



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

VIRTUAL MEETING

Zoom link <https://actransit.zoom.us/j/98487175063>

Dial in phone number (669) 900 6833 Webinar ID 984 8717 5063

Wednesday, February 10, 2021 at 5:00 PM

Closed Session 4:15 PM (Items 7A-7E)

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)

MARK WILLIAMS (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

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/98487175063>. 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: 984 8717 5063 Or iPhone one-tap: +16699006833,,98487175063#. 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. 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 January 27, 2021. [21-127](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.B. Consider receiving Retirement Board minutes of December 17, 2020. [21-111](#)
Staff Contact: Hugo Wildmann, 891-4889
- 5.C. Consider receiving the Quarterly Report on the District’s involvement in external planning processes. [21-094](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.D. Consider receiving a report summarizing the creation of and modifications to Classification Specifications in 2020. [21-112](#)
Staff Contact: Nathaniel Kramer, 891-5426
- 5.E. Consider authorizing the General Manager to execute a single source contract with Prophix Software, Inc., to provide continued services and technical support for the District’s budget system for a term of three (3) years (March 1, 2021 to February 29, 2024). [21-107](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.F. Consider authorizing the General Manager to execute a Cooperative Agreement with the Cities of Fremont, Union City, Menlo Park and Palo Alto for the Dumbarton Bridge Corridor Transit Travel Time Improvement Project. [21-087](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

6. REGULAR CALENDAR**Finance and Audit Items - Chair Shaw**

- 6.A. Consider receiving the FY 2020-21 Mid-Year Budget review and Adopt Resolution No. 21-003 amending the General Fund Operating and Capital Budgets for FY 2020-21. [20-062e](#)
Staff Contact: Chris Andrichak, 891-4855

Operations Items - Chair Beckles

- 6.B. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter of Fiscal Year 2021. [21-095](#)
Staff Contact: Salvador Llamas, 891-7215
- 6.C. Consider receiving a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. [21-096](#)
Staff Contact: Salvador Llamas, 891-7215
- 6.D. Consider receiving ongoing COVID-19 report, including an update on the District's Vaccination Education and Distribution Campaign. [21-110](#)
Staff Contacts: Jill Sprague, 891-4816
Robert Lyles 891-4745
Nathaniel Kramer, 891-5426

Planning Items - Chair Peeples

- 6.E. Consider whether the District should reinstate fare-free rear-door boarding. [Requested by Director Beckles - 1/13/21] [21-141](#)
Staff Contacts: Salvador Llamas, 891-7215
Ramakrishna Pochiraju, 891-5448
Tabby Davenport, 577-8877

External Affairs Items - Chair Williams

- 6.F. Consider receiving update on the Blue Ribbon Task Force - Regional Transit Coordination. [21-100](#)
Staff Contact: Claudia Burgos, 891-7124

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))

Quarterly Litigation Report

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;

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

Environmental Agency Violations

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

7.E. Threat to Public Services and Facilities

(Government Code Section 54957(a))

Consultation with: Ahsan Baig, Chief Information Officer

8. AGENDA PLANNING

Pursuant to Board Policy 101, Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of at least one other Director. Prior to proposing an item, the Director should discuss it with the General Manager or a member of their Executive Staff to whom the General Manager refers the proposal.

8.A. Review of the Agenda Planning Pending List.

[21-018b](#)

Staff Contact: Linda Nemeroff, 891-7284

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for February 10, 2021.

[21-020b](#)

Staff Contact: Michael Hursh

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: February 24, 2021 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.