



## **ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

### **MINUTES**

#### **Board of Directors - Regular Meeting**

VIRTUAL MEETING

Zoom webinar <https://actransit.zoom.us/j/91636373775>

Dial in phone number (669) 900-6833 Webinar ID 916 3637 3775

**Wednesday, August 5, 2020 at 5:00 PM**

**Phone (669) 900 6833**

**Webinar ID 913 3637 3775**

**See agenda for instructions**

#### **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**

**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 regular virtual meeting on Wednesday, August 5, 2020.

Members of the Board participated via video conference from off-site locations in accordance with the statewide shelter in place order issued on March 16, 2020.

The Closed Session listed on the agenda was cancelled.

President Wallace called the Board of Directors meeting to order at 5:06 p.m.

**2. ROLL CALL**

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

**3. PRESENTATION**

**3.A.** Recognition of the 2020 American Public Transportation Association Ad Wheel First Place Award winners for “Best Marketing and Communication Educational Initiative” for the Bus Operator and Mechanic Recruitment Campaign and “Best Marketing and Communications to Highlight Transit Needs/Funding” for the AC Transit 2018 Annual Report: A Year in Review.

[20-141](#)

The item was removed from the agenda and will be rescheduled.

**4. PUBLIC COMMENT**

**Sheela Gunn-Cushman:** Ms. Gunn-Cushman expressed concern with the recent marketing survey regarding how riders are affected by Covid-19. Also raised were concerns about operational matters such as how the “Drop Off Only” signs can be conveyed in an ‘audio-way’ for visually impaired passengers and confusion about when front door coach access will become available again. Ms. Gunn-Cushman stated that she would not ride AC Transit again until these issues are addressed.

**5. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

**6. CONSENT CALENDAR**

MOTION: ORTIZ/PEEPLS to Receive, approve or adopt the items on the Consent Calendar as indicated. The motion carried by the following vote:

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

**6.A.** Consider approving Board of Directors minutes of July 22, 2020.

[20-283](#)

MOTION: ORTIZ/PEEPLS to approve the Board of Directors minutes of July 22, 2020.

The motion carried by the following vote:

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

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- 6.B.** Consider receiving the Accessibility Advisory Committee minutes of February 11, 2020. [20-149](#)
- MOTION: ORTIZ/PEEPLES to receive the Accessibility Advisory Committee minutes of February 11, 2020. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.C.** Consider receiving Retirement Board minutes of June 16, 2020. [20-295](#)
- MOTION: ORTIZ/PEEPLES to receive the Retirement Board minutes of June 16, 2020. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.D.** Consider receiving the FY 2019-20 Fourth Quarter Travel and Meeting Expense Report for Directors and Board Officers. [20-280](#)
- MOTION: ORTIZ/PEEPLES to receive the FY 2019-20 Fourth Quarter Travel and Meeting Expense Report for Directors and Board Officers. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.E.** Consider receiving the FY 2019-20 Fourth Quarter Employee and Non-Employee Out-of-State Travel Report. [20-300](#)
- MOTION: ORTIZ/PEEPLES to receive the FY 2019-20 Fourth Quarter Employee and Non-Employee Out-of-State Travel Report. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.F.** Consider approving a corrective amendment to Board Policy 110 - Public Hearing Process for Board of Directors. [20-301](#)
- MOTION: ORTIZ/PEEPLES to approve a corrective amendment to Board Policy 110 - Public Hearing Process for Board of Directors. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.G.** Consider approving non-substantive amendments to Board Policy 244 (Temporary Employee Staffing) revising the language on employment category from temporary employee to temporary worker. [20-257](#)
- MOTION: ORTIZ/PEEPLES to approve non-substantive amendments to Board Policy 244 (Temporary Employee Staffing) revising the language on employment category from temporary employee to temporary worker. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.H.** Consider receiving the monthly legislative report. [20-296](#)
- MOTION: ORTIZ/PEEPLES to receive the monthly legislative report. The motion carried by the following vote:
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- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.I.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Fourth Quarter of Fiscal Year 2020. [20-264](#)
- MOTION: ORTIZ/PEEPLS to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Fourth Quarter of Fiscal Year 2020. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.J.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [20-271](#)
- MOTION: ORTIZ/PEEPLS to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.K.** Consider adoption of Resolution No. 20-039 authorizing the General Manager, or his designee, to submit allocation requests and execute any documents necessary for Lifeline Cycle Six Program Funds for service to low-income populations. [20-313](#)
- MOTION: ORTIZ/PEEPLS to adopt Resolution No. 20-039 authorizing the General Manager, or his designee, to submit allocation requests and execute any documents necessary for Lifeline Cycle Six Program Funds for service to low-income populations. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.L.** Consider receiving the FY 2019-20 Fourth Quarter Surplus and Obsolete Materials Report. [20-299](#)
- MOTION: ORTIZ/PEEPLS to receive the FY 2019-20 Fourth Quarter Surplus and Obsolete Materials Report. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.M.** Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [20-298](#)
- MOTION: ORTIZ/PEEPLS to receive the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. The motion carried by the following vote:
- Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peeples, Young
- 6.N.** Consider receiving the Monthly Report on Investments for June 2020. [20-287](#)
- MOTION: ORTIZ/PEEPLS to receive the Monthly Report on Investments for June 2020. The motion carried by the following vote:

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

- 6.O.** Consider authorizing the General Manager or his designee, to execute a funding agreement with the City of Emeryville for the purchase of Transit Signal Priority (TSP) equipment.

[20-030](#)

MOTION: ORTIZ/PEEPLES to authorize the General Manager or his designee, to execute a funding agreement with the City of Emeryville for the purchase of Transit Signal Priority (TSP) equipment. The motion carried by the following vote:

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

## **7. REGULAR CALENDAR**

### **Board Administrative Matters:**

- 7.A.** Consider expressing support for the Black Lives Matter movement on bus headsigns throughout the AC Transit service area. [Requested by President Wallace - 7/22/20] (Verbal)

[20-311](#)

President Wallace wanted the District to openly show its support for the Black Lives Matter movement, saying that police needed to stop harassing the black community, stop profiling the black community and stop killing black people. President Wallace then made a motion that AC Transit show its support for Black Lives Matter by displaying its support on the head signs of buses traveling throughout the AC Transit service area until the end of the year and to consider the matter again afterward.

Director Harper supported the request but asked the General Counsel weigh on whether the District would be taking a political stance by approving the request. General Counsel Jill Sprague advised that her office has reviewed the request and did not believe the expression of support on bus head signs would amount to a political position, nor was it a violation of any of the District's policies.

#### **Public Comment:**

**Yvonne Williams:** President, ATU 192. Ms. Williams expressed appreciation to the General Manager and President Wallace for their consideration to have this matter of expressing support for the Black Lives Matter movement on bus head signs throughout the AC Transit service area come before the Board.

**Kennard Plummer:** Mr. Plummer thanked the Board for acknowledging the Black Lives Matter movement with the Board and added his views of the existence of continued systemic racism in our society.

MOTION: WALLACE/PEEPLES to approve the expression of support for the Black Lives Matter movement on bus headsigns throughout the AC Transit service area through the end of the year and consider extending it thereafter. The motion carried by the following vote:

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

- 7.B.** Consider approving the draft agenda for the Joint Board of Directors/Accessibility Advisory Committee Meeting on September 9, 2020. [20-291](#)

District Secretary Linda Nemeroff presented the staff report. Director Shaw requested that a brief overview of a recent financial report be discussed at the joint meeting. Director Harper requested that there be a discussion about the wheelchair securement policy and asked the General Counsel to explain the options.

**Public Comment:**

**Sheela Gunn-Cushman:** Ms. Gunn-Cushman expressed her deep concern about how transit cutbacks are hurting riders and asked that a discussion about decent core transit service and connectivity be added to the agenda in addition to the use of “next bus” while waiting awaiting for coaches.

MOTION: PEEPLES/WILLIAMS to approve the draft agenda for the Joint Board of Directors/Accessibility Advisory Committee Meeting on September 9, 2020. The motion carried by the following vote:

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

**Finance and Audit Items - Chair Peeples**

- 7.C.** Consider approving a new set of Budget Goals for FY 2020-21; receiving report on the Proposed FY 2020-21 Operating and Capital Budgets; and receiving the bi-monthly budget update for the period of July through June for the Fiscal Year 2019-20. [20-062c](#)

Chief Financial Officer Claudia Allen made a brief introduction of the agenda item and invited Acting Deputy Chief Financial Officer Chris Andrichak to make a presentation.

Director Shaw asked if projects were taken out of the capital budget due to COVID-19 and whether any of the eliminated projects was related the Zero Emission Bus (ZEB) program. Mr. Andrichak advised that there were projects that were planned for this fiscal year that were deferred due to a focus on controlling the amount of District/matching funds that would be needed. He added that a project on ZEB data integration was deferred because it was deemed non-essential to running the system.

Vice President Ortiz asked about the fifth budget goal concerning public communications and how staff planned to implement it. Executive Director of External Affairs, Marketing and Communications Beverly Greene advised that this years’ focus was on advocacy and making sure the public knows that buses are clean and disinfected as well as what new services the District will be providing. Vice President Ortiz requested that a plan be presented to the Board. General Manager Michael Hursh advised that the need to communicate with riders, employees and stakeholder was very important and promised that a plan would be forthcoming.

Vice President Ortiz inquired about Cap & Trade revenue, saying she recently read that revenues had come in below estimates. Mr. Andrichak advised that staff did not expect much impact in the current fiscal year but was monitoring this revenue source for impacts in future years.

Vice President Ortiz further asked why there would be a 25% increase in operating expenses associated with the Salesforce Transit Center. Mr. Andrichak advised that it was because the Transbay Joint Powers Authority is experiencing similar revenue losses seen by other public agencies.

Vice President commented that the District needed to be transparent about statements concerning the hiring freeze.

Vice President Ortiz also asked about the status of Regional Measure 3 and when staff expected money to flow to transit agencies. Mr. Andrichak advised that the last court decision was favorable, but still open to appeal.

Director Peeples inquired about FEMA reimbursement and why it was not included in the budget. Mr. Andrichak advised that it involved a lengthy process for which reimbursement was not expected in the near term.

Director Harper felt the District needed to have a grasp of the next two fiscal years in order to develop the current budget. Mr. Andrichak advised that staff was already looking at the next fiscal year, noting that the bulk of the cost are labor costs and staff will try to manage the shrinking of the District's workforce toward the end of the fiscal year. He added that any impact in a reduction of property tax revenues would be felt in the next fiscal year.

MOTION: ORTIZ/SHAW to adopt a new set of Budget Goals for FY 2020-21; receive report on the Proposed FY 2020-21 Operating and Capital Budgets; and receive the bi-monthly budget update for the period of July through June for the Fiscal Year 2019-20. The motion carried by the following vote:

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

- 7.D.** Consider approving a reduction in Board member travel allocations for FY 2020-21 in consideration of the District's financial situation.  
[Requested by Vice President Ortiz/President Wallace] (verbal)

[20-314](#)

District Secretary Linda Nemeroff introduced the agenda item, advising of historical actions taken by the Board during challenging financial times and offered the options available to the Board.

**Public Comment:**

**Jean Walsh:** Requested that Participating Board members turn on their video cameras during the meeting.

MOTION: YOUNG/ORTIZ to approve a 10% reduction in Board member travel allocations for FY 2020-21. The motion carried by the following vote:

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

- 7.E.** Consider approving amendments to Board Policy 155 - Travel, Meeting and Expense Reimbursements for Directors and Board Officers. [20-142](#)

District Secretary Linda Nemeroff presented the staff report.

MOTION: ORTIZ/SHAW to approve amendments to Board Policy 155 - Travel, Meeting and Expense Reimbursements for Directors and Board Officers. The motion carried by the following vote:

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

- 7.F.** Consider granting free transfers for All-Nighter service between the hours of midnight and 6:00 a.m. [20-285](#)

Title IV Program Administrator Sally Goodman presented the staff report.

MOTION: HARPER/ORTIZ to grant free transfers for All-Nighter service between the hours of midnight and 6:00 a.m. The motion carried by the following vote:

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

- 7.G.** Consider waiving the two-hearing requirement specified in Board Policy 110 and set a public hearing on September 23, 2020 at 6:00 PM to receive public comment on the proposed elimination of the paper version of the BART-to-Bus discount transfer ticket. [20-269](#)

Title IV Program Administrator Sally Goodman presented the staff report.

MOTION: SHAW/HARPER to waive the two-hearing requirement specified in Board Policy 110 and set a public hearing on September 23, 2020 at 6:00 PM to receive public comment on the proposed elimination of the paper version of the BART-to-Bus discount transfer ticket. The motion carried by the following vote:

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

#### **Planning Items - Chair Shaw**

- 7.H.** Consider adopting the draft COVID-19 Recovery Plan - Version 1.0; in addition, receive an update on the District's health and safety activities related to bus operations. [20-302](#)

Director of Planning and Service Development Robert del Rosario presented the staff report. His presentation was followed by Safety Manager Tabby Davenport's presentation.

President Wallace asked when AC Transit would have hand sanitizer on the buses, noting that WestCat already had it on their buses. Director of Maintenance Cecil Blandon advised that staff was looking into providing hand sanitizer on coaches.



Director Harper observed that MUNI was not practicing social distancing and continues to have high ridership. He further added that the number of COVID cases in San Francisco didn't spike as one would expect and thought that AC Transit may need to rethink the six feet social distance rule on buses. Mr. del Rosario advised that certain criteria needs to be met before AC Transit can relax the social distancing rules. Mr. Davenport advised that the Centers for Disease Control and Prevention (CDC), American Public Transportation Association (APTA) and county health advisors still recommend maintaining six-foot social distancing.

Director Harper stressed the importance of directing the bus operators to enforce the mask rules. President Wallace commented that he had observed AC Transit bus operators who successfully instructed riders to wear masks onboard.

Director Harper asked if bus operators would allow riders to open and close windows at their discretion. Mr. Davenport said that the safety team preformed tests on buses to understand the flow of air when windows were closed or open and advised against opening the windows. He explained that during the smoke test the air streamed toward the front of the coach when the windows were open. He further added that according to the test results the best way to protect the riders and operators is to keep the windows closed, use the air-conditioning and open the rear hatch.

Director Williams asked staff to share the best practices learned so far in terms of health and safety when dealing with the pandemic. Staff advised that AC Transit is following the industry standards and communicating with other transit agencies across the region to stay abreast of best practices.

Director Williams asked how often the Drivers' Committee, Safety Committee and ATU Local 192 leadership were involved in the health and safety discussions. Mr. del Rosario advised that his team has incorporated feedback received from the committees and continues to collaborate on issues as they arise.

**Public Comment:**

**Temecia Johnson**, a bus operator, asked the Board when AC Transit will send staff to take actual social distancing measurements of coaches and criticized the Board's view on physical distancing.

**Kennard Plummer**, Business Agent ATU Local 192, presented his comments and criticisms of a recent AC Transit safety notice regarding a Covid-19 positive event and the District's methods of handling this kind of event while waiting for the results of an employees' exposure.

**Sheela Gunn-Cushman** was concerned about the use of scented hand sanitizers and multi-chemical cleaning agents on coaches, as she explained she suffers from sensitivities to such chemicals. She also asked about the tie-downs used for wheelchairs.

**Jean Walsh** applauded AC Transit for their attention and work on their plans and said it

does seem counter-intuitive to close the coach's windows in a pandemic conditions and perhaps signs should be placed in coaches to explain to riders why windows are set the way they are and how/why to use physical distancing. Ms. Walsh said AC Transit must work on ways to avoid passing riders when coaches are at their rider limits.

MOTION: PEEPLES/WALLACE to adopt the draft COVID-19 Recovery Plan - Version 1.0; in addition, receive an update on the District's health and safety activities related to bus operations. The motion carried by the following vote:

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

- 7.I.** Consider receiving a report on East Bay Paratransit (EBP) Draft Recovery Plan and Update. [Requested by Director Shaw 6/10/20.] [20-260](#)

Accessible Services Manager Mallory Brush presented the staff report.

Vice President Ortiz inquired about the specifics relative to the meal delivery program. General Manager Michael Hursh advised that the use of paratransit drivers to deliver meals came about quickly and was intended to be short term; however, he felt the Board should sanction continuation of the program and would bring an item to the Board.

**Public Comment:**

**Sheela Gunn-Cushman:** Ms. Gunn-Cushman expressed her opinion why Clipper readers should be added to the back door of the bus. She said she was not satisfied with the safety measures currently employed on Paratransit. She expressed her views that Paratransit, unlike private rideshare services, should be better informed about rider destinations, as riders do not currently provide drivers (or other coach riders) this information.

MOTION: WALLACE/ORTIZ to receive a report on East Bay Paratransit (EBP) Draft Recovery Plan and Update. [Requested by Director Shaw 6/10/20.] The motion carried by the following vote:

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

**8. 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.

Closed Session was cancelled.

**8.A. Conference with Legal Counsel – Potential Litigation**

(Government Code Section 54956.9(b)) (Two Cases)

**8.B. 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

**8.C. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**9. AGENDA PLANNING**

**9.A. Agenda Planning Pending List for August 5, 2020.**

[20-010n](#)

Director Shaw requested an update on the transit agency presentation given by Robert del Rosario at the Blue Ribbon Task Force. (Vice President Ortiz concurred)

**10. GENERAL MANAGER'S REPORT**

**10.A. General Manager's Report for August 5, 2020.**

[20-008n](#)

The report was presented for information only.

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

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

**12. ADJOURNMENT**

Next Meeting: September 9, 2020 at 5:00 p.m.

There being no further business to come before the Board of Directors, Vice President Ortiz requested that the meeting be adjourned in memory of Charlie Gilcrest, former member of the Eden Hospital Board and San Leandro resident. The meeting adjourned at 7:03 p.m. The Board will be in a recess through the month of August with the next regular meeting scheduled for September 9, 2020 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary