



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

### **MINUTES**

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

VIRTUAL MEETING

**Wednesday, May 26, 2021 at 5:00 PM**

**<https://bit.ly/2QXuya9>**

#### **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, May 26, 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 4:33 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 with the exception of Director Beckles who arrived at 4:40 p.m. The Closed Session stood in recess at 4:42 p.m.

President Ortiz called the Board of Directors meeting to order at 5:01 p.m.

**2. ROLL CALL**

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

Before calling the first item on the agenda, President Ortiz acknowledged the tragic mass shooting that occurred earlier in the day at the Valley Transportation Authority which resulted in numerous casualties and observed a moment of silence in support of the victims, their families and co-workers.

**3. PRESENTATION****3.A. Recognition of Bus Operators with 20 years or more of Safe Driving:** [21-240](#)

Iosefa T. Save, 20 Years, (Division 6)  
Marcus McFarland, 20 Years (Division 2)  
Willie B. Rountree, 20 Years (Division 6)  
Ramiro Perez, 20 Years (Division 3)  
Hervinder Singh, 20 Years (Division 6)  
German E Zambrano, 25 Years (Division 2)  
Michael R. Jackson, 25 Years (Division 2)  
Benigno R. Rangel, 25 Years (Division 6)  
Hector M. Robles, 25 Years (Division 6)  
Robert A.White, 30 Years, (Division 6)  
Marcus L.Brox, 35 Years (Division 6)  
Michael S. Ramirez, 35 Years (Division 6)  
Harvey K. Jefferson, 35 Years (Division 2)

Director of Transportation Derik Calhoun made a presentation in recognition of AC Transit bus operators with 20 years or more of Safe Driving. Members of the Board thanked the operators for their incredible record of dedicated service in safely transporting riders each day.

**3.B. May Revise and Legislative Update.** [21-245](#)

Steve Wallauch, Platinum Advisors, presented an overview of the Governor's May Revised Budget Proposal, including information on funding set aside for zero emission vehicles, transportation projects, and the status of State Transit Assistance. He also provided an update on priority legislative matters affecting the District.

Members of the Board inquired about the use of inner city rail funding for future Bus Rapid Transit projects, the use of zero emission funding for smaller cut away vehicles, funding for cities and transit operators for trash removal, grants for employee training programs, and the status of a possible mega measure.

No action was taken. The report was presented for information only.

#### 4. PUBLIC COMMENT

[Written comment received prior to the meeting is attached hereto as Exhibit A.]

**Sheila Gunn-Cushman**, commented on several matters, stating that the Accessibility Advisory Committee lacks adequate representation and that there needed be more buses in service to minimize continued 'pass-ups'. Gunn-Cushman noted that instructional bus signage does not help blind passengers and that the automated on-bus stop announcements have been activating too early and she's been dropped off at wrong bus stops.

**Yvonne Williams**, former President of ATU Local 192, expressed her condolences to everyone affected by the tragedy at the Valley Transportation Authority. Williams also thanked the Board for the work towards a violence de-escalation plan.

#### 5. MODIFICATIONS TO THE AGENDA

President Ortiz reported that Items 7.B. (Customer Satisfaction Survey Practices), 7.H. (Purchase of 50 Diesel Buses), and 7.I. (Diversity and Inclusion Report) would be continued to the next Board meeting.

#### 6. CONSENT CALENDAR

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

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

**6.A.** Consider approving Board of Directors minutes of May 12, 2021. [21-275](#)

MOTION: WILLIAMS/BECKLES to approve the Board of Directors minutes of May 12, 2021. The motion carried by the following vote:

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

**6.B.** Consider receiving the Retirement Board minutes of April 22, 2021. [21-283](#)

MOTION: WILLIAMS/BECKLES to receive the Retirement Board minutes of April 22, 2021. The motion carried by the following vote:

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

- 6.C.** Consider review of Board Policy 225 - Prohibition on Loans, with no recommended amendments. [21-248](#)

MOTION: WILLIAMS/BECKLES to receive the review of Board Policy 225 - Prohibition on Loans, with no recommended amendments. The motion carried by the following vote:

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

- 6.D.** Consider receiving the Monthly Report on Investments for March 2021. [21-246](#)

MOTION: WILLIAMS/BECKLES to receive the Monthly Report on Investments for March 2021. The motion carried by the following vote:

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

- 6.E.** Consider receiving the FY 2020-21 Third Quarter Employee Out-of-State Travel Report. [21-252](#)

MOTION: WILLIAMS/BECKLES to receive the FY 2020-21 Third Quarter Employee Out-of-State Travel Report. The motion carried by the following vote:

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

- 6.F.** Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [21-264](#)

MOTION: WILLIAMS/BECKLES 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:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

- 6.G.** Consider receiving the FY 2020-21 Third Quarter Surplus and Obsolete Materials Report. [21-265](#)

MOTION: WILLIAMS/BECKLES to receive the FY 2020-21 Third Quarter Surplus and Obsolete Materials Report. The motion carried by the following vote:

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

## **7. REGULAR CALENDAR**

### **External Affairs Items - Chair Williams**

- 7.A.** Consider receiving the Monthly Legislative Report and approval of legislative positions [21-118](#)

External Affairs Representative Steven Jones presented the staff report and advised that staff was withdrawing its recommended position on AB 550 which failed to advance out of the Appropriations Committee. Steve Wallaach with Platinum Advisors was also in attendance.

**Public Comment:**

**John Minot**, East Bay Transit Riders Union (EBTRU), provided recommendations for the Board for support, non-support, and non-opposition regarding Government Legislation reported to the Board.

**Joty Dhaliwal**, People's Transit Alliance of the East Bay Democratic Socialists of America (PTA-EBDSA), asked the Board to advise if Assembly Bill 2176 and AB 2012 were still active for discussion and/or action.

**Board Discussion:**

Director Walsh asked for the reasoning behind the Watch positions on AB 1238 (pedestrian jaywalking) and the bills amending Brown Act-related to teleconference meetings. Mr. Jones explained that AB 1238 could encourage an unsafe environment for bus operation. On the matter of the Brown Act, Mr. Wallauch explained that AB 703 would codify the existing executive order allowing teleconferencing into public meetings and would require a quorum of a legislative body to be present in-person at one location. He added that AB 703 is a two-year bill, thus advising a Watch position. Mr. Wallauch briefly spoke of SB 339, explaining that no longer applies to special districts.

MOTION: ORTIZ/PEEPLS receive the Monthly Legislative Report and approve legislative positions as indicated. The motion carried by the following vote:

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

- 7.B.** Consider receiving a briefing on customer satisfaction survey practices. [21-234](#)  
[Requested by Director Peeples - 5/28/2008]

This item was removed from the agenda and continued to the next Board of Directors meeting.

**Finance and Audit Items - Chair Shaw**

- 7.C.** Consider receiving a report on the Proposed FY 2021-22 Operating and Capital Budgets. [21-140b](#)

[Attachment 5 (position requests) was revised and provided at the meeting for the Board's consideration.]

Chief Financial Officer Chris Andrichak presented the staff report and gave an overview of revenues and expenses associated with the budget. In addition, an overview of was given of the spending priorities associated with the receipt of American Rescue Plan Act funding and a set of financial projections for the coming fiscal years. General Manager Michael Hursh emphasized that a 100% return of the ridership was equivalent to \$67 million in the budget.

**Public Comment:**

**Katy Scott-Smith**, PTA-EBDSA, provided commentary on how staff arrived at its

reported FY 2021-22 Operating and Capital Budget. Scott-Smith noted that the District should not project five years into the future to go to 100% service levels when it has the money to do so inside of the next four or five years. Scott-Smith commented that permanently reducing service because of a pessimistic long-term financial outlook will likely harm ridership in the long run.

**Joty Dhaliwal**, PTA-EBDSA, commented that the budget report provides a pessimistic, long-term view of transit ridership. Dhaliwal noted that we have an opportunity to change this view by utilizing the ARP funds to reimagine service quality and improve ridership patterns.

**Nathan**, PTA - EBDSA, expressed surprise that staff's budget projections presume that ridership will not return at a significant rate. Nathan noted the need for a more optimistic position toward preparing a budget that provides riders with confidence in public transit and urged the Board to use federal ARP funds to run more bus service to increase ridership.

**Board Discussion:**

President Ortiz commented that some believe the funds from the federal government are a relief and not a stimulus and that it is hard to predict what the Metropolitan Transportation Commission will allocate. President Ortiz asked how staff would divide the money over the coming fiscal years. Mr. Andrichak advised that staff planned to use the money to fill future deficits. General Manager Hursh added that it was the District's highest priority to restore service.

Vice President Young asked how staff arrived at the 85% pre-pandemic service level. Mr. Andrichak advised that the big factor next August is adding school service and balancing the number of operators we think we can hire in time to add the service. Director Young also asked if the goal was maintain an 85% service level as long as possible and use the federal funding to help maintain it for next 3-4 years. Mr. Andrichak advised that the goal was to use the funding to get to a sustainable service level based on where revenues and expenses are projected to be.

Director Peebles commented that 90% of the problems (pass-ups) stem not from a lack of service, but social distance. He added that staff's crystal ball is informed by a number of reputable sources and that it is difficult to predict the future.

Director Beckles commented on staff projections, saying that estimating too conservatively will hurt the economy and riders and suggested that the District aim for 100% service levels. She also asked if it was possible to budget a hiring incentive to attract more operators. Mr. Andrichak advised that staff is exploring different types of incentives and looking at ways to reduce the amount of time required to certify new operators. He added that the District was looking at a structural deficit that would require substantial revenue growth to overcome.

Director Williams asked what other opportunities there might be to raise revenues in terms of ballot measures. Mr. Hursh advised that there is no appetite or tolerance for

ballot measures at this time.

Director Shaw commented that she would like to see more funding put toward piloting different service types. She also believed the District needed to address the structural deficit.

Director Peeples commented that pre-pandemic polling on a sales tax measure indicates that it was unlikely to pass.

MOTION: YOUNG/PEEPLS to receive a report on the Proposed FY 2021-22 Operating and Capital Budgets. The motion carried by the following vote:

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

- 7.D.** Consider adopting the five-year Capital Improvement Plan (CIP) for Fiscal Years (FY) 2021-22 through 2025-26. [21-254](#)

[Attachment 2 (Exhibit A to the CIP) was revised and provided at the meeting for the Board's consideration.]

Capital Planning and Grants Manager Eve Eng presented the staff report.

**Public Comment:**

There was no public comment offered.

**Board Discussion:**

Director Beckles was concerned with the prospect of purchasing additional diesel buses because of climate change and asked if it was possible to advance the date to start transitioning to an all zero-emission fleet. General Manager Michael Hursh advised that the infrastructure to support more zero emission buses is just not ready and there is not enough electrical capacity to place more battery-electric buses at the divisions. He added that the District's capacity to support hydrogen buses had also reached capacity. In the meantime, the rest of fleet is aging with a large number of buses that are well beyond the Federal Transit Administration's twelve-year life cycle and must be replaced. He added that today's diesel buses are significantly cleaner than in the past. Chief Operating Officer Salvador Llamas reported that there are 198 buses that are beyond their useful life with 36 buses being 19 years old, another 36 that are 18 years old, and 44 that are 15 years old. He added that the slowdown in transitioning to zero emission is due to the infrastructure.

Director Shaw commented that her main concern was the facilities upgrades that were needed and expressed concern that there was nothing in the CIP to address upgrades at Divisions 3 and 6. Mr. Llamas advised that the Facilities Master Plan did include plans for each division, but the CIP did contain equipment and maintenance improvements for each division.

Director Shaw inquired about paint booths and whether it made sense to continue

performing paint work in-house. Mr. Llamas advised that all of the major painting is done at the Central Maintenance Facility and pre-painted replacement panels are provided to each division to repair buses. In addition, a small area has been designated at each division for minor paint work as needed and that the work cannot be outsourced due to the Collective Bargaining Agreement with ATU.

Director Shaw also asked why the non-revenue fleet was taken out of the current CIP. Ms. Eng advised that the CIP included a State of Good Repair project for replacement of non-revenue vehicles.

Director Shaw further inquired about Affordable Housing and Sustainable Communities grants. Chief Financial Officer Chris Andrichak advised that it was not a significant source of funding for bus replacements, adding that staff would prefer to use the funds to make corridor-wide improvements versus using the funds to replace buses.

MOTION: ORTIZ/PEEPLS to adopt the five-year Capital Improvement Plan (CIP) for Fiscal Years (FY) 2021-22 through 2025-26. The motion carried by the following vote:

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

#### **Planning Items - Chair Peeples**

- 7.E.** Consider approving proposed pilot services to address requests from the public, customers, and stakeholders in Alameda, Berkeley, and Hayward as part of District transit recovery efforts. [21-255](#)

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

Service Planning Manager Michael Eshelman presented the staff report.

#### **Public Comment:**

**Joe Genolio**, Staffer for City of Berkeley Council Member Terry Taplin, commented that AC Transit must preserve its accessible transit services as it emerges from the Covid-19 Pandemic. Genolio noted that the introduction of the Line 79 pilot service is no substitute for the loss of Line 80 in Berkeley and that the Board needs to address bus service on the Berkeley 6th Street corridor. Genolio expressed the urgency toward full restoration of Line 80.

**Darrell Owens**, EBTRU, noted that he was working with city agencies within AC Transit's service area to obtain feedback related to bus service affected by the Covid-19 pandemic. Owens pointed out that the 6th Street corridor in Berkeley needs the District's help and that the planned Line 79 pilot service is inadequate toward this end.

**Patrick** supported the District's pilot testing of new service routes but noted that he was saddened that his neighborhood bus route continues to be canceled and hoped that it would return to service soon.

#### **Board Discussion:**



Director Beckles appreciated staff's efforts to add new lines and address service issues post-pandemic and was interested in how many new lines staff was seeking to pilot. Mr. Eshelman reported that there was a separate process to redesign the existing route network which would result in the creation of new lines; however, the current report was specific to the creation of a few new lines to address specific service requests from the public.

Director Beckles raised the issue of repeated requests from the City of Berkeley and community to have service on Line 80 reinstated. Mr. Eshelman advised that staff brought back the portion of Line 80 that carried the most riders at a minimal cost of only two buses. He added that to bring back the remainder of the line would require a total of six buses and staff was not confident that it would have enough buses or operators available. Director Beckles expressed frustration with introducing new lines when existing lines were not being fully restored and requested that staff provide a written explanation and map to her for further study.

Director Walsh appreciated staff's creativity but shared the concerns raised by Director Beckles. She also requested an explanation of the map to have a better understanding of what changes were implemented on Line 80. Director Walsh asked staff how it would evaluate the pilot and what would be considered in determining whether it was a success. Mr. Eshelman advised that staff would evaluate ridership and productivity.

Director Williams thanked staff for addressing the service issues in his ward.

Director Shaw echoed Director Williams' comments and encouraged staff to continue developing new pilot service, including in South Alameda County.

President Ortiz commented that the pilots are a great way of finding out where the riders are and wanted to know how the success of the pilots will be measured. Mr. Eshleman advised that the pilots can be in place for 12 months without a public hearing and a Title VI analysis and that staff is still working on the metrics it will use to measure each pilot's success because the pandemic has disrupted the baseline.

Director Young thanked staff for introducing new ideas for service that will generate ridership, but shared the concern that two of the proposals might not be an effective use of resources as they seem to revive lines that did not work in the past.. Mr. Eshleman explained that staff wanted to see what the pilots would produce by serving areas in different ways. He added that public process has pushed some of the proposals to the top of the list and helps solve service problems at a lower cost to the District.

Director Shaw asked why the Hayward pilot would not be implemented until March, saying that it seemed to make more sense to implement it in December rather than near the end of the school year. Mr. Eshleman explained that the pilot is set for March to hopefully have enough operators for the service.

Director Peeples commented that the District has decades of anecdotal data, but only 25 years of real data and congratulated staff on using the pilots to gather more data.

MOTION: WILLIAMS/WALSH to approve proposed pilot services to address requests from the public, customers, and stakeholders in Alameda, Berkeley, and Hayward as part of District transit recovery efforts. The motion carried by the following vote:

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

- 7.F.** Consider receiving report on the strategy and next steps for Quick Build transit projects. [Requested by Director Walsh - 2/10/21] [21-251](#)

*[Written comment received prior to the meeting is incorporated into the file by reference.]*

Transportation Planning Manager Jim Cunradi presented the staff report and gave an overview of next steps.

**Public Comment:**

**John Minot**, EBTRU, voiced support for the District's efforts related to quick build projects as they provide a significant benefit to bus service and ridership at little cost.

**Derek Sagehorn**, EBTRU, voiced support for the District's quick build projects and noted that not every Bay Area city has dedicated departments to plan or implement similar projects. Sagehorn expressed appreciation to the District for its efforts to improve city streets for riders and pedestrians.

**Board Discussion:**

Director Beckles expressed appreciation for the report and moved the item.

Director Shaw commented on the need to put someone in charge of quick build projects but observed that there was no new position in the budget to be able to do that. Mr. Cunradi acknowledged that staff was not looking to immediately fill the position since there are staff available that can be assigned to the projects if the grant funding becomes available. He added that if the program grows such that it scales up, the issue of dedicated staffing would need to be revisited.

Director Walsh thanked staff for the report and for identifying some of the structural issues that would limit the District moving forward. She shared Director Shaw's concern with staffing and thanked the advocates for their support.

Director Peeples thanked staff for the report and appreciated the work advocates are doing on AC Transit's behalf. He added that staff's reports provide a lot of opportunities to receive grant funding.

MOTION: BECKLES/WILLIAMS to receive the report on the strategy and next steps for

Quick Build transit projects. The motion carried by the following vote:

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

### Operations Items - Chair Beckles

- 7.G.** Consider receiving a report on the development of new and additional Key Performance Indicators (KPI) for the Alameda and Contra-Costa County Sheriff's contracts. [21-146a](#)

Protective Services Manager Kerry Jackson presented the staff report.

#### **Public Comment:**

**Katy Scott-Smith**, PTA-EBDSA, thanked staff for providing an itemized report of services in each sheriff's contract, which allows the public to scrutinize the services in the contract. Scott-Smith asked if the Board could excise under-performing services and asked if ticket writing functions could be taken in-house.

**John Lindsay-Poland**, EBTRU, agreed with the previous speaker that the ticket writing function should be removed from the responsibility of each sheriff's department and made suggestions on other key performance indicators in support of racial justice. Lindsay-Poland noted that a public records request for the service contracts by the American Friends Service Committee has yet to be provided and asked the Board if it had a final signed copy available to be distributed.

**John Minot**, EBTRU, thanked the Board for its reporting but noted that the reporting still does not provide an adequate description of the Key Performance Indicators for each sheriffs' department. Minot suggested a full breakdown of service calls by category, such as level of violence, slip and fall incidents, mental health-related calls, etc. Minot also asked if additional back-up reporting from operators can help improve reporting of service calls.

**Joty Dhaliwal**, PTA-EBDSA, noted that previous reported statistics of transit-related citations amounted to 40 percent of all citations. Dhaliwal pointed out that such a percentage does not merit the expense of budgeting ticket-writing services to the sheriffs' departments and such service should be removed from these contracts. Dhaliwal suggested other sources and resources to reduce this citation function from the sheriffs' departments.

#### **Board Discussion:**

Director Shaw referred to the percentage of AC Transit Related Activities category as presented in the report's attachment and asked why the number is 96% and not 100%. Mr. Jackson clarified that the number signifies the events when the Sheriff's deputies who are assigned to AC Transit respond to incidents that occur on their watch. Chief Operating Officer Salvador Llamas explained that there are occasions when the deputies are obligated to respond to incidents unrelated to AC Transit and added that it is a small number of events taking into consideration the entire service area.

Director Shaw commented that the Sherriff's office should reimburse AC Transit for such events, to which Mr. Llamas advised that he would find out how much time was

spent on handling the unrelated incidents. He clarified that the number of unrelated activities doesn't imply that the deputies charge the District for time spent responding to those incidents.

Director Shaw commented on the Sheriff's Response Reduction category and asked for clarification on whether the number of responses reduced by half between January and March. Mr. Llamas explained that he would provide additional information for that specific category in future reports. To answer Director Shaw's question, Mr. Llamas provided an example for the month of January, noting that of eight slip-and-fall incidents; four of them requested Sherriff's service, which explains the 50% reduction in response. He added that the statistics were similar in the following month; however, in March, the requests were made for each of the nine incidents, which explains the null value in the chart. He further added that many minor incidents do not require peace officers but often escalate to an event and require Sherriff's intervention. To Director Shaw's question about whether the data can show the Tempo line KPI, staff responded that the data presented in the report included the Tempo line.

Director Shaw commented on the District's effort to partner with other agencies in deferring some issues to mental health organizations. Director Shaw asked if there is a way to track the number of events that were referred to mental health responders. Mr. Jackson advised that the data will be added to future reports.

Director Peeples commented that the mechanics of issuing citations is prescribed by the law and believed it wouldn't change by the time the contract expires. Director Peeples further commented that AC Transit's incident response is primarily in the hands of Bus Operators and Road Supervisors who are not armed and are trained to handle bus incidents. Director Peeples added that the District spends approximately 10% of the Budget on safety, drastically less than other agencies and that operators have historically requested increased support from the Sherriff's Office.

Director Walsh thanked the staff for providing the report. Director Walsh commented on some of the metrics, such as the Number of Arrests presented in the attachment and wanted to know why the arrests were made. Director Walsh asked for more detailed information to understand the types of calls the Deputies are handling, if there is a way to reduce the need for calling the Sheriffs, and how do such metrics trend over time. To Director Walsh's question to see the requested Key Performance Indicators in the future, staff responded that the discussed data would be included in the Quarterly Operations Performance Report.

Director Beckles concurred with Director Walsh's comment and added that staff should have already compiled and monitored such metrics. Director Beckles wanted to know if there was a possibility to set benchmarks and require the Deputies to respond to incidents in a specific timeframe. Director Beckles asked that such a condition is considered in contract with the Contra Costa County Sheriff's Office. Director Beckles further commented about her concerns for the safety of the operators and spoke about

the necessity to prevent violent incidents towards Bus Operators. Director Beckles added that an expensive contract with the Sheriff's Office gives a false feeling of safety because they fail to respond to incidents on time. In continuance, Director Beckles commented that crime proliferation would be solved by having more resources in the community.

MOTION: ORTIZ/WILLIAMS to receive a report on the development of new and additional Key Performance Indicators (KPI) for the Alameda and Contra-Costa County Sheriff's contracts. The motion carried by the following vote:

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

- 7.H.** Consider adoption of Resolution No. 21-018 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of fifty diesel buses. [21-253](#)

This item was removed from the agenda and continued to the next Board of Directors meeting.

- 7.I.** Consider receiving a report on the District's Diversity, Equity, Access and Inclusion Efforts. [21-237](#)

This item was removed from the agenda and continued to the next Board of Directors meeting.

#### **Board Administrative Matters - President Ortiz**

- 7.J.** Consider receiving a report on plans to resume in-person public Board meetings as of the June 15, 2021 State reopening, subject to forthcoming state and local guidance; and provide direction to staff with respect to piloting "Hybrid" Board meetings. [Requested by Director Young - 4/14/21] [21-272](#)

Staff Contact: Linda Nemeroff, 891-7284

District Secretary Linda Nemeroff presented the staff report.

#### **Public Comment:**

**John Minot**, EBTRU, supported a pilot program to host hybrid Board meetings and explained how current online board meetings permit greater public participation. Minot expressed concern about District committees being able to conduct hybrid meetings.

**Derek Sagehorn**, EBTRU, supported the pilot program to host hybrid Board meetings which would improve and ensure public access to the Board meeting.

**Joty Dhaliwal**, PTA-EBDSA, supported the pilot program to host hybrid Board meetings and noted the convenience provided to the public that the current online meetings

offer.

**Board Discussion:**

Director Peeples spoke in support of holding hybrid meetings, primarily because they expanded AC Transit's audience well beyond the few people that would regularly attend meetings in-person.

President Ortiz inquired about social distance guidelines as of June 15th. Ms. Nemeroff advised that there is no crystal ball for what might happen come June 15th; however, staff is prepared to adapt to the changing conditions as new guidance is provided.

Chief Information Officer Ahsan Baig commented on the portability of video technology and advised that he would work with the District Secretary to find suitable technology to support hybrid Board meetings.

MOTION: PEEPLES/BECKLES to receive the report on plans to resume in-person public Board meetings and direct staff to begin a six month trial of hybrid meeting model and investigate various technologies. The motion carried by the following vote:

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

**8. CLOSED SESSION/REPORT OUT**

General Counsel Jill Sprague reported on the following litigation matter:

MOTION: ORTIZ/PEEPLES to approve settlement in the amount of \$150,000 in the matter of Cleveland v. Megaro, ACSC Case No. RG19025903. The motion carried by the following vote:

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

**Absent:** Beckles

In addition, Ms. Sprague announced that the Board would reconvene in Closed Session following the Financing Corporation meeting to continue discussions under Conference with Labor. Closed Session resumed at 8:32 p.m. and concluded at 9:06 p.m. There was nothing further to report out from Closed Session.

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

(Government Code Section 54956.9 (a))

Cleveland v. Megaro, ACSC Case No. RG19025903

**8.B. Conference with Legal Counsel – Potential Litigation (Two Cases)**

(Government Code Section 54956.9(b))

**8.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Labor and Employee Relations Manager 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. Review of the Agenda Planning Pending List.**

[21-018i](#)

Director Walsh referred to Director Peeples' request from April 28th about enforcement of agreement terms with the Clear Channel and asked for a report about the plan to deal with cleaning and maintenance of the shelters and how staff plans to ensure the shelters are maintained. The report should include the shelter maintenance specifications for a possible Request For Proposals. (Director Peeples concurred)

Director Walsh requested a report on strategies to compete with other transit agencies in hiring operators and what efforts are in place to retain and engage the current operator workforce. (Director Peeples concurred)

Director Peeples requested an update on the District's effort to address operator unavailability. (Director Walsh concurred.)

Director Shaw requested an update on the Facilities Master Plan. (President Ortiz concurred)

Director Shaw requested a report on the plan to provide supplemental school service to all school districts in the service area; and, considering operator unavailability, what is the cost to supply each school district with supplemental service post-pandemic and how does it compare with the cost and level of service before the pandemic. (President Ortiz concurred)

Director Beckles requested a report on implementing a Project Labor Agreement framework for capital improvement projects. (President Ortiz concurred)

### **10. GENERAL MANAGER'S REPORT**

#### **10.A. General Manager's Report for May 26, 2021.**

[21-020i](#)

The report was provided 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**

There being no further business to come before the Board of Directors, the meeting adjourned at 9:06 p.m. The next meeting of the Board is scheduled for June 9, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff  
District Secretary



**Item**

**4. PUBLIC COMMENT**

**Public Comments**

- Eric Arthur: As the Bay Area makes strides in vaccination, and that offices across the bay area are re-opening, or have plans to re-open in the near future. I am wondering what specific criteria are being evaluated to determine which Trans-bay bus lines come back, and on what time frame.