

County Connection

2477 Arnold Industrial Way Concord, CA 94520-5326 (925) 676-7500 countyconnection.com

BOARD OF DIRECTORS MEETING AGENDA

**Thursday, July 19, 2018
9:00 a.m.**

**CCCTA Paratransit Facility
Gayle B. Uilkema Memorial Board Room
2477 Arnold Industrial Way
Concord, California**

The County Connection Board of Directors may take action on each item on the agenda. The action may consist of the recommended action, a related action or no action. Staff recommendations are subject to action and/or change by the Board of Directors.

1. Call to Order/Pledge of Allegiance
2. Roll Call/Confirm Quorum
3. Public Communication
4. Consent Calendar
 - a) Approval of Minutes of Regular Meeting of June 21, 2018*
 - b) Lifeline Cycle 5 Grant Funding*
Resolution No. 2019-01*
(Approval of Resolution No. 2019-01, to continue to fund routes serving Communities of Concern in Central Contra Costa County.)
5. Report of Chair
 - a) Report from Nominating Committee for Election of CCCTA Officers
6. Report of General Manager
 - a) Update on the public hearing meetings that have been held so far on the proposed route and fare restructuring.
 - b) Update on the work of the California Air Resources Board (CARB) to adopt a public transit Zero Emission Based (ZEB) bus purchase mandate
7. Report of Legal Counsel
 - a) *Janus v. AFSCME*: U.S. Supreme Court Rejects Mandatory Agency Fees For Public Sector Employees*
8. Report of Standing Committee

Clayton • Concord • Contra Costa County • Danville • Lafayette • Martinez
Moraga • Orinda • Pleasant Hill • San Ramon • Walnut Creek

CENTRAL CONTRA COSTA TRANSIT AUTHORITY

a) Marketing, Planning & Legislative Committee
(Committee Chair: Kevin Wilk)

1) County Connection's Position on Proposition 6*
Resolution No. 2019-02**

(The MP&L Committee and staff recommends that the Board adopt
Resolution No. 2019-02, opposing the enacting of Prop 6.)

9. Board Communication

Under this item, Directors are limited to providing information, asking clarifying questions about matters not on the agenda, responding to public comment, referring matters to committee or staff for information, or requesting a report (on any matter) be made at another meeting.

10. Adjournment

*Enclosure

**It will be available at the Board meeting.

General Information

Possible Action: The Board may act upon any item listed on the agenda.

Public Comment: Each person wishing to address the County Connection Board of Directors is requested to complete a Speakers Card for submittal to the Clerk of the Board before the meeting convenes or the applicable agenda item is discussed. Persons who address the Board are also asked to furnish a copy of any written statement to the Clerk. Persons who wish to speak on matters set for Public Hearings will be heard when the Chair calls for comments from the public. After individuals have spoken, the Public Hearing is closed and the matter is subject to discussion and action by the Board.

A period of thirty (30) minutes has been allocated for public comments concerning items of interest within the subject matter jurisdiction of the Board. Each individual will be allotted three minutes, which may be extended at the discretion of the Board Chair.

Consent Items: All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Board Member or a member of the public prior to when the Board votes on the motion to adopt.

Availability of Public Records: All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available for public inspection at 2477 Arnold Industrial Way, Concord, California, at the same time that the public records are distributed or made available to the legislative body. The agenda and enclosures for this meeting are posted also on our website at www.countyconnection.com.

Accessible Public Meetings: Upon request, County Connection will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service so that it is received by County Connection at least 48 hours before the meeting convenes. Requests should be sent to the Board Clerk, Lathina Hill, at 2477 Arnold Industrial Way, Concord, CA 94520 or hill@cccta.org

Shuttle Service: With 24-hour notice, a County Connection LINK shuttle can be available at the BART station nearest the meeting location for individuals who want to attend the meeting. To arrange for the shuttle service, please call Katrina Lewis – 925/680 2072, no later than 24 hours prior to the start of the meeting.

Currently Scheduled Board and Committee Meetings

- Board of Directors: Thursday, September 20, 9:00 a.m., County Connection Board Room
- Administration & Finance: Wednesday, September 12, 9:00 a.m., Supervisor Andersen's Office, 3338 Mt. Diablo Blvd. Lafayette, CA
- Advisory Committee: TBA. County Connection Board Room
- Marketing, Planning & Legislative: Thursday, August 2, 9:30 a.m., Supervisor Andersen's Office, 3338 Mt. Diablo Blvd. Lafayette, CA
- Operations & Scheduling: Friday, September 7, 8:00 a.m. City of Pleasant Hill, 100 Gregory Ln, Pleasant Hill, CA 94523

The above meeting schedules are subject to change. Please check

the County Connection Website (www.countyconnection.com) or contact County Connection staff at 925/676-1976 to verify date, time and location prior to attending a meeting.

This agenda is posted on County Connection’s Website (www.countyconnection.com) and at the County Connection Administrative Offices, 2477 Arnold Industrial Way, Concord, California

County Connection

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CCCTA BOARD OF DIRECTORS

MINUTES OF THE REGULAR MEETING

June 21, 2018

CALL TO ORDER/ROLL CALL/CONFIRM QUORUM

Chair Schroder called the regular meeting of the Board of Directors to order at 9:04 a.m. Board Members present were Directors Andersen, Dessayer, Haydon, Hudson, Storer, Wilk and Worth. Directors Hoffmeister, Noack and Tatzin were absent.

Staff: Ramacier, Sherman, Cheung, Churchill, Dominquez, Glenn, Hedgpeth, Hill, Horta, Jackson, Kamara, Martinez, McCarthy, Mitchell, Rettig and Robinson

Public Comment: None

Public Hearing: CCCTA FY2019 Operating and Capital Budget

At 9:02 a.m., Chair Schroder opened the public hearing regarding the CCCTA FY2019 Operating and Capital Budget. Erick Cheung, Director of Finance, stated that the public hearing is being held for the purpose of discussing and receiving public input on the budget. He advised the public hearing was properly noticed in the Contra Costa Times. The total FY2019 operating and capital budget is \$46,063,896. The operating budget of \$39,474,896 is funded 82% with local funds, 12% from the farebox and special fare revenues, 4% federal funds, and 2% with other revenue. The operating budget will support approximately 220,582 revenue hours of fixed-route service and 74,394 revenue hours of County Connection LINK dial-a-ride services. Chair Schroder asked if there were any comments from the public regarding the FY2019 Operating and Capital Budget. No comments were received and the public hearing closed at 9:04 a.m.

CONSENT CALENDAR

MOTION: Director Andersen moved approval of the Consent Calendar, consisting of the following items: (a) Approval of Minutes of Regular Meeting of May 17, 2018; (b) CCCTA Investment Policy-Quarterly Reporting Requirement; (c) Adjustment to Non-Represented Administrative Employees Compensation, Resolution No. 2018-019; (d) Adoption of Gann Appropriations Spending Limitation for FY2019, Resolution No. 2018-020; (e) Approval of Resolution No. 2018-022, Declaring an Effective Date for Compensation Adjustment for the General Manager for FY 2018-2019. Director Wilk seconded the motion and it received the following vote of approval:

Aye: Directors Andersen, Dessayer, Haydon, Hudson, Schroder, Storer, Wilk and Worth
No: None
Abstain: None
Absent: Directors Hoffmeister, Noack and Tatzin

REPORT OF CHAIR:

Appointment of Nominating Committee for Election of CCCTA Officers

Chair Schroder named the nominating committee, consisting of himself and the two past Chairs, Director Storer and Director Hoffmeister. They will meet and discuss the upcoming CCCTA officer nominations.

REPORT OF GENERAL MANAGER:

Recognition of Employee with 20 Years of Service

Ben Poaha-Transportation

Recognition of Employee with 30 Years of Service

Sayed Miry-Transportation

Recognition of Retiring Employees

Elizabeth Lauver-Administration

Rick Rodriguez-Transportation

Report on the County Connection/BART Bus Bridge over the Memorial holiday weekend

Rick Ramacier introduced the item and turned the meeting over to Yvette Glenn, Director of Transportation. She informed the Board that the Bus Bridge was a success. We served 21,843 passengers using 24 buses a day. 6 Supervisors and 2 mechanics worked overtime in order to give the best service possible. As of right now, we will be potentially assisting Bart 11 more times.

Update the Board on the schedule of public hearing meetings on the proposed route and fare restructuring

Ruby Horta, Director of Planning, informed the Board that the Public Hearing schedule is:

Martinez: Council Chambers, 525 Henrietta St. on 6/25

Lafayette: Supervisor Andersen's Office, 3338 Mt. Diablo Blvd. on 6/26

Concord: Council Chambers, 1950 Parkside St. on 6/27

Pleasant Hill: Large Community Room, 100 Gregory Ln. on 7/9

Walnut Creek: Council Chambers, 1666 N. Main St. on 7/24

San Ramon: Community Center – Fountain Room, 12501 Alcosta Blvd. on 7/25

Rather than hold separate public hearings in some of the communities that will not be significantly affected by the proposed changes, staff plans to host public workshops and attend local community events to make the information accessible. Furthermore, residents in Orinda, Moraga, Clayton and Danville communities will have public hearings available nearby.

Update on the work of the California Air Resources Board (CARB) to adopt a public transit Zero Emission Based (ZEB) bus purchase mandate

Rick Ramacier stated that the CARB is still in the process of trying to pass AB3201, a bill to add large scale deployments of transit buses to the list of eligible projects for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.

REPORT OF STANDING COMMITTEES

Administrative & Finance Committee

Revised Fiscal Year 2019 Budget and Ten Year Forecast

Director Dessayer introduced the item and explained that this is the third time reviewing the budget. We've made some minor adjustments but no major changes from the last time we looked at it. He thanked staff for all of their hard work.

MOTION: Director Dessayer moved approval of Resolution No. 2018-021, the Revised Fiscal Year 2019 Budget and Ten Year Forecast. Director Worth seconded the motion and it received the following vote of approval:

Aye: Directors Andersen, Dessayer, Haydon, Hudson, Schroder, Storer, Wilk and Worth
No: None
Abstain: None
Absent: Directors Hoffmeister, Noack and Tatzin

Marketing, Planning & Legislative Committee

Triennial On Board Survey Results

Director Wilk introduced the item and turned the meeting over to Sean Hedgpeth, Manager of Planning. He explained that County Connection hired temporary employees to ride our buses and ask the riders questions about their satisfaction with our service, other modes of transportation that they may use and types of payment that they use as well.

MOTION: Director Wilk moved acceptance of the Triennial On Board Survey. Director Storer seconded the motion and it received the following vote of approval:

Aye: Directors Andersen, Dessayer, Haydon, Hudson, Schroder, Storer, Wilk and Worth
No: None
Abstain: None
Absent: Directors Hoffmeister, Noack and Tatzin

Mobility as a Service (MaaS)

Ruby Horta, Director of Planning, explained to the Board that at the May 29, 2018 Clipper Executive Board Meeting, MTC provided an update on Mobility as a Service (MaaS). Mobility as a Service, most commonly referred to as MaaS, is broadly considered to be the integration of various forms of transport services into a single mobility service accessible on demand. The ultimate goal of this fairly new concept is to provide an alternative to the use of a private car that may be as convenient, more sustainable, and help to reduce constraints in transport capacity.

County Connection agrees with MTC's notion that a collaborative partnership with Maas solutions has many opportunities to promote a more sustainable transportation system in the Bay Area. The merging of existing transit options with new developments should be thoroughly vetted to ensure maximum compatibility and protect long-term investments in technology. Furthermore, the region should prioritize solutions that do not contradict or impede MTC's goal of partnering Clipper with various mobility services. County Connection recognizes the importance of participating in these regional discussions with interested parties in the transportation industry including the County, Cities, the Transportation Authority (CCTA), and others, to ensure consistent and compatible solutions.

This was an informational item intended to introduce the Board to the MaaS concept.

County Connection Strategic Plan Development Timeline Update

Sean Hedgpeth, Manager of Planning, explained that County Connection is working with consultant Nelson Nygaard in developing a strategy on the development of a CCCTA strategic plan. As we develop more information we will be going back to the MP & L Committee and the Board.

Operating & Scheduling Committee

Route 28 Realignment

At the May 2018 Board of Directors meeting, the Board authorized staff to take actions to eliminate Route 3 and implement Route 99X, starting Fall 2018. At the public meeting on May 14, 2018, staff reached out to the public to hear their concerns in the Martinez City Hall Council Chamber. After listening to the attendees, staff noted that the elimination of Route 3 would primarily impact passengers living near Vista Way and other Martinez residents who currently use the route.

In order to mitigate the loss of this service, staff has worked with City of Martinez staff to identify a new potential stop on Old Orchard Road at Arnold Dr. The stop meets the City's requirements and is about 200 feet away from the previous Route 3 stop along Arnold Dr. The new Route 28 also creates a new connection to Walmart for the DVC neighborhood and expands access beyond Walmart to the residents around Vista Way.

BOARD COMMUNICATION: None

Closed Session:

Chair Schroder started the closed session at 9:44 a.m. to discuss the following items:

- a.) Conference with Labor Negotiator (pursuant to Government Code Section 54957.6)
Employee Organizations:
Amalgamated Transit Union, Local 1605, AFL-CIO, Bus Operators
Machinists Automotive Trades District Lodge No. 1173, Machinists
Teamsters Union, Local 856, AFL-CIO, Transit Supervisors
- b.) Public Employee Performance Evaluation (pursuant to Government Code Section 54957(B)(1); Conference with Labor Negotiator (pursuant to Government Code Section 54957.6)
Position: General Manager

Open Session:

The Board of Directors returned to open session at 10:02 a.m. Chair Schroder reported the Board met in closed session with Labor Negotiator, Pat Glenn, regarding the status of negotiations with Amalgamated Transit Union Local 1605, Machinists Automotive Trades District Lodge No. 1173, and Teamsters Local 856

MOTION: Chair Schroder moved to ratify the Memorandum of Understanding with the following employee organizations:

Amalgamated Transit Union, Local 1605, AFL-CIO, Bus Operators
Machinists Automotive Trades District Lodge No. 1173, Machinists
Teamsters Union, Local 856, AFL-CIO, Transit Supervisors

Director Andersen seconded the motion and it received the following vote of approval:

Aye: Directors Andersen, Dessayer, Haydon, Hudson, Schroder, Storer, Wilk and Worth
No: None
Abstain: None
Absent: Directors Hoffmeister, Noack and Tatzin

ADJOURNMENT: Chair Schroder adjourned the regular Board meeting at 10:05 a.m.
Minutes prepared by

Lathina Hill
Assistant to the General Manager

Date

INTER OFFICE MEMO

To: Board of Directors

Date: 7/3/2018

From: Ruby Horta, Director of Planning & Marketing

Reviewed by: 

SUBJECT: Lifeline Transportation Program Cycle 5 Grant Funding

Background:

On February 6, 2018, the Metropolitan Transportation Commission (MTC) released guidelines for the Cycle 5 Lifeline Transportation Program (LTP). The purpose of the LTP is to fund projects that result in improved mobility for low-income residents of Contra Costa. Approximately \$3.1 million is expected to be available to Contra Costa through MTC from two funding sources over a two-year funding cycle (FY 2017 and FY 2018). The funding sources available are State Transit Assistance and Federal Transit Administration Section 5307 (formula) funding. To be eligible to receive these funds the entity must be a recognized public transit operator.

On February 21, 2018 the Contra Costa Transportation Authority (CCTA) authorized the release of a Call for Projects for the Contra Costa LTP program. Applications for project funding were due on April 6, 2018. County Connection submitted an application for continued funding for services funded by previous LTP cycles. The routes supported by this funding source all serve the Monument Corridor, which includes Route 11, 14, 16, 18, 19, 311, 314, and 316. These routes provide basic transportation services to County Connection riders; 35 percent of whom are low income. All lines serve and/or are predominantly located in Communities of Concern. Public Transit is a primary means of transportation for both the adult and youth populations within the Communities of Concern. All lines presently provide service to employment, services, retail, schools, health care and coordination to BART stations. Funding this project would preserve existing headways and service span.

Financial Implications:

CCTA estimates awarding County Connection \$766,723 to preserve operations in Central County Communities of Concern. The required local match would be funded with TDA funds and farebox revenues.

Action Requested:

Staff and the A&F Committee respectfully requests the board adopt Resolution No. 2019-01 to approve the use of the Lifeline funds dedicated to Communities of Concern in Central Contra Costa County.

Attachments:

Resolution 2019-01

RESOLUTION NO. 2019-01

**CENTRAL CONTRA COSTA TRANSIT AUTHORITY
BOARD OF DIRECTORS**

SUPPORT FOR CYCLE 5 LIFELINE PROJECT FUNDING

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("County Connection"), a joint exercise of powers agency created under California Government Code Section 6500 et seq., for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions; and

WHEREAS, the Metropolitan Transportation Commission ("MTC") has established a Lifeline Transportation Program to assist in funding projects that 1) are intended to result in improved mobility for low-income residents of the nine San Francisco Bay Area counties, 2) are developed through a collaborative and inclusive planning process and 3) are proposed to address transportation gaps and/or barriers identified through a substantive community-based transportation plan or are otherwise based on a documented assessment of needs; and

WHEREAS, MTC has adopted principles, pursuant to MTC Resolution No. 4309, to guide implementation of the Lifeline Transportation Program for the two year period from Fiscal Year 2016-17 through Fiscal Year 2017-18, and has designated the County Congestion Management Agency in each of the nine bay area counties to help with recommending project selections and project administration; and

WHEREAS, Contra Costa Transportation Authority has been designated by MTC to assist with the Lifeline Transportation Program in Contra Costa County on behalf of MTC; and

WHEREAS, Contra Costa Transportation Authority conducted a competitive call for projects for the Lifeline Transportation Program in Contra Costa County; and

WHEREAS, Central Contra Costa Transit Authority submitted a project(s) in response to the competitive call for projects; and

WHEREAS, Contra Costa Transportation Authority has confirmed that Central Contra Costa Transit Authority's proposed project(s), described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, is consistent with the Lifeline Transportation Program goals as set out in MTC Resolution No. 4309; and

WHEREAS, Contra Costa Transportation Authority, after review, recommends Central Contra Costa Transit Authority's proposed project(s), described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, be funded in part under the Lifeline Transportation Program; and

WHEREAS, Central Contra Costa Transit Authority agrees to meet project delivery and obligation deadlines, comply with funding conditions placed on the receipt of funds allocated to the Lifeline Transportation Program, provide for the required local matching funds, and satisfy all other conditions set forth in MTC Resolution No. 4309; and

WHEREAS, Central Contra Costa Transit Authority certifies that the project(s) and purpose(s) for which funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 1500 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and

WHEREAS, there is no legal impediment to Central Contra Costa Transit Authority making the funding request; and

WHEREAS, there is no pending or threatened litigation which might in any way adversely affect the ability of Central Contra Costa Transit Authority to deliver the proposed project(s) for which funds are being requested, now therefore be it

RESOLVED, that Central Contra Costa Transit Authority requests that MTC program funds available under its Lifeline Transportation Program, in the amounts requested for which Central Contra Costa Transit Authority is eligible, for the project(s) described in Attachment A of this Resolution; and be it further

RESOLVED, that staff of Central Contra Costa Transit Authority shall forward a copy of this Resolution, and such other information as may be required, to MTC, Contra Costa Transportation Authority, and such other agencies as may be appropriate.

Regularly passed and adopted this 19th day of July 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Rob Schroder
Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board

ATTACHMENT A
Lifeline Transportation Program Cycle 5 Projects
FY17 & FY18

Project Name	Project Description	Lifeline Transportation Program Funding Amounts			Local Match Amount	Total Project Cost
		STA	5307	Total Lifeline Funding		
Lifeline Service Preservation	Funds will be utilized to continue service to Communities of Concern in the Central portions of Contra Costa County. Funding this project would preserve existing headways and service span on the following routes: 11, 14, 16, 18, 19, 311, 314, and 316.	\$752,666	\$14,057	\$766,723	\$6,344,444	\$7,111,167

Labor & Employment

Janus v. AFSCME: SCOTUS Rejects Mandatory Agency Fees For Public Sector Employees

June 28, 2018

[Article PDF](#)

In a significant decision for all public agencies, yesterday the U.S. Supreme Court ruled in a 5-4 decision that the First Amendment prohibits public employees from being compelled to pay what are known as "agency fees" when they choose not to join their union. *Janus v. AFSCME*, No. 16-1466 (June 27, 2018).

In so holding, the Court overruled its 1977 decision in *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977). In *Abood*, the Court held that requiring nonmembers to pay an agency fee advanced the state interests of promoting "labor peace" and avoiding free riders and thus did not run afoul of the First Amendment. Under *Abood*, unions could charge nonmembers a fee for union expenditures attributable to those activities "germane" to the union's collective bargaining activities. Unions were not allowed to charge nonmembers for the union's political and ideological efforts.

Yesterday, the Court overturned *Abood* and held that such agency fee arrangements violate the First Amendment. The Court found that requiring payments to unions that negotiate with public agencies impermissibly compels workers to "subsidize the speech of . . . private speakers." The Court found that *Abood's* line between charges for political vs. nonpolitical union activities "has proved impossible to draw with precision." For example, in *Janus*, nonmembers were required to pay for unspecified "[l]obbying expenses" and for "services that may ultimately inure to the benefit of the members of the local bargaining unit." The Court found that such a formulation was "unworkable" as it was "broad enough to encompass just about anything that the union might choose to do."

The Court also held that the justifications for agency fees set forth in *Abood* do not survive the "exacting scrutiny" required for infringements upon First Amendment rights. The Court noted that unions effectively represent millions of public employees in jurisdictions that do not permit agency fees. The Court reasoned that "labor peace could be achieved 'through means significantly less restrictive of associational freedoms' than the assessment of agency fees." Further, the Court held that "avoiding free riders is not a compelling state interest" to overcome First Amendment objections. The Court left open the possibility that unions could charge individual nonmembers to pay for representation in disciplinary grievance proceedings.

Employer Take Away

The Court effectively has invalidated any state law or collective bargaining provision that authorizes agency shop arrangements requiring represented employees to pay an agency fee to the union as a condition of continued employment. In California, the Meyers Milius Brown Act ("MMBA"), Government

For more information, please contact:

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Related Practices

Labor & Employment

Employee Benefits

Code § 3502.5, allows agency shop agreements. As a result, virtually every collective bargaining agreement with public agencies in California provides for agency fee deductions for represented employees. Therefore, we recommend the following next steps for California public employers:

1. Immediately develop a plan to discontinue paycheck deductions for agency fees;
2. Compile an accurate list of all agency fee payers in your agency;
3. Develop a plan to adjust the fee payment to the Union;
4. Review your collective bargaining agreements for any agency fee or wage deduction arrangement, including the mechanics of fee deduction such as timing, amount, and frequency;
5. If you are contacted by a Union to bargain over the impact of *Janus*, we recommend that you contact your labor counsel to evaluate whether your contracts may require effects bargaining; and
6. Exercise care in communicating with employees about *Janus* and its effects on public employees. Yesterday, Governor Jerry Brown signed SB 866, a fast-tracked budget trailer that requires public employers to engage in a meet and confer process with unions regarding any "mass communication" to employees or applicants concerning their rights to join/support or refrain from joining/supporting their union. Under the Meyers Milias Brown Act (Government Code sections 3500 et seq.), California public employers may not deter or discourage public employees from becoming or remaining members of a Union. Public employee unions are on high alert for any perceived unfair labor practices by public employers in the wake of the *Janus* decision. It is appropriate to inform agency fee payers that there will be a change in their paychecks because of the Supreme Court's ruling in *Janus*, (e.g. through a payroll staffer). However, avoid informing all employees that if employees choose to leave the union, they will no longer be required to pay an agency fee. Such a communication could put the employer at risk for an unfair labor practice claim.

If you have any questions, please contact your Hanson Bridgett attorney.

To: Board of Directors

Date: 07/13/2018

From: Rick Ramacier, General Manager

SUBJECT: State Proposition 6 and the County Connection Response

Background

In 2017, the State enacted Senate Bill 1 (SB1) – Beall. This legislation raises new tax based revenues for transportation, including public transit. It does so, through an increase in the state gas tax paid at the pump, and an increase in the state vehicle license fees – as well as other increases in taxes.

Based on events to date, County Connection can expect to receive at least \$2.6 million in additional State Transit Assistance (STA) operating funding per year and an additional estimated \$119,000 or so in capital funding. Also, County Connection can compete regionally and within the State for other SB1 related funding.

The infusion of SB1 STA funding will allow County Connection to maintain its present level of services through FY23. If it were not for this SB1 STA funding, County Connection is projected to close FY21 with a negative balance of revenue. These forecasts were part of the recently adopted FY19 County Connection operating and capital budget. Thus, SB1 STA revenues are crucial to County Connection in terms of maintaining service levels over the next four to five years as we thoughtfully address our need for future financial stability.

SB1 is the first piece of major state legislation to begin to restore the great loss of state transit revenue support that occurred in 2010. In 2010, California enacted what is commonly called the Gas Tax Swap (swap). This swap eliminated the state sales tax on gas. To that point, it was the sales tax on gas that provided the bulk of funding for the STA program. County Connection permanently lost at least \$2 million (in 2010 dollars) in annual STA operating funding when the Gas Tax Swap was enacted.

Proposition 6 (Prop 6)

As you know, Prop 6 has qualified for the November, 2018 ballot. Voters will be asked if they wish to vote to repeal the underlying taxes of SB1. Prop 6 – if passed – will also amend the state constitution to require that any future increases in gas taxes or vehicle operating fees go before the voters for approval.

Thus, if Prop 6 passes in November, County Connection will lose roughly \$2.6 million in annual operating revenue. This would very likely to necessitate a significant reduction in services by 2021. From this perspective, County Connection has an interest in SB1 not being repealed by the passage of Prop 6.

County Connection Options

Attached please find a two-page document from Legal Counsel titled, "Ballot Measure/Political Activities Guidelines". This document outlines what County Connection can do to educate/inform the public with respect to the effects of Prop 6. It also outlines what board members and/or staff can do. Thus, County Connection can inform the public that the repeal of SB1 through the passage of Prop 6 could mean the loss of at least \$2.6 million in annual funding to the agency – likely leading to a reduction of services by 2021. The County Connection Board of Directors can choose to adopt a resolution that expresses support or opposition to Prop 6.

MP&L Committee Discussion & Recommendation

At its meeting on July 12, 2018, the MP&L Committee discussed Prop 6, how County Connection might respond as well as the need for the revenue projected to flow to County Connection under SB1.

The MP&L Committee requests that the Board of Directors adopt Resolution No. 2019-02 stating that:

- SB1 STA revenue is vital to County Connection maintaining and sustaining existing levels of services.
- Expressing it's opposition to Prop 6.

The MP&L Committee also recommends that County Connection place information on the web page simply outlining the annual value in terms of revenue to County Connection from SB1. And, that County Connection develop simple educational materials for distribution to interested parties.

CENTRAL CONTRA COSTA TRANSIT AUTHORITY

BALLOT MEASURE / POLITICAL ACTIVITIES GUIDELINES

GENERAL RULE: CCCTA resources (including but not limited to funds, staff time, and office supplies) **may not** be used to advocate or campaign for or against a local or state ballot measure. CCCTA resources **may** be used to develop, research, and/or plan for the effects of a measure on the agency, and to share the results of that work in informational/educational materials that are neutral and balanced in their timing, tenor and tone.

Permissible Activities

- The Board may propose a ballot measure, and may adopt a resolution to support or oppose a ballot measure. The Board must allow public comment before taking action. As a precaution, it is advisable for any such resolution to state that no public funds or resources will be used to support or oppose the measure.¹
- Directors and staff may prepare and distribute informational/educational materials about a measure that are objective, impartial, and factual. For example, a balanced (i.e. presenting both pro and con viewpoints) and fact-based analysis of the effect of the measure on CCCTA and its customers is permissible.
- Directors and staff may respond to inquiries, participate in interviews and discussions, and make presentations about a measure in an objective, impartial, and factual manner. If the Board adopts a resolution endorsing or opposing the measure, Directors and staff may state the position of the Board and address the anticipated effects of the measure.
- Staff may engage in activities that advocate or campaign for or against a measure during their personal time, including lunch hours, authorized breaks, vacations, etc. Staff should clarify that they are acting as individuals and are not participating in advocacy or campaign activity during their working hours.

¹ Note that staff time and other related resources expended on Board support leading up to a resolution in support or opposition of a measure – such as drafting a measure, researching the potential effects of a measure, gathering public opinion regarding whether to propose/support/oppose a measure, and drafting a staff report – is not viewed as an expenditure of public funds on impermissible political activity.

- Directors and staff may contribute their own money, resources and time to support or oppose a measure.
- Directors and staff may announce their own personal support of or opposition to a measure and try to convince others of the same position during their personal time.

Prohibited Activities

- Directors and staff may not support or oppose a measure (i.e. advocate or campaign for or against the measure) while "on the CCCTA clock", or use any CCCTA resources for such a campaign, including but not limited to copy or fax machines, telephones, computers, paper and other supplies, vehicles and facilities.
- Public funds may not be used to purchase bumper stickers, posters, advertising floats, television or radio spots, or other typical campaign materials.
- Directors and staff may not specifically solicit contributions for the measure's campaign from CCCTA employees. Directors and staff may solicit support from the public, or a group of the public not primarily consisting of CCCTA employees, so long as the solicitation does not occur on CCCTA time or use CCCTA resources.
- Staff may not add a link on the CCCTA website to a measure's advocacy or campaign website.
- Directors and staff may not distribute advocacy or campaign materials via CCCTA's internal communication system or post advocacy or campaign materials at or within CCCTA facilities.
- Directors and staff may not use CCCTA e-mail addresses to distribute advocacy or campaign materials or messages.
- Staff may not campaign in CCCTA uniforms.

Penalties

- Violations could result in criminal and civil penalties for misuse of public resources.

Questions? Please contact Legal Counsel Madeline Chun (415-995-5032; mchun@hansonbridgett.com) or Julie Sherman (415-995-5185; jsherman@hansonbridgett.com).