



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

### **MINUTES**

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

VIRTUAL MEETING

**Wednesday, January 13, 2021 at 5:00 PM**

#### **MEMBERS OF THE BOARD OF DIRECTORS**

**ELSA ORTIZ, PRESIDENT (WARD 3)**

**JOEL YOUNG, VICE PRESIDENT (AT-LARGE)**

**JOVANKA BECKLES (WARD 1)**

**JEAN WALSH (WARD 2)**

**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 regular virtual meeting on Wednesday, January 13, 2021.

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 3:30 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. Closed Session concluded at 4:47 p.m.

President Ortiz called the Board of Directors meeting to order at 5:00 p.m.

**2. ROLL CALL**

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

**3. PRESENTATION****3.A.** Update on Federal legislative activities. [21-002](#)

Steve Palmer gave a presentation on federal legislative activities and addressed questions.

Director Williams inquired about the state of earmarks. Mr. Palmer advised that there is an effort to bring back earmarks; however, there was no guarantee. He added that Republicans may seek more earmarks due to the Democratic administration.

Director Williams also asked if there were any solutions being considered to make up for the loss of gas tax revenues due to electric vehicles and alternative fueling methods. Mr. Palmer lacked a specific response but added that there was an interest by the Biden Administration to reduce carbon emissions.

The item was presented for information only.

**4. PUBLIC COMMENT**

**Maddie Grace** expressed concerns about inconsistent bus service, including buses that appear to be over-capacity in covid-19 conditions, rider safety and unreliable scheduling. This public speaker was encouraged that federal financial assistance is 'on the way' and recommended expansion of the number of buses in service.

**Richard Mark Antonio**, Public Advocates and Voices for Public Transit Coalition, asked the Board to restart fare-free rear door coach boarding and ensure passenger safety through social distancing and passenger load limit criteria. He added that the Metropolitan Transportation Commission will emphasize its stimulus funding toward transit-dependent riders.

**Sheela Gunn-Cushman** wants better and more reliable service. She said transit-dependent riders who receive the Covid-19 vaccination will return to public bus service soon and encouraged the Board to prepare and promote reliable bus service to handle the upcoming influx of passengers. She added that 'rear-door only' access does not work for her because she,

like many riders, cannot board a coach from the rear door due to physical challenges.

**Joty**, member of East Bay DSA, commented on bus reliability and health-safety for passengers due to overcrowding on coaches and passing-up of riders waiting at bus stops. This speaker asked that passenger count reporting be provided and hoped that grants and funding for the development of infrastructure towards fare-free bus service occurs.

**Warren Cushman** expressed support for rear-door boarding. He expressed concerns about stories where blind passengers were left waiting at bus stops and that buses were passing them by. He said that any action for free fares should extend to paratransit as well.

**Bonnie Lockhart**, member of Voice for Public Transportation and DSA Green New Deal Transit Group, talked about combating the deterioration of bus service which can contribute to the erosion of AC Transit's reputation. This speaker encouraged the reporting of the passing-up of passengers by buses.

**Joshua Saunders** commented that he has been riding AC Transit during the Pandemic and that, despite planning, he is still faced with buses passing him by. He said the Board must address this problem faced by transit-dependent riders.

**Ruscal Cayangyang**, Climate Emergency Mobilization Task Force, added his support and echoed the concerns presented by the other public speakers.

## 5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

## 6. CONSENT CALENDAR

- 6.A.** Consider approving Board of Directors meeting minutes of December 9, 2020. [21-004](#)

MOTION: WILLIAMS/SHAW to approve the Board of Directors meeting minutes of December 9, 2020. The motion carried by the following vote:

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

- 6.B.** Consider approving Board of Directors Special Meeting minutes of December 4, 2020. [21-014](#)

MOTION: WILLIAMS/SHAW to approve the Board of Directors Special Meeting minutes of December 4, 2020. The motion carried by the following vote:

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

- 6.C.** Consider approving Board of Directors Special Meeting minutes of November 17, 2020. [21-013](#)

MOTION: WILLIAMS/SHAW to approve the Board of Directors Special Meeting minutes of November 17, 2020. The motion carried by the following vote:

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

**Abstained:** Walsh, Beckles

- 6.D.** Consider approving Board of Directors meeting minutes of November [21-001](#)

12, 2020.

MOTION: WILLIAMS/SHAW to approve the Board of Directors meeting minutes of November 12, 2020. The motion carried by the following vote:

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

**Abstained:** Walsh, Beckles

- 6.E.** Consider receiving the Accessibility Advisory Committee minutes of November 10, 2020. [21-005](#)

MOTION: WILLIAMS/SHAW to receive the Accessibility Advisory Committee minutes of November 10, 2020. The motion carried by the following vote:

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

**Abstained:** Walsh, Beckles

- 6.F.** Consider receiving Retirement Board meeting minutes of November 12, 2020. [21-021](#)

MOTION: WILLIAMS/SHAW to receive the Retirement Board meeting minutes of November 12, 2020. The motion carried by the following vote:

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

**Abstained:** Walsh, Beckles

- 6.G.** Consider receiving report on the Board Policies scheduled for review and/or amendment during Calendar Year 2021. [21-017](#)

MOTION: WILLIAMS/SHAW to receive the report on the Board Policies scheduled for review and/or amendment during Calendar Year 2021. The motion carried by the following vote:

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

- 6.H.** Consider approving amendments to Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct. [21-023](#)

MOTION: WILLIAMS/SHAW to approve amendments to Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct. The motion carried by the following vote:

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

- 6.I.** Consider approving amendments to Board Policy 202 - Background Investigations. [21-019](#)

MOTION: WILLIAMS/SHAW to approve amendments to Board Policy 202 - Background Investigations. The motion carried by the following vote:

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

- 6.J.** Consider review of Board Policy 432 - District Operated Park and Ride Lot Pricing and Cost Recovery Policy, with no revisions. [21-028](#)

MOTION: WILLIAMS/SHAW to approve consideration of the review of Board Policy 432 - District Operated Park and Ride Lot Pricing and Cost Recovery Policy, with no revisions. The motion carried by the following vote:

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

- 6.K.** Consider authorizing the General Manager to enter into an agreement with the Bay Area Rapid Transit District (BART) to provide bus bridge services in response to scheduled track maintenance and BART station closures in 2021. [21-009](#)

MOTION: WILLIAMS/SHAW to approve the authorization of the General Manager to enter into an agreement with the Bay Area Rapid Transit District (BART) to provide bus bridge services in response to scheduled track maintenance and BART station closures in 2021. The motion carried by the following vote:

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

## **7. REGULAR CALENDAR**

### **Operations Items - Chair Young**

- 7.A.** Consider receiving a preliminary report on the development of AC Transit's Vaccination Plan for COVID-19 vaccinations. [21-031](#)

General Counsel Jill Sprague presented the staff report.

Director Shaw inquired about a more detailed vaccination plan, which she hoped would entail the rollout of vaccines and how many vaccinations the District planned to accomplish each week, at each division, etc. Ms. Sprague advised that these details would be outlined in the plan, but a key piece of information was the willingness of employees to get the vaccine.

President Ortiz was disappointed in the report, saying that it lacked specifics even though there was advanced notice that a vaccine was coming. She also wanted to know about the District's work with BART to develop a vaccination plan for paratransit drivers who work for a third party and not directly for either transit agency. Accessible Services Manager Mallory Brush advised that staff is not suggesting that AC Transit or BART administer the vaccine but rather ensure that paratransit drivers are in the same tier with other essential workers. She added that Transdev (who operates the paratransit service) is developing their own plan for the broker's staff and service providers and believed that AC Transit and BART involvement elevated the need to prioritize drivers who work for private companies. President Ortiz suggested that Transdev discuss their vaccination plans with their unions.

Director Williams asked about feedback from the unions. Ms. Sprague advised that the union's support the vaccine and have been instrumental in getting transit workers to the front of the line and in helping to allay the concerns of the workers. Director Williams commented on the need for a robust outreach/information campaign, saying

that he would like to see townhalls with ethnically diverse medical professionals that can answer questions and assess the situation in a culturally competent manner. Media Affairs Manager Robert Lyles advised that staff has had preliminary meetings with Kaiser to make physicians of color available to address a myriad of myths and an array of medical concerns. Kaiser has yet to commit their participation but appears to be receptive to the District's request.

Director Beckles appreciated the work of staff to ensure workers are in line to receive the vaccine. She shared that she was alarmed by the number of positive COVID cases since she joined the Board and urged that workers be vaccinated as soon as possible. She also shared her experience in receiving the vaccine which was similar to the flu shot. She trusts the vaccine and supports close collaboration with the unions on a timely rollout of the vaccine.

**Public Comment:**

**Sheela Gunn-Cushman** expressed happiness with Board member advocacy of Covid-19 vaccination and promoted the use of bus coaches and messages showing transit operators being vaccinated to promote vaccination information and education.

**Nathaniel Arnold**, ATU Safety Committee, provided a viewpoint about the District's need to be mindful of the nation's history related to people of color and medical experimentation as it develops its Covid-19 vaccination public information campaign.

MOTION: WILLIAMS/ORTIZ to receive a preliminary report on the development of AC Transit's Vaccination Plan for COVID-19 vaccinations. The motion carried by the following vote:

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

- 7.B.** Consider authorizing the issuance of a Request for Proposals (RFP) for the purchase and installation of Automatic Passenger Counter (APC) equipment and automated analytics software. [21-016](#)

There was no presentation of the staff report.

MOTION: ORTIZ/BECKLES to authorize the issuance of a Request for Proposals (RFP) for the purchase and installation of Automatic Passenger Counter (APC) equipment and automated analytics software. The motion carried by the following vote:

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

**External Affairs Items - Chair Ortiz**

- 7.C.** Consider authorizing the Board President and General Manager to send a letter of support to Congressional leaders in support of H.R. 7389 the "Freedom to Move Act." [Requested by Director Beckles - 12/9/20.] [21-026](#)

*[At the request of Director Peeples, a memorandum discussing the District's various*

*sources of revenue was provided at the meeting for the Board's information. The memorandum is incorporated into the file by reference.]*

There was no presentation of the staff report.

Director Peebles cautioned that as the District moves toward a fare free system, it needed to have a strategy to address the other funding sources that have statutory provisions that rely on farebox recovery. He added that funds are needed to cover not only the lost farebox revenue, but also other subsidies that are bound by farebox recovery. Director Shaw added that changes would also need to be made to state law to continue receiving the current funding from the state. She asked that this be part of the District's state advocacy program.

Director Beckles shared a brief overview of the Freedom to Move Act saying that it would promote public transportation for the good of all by doing three things: 1) support state and local efforts to implement a fare free transit system; 2) invest in efforts to improve the safety and quality of public transit service in low income and historically underserved communities; and 3) reducing transit equity gaps. In receiving the grant, grantees would also be required to review their fare evasion policies and end such policies along with the criminalization of fare evasion. Director Beckles also requested that copies of the letter be sent to the District's congressional delegation and requested that the Board approve the letter of support.

**Public Comment:**

**Jimmy Lee**, Sunrise Bay Area and East Bay DSA, addressed the benefits of reliable fare-free travel for youth and was encouraged and hopeful of the Freedom to Move Act passage.

**Nick Travaglini** expressed support for the passage of the Freedom to Move Act.

**Maddie Grace** shared a personal story to show support for the Freedom to Move Act and fare-free transit.

**Ruscal Cayangyang**, Climate Emergency Mobilization Task Force, echoed the support expressed by others for the passage of the Freedom to Move Act.

MOTION: Beckles/Williams to Approved as modified Consider authorizing the Board President and General Manager to send a letter of support to Congressional leaders in support of H.R. 7389 the "Freedom to Move Act." The motion carried by the following vote:

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

**Planning Items - Chair Shaw**

- 7.D.** Consider receiving a report on the timeline for the release of a Request For Proposals to operate the Dumbarton Express bus service effective January 1, 2022. [21-022](#)

There was no presentation of the staff report.

MOTION: PEEPLES/ORTIZ to Received Consider receiving a report on the timeline for the release of a Request For Proposals to operate the Dumbarton Express bus service effective January 1, 2022. The motion carried by the following vote:

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

**Board Administrative Matters:**

- 7.E.** Consider the adoption of Resolution No. 21-001 establishing a temporary reduction in compensation for the Board of Directors. [21-024](#)  
[Requested by President Ortiz.]

District Secretary Linda Nemeroff presented the staff report and outlined the options under consideration.

Director Beckles commented that while she appreciated the sentiment, she did not support the reduction on the grounds that the job of an elected official to govern a regional transit district is a huge task that requires a lot of time, attention and fortitude. And, as a former city councilmember, working mother and grandmother she felt it was unfortunate to under pay public servants. She added that the current compensation was not suitable for living in the Bay Area and only deterred working class people and people from diverse socio-economic backgrounds from becoming public servants. People should not have to be independently wealthy or retired to serve the public. Paying the Board members less will not solve any problems at AC Transit.

Director Peeples was sympathetic to the comments offered by Director Beckles and agreed that Board members are paid very little for the time and energy and they contribute. However, he offered support for Option 2 (5% reduction in compensation until June 30, 2022), saying that he was the one who went Sacramento several times to lobby for an increase in the stipend and was the person who added on the CPI adjustment. Further, the CPI was an inflationary adjustment and not necessarily a raise and believed that the Board needed to show some leadership in the face of a reopening of the union contract even though it may pose a financial burden to Board members.

Director Shaw was also sympathetic to comments made by Director Beckles but believed the District should not be providing raises in a time of unknown economic circumstances.

Director Walsh agreed that people should be paid a living wage no matter what their occupation. She agreed that the small stipend was a barrier to becoming a public servant and shared that a BART Board member recently stopped working their regular job to become a full time Board member, which was the lower paying job. Director Walsh acknowledged however, that due to cuts in service and limited hiring, everyone had to sacrifice a little and voiced her support for Option 1.

Director Young agreed with Director Beckles' comments and understood the optics, but



believed the timing was off in that a Democratic President was just elected along with majorities in the House of Representatives and the Senate which will likely change the District's financial outlook. Director Young did not feel a reduction in compensation was warranted and moved Option 1 (hold the 2019 and 2020 CPI adjustments in abeyance until June 30, 2022).

Director Peeples pointed out that a CPI adjustment was intended to keep pace with inflation and was not a raise; therefore, he would not support Option 1. Director Beckles concurred.

**Public Comment:**

**Nick Ratto**, East Bay DSA, sees the passage of this resolution as mostly symbolic and said the passage of this resolution sends the wrong message that only people with means to deal with low pay and potential pay cuts to be on the Board of Directors and that their work does not deserve a Cost of Living Adjustment or Living Wage.

MOTION: YOUNG/WILLIAMS to adopt Resolution No. 21-001 establishing a temporary reduction in compensation for the Board of Directors by holding the 2019 and 2020 Consumer Price Index adjustments in abeyance until June 30, 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Williams, Shaw

**Nayes:** Beckles, Peeples

**SELECTION OF PRESIDENT/VICE PRESIDENT OF THE BOARD**

- 7.F.** Consider report from the Nominating Committee and election of Board President and Vice President for 2021. (verbal) [21-008](#)

Director Peeples, Chair of the Nominating Committee, advised that the Committee unanimously nominated Director Ortiz as President and Director Young as Vice President.

MOTION: PEEPLES/SHAW to elect Director Ortiz as President and Director Young as Vice President for 2021. The motion carried by the following vote:

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

**8. CLOSED SESSION/REPORT OUT**

There was nothing to report out of closed session.

**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

**8.D. Threat to Public Services and Facilities**

(Government Code Section 54957(a))

Consultation with: Ahsan Baig, Chief Information Officer

**9. AGENDA PLANNING**

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of at least one other Director.

**9.A. Review of the Agenda Planning Pending List.**

[21-018](#)

Director Beckles requested a report on the possibility of increasing service to offset the pass-ups due to social distancing and low capacity on buses. The report should include data from the past two months on pass-ups due to capacity issues. (Seconded by Walsh)

Director Beckles requested a report on a possibility of implementing short-term emergency, mandatory, fare-free rear-door boarding due to pandemic. (Seconded by Williams)

Director Walsh requested a report on the AC Transit mobile app, including the data on its usage, users' feedback, and how it's marketed. (Seconded by Ortiz)

Director Walsh requested an informational report on the District's park-and-ride lot, including usage, pricing, and maintenance costs. (Seconded by Shaw)

Director Williams requested a recurring report at every other Board meeting concerning Covid-19 in the District's service area. (Seconded by Ortiz)

**10. GENERAL MANAGER'S REPORT**

**10.A. General Manager's Report for January 13, 2021.**

[21-020](#)

Director Young left the meeting at 7:00 p.m.

**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**

The meeting was adjourned at 7:15 p.m. in memory of LGBTQ activist Ken Jones. The next meeting of the Board is scheduled for January 27, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary