



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

VIRTUAL MEETING

Zoom link <https://actransit.zoom.us/j/98487175063>

Phone (669) 900 6833

Webinar ID: 984 8717 5063

Wednesday, September 22, 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

In response to the COVID-19 pandemic, California Governor Gavin Newsom issued Executive Order N-08-21 on June 11, 2021, governing the convening of public meetings. Pursuant to the Executive Order, all members of the AC Transit Board of Directors may participate in Board meetings via teleconference, and no teleconference locations for the public are required to be provided or noticed in the meeting agenda. The public must be given the opportunity to observe and address the meeting telephonically or otherwise electronically.

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 Or iPhone one-tap: +16699006833,,98487175063#. 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. 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. Salesforce Transit Center Wayfinding Project. [Requested by Director [21-341](#)
Shaw on 6/9/21]

Presenters: John Updike & Lily Madjus Wu, Transbay Joint Powers Authority

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 September 8, 2021. [21-441](#)
Staff Contact: Linda Nemeroff, 891-7284

- 6.B. Consider receiving the Monthly Report on Investments for July 2021. [21-415](#)
Staff Contact: Chris Andrichak, 891-4855

- 6.C Consider adoption of Resolution No. 21-034 authorizing the General [20-353a](#)
Manager or his designee to file and execute revised applications with the
Metropolitan Transportation Commission (MTC) for MTC’s Transit
Capital Priorities (TCP) Program for Federal Fiscal Year (FY) 2021-22, FY
2022-23, FY 2023-24, and FY 2024-25, including Federal Transit
Administration (FTA) Sections 5307, 5337, 5339 and Surface
Transportation Program (STP) funds.
Staff Contact: Chris Andrichak, 891-4855

- 6.D. Consider review of Board Policy No. 352 - Payment of Expenditures: [21-422](#)
Signature Authorization with no amendments.
Staff Contact: Chris Andrichak, 891-4855

- 6.E. Consider adoption of Resolution No. 21-037 in support of California Clean Air Day 2021. [21-443](#)
Staff Contact: Beverly Greene, 891-7255
- 6.F. Consider approving the formation of an AC Transit/City of Richmond Inter-Agency Liaison Committee. [21-195](#)
Staff Contact: Linda Nemeroff, 891-7284
- 6.G. Consider approving the award of a five-year contract to Alliant for employee benefits brokerage and consulting services. [20-408a](#)
Staff Contact: Bill Lopez, 891-5467
- 6.H. Consider authorizing the General Manager to award a firm-fixed price construction contract to State Roofing Systems, Inc. of San Leandro California in the amount of \$1,042,562 for the replacement of the roof on the District's General Office building. [17-244a](#)
Staff Contact: Chris Andrichak, 891-4855

7. REGULAR CALENDAR

External Affairs Items - Chair Williams

- 7.A. Consider receiving the Monthly Legislative Report and approval of legislative positions if necessary. [21-122](#)
Staff Contact: Beverly Greene, 891-7255
- 7.B. Consider receiving a report on the process and timeline for the 2021 Ward Redistricting Project; and the adoption of Resolution No. 21-033 establishing procedures for adjusting the boundaries of the wards of the Alameda - Contra Costa Transit District. [21-029](#)
Staff Contact: Linda Nemeroff, 891-7284

Finance and Audit Items - Chair Shaw

- 7.C. Consider receiving a report on the trend of hourly cost of service. [21-412](#)
[Requested by Director Shaw - 8/11/2021].
Staff Contact: Chris Andrichak, 891-4855

Board Administrative Matters - President Ortiz

7.D. Announcement of appointments to the AC Transit/City of Richmond Inter-Agency Liaison Committee. [21-195a](#)
President Ortiz

7.E. Consider the adoption of Resolution No. 21-038 authorizing the AC Transit Board of Directors and all District Advisory, Oversight, Steering and Inter-Agency Liaison Committees to continue to meet remotely during a declared state of emergency, subject to the requirements outlined in Assembly Bill 361. **21-453**
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))

Byrdsong v. AC Transit; WCAB Case No. ADJ9621185
Teclé v. AC Transit, et al., ACSC No. RG17876401

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 Manager Nathaniel Kramer;
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. [21-018p](#)
Staff Contact: Linda Nemeroff, 891-7284

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for September 22, 2021.

[21-020p](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: September 29, 2021 at 9:00 a.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.