sheriff's Office to aid in the District's work to assist homeless people using these bus shelters with the help they need.

**Ed Sanchez** noted reasons why the AC Transit Covid-19 vaccination mandate doesn't work.

**Jay Hernandez** noted reasons why the AC Transit Covid-19 vaccination mandate doesn't work.

**Dionte Delcombre** noted reasons why the AC Transit Covid-19 vaccination mandate doesn't work.

## 5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

## 6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)

There was no public comment offered.

MOTION: YOUNG/WILLIAMS to receive, approve or adopt the items on the Consent Calendar as indicated with the exception of Item 6.D. which was pulled off the Consent Calendar by Director Peeples. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.A.** Consider receiving the Monthly Report on Investments for November 2021. [22-037](#)

MOTION: YOUNG/WILLIAMS to receive the Monthly Report on Investments for November 2021. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.B.** Consider the adoption of Resolution No. 22-004 approving the new classification of Project Manager I and the revised classifications of Project Coordinator, Project Manager II and Senior Project Manager. [22-004](#)

MOTION: YOUNG/WILLIAMS to adopt Resolution No. 22-004 approving the new classification of Project Manager I and the revised classifications of Project Coordinator, Project Manager II and Senior Project Manager. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.C.** Consider authorizing the issuance of a Request For Proposals (RFP) for [22-040](#)

temporary personnel placement services to supplement the current District workforce.

MOTION: YOUNG/WILLIAMS to authorize the issuance of a Request For Proposals (RFP) for temporary personnel placement services to supplement the current District workforce. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

**6.D.** Consider receiving the Monthly Legislative Report. [22-027](#)

Director Peeples pulled Item 6.D. off the Consent Calendar for a presentation on federal legislative matters. External Affairs Representative Steven Jones presented the staff report. There was no discussion by the Board, nor any public comment offered.

MOTION: PEEPLES/BECKLES to receive the Monthly Legislative Report. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

## 7. REGULAR CALENDAR

### Finance and Audit Items - Chair Shaw

**7.A.** Consider receiving the FY 21-22 Mid-Year Budget Review and adopt Resolution No. 22-002 amending the FY 21-22 Annual Operating and Capital Budget. [21-140e](#)

*[Written comment received prior to the meeting is incorporated into the file by reference.]*

Chief Financial Officer Chris Andrichak presented the staff report.

#### **Public Comment:**

**Katy Scott-Smith**, People's Transit Alliance - East Bay Democratic Socialists of America (PTA-EBDSA), appreciated the budget as presented and expressed hope that American Rescue Plan (ARP) funds will be used towards hazard pay. Scott-Smith asked if additional funds would be used towards the hiring programs for new bus operators.

**Brandi Donaldson** noted that the recommended accommodation for Appreciation Pay equates to a pay rate of less than \$1/hour. Donaldson provided experiences faced by ATU 192 members to advocate the merits of a larger pay rate.

**Sultana Adams**, D3 Operator, Asst. Shop Steward, expressed displeasure with the labeling of Hazard Pay as "Appreciation Pay" because the naming does not acknowledge the hazardous conditions faced by transit workers. Adams commented that the current pay offer and payroll tax methodology is inadequate, unreasonable, and needs to better reflect the value of the employees to the District.

**Connie McFarland** urged the Board to instruct the General Manager to continue appreciation pay negotiations with union leadership and work for a more equitable offer. McFarland commented on reasons the current appreciation pay offer is inadequate.

**Richard Marcantonio**, Public Advocates, commented and offered alternative considerations, ideas, and priorities related to the District's budget, including lowering bus fares by one dollar to increase ridership and utilize ARP funds towards appreciation pay to transit workers.

**Ivonne Maldonado** expressed reasons to eliminate the District's mask mandate and award hazard pay to transit workers.

**Steven Jefferson**, Asst. Shop Steward, D2, noted that transit workers face many infection dangers at work, and hazard pay should be used to adequately compensate transit workers.

**Elliott Cobb**, PTA-EBDSA, expressed support to ATU 192 members and hoped that the District would offer a hazard pay amount comparable, if not in excess of, to the offer made by Santa Clara Valley Transportation Authority (VTA) to its workers.

**Lee Uribe**, Facilities Maintenance Mechanic D2, expressed reasons to eliminate the District's mask mandate, allow transit workers to choose to be vaccinated or not, and award hazard pay to transit workers.

**Ed Sanchez** commented on COVID-19 vaccination effectiveness and safety. Sanchez noted that transit workers face on-the-job hazards brought on by COVID-19 and deserve hazard pay.

**Linda Mohammad (Jenkins)**, New Bus Operator, commented on safety issues faced by bus operators and asked if more frequent rides by law enforcement could be scheduled to support bus operator safety concerns.

**Armando Barbosa**, Organizer for ATU 265, expressed support for ATU 192 members' request for hazard pay.

**Jimanette James**, D6 Bus Operator, Asst Shop Steward, supports ATU 192. James noted that appreciation pay should be specifically called hazard pay. James commented that the Board should treat the transit workers more fairly by providing a fair offer of hazard pay as it decides other budget expenditures.

**James Jackson**, ATU Business Agent, noted that District office workers could work from home while the front-line transit workers could not. Jackson noted that transit workers marched in support of the funding for hazard pay by the government to the District but described the District's negotiation with the Union to grant hazard pay as unfair.

**Rachel Garcia Feezel**, ATU 265, commented that putting 'conditions' on the earnings of hazard pay is insulting to transit workers. Feezel noted that non-front-line workers could often work from home; front-line workers cannot and face an unequal hazard that deserves fair compensation.

**Phyllis Jackson**, service employee D3, requested the Board see their situation through the eyes of the transit employees. Jackson described the conditions and situations that transit service workers face daily without adequate supplies nor appreciation despite the expectation to keep the buses clean and safe.

**M.E. (Mia Easley)**, D2 Operator, commented on observations of Director Young's video feed during Public Comment, which Easley believed were impolite.

**Maria Henderson**, D3 Operator, expressed solidarity with AC Transit employees and also agreed with comments made by Easley about Director Young's video feed. Henderson noted that the conditions faced on the job are hazardous and District-imposed mandates create personal and professional conflicts. Henderson

recognized these challenges and asked the Board to show transit workers' respect.

**Board Discussion:**

President Ortiz asked whether the Line 1T costs associated with fiberoptic maintenance are an ongoing yearly expenditure. Mr. Andrichak confirmed this was an ongoing maintenance and operations expense.

Director Beckles thanked the members of the public for their comments and acknowledged their sentiment.

Director Beckles commented on the dire projections given in the last budget report and asked staff to explain the plan to remain fiscally solvent. Mr. Andrichak explained that the challenge would be to control expenses to match revenues. General Manager Hursh added that similar to all Bay Area transit agencies, AC Transit needs to identify additional revenue sources as it grapples with low revenues. Mr. Hursh commented staff's plan was to control expenses, hold some of the ARP funds in reserve, and to identify other revenue sources.

Director Walsh asked questions related to new positions and hiring, asking whether one new trainer for bus operators was sufficient given the urgency to hire a large number of operators. Mr. Andrichak advised that two trainers have already been hired and the third hire would fulfill the need for trainers.

Director Walsh commented that EasyPass is a revenue-generating program and asked if there is an option to expand the program and staffing. Mr. Andrichak commented that the program is adequately staffed. General Manager Hursh added that it would be prudent for the program to remain idle until the Metropolitan Transportation Commission's Fare Integration plan rollout, which will impact the EasyPass program.

Director Walsh commented on the increase in spending for temperature-checkers and asked if the expenditure would keep increasing or whether staff should look at installing temperature-reading devices. Mr. Andrichak explained that devices are already in use at some facilities, but because the Divisions have multiple entry points, having a temperature checker would be a more prudent option. Mr. Andrichak explained that the proposed expenditure is planned for the rest of the year. He further explained that the need for temperature checkers fluctuates depending on the prevalence of COVID. Chief Information Officer Ahsan Baig added that the expenditure includes deploying new technologies to configure the offices for the eventual return-to-office scenario.

Director Williams asked about the potential for new revenue measures or perhaps reviving the Mega Measure in the future. Mr. Hursh commented that work on the Mega Measure was halted and that there is still much to be decided in order to revive it. He also commented that funding mechanisms for public transit are not sustainable, especially now during COVID, and the Bay Area has to bring transit funding discussions

to the forefront again.

MOTION:PEEPLE/BECKLES to receive the FY 21-22 Mid-Year Budget Review and adopt Resolution No. 22-002 amending the FY 21-22 Annual Operating and Capital Budget. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

### Planning Items - Chair Peeples

- 7.B.** Consider receiving a report on planning for future Supplementary Service needs. [Requested by Director Shaw 7/28/21]. [22-011](#)

Senior Transportation Planner Sean Diest Lorgion presented the staff report.

#### **Public Comment:**

**Hayden** expressed appreciation for supplemental bus service and the ability to reach areas that are otherwise inaccessible and suggested alternatives to consider towards further improvement of future supplemental service.

**Steven Jefferson** asked what role the farebox and Clever Devices play to inform planning decisions about future supplemental service.

**Jimanette James** noted that a successful ridership plan for supplemental service would be hampered without a testing and vaccine mandate, which will affect the ability to supply bus operators for these supplemental lines.

#### **Board Discussion:**

Vice President Young commented that the report indicates a need for bus service for students going to and returning from school and wanted to know if staff had identified an option to expand school service and capture more ridership. Mr. Diest Lorgion commented that, before COVID, about 30,000 daily riders were of student age and advised that there may be scheduling opportunities that could better accommodate and maximize the current service. General Manager Hursh added that according to Federal Transit Administration regulations, the District could not run dedicated school bus service, so staff has been creative in readjusting the bus schedules to match the school schedules. Mr. Hursh also commented that in terms of adding or expanding service, it all comes down to how the Board's prioritizes service, whether it's supplementary service, Transbay, the hills, or something else. Vice President Young wanted to know a quantitative estimate of an increase in ridership if bus schedules were coordinated with the school bell schedules. Staff didn't have an estimate to present at the time.

Director Shaw commented that the report offered some useful insights; however, she wanted to understand what future service needs were going to be in order to plan for it now.

President Ortiz commented that Skyline High School in Oakland didn't provide their bell time schedules and was concerned about many of its students from East Oakland who

rely on AC Transit buses to get to school. Mr. Diest Lorgion explained that staff has been in contact with the school and is coordinating the morning trips.

MOTION: ORTIZ/SHAW to receive a report on planning for future Supplementary Service needs. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 7.C.** Consider approving updated methodology for prioritizing lines for service recovery, including both local and Transbay service. [Requested by Director Walsh 11/10/2021] [22-009](#)

Senior Transportation Planner David Berman presented the staff report.

**Public Comment:**

**Hayden** expressed support for the prioritization of Bus to BART or Ferry in place of Transbay, but noted that the idea of saving one or two minutes by adding additional buses on one bus line versus re-prioritizing services to restore previously shutdown bus lines should be discussed and considered as well.

**Tom Yamaguchi** expressed concern about the Ashby Avenue bus line and noted his community is still waiting for the planned replacement service of line 79. Yamaguchi noted that some service modifications that would bring back service to Ashby Avenue would be appreciated.

**Lee** expressed approval of a plan for disadvantaged riders, but the plan should go further by including people of color, low-income and disabilities. Lee added that planning staff need to consider rider origin and destination.

**Board Discussion:**

Vice President Young agreed with the proposal of delaying Transbay recovery and further commented on the newly updated recovery priority methodology as described in the presentation. Vice President Young wanted to know how the new criteria in the presentation aligned with the Service Priority Memo (Attachment 1 to the staff report). He also wanted to know if staff is aware of any potential downside to using the new methodology. Robert del Rosario explained that the new criteria would be dedicated to the areas with the most low-income and riders of color.

Director Walsh commented on the new criteria and believed that no-car households should have been considered in the methodology. Director Shaw also thought that the District's investment in the Salesforce Transit Center and the costs associated with it should be considered in the future.

Director Beckles appreciated staff's attention to communities of color and agreed with the new proposed methodology as it would benefit most riders.

Director Walsh mentioned that it was unfortunate that a lack of resources prevented the District from recovering the full-service network and believed more consideration



should be given to providing service on weekends.

Director Peoples agreed with the proposed new criteria and asked how it would affect the District's traditional ratio of 70% ridership to 30% coverage. The staff did not have a calculation to present at the time. Director Peoples further commented that some relief related to Salesforce Transit Center funding could become available in the future.

MOTION: YOUNG/WILLIAMS to approve the updated methodology for prioritizing lines for service recovery, including both local and Transbay service. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peoples

### Operations Items - Chair Beckles

- 7.D.** Consider receiving the Department of Innovation and Technology's Major Projects and IT Strategic Plan Annual Report. [22-002](#)

Chief Information Officer Ahsan Baig presented the staff report.

**Public Comment:**

There was no comment offered.

**Board Discussion:**

Vice President Young inquired about the topic of Data Governance and when the Board would be briefed on it. Mr. Baig responded that staff planned to bring a comprehensive report to the Board in the coming months.

Vice President Young also asked if staff could elaborate on the various sources of data that might be used to transform how business is done at AC Transit. Mr. Baig reported that staff is working to identify a number of data sources but is also working to ensure that data quality, integrity, and availability are being maintained throughout the entire lifecycle of the data. He added that data governance will be used to provide a holistic picture for decision makers with the goal of leveraging this information with more sophisticated data management technology such as machine-learning artificial intelligence.

Vice President Young inquired about the Restroom Finder application. Mr. Baig responded that this mobile application was available to bus operators to locate restroom facilities on the bus route.

Director Shaw commented on data governance and the need for reliable data as well as the progress that has been made on vital projects. In addition, Director Shaw inquired about IT staffing (2.9% below "industry" average) and what "industry" staff was referring to. She also asked if push notifications via the mobile application could be used to notify riders of issues on specific lines and who determines what level the department is at on the future road map. Mr. Baig responded that the industry was

public sector agencies, not necessarily public transit. With regard to push notifications, Mr. Baig reported that staff is developing a new feature that will allow users to personalize push notifications in the future and that the department's placement on the roadmap needed to be reevaluated.

Director Shaw further noted that she liked the scorecard presented in the report, saying that it set the bar higher for other departments and suggested the creation of a customer service scorecard.

President Ortiz asked about the customer satisfaction rate compared with the previous year. Mr. Baig believed the numbers had improved over the previous year but would need to verify.

Members of the Board expressed appreciation for the report and staff's efforts to advance various projects.

MOTION: WALSH/SHAW to receive the Department of Innovation and Technology's Major Projects and IT Strategic Plan Annual Report. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

#### **Board Administrative Matters - President Ortiz**

- 7.E.** Consider approving the formation of an AC Transit/City of Oakland Inter-Agency Liaison Committee (ILC). [22-006](#)

There was no presentation of the staff report. There was no discussion and no public comment.

MOTION: PEEPLES/YOUNG to approve the formation of an AC Transit/City of Oakland Inter-Agency Liaison Committee (ILC). The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 7.F.** Announcement of appointments to the AC Transit/City of Oakland Inter-agency Liaison Committee. [22-006a](#)

President Ortiz announced the appointment of Directors Peeples, Walsh and Ortiz to the AC Transit/City of Oakland Inter-Agency Liaison Committee, with Vice President Young as the alternate member.

- 7.G.** Announcement of Chair and Liaison Committee assignments for Calendar Year 2022. [22-003](#)

President Ortiz announced the appointments outlined in Staff Report 22-003.

**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.

There was nothing to report out of Closed Session.

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

(Government Code Section 54956.9 (a))

Alneda Smith; Claim No. ACCT-007449; WCAB Nos: ADJ 7174528 & ADJ 8204598

Davena Durham; Claim No. ACCT-009909; WCAB No. ADJ 10164975

**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;

- Labor and Employee Relations Representative;

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 Agenda Planning Pending List.**

[22-065a](#)

Vice President Young commented that any service changes should be reflected in the Board Policy and reviewed by the Board.

Director Beckles Requested a resolution supporting AB 1400 The California Guaranteed Health Care for All Act. Director Peoples concurred and commented that staff could expediently send a letter of support to the Legislators instead of adopting a Resolution in February.

Director Walsh requested an updated report on operator hiring efforts, including the number of applications, interviews, and hires to understand when and why applicants do not complete the hiring process. (Shaw concurred)

**10. GENERAL MANAGER'S REPORT**

**10.A.** General Manager's Report for January 26, 2022.

[22-041a](#)

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned in memory of the social justice, union activist and author, Mike Parker who passed away on January 15, 2022. The next meeting of the Board of Directors is scheduled on Wednesday, February 9, 2022 at 5:00 p.m.

Respectfully submitted,

/s/ Linda A. Nemeroff  
District Secretary