



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

[Zoom link https://actransit.zoom.us/j/98487175063](https://actransit.zoom.us/j/98487175063)

Wednesday, December 8, 2021 at 5:00 PM

Closed Session 4:00 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

Due to the COVID-19 pandemic and pursuant to the Brown Act, the Board of Directors of the Alameda-Contra Costa Transit District and all advisory, oversight, and inter-agency liaison committees are authorized to hold remote teleconference meetings and no locations for the public are required to be provided or noticed in the meeting agenda. The public can access the meeting via a call-in option or an internet-based service option as listed below and the agenda for this remote meeting provides an opportunity for members of the public to directly address the body in real time. No action shall be taken during a disruption that would prevent members of the public from offering public comments using the call-in or internet-based option. Remote meetings shall be reconsidered every thirty days.

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. 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. 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 minutes of October 27, 2021. [21-574](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.B. Consider approving Board of Directors minutes of November 10, 2021. [21-573](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.C. Consider the adoption of Resolution No. 21-046 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through January 7, 2022. [21-053c](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.D. Consider review of Board Policy 145, Elections: Political and Campaign Activities with no recommended amendments. [21-521](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.E. Consider receiving report on the Board Policies scheduled for review and/or amendment during Calendar Year 2022. [21-545](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.F. Consider receiving Retirement Board minutes of November 5, 2021. [21-553](#)
Staff Contact: Hugo Wildmann, 891-4889

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- 5.G. Consider receiving Retirement Board minutes of October 6, 2021. [21-540](#)
Staff Contact: Hugo Wildmann, 891-4889
- 5.H. Consider receiving Retirement Board Minutes of May 15, 2019. [21-551](#)
Staff Contact: Hugo Wildmann, 891-4889
- 5.I. Consider receiving the Accessibility Advisory Committee minutes of October 12, 2021. [21-548](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.J. Consider authorizing the General Manager to enter into an extension of the contract with MV Transportation to operate the Dumbarton Express service for the period of January 1, 2022 to June 30, 2022. [11-256L](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.K. Consider authorizing the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement from January 1, 2022 to June 30, 2022, in conjunction with the six-month extension of the service contract. [11-256k](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.L. Consider the adoption of Resolution No. 21-045 approving amendments to Board Policy No. 200 - Alcohol and Substance Abuse Policy. [21-544](#)
Staff Contact: Lynette Little, 891-7271
- 5.M. Consider approving the award of a fixed price construction contract to GEMS Environmental Services Inc. in the amount of \$525,803 for the replacement of the single wall underground storage tank (UST) at the District's Division 2 (D2) Emeryville location. [20-467a](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.N. Consider approving the award of a firm-fixed price construction contract to Stronger Building Services of San Leandro, California for the replacement of the roof at the District's Emeryville Division (D2) Maintenance Facility. [20-418a](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.O. Consider approving minor amendments to Board Policy No. 349 - Investment Policy. [21-530](#)
Staff Contact: Chris Andrichak, 891-4855
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- 5.P. Consider receiving the Bi-Monthly budget update for the period of July 2021 through October 2021 of FY 2021-22. [21-546](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.Q. Consider receiving the Monthly Report on Investments for October 2021. [21-561](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.R. Consider authorizing the General Manager to execute addenda to extend the leases for three of the District's warehouse tenants: JAFEC USA, Inc.; Gachina Landscape Management; and Cypress Mandela Training Center, as outlined in the staff report. [21-563](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.S. Consider the adoption of Resolution No. 21-042 approving the new classifications of Principal Planner and Transit Schedules Specialist and the revised classifications of Senior Transportation Planner, Transportation Planner, Assistant Transportation Planner, Transit Schedules Manager, and Transit Schedules Administrator. [21-500](#)
Staff Contact: Sebron Flenaugh III, 891-5467
- 5.T. Consider receiving the Monthly Legislative Report. [21-125](#)
Staff Contact: Beverly Greene, 891-7255

6. REGULAR CALENDAR

Operations Items - Chair Beckles

- 6.A. Receive a report on employee vaccination rates and discussions with labor regarding vaccination requirements; and consider whether or not to implement a vaccine mandate for all District employees, Board officers and Board members. [Continued by the Board at the October 13, 2021 Board of Directors Meeting] [21-468a](#)
Staff Contact: Sebron Flenaugh III, 891-5467
- 6.B. Consider receiving a report on AC Transit's Zero Emission Transit Bus Technology Analysis covering a performance period from January to June 2021. [21-284a](#)
Staff Contact: Salvador Llamas, 891-7215

External Affairs Items - Chair Williams

- 6.C. Consider receiving an overview of draft plans for the redistricting of AC Transit's five wards. [21-029c](#)
Staff Contact: Linda Nemeroff, 891-7284

Finance and Audit Items - Chair Shaw

- 6.D. Consider receiving a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV/C1 tax proceeds for the year ended June 30, 2021. [21-562](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.E. Consider receiving report regarding the District's authority to levy taxes and options for revenue generating ballot measures. [Requested by Director Peeples - 12/9/20] [21-472](#)
Staff Contact: Jill Sprague, 891-4816
- 6.F. Consider receiving a report regarding the legality of precluding an audit firm from competing for a new contract based on the firm's immediate prior role as auditor for the District (Requested by Director Peeples - 8/11/21). [21-467](#)
Staff Contact: Jill Sprague, 891-4816

Board Administrative Matters - President Ortiz

- 6.G. Announcement of appointments to the Nominating Committee for the selection of President and Vice President for 2022 (Verbal). [21-526](#)
Presenter: President Ortiz

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))

McGhee v. AC Transit; WCAB Case No. ADJ8193056
Komarizadeh v. AC Transit; WCAB Case No. ADJ7500337

Quarterly Litigation Report:

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 Farmers Insurance Exchange (21-AL00077).

In addition, there is a report regarding violations at the District's Emeryville and Hayward facilities during this reporting period.

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;
 - Acting Labor and Employee Relations Manager/Executive Director of Human Resources
- 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. [21-018t](#)

Staff Contact: Linda Nemeroff, 891-7284

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for December 8, 2021. [21-020t](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: January 12, 2022 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.