



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

VIRTUAL MEETING

Zoom webinar <https://actransit.zoom.us/j/94040807124>

Dial in phone number (669) 900 6833 Webinar ID:940 4080 7124

Wednesday, September 9, 2020 at 5:00 PM

Closed Session - 3:30 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

COVID-19 Advisory for Public Meetings

Due to the current shelter-in-place order, public meetings will be held through telephone and video conferencing. In person participation is prohibited.

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/94040807124>. 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 3 minutes per speaker.

To dial into the meeting from your telephone, call: (669) 900 6833 Webinar ID:940 4080 7124 Or iPhone one-tap: +16699006833,,94040807124#. 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. Recognition of the 2020 American Public Transportation Association Ad Wheel First Place Award winners for “Best Marketing and Communication Educational Initiative” for the Bus Operator and Mechanic Recruitment Campaign and “Best Marketing and Communications to Highlight Transit Needs/Funding” for the AC Transit 2018 Annual Report: A Year in Review. [20-330a](#)

Staff Contact: Beverly Greene, 891-7255

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 of August 5, 2020. [20-333](#)

Staff Contact: Linda Nemeroff, 891-7284

- 6.B. Consider receiving the Retirement Board minutes of July 16, 2020. [20-297](#)

Staff Contact: Hugo Wildmann, 891-4889

- 6.C. Consider receiving report on proposed amendments to the AC Transit Conflict of Interest Code. [20-324](#)

Staff Contact: Linda Nemeroff, 891-7284

- 6.D. Consider authorizing the General Manager to execute a contract with Johnson Controls through a Sourcewell cooperative purchasing agreement, formally known as the National Joint Powers Alliance (NJPA), to replace the Division 4 Transportation HVAC chiller. [20-345](#)

Staff Contact: Ramakrishna Pochiraju, 891-5448

- 6.E. Consider approving a contract assignment from Stericycle Environmental Solutions, Inc. to Clean Earth Environmental Solutions, Inc. for hazardous waste services. [15-228b](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.F. Consider adoption of Resolution No. 20-040 authorizing the General Manager or his designee to file and execute applications with the Metropolitan Transportation Commission (MTC) for the Transit Capital Priorities (TCP) Program for Federal Fiscal Years 20-21, 21-22, 22-23, 23-24 and 24-25, including Federal Transit Administration (FTA) Sections 5307, 5337, 5339 and Surface Transportation Program (STP) funds. [20-353](#)
Staff Contact: Claudia Allen, 891-5465
- 6.G. Consider approving the 2020 update of the AC Transit Title VI Program. [20-268](#)
Staff Contact: Lynette Little, 891-7271

7. REGULAR CALENDAR

Board Administrative Matters - President Wallace

- 7.A. Consider the adoption of Resolution No. 20-041 in support of the Black Lives Matter racial and social justice movement. [Requested by Director Williams - 9/9/20] [20-350](#)
Staff Contact: Beverly Greene, 891-7255
- 7.B. Consider adoption of Resolution No. 20-043 honoring the career and achievements of Maintenance Superintendent Edward Villarreal. [20-348](#)
Staff Contact: Salvador Llamas, 891-7215
- 7.C. Consider providing direction to the District's representative on the Alameda County Transportation Commission (ACTC) regarding the ACTC vote on an amendment to Measure BB, which would replace the BART-to-Livermore extension project with Valley Link as the recipient of \$400 million in Measure BB funds. [20-335](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 7.D. Consider approving the draft agenda for the Joint Board of Directors/Retirement Board meeting on October 7, 2020. [20-292](#)
Staff Contact: Linda Nemeroff, 891-7284 Hugo Wildmannm 891-4889

Finance and Audit Items - Chair Peeples

- 7.E. Consider adoption of Resolution No. 20-044 approving the FY 2020-21 Recommended Operating and Capital Budgets. [20-062d](#)
Staff Contact: Claudia Allen, 891-5465

Planning Items - Chair Shaw

- 7.F. Consider adoption of the Transit Recovery Infrastructure: A Quick Build Framework. [20-336](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

Operations Items - Chair Young

- 7.G. Consider the adoption of Resolution No. 20-042 endorsing the Riding Together: Bay Area Healthy Transit Plan as a baseline set of measures that AC Transit, along with other Bay Area transit agencies, will implement to ensure the health of transit riders and workers during the COVID-19 pandemic. [20-352](#)
Staff Contact: Beverly Greene, 891-7255
- 7.H. Consider adoption of Board Policy 411 Tempo Platform Camera Use Policy, prescribing the use of Tempo platform cameras. [20-341](#)
Staff Contact: Jill Sprague, 891-4816
- 7.I. Consider receiving a briefing on the District's approach to Cybersecurity control as it affects productivity. [Requested by Director Peoples - 10/9/2019] [20-202](#)
Staff Contact: Ahsan Baig, 891-5490

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))

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
- Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. C 20-2572 TSH.

8.B. Conference with Legal Counsel – Potential Litigation (Government Code Section 54956.9(b)) (9 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. Agenda Planning Pending List for September 9, 2020.

[20-010o](#)

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for September 9, 2020.

[20-008o](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: September 23, 2020 at 5:00 p.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 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.

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.