



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

VIRTUAL MEETING

Zoom link <https://actransit.zoom.us/j/98487175063>

Phone (669) 900 6833

Webinar ID: 984 8717 5063

Wednesday, September 22, 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 meeting on Wednesday, September 22, 2021, at 5:00 p.m.

The meeting was called to order at 4:02 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Beckles who arrived at 4:04 p.m. and Director Williams who was absent. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:53 p.m.

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

2. ROLL CALL

Director Williams was excused from attending the meeting (District Business).

Director Peeples arrived to the meeting at 5:07 p.m.

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

Absent: Williams

3. PRESENTATION

3.A. Salesforce Transit Center Wayfinding Project. [Requested by Director Shaw on 6/9/21]

[21-341](#)

Mr. Updike and Ms. Wu of the Transbay Joint Powers Authority (TJPA) gave the presentation, which included an overview of the funding for the project and discussed the formation of the Wayfinding Working Group, regional collaboration efforts, and coordination with AC Transit.

Public Comment:

Sheela Gunn-Cushman noted the importance of improving accessibility for visually impaired riders at the Salesforce Transbay Center and offered notes on the types of services that would be helpful, including braille signage, large-print signage, QR codes or NFC codes to facilitate screen reader technology, multi-language audio, and hearing loop technology.

Adina Levin commented on the potential benefits for transit riders in the future by combining the study of regionwide fare-integration and the wayfinding plans presented by TJPA staff.

Anthony supported ramping-up the wayfinding project as soon as possible and shared personal experiences utilizing the current wayfinding system.

Board Discussion:

Director Shaw thanked TJPA staff for the presentation and hoped there would be an opportunity to include riders in the process as their experiences could be used to better inform future decisions on the issue of wayfinding. She further recalled that a

presentation was given to the AC Transit Accessibility Advisory Committee last year and they provided comment on the proposed wayfinding plans. In addition, Director Shaw suggested that better maps were needed to help riders know which Transbay routes would take them to a BART station. It was also suggested that the maps indicate where the add-value machines are.

Director Walsh agreed with Director Shaw about the need to involve riders in the process. It was also suggested that there be some sort of short-term effort to help people with wayfinding in the interim while waiting for completion of the larger project. Director Walsh also suggested that it would be good to involve employees at the Transbay Transit Center in the project because they deal with the issues of wayfinding daily.

Director Beckles believed rider outreach was important as well as the need to address accessibility issues.

Director Peebles wanted more information on the Metropolitan Transportation Commission's regional wayfinding efforts and what the TJPA is doing to coordinate with them. Mr. Updike reported that the TJPA is attempting to move as quickly as possible but is working collaboratively on a regional approach that might help inform the final product of the wayfinding project.

The item was presented for information only.

4. PUBLIC COMMENT

Nathan, Peoples Transit Alliance of the East Bay Democratic Socialist of America (PTA-EBDSA), expressed support of Hazard Pay for front line employees and presented an excerpt of a KPFA news story addressing Hazard Pay for AC Transit front line employees.

Sheela Gunn-Cushman noted the hazard to visually impaired riders with the use of A-Frame signage. Gunn-Cushman also commented the inefficiency faced by Clipper Card users with the auto-load service because of the fixed \$20 reload and expressed the problem of poor communication surrounding the partial cancelation of Line 28 and the personal hardship this bus cancelation has caused.

Katy Scott-Smith, PTA-EBDSA, expressed support for Hazard Pay for AC Transit workers. Scott-Smith commented on the continued promotion for bus ridership, suggesting 50%-off bus fare promotion. Scott-Smith suggested that the District needs to encourage riders to ride more often and as their first choice.

Patrick Traugher requested a status report be presented on bus operator hires, retirements, and terminations for September.

Sultana Adams, D3 Operator, Assistant Shop Steward, noted several reasons for the approval of Hazard Pay and commented on an earlier public comment regarding the reduction of service on Line 28.

Joty Dhaliwal, PTA-EBDSA, commented on the importance of the approval of Hazard Pay and presented an excerpt of the KPFA news story addressing Hazard Pay for AC Transit front line

employees.

Quella Thompson, AFSCME member, thanked the public for their support of AC Transit employees and expressed solidarity ATU 192 members asking for Hazard Pay. Thompson asked that Hazard Pay be approved for the District's ATU and AFSCME members.

Lisa Harlow, AFSCME 3916, expressed support of the Hazard Pay request by ATU members and asked the Board to approve Hazard Pay for all employees who are not working remotely.

Rachel Garcia-Feezel, ATU 265, expressed support of the ATU 192 request for Hazard Pay and invited Board Members ride the buses to experience what transit workers experience daily.

Manveen Khera commented that the bus operators deserve Hazard Pay similar to other front-line workers like police, fire, and hospital workers.

Matthew L., PTA-EBDSA, noted that good faith bargaining is necessary in negotiations for Hazard Pay. Matthew L. commented that ridership promotion must continue and offered personal examples of possible promotions.

Steven Jefferson, D2 Assistant Shop Steward, noted that the Board needs to act to approve of Hazard Pay and shared personal work experiences during the pandemic.

Adina Levin expressed support for the Board's approval of Hazard Pay.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)

There were no public comments for items on the Consent Calendar.

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

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

Absent: Williams

6.A. Consider approving Board of Directors minutes of September 8, 2021. [21-441](#)

MOTION: PEEPLES/BECKLES to approve the Board of Directors minutes of September 8, 2021. The motion carried by the following vote:

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

Absent: Williams

6.B. Consider receiving the Monthly Report on Investments for July 2021. [21-415](#)

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

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

Absent: Williams

6.C Consider adoption of Resolution No. 21-034 authorizing the General [20-353a](#)

Manager or his designee to file and execute revised applications with the Metropolitan Transportation Commission (MTC) for MTC's Transit Capital Priorities (TCP) Program for Federal Fiscal Year (FY) 2021-22, FY 2022-23, FY 2023-24, and FY 2024-25, including Federal Transit Administration (FTA) Sections 5307, 5337, 5339 and Surface Transportation Program (STP) funds.

MOTION: PEEPLES/BECKLES to adopt Resolution No. 21-034 authorizing the General Manager or his designee to file and execute revised applications with the Metropolitan Transportation Commission (MTC) for MTC's Transit Capital Priorities (TCP) Program for Federal Fiscal Year (FY) 2021-22, FY 2022-23, FY 2023-24, and FY 2024-25, including Federal Transit Administration (FTA) Sections 5307, 5337, 5339 and Surface Transportation Program (STP) funds. The motion carried by the following vote:

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

Absent: Williams

- 6.D.** Consider review of Board Policy No. 352 - Payment of Expenditures: [21-422](#)
Signature Authorization with no amendments.

MOTION: PEEPLES/BECKLES to approve review of Board Policy No. 352 - Payment of Expenditures: Signature Authorization with no amendments. The motion carried by the following vote:

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

Absent: Williams

- 6.E.** Consider adoption of Resolution No. 21-037 in support of California [21-443](#)
Clean Air Day 2021.

MOTION: PEEPLES/BECKLES to adopt Resolution No. 21-037 in support of California Clean Air Day 2021. The motion carried by the following vote:

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

Absent: Williams

- 6.F.** Consider approving the formation of an AC Transit/City of Richmond [21-195](#)
Inter-Agency Liaison Committee.

MOTION: PEEPLES/BECKLES to approve the formation of an AC Transit/City of Richmond Inter-Agency Liaison Committee. The motion carried by the following vote:

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

Absent: Williams

- 6.G.** Consider approving the award of a five-year contract to Alliant for [20-408a](#)
employee benefits brokerage and consulting services.

MOTION: PEEPLES/BECKLES to approve the award of a five-year contract to Alliant for

employee benefits brokerage and consulting services. The motion carried by the following vote:

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

Absent: Williams

- 6.H.** Consider authorizing the General Manager to award a firm-fixed price construction contract to State Roofing Systems, Inc. of San Leandro California in the amount of \$1,042,562 for the replacement of the roof on the District's General Office building. [17-244a](#)

MOTION: PEEPLES/BECKLES to approve authorization for the General Manager to award a firm-fixed price construction contract to State Roofing Systems, Inc. of San Leandro California in the amount of \$1,042,562 for the replacement of the roof on the District's General Office building. The motion carried by the following vote:

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

Absent: Williams

7. REGULAR CALENDAR

External Affairs Items - Chair Williams

- 7.A.** Consider receiving the Monthly Legislative Report and approval of legislative positions if necessary. [21-122](#)

External Affairs Representative Steven Jones presented the staff report.

Public Comment:

Katy Scott-Smith, PTA-EBDSA, asked about the Board position on a State bill addressing the decriminalization of jaywalking and the status of this bill. Scott-Smith asked the Board to support the decriminalization of jaywalking.

Matthew L., PTA-EBDSA, commented on the bill in support of decriminalizing jaywalking and urged the Board to show its support of this bill.

Board Discussion:

Director Beckles asked why the Board isn't supporting AB 1238 regarding Pedestrian Access, saying that some laws disproportionately target people of color, and the bill would decriminalize jaywalking when no cars were present. General Counsel Jill Sprague advised that the bill could encourage unsafe conditions and result in more accidents which could lessen the District's ability to obtain liability insurance. Ms. Sprague added that she would follow up with a more detailed explanation after the meeting. Director Beckles felt that public participation would be meaningful, to which President Ortiz agreed and proposed to table the General Counsel's clarification for the next legislative update. Director Beckles concurred with President Ortiz and commented on ACA 1 Financing of Public Infrastructure (the assembly Constitutional Amendment) and its uncertain timeline.

MOTION: PEEPLES/WALSH to receive the Monthly Legislative Report. The motion carried by the following vote:

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

Absent: Williams

- 7.B.** Consider receiving a report on the process and timeline for the 2021 Ward Redistricting Project; and the adoption of Resolution No. 21-033 establishing procedures for adjusting the boundaries of the wards of the Alameda - Contra Costa Transit District. [21-029](#)

District Secretary Linda Nemeroff presented the staff report.

Public Comment:

There were no comments offered.

Board Discussion:

To President Ortiz's question about the work plan, Ms. Nemeroff clarified that, following the public outreach in January and the public hearing in February, the Board would be presented with the final drawings in March and vote on the adoption.

MOTION: PEEPLES/SHAW to receive a report on the process and timeline for the 2021 Ward Redistricting Project; and adopt Resolution No. 21-033 establishing procedures for adjusting the boundaries of the wards of the Alameda - Contra Costa Transit District. The motion carried by the following vote:

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

Absent: Williams

Finance and Audit Items - Chair Shaw

- 7.C.** Consider receiving a report on the trend of hourly cost of service. [21-412](#)
[Requested by Director Shaw - 8/11/2021].

[An Analysis of District 1/District 2 Revenues and Ridership as well as information on the trend of Cost Per Revenue Hour was presented at the meeting for the Board's consideration.]

Chief Financial Officer Chris Andrichak presented the staff report.

Public Comment:

Sheela Gunn-Cushman commented that she was concerned about the escalating costs and the fact that there is less service, fewer operators, and a need for better bus service.

Board Discussion:

President Ortiz asked about the allocation of revenues to Special District 2 and the

meaning of “Local Operating Assistance”. Mr. Andrichak advised that the charts in the staff report represented the percentage amount of growth in revenues over a period of time and that revenues assigned to Special District 2 actually represented a small amount of money. In addition, Local Operating Assistance refers to operating revenues from local sources such as Regional Measure 2 or other agencies that pay for contracted service.

Vice President Young observed that fringe benefits seemed high and wanted to know what was included in the fringe benefit category. Mr. Andrichak advised that this category is for everything paid to employees in addition to their salary, such as healthcare and workers' compensation insurance. Director Young requested greater clarification in future reports.

Director Shaw commented that her main concern was the District’s ability to deliver reliable and sustainable service to riders. She further observed that service increased by 2% while cost increased by 7% and was very concerned that the District may not be able to add service because it will not be able to afford it, pointing out that any new monies the District receives will be needed to cover costs rather than add new service. Mr. Andrichak agreed with this analysis.

Director Walsh was also concerned about escalating operating costs and wanted to know what the driving factor was. Mr. Andrichak advised that labor costs were the driving factor along with fuel and materials costs. He added that overtime is also partly responsible, but there are a combination of things contributing to the cost of service.

MOTION: ORTIZ/YOUNG to receive a report on the trend of hourly cost of service. The motion carried by the following vote:

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

Absent: Williams

Board Administrative Matters - President Ortiz

- 7.D.** Announcement of appointments to the AC Transit/City of Richmond Inter-Agency Liaison Committee. **21-195a**

President Ortiz announced the appointment of Directors Peeples and Beckles to the AC Transit/City of Richmond Inter-Agency Liaison Committee as regular members and Director Young as an alternate.

- 7.E.** Consider the adoption of Resolution No. 21-038 authorizing the AC Transit Board of Directors and all District Advisory, Oversight, Steering and Inter-Agency Liaison Committees to continue to meet remotely during a declared state of emergency, subject to the requirements outlined in Assembly Bill 361. **[21-453](#)**

There was no presentation of the staff report. District Secretary Linda Nemeroff was

available to address questions.

Public Comment:

There were no comments offered.

Board Discussion:

There was no discussion.

8. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out the following:

MOTION: PEEPLES/SHAW to approve the workers' compensation settlement in the amount of \$94,136.87 in the matter of *Byrdson v. AC Transit*, Case No. ADJ9621185. The motion carried by the following vote:

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

Absent: Williams

MOTION: PEEPLES/ORTIZ to approve the settlement in the amount of \$600,000.00 in the matter of *Tecl v AC Transit, et al.*, Case No. RG18786401. The motion carried by the following vote:

Ayes: Peeples, Ortiz, Walsh, Shaw, Young

Abstain: Beckles

Absent: Williams

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Byrdson v. AC Transit; WCAB Case No. ADJ9621185

Tecl v. AC Transit, et al., ACSC No. RG17876401

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. [21-018p](#)

Director Beckles requested a resolution in support of the City of Berkeley's effort to have municipality-funded transit and would allow staff to explore the feasibility of a fare-free pilot program in Berkeley. (Director Peeples concurred)

Director Shaw requested a report on the fares collected on Tempo (Line 1T) as a percentage of the ridership, including the payment method used. In lieu of the report, the requested data may be included in the Tempo Project Closeout report planned for a future Board meeting. (Director Walsh concurred)

Vice President Young requested a report on ways to alleviate the number of agenda planning requests and amount of work requested of staff. (President Ortiz concurred)

Director Walsh recalled a Board discussion from September 8th about fare products and Clipper usage, noting staff's goal to increase the use of Clipper as a payment method from 52% to 75%. Director Walsh requested a status update on achieving the goal. (Director Shaw concurred)

Following up from the Board Retreat last spring, Director Walsh requested a status report on efforts to streamline the administration of the Easy Pass Program, including information on any new clients. (President Ortiz concurred)

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for September 22, 2021. [21-020p](#)

The report was presented for information only.

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board commented on the events they attended since the last Board Meeting.

Directors Peeples and Walsh reported on their participation in the Center for Transportation and the Environment conference they attended in Denver, Colorado.

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 7:02 p.m. The next meeting of the Board is scheduled for September 29, 2021 at 9:00 a.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary