



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

### **MINUTES**

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

VIRTUAL MEETING

**Wednesday, February 10, 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, February 10, 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 4:15 p.m., the Board of Directors convened in Closed Session to discuss Items 7.A. - 7.E. as listed on the agenda. All Board members were present. Closed Session concluded at 4:35 p.m.

President Ortiz called the Board of Directors meeting to order at 5:02 p.m.

**2. ROLL CALL**

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

**3. PUBLIC COMMENT**

The following speakers commented on the District's receipt of future federal transportation funding assistance as well as the need to track the number of riders who are passed-up at stops due to coach capacity limits and other ridership demands ahead of this funding assistance:

**Katherine Scott-Smith (East Bay DSA)**

**Nick Travaglini**

**Richard Marcantonio (Public Advocates)**

**Andrea Lowe (East Bay DSA)**

**Ruscal Cuyangyang**

**Omowale Fowles**

**Maddie Grace Webbon (East Bay DSA)**

**Sheela Gunn-Cushman** noted that it has been reported that full Covid-19 vaccination may not occur before September 2021 and that public use of masks will continue to be required. She further commented on the need to have healthy bus operators for the benefit of riders and expressed concern that the pandemic has become too politicized.

**4. MODIFICATIONS TO THE AGENDA**

President Ortiz reported that item 6E (Fare-free rear-door boarding) was removed from the agenda at the request of Director Beckles.

**5. CONSENT CALENDAR**

MOTION: SHAW/WILLIAMS to receive or approve the items on the Consent Calendar as indicated with the exception of Item 5.E which was pulled off the agenda for discussion. The motion carried by the following vote:

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

- 5.A.** Consider approving Board of Directors minutes of January 27, 2021. [21-127](#)

MOTION: SHAW/WILLIAMS to approve the Board of Directors minutes of January 27, 2021. The motion carried by the following vote:

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

- 5.B.** Consider receiving Retirement Board minutes of December 17, 2020. [21-111](#)

MOTION: SHAW/WILLIAMS to receive the Retirement Board minutes of December 17, 2020. The motion carried by the following vote:

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

- 5.C.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [21-094](#)

MOTION: SHAW/WILLIAMS to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:

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

- 5.D.** Consider receiving a report summarizing the creation of and modifications to Classification Specifications in 2020. [21-112](#)

MOTION: SHAW/WILLIAMS to receive a report summarizing the creation of and modifications to Classification Specifications in 2020. The motion carried by the following vote:

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

- 5.E.** Consider authorizing the General Manager to execute a single source contract with Prophix Software, Inc., to provide continued services and technical support for the District's budget system for a term of three (3) years (March 1, 2021 to February 29, 2024). [21-107](#)

President Ortiz pulled Item 5.E. from the Consent Calendar to ask staff to clarify what the emergency or exigent circumstance was behind the recommendation to enter into a single source contract. Acting Budget Manager Mary Archer advised that the emergency involved a severe impact to staff's ability to manage the District's operating and capital budgets during the pandemic, with limited staffing, and in a volatile financial environment. General Manager Michael Hursh added that Prophix was a fairly new budget software that took a considerable amount of staff time to implement and would be costly to change at this point. President Ortiz advised that due to a lack of open competition, she could not support the staff recommendation.

MOTION: SHAW/PEEPLS to approve the authorization of the General Manager to execute a single source contract with Prophix Software, Inc., to provide continued services and technical support for the District's budget system for a term of three (3) years (March 1, 2021 to February 29, 2024). The motion carried by the following vote:

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

**Nayes:** Ortiz

- 5.F.** Consider authorizing the General Manager to execute a Cooperative Agreement with the Cities of Fremont, Union City, Menlo Park and Palo Alto for the Dumbarton Bridge Corridor Transit Travel Time Improvement Project. [21-087](#)

MOTION: SHAW/WILLIAMS to approve the authorization of the General Manager to execute a Cooperative Agreement with the Cities of Fremont, Union City, Menlo Park and Palo Alto for the Dumbarton Bridge Corridor Transit Travel Time Improvement Project. The motion carried by the following vote:

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

## 6. REGULAR CALENDAR

### Finance and Audit Items - Chair Shaw

- 6.A.** Consider receiving the FY 2020-21 Mid-Year Budget review and Adopt Resolution No. 21-003 amending the General Fund Operating and Capital Budgets for FY 2020-21. [20-062e](#)

*[The Budget Presentation given at the meeting is incorporated into the file by reference.]*

Acting Chief Financial Officer Chris Andrichak presented the staff report, advising that staff would bring updated budget projections to the Board in the coming weeks.

Vice President Young asked staff to explain a statement in the staff report that seemed to indicate that farebox revenue decreased due to lower than forecasted ridership and lower than normal fare payment compliance. Mr. Andrichak advised that less fare revenue was collected for the number of riders on the Tempo Line.

Director Williams asked if the District planned to hire more janitors and whether staff had taken into account the potential for a future infrastructure bill and how it might impact the District's capital program. General Manager Michael Hursh advised that the District has maintained tight control of hiring and that janitors are on the approved to hire list. He added that finances were such that it would be difficult to increase headcount in the current budget, but there may be an opportunity in the next year's budget depending on the amount CRRSAA funds the District receives. On the issue of infrastructure, Mr. Andrichak advised that staff had not taken an infrastructure bill into account, saying that facility rehabilitation, quick build projects and zero emission bus infrastructure would be high on the priority list if funding became available.

President Ortiz asked about the nature of the projected deficit in FY 21-22. Mr. Andrichak responded that it was a combination of issues centered around lower than expected revenues. President Ortiz inquired about CRRSAA funds and whether the District would use these funds to fill the budget deficit. Mr. Andrichak advised that staff was counting on these funds to fill the hole in next year's budget and possibly

restore some bus service.

Director Beckles inquired about next year's budget deficit and the plan to prevent future cuts in service. Mr. Hursh reported on the District's advocacy at the Metropolitan Transportation Commission and the need to receive our fair share of funding necessary to address the projected deficit and expand service to those who need it the most. Director Beckles asked about the security of jobs. Mr. Hursh advised that job preservation was the number priority and the District was poised to begin hiring. He was confident the District could stave off layoffs, while maintaining tight control of the budget. Director Beckles expressed appreciation to staff for their efforts to keep expenses down and save \$4 million in the current fiscal year. President Ortiz praised staff's efforts as well.

Director Shaw asked if the cost of additional paratransit trips that would be needed to help people get vaccinated had been budgeted and whether the cost of additional Automatic Passenger Counters (APC) would require maintenance overtime. Mr. Andrichak advised that the paratransit budget could absorb the additional costs. Chief Information Officer Ahsan Baig advised that the APC project was still in the planning phase and the solicitation for the project would eventually inform what would be required in terms of additional expenses.

**Public Comment:**

**Sheela Gunn-Cushman** wondered whether the mid-year budget included costs for the increased coach and paratransit vehicles and drivers when more riders return to the system following vaccination.

MOTION: ORTIZ/PEEPLES to receive the FY 2020-21 Mid-Year Budget review and adopt Resolution No. 21-003 amending the General Fund Operating and Capital Budgets for FY 2020-21. The motion carried by the following vote:

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

**Operations Items - Chair Beckles**

- 6.B.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter of Fiscal Year 2021. [21-095](#)

Protective Services Manager Kerry Jackson presented the staff report.

Vice President Young commented on the improvement in on-time performance over the last ten months and asked if staff planned to raise the goals in near future. Chief Operations Officer Salvador Llamas explained that on-time performance improved due to multiple reasons, especially the pandemic and lower traffic on roads and highways. Mr. Llamas advised that staff planned to maintain the current goals and revisit the performance after the pandemic restrictions are lifted. General Manager Michael Hursh agreed with Mr. Llamas and attributed the success to all involved with service reliability

and the computer-aided dispatch system (CAD-AVL).

Director Walsh asked what caused the log-on rate to trend downward. Mr. Llamas responded that the emergency service routes were not entered into the system at the onset of the pandemic, and was discovered and addressed in August. He added that staff closely monitors the system for irregularities to keep the log-on rate close to a hundred percent, where it has been in recent weeks.

Director Shaw was concerned that the service level goals were not met due to unplanned operator unavailability and asked what can be done to meet the regular service goals and provide adequate shadow service. Mr. Llamas advised that service demand evolves along with the pandemic, as does the unplanned operator unavailability. He added that staff is planning to increase the operator recruitment in March to prepare for the eventual increase in service.

MOTION: SHAW/PEEPLES to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter of Fiscal Year 2021. The motion carried by the following vote:

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

Director Williams dropped off the Zoom meeting at 6:30 p.m. and rejoined at 6:32 p.m., missing the vote on Item 6.C.

- 6.C.** Consider receiving a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. [21-096](#)

Director of Maintenance Cecil Blandon presented the staff report.

Vice President Young was interested in the result of the zero emission bus (ZEB) technology study, which compares conventional vehicles to fuel cell and battery electric technology in the District's service environment. Chief Operating Officer Salvador Llamas advised that the study results will be presented to the Board in the spring, adding that the District would share the relevant ZEB data with Stanford University to conduct an independent study.

Director Walsh asked how the number of passengers was counted on buses that do not have automated passenger counter (APC) devices. Director of Planning and Service Development Robert del Rosario responded that AC Transit uses an Federal Transportation Administration-approved sampling methodology to calculate passenger numbers and submits it for statistical validation monthly. General Manager Michael Hursh added that sampling is done on every bus line daily, except on weekends, which is then analyzed, noting that the District is moving toward a hundred percent APC-equipped fleet.

Director Shaw asked for clarification of the plan to procure APCs for \$500,000, believing

that only 20 buses needed the device. Director of Software Development Manjit Sooch advised that 99 buses in the contingency fleet needed new APC equipment installed. Mr. Llamas added that a portion of the contingency fleet is APC equipped; however, the remaining 99 vehicles of the contingency fleet have outdated technology and need installation of new devices, which is attributable to the cost of \$500,000.

Director Shaw asked if staff planned to investigate grant funding to bring the non-revenue fleet to zero emission. Mr. Llamas advised that staff has looked at applying for infrastructure grants; however, the grants require that charging facilities be open for general public use. He further clarified that charging stations are on District property and were not designed for general public use but added that the District would explore opportunities to collaborate with local municipalities in sharing the zero-emission facilities.

President Ortiz asked staff to explore the option of donating retired buses to local housing authorities for the purpose of temporary housing. Director Beckles expressed support of the idea.

Director Beckles was interested in the ways to reach the zero emission mandate sooner than planned. Mr. Llamas advised that the approved clean corridors plan had attracted the funding, which accelerated the procurement of 40 ZEB busses this year. He added that by 2022, AC Transit would have 72 ZEB busses and plans to include ZEBs in its regular annual bus procurement.

MOTION: YOUNG/ORTIZ to receive a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. The motion carried by the following vote:

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

**Absent:** Williams

- 6.D.** Consider receiving ongoing COVID-19 report, including an update on the District's Vaccination Education and Distribution Campaign. [21-110](#)

Acting Executive Director of Human Resources Nathaniel Kramer presented the staff report highlighting the operator and rider safety measures. Accessibility Programs Manager Mallory Nestor-Brush presented the East Bay Paratransit vaccine plan. Director of Legislative Affairs and Community Relations Claudia Burgos provided an update on external advocacy and funding efforts and the vaccine rollout status. Acting Director of Marketing Nichele Laynes presented a summary of the employee survey results. Media Affairs Manager Robert Lyles reported on the status of the vaccine education campaign which included a two-minute video presentation featuring AC Transit Board members and employees.

President Ortiz thanked Oakland City Councilmember Rebecca Kaplan for advocating for AC Transit operators to be vaccinated at the Oakland Coliseum site.

Director Williams asked if the District planned to implement a new recommendation from the Centers for Disease Control (CDC) to double-mask. General Manager Hursh advised that the District is preparing to begin a campaign to inform the riders about the latest recommendation.

Director Williams commented on recent media reports about vials holding an extra dose of the vaccine and asked if there was a way to collaborate with health authorities who administer vaccines to use the extra amount to vaccinate bus operators. General Manager Michael Hursh responded that the District is advocating at local, regional, and state levels to ensure that AC Transit operators are prioritized in line for the Covid vaccine.

Director Williams was concerned about widespread reports of physical discomfort and reactions to the second dose of the vaccine and asked if the District planned to provide time off or address the issue in any other way. Mr. Hursh responded that the District did not have data on the subject since not more than a hundred operators are eligible for immunization. Mr. Hursh further added that the District offers a robust leave management program to care for employees' needs and will work with employees within the confines of the collective bargaining agreement.

Director Shaw encouraged staff to continue to advocate for the prioritization of transit workers and asked if the District would be in a position to delay school service until bus operators are vaccinated. Mr. Hursh responded that the District is seeking to be in the same tier with teachers.

To Director Walsh's question about the response rate to AC Transit's internal employee survey on Covid vaccination, Director of Marketing Nichelle Laynes responded that approximately 600 employees participated in the survey.

Director Peoples commented that staff submitted a letter to Governor on behalf of the Accessibility Advisory Committee to prioritize public transit workers.

Director Beckels shared her personal experience of receiving the Covid vaccine encouraging everyone to get the shot.

**Public Comment:**

**John Minot** commented that it is good that safety is maintained on coaches, but the District needed to continue to be diligent in its Covid-19 safety processes.

**Sheela Gun-Cushman** inquired about clinic location information for disabled riders and expressed concern that the District is unprepared for the return of greater ridership as more passengers return following vaccination.

MOTION: WILLIAMS/ORTIZ to receive the ongoing COVID-19 report, including an update on the District's Vaccination Education and Distribution Campaign. The motion

carried by the following vote:

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

### Planning Items - Chair Peeples

- 6.E.** Consider whether the District should reinstate fare-free rear-door boarding. [Requested by Director Beckles - 1/13/21] [21-141](#)

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

This item was removed from the agenda.

### External Affairs Items - Chair Williams

- 6.F.** Consider receiving update on the Blue Ribbon Task Force - Regional Transit Coordination. [21-100](#)

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report.

Director Williams noticed that there was no mention of any outreach to organized labor unions and asked if staff received any feedback from the unions. General Manager Michael Hursh advised that the union are represented on the Blue Ribbon Task Force and participate in the discussions. Mr. Hursh added that the initiatives coming out of the Blue Ribbon Task Force are well thought out, but there is a potential for improvement with additional funding, saying that funding will dictate the possibilities for future improvements.

To Director Williams' question about additional revenue sources, Mr. Hursh voiced concern about the loss in farebox revenues, adding that an ongoing discussion about regional fare integration brings up the concern of equity in the way revenues would be distributed across the region; and that the socio-economic composition of AC Transit's ridership needs to be recognized by other regional partners and taken into account when allocating funds to cover the revenue losses.

To Director Williams' request, General Manager addressed a question about other seamless systems in the nation, explaining that Seattle's public transit is an example of a successful, seamless transit system; however, it is funded by high local and regional taxes.

#### **Public Comment:**

**John Minot** was encouraged that this matter continues to be explored and that a regional transit network would be beneficial to the riding public. He expressed his opinions and viewpoints on the regional transit network concept.

**Rick Nahass** expressed his views about a regional transportation network and provided the example of the VISA payment network as an example of the use of a network

manager.

**Sheela Gun-Cushman** said she appreciates the regional transit network idea but expressed concern that the needs of transit-dependent riders are not adequately addressed by the Blue-Ribbon Task Force. She hoped that consideration of project funding will link with the considerations for transit-dependent riders; if not, then a project does not get funded.

**Joty Dhaliwal** compared her current Bay Area public transit commute to her past New York City commute of similar distance. She said the NYC commute is much simpler and cheaper and that a strong regional network would benefit the community. She expressed her encouragement in a regional transit network and that AC Transit leads its development.

MOTION: ORTIZ/WALSH to receive an update on the Blue Ribbon Task Force - Regional Transit Coordination. The motion carried by the following vote:

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

## **7. CLOSED SESSION/REPORT OUT**

There was nothing to report out of closed session.

### **7.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

Quarterly Litigation Report

McNaulty v. AC Transit, ACSC No. RG18-933966;

Pearl v. AC Transit, ACSC No. RG19-015118;

Galpern v. AC Transit, U.S. District Court No.Cal.Dist., No. 20-cv-02572-TSH;

White v. AC Transit , U.S. District Court No.Cal.Dist., No. 20-cv-03804-TSH;

Dollene Jones v. AC Transit Retirement Board, et al., U.S. District Court No.Cal.Dist., No. 20-cv-00385-SI;

Dollene Jones v. AC Transit Retirement Board, et al., ACSC No. RG20-050706

Environmental Agency Violations

### **7.B. Conference with Legal Counsel – Potential Litigation**

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

### **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

**7.E. Threat to Public Services and Facilities**

(Government Code Section 54957(a))

Consultation with: Ahsan Baig, Chief Information Officer

**8. AGENDA PLANNING****8.A. Review of the Agenda Planning Pending List. [21-018b](#)**

Director Walsh recollected a staff report on the Quick Build Project Framework and asked staff to explore ways to overcome barriers identified in the report, such as funding and infrastructure, and report back on how to move forward with delivering the projects. (President Ortiz Concurred)

Director Beckles asked staff to research and report on possibilities to collaborate with government agencies within the service area to utilize their restrooms for bus operators. (Director Williams concurred)

Director Beckles requested the creation of an Interagency Liaison Committee with the City of Richmond. (Director Williams concurred)

Director Williams requested that staff hold a Zoom event on "how to do business with AC Transit", partnering with local ethnic chambers and the Oakland African American Chamber of Commerce. (Director Beckles concurred)

President Ortiz asked staff to research and report on ways to donate retired busses to local and county housing authorities with the purpose of providing shelter to unhoused people. The research should encompass any legal implications related to Federal Government requirements. (Director Beckles concurred)

**9. GENERAL MANAGER'S REPORT****9.A. General Manager's Report for February 10, 2021. [21-020b](#)**

The item 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

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at 7:50 p.m. The next regular meeting of the Board of Directors is scheduled for February 24, 2021.

Respectfully submitted,

/s/ Linda A. Nemeroff  
District Secretary