



## **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 (699) 900 6833 Webinar ID 984 8717 5063

**Wednesday, September 8, 2021 at 5:00 PM**

**Closed Session 4:30 PM (Items 7A-7D)**

#### **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**

**Advisory for Virtual Public Meetings**

In response to the COVID-19 pandemic, California Governor Gavin Newsom issued Executive Order N-08-21 on June 11, 2021, governing the convening of public meetings. Pursuant to the Executive Order, all members of the AC Transit Board of Directors may participate in Board meetings via teleconference, and no teleconference locations for the public are required to be provided or noticed in the meeting agenda. The public must be given the opportunity to observe and address the meeting telephonically or otherwise electronically.

**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 2 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](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. 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. Two (2) minutes are allowed for each item."

**4. MODIFICATIONS TO THE AGENDA****5. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

5.A. Consider approving Board of Directors meeting minutes of August 11, 2021. [21-406](#)

Staff Contact: Linda Nemeroff, 891-7284

5.B. Consider approving the Joint Board of Directors/Accessibility Advisory Committee minutes of July 28, 2021. [21-405](#)

Staff Contact: Linda Nemeroff, 891-7284

5.C. Consider receiving Retirement Board minutes of July 15, 2021. [21-399](#)

Staff Contact: Hugo Wildmann, 891-4889

5.D. Consider receiving report on the process to amend the District's Conflict of Interest Code and incorporate the final code approved by the Fair Political Practices Commission (FPPC) into Board Policy 701, effective September 12, 2021. [20-324a](#)

Staff Contact: Linda Nemeroff, 891-7284

5.E. Consider authorizing the release of a solicitation for a qualified vendor to provide high quality professional uniform rental and laundry cleaning services for AC Transit maintenance, materials, and print shop employees. [21-397](#)

Staff Contact: Salvador Llamas, 891-7215

5.F. Consider the adoption of Resolution No. 21-032 in support of Oakland Pride 2021. [Requested by Director Beckles - 8/11/21] [21-401](#)

Staff Contact: Beverly Greene, 891-7255

- 5.G. Consider receiving an update on the Strategic Plan Progress. [21-394](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

## 6. REGULAR CALENDAR

### External Affairs Items - Chair Williams

- 6.A. Consider receiving a report on the District's efforts to increase contracting participation among small, local, women and minority-owned businesses and adopting small business and local business contracting goals equal to the District's current Federal Administration triennial Disadvantaged Business Enterprise goal. [Requested by Director Williams - 4/28/2021] [21-396](#)  
Staff Contact: Lynette Little, 891-7271

### Operations Items - Chair Beckles

- 6.B. Consider receiving FY21 Annual Report on the Activities of the External Affairs, Marketing & Communications Department. [21-380](#)  
Staff Contact: Beverly Greene, 891-7255

### Planning Items - Chair Peoples

- 6.C. Consider receiving an update on the Metropolitan Transportation Commission's (MTC) Mobility Hub Pilot Program and the Oakland Mobility Transportation Demand Management Program. [Requested by Director Shaw - 4/14/2021 and 5/12/2021] [21-382](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.D. Consider approving staff's methodology and priorities for Transbay service recovery across the next year. [Requested by Director Walsh 5/12/21 and 7/28/21, and by the Board of Directors - 7/28/21] [21-385](#)  
Staff Contact: Ramakrishna Pochiraju, 891-5448

### Finance and Audit Items - Chair Shaw

- 6.E. Consider adoption of Resolution 21-035 amending the General Fund FY 2021-22 Operating Budget. [21-140d](#)  
Staff Contact: Chris Andrichak, 891-4855

- 6.F. Consider receiving a report on fare communications, including current and upcoming initiatives, mobile ticketing, Clipper Start, and Clipper fare products. [Requested by Director Shaw on 1/27/2021; and Director Walsh on 2/24/2021 and 3/24/2021] [21-268](#)
- Staff Contact: Beverly Greene, 891-7255

## 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))

- Williams v. AC Transit, WCAB Case No. ADJ10265995
- Silva v. AC Transit, WCAB Case No. ADJ12578827

Quarterly Litigation Report:

- 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;
- Claim of Sashinger (21-AL00035).

### 7.B. Conference with Legal Counsel – Potential Litigation (Two Cases)

(Government Code Section 54956.9(b))

### 7.C. Conference with Labor Negotiators

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;
  - Labor and Employee Relations Manager 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

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of at least one other Director.

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

[21-018o](#)

Staff Contact: Linda Nemeroff, 891-7284

**9. GENERAL MANAGER'S REPORT**

9.A. General Manager's Report for September 8, 2021.

[21-020o](#)

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**11. ADJOURNMENT**

Next Meeting: September 22, 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 two (2) 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.