



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

### **MINUTES**

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

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

**Wednesday, October 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 meeting on Wednesday, October 13, 2021, at 5:00 p.m.

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

**2. ROLL CALL**

Director Peeples arrived to the meeting at 5:12 p.m.

Director Shaw used first of two excused absences allotted for Calendar Year 2021.

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

**Absent:** Shaw

**3. PUBLIC COMMENT**

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

Public speakers voiced their support for the approval of hazard pay for AC Transit service workers who maintain the buses and bus operators. The District was asked to work with the Unions to resolve any issues and approve hazard pay for essential workers. Some public speakers shared stories of the challenging working conditions faced by these essential employees, while others expressed frustration that hazard pay had not yet been approved. These public speakers included:

**Sultana Adams**, D3 Bus Operator & Asst Shop Steward

**Steve Greenberg**

**Carter (C.A.)**

**Khin Chin**

**Phyllis Jackson**

**Rachel Garcia-Feezel**, ATU 265

**Connie Mcfarland**, D2 Bus Operator

**Joao Sousa**, SEIU 1021

**Maria Henderson**, D3 Bus Operator

**Patrick Cato**, D3 Shop Steward

**Kelly Turner (KT)**, D3 Bus Operator

**Dori Goldberg**, PTA-EBDSA

**James Jackson**, Business Agent ATU 192

**#3378 Maria**, Dispatcher

In addition, other public speakers noted their views and reasons why AC Transit essential workers deserve hazard pay:

**Chris N.**, Service Employees International Union, Local 1021 (SEIU 1021) for the City of Berkeley, asked the Board to use funds from the American Rescue Plan Act (ARP) to fund

hazard pay for essential workers and to restore bus routes.

**Katy Scott-Smith**, People's Transit Alliance for the East Bay Democratic Socialists of America (PTA-EBDSA), lauded the District for the success of the "Fare Free Fridays" promotion, which increased ridership. Scott-Smith also noted the recent release of funds from the Metropolitan Transportation Commission (MTC) and suggested that AC Transit use the funds to increase bus service and add rider promotions again.

**Sheela Gunn-Cushman** reiterated past concerns about buses not showing up as scheduled. Gunn-Cushman asked the Board to address and fix this scheduling issue, noting that Line 28 needs to run every half-hour.

**Steve Jefferson**, Bus Operator, asked the Board to recognize the economic impact of hazard pay for the front-line workers. Jefferson noted that bus operators are proud of the Board and the work of the District employees.

**Brandi Donaldson**, ATU 192 - D3, lamented that bus operators continue to act as the "mask police" on coaches and noted that "wear your mask" signage keeps getting taken down.

**Jimanette James**, Bus Operator, ATU 192, noted that rising prices are creating financial and mental hardships on essential employees.

**Andrea Malarkey**, SEIU 1021 Member, South Berkeley Librarian, asked the Board to restore bus service in South Berkeley.

**Hayden Miller** shared an experience riding Line 78 line and noted the need for improvements. Miller commented on the need to return and expand service to recreation areas and that the District must bring back regular service and hire more bus operators.

**Richard Marcantonio**, Public Advocates, expressed concern that the delivered union proposal has not yet been acted on.

**Soli Alpert**, SEIU 1021 member with City of Berkeley, noted that bus operators should be recognized and compensated for their service and sacrifice.

**Shamone**, D3 Bus Operator, noted that granting hazard pay would be a means to show how bus operators are respected.

#### **4. MODIFICATIONS TO THE AGENDA**

President Ortiz announced that Agenda Item 6.F./Staff Report 21-460 (Travel Ban Letter) was pulled off the agenda by Director Walsh.

President Ortiz announced that Director Williams, as the Chair of External Affairs, has received an invitation and is added to the travel authorization for overnight accommodations for the Platinum Advisors Retreat, Item 5.D.

#### **5. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

MOTION: PEEPLES/YOUNG to receive, approve or adopt the items on the Consent Calendar as indicated, with the addition of Director Williams to the travel authorization presented as Item 5.D. The motion carried by the following vote:

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

**Absent:** Shaw

- 
- 5.A.** Consider approving Board of Directors minutes of September 22, 2021. [21-440](#)

MOTION: PEEPLES/YOUNG to approve the Board of Directors minutes of September 22, 2021. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.B.** Consider receiving Retirement Board minutes of August 18, 2021. [21-448](#)

MOTION: PEEPLES/YOUNG to receive the Retirement Board minutes of August 18, 2021. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.C.** Consider receiving the Accessibility Advisory Committee minutes of July 13, 2021. [21-449](#)

MOTION: PEEPLES/YOUNG to receive the Accessibility Advisory Committee minutes of July 13, 2021. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.D.** Consider authorizing lodging expenses for President Ortiz and Vice President Young to attend the Platinum Advisors 2021 Annual Client Retreat on October 19-20, 2021, in Sonoma, California. [21-466](#)

MOTION: PEEPLES/YOUNG to approve lodging expenses for President Ortiz, Vice President Young and Director Williams associated with the Platinum Advisors 2021 Annual Client Retreat on October 19-20, 2021, in Sonoma, California. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.E.** Consider approving amendments to Board Policy 155 - Travel and Meeting Expense Reimbursements for Directors and Board Officers. [21-411](#)  
[Requested by the Board - 7/28/21]

MOTION: PEEPLES/YOUNG to approve amendments to Board Policy 155 - Travel and Meeting Expense Reimbursements for Directors and Board Officers. [Requested by the Board - 7/28/21] The motion carried by the following vote:

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

**Absent:** Shaw

- 5.F.** Consider receiving the Semi-Annual Retirement Board Report. [21-438](#)

MOTION: PEEPLES/YOUNG to receive the Semi-Annual Retirement Board Report. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.G.** Consider authorizing the issuance of a solicitation to replace the main entrance gates and install new Guard Booths at Division 4 in Oakland. [21-400](#)

MOTION: PEEPLES/YOUNG to authorize the issuance of a solicitation to replace the main entrance gates and install new Guard Booths at Division 4 in Oakland. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.H.** Consider authorizing the release of a Request for Proposals (RFP) for Consultant Services for the Paratransit Coordinator's Office (PCO) for the East Bay Paratransit Consortium (EBPC). [21-461](#)

MOTION: PEEPLES/YOUNG to authorize the release of a Request for Proposals (RFP) for Consultant Services for the Paratransit Coordinator's Office (PCO) for the East Bay Paratransit Consortium (EBPC). The motion carried by the following vote:

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

**Absent:** Shaw

- 5.I.** Consider authorizing the issuance of a Request for Qualifications (RFQ) for On-Call Innovation and Technology (IT) Services. [21-426](#)

MOTION: PEEPLES/YOUNG to authorize the issuance of a Request for Qualifications (RFQ) for On-Call Innovation and Technology (IT) Services. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.J.** Consider approving a sole source contract with Oracle America, Inc. to provide technical support and software updates for PeopleSoft during the 2022-2031 contract period. [21-420](#)

MOTION: PEEPLES/YOUNG to approve a sole source contract with Oracle America, Inc. to provide technical support and software updates for PeopleSoft during the 2022-2031 contract period. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.K.** Consider award of five On-Call Project Management/Construction [20-360a](#)

Management Contracts with five-year terms to Chow Engineering, Inc.; Dabri, Inc.; Parsons Transportation Group, Inc.; VSCE, Inc.; and WSP USA, Inc.

MOTION: PEEPLES/YOUNG to approve the award of five On-Call Project Management/Construction Management Contracts with five-year terms to Chow Engineering, Inc.; Dabri, Inc.; Parsons Transportation Group, Inc.; VSCE, Inc.; and WSP USA, Inc. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.L.** Consider the adoption of Resolution 21-036 approving the new classifications of Systems Administrator, Systems Engineer, Senior Systems Engineer, Senior Network Security Engineer, and the revised classification of Network Security Engineer. [21-423](#)

MOTION: PEEPLES/YOUNG to adopt Resolution 21-036 approving the new classifications of Systems Administrator, Systems Engineer, Senior Systems Engineer, Senior Network Security Engineer, and the revised classification of Network Security Engineer. The motion carried by the following vote:

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

**Absent:** Shaw

- 5.M.** Consider authorizing the General Manager to exercise Option 1 (Year 4) to extend the District's contract with Alliant Insurance Services for the period beginning February 10, 2022 through February 9, 2023, for Insurance Broker Services. [18-162b](#)

MOTION: PEEPLES/YOUNG to authorize the General Manager to exercise Option 1 (Year 4) to extend the District's contract with Alliant Insurance Services for the period beginning February 10, 2022 through February 9, 2023, for Insurance Broker Services. The motion carried by the following vote:

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

**Absent:** Shaw

## **6. REGULAR CALENDAR**

### **Operations Items - Chair Beckles**

- 6.A.** Consider receiving background information on public and private employee vaccination initiatives, and provide direction to staff on whether to develop a plan to implement further measures to increase vaccination rates among District employees. [Requested by Director Walsh - 9/8/21] [21-468](#)

[A presentation on the District's vaccination measures was provided at the meeting for

the Board's consideration. In addition, written comment received prior to the meeting is incorporated into the file by reference.]

General Counsel Jill Sprague presented the staff report.

**Public Comment:**

**John Minot**, East Bay Transit Riders Union (EBTRU), urged AC Transit to mandate all AC Transit employees be vaccinated for COVID-19 without a testing option, presented reasoning for this position, and emphasized that employee representation needs to be at the table for these discussions.

**Allison Phillips** commented that the reported bus operator vaccination level is unacceptable, saying that transit workers must do everything to prevent coworkers and bus riders from getting sick. Phillips added that management must work with labor unions to discuss future action for improving vaccination initiatives.

**Lisa Harlow**, AFSCME Local 3916, would like to meet and confer with District management to discuss any vaccine mandate.

**Shamone**, D3 Operator, commented on vaccine mandates and is concerned of the elevated health risks on buses because the windows on buses are closed.

**Sheela Gunn-Cushman** noted concerns about vaccine mandates and advocated robust vaccination education for everyone.

**Frederick**, D4 Bus Operator, voiced that not enough is being done to ensure operator safety.

**Board Discussion:**

Vice President Young asked if staff had analyzed the impact of imposing a vaccine mandate on the workforce. Ms. Sprague advised that while staff has some variable information regarding possible exemption requests, it doesn't have concrete data on potential impacts and whether the mandate would cause resignations. Vice President Young mentioned that SFMTA had purportedly lost 300 bus operators due to the vaccine mandate and asked if a similar reaction was anticipated given the high attrition rate at the District. Another concern was how a 5, 10 and 15% loss in the workforce would affect bus service. General Manager Hursh commented that AC Transit has been conducting an aggressive recruitment effort to offset the standard attrition rate and that any loss in the number of available operators would dampen the efforts. Chief Operating Officer Salvador Llamas added that the District is on a path to add more operators and any loss would pause the current progress in hiring but believed the District would find a way to overcome adversity.

Director Peeples commented that he is fully vaccinated and that all AC Transit employees have health insurance benefits that covers vaccinations and Covid implications. Director Peeples further commented that the City of Oakland had mandated vaccinations and heard from their staff that they didn't experience adverse effects of the mandate in terms of resignations. Director Peeples favored Option 1 of the staff report, adding that it needs to be clear that the matter of vaccination is not a contract negotiation but stressed that conversations with the unions are critical.

Director Williams asked about feedback from the unions on the issue of vaccinations. General Manager Hursh advised that no official conversations have taken place; however, the Board will ultimately decide on the direction. Mr. Hursh further added that he had learned that some union members support the notion while others are opposed. Director Williams asked for clarification about closed windows on coaches mentioned by one of the speakers, to which Mr. Hursh responded by explaining the results of a smoke test done earlier in the pandemic. He clarified that closed windows and air conditioning provided the most fresh air throughput but added that staff would ensure more signage on coaches to educate riders. Director Williams asked about the number of the workforce eligible for retirement. General Manager Hursh advised that before the pandemic, about 40% were eligible but would follow up with more accurate data. Director Williams commented about the recent news regarding the resignation of bus operators at SFMTA due to the vaccine mandate. Mr. Hursh commented that the City and County of San Francisco mandated the vaccine, not the SFMTA Board, and that the situation was still unfolding.

Director Walsh believed that vaccines were a safe and effective way to keep the community safe and bring riders back to public transit. She applauded staff's robust efforts to educate and incentivize employee vaccinations at the District, but felt a mandate was now necessary to boost vaccination rates beyond current levels regardless of the opposition or fear of resignations, believing that more staff would adhere to the mandate once it is in place. Director Walsh expressed support of Option 1 (with no option for testing) to be implemented as soon as possible, preferably by mid-November, saying that AC Transit has an opportunity to lead on this issue and influence other organizations to take similar action.

Director Beckles supported Option 1 with the caveat to meet and confer with the labor unions, saying that vaccine mandates are not new, that vaccines have been historically mandated, and that covid will become a part of the mandate. Director Beckles also commented that it is imperative to care about others and combine collective efforts to benefit the entire community. Director Beckles praised staff for encouraging and incentivizing vaccination, adding that everything has been done to dispel the myths and educate about the benefits of the covid vaccine, but was disappointed that lives are still being lost. Director Beckles felt that it was her and the District's responsibility to ensure that the public is safe, saying that despite the loss of employees and service, riders too will be lost if they feel unsafe.

Ms. Sprague asked for the Board's direction in the event a mandate is received through CalOSHA or the Federal Government and whether their standard would take precedence over the Board's direction. Director Peoples clarified that the Board's position should be for the most vaccine-supportive position, and should CalOSHA or the Federal Government issue a mandate, that staff come back to the Board.

MOTION: WALSH/PEEPLS to impose a vaccination mandate and meet with labor



partners to discuss how it will be implemented. The motion failed by the following vote:

**Ayes:** Walsh, Peeples, Beckles

**Noes:** Williams, Young, Ortiz

**Absent:** Shaw

MOTION: ORTIZ/PEEPLES to discuss a vaccine mandate with the labor unions and come back to the Board by December 8, 2021, after the General Manager has had discussions with labor partners.

MOTION TO AMEND: WALSH/BECKLES to amend the motion to have management discuss with labor partners and come back to the Board at the November 10th Board meeting.

Director Peeples commented that he would not support the amendment on the grounds that discussions with the unions take time and cannot be completed by the next Board meeting. Director Beckles believed a vaccine mandate was an important issue that needed to be urgently addressed.

The amended motion failed by the following vote:

**Ayes:** Walsh, Beckles

**Noes:** Williams, Peeples, Young, Ortiz

**Absent:** Shaw

MOTION: ORTIZ/PEEPLES to discuss a vaccine mandate with the labor unions and come back to the Board by December 8, 2021, after the General Manager has had discussions with labor partners. Director Young requested an update on the impact of San Francisco's vaccine mandate on SFMTA's workforce as part of the December update. The motion carried by the following vote:

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

**Absent:** Shaw

#### **Finance and Audit Items - Chair Shaw**

- 6.B.** Consider receiving an update on the work of the Metropolitan Transportation Commission (MTC) Fare Integration Task Force. [21-145a](#)  
[Requested by Director Walsh - 12/9/2020]

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

Chief Financial Officer Chris Andrichak introduced William Bacon from the Metropolitan Transportation Commission (MTC) and Michael Eisenman from the Bay Area Rapid Transit District (BART) who presented an update on the work of MTC's Fare Integration

Task Force, including an overview of the study, key findings and recommendations, and recommended near-term actions.

**Public Comment:**

**John Minot**, EBTRU, presented personal views and reasons for Board approval of the fare integration study (also submitted a written comment on file).

**Sheela Gunn-Cushman** noted that the fare integration study questions were not helpful for people with disabilities and elderly riders and were inadequate because questions did not elicit suggestions.

**Hayden Miller** offered support for proposals moving toward Tiers 3 and 4 in the report for a regionwide system. Miller noted that AC Transit lacks a time-based window to allow bus transfers and that AC Transit needs to fix internal fare issues before addressing inter-regional fare issues.

**Ben Keller** expressed support for the recommendations of task force and excitement for the idea of an inter-agency transit pass.

**Derek Sagehorn**, EBTRU, expressed support of MTC efforts and programs, noting the benefits of expanded travel across transit agency areas, saying that any future plans must ensure an integrated system can be created and sustained as outlined in Tiers 3 and 4 of the report.

**Anne Olivia Eldred** noted the positive impact of an integrated transit system and offered personal experience with regard to the difficulty of Bay Area travel without an integrated transit system.

**George Spies** was encouraged by idea of seamless trips between transit regions. Spies urged the Board to support the study and added comments about economic equity issues and the promotion of a lower cost system for all people to use transit, which will maximize ridership.

**Liam Cain** offered personal commuter experience regarding the work commute involving travel across several agency regions. Cain expressed support of the Fare Integration Study and encouraged the Board to implement the recommended strategy.

**Chonita Chu**, United Seniors of Oakland and Alameda County, offered support of integrated fares and noted concerns focused on getting free transit for seniors.

**Board Discussion:**

Vice President Young appreciated the efforts to study fare integration and asked a number of penetrating questions about the development of the model and how it was used to formulate the findings and recommendations outlined in the presentation.

Mr. Bacon advised that MTC used the highly technical Regional Travel Model 1.5 to analyze potential ridership impacts, vehicle miles traveled impacts, and to forecast the impact of transportation investments and the price of a transit trips in different fare policy price options. He added that the analysis of the modeling is publicly available to the extent it can be presented in an intelligible manner. It was also reported that the model works by representing every single person in the Bay Area based on income distribution, location and accounts for the spectrum and the diversity of the Bay Area. In addition, a financial model was used to analyze the financial impacts associated with

changes in fare policies.

Vice President Young also asked if there was any modeling representative of new transit riders on any given day by gender, age, race, etc. and what the guarantee was in terms of ridership gains. Mr. Bacon advised that the modeling anecdotally accounted for this, but there was no guarantee that AC Transit would have an increase in ridership as a result of the proposal because the models were not certain, and it was hard to predict the future. Vice President Young further asked if the project was creating additional uncertainty that transit agencies could not handle at this time and what the models suggest in terms of increased transit usage post-covid. Mr. Bacon advised that it was one more thing to consider, but the recommendations were founded on the idea that transit systems would have to do a lot of things to recover from the pandemic in order to make transit more attractive to riders. In addition, post-covid scenarios were developed to gauge how the fare integration proposals might be affected, but were highly speculative. It was suggested that long-distance and regional service might recover more slowly than local services.

Lastly, Vice President Young asked what the drawbacks were for transit agencies as a result of the proposal. Mr. Bacon advised that staff is treading carefully with respect to investing scarce resources and wants to ensure that any proposal that advances in the process is efficient and aids in recovery. General Manager Michael Hursh advised that as the project is built out, the greater the risk is to local agencies that stand to lose local authority and local decision-making in setting fare policy. He added that there are two major hurdles that he has asked the Task force to consider: 1) how to pay for this; and 2) the loss of local control in setting fare policy. Vice President Young offered that another risk is to do this work and not have the impact that models suggest.

Director Peeples addressed a misrepresentation by one of the speakers that AC Transit did not have fare capping, when it does through a fare accumulator. He also raised the following scenarios that did not appear to be considered by the study: 1) that some parts of the Bay Area and AC Transit Special District 1 are very supportive of land use and transit, while other areas are not at all supportive; and 2) some areas are very supportive of taxing themselves to support transit, while others are not. He believed that these situations would eventually lead to equity issues. He also pointed out that BART's financial model did not support the idea of monthly passes. Mr. Eisenman responded that BART has an interest in pursuing a pilot and commented further on BART's financial model. Director Peeples expressed concern that the program will work to the extent there is a willingness by MTC to financially support it.

Director Walsh supported the recommendations and called attention to the support letter signed by 47 groups, which she believed was a testament to public support of fare coordination/integration. She further believed that fare integration represented a salient plan to bring riders back to transit in the midst of service reductions and unvaccinated workers. Director Beckles agreed.

Director Williams supported the idea of fare integration in general, but remained cautious that the District could remain financially sound. General Manager Hursh appreciated the effort put forth on the study, saying that while comments about the study have been positive in general, funding was a concern. He added that the early recommendations presented required further vetting by the Commission and agency boards who have a fiduciary responsibility to their constituencies and urged everyone to stay engaged in the process.

President Ortiz spoke in support of the effort and inquired about the issue equity and whether minorities would be part of the Committee. Mr. Bacon advised that the committee he talked about was a stakeholder advisory body that included representatives from minority communities.

Director Peeples appreciated the complexity of the work being done and complimented the presenters.

Director Beckles suggested collaboration with Contra Costa County to determine how Measure X funds might be used to fund this effort.

MOTION: PEEPLES/BECKLES to receive an update on the work of the Metropolitan Transportation Commission (MTC) Fare Integration Task Force. The motion carried by the following vote:

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

**Absent:** Shaw

- 6.C.** Consider adoption of Resolution 21-040 supporting the concept of municipally funded transit trips. [Requested by Director Beckles - 9/22/21]

[21-473](#)

Chief Financial Officer Chris Andrichak presented the staff report.

**Public Comment:**

**Katy Scott-Smith**, PTA-EBDSA, voiced support for municipally funded transit trips. Scott-Smith noted how a pilot program at the City of Berkeley shows how the District would benefit from municipally funded transit and advocated for the Board to do everything to implement, lobby for, and promote municipally funded transit.

**Dori Goldberg**, PTA-EBDSA, noted that AC Transit should move forward to obtain the municipal transit funds from the City of Berkeley, as riders are responding very well to fare-free transit. Goldberg noted that the use of alternative funding mechanisms for transit takes the burden off individual transit riders.

**Chris Nosso**, Aide to Berkeley Councilmember Kate Harrison, expressed support for the approval for municipal funded transit. Nosso noted ways that the City of Berkeley provides subsidies around town and how such subsidies benefits riders, the community, and the environment.

**Board Discussion:**

There was no discussion.

MOTION: YOUNG/PEEPLS to adopt Resolution 21-040 supporting the concept of municipally funded transit trips. The motion carried by the following vote:

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

**Absent:** Shaw

**Planning Items - Chair Peeples**

- 6.D.** Consider receiving the FY20-21 Annual Ridership and Route Performance Report in accordance with Board Policy 545 - Service Standards and Design Policy.

[21-445](#)

Manager of Systems Analysis Campbell Jung presented the staff report.

**Public Comment:**

There was no public comment offered.

**Board Discussion:**

Director Walsh asked if it was possible to obtain information regarding the line-by-line ridership impact associated with Fare Free Fridays. General Manager Michael Hursh reported that because automatic passenger counters were not available on the entire fleet, determining ridership would require a detailed statistical analysis. He added that the report before the Board concerned ridership during the previous fiscal year.

Vice President Young asked if the loss of ridership due to the pandemic could be considered permanent at this stage. Mr. Hursh advised that staff did not believe the losses were permanent but added there was uncertainty around changes in travel/commute patterns and the duration of work-from-home. He added that ridership is slowly returning but is not expected to return to normal for another 18 to 36 months. Vice President Young also asked if the District was doing any ridership modeling to project what happens over the next 12 months and what the catalyst would be to increase ridership. Mr. Hursh advised that staff does not but is working on a survey and closely watching other business surveys in an attempt to project what ridership patterns will look like. Mr. Hursh added that traffic and congestion would be the catalyst that will prompt a return to public transit. He also believed that most industries will look to bring people back to the office setting. He also felt that weekend events might provide a new market for public transit.

MOTION: YOUNG/ORTIZ to receive the FY20-21 Annual Ridership and Route Performance Report in accordance with Board Policy 545 - Service Standards and Design Policy. The motion carried by the following vote:

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

**Absent:** Shaw

- 6.E.** Receive a report on the various contracting scenarios and associated cost estimates for the District's Joint Powers Agreement Transit Shelter Program; and

[18-211e](#)

1) Consider the following scenarios, excluding Scenario A (the current contract structure):

- Scenario B: implement two separate contracts: one contract for cleaning and one contract for advertising, repairs, installations, and relocations;
- Scenario C: implement three separate contracts: one contract for cleaning, one contract for advertising revenue, and one contract for repairs, installations, and relocations;
- Scenario D: bring cleaning in-house and implement two separate contracts: one contract for advertising revenue and one contract for installations and relocations; or
- Scenario E: bring cleaning, installation, and repairs in-house and implement one contract for advertising revenue.

2) Authorize the General Manager to enter into a short-term sole source contract with Clear Channel Outdoor (CCO) for a period not to exceed 12-months and for an amount not to exceed \$1 million to ensure continuity of shelter maintenance; and authorize the issuance of solicitation(s) associated with the selected scenario chosen by the Board.

There was no presentation of the staff report.

**Public Comment:**

No public comment was offered.

**Board Discussion:**

Due to the length of the Board meeting, Vice President Young suggested that the Board act on the contract extension and continue the remainder issues under consideration until the October 27, 2021 Board meeting.

MOTION: YOUNG/ORTIZ to authorize the General Manager to enter into a short-term sole source contract with Clear Channel Outdoor (CCO) for a period not to exceed 12-months and for an amount not to exceed \$1 million to ensure continuity of shelter maintenance. The remainder of the item was continued to the October 27, 2021 Board meeting. The motion carried by the following vote:

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

**Absent:** Shaw

**Board Administrative Matters - President Ortiz**

- 6.F.** Consider whether to authorize a member of the Board to sign a letter expressing AC Transit's Concerns regarding events held in banned states. [Requested by Director Walsh - 8/11/21] **21-460**

The matter was removed from the agenda at the request of Director Walsh.

- 6.G.** Consider the adoption of Resolution No. 21-039 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through November 12, 2021. [21-053a](#)

[Recommendations for safely holding public meetings issues by Contra Costa Health Services is incorporated into the file by reference.]

There was no presentation of staff report.

**Public Comment:**

There was no public comment.

**Board Discussion:**

There was no discussion.

MOTION:: PEEPLES/ORTIZ to adopt Resolution No. 21-039 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through November 12, 2021. The motion carried by the following vote:

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

**Absent:** Shaw

**7. CLOSED SESSION/REPORT OUT**

The Board President advised that closed session was cancelled.

**7.A. Conference with Legal Counsel – Potential Litigation (Two Cases)**

(Government Code Section 54956.9(b))

**7.B. 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. 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.

### **8.A. Review of the Agenda Planning Pending List.**

[21-018q](#)

Vice President Young requested the creation of a policy establishing criteria that needs to be considered when taking a stand on a social issue. (Ortiz concurred)

Director Walsh requested a report on the feasibility and impacts of implementing free local transfers at AC Transit. (Beckles concurred)

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

### **9.A. General Manager's Report for October 13, 2021.**

[21-020q](#)

The report was presented for information only.

## **10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

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

## **11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 8:15 p.m. The next meeting of the Board is scheduled for October 27, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary



## EXHIBIT A – Minutes of the October 13, 2021 Board of Directors Meeting

### 3. PUBLIC COMMENT (eComment)

#### Public Comments

- Guest User: Every day we go to work and contact with people ..we are endangering ourselves and our families
- Guest User: I strongly agree with staff being paid hazard pay. Some of us have been injured because of this pandemic.
- Guest User: This is in reference to Hazard Pay for Bus Operators.....I am a Bus Operator and is in full support for Operators being paid Hazard Pay along with all essential Workers who come to work to serve their community and help to get them to work and school and all other places where they may going to provide that helping and needed help to keep communities continue to stay strong Thank You. R. Felder Division 6 Operator Badge #32913