



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

Wednesday, October 27, 2021 at 5:00 PM

<https://bit.ly/3jM7S83>

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

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, October 27, 2021.

The meeting was called to order at 4:31 p.m. for the purpose of Closed Session. All Board members were present, with the exception of Director Peeples who arrived at 4:33 p.m. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:55 p.m.

President Ortiz called the Board of Directors meeting to order at 5:03 p.m.

2. ROLL CALL

Director Peeples arrived at 5:17 p.m.

Present: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

3. PRESENTATION

3.A. Consider receiving a presentation on the prospects for return-to-work and the economic recovery of downtown San Francisco. [Requested by Director Peeples - 9/8/2021]

[21-451](#)

Presenter: Ted Egan, Ph.D., Chief Economist
Office of the Controller
City and County of San Francisco

Dr. Egan gave the presentation.

Public Comment:

There was no comment offered.

Board Discussion:

Vice President Young hoped the Board would receive future updates and asked if any modeling had been performed with respect to the impact of companies' implementing hybrid work schedules. Dr. Egan reported that in the short term, people are still not taking public transit, but modeling was being done to predict what might happen in the medium-term with regard to hybrid work schedules. He added that, currently, BART is only 25% of normal on weekdays and 40-50% of normal on weekends, while traffic congestion is at pre-pandemic levels, and it is still unknown what the use of office space will look like in the future and how long the transition will take.

Vice President Young commented on the struggle to plan future Transbay service and asked what data points staff should be looking at and how much data is needed to make firm conclusions. Dr. Egan suggested that staff study how full the buses are and day-of-the-week travel patterns. He added that an increase in office attendance above

50%, an up tick in the leasing of office space, and twice as many companies occupying the same amount of office space may suggest a return to public transit.

Director Williams inquired about a forecast for small business activity in San Francisco and Director Shaw asked if a return of tourism would help businesses recover. Mr. Egan believed that business activity would improve in 2020, but a full recovery of the hotel tax was not projected until 2025 or 2026.

The report was presented for information only.

4. PUBLIC COMMENT

Public speakers addressed the Board about the importance of hazard pay for the District's front line workers and described why they believed they deserved hazard pay compensation citing working conditions endured by bus operators and service workers, stories of their on-job experiences and the continued health risks to themselves and their families in the course of their work. Public speakers expressed concern that management hasn't worked out the details of hazard pay compensation with union representatives in a timely manner. These public speakers included:

Connie McFarland, Bus Operator

Sultana Adams, D3 Bus Operator, Asst Shop Steward

Eric Braziel

Phyllis Jackson, D3, Service Employee

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)

Public Comment:

There was no comment offered.

MOTION: WILLIAMS/PEEPLES to receive or approve the items on the Consent Calendar as indicated with the exception of Item 6.G. (Clipper Report) which was pulled off the Consent Calendar by Director Shaw. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

6.A. Consider approving the minutes of the annual Joint Meeting between the AC Transit Board of Directors and the Retirement Board held on October 6, 2021.

[21-510](#)

MOTION: WILLIAMS/PEEPLES to approve the minutes of the annual Joint Meeting between the AC Transit Board of Directors and the Retirement Board held on October 6, 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.B.** Consider receiving the minutes of the East Bay Bus Rapid Transit Policy Steering Committee’s final meeting of October 1, 2021. [21-490](#)

MOTION: WILLIAMS/PEEPLES to receive the minutes of the East Bay Bus Rapid Transit Policy Steering Committee’s final meeting of October 1, 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.C.** Consider receiving Retirement Board minutes of September 15, 2021. [21-492](#)

MOTION: WILLIAMS/PEEPLES to receive the Retirement Board minutes of September 15, 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.D.** Consider receiving the Monthly Report on Investments for August 2021. [21-514](#)

MOTION: WILLIAMS/PEEPLES to receive the Monthly Report on Investments for August 2021. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.E.** Consider receiving the Bi-Monthly budget update for the period of July 2021 through August 2021 of FY 2021-22. [21-489](#)

MOTION: WILLIAMS/PEEPLES to receive the Bi-Monthly budget update for the period of July 2021 through August 2021 of FY 2021-22. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.F.** Consider authorizing issuance of a solicitation for the purchase of driver compartment protective barriers. [21-398](#)

MOTION: WILLIAMS/PEEPLES to authorize the issuance of a solicitation for the purchase of driver compartment protective barriers. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.G.** Consider receiving a briefing on the Next Generation Clipper (C2) Program. [21-425](#)

Item 6.G. was pulled off the Consent Calendar by Director Shaw.

Public Comment:

There was no comments offered.

Board Discussion:

Director Shaw asked if the pilot bus and platform equipment installation discussed in the report was complete and where the equipment was being piloted. IT Project Manager Darrell Takara advised that installation was delayed, and the pilot locations

were platforms at the San Leandro BART station and on Broadway in Oakland. Final project logistics are pending. Director Shaw requested that staff provide an update when the work is complete, and wanted to know more about the new Clipper retailers and what they offer. Mr. Takara advised that these retailers would handle account-based transactions and would likely come on board in late 2022. More information would be provided in the next report. General Manager Michael Hursh advised that these were all very good questions for the Clipper Executive Board. Chief Information Officer Ahsan Baig advised that the Clipper contract required an expansion of the retail network into disadvantaged communities. President Ortiz commented that AC Transit has been concerned for many years about access to Clipper in disadvantaged communities.

Director Walsh commented on the long lead time to implement fare changes in the current Clipper system and asked whether the process would be quicker in the new system. Mr. Takara advised that Clipper2 would provide for a more streamlined process that would make it easier for transit operators to implement changes.

Director Peeples pointed out the Clipper 2 was originally projected to be revenue ready in 2017 and believed it may take several more years to implement the system.

MOTION: SHAW/PEEPLES to receive a briefing on the Next Generation Clipper (C2) Program. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.H.** Consider authorizing the General Manager to provide free bus rides on New Year's Eve between the hours of 8:00 p.m. on December 31 until 5:00 a.m. on January 1 for the next two years. [21-459](#)

MOTION: WILLIAMS/PEEPLES to authorize the General Manager to provide free bus rides on New Year's Eve between the hours of 8:00 p.m. on December 31 until 5:00 a.m. on January 1 for the next two years. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.I.** Consider receiving the Monthly Legislative Report. [21-496](#)

MOTION: WILLIAMS/PEEPLES to receive the Monthly Legislative Report. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.J.** Consider receiving a report on findings from the customer satisfaction survey literature review. [Requested by Director Peeples -5/28/08] [21-234b](#)

MOTION: WILLIAMS/PEEPLES to receive a report on findings from the customer satisfaction survey literature review. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.K.** Consider authorizing the release of a Request for Proposal (RFP) for [21-471](#)

the East Bay Paratransit Consortium (EBPC) Broker and Provider Services for Americans with Disabilities Act (ADA) mandated paratransit services.

MOTION: WILLIAMS/PEEPLES to authorize the release of a Request for Proposal (RFP) for the East Bay Paratransit Consortium (EBPC) Broker and Provider Services for Americans with Disabilities Act (ADA) mandated paratransit services. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.L.** Consider authorizing the release of a solicitation for the Employee Assistance and Substance Abuse Programs. [21-485](#)

MOTION: WILLIAMS/PEEPLES to authorize the release of a solicitation for the Employee Assistance and Substance Abuse Programs. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.M.** Consider approving the Public Outreach Plan for the Redistricting Project. [21-029a](#)

Beverly Greene, 891-7255

MOTION: WILLIAMS/PEEPLES to approve the Public Outreach Plan for the Redistricting Project. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.N.** Consider approving the dissolution of the East Bay Bus Rapid Transit Policy Steering Committee. [21-486](#)

MOTION: WILLIAMS/PEEPLES to approve the dissolution of the East Bay Bus Rapid Transit Policy Steering Committee. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

7. REGULAR CALENDAR

Planning Items - Chair Peeples

- 7.A.** Receive a report on the various contracting scenarios and associated cost estimates for the District's Joint Powers Agreement Transit Shelter Program; and [18-211f](#)

1) Consider the following scenarios, excluding Scenario A (the current contract structure):

- Scenario B: implement two separate contracts: one contract for cleaning and one contract for advertising, repairs, installations, and relocations;
- Scenario C: implement three separate contracts: one contract for cleaning, one contract for advertising revenue, and one contract for

repairs, installations, and relocations;

- Scenario D: bring cleaning in-house and implement two separate contracts: one contract for advertising revenue and one contract for installations and relocations; or
- Scenario E: bring cleaning, installation, and repairs in-house and implement one contract for advertising revenue.

2) Authorize the issuance of solicitation(s) associated with the selected scenario chosen by the Board.

[Written comment received prior to the meeting is incorporated into the file by reference.]

Transportation Planner Carissa Lee presented the staff report and outlined the various scenarios and associated operating and capital costs before the Board for consideration.

Public Comment:

Katy Scott-Smith, Peoples' Transit Alliance, East Bay Democratic Socialists of America, provided reasons for support for Option E, which supports not outsourcing the stated work. Scott-Smith noted several advantages for bringing this work in-house, including control of hiring, training, and overseeing the quality of work. Scott-Smith noted that outsourcing work is a greater financial risk due to limited competition in this sector and, with few vendors in this business, rubber stamping will happen, and oversight will be problematic and wasteful.

Yvonne Williams noted historical shortcomings of outsourcing the work and recommended the development of in-house services on this matter. Williams supported the implementation of surveys which will help address rider equity concerns.

Board Discussion:

Director Peeples felt a policy discussion about who should assume financial responsibility for shelters and benches should precede any Board decision on the scenarios presented by staff, suggesting that cities be financial responsible for shelters and benches in their city.

President Ortiz noted that \$7-10 million would be needed to fund a new Transit Shelter Program and inquired about the legality of the 1998 Joint Powers Agreement (JPA) with the various cities once Clear Channel is no longer maintaining the shelters. She also asked what the impact would be of not having a consistent response from the cities with respect to financial support. General Counsel Jill Sprague advised that the JPA would no longer exist due to the structure of the original agreement. Executive Director of Planning & Engineering Ramakrishna Pochiraju added that if the cities do not want to contribute to the support of the shelters, the District can continue to maintain them or remove them. Ms. Sprague advised that to the extent that AC Transit owns the shelters, any injury occurring on District property could result in liability for the District.

President Ortiz asked about the impact to the procurement process when it is not yet known which cities will provide financial support. Mr. Pochiraju advised that the contract extension approved by the Board at the previous meeting gave staff time to develop a scope of work and also work with the JPA cities on the issue of financial support. General Manager Hursh added that a new contract can be based on the number of shelters in the event a city withdrew.

Vice President Young suggested that there be a Scenario F, to account for cities that did not want to provide financial support.

Director Shaw believed it would be appropriate for cities to assume ongoing responsibility for shelter maintenance, while the District retained control over what the shelters look like. In addition, Director Shaw felt an assessment of the liability experienced by other Bay Area transit agencies over the last ten years was warranted to gain a better understanding of the risk associated with ownership of the shelters. With regard to the overall cost, Director Shaw believed that the numbers required further refinement, saying that she called a transit agency in Austin that fabricates, builds, installs and maintains its own shelters in-house with a staff of 13. She further commented supportively on Scenario C believing it provided the most options, saying that it was too costly to bring the service in-house.

Director Walsh believed that while the report addressed the problem of maintaining 276 shelters, it did not address whether the number of shelters was optimal, their placement (location) and what other options should be considered. She further suggested that staff perform community outreach to gauge what people value in a bus shelter and suggested that these conversations happen concurrently with outreach on the service redesign. Also of issue was whether the advertising piece should be separated from the overall contract as a stand-alone item and how advertising revenue could offset the cost of the program. Questions also arose concerning the City of Berkeley's participation in the JPA and the progress made towards hiring a facilities manager to oversee the program. Executive Director of Service Development & Planning Robert del Rosario explained the intricacies of the advertising contract, shelter footprint, and placement, saying that the original intent of the contract was to have more shelters where ridership was highest. He added that the advertising contract could be separated and that the City of Emeryville was not a part of the JPA because they had a policy prohibiting advertisements on city streets. Ms. Lee advised that due to the downward trend and variability in advertising revenues, it was not used to offset the cost of the program. Chief Operating Officer Salvador Llamas also gave a status update regarding the development of a classification specification for the facilities manager position. Director Walsh encouraged staff to look at every aspect of the program with fresh eyes.

Director Beckles felt the District needed to fully explore the option of getting financial support from cities. Director Beckles asked why the Transit Shelter Program was not budgeted to which Mr. Hursh advised that the advertising revenue always carried the

cost of the program, so there was no out-of-pocket cost to the District. He added that it would need to be a part of the operating budget which will affect the amount of service the District can deliver and agreed that contributions from the cities needed to be further explored. Director Beckles commented that the shelters in Alameda were nice and asked who paid for them. Director Peeples reported that Alameda did not want advertising on their shelters and opted to build their own. Director Beckles further lent her support to the use of in-house labor to maintain the shelters, but felt cities needed to do their part due to the cost.

Vice President Young asked what would happen if a Request For Proposals was not timely issued. Mr. Hursh advised that there would be no way to effect maintenance and cleaning of the shelters.

Director Williams suggested that the issue of shelters be discussed at Inter-Agency Liaison Committee meetings with the various cities. President Ortiz agreed, saying that there is a lot of analysis that needs to take place before the Board selects an option. She suggested that the Board continue the item so staff can conduct additional analysis with regard to shelter locations, etc., and start negotiating with the cities.

MOTION: ORTIZ/WILLIAMS to continue the matter and direct the General Manager to negotiate with the cities and report back to the Board as soon as possible. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 7.B.** Consider receiving an update on the Blue Ribbon Transit Recovery Task Force and the Transit Transformation Action Plan. [Requested by Director Shaw - 8/11/2021] [21-456](#)

Director of Service Development & Planning Robert del Rosario presented the staff report.

Public Comment:

There was no comment offered.

Board Discussion

Director Shaw questioned whether the Transit Transformation Action Plan would really make a transformational difference with respect to transit recovery and regional connectivity. General Manager Hursh reported that the plan would produce changes such as more inter-agency collaboration in coordinating transit schedules, fare integration, and wayfinding. He added that areas of concern were cost and equity, especially for those riders who are transit dependent and do not have a voice in the process.

President Ortiz asked if the “transit manager” was a Seamless Bay Area proposal. Mr. del Rosario confirmed that it was. President Ortiz also asked how small transit agencies are reacting to the work that is being done. Mr. Hursh explained that some of the

smaller agencies were concerned because they feel they may not have a voice, but added that efforts are being made to keep small operators engaged. President Ortiz thanked the General Manager for his comments about equity, saying that she has been raising this issue for a long time.

Director Williams commented that equity is an important issue and wanted to know what others involved in the process have been saying about it as well as what groups have been involved in the process/discussions. Mr. Hursh responded that everyone agrees that equity is an issue that needs to be acknowledged and addressed. He added that Seamless Bay Area, SPUR, Silicon Valley Leadership Group, the Bay Area Council, TransForm, organized labor, ADA and community-based organizations have been active in discussions. Director Williams expressed the need to have more diverse communities engaged in the process.

Director Peebles expressed concern with rail projects that receive major amounts of money to subsidize exurban sprawl, which doesn't help local transit. He also expressed his opinion that there wasn't one group involved in the development of the Transit Transformation Action Plan that represents poor people.

MOTION: ORTIZ/WILLIAMS to receive an update on the Blue Ribbon Transit Recovery Task Force and the Transit Transformation Action Plan. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peebles

- 7.C.** Consider receiving a report on the performance of the All-door Boarding Pilot on Lines 6 and 51B as well as the final results of the bus operator and customer surveys conducted in the spring and summer. [21-462](#)

Service Planning Manager Michael Eshleman presented the staff report.

Public Comment:

There was no comment offered.

Board Discussion:

President Ortiz asked how much fare evasion is costing the District as a result of the pilot. Mr. Eshleman advised that staff will need to correlate the Clipper data with the vehicle's automatic passenger counter data to determine the loss of fare revenue. He added a comment that MUNI's report on their all-door boarding pilot a few years ago indicated that fare evasion went down as a result of the program.

Director Shaw asked about plans to expand the program to other lines. Mr. Eshleman indicated that the program could be expanded to a couple more lines out of Division 2 provided that the Clipper readers were available. Additional Clipper readers may become available with the launch of the Clipper 2 system.

Vice President Young asked staff to confirm if the pilot was supposed to reduce dwell

time and improve on-time performance. Mr. Eshelman confirmed that these were efficiency goals as well as to reduce the interaction between passengers and operators. He added the program has had a positive impact overall.

MOTION: SHAW/BECKLES to receive a report on the performance of the All-door Boarding Pilot on Lines 6 and 51B as well as the final results of the bus operator and customer surveys conducted in the spring and summer. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 7.D.** Consider receiving a status report on Tempo (Line 1T) project closeout, operational performance, maintenance activities, and the fares collected as a percentage of the ridership, including the method of payment used. [Requested by Director Shaw - 9/22/21 and Director Walsh - 6/9/21] [21-480](#)

Director of Bus Rapid Transit David Wilkins provided an update on activities associated with the close-out of the project as well as workforce and disadvantage business enterprise goals. Director of Transportation Derik Calhoun gave the operations update, which included information on line management, platform agents, on-time performance, and ridership numbers. Additional information was also provided on maintenance, station cleanliness and graffiti abatement. Chief Financial Officer Chris Andrichak discussed fare compliance and bus-only lane enforcement. External Affairs Representative Steven Jones reported on automated parking enforcement legislation (AB 917 - Bloom), which was recently signed into law as well as community outreach recognition and activities, customer complaints, commendations, ongoing marketing and communication activities, branding and sponsorships.

Public Comment:

There was no comment offered.

Board Discussion:

Director Shaw asked when staff expects to fully close out the project. Mr. Wilkins reported that the remaining work involves contract administration activities with the contractor and agency partners, primarily the City of Oakland and Caltrans.

Director Shaw inquired about the use of mag-stripe tickets on the BRT. Mr. Andrichak advised that it was difficult to process this type of ticket on BRT and staff was more or less relying on an allocation method based on fare data collection to track mag-stripe ticket usage.

Director Shaw inquired about bus only lane enforcement. Protective Services Manager Kerry Jackson advised that any law enforcement agency can enforce the bus only lane under the vehicle code.

Director Walsh commented positively on community outreach efforts and system

performance, saying that she appreciated the report and liked the service.

MOTION: ORTIZ/SHAW to receive a status report on Tempo (Line 1T) project closeout, operational performance, maintenance activities, and the fares collected as a percentage of the ridership, including the method of payment used. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

Operations Items - Chair Beckles

- 7.E.** Consider receiving a report on the strategies to compete with other transit agencies in hiring bus operators, the efforts in place to retain and engage the current bus operator workforce, and address operator unavailability. [Requested by Directors Walsh and Peeples - 5/26/2021] [21-506](#)

[A PowerPoint presentation given at the meeting is incorporated into the file by reference.]

Senior Human Resources Administrator Monique Chappel presented the staff report.

Public Comment:

Yvonne Williams commented on the Board discussion of bus operator workforce retention and hiring, noting the positive efforts of the Alternative Dispute Resolution (ADR) and the Mentorship programs. Williams hoped for continued collaboration and help from other agencies towards adoption of AC Transit programs.

Board Discussion:

Director Peeples inquired if outreach is conducted outside of the District as many employees can't afford to live in the area. Executive Director of Human Resources Sebron Flenaugh advised that staff is focused on maximizing the current recruitment effort in the area and will consider expanding beyond the District boundaries in the future. General Manager Hursh addressed this question further in the discussion clarifying that the recruitment is not advertised in television and radio ads outside of the District; however, AC Transit jobs show in the transit-related job searches online regardless of the location.

Director Williams encouraged staff to conduct hiring events as they did prior to the pandemic and to partner with education centers such as Cypress Mandela to educate and recruit the workforce. Director Williams further commented that transit workforce shortages have been an industry ailment even before the pandemic and asked if there are regional funding programs available to address the issue. General Manager Hursh advised that transit workforce development has been a focus of many transit organizations across the country, even more so during the pandemic and as the zero-emission technologies are gaining momentum. Mr. Hursh highlighted AC Transit's recent bus operator graduation ceremony and its ongoing classes. He assured that

funding is available at various sources, from federal to state levels and that AC Transit is aggressively canvassing for new job applicants.

Director Shaw asked if staff had reached the goal in the number of applicants. General Manager Hursh responded that the recruitment campaign had yielded satisfying results; however, staff needs to remain focused on ensuring a constant influx of applicants given that the attrition rate is still an ongoing issue.

Director Walsh was pleased to hear that the recruitment is successful. Director Walsh recalled that classroom space was a constraint during the pandemic and wanted to better understand what the major constraints are when it comes to hiring. Director Walsh suggested advertising job openings on Craigs List. General Manager Hursh explained that bus operator attrition is still the problem. Mr. Hursh agreed with success in recruitment and commented that staff might be adding another cohort of operator trainees and clarified that staffing numbers will lag until the new graduates are fully certified and ready to drive.

Director Beckles asked for clarification about the recruitment goals and what is the ideal number of applicants. General Manager Hursh explained that many factors decide the success of the campaign. He explained that there are many steps between an applicant and a licensed bus operator, so a constant arrival of applicants and trainees would be ideal as it would allow time for screening, training, and certification. General Manager Hursh added that staff is currently satisfied with the number of applications but needs to maintain hiring channels open in order to fill the current and future openings.

MOTION: PEEPLES/WILLIAMS to receive a report on the strategies to compete with other transit agencies in hiring bus operators, the efforts in place to retain and engage the current bus operator workforce, and address operator unavailability. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peoples

External Affairs Items - Chair Williams

- 7.F.** Consider receiving a report on the Draft 2022 Federal and State Legislative Advocacy Programs. [21-387](#)

External Affairs Representative Steven Jones presented the staff report.

Public comment:

There were no comments offered.

Board discussion:

Director Williams asked if there is any funding for Paratransit on federal level; and if there are any State programs to address homelessness. Mr. Jones explained that paratransit is a standing priority on the federal level and would research if any new bills

are of note. Mr. Jones commented that considerable funding is available to municipalities on the state level related to homelessness. Mr. Jones further commented that managed care health providers such as HMOs receive state and federal funding to provide medical transportation services but are not obligated to reimburse public transit providers for the service and that staff's goal is to require the health providers to reimburse AC transit for the MediCal-eligible trips which would help cover the costs that AC Transit has been absorbing when providing paratransit services for MediCal-eligible trips.

MOTION: PEEPLES/WALSH to receive a report on the Draft 2022 Federal and State Legislative Advocacy Programs. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 7.G.** Consider review of Board Policy 140 - Candidates' Statement of Qualifications Cost with no recommended amendments. [21-487](#)

District Secretary Linda Nemeroff presented the staff report.

Public comment:

There were no comments offered.

Board discussion:

To Director Beckles' question about the seemingly high fees, Ms. Nemeroff explained that AC Transit is unique among other special district because it's Board has two at-large members. She further explained that staff compared the fees with other districts and that AC Transit fees are in line with what other districts charge for candidate statements.

MOTION: ORTIZ/PEEPLES to receive report regarding the review of Board Policy 140 - Candidates' Statement of Qualifications Cost with no amendments. The motion carried by the following vote:

Ayes: Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

8. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out on the following:

MOTION: ORTIZ/SHAW to approve settlement in the amount of \$1.6 million in the matter of Delgado-Salto v. Niebla, AC Transit, et al.; ACSC Case No. RG19012610. The motion carried by the following vote:

Ayes: Ortiz, Shaw, Walsh, Beckles, Williams, Peeples, Young

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Delgado-Salto v. Niebla, AC Transit, et al.; ACSC Case No. RG19012610 Claim No. 18-AL00233
- Winford v. AC Transit Claim No.: ACCT-009593; 05/27/2013-05/27/2014; WCAB Case No. ADJ9830841

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

(Government Code Section 54956.9(b))

8.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

8.D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

9. AGENDA PLANNING

9.A. Review of the Agenda Planning Pending List. [21-018r](#)

There were no agenda planning requests.

10. GENERAL MANAGER’S REPORT

10.A. General Manager’s Report for October 27, 2021. [21-020r](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board commented on the events they attended since the last Board Meeting.

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 8:40 p.m. The next meeting of the Board is scheduled for December 8, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary