



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 4:00 PM for Agenda Items 8A-8E

HYBRID MEETING

AC Transit General Offices
2nd Floor Board Room
1600 Franklin Street, Oakland, CA 94612

Phone (669) 900 6833
Webinar ID: 984 8717 5063

Wednesday, October 26, 2022 at 5:00 PM
<https://bit.ly/3TZkk3W>

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)
MURPHY MCCALLEY (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, October 26, 2022, at 5:00 p.m.

The meeting was called to order at 3:16 p.m. for the purpose of Closed Session. All Board members were present with the exception of Vice President Young who was absent, Director Peeples who arrived at 3:51 p.m. and Director Walsh who arrived at 4:05 p.m. The Board convened in Closed Session to discuss Items 8A-8E as listed on the agenda. Closed Session concluded at 4:46 p.m.

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

2. ROLL CALL

Vice President Young used the first of two excused absences allotted for Calendar Year 2022.

Present: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

3. PRESENTATION

3.A. Presentation by TransitCenter: Bus Operators in Crisis. [Requested by [22-565](#)
Director Walsh - 9/28/2022]

Presenter: Chris Van Eyken, Program Manager, TransitCenter

Chris Van Eyken, Program Manager with TransitCenter made a presentation.

Public Comments:

Critical Thinker, D3 Employee, shared concerns about the continued need to hire staff as well as personal views about the efficacy of the District's vaccine mandate, Covid-19 vaccination, and Covid-19 safety information distribution.

Omowale Fowles, Civic Action Coalition, presented a prepared statement regarding a reinstatement request of Line 80.

Several AC Transit Bus Operators commented on the presentation and expressed their views about challenges and concerns faced by bus operators, especially on the subject of driver scheduling and "run times", including the lack of adequate end-of-line time to stretch their legs and bathroom breaks. Other Bus Operator comments addressed concerns of increased physical and mental stress on bus drivers while the District continues to hire new drivers. These public speakers included:

- **Chi**, D6 Operator
- **Brandi Donaldson**, D3 Bus Operator
- **Sultana Adams**, D3 Bus Operator, and added that New Bus Operators are spending more time behind the wheel, which can lead to greater/faster "burnout"
- **G. Lozano**, D3 Bus Operator

The report was presented for information only.

4. PUBLIC COMMENT

Tao Anistazi commented on a bike lane/bus-support platform study noting that these narrow areas are already overused. Anistazi added that some bus platforms need bus shelters to protect riders from the weather and gave examples where bus stops are too far apart and requested bus stops be closer together. Anistazi reported a complaint about a crumbling platform and requested the restoration of Line 33.

Aireen expressed concern about line 70 to Richmond BART, including spacing of bus stops and concerns about the construction occurring on the 71, 376, and 72 bus lines that are making driving difficult.

Critical Thinker (self-identified as Eddie Sanchez, D3 employee) expressed personal views about the District's handling of the Covid-19 pandemic.

Omowale Fowles, Civic Action Coalition, noted District staff previously reported on the consideration of the restoration of Line 80 and requested the restoration of Line 80 with 1,300-1,800 foot bus stop spacing.

Sultana Adams, D3 Bus Operator, shared a story addressing the need for more run time and better scheduling for the needs of bus operators, such as bathroom breaks. Adams noted this is a dignity and safety issue.

Antwan expressed support for previous comments about the need of more run time. Antwan also commented on passengers asking for the restoration of Line 80.

Jeff commented that the new Realtime application does not work as well as the previous application and recommended that the District abandon the current app for the old one.

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 on the Consent Calendar.

MOTION: PEEPLES/BECKLES, to receive, approve or adopt the items on the Consent Calendar as indicated with the exception of Items 6F and 6I which were pulled off the Consent Calendar by Directors Shaw and Peeples, respectively, for further discussion. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.A.** Consider approving Board of Directors/Board Officers Retreat minutes of August 31, 2022.

[22-563](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to approve the Board of Directors/Board Officers Retreat minutes of August 31, 2022. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.B.** Consider approving Board of Directors minutes of September 28, 2022. [22-101](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to approve the Board of Directors minutes of September 28, 2022. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.C.** Consider the adoption of Resolution No. 22-043 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 November 25, 2022. [22-053n](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to adopt Resolution No. 22-043 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 November 25, 2022. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.D.** Consider the adoption of Resolution No. 22-041 approving ink and digital formats of the current District Seal for official use by the District Secretary's Office. [22-554](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to adopt Resolution No. 22-041 approving ink and digital formats of the current District Seal for official use by the District Secretary's Office. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.E.** Consider receiving the Accessibility Advisory Committee minutes of July 12, 2022. [22-535](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning and Engineering

MOTION: PEEPLES/BECKLES to receive the Accessibility Advisory Committee minutes of July 12, 2022. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.F.** Consider authorizing the General Manager to execute an amendment to the 2019 BART Early Bird Express contract that will extend the contract by one year and allow for two additional option years. [18-219b](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Item 6.F. was pulled off the Consent Calendar by Director Shaw who expressed support to extend the service agreement for the BART early bird service but noted concerns about the low number of riders reportedly using this service and asked whether it would be prudent to have BART use another service provider so that AC Transit operators could be used to support AC Transit's service. General Manager Michael Hursh reported on plans to review the service with BART and consider alternatives if ridership on the line does not grow and merit continuation. There was no further discussion and no public comment offered.

MOTION: PEEPLES/McCALLEY to authorize the General Manager to execute an amendment to the 2019 BART Early Bird Express contract that will extend the contract by one year and allow for two additional option years. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.G.** Consider receiving the Monthly Reports on Investments for June and July 2022. [22-520](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to receive the Monthly Reports on Investments for June and July 2022. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

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- 6.H.** Consider review of Board Policy 434 Facility Use (General Offices) By Outside Agencies with no recommended amendments. [22-506](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to receive the review of Board Policy 434 Facility Use (General Offices) By Outside Agencies with no recommended amendments. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.I.** Consider authorizing the General Manager to execute a Contract with RKU Distributing, Inc. for the procurement of up to twenty-one forklifts and up to twenty-two pallet jacks to replace older units that have surpassed their useful life. [22-488](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

item 6.I. was pulled off the Consent Calendar by Director Peeples who asked if the purchasen of hydrogen fuel cell forklifts was being considered since the District has access to hydrogen and that hydrogen fuel would be advantageous when forklifts are used during all shifts. Chief Operating Officer Salvador Llamas described current forklift usage and noted that all fuel varieties for forklift purchase considerations are being considered. There was no further discussion and no public comment offered.

MOTION: PEEPLES/McCALLEY to authorize the General Manager to execute a Contract with RKU Distributing, Inc. for the procurement of up to twenty-one forklifts and up to twenty-two pallet jacks to replace older units that have surpassed their useful life. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.J.** Consider authorizing the General Manager to enter into contract with Claremont, powered by Uprise Health for the District's required Employee Assistance Program (EAP) and Substance Abuse Program (SAP) services. [22-574](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/BECKLES to authorize the General Manager to enter into contract with Claremont, powered by Uprise Health for the District's required Employee Assistance Program (EAP) and Substance Abuse Program (SAP) services. The motion

carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.K.** Consider receiving the Monthly Legislative Report. [22-546](#)

Staff Contact:

Beverly Greene, Executive Director of External Affairs, Marketing & Communications.

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

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.L.** Consider approving non-substantive amendments to Board Policy 334: EasyPass Goals & Methodology. [22-550](#)

Staff Contact:

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

MOTION: PEEPLES/BECKLES to approve non-substantive amendments to Board Policy 334: EasyPass Goals & Methodology. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.M.** Consider authorizing the General Manager to enter into a three-year contract for an Enterprise License Agreement for Microsoft products and services with a vendor to be selected. [22-482](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

MOTION: PEEPLES/BECKLES to authorize the General Manager to enter into a three-year contract for an Enterprise License Agreement for Microsoft products and services with a vendor to be selected. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 6.N.** Consider authorizing the General Manager to extend contract 2015-1311 between AC Transit and Clever Devices for an additional twenty four (24) months starting January 1, 2023 and ending by December 31, 2024, for the completion of the Computer Aided [22-581](#)

Dispatch/Automated Vehicle Location project.

Staff Contact:

Ahsan Baig, Chief Information Officer

MOTION: PEEPLES/BECKLES to authorize the General Manager to extend contract 2015-1311 between AC Transit and Clever Devices for an additional twenty four (24) months starting January 1, 2023 and ending by December 31, 2024, for the completion of the Computer Aided Dispatch/Automated Vehicle Location project. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

7. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 7.A.** Consider receiving a report on the Draft 2023 Federal and State Advocacy Programs.

[22-466](#)

Staff Contact:

Beverly Greene, Executive Director of External Affairs, Marketing and Communications

External Affairs Representative Steven Jones presented the staff report. There were no public comments offered.

Director Walsh asked that a line be added to the Funding section of the draft State Advocacy Program to identify funding for the District's advocacy to coordinate, integrate or streamline public transit in the region.

MOTION: ORTIZ/WALSH to receive a report on the Draft 2023 Federal and State Advocacy Programs with the inclusion of the suggestion offered by Director Walsh. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

Finance and Audit Items - Chair Shaw

- 7.B.** Consider receiving a report on the Board Policy 333 - Fare Policy Goals and Methodology [Requested by Director Peeples 3/9/2022].

[22-543](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report.

Public Comment:

John Minot, East Bay Transit Riders Union (EBTRU), commented on several aspects of the Fare Policy, including the note that the fare structure as a part of the District's goal needs to be better explained in the face of potential integrated fares and the review of free transfers. Minot added comments about Title VI issues related to this matter.

Omowale Fowles, Civic Action Coalition, noted that day pass costs for people with multiple children is too expensive. Fowles added that Social Service assistance has not kept up with inflation to assist these riders and requested that any fare increase to discounted fares be halted for at least eighteen months.

Directors Walsh and Shaw suggested eliminating the fare pass concept and focus marketing efforts on other fare products, such as Clipper discounts and accumulator discounts.

MOTION: ORTIZ/WALSH to receive a report on the Board Policy 333 - Fare Policy Goals and Methodology. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

Planning Items - Chair Beckles

- 7.C.** Consider receiving a report on plans to meet the Service Operated Key Performance Indicator while restoring service based on adopted prioritization criteria. [Requested by Director Walsh - 3/23/22 and 5/25/2022.] [22-518](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Director of Transportation Derik Calhoun presented the staff report.

Public Comment:

John Minot, East Bay Transit Riders Union (EBTRU), commented on several aspects of the Fare Goals Policy staff report, including the note that the fare structure as a part of the District's goal needs to be better explained in the face of potential integrated fares and reviewing of free transfers. Minot added comments about Title VI issues related to this matter.

Omowale Fowles, Civic Action Coalition, noted that day pass costs for people with multiple children is too expensive. Fowles added that Social Services assistance has not kept up with inflation to assist these riders. Fowles asked for any fare increase to discounted fares be halted for at least eighteen months.

MOTION: ORTIZ/SHAW to receive report on plans to meet the Service Operated Key Performance Indicator while restoring service based on adopted prioritization criteria.

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 7.D.** Consider receiving an update on the District's Sustainability Program and efforts completed to date since the Board approved the formation of the program in April 2022. [22-523](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Director of Bus Rapid Transit and Sustainability David Wilkins presented the staff report. There were no public comments offered.

MOTION: SHAW/PEEPLES to receive an update on the District's Sustainability Program and efforts completed to date since the Board approved the formation of the program in April 2022. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

- 7.E.** Consider receiving the FY 21-22 Annual Ridership and Route Performance Report in accordance with Board Policy 545-Service Standards and Design Policy. [22-547](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Manager of System Analysis Campbell Jung presented the staff report.

Public Comment:

John Minot, EBTRU, commented that the staff report was confusing and difficult to follow. Minot suggested staff improve the labeling of the graphs.

Erick Braziel, Vice President, Amalgamated Transit Union Local 192, commented on Board member statements made earlier in the Board meeting addressing the current service performance implementation needed to sustain the planned service operating level.

Director Walsh asked that in future ridership reports, the data show ridership levels in relation to the service offered. Staff explained that the ridership data would be reported monthly on the District's website.

MOTION: ORTIZ/PEEPLES to receive the FY 21-22 Annual Ridership and Route Performance Report in accordance with Board Policy 545-Service Standards and Design Policy. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

7.F. Consider receiving the Strategic Plan update.[22-539](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Director of Business Sciences William Tonis presented the staff report. There were no public comments offered.

MOTION: SHAW/PEEPLES to receive the Strategic Plan update. The motion carried by the following vote:

Ayes: ORTIZ, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Absent: YOUNG

8. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out on the following:

MOTION: PEEPLES/McCALLEY to approve settlement via compromise and release in the amount of \$425,000.00, which includes a Medicare set-aside in the amount of \$248,067.72 to cover future medical treatment and medications, in the matter of Robbins v. AC Transit, WCAB Case Nos. ADJ177143, ADJ 8967605, ADJ9221427, ADJ7492618, ADJ3460895, ADJ244669, and ADJ4085230. The motion carried by the following vote:

AYES: Peeples, McCalley, Beckles, Walsh, Shaw, Ortiz

ABSENT: Young

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Robbins v. AC Transit, WCAB Case Nos. ADJ177143, ADJ 8967605, ADJ9221427, ADJ7492618, ADJ3460895, ADJ244669, ADJ4085230

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

(Government Code Section 54956.9(b))

8.C. Threat to Public Services or Facilities

(Government Code Section 54957(a)):

Consultation with: Kerry Jackson, Protective Services Manager and Salvador Llamas, Chief Operating Officer.

8.D. 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.E. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

9. AGENDA PLANNING

9.A. Review of Agenda Planning Pending List.

[22-065r](#)

Agenda planning requests from Directors Walsh, Shaw and Peeples, as noted in the agenda attachment, were accepted.

10. GENERAL MANAGER'S REPORT

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

[22-041r](#)

The General Manager's Report was presented for information only.

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board commented on the events they attended since the last Board meeting. Directors Shaw, McCalley, and Peeples reported on their attendance at the American Public Transportation Association 2022 TRANSform conference in Seattle, Washington.

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 7:49 p.m. The next meeting of the Board is scheduled for November 9, 2022, at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary