



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

VIRTUAL MEETING

Wednesday, December 9, 2020 at 5:00 PM

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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 regular virtual meeting on Wednesday, December 9, 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.

At 4:30 p.m., the Board of Directors convened in Closed Session to discuss Items 7.A. - 7.D. as listed on the agenda. All Board members were present. Closed Session concluded at 4:37 p.m.

President Ortiz called the Board of Directors meeting to order at 5:00 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT

Sheila Gunn-Cushman expressed her concerns about riders being asked if their trips are essential by Paratransit.

Warren Cushman commented on the Metropolitan Transportation Commission's reprogramming of funds towards operations and inquired about AC Transit's access to these reprogrammed funds.

Derek Sagehorn expressed support of the Seamless Transit Principles presented by Seamless Bay Area and urged AC Transit to be a leader and supporter of the principles.

John Minot, member of Bay Area Transit Riders Union, expressed support of the Seamless Transit Principles encouraged AC Transit support them as well..

Nathanial Arnold, ATU Local 192 Safety Chair, presented his views of Seasonal Affective Disorder and how it is potentially affects Bay Area residents and AC Transit workers. Mr. Arnold noted that the Centers for Disease Control and Prevention reported that this condition is greatly exacerbated by the Covid-19 pandemic and asked the Board to take steps to ensure workers are safe.

Jordan Burns, UC Berkeley Graduate Student, supported the idea of a regional authority for transit for the whole Bay Area (Seamless Bay Area), adding that his group would support actions by the Board to preserve bus service, such as tax increases.

Hayden Miller, member of East Bay Transit Riders, spoke in support of Seamless Transit Principles presented by Seamless Bay Area. He also commented that Bus Shelters are poorly maintained and asked the Board to address this issue along with Bus overcrowding and the issue of buses passing up riders when full.

4. MODIFICATIONS TO THE AGENDA

President Ortiz announced that item 5.H. (Agreement with Caltrans on Dumbarton Bridge Travel Time Improvements) was pulled off the agenda and that item 6.G. (Letter to Governor Newsom) was added to the agenda in compliance with the Brown Act 72-hour posting requirements.

5. CONSENT CALENDAR

MOTION: WILLIAMS/BECKLES to receive, approve or adopt items on the Consent Calendar as indicated, except Item 5.K. Contract with the Alameda and Contra Costa Counties Sheriff's Office which was pulled of the Consent Calendar for further discussion. The motion carried by the following vote:

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

- 5.A.** Consider receiving the Accessibility Advisory Committee minutes of October 13, 2020. [20-460](#)

MOTION: WILLIAMS/BECKLES to receive the Accessibility Advisory Committee minutes of October 13, 2020. The motion carried by the following vote:

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

- 5.B.** Consider receiving Retirement Board meeting minutes of October 7, 2020. [20-464](#)

Staff Contact: Hugo Wildmann, 891-4889

MOTION: WILLIAMS/BECKLES to receive Retirement Board meeting minutes of October 7, 2020. The motion carried by the following vote:

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

- 5.C.** Consider receiving the Monthly Report on Investments for October 2020. [20-469](#)

Staff Contact: Claudia Allen, 891-5465

MOTION: WILLIAMS/BECKLES to receive the Monthly Report on Investments for October 2020. The motion carried by the following vote:

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

- 5.D.** Consider authorizing the General Manager or his designee to file and execute grant applications and funding agreements with the Bay Area Air Quality Management District (BAAQMD) for the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) to support the purchase of up to five zero-emission forklifts and associated charging infrastructure. [20-394](#)

Staff Contact: Claudia Allen, 891-5465

MOTION: WILLIAMS/BECKLES to authorize the General Manager or his designee to file and execute grant applications and funding agreements with the Bay Area Air Quality Management District (BAAQMD) for the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) to support the purchase of up to five zero-emission forklifts and associated charging infrastructure. The motion carried by the following vote:

- Ayes:** Ortiz, Young, Beckles, Walsh, Williams, Shaw, Peeples
- 5.E.** Consider approving changes to Board Policy 217 Use of District Resources. [20-338](#)
- Staff Contact: Jill Sprague, 891-4816
- MOTION: WILLIAMS/BECKLES to approve changes to Board Policy 217 Use of District Resources. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Walsh, Williams, Shaw, Peeples
- 5.F.** Consider receiving the monthly legislative report. [20-481](#)
- Staff Contact: Beverly Greene, 891-7255
- MOTION: WILLIAMS/BECKLES to receive the monthly legislative report. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Walsh, Williams, Shaw, Peeples
- 5.G.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [20-428](#)
- Staff Contact: Ramakrishna Pochiraju, 891-5448
- MOTION: WILLIAMS/BECKLES to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Walsh, Williams, Shaw, Peeples
- 5.H.** Consider authorizing the General Manager to execute an Operations Agreement with the California Department of Transportation (Caltrans) for the Dumbarton Bridge Corridor Transit Travel Time Improvement Project. THIS ITEM HAS BEEN PULLED OFF THE AGENDA. [20-420](#)
- Item 5.H. was pulled off the agenda.
- 5.I.** Consider authorizing the issuance of an Invitation for Bid (IFB) for a fixed price construction contract to remove the single wall underground storage tank and replace with an above ground system at the Emeryville Division (D2). [20-467](#)
- Staff Contact: Ramakrishna Pochiraju, 891-5448
- MOTION: WILLIAMS/BECKLES to authorize the issuance of an Invitation for Bid (IFB) for a fixed price construction contract to remove the single wall underground storage tank and replace with an above ground system at the Emeryville Division (D2). The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Walsh, Williams, Shaw, Peeples
- 5.J.** Consider authorizing the issuance of an Invitation for Bid (IFB) for a fixed price construction contract to remove the two (2) single wall underground storage tanks at the Central Maintenance Facility (CMF) and replace them with an above ground tank system. [20-487](#)
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Staff Contact: Ramakrishna Pochiraju, 891-5448

MOTION: WILLIAMS/BECKLES to authorize the issuance of an Invitation for Bid (IFB) for a fixed price construction contract to remove the two (2) single wall underground storage tanks at the Central Maintenance Facility (CMF) and replace them with an above ground tank system. The motion carried by the following vote:

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

- 5.K.** Consider authorizing a three-month extension to the contract with the Alameda County Sheriff's Office; and exercise a one-year option to extend the contract with the Contra Costa County Sheriff's Office for AC Transit sworn law enforcement services.

[20-452](#)

Staff Contact: Salvador Llamas, 891-7215

Protective Services Manager Kerry Jackson presented the staff report.

Director Beckles observed that the cost of the contracts was high and requested clarification of the services provided and an explanation as to why the Alameda County Sheriff's contract, in particular, was so high. Mr. Jackson advised that the Alameda contract was much higher than the Contra Costa contract due to the number of personnel. In addition, equipment and other services (such as dispatch services) were included in the contract. As a point of reference, Mr. Jackson advised that the Sheriffs responded to more than 7,000 calls for service in Alameda County in 2020.

Director Peeples acknowledged the problems with the Alameda and Contra Costa sheriffs in terms of their relationship with ICE and the handling of the jails, but expressed his full support for both contracts saying that the District's efforts years ago to deploy private security was a disaster and exposed the District to lawsuits. He added that contracting with the Sheriff's has been good for the District and has not resulted in any complaints that he was aware of. He also suggested that providing advanced mental health training to operators was difficult and took away from the operator's primary responsibility of driving the bus.

Director Williams asked how AFSCME and ATU personnel felt about the contract. Mr. Jackson advised that feedback from the Unions was positive and they supported the continuation of the contract. Chief Operating Officer Salvador Llamas advised that operators and road supervisors in the field feel safer knowing that sworn officers are responding to incidents. The ATU Safety Committee has also provided positive feedback.

Director Shaw thought it would be helpful for the Board to have a better understanding of the cost components and how this compares to other transit agencies.

Director Walsh asked if there were elements of the contract that didn't have to be done by the Sheriff's Department, such as security for in-person Board meetings, vehicle break-ins, etc. She also requested a pie chart or some sort of breakdown of the types

of calls the Sheriff responds to. Mr. Jackson advised that staff can look at other methods to address some of the calls, such as utilizing road supervisors, but cautioned that this could lead to potential reporting errors when investigating incidents. Mr. Llamas advised that staff is looking very closely at where costs can be reduced.

Public Comment

Yvonne Williams, President of ATU Local 192, voiced the union's support for approving the contract extension with the Alameda County Sheriff's Office and the one-year contract with the Contra Costa County Sheriff's Office.

John Minot, Bay Area Transit Riders Union, hoped the Board would listen to the community with regard to reimagining public safety and the recent criticism involving bad faith issues concerning the Sheriff's office. He added that the Board should not limit its options in consideration of public safety functions, such as de-escalation measures and mental health support.

Tiffany Bonaparte, President of AFSME LOCAL 3916, commented on the union's support of the contracts.

Nathanial Arnold, ATU Local 192, said the Safety Committee supports the service contract between AC Transit and the Sheriff's Office and asked the Board to be mindful of the effects of Seasonal Affective Disorder on the community and the District's employees.

Hayden Miller, East Bay Transit Riders, encouraged the Board to use private security or contract with local cities to manage traffic citations instead of leaving this function to the Sheriff's office.

MOTION: YOUNG/WILLIAMS to approve a three-month extension to the contract with the Alameda County Sheriff's Office; and exercise a one-year option to extend the contract with the Contra Costa County Sheriff's Office for AC Transit sworn law enforcement services. The motion carried by the following vote:

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

- 5.L. Consider approving the award of a three-year contract with two one-year options to Sierra-Cedar Inc for PeopleSoft Hosting and Professional Services. [20-488](#)

Staff Contact: Ahsan Baig, 891-5490

MOTION: WILLIAMS/BECKLES to approve the award of a three-year contract with two one-year options to Sierra-Cedar Inc for PeopleSoft Hosting and Professional Services. The motion carried by the following vote:

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

6. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

- 6.A. Consider approving amendments to Board Policy 451 - Advertising on District Property. [20-438](#)

Marketing Administrator Eden Gerson presented the staff report.

MOTION: YOUNG/BECKLES to approve amendments to Board Policy 451 - Advertising on District Property. The motion carried by the following vote:

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

Finance and Audit Items - Chair Peeples

- 6.B.** Consider receiving a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV/C1 tax proceeds for the year ended June 30, 2020. [20-465](#)

Chief Financial Officer Claudia Allen presented the staff report, advising that the Parcel Tax Fiscal Oversight Committee issued findings that the District had expended Measure VV/CI tax proceeds in accordance with the intent of the voters/measures.

MOTION: ORTIZ/WILLIAMS to receive a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV/C1 tax proceeds for the year ended June 30, 2020. The motion carried by the following vote:

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

- 6.C.** Consider receiving the bi-monthly budget update for the period of July through October of FY 2020-21. [20-468](#)

Acting Director of Management and Budget Richard Oslund presented the staff report.

Director Beckles asked if any ideas to increase revenue had been discussed thus far, pointing to the drop in ridership once the District re-started fare collection and data that showed a nexus between free fares and increased ridership. Mr. Oslund advised that no new revenue ideas had been explored outside of passenger fares and subsidies. General Manager Michael Hursh advised that prior to the pandemic the District was working with various groups on the FASTER measure; however, with COVID all new revenue measures have come to a halt. Staff will continue to look for additional revenues and is currently focused on pandemic relief funding.

Director Peeples commented that Proposition 13 severely limited the power of special districts to implement new tax revenues.

Public Comment:

Hayden Miller commented that the District needed to look at ways to cut and explore/seek new revenues. It was recommended that the Transbay fare be discounted to increase ridership and increase revenues, as it is currently cheaper to ride BART than pay the Transbay fare.

John Minot felt the District should explore different avenues of taxation to increase revenues and suggested a ride share tax.

Warren Cushman commented about public transit funding assistance from federal and

state funding sources.

MOTION: WILLIAMS/SHAW to receive the bi-monthly budget update for the period of July through October of FY 2020-21. The motion carried by the following vote:

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

- 6.D.** Consider receiving a report on proposed projects for Round 6 of the Affordable Housing and Sustainable Communities (AHSC) program.

[20-470](#)

Capital Planning and Grants Manager Evelyn Eng presented the staff report.

Director Williams asked why there weren't more applications in Hayward for their housing projects. Director of Service Development and Planning Robert del Rosario advised that staff relies on developers to form proposals and seek partnerships with transit agencies and that the next Hayward ILC meeting would feature a discussion related to housing. Director Shaw asked if developers could be asked to contribute money for things like charging equipment at Division 6. Mr. del Rosario advised that further investigation was needed.

President Ortiz wanted assurance that the District would not be liable/responsible for the construction of housing projects. General Counsel Jill Sprague advised that the District has a separate agreement with developers on this issue.

Vice President Ortiz also asked if these housing developments would be protected from any future service cuts or service plans under development. Mr. del Rosario advised that the grant process for this cycle is flexible as a result of the pandemic and the parties know that AC Transit is in no position to increase service due to its finances. He added that staff will look at the service issue closely before coming back to the Board with the applications but noted that most of the projects will not come online for several years and most of the projects are along major trunk lines.

Director Walsh asked if applicants were required to purchase EasyPasses as was done with past applications. Ms. Eng advised that the purchase of EasyPasses was required for three years.

Director Beckles asked about the bus purchases that were associated with past housing developments. Ms. Eng explained that in past rounds the District received funding to purchase a single zero emission bus that would serve the location of the development.

Public Comment:

Sheila Gunn-Cushman commented that people with disabilities face issues with housing because of their status in extremely low-income categories. She wanted guidelines for the number of accessible housing units to be followed, and feeder buses to be a part of the process. She also asked that an online application process be implemented.

MOTION: WILLIAMS/ORTIZ to receive a report on proposed projects for Round 6 of the Affordable Housing and Sustainable Communities (AHSC) program. The motion carried by the following vote:

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

Board Administrative Matters - President Ortiz

- 6.E.** Report out on appointments to the City of Emeryville/AC Transit Interagency Liaison Committee and the Bus Rapid Transit Policy Steering Committee. (verbal) [20-489](#)

President Ortiz announced the appointment of Director Walsh to the Emeryville Interagency Liaison Committee and the Bus Rapid Transit Policy Steering Committee.

- 6.F.** Announcement of appointments to the Nominating Committee for the selection of President and Vice President for 2021 (Verbal). [20-451](#)

President Ortiz announced the appointment of Directors Peeples, Williams and Young to the Nominating Committee for the selection of President and Vice President for 2021.

- 6.G.** Consider authorizing the Board President and General Manager to send letters to Governor Newsom and Legislators requesting the prioritization of transit workers in the distribution of the COVID-19 vaccine. [20-492](#)

There was no presentation of the staff report.

Director Shaw requested that the staff recommendation be amended to include allowing staff to work with the Accessibility Advisory Committee to write a letter as well.

MOTION: SHAW/PEEPLES to direct staff to work with the Accessibility Advisory Committee to prepare a letter and authorize Board President and General Manager to send letters to Governor Newsom and Legislators requesting the prioritization of transit workers in the distribution of the COVID-19 vaccine. The motion carried by the following vote:

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

7. 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.

General Counsel Jill Sprague reported out the following:

MOTION: PEEPLES/ORTIZ to approve settlement in the amount of \$119,675 less prior advances in the matter of Chrisman v. AC Transit, WCAB Case No. ADJ8606673. The motion carried by the following vote:

AYES:7: Peeples, Ortiz, Beckles, Walsh, Shaw, Williams, Young

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Chrisman v. AC Transit, WCAB Case No. ADJ8606673 (ACCT-008481, DOI 12/29/2011; ACCT-008832, DOI 9/28 /12; ACCT-008974, DOI 1/23/2013

7.B. Conference with Legal Counsel – Potential Litigation

(Government Code Section 54956.9(b)) (Two Cases)

7.C. 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

7.D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

8. AGENDA PLANNING

8.A. Review of Agenda Planning Pending List for December 9, 2020.

[20-010t](#)

Director Beckles requested a letter in support of the Freedom To Move Act (Legislative Bill 4278) introduced by Massachusetts Congresswoman Pressley and Senator Markey to fund fare free transit. (Seconded by Director Williams)

Director Walsh requested a discussion of integrated fares in the Bay Area, the pros and cons, and the implications to AC Transit. (Seconded by President Ortiz)

Director Walsh requested a policy on virtual meetings. (Seconded by Director Shaw)

Director Shaw requested a report on the maintenance expenses saved by decommissioning busses, the cost of having automated passenger counting devices on all busses, as well as the feasibility of making the Passenger Load Information App more widely available. (Seconded by President Ortiz)

Director Shaw asked for an update of the Restroom Access Project and report on the options and solutions being recommended by the Operator Restroom Taskforce. (Did not receive a second)

Director Peeples requested a report on legal implications of propositions and how the

District's ability to levy fees is affected by them. (Seconded by President Ortiz)

Director Peeples requested a letter in support of Mary Nichols for the Chief of the Environmental Protection Agency. (Seconded by President Ortiz)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for December 9, 2020.

[20-008t](#)

The report was provided for information only.

Director Young left the meeting at 6:40 p.m.

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 6:46 p.m. The next meeting of the Board is scheduled for January 13, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary