



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

VIRTUAL MEETING

The members of the Board will participate from remote locations.
See page 2 of the agenda for public participation instructions.

Wednesday, April 8, 2020 at 5:00 PM
Closed Session - 4:00 PM (Items 7A-7D)

MEMBERS OF THE BOARD OF DIRECTORS

JOE WALLACE, PRESIDENT (WARD 1)

ELSA ORTIZ, VICE PRESIDENT (WARD 3)

GREG HARPER (WARD 2)

MARK WILLIAMS (WARD 4)

DIANE SHAW (WARD 5)

H. E. CHRISTIAN PEEPLES (AT-LARGE)

JOEL YOUNG (AT-LARGE)

BOARD OFFICERS

MICHAEL A. HURSH, GENERAL MANAGER

JILL A. SPRAGUE, GENERAL COUNSEL

LINDA A. NEMEROFF, DISTRICT SECRETARY

COVID-19 Advisory for Public Meetings

Due to the Statewide Stay at Home Order and the Alameda County Shelter in Place Order, and pursuant to the Executive Order issued by Governor Gavin Newsom (Executive Order N-29-20), the Board of Directors will not convene at its Board Room but will instead move to a virtual meeting.

In Person Participation is Prohibited

In person participation at Board of Directors meetings is limited to essential District personnel. The Board Room is closed to members of the public and non-essential District personnel.

Public Participation at Virtual Meetings

Members of the public who only wish to listen to the Board of Directors meeting (and not provide comment), are strongly encouraged to listen to the live stream 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.]

Ways to Provide Public Comment

In Writing By:

eComment. To send your 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 3:00 p.m. prior to the start of the meeting.

Email 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.

By Teleconference:

To listen to the meeting by phone, call the numbers below at the noticed meeting time.

If you dialed in and intend 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, the host will unmute you to enable you to speak. The comment time is limited to 3 minutes per speaker. If you decide not to speak, you may hang up and dial back into the meeting.

By Telephone:

US: +1 669 900 6833 or +1 346 248 7799

Webinar ID: 138 115 904

Or iPhone one-tap :

US: +16699006833,,138115904# or +13462487799,,138115904#

1. CALL TO ORDER**2. ROLL CALL****3. 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. Three (3) minutes are allowed for each item.

4. MODIFICATIONS TO THE AGENDA**5. CONSENT CALENDAR**

- 5.A. Consider approving Board of Directors minutes of March 11, 2020. [20-032](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.B. Consider approving Board of Directors Emergency Meeting minutes of March 17, 2020. [20-168](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.C. Consider receiving the Monthly Report on Investments for January, 2020. [20-143](#)
Staff Contact: Claudia Allen, 891-5465
- 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 45 zero emission buses and associated charging infrastructure. [20-144](#)
Staff Contact: Claudia Allen, 891-5465
- 5.E. Consider approving assignment of contract for independent risk bearing analysis from Bickmore to Albert Risk Management Consultants. [20-146](#)
Staff Contact: Jill Sprague, 891-4816

- 5.F. Consider authorizing the General Manager or his designee to file and execute applications and funding agreements with the Department of Homeland Security (DHS) for the FY 2019-20 Transit Security Grant Program (TSGP) for two projects to improve the security of the Bus Rapid Transit (BRT) project. [20-148](#)
Staff Contact: Claudia Allen, 891-5465
- 5.G. Consider approving the award of a firm fixed price construction contract to Ghilotti Construction Inc. of Santa Rosa, CA in the amount of \$1,188,000 for the rehabilitation of the Richmond Parkway Transit Center. [20-167](#)
Staff Contact: Ramakrishna Puchiraju, 891-5448
- 5.H. Consider authorizing the General Manager to execute documents with New Flyer Industries to purchase one (1) replacement articulated bus damaged by vandalism and beyond repair. [20-150](#)
Staff Contact: Salvador Llamas, 891-7215

6. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

- 6.A. Consider receiving an update on the District's actions to date in response to the Coronavirus Pandemic (COVID-19) and associated efforts to secure federal and state financial support for the District. [20-174](#)
Staff Contact: Beverly Greene, 891-7255
- 6.B. Consider adoption of Resolution No. 20-022 extending the emergency authority granted to the General Manager under Resolution No. 20-020 through May 15, 2020, for the operation and administration of the District during the COVID-19 crisis. [20-162a](#)
Staff Contact: Jill Sprague, 891-4816
- 6.C. Consider approving the creation of a Limited Purpose COVID-19 Response Committee. [20-172](#)
Staff Contact: Linda Nemeroff, 891-7284

Finance and Audit Items - Chair Peeples

- 6.D. Consider receiving a report from Albert Risk analyzing the District's current insurance program and risk bearing capacity. [Requested by Directors Peeples and Harper - 6/27/18] [20-166](#)
Staff Contact: Jill Sprague, 891-4816

Board Administrative Matters - President Wallace

- 6.E. Announcement of appointments to the Limited Purpose COVID-19 Response Committee. [20-171](#)
Presenter: President Wallace
- 6.F. Announcement of the cancellation of the April 29, 2020 Board Retreat. [20-127a](#)
Presenter: President Wallace

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.

7.A. Conference with Legal Counsel – Existing Litigation
(Government Code Section 54956.9 (a))

Wilson v. AC Transit, ACSC Case No. RG17849057
Albro v. AC Transit, WCAB Case No. ADJ9010002

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. [20-010f](#)
Staff Contact: Linda Nemeroff, 891-7284

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for April 8, 2020.

[20-008f](#)

Staff Contact: Michael Hursh, 891-4753

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: April 22, 2020 at 5:00 p.m.

MEETING DISCLOSURES

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 three (3) 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.

Live Audio Streaming of Board Meetings: To access live audio streaming and an archive of previously recorded meetings, please visit the District's website at www.actransit.org and click on "Public Meetings". For technological reasons, recordings of meetings held outside of the Board Room cannot be streamed to the web.

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.

Accessible Public Meetings: Meetings of the Board of Directors are accessible to individuals in wheelchairs. The Board Room is equipped with Assistive Listening Devices for individuals with a hearing impairment. Written materials in appropriate alternative formats, disability-related modification/accommodations must be made three business days in advance of the meeting or hearing 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. AC Transit's General Offices are accessible by various bus lines serving the intersection of 17th Street and Broadway. For trip planning visit www.actransit.org or call 511 (and say, "AC Transit"). The nearest accessible BART station is the 19th Street Station in Oakland.

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.

Free Public WiFi Access: Free public WiFi is available to all users with their own devices during meetings in the Board Room. Please consult information posted in the Board Room regarding access.