



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

AC Transit General Offices
2nd Floor Board Room
1600 Franklin Street, Oakland, CA 94612

Wednesday, October 9, 2019 at 5:00 PM
Closed Session - 4:30 PM (Items 7A-7D)

MEMBERS OF THE BOARD OF DIRECTORS

JOE WALLACE, PRESIDENT (WARD 1)

ELSA ORTIZ, VICE PRESIDENT (WARD 3)

GREG HARPER (WARD 2)

MARK WILLIAMS (WARD 4)

DIANE SHAW (WARD 5)

H. E. CHRISTIAN PEEPLES (AT-LARGE)

JOEL YOUNG (AT-LARGE)

BOARD OFFICERS

MICHAEL A. HURSH, GENERAL MANAGER

DENISE C. STANDRIDGE, 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 9, 2019.

The meeting was called to order at 4:30 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Williams (arrived at 4:37 p.m.) and President Wallace (arrived at 4:45 p.m.). The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 5:08 p.m.

President Wallace called the Board of Directors meeting to order at 5:16 p.m.

2. ROLL CALL

Present: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

3. PUBLIC COMMENT

Jenifer Rodrigues spoke about an incident on a bus and complained about the operator's handling of the situation.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

5. CONSENT CALENDAR**Approval of the Consent Agenda**

MOTION: ORTIZ/WILLIAMS to receive or approve the items on the Consent Calendar as indicated. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

5.A. Consider approving Board of Directors minutes of September 25, 2019. [19-266](#)

5.B. Consider receiving the Accessibility Advisory Committee minutes of July 9, 2019. [19-299](#)

5.C. Consider authorizing the General Manager or his designee to file and execute applications with the California Department of Transportation (Caltrans) for the Fiscal Year 2020-21 Sustainable Transportation Planning Grant Program to support two planning efforts. [19-317](#)

6. REGULAR CALENDAR**Planning Items - Chair Peeples**

6.A. Consider receiving the monthly report on the construction progress and operational readiness of the East Bay Bus Rapid Transit (BRT) project. [19-316](#)

Director of BRT David Wilkins presented an update on project construction; BRT Outreach Manager Steven Jones gave an overview of public outreach activity; and Contracts Compliance Administrator Phillip Halley spoke about the District's progress towards meeting workforce utilization and Disadvantaged Business Enterprise goals.

MOTION: ORTIZ/WILLIAMS to receive the monthly report on the construction progress and operational readiness of the East Bay Bus Rapid Transit (BRT) project. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

Operations Items - Chair Shaw

- 6.B.** Consider approving amendments to Board Policies 460 and 466; [19-198](#)
Disadvantaged Business Enterprise (DBE) Policy and Small and Small
Local Business Enterprise (SBE/SLBE) Policy, respectively.

Contracts Compliance Administrator Phillip Halley presented the staff report.

Vice President Ortiz requested clarity around the Good Faith Efforts (GFE) evaluation, particularly "judgement call" language (page 9 of the proposed Board Policy 460), concerned that the phrase implies arbitrary decision making. She asked staff to revisit the wording in order to solidify the evaluation protocol.

Director Harper acknowledged the requirement of a GFE evaluation for federally funded projects, but expressed concern with applying a requirement he believed to be cumbersome to projects that were not federally funded and asked that the policy reflect this.

Staff was directed to review and revise the policies and bring them back at a future Board meeting.

Board Administrative Matters:

- 6.C.** Consider adopting Board Policy No. 475 - Requests for Use of Rolling [19-258](#)
Stock. [Requested by President Wallace on 6/12/19.]

General Counsel Denise Standridge presented the staff report.

MOTION: ORTIZ/HARPER to adopt Board Policy No. 475 - Requests for Use of Rolling Stock. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 6.D.** Consider rescinding the contract award for Procurement 2019-1487 [18-313b](#)
for Tempo Bus Rapid Transit livery production and installation.

There was no presentation of staff report.

MOTION: ORTIZ/WILLIAMS to rescind the contract award for Procurement 2019-1487 for Tempo Bus Rapid Transit livery production and installation. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

7. CLOSED SESSION/REPORT OUT

There was nothing to report out of Closed Session. General Counsel Denise Standridge distributed quarterly statistics on open claims and lawsuits which is incorporated into the file by reference.

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a)) (two cases)

Quarterly Litigation Report:

- Edwards v. AC Transit, et al., ACSC No. RG17-885627;
- Blacksher v. Amalgamated Transit Union, et al., ACSC No. HG16-840726;
- Henderson v. AC Transit, et al., ACSC No. RG18-914096;
- Henderson v. AC Transit, et al., ACSC No. RG19-007545;
- McNaulty v. AC Transit, ACSC No. RG18-933966; and
- Pearl v. AC Transit, ACSC No. RG19-015118.

7.B. Conference with Legal Counsel – Potential Litigation

(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 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

8. AGENDA PLANNING

8.A. Review of Agenda Planning Pending List.

[19-020g](#)

Director Harper requested that staff advance the report on wheelchair securement on the Agenda Planning list.

Director Harper requested a report with data on ridership and on-time performance for the re-routed lines on Franklin Street in downtown Oakland. (Director Peeples

concurring)

Director Shaw requested a report on lift maintenance, operator pre-checks and how lift issues are managed. She also requested an analysis of the last-month's road calls. (Director Harper concurred)

Director Shaw requested a report on the definition of Project Pay and its usage. She requested that the usage data be broken down by project and staff within the past two years and also the usage projection for the next year. (Director Harper concurred)

Vice President Ortiz requested a report on the proliferation of Interagency Liaison Committees. She requested a discussion on limiting the number of committee meetings and also about ways to contain the discussion topics within the committees' purview. (Director Shaw concurred)

Vice President Ortiz commented on the trend in development of various fare payment apps and requested that staff investigate and report what other transit agencies are doing to handle riders who do not use credit cards. (Director Shaw concurred)

Director Peoples requested a report on the District's collaboration with other jurisdictions on the matter of parking enforcement in bus lanes and the status of the District's readiness for the re-introduction of SB 1051 - parking photo enforcement. (Vice President Ortiz concurred)

Director Peoples requested a report on a policy decision regarding internet usage at the District and how to best balance internet restriction and productivity. (Vice President Ortiz concurred)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for October 9, 2019.

[19-218](#)

The report was presented for information only.

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board commented on meetings and events attended since the last Board meeting.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:30 p.m. The next meeting of the Board of Directors is scheduled for October 23, 2019 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary