



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

VIRTUAL MEETING

Zoom link <https://actransit.zoom.us/j/94215352613>

Dial in phone number (669) 900 6833 Webinar ID: 942 1535 2613

Wednesday, September 9, 2020 at 5:00 PM

Phone (669) 900 6833

Webinar ID:940 4080 7124

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, September 9, 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.

At 3:33 p.m., the Board of Directors convened in Closed Session to discuss Items 8.A. - 8.D. as listed on the agenda. All Board members were present except Director Williams who arrived at 4:04 p.m. Closed Session concluded at 4:44 p.m.

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

2. ROLL CALL

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

3. PRESENTATION

3.A. Recognition of the 2020 American Public Transportation Association [20-330a](#)
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.

Executive Director of External Affairs, Marketing and Communications Beverly Greene congratulated the following staff on the award of two First Place Ad Wheel awards by the American Public Transportation Association (APTA): Brittany Dobbs, Rex Salazar and Nichele Laynes for the Operator Recruitment Campaign and Ryan Lau, Caroline Haley, and Claudia Burgos for the Annual Report.

She also announced that for the first time in the District's history, AC Transit has been awarded the Grand Ad Wheel Award which will be presented at the APTA Annual Meeting in March. Members of the Board offered their congratulations to the entire team.

The item was presented for information only.

4. PUBLIC COMMENT

Ben Fong commented on the service cuts the prior week, saying that riders were stranded due to no notification of service cuts. It was requested that there be better notification efforts be provided in advance of any service cuts in the future.

Haden Miller commented on behalf of the East Bay Transit Riders Union, saying that the service cuts that occurred the prior weekend left many riders waiting for buses at bus stops and many riders passed up due to rider limits as a result of social distancing. Better messaging

about service cuts needed to be implemented.

Megan Steffen comment on the service cuts the prior weekend, saying that AC Transit must recognize its own role as essential agency and that public transit need to work/run all the time. Leaving the pubic stranded may be necessary, but advanced communication is essential.

Kwan Butts commented on AC Transit's performance, saying that inconsistent service and dropping of routes reflect poorly on system. Better Communication and greater transparency are necessary as well as better functioning travel apps.

Victoria Fierce, candidate for at-large director, commented on the service cuts the prior weekend, saying that thousands of riders rely on AC Transit and notification of service cuts and other emergency communications to riders is lacking. The Board needed to establish better communication lines with riders to avert problems between AC Transit and riders. It was requested that the Board treat similar situations as a crisis and act accordingly.

Yvonne Williams, President of ATU Local 192, apologized to riding pubic for the closure of Division 2 in Emeryville which resulted in service cuts. It was requested that AC Transit improve its lines of communications with the public, perhaps setting a direct line with the media outlets for such announcements.

In response to the comments, General Manager Michael Hursh issued an apology to all the riders who were adversely affected by the sudden closure of Division 2, saying that staff has had a complete debrief of the incident with a commitment to do better in the future to get notification to riders more quickly.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

6. CONSENT CALENDAR

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

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

6.A. Consider approving Board of Directors minutes of August 5, 2020. [20-333](#)

MOTION: ORTIZ/SHAW to approve the Board of Directors minutes of August 5, 2020.
The motion carried by the following vote:

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

6.B. Consider receiving the Retirement Board minutes of July 16, 2020. [20-297](#)

MOTION: ORTIZ/SHAW to receive the Retirement Board minutes of July 16, 2020. The motion carried by the following vote:

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

6.C. Consider receiving report on proposed amendments to the AC Transit Conflict of Interest Code. [20-324](#)

MOTION: ORTIZ/SHAW to receive report on proposed amendments to the AC Transit

Conflict of Interest Code. The motion carried by the following vote:

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

- 6.D.** Consider authorizing the General Manager to execute a contract with Johnson Controls through a Sourcewell cooperative purchasing agreement, formally known as the National Joint Powers Alliance (NJPA), to replace the Division 4 Transportation HVAC chiller. [20-345](#)

MOTION: ORTIZ/SHAW to authorize the General Manager to execute a contract with Johnson Controls through a Sourcewell cooperative purchasing agreement, formally known as the National Joint Powers Alliance (NJPA), to replace the Division 4 Transportation HVAC chiller. The motion carried by the following vote:

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

- 6.E.** Consider approving a contract assignment from Stericycle Environmental Solutions, Inc. to Clean Earth Environmental Solutions, Inc. for hazardous waste services. [15-228b](#)

MOTION: Ortiz/Shaw to approve contract assignment from Stericycle Environmental Solutions, Inc. to Clean Earth Environmental Solutions, Inc. for hazardous waste services. The motion carried by the following vote:

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

- 6.F.** Consider adoption of Resolution No. 20-040 authorizing the General Manager or his designee to file and execute applications with the Metropolitan Transportation Commission (MTC) for the Transit Capital Priorities (TCP) Program for Federal Fiscal Years 20-21, 21-22, 22-23, 23-24 and 24-25, including Federal Transit Administration (FTA) Sections 5307, 5337, 5339 and Surface Transportation Program (STP) funds. [20-353](#)

MOTION: ORTIZ/SHAW to adopt Resolution No. 20-040 authorizing the General Manager or his designee to file and execute applications with the Metropolitan Transportation Commission (MTC) for the Transit Capital Priorities (TCP) Program for Federal Fiscal Years 20-21, 21-22, 22-23, 23-24 and 24-25, including Federal Transit Administration (FTA) Sections 5307, 5337, 5339 and Surface Transportation Program (STP) funds. The motion carried by the following vote:

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

- 6.G.** Consider approving the 2020 update of the AC Transit Title VI Program. [20-268](#)

Director Harper inquired about the validity of the Census data used for the report, believing that old data was being used was from 2010. Title VI Administrator Sally Goodman advised that the data used for the report was more current than the 2010 data and was derived from the five-year 2014-2018 American Communities Survey (ACS) data. She added that staff was required to use the most current census data available when reviewing Title VI compliance. Director Harper was concerned that this

data was regional and not germane to the level of detail needed to plan service. Ms. Goodman countered that the ACS data was sanctioned by the Census Bureau as a valid data source and provided greater detail than Census data. She added that staff will have Census data available for the next update of the Title VI Program.

Director Shaw commented on the thoroughness of the Title VI report and thanked Ms. Goodman for her work on it.

Public Comment:

AlcatelV3 made a comment unrelated the item, suggesting that AC Transit have an alert system that people could subscribe to.

MOTION: ORTIZ/SHAW to approve the 2020 update of the AC Transit Title VI Program. The motion carried by the following vote:

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

7. REGULAR CALENDAR

Board Administrative Matters - President Wallace

- 7.A.** Consider the adoption of Resolution No. 20-041 in support of the Black Lives Matter racial and social justice movement. [Requested by Director Williams - 9/9/20] [20-350](#)

External Affairs Representative Chantal Reynolds presented the staff report.

MOTION: WALLACE/WILLIAMS to adopt Resolution No. 20-041 in support of the Black Lives Matter racial and social justice movement. The motion carried by the following vote:

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

- 7.B.** Consider adoption of Resolution No. 20-043 honoring the career and achievements of Maintenance Superintendent Edward Villarreal. [20-348](#)

Chief Operating Officer Salvador Llamas presented the resolution in memory of Mr. Villarreal's lifetime achievements in service to the District. Members of the Board commented on Mr. Villarreal's loss and what he represented over the years to the Rodeo competition.

Public Comment:

Yvonne Williams, President of ATU Local 192, expressed profound gratitude to the life and service of Edward Villarreal.

MOTION: PEEPLES/ORTIZ to adopt Resolution No. 20-043 honoring the career and achievements of Maintenance Superintendent Edward Villarreal. The motion carried by the following vote:

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

- 7.C.** Consider providing direction to the District's representative on the Alameda County Transportation Commission (ACTC) regarding the ACTC vote on an amendment to Measure BB, which would replace the BART-to-Livermore extension project with Valley Link as the recipient of \$400 million in Measure BB funds.

[20-335](#)

Vice President Ortiz introduced the item and called on Director of Service Development and Planning Robert del Rosario to present the staff report. Also introduced were the Executive Director of the Alameda County Transportation Commission Tess Lengyel and the Executive Director of Valley Link Mark Tree.

Director Shaw commented that she supported the effort in concept, but believed it provided a greater benefit to San Joaquin County than it did Alameda County and questioned a sizable Alameda County investment in the project before San Joaquin County shows its commitment to the project in terms of funding. She suggested that a decision on the project be delayed until such time as San Joaquin County can come up with its share of the money.

Director Harper inquired if the action by the ACTC would require a weighted vote. Ms. Lengyel advised that it would require a weighted vote of the full Commission with two-thirds approval to pass.

Director Harper questioned the legality of using money for a dedicated project that would exclusively serve Alameda County residents and shift it to a project that would mostly serve San Joaquin County. Ms. Lengyel responded that it was specific in the amendment and the Measure BB Expenditure Plan that the money would be exclusively used in Alameda County. She added that one-third of the users of the service would live in Alameda County, noting that the Tri-Valley was one of the fastest growing areas in the Bay Area. Mr. Tree elaborated on the specifics of the project, noting that it would primarily serve people working in Oakland and San Francisco.

President Wallace commented that a lot of transportation measures do not pass because voters see their money being spent on projects that do not benefit their community. He added that he would not support it.

Director Peeples commented that the money should be spent on funding bus purchases that would allow Wheels to meet California's Innovative Clean Transit Rule as well as other transit agencies that are desperately short on funding. He believed the money was being thrown away to support developers in the Central Valley. He also believed the project would largely benefit people who live in San Joaquin County and work in Santa Clara. He was highly skeptical of the project noting that it was duplicative service to ACCE and was not environmentally sound and urged the District's representative on the ACTC to vote against it.

Director Williams asked what would happen to the money if the ACTC did not approve the transfer of funds. Ms. Lengyel advised that it would be up to the Commission on how to reallocate the money.

Public Comment:

Hayden Miller commented in support of the transfer funds for Valley Link, saying that the corridor is too congested.

Patricia Piras commented that the information presented by the ACTC is not accurate, that some information has been withheld, and that the Sierra Club urges that the Board to direct Commissioner Ortiz to vote the amendment down. A better study on the use of the funds was needed for the benefit of the people of Alameda County.

Yvonne Williams, President of ATU Local 192, agreed with the opposition to the project and any amendment to Measure BB that would allocate funds to the project, recollecting how hard ATU worked to get the measure passed in Alameda County. She added that other transit alternatives were available and should be explored and that greater revenue support was needed from San Joaquin County.

Victoria Fierce commented that the State legislature passed AB 758 in 2017, which stated that the money for the BART Extension could go to Valley Link if the BART Extension did not go through. Fierce believed she was discussing and voting on something that would have no impact due to the wording of AB 758. [Pat Piras advised the Board that there is no requirement that voter-imposed taxes in Alameda County be spent on Valley Link and that an attempt to make this provision part of the Bill was voted down.]

Dave Campbell, Bike East Bay, advised that State law does not trump Measure BB and asked for information about linkage to Lathrop. In addition, clarification was also requested as to how project funds are designed for spending related to how San Joaquin and Alameda Counties receive funds.

To the comments, Ms. Lengyel responded that Measure BB was for Alameda County projects and the approved Expenditure Plan called for one rail extension to Isabel Avenue (Highway 84). No Alameda County money would be used to support the extension of a rail project to San Joaquin County. She also addressed funding questions with regard to pass-throughs.

MOTION: WALLACE/HARPER to direct the District's representative on the Alameda County Transportation Commission to vote no on the proposed amendment to Measure BB, which would replace the BART-to-Livermore extension project with Valley Link as the recipient of \$400 million in Measure BB funds. The motion carried by the following vote:

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

- 7.D.** Consider approving the draft agenda for the Joint Board of Directors/Retirement Board meeting on October 7, 2020.

[20-292](#)

District Secretary Linda Nemeroff presented the staff report.

MOTION: PEEPLES/SHAW to approve the draft agenda for the Joint Board of

Directors/Retirement Board meeting on October 7, 2020. The motion carried by the following vote:

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

Finance and Audit Items - Chair Peeples

- 7.E. Consider adoption of Resolution No. 20-044 approving the FY 2020-21 Recommended Operating and Capital Budgets. [20-062d](#)

Deputy Chief Financial Officer Chris Andrlichak presented the staff report. The presentation given at the meeting is incorporated into the file by reference.

Director Shaw inquired about the loss of farebox revenues and increases in salaries and other materials and supplies. Mr. Andrlichak advised that staff is expecting to start fare collection in October, with three months of fare losses already built into the budget. He added that salaries went up because of a couple of operating projects: one related to transit information displays and another involving the use of Regional Measure 2 marketing funds that were not included in the proposed budget and had labor costs associated with them. Materials and supplies increased as a result of the additional cost of personal protective equipment.

Director Harper commented on the receipt of \$84 million in CARES Act funds for FY 20/21 which resulted in a balanced budget but noted that staff was only projecting a \$23 million deficit for FY 21/22 with no reduction in expenses and asked staff to explain how it made up for the \$61 million difference between the two fiscal years. Mr. Andrlichak responded that CARES Act funds were used to fill an \$84 million gap this fiscal year. He added that staff did not expect revenues to fully bounce back in FY 21/22 and they needed to figure out how to fill a \$23 million loss of funding, assuming there are no changes in expenses. Director Harper further believed that staff was being too optimistic with respect to the FY 21/22 budget. Chief Financial Officer Claudia Allen acknowledged that while staff cannot predict what is going to happen, staff is watching sales tax trends very closely and early estimates look positive for FY 21/22. Mr. Andrlichak advised that State Transit Assistance is also looking better than first thought. Director Harper advocated for a conservative approach in predicting future revenues. Ms. Allen advised that staff will do its best and hoped to have an indication of how things are trending sooner rather than later.

Vice President Ortiz questioned the cost of a head-hunter to recruit for future vacancies, noting that she hoped the District would be judicious in its spending on these services.

Director Williams asked if any transit or infrastructure plans had been featured in presidential campaigns. Executive Director of Marketing, External Affairs and Communications Beverly Greene advised that there would be more information on this topic in the Legislative Report to the Board.

Public Comment:

Dave Campbell, Bike East Bay, asked how the passage of Proposition 15 would impact AC Transit's revenue.

Pat Piras, Sierra Club, urged staff to review the sales tax update memo before the ACTC's Finance & Administration Committee on Monday (9/14) for curious calculations and assumptions.

Derek Sagehorn, East Bay Transit Riders Union, advised that the Prop 15 campaign released analysis showing the Alameda county section of AC Transit Special District 1 would yield \$24 million a year to the District once fully operational.

G. Lozano, Division 3 bus operator, asked if the 3% wage increase to be discussed in March will be included in the budget.

MOTION: ORTIZ/WALLACE to adopt Resolution No. 20-044 approving the FY 2020-21 Recommended Operating and Capital Budgets. The motion carried by the following vote:

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

Nays: Harper

Planning Items - Chair Shaw

- 7.F.** Consider adoption of the Transit Recovery Infrastructure: A Quick Build Framework. [20-336](#)

Transportation Planning Manager Jim Cunradi presented the staff report.

Public Comment:

Dave Campbell, Bike East Bay, spoke in supports the project, saying he would like to sit down with AC Transit Staff to collaborate on other projects; and would like AC Transit staff to reach out to Bike East Bay to discuss side-running bike lane projects and the traffic-sharing of transit and bike.

Hayden Miller spoke in support of the Transit Recovery Infrastructure Plan and asked AC Transit to work with the City of Oakland about removal of "delineators" / ACT patron barriers to better manage installation issues.

Derek Sagehorn spoke in support of the Transit Recovery Infrastructure Plan, saying that it would require the support of groups like his and needs Alameda County Transportation Commission funding to advance the quick build projects.

Megan Steffen commented that the work seemed like a great idea; "public streets for public use first".

Pat Piras, Sierra Club, feels more time will be required to pass this project before she can feel confident to support it.

Ben Fong spoke in favor of the infrastructure idea.

David Ying commented in support of the, saying basic bus infrastructure was needed and asked for vocal support towards ACTC to have this project move forward.

MOTION: PEEPLES/WALLACE to adopt of the Transit Recovery Infrastructure: A Quick

Build Framework. The motion carried by the following vote:

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

Operations Items - Chair Young

- 7.G.** Consider the adoption of Resolution No. 20-042 endorsing the Riding Together: Bay Area Healthy Transit Plan as a baseline set of measures that AC Transit, along with other Bay Area transit agencies, will implement to ensure the health of transit riders and workers during the COVID-19 pandemic. [20-352](#)

There was no presentation of the staff report.

Public Comment:

Jovanka Beckles, candidate for the Ward 1 Board seat, was compelled to speak on behalf of the members of ATU Local 192 and transit riders, stating her opinion that the plan did not go far enough to meet the needs and protections of the public or bus operators. The Board was asked to develop a strong implementation plan soon.

Hayden Miller commented in support of reducing social distancing on the buses from 6 feet to 3 feet, but the enforcement of masks needed to be enforced and hand sanitizer needed to be available on every bus.

Derek Sagehorn, East Bay Transit Riders, commented in support of the letter written by Public Advocates and suggested that there be more public engagement in developing the Riding Together: Bay Area Healthy Transit Plan to provide better standards.

Emily Wheeler commented that AC Transit must develop stronger standards than those developed by MTC to better support operators and riders.

Bonnie Lockhart urged the Board not to endorse the Riding Together: Bay Area Healthy Transit Plan because it unfairly treats, and doesn't have the support of, the people who ride and drive public transit.

Megan Steffen commented that investing in the reputation of AC Transit with strong safety measures for riders/operators will benefit the system.

Yvonne Williams, President of ATU Local 192, urged the Board not to adopt the Riding Together: Bay Area Healthy Transit Plan, which she believed was crafted without the support of riders and operators, saying it does not address more comprehensive employment protection plans. Strongly against shrinking the social distance measure from six feet to three feet.

Kennard Plummer, Assistant Business Agent for ATU Local 192, asked the Board not to adopt the Riding Together: Bay Area Healthy Transit Plan, saying that it would implement operational measures affecting rider and operator safety without discussion with the union or public.

Director Williams asked the General Manager to comment on what the District is doing to address operator concerns with regard to personal protective equipment, hand sanitizer, etc. Mr. Hursh explained that while the Blue Ribbon Task Force plan resulted from the work of 23 transit agencies to develop minimum standards, the AC Transit plan was far more stringent and locks in the six-foot social distancing requirement

which the Board can change when it feels it is appropriate to do so. He added that the District is committed to providing operator shields and PPE; however, there has been a delay in getting these items on buses due to the large demand for them and limited supply of materials. In addition, operator shields will be installed before fare collection resumes in October and District staff has been working with the union and drivers committee. Operator and passenger safety is the highest concern. Director Williams was appreciative of the efforts that have been made to address the concerns of the bus operators.

Director Peeples commented that it was important to adopt the broad policy document and then work on the implementation in coordination with ATU and passengers.

MOTION: HARPER/YOUNG to adopt Resolution No. 20-042 endorsing the Riding Together: Bay Area Healthy Transit Plan with the understanding that the District will develop an implementation plan with ATU Local 192 to ensure the health of transit riders and workers during the COVID-19 pandemic. The motion carried by the following vote:

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

Nayes: Williams

- 7.H.** Consider adoption of Board Policy 411 Tempo Platform Camera Use Policy, prescribing the use of Tempo platform cameras. [20-341](#)

General Counsel Jill Sprague presented the staff report, explaining the process used to develop the policy with the help of privacy advocates.

Public Comment:

Megan Steffen expressed concern about the policy stating the review by the “unnamed private advocacy” was not a gloss for public engagement and explained her reasons why the current planned policy lacks controls to prevent abuse of privacy. It was requested that the Board go back to square one and adopt an ordinance similar to those adopted by other transit agencies.

Yvonne Williams, President of ATU Local 192, agreed with public speaker Steffen, saying that ATU was not invited to the table for discussion of this matter. Ms. Williams went on further to say that cameras themselves do not provide a level of safety.

Hayden Miller expressed his belief that security cameras do not prevent crime and that privacy abuses of the cameras could happen. It was requested that the Board reject the policy.

Tracy Rosenberg identified herself as part of the unnamed private advocacy group, saying that the policy was a good policy as presented, but supported public inclusion and advised that public concerns brought today provide reason to postpone adoption of the policy before more public inclusion.

Director Harper believed the draft policy struck a balance between what privacy advocates wanted and the District's interests. He added that he was surprised by ATU's

comments as many times in the past, the cameras on the bus exonerated the bus operator in claims brought against the District.

MOTION: SHAW/PEEPLES to adopt Board Policy 411 Tempo Platform Camera Use Policy, prescribing the use of Tempo platform cameras. The motion carried by the following vote:

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

Nayes: Williams

- 7.I.** Consider receiving a briefing on the District's approach to Cybersecurity control as it affects productivity. [Requested by Director Peeples - 10/9/2019] [20-202](#)

IT Manager Tas Jalali presented the staff report.

Director Peeples commented on the inability to reach the Help Desk by phone since COVID started and asked if staff was able to access calls that come to the Help Desk. Chief Information Officer Ahsan Baig advised that staff did have access and the ability to receive telephone calls that come into the system.

MOTION: SHAW/ORTIZ to receive a briefing on the District's approach to Cybersecurity control as it affects productivity. The motion carried by the following vote:

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

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.

General Counsel Jill Sprague reported out on quarterly statistics on claims and lawsuits contained in Staff Report 20-378 which is incorporated into the file by reference. In addition, Ms. Sprague reported out on the following action.

MOTION: SHAW/PEEPLES to authorize the General Manager to sign an agreement with Amalgamated Transit Union Local 192 concerning Alternative Dispute Resolution. The motion carried by the following vote:

AYES: SHAW, PEEPLES, HARPER, WILLIAMS, YOUNG, ORTIZ, WALLACE

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Quarterly Litigation Report

- Edwards v. AC Transit, et al., ACSC No. RG17-885627;
- Blacksher v. Amalgamated Transit Union, et al., ACSC No. HG16-840726;
- McNaulty v. AC Transit, ACSC No. RG18-933966;
- Pearl v. AC Transit, ACSC No. RG19-015118; and
- Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. C 20-2572 TSH.

8.B. Conference with Legal Counsel – Potential Litigation

(Government Code Section 54956.9(b)) (9 Cases)

8.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

8.D. 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 September 9, 2020.

[20-010o](#)

Director Shaw advised that a report that she had requested on the Fremont Mobility Commission could be removed from the Agenda Planning Pending List.

Director Shaw requested a discussion about service as soon as possible.

Director Shaw requested that the report on the bus shelters come to the Board as soon as possible now that a shelter contract is in place.

Director Peeples requested an after-action report on the Division 2 shutdown and how the District can do a better job communicating with the public. (Director Harper concurred)

Vice President Ortiz requested that AC Transit adopt a resolution in support of Proposition 15 (Schools and Community First) at the next meeting. (Director Shaw concurred)

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for September 9, 2020.

[20-008o](#)

The report was presented for information only.

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

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

12. ADJOURNMENT

Next Meeting: September 23, 2020 at 5:00 p.m.

There being no further business to come before the Board of Directors, the meeting adjourned at 7:45 p.m. in memory of Edward Villarreal. Director Peeples commented that Mr. Villarreal was a warm and wonderful person and the best mechanic he had ever seen. The next meeting of the Board is scheduled for September 23, 2020 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary