



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

### **AGENDA**

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

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

**Wednesday, February 12, 2020 at 5:00 PM**

**Closed Session - 4:30 PM (Items 8A-8D)**

#### **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**

**1. CALL TO ORDER****2. ROLL CALL****3. PRESENTATION**

- 3.A. Update on Federal legislative activities. [20-073](#)

Presenter: Steve Palmer, Van Scoyoc Associates

**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. Three (3) minutes are allowed for each item."

**5. MODIFICATIONS TO THE AGENDA****6. CONSENT CALENDAR**

- 6.A. Consider approving Board of Directors minutes for the Special Meeting held on January 28, 2020. [20-085](#)

Staff Contact: Linda Nemeroff, 891-7284

- 6.B. Consider approving Retirement Board minutes of December 19, 2019. [20-086](#)

Staff Contact: Hugo Wildmann, 891-4889

- 6.C. Consider receiving the Accessibility Advisory Committee minutes of December 10, 2019. [20-068](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 6.D. Consider authorizing the District to issue a Request for Proposal (RFP) for drug and alcohol testing, commercial driver license (CDL) medical examinations and physical agility testing services of prospective/current employees. [20-046](#)

Staff Contact: Nathaniel Kramer, 891-5426

**7. REGULAR CALENDAR**

**Planning Items - Chair Shaw**

- 7.A. Consider receiving the Quarterly Report on District involvement in external planning processes. [20-066](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 7.B. Consider receiving the monthly progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) project. [20-067](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

**Operations Items - Chair Young**

- 7.C. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter FY20. [20-063](#)  
Staff Contact: Salvador Llamas, 891-7215
- 7.D. Consider receiving a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. [20-065](#)  
Staff Contact: Salvador Llamas, 891-7215
- 7.E. Consider adoption of Resolution 20-013 approving the new classification of Operations Control Center Manager and the revised classifications of Assistant Payroll Specialist, Payroll Specialist, and Senior Payroll Specialist. [20-079](#)  
Staff Contact: Nathaniel Kramer, 891-5426

**Board Administrative Matters:**

- 7.F. Consider adopting Resolution No. 20-015 imposing a penalty on Director Greg Harper for violating the California Brown Act and Board Policies 101 and 702. [20-069](#)  
Staff Contact: Jill Sprague, 891-4816

**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))

Wilson v. AC Transit, ACSC Case No. RG17849057.

Quarterly Litigation Report

- Edwards v. AC Transit, et al., ACSC No. RG17-885627;
- Blacksher v. Amalgamated Transit Union, et al., ACSC No. HG16-840726;
- McNaulty v. AC Transit, ACSC No. RG18-933966,
- Pearl v. AC Transit, ACSC No. RG19-015118; and
- Claim of Brown, Claim No. 19-AL00271.

**8.B. Conference with Legal Counsel – Potential Litigation**

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

**8.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

**8.D. 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.

[20-010b](#)

Staff Contact: Linda Nemeroff, 891-7284

**10. GENERAL MANAGER'S REPORT**

10.A. General Manager's Report for February 12, 2020.

[20-008b](#)

Staff Contact: Michael Hursh, 891-4753

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

Next Meeting: Wednesday, February 26, 2020 at 5:00 p.m.

## MEETING DISCLOSURES

**Public Comment:** Members of the public wishing to present comments should complete a Speaker's Form and submit it to the District Secretary at the meeting. 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](http://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](http://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.

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