



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

### **AGENDA**

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

VIRTUAL MEETING

Zoom link <https://actransit.zoom.us/j/93327540621>

Dial in phone number (669) 900 6833 Webinar ID: 933 2754 0621

**Thursday, November 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**

**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/93327540621>. 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: 933 2754 0621 Or iPhone one-tap: +16699006833,,93327540621#. 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](mailto: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**

Placeholder depending on outcome of elections

- 3.A. Consider adoption of Resolution No. 20-059 expressing appreciation and best wishes to Joe Wallace for 20 years of dedicated service as a member of the AC Transit Board of Directors and representative of Ward 1. **20-458**

Presenter: Vice President Ortiz

- 3.B. Consider adoption of Resolution No. 20-060 expressing appreciation and best wishes to Greg Harper for 20 years of dedicated service as a member of the AC Transit Board of Directors and representative of Ward 2. **20-459**

Presenter: Vice President Ortiz

**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 the minutes of the October 7, 2020 Joint Board of Directors/Retirement Board meeting. [20-447](#)

Staff Contact: Linda Nemeroff, 891-7284

- 6.B. Consider approving Board of Directors meeting minutes of October 28, 2020. [20-448](#)

Staff Contact: Linda Nemeroff, 891-7284

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- 6.C. Consider receiving the Accessibility Advisory Committee minutes of July 14, 2020. [20-413](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.D. Consider adoption of Resolution No. 20-058 reaffirming the establishment of the Accessibility Advisory Committee (AAC), and amending the terms of office and membership qualifications. [20-372](#)  
Staff Contact: Linda Nemeroff, 891-7284
- 6.E. Consider receiving the FY 2020-21 First Quarter Travel and Meeting Expense Report for Directors and Board Officers. [20-374](#)  
Staff Contact: Linda Nemeroff, 891-7284
- 6.F. Consider receiving the FY 2020-21 First Quarter Employee and Non-Employee Out-of-State Travel Report. [20-427](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.G. Consider receiving the Monthly Report on Investments for September 2020. [20-432](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.H. Consider receiving the FY 2020-21 First Quarter Surplus and Obsolete Materials Report. [20-416](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.I. Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [20-417](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.J. Consider the adoption of Resolution No. 20-055 establishing the corrected Appropriations Limit for Fiscal Year 2020-21 at \$550,464,750 and repealing Resolution No. 20-037. [20-249c](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.K. Consider the adoption of Resolution No. 20-056 establishing the corrected Appropriations Limit for Fiscal Year 2019-20 at \$528,714,488 and repeal Resolution No. 19-024. [19-194c](#)  
Staff Contact: Claudia Allen, 891-5465
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- 6.L. Consider approving of the FY 2021-22 Annual Budget Development Process and Calendar. [20-431](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.M. Consider authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Energy Commission (CEC) for the Zero-Emission Transit Fleet Infrastructure Deployment grant. [20-437](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.N. Consider approving non substantive amendments to Board Policy 314 - Capital Plan & Projects Policy. [20-435](#)  
Staff Contact: Claudia Allen, 891-5465
- 6.O. Consider approving contract awards to Concentra, CCCMA Occupational Clinic, and Mega Lab Services for drug and alcohol testing, commercial driver license (CDL) medical examinations, and physical agility testing services of prospective and current employees. [20-046a](#)  
Staff Contact: Lynette Little, 891-7271
- 6.P. Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the Period of April 1, 2020 through September 30, 2020. [20-443](#)  
Staff Contact: Lynette Little, 891-7271
- 6.Q. Consider receiving the monthly legislative report. [20-434](#)  
Staff Contact: Beverly Greene, 891-7255
- 6.R. Consider adopting the District's 2021 Federal and State Legislative Programs. [20-412a](#)  
Staff Contact: Beverly Greene, 891-7255
- 6.S. Consider adoption of Board Policy 334 AC Transit EasyPass Program Pricing Policy, codifying the EasyPass program pricing goals and methodology. [20-444](#)  
Staff Contact: Claudia Allen, 891-5465

## 7. REGULAR CALENDAR

### External Affairs Items - Chair Ortiz

- 7.A. Consider recommendations regarding proposed amendments to Transit District Law, provide direction to staff, and delegate authority to staff to work with legislator's office to revise and finalize legislation. [20-048a](#)  
Staff Contact: Jill Sprague, 891-4816

**Finance and Audit Items - Chair Peeples**

- 7.B. Consider receiving the Year-End Financial Statements and Independent Auditor's Report for Fiscal Year Ended June 30, 2020. [20-441](#)  
Staff Contact: Claudia Allen, 891-5465
- 7.C. Consider the adoption of Resolution 20-061 approving amendments to Board Policy 333, Fare Policy Goals and Methodology, incorporating the provision of free transfers on All-Nighter service, eliminating the paper version of the BART-to-Bus transfer, including an accumulator function in the District's mobile ticketing application, codifying changes previously approved and reorganizing the policy. [20-409](#)  
Staff Contact: Claudia Allen, 891-5465

**Planning Items - Chair Shaw**

- 7.D. Consider the adoption of Resolution No. 20-057 opposing Plan Bay Area (PBA) 2050 Strategy EN7: "Institute Telecommuting Mandates for Major Office-Based Employers." [20-436](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 7.E. Consider receiving a report on the District's planned service changes associated with the December 2020 Sign-up. [20-433](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 7.F. Consider approving amendments to Board Policy No. 544, Service Adjustments; and No. 110, Public Hearing Process for the Board of Directors. [20-340](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

**Operations Items - Chair Young**

- 7.G. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the First Quarter of Fiscal Year 2021. [20-422](#)  
Staff Contact: Salvador Llamas, 891-7215

**Board Administrative Matters - President Wallace**

- 7.H. Consider adoption of Resolution No. 20-054 reappointing Jeffrey Lewis and Davis Reimer as the two public members to the AC Transit Retirement Board; and the interim appointment of Acting Deputy Chief Financial Officer Chris Andrichak to fill the unexpired term for the non-ATU member on the Retirement Board effective January 1, 2021 and until such time as a permanent appointment is made. [20-407](#)  
Staff Contact: Linda Nemeroff, 891-7284
- 7.I. Consider approving the appointment of Acting Deputy Chief Financial Officer Chris Andrichak as an Employer Trustee on the ATU Local 192 Retiree Medical Trust Board of Trustees. [20-429](#)  
Staff Contact: Linda Nemeroff, 891-7284
- 7.J. Consider adopting the 2021 regular Board meeting schedule taking into consideration the District's holiday schedule and any days requested by Directors to be included in the holiday schedule; and reschedule regular meetings if necessary. [20-383](#)  
Staff Contact: Linda Nemeroff, 891-7284
- 7.K. Announcement of appointments to the Nominating Committee for the selection of an (Interim) President and Vice President that will serve until a permanent President and Vice President are selected for 2021. (verbal) [20-461](#)  
Presenter: President Wallace

**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

Dollene Jones v. AC Transit Retirement Board, et al., U.S. District Court (No.Cal.Dist.), No. 20-cv-00385-SI;

Dollene Jones v. AC Transit Retirement Board, et al., ACSC No. RG20-050706;

McNaulty v. AC Transit, ACSC No. RG18-933966;

Pearl v. AC Transit, ACSC No. RG19-015118;

Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-02572-TSH;

White v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-03804-TSH;

Delgado-Salto v. Niebla, et al., ACSC No. RG19-012610; and

Claims of Tanouye (20-AL00062) and K. Johnson (19-AL00214).

**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 for November 12, 2020.

[20-010s](#)

**10. GENERAL MANAGER’S REPORT**

10.A. General Manager’s Report for November 12, 2020.

[20-008s](#)

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

Next Meeting: December 9, 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.