



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 4:15 PM for Agenda Items 7A-7D

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, August 10, 2022 at 5:00 PM

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)

MURPHY MCCALLEY (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 number and Webinar ID 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 July 27, 2022. [22-098](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.B. Consider receiving the Accessibility Advisory Committee minutes of June 14, 2022. [22-443](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.C. Consider the adoption of Resolution No. 22-030 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 September 9, 2022. [22-053k](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.D. Consider receiving the FY 2021-22 Fourth Quarter Travel and Meeting Expense Report for Directors and Board Officers. [22-432](#)
Staff Contact: Linda Nemeroff, 891-7284
- 5.E. Consider the adoption of Resolution No. 22-029 establishing the Appropriations Limit for Fiscal Year 2022-23 at \$625,563,311. [22-408a](#)
Staff Contact: Chris Andrichak, 891-4855

- 5.F. Consider adoption of Resolution No. 22-032 authorizing the General Manager or his designee to file and execute applications with the Metropolitan Transportation Commission (MTC) for MTC's FY2022 Transit Capital Priorities (TCP) Zero-Emission Bus (ZEB) Infrastructure Set-Aside Program, including Federal Transit Administration (FTA) Sections 5307 funds, to fund the Hydrogen Fueling Infrastructure project at Division 6 in Hayward. [22-457](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.G. Consider receiving the Quarterly Report on the District's involvement in external planning processes. [22-418](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.H. Consider authorizing the General Manager to enter into a one-year agreement with two (2) one-year options with Service Wear Apparel. [16-057d](#)
Staff Contact: Salvador Llamas, 891-7215
- 5.I. Consider authorizing the General Manager to negotiate and execute the 2022 Clipper Amended and Restated Memorandum of Understanding with the Metropolitan Transportation Commission for the Next Generation Clipper C2 program. [22-444](#)
Staff Contact: Ahsan Baig, 891-5490

6. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 6.A. Consider receiving the Monthly Legislative Report and approval of legislative positions, if necessary. [22-438](#)
Staff Contact: Beverly Greene, 891-7255
- 6.B. Consider receiving the FY 2021-2022 Fourth Quarter Report of the External Affairs, Marketing, and Communications Department for April, May, June of 2022. [22-442](#)
Staff Contact: Beverly Greene, 891-7255

Planning Items - Chair Beckles

- 6.C. Receive an update on transit shelter contracting scenarios, associated cost estimates, and local jurisdiction contributions and consider approving the following: [18-211h](#)
- Contracting transit shelter maintenance with a third-party contractor and retaining ownership of shelters, with potential funding from local jurisdictions.
 - Issuance of a solicitation for shelter maintenance services.
- Staff Contact: Ramakrishna Pochiraju, 891-5448

Operations Items - Chair Young

- 6.D. Presentation on protective services provided by the Alameda and Contra Costa County Sheriff's Offices. [22-428](#)
Staff Contact: Salvador Llamas, 891-7215
- 6.E. Consider receiving a briefing on Service Operated Public Key Performance Indicators (KPI). [Requested by Director Peebles - 2/12/2020, Director Walsh - 3/9/2022, and Director Shaw - 5/11/2022] [22-433](#)
Staff Contact: Salvador Llamas, 891-7215
- 6.F. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Fourth Quarter of Fiscal Year 2022. [22-429](#)
Staff Contact: Salvador Llamas, 891-7215

Board Administrative Matters - President Ortiz

- 6.G. Consider adoption of Resolution No. 22-031 appointing a new member to a three-year term on the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee commencing on September 1, 2022. [22-347a](#)
Staff Contact: Linda Nemeroff, 891-7284
- 6.H. Consider the adoption of Resolution No. 22-033 approving the revised classifications of General Manager/Chief Executive Officer, General Counsel/Chief Legal Officer, and Board Administrative Officer/District Secretary [Requested by President Ortiz - 6/22/22]. [22-453](#)
Staff Contact: Sebron Flenaugh III, 891-5467

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))

Darlene Nusom v. AC Transit, WCAB Case Nos. ADJ8137572, ADJ7708020

Quarterly Litigation Report:

Hartway v. AC Transit, et al., ACSC No. 22CV011482;
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., ACSC No. RG20-050706;
Ayala v. AC Transit, ACSC No. RG21-112614; and
Claims of White (22-AL00041) and Bernardino (21-AL00197).

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 Representative;

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 three Directors, including the requestor.

- 8.A. Review of Agenda Planning Pending List and Agenda Planning Request Forms. [22-065n](#)

9. GENERAL MANAGER'S REPORT

- 9.A. General Manager's Report for August 10, 2022. [22-041n](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: September 14, 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.