



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

### **MINUTES**

#### **Board of Directors/Board Officers Retreat**

VIRTUAL MEETING

**Wednesday, March 31, 2021 at 9:00 AM**

**<https://bit.ly/3sFWixl>**

#### **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 Board of Directors/Board Officers Retreat on Wednesday, March 31, 2021. The meeting was called to order by President Ortiz at 9:01 a.m.

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.

**2. ROLL CALL**

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

**3. PUBLIC COMMENT**

There were no public comments offered.

**4. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

**5. DISCUSSION ITEM(S)**

**5.A.** Board/Staff roles and relationships. [Requested by President Ortiz - 3/10/21]

[21-203](#)

General Counsel Jill Sprague presented an overview of the statutes and Board Policy 101 that govern the Board and staff's responsibilities as well as the 1988 Civil Grand Jury Report.

Ms. Sprague addressed questions concerning the matter of directing staff to take specific actions. She explained that Board Policy prohibits the Board from directing staff and interfering with the day-to-day business decisions. Ms. Sprague clarified the distinction between direction given by individual Board Members as disallowed versus those of the Board as a legislative body, saying that the Board may provide direction to staff in its public meetings. She added that the Board has the responsibility to oversee the business affairs but does not have a say in the day-to-day decision-making and the running of the District, which is the General Manager's responsibility. Ms. Sprague also gave examples of what would be considered micromanagement.

On the topic of the Board's responsibilities, Director Shaw commented that one of the Board Members' primary responsibilities is to represent customers. In joining the conversation, Director Peeples offered his view on responding to individual constituents' requests while representing the general public and being cognizant of the limitations with directing staff. Director Young reflected on the Grand Jury Report's findings from the year 1987 related to that Board's interference with the District's operations, as a predicament that no one would want to be in, and encouraged staff to bring their concerns to the Board without fear of retaliation.

The item was presented for information and discussion purposes only.

Director Young left the meeting at 10:07 a.m. during the discussion of the Workers' Compensation Program.

**5.B. Overview of the District's Workers' Compensation Program.**

**[21-152](#)**

General Counsel Jill Sprague introduced the item. Invited guests were:

Workers Compensation Manager Lewis Lawrence  
Douglas Gibb, Executive Vice President with Athens Administrators  
Erin Walker, Attorney with Laughlin, Falbo, Levy, Moresi  
Judge Steven Siemers of Dispute Resolution, LLC

Mr. Gibb gave an overview of the basic terms and concepts of Workers' Compensation claims administration. Ms. Walker provided an overview of the claims litigation process and the associated costs. Judge Siemers gave an overview of the Alternative Dispute Resolution (ADR) process.

Board members asked clarifying questions around compensation rates and an indication of the number of claims related to Covid-19 in 2020. Ms. Walker advised that there were fewer claims filed in 2020 overall, but there would likely be an increase in claims related to Covid-19. The presenters pointed out that claims from 2020 haven't had a chance to enter the litigation process, but once it begins, the cost of these claims would increase dramatically for the District and may stretch over several years.

Director Peebles inquired if there was any legislation pending in Sacramento to address workers' compensation reform in order to make the process more efficient and cost effective. Judge Seimers reported that there were no efforts underway but advised that his experience has shown that the more the system is reformed, the more bogged down it gets. His goal was to try to make the labor/management portion of the process work better for the benefit of all parties.

The report was presented for information and discussion purposes only.

**5.C. EasyPass Program update. [Requested by Director Walsh - 1/27/21]**

**[21-151](#)**

Acting Director of Marketing and Communications Nichele Laynes and Marketing Administrator Eden Gerson gave the staff presentation. They addressed Board Members' questions about expanding the program and partnering with educational institutions and housing developments.

Director Shaw commented on the growth in EasyPass and the success of the program in terms of the amount of revenue it is generating. She wanted to know staff's thoughts about the growth of the program in light of other discount programs such as Clipper

Start. Ms. Laynes shared that other fare programs serve to enhance the District's fare options, saying that \$5 million in EasyPass revenue had been generated on a budget of \$700,000 to administer the program. Ms. Gerson spoke to the issue of program customization, including promotional materials and Clipper cards tailored for different clients.

Director Beckles commented positively on the program and asked how staff conducts its outreach (noting new housing developments in Richmond) and what type of discount riders receive. Ms. Laynes responded that EasyPass is a bargain for participants who often ride for free because the cost of the program is borne by the client. She added that the program sometimes takes time to implement due to the level of customization involved. Ms. Laynes further advised that staff's goal for 2022 was to have more outbound outreach and additional details were provided on how pricing is determined. An update on active discussions with colleges to expand the program was also given.

President Ortiz commented on the District's partnership with affordable housing developers. Ms. Laynes advised that EasyPass helps developers add a transit component to their projects.

Director Peeples commented on his involvement in establishing the initial EasyPass program, noting that groups initially had to be self-supporting and was not subsidized with other fare revenue. Ms. Laynes advised that the program is evaluated every year to ensure the average fare is consistent with EasyPass. Director Peeples asked what staff was doing to restore EasyPass at Peralta College. Ms. Laynes reported on staff's communication with Peralta staff and the lack of progress.

Director Walsh commented favorably about the program and believed there were a lot of untapped opportunities to expand it. She also offered her assistance in reaching out to groups and officials and looked forward to seeing staff's plan to obtain more clients and establish goals and targets. She further suggested that the District dedicate more resources to the program when financially feasible and reduce the amount of customization in order to streamline implementation.

The item was presented for discussion and information purposes only.

**5.D. Overview of the Capital Improvement Plan.**

**[21-150](#)**

Capital Planning and Grants Manager Evelyn Ng made a presentation.

Board Members inquired about the availability of grant funds and encouraged staff to take every opportunity to apply for grants.

The report was presented for information only.

**6. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

No comments were offered.

**7. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 11:20 p.m. The next meeting of the Board of Directors is scheduled for April 14, 2021 at 5:00 p.m.

Respectfully submitted

/s/

Linda A. Nemeroff

District Secretary