



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 4:00 PM for Agenda Items 8A-8E

HYBRID MEETING

AC Transit General Offices
2nd Floor Board Room
1600 Franklin Street, Oakland, CA 94612

Phone (669) 900 6833
Webinar ID: 984 8717 5063
Zoom link <https://actransit.zoom.us/j/9848717506>

Wednesday, November 9, 2022 at 5:00 PM
<https://bit.ly/3GocDB1>

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)
MURPHY MCCALLEY (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, November 9, 2022, at 5:00 p.m.

The meeting was called to order at 4:00 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 8A-8E as listed on the agenda. Closed Session concluded at 4:42 p.m.

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

2. ROLL CALL

Present: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

3. PRESENTATION

- 3.A.** Consider the adoption of Resolution No. 22-039 expressing heartfelt appreciation and best wishes to Elsa Ortiz for 16 years of dedicated service as a member of the AC Transit Board of Directors representing Ward 3. [22-528](#)

Presenter:

Vice President Joel Young

Vice President Young read portions of Resolution No. 22-039 honoring President Ortiz for 16 years of dedicated service as a member of the Board of Directors and outlined the numerous accomplishments, awards, and highlights of her career. Following adoption of the resolution, President Ortiz was presented with a clock for her years of service on the Board, an award for her six years as Board President, and a personal gift from members of the Board of Directors. General Manager Hursh, District Secretary Nemeroff, and General Counsel Sprague expressed gratitude to President Ortiz for being a transformational District leader who raised the bar for staff. Members of the Board shared thoughtful appreciation for President Ortiz, her work ethic, approach, leadership, and legislative and lobbying efforts.

Public Comment:

Members of the public congratulated President Ortiz on her retirement from the Board and expressed recognition, appreciation, dedication to public service, outstanding community service, and hard work for her years of public service on the Board. These members of the public included:

Jaimie Levin, West Coast Operations Director, Center for Transportation and the Environment

Adina Levin, Seamless Bay Area

Joe Bates, Business Agent, AFSCME Local 3916

Jane Kramer

Sultana Adams, D3 Bus Operator

Staff Members expressed their recognition of President Ortiz's hard work, dedication, drive, and support of staff. These staff members included:

Robert del Rosario, Director of Service and Planning

Beverly Greene, Executive Director, External Affairs, Marketing and Communications

Claudia Burgos, Director of Legal Affairs and Community Relations

Kerry Jackson, Protective Service Manager

Salvador Llamas, Director of Operations

President Ortiz thanked Board members and numerous individuals, employees and District leadership for their help and support over the years, and also acknowledged the re-election of Joel Young, Murphy McCalley, Diane Shaw and the election of Sarah Syed, saying that she could leave knowing the District was in good hands.

MOTION: PEEPLES/BECKLES to adopt Resolution No. 22-039 expressing heartfelt appreciation and best wishes to Elsa Ortiz for 16 years of dedicated service as a member of the AC Transit Board of Directors representing Ward 3. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

4. PUBLIC COMMENT

[Written comment received prior to the meeting in incorporated as Exhibit A.]

Willy Posey commented on a bad experience with AC Transit Bus Operators while riding his scooter.

Several members of the public expressed their comments, concerns, and recommendations regarding the upcoming discussion at the Metropolitan Transportation Commission to create a decision-making body for Bay Area transit network management, noting that the initial plan to create a governing body made up of Transit Agency managers lacks adequate policymaking experience or region-wide rider representation, whose views may be more locally biased. These public speakers included:

George Spies

John Minot, East Bay Transit Riders Union (EBTRU)

Adina Levin, Seamless Bay Area

Derek Sagehorn, EBTRU

Brian Culbertson

Members of the public commented on issues and views related to the authorization and distribution of Appreciation Pay to certain AC Transit employees. These public speakers included:

Quella Thompson, President, AFSCME Local 3916

Joe Bates, Business Agent, AFSCME Local 3916

Sultana Adams, D3 Bus Operator

Jimanette James, ATU 192, also congratulated President Ortiz on her retirement.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

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

There was no public comment offered on the Consent Calendar.

MOTION: PEEPLES/YOUNG to receive, approve, or adopt the items on the Consent Calendar as indicated with the exception of Items 6.N., 6.O., and 6.W. which were pulled off the Consent Calendar. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.A.** Consider receiving the FY 2022-23 First Quarter Travel and Meeting Expense Report for Directors and Board Officers. [22-566](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/YOUNG to receive the FY 2022-23 First Quarter Travel and Meeting Expense Report for Directors and Board Officers. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.B.** Consider receiving the Accessibility Advisory Committee minutes of September 13, 2022. [22-575](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/YOUNG to receive the Accessibility Advisory Committee minutes of September 13, 2022. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.C.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [22-567](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/YOUNG to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.D.** Consider approving the award of eight (8) contracts for On-Call Architectural/Engineering services to Parsons Transportation Group, [22-157a](#)

Inc.; Interactive Resources, Inc.; STV, Inc.; Chow Engineering, Inc.; Group 4 Architecture Research + Planning, Inc.; Kimley-Horn & Associates, Inc.; Mott-McDonald Group, Inc.; and West Coast Code Consultants, Inc.

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/YOUNG to approve the award of eight (8) contracts for On-Call Architectural/Engineering services to Parsons Transportation Group, Inc.; Interactive Resources, Inc.; STV, Inc.; Chow Engineering, Inc.; Group 4 Architecture Research + Planning, Inc.; Kimley-Horn & Associates, Inc.; Mott-McDonald Group, Inc.; and West Coast Code Consultants, Inc. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.E.** Consider approving the award of a fixed price construction contract to Electronic Innovations, Inc. of Richmond, California for the installation of new entrance and exit security gates and guard shack at the Oakland (D4) Division. [21-400a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/YOUNG to approve the award of a fixed price construction contract to Electronic Innovations, Inc. of Richmond, California for the installation of new entrance and exit security gates and guard shack at the Oakland (D4) Division. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.F.** Consider approving the award of a contract to Messer North America, Inc. to engineer, provide, and install hydrogen fueling equipment for the Oakland Division 4 Hydrogen Upgrade Project. [22-461a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/YOUNG to approve the award of a contract to Messer North America, Inc. to engineer, provide, and install hydrogen fueling equipment for the Oakland Division 4 Hydrogen Upgrade Project. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.G.** Consider receiving the Monthly Report on Investments for August 2022. [22-526](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to receive the Monthly Report on Investments for August 2022. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.H.** Consider receiving the Quarterly budget update for the period of July 2022 through the end of September 2022 of FY 2022-23. [22-586](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to receive the Quarterly budget update for the period of July 2022 through the end of September 2022 of FY 2022-23. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.I.** Consider approving the FY 2023-24 Annual Budget Development Process and Calendar. [22-588](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to approve the FY 2023-24 Annual Budget Development Process and Calendar. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.J.** Consider authorizing the General Manager or his designee to file and execute applications for the Metropolitan Transportation Commission (MTC) FY 2022-23 Transit Performance Initiative - Investment (TPI-Investment) grant program for the Foothill Corridor Planning Study and MacDonald Transit Signal Priority (TSP) Project. [22-582](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to authorize the General Manager or his designee to file and execute applications for the Metropolitan Transportation Commission (MTC) FY 2022-23 Transit Performance Initiative - Investment (TPI-Investment) grant program for the Foothill Corridor Planning Study and MacDonald Transit Signal Priority (TSP) Project. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.K.** Consider authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the California Transportation Commission for the Senate Bill 1 Local Partnership Program (Competitive) to secure funding for bus purchases. [22-589](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to authorize the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the California Transportation Commission for the Senate Bill 1 Local Partnership Program (Competitive) to secure funding for bus purchases. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.L.** Consider approving minor amendments to Board Policy 314 Capital Plan and Projects Policy. [22-596](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to approve minor amendments to Board Policy 314 Capital Plan and Projects Policy. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.M.** Consider authorizing the General Manager or his designee to file and execute applications for the Federal Highway Administration (FHWA) FY 2022 Strengthening Mobility and Revolutionizing Transportation (SMART) grant for the Transfer Connection Protection Project. [22-602](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to authorize the General Manager or his designee to file and execute applications for the Federal Highway Administration (FHWA) FY 2022 Strengthening Mobility and Revolutionizing Transportation (SMART) grant for the Transfer Connection Protection Project. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.N.** Consider authorizing the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement from January 1, 2023 to June 30, 2023, in conjunction with the proposed six-month extension of the service contract. [11-256p](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Items 6.N and 6.O were pulled off the Consent Calendar by Director Shaw to thank staff for their efforts to help Union City move the procurement forward. Director Shaw also asked questions of a contractual nature as well as the funding available for any future increase in the cost of the contract. There was no public comment offered.

MOTION: SHAW/PEEPLES to authorize the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement from January 1, 2023 to June 30, 2023, in conjunction with the proposed six-month extension of the service contract. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.O.** Consider authorizing the General Manager to enter into an extension of the contract with MV Transportation to operate the Dumbarton Express service for the period of January 1, 2023 to June 30, 2023. [11-256o](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Items 6.N and 6.O were pulled off the Consent Calendar by Director Shaw to thank staff for their efforts to help Union City move the procurement forward. Director Shaw also asked questions of a contractual nature as well as the funding available for any future increase in the cost of the contract. There was no public comment offered.

MOTION: SHAW/PEEPLES to authorize the General Manager to enter into an extension of the contract with MV Transportation to operate the Dumbarton Express service for the period of January 1, 2023 to June 30, 2023. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.P.** Consider receiving a report on the District's planned service changes associated with the December 2022 Sign-up. [22-548](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/YOUNG to receive a report on the District's planned service changes associated with the December 2022 Sign-up. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.Q.** Consider authorizing the General Manager to execute a one-year extension of the lease with tenant JAFEC USA LLC for the Newark warehouse. [21-563a](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/YOUNG to authorize the General Manager to execute a one-year extension of the lease with tenant JAFEC USA LLC for the Newark warehouse. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.R.** Consider review of Board Policy 232 - Attendance Policy with no recommended amendments [22-521](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/YOUNG to approve the review of Board Policy 232 - Attendance Policy with no recommended amendments. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.S.** Consider receiving the Monthly Legislative Report. [22-551](#)

Staff Contact:

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

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

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.T.** Consider the adoption of AC Transit's 2023 Federal and State Advocacy Programs. [22-466a](#)

Staff Contact:

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

MOTION: PEEPLES/YOUNG to adopt AC Transit's 2023 Federal and State Advocacy Programs. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.U.** Consider receiving the Customer Services Department Quarterly Update. [22-569](#)

Staff Contact:

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

MOTION: PEEPLES/YOUNG to receive the Customer Services Department Quarterly Update. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.V.** Consider authorizing the General Manager to extend contract 2014-1288 between AC Transit and IBI Group for an additional twenty-four (24) months starting January 1, 2023 and ending by December 31, 2024, for support during completion of the Computer [13-326d](#)

Aided Dispatch/Automated Vehicle Location project; and to approve tasking the IBI Group with preparing a radio system replacement assessment report.

Staff Contact:

Ahsan Baig, Chief Information Officer

MOTION: PEEPLES/YOUNG to authorize the General Manager to extend contract 2014-1288 between AC Transit and IBI Group for an additional twenty-four (24) months starting January 1, 2023 and ending by December 31, 2024, for support during completion of the Computer Aided Dispatch/Automated Vehicle Location project; and to approve tasking the IBI Group with preparing a radio system replacement assessment report. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 6.W.** Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of April 1, 2022 through September 30, 2022.

[22-587](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

Item 6.W. was pulled off the Consent Calendar by Director Shaw to inquire about the constraints in funding impacting federally assisted contracts and what staff is doing about it. Staff advised that a report will be forthcoming in February detailing staff's outreach efforts. There was no public comment offered.

MOTION: SHAW/PEEPLES to receive the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of April 1, 2022 through September 30, 2022. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

7. REGULAR CALENDAR

Finance and Audit Items - Chair Shaw

- 7.A.** Consider receiving a report on the possible actions District staff can take to expedite payment to small, local and disadvantaged businesses. [Requested by President Ortiz - 9/14/2022]

[22-564](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Lynette Little, Director of Civil Rights & Compliance

Assistant Director of Procurement and Materials Michael Silk presented the staff report. There were no public comment offered.

President Ortiz offered the clarification that the actual issuing of the check be reduced

to 15 days after all approvals were obtained and suggested that staff consider implementing an identifying code for Disadvantaged Business Enterprises on the Purchase Order. Chief Financial Officer Chris Andrichak advised that staff would work toward this goal.

MOTION: ORTIZ/MCCALLEY to receive the report and direct staff to implement the 15 day payout schedule to small, local and disadvantaged businesses. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Planning Items - Chair Beckles

- 7.B.** Receive an update on the Transit Shelter Contract liability, ownership, and local jurisdiction conversations and determine whether to take ownership of transit shelters in locations where the local jurisdiction under the Joint Powers Agreement (JPA) is unwilling. [18-211i](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning and Engineering

Transportation Planner Carissa Lee presented the staff report. There were no public comments offered.

To Director McCalley's request and with the concurrence of the Board, staff was directed to issue Requests for Proposals for maintenance of bus shelters, regardless of the status of shelter ownership.

MOTION: YOUNG/PEEPLES to continue the discussion about bus shelter ownership to a future meeting and direct staff to proceed with issuing Requests for Proposals for bus shelter maintenance. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Operations Items - Chair Young

- 7.C.** Consider receiving an audit report regarding the current Contra Costa Sheriff's contract; and consider exercising two 1-year options, contained in the current contract, to extend the agreement through December 31, 2024. [Requested by Director Beckles - 6/23/21] [22-571](#)

Staff Contacts:

Chris Andrichak, Chief Financial Officer

Alan Parello, Manager of Internal Audit

Chief Operating Officer Sal Llamas presented the staff report. Protective Services Manager Kerry Jackson and Lieutenant Bufford from the Contra Costa Sheriff's Office.

Public Comment:

John Minot, EBTRU, thanked staff for its reporting and appreciation for the many ways the Contra Costa County Sheriff's contract can be improved and expressed his views about how the District should move forward. Minot was hopeful these improvements can be utilized regarding a future contract with the Alameda County Sheriff's office.

President Ortiz made a motion to approve the staff recommendation to authorize two one-year extensions of the contract with the proviso that staff return to the Board after the first year to report back on performance metrics and key performance indicators. There was a brief discussion to obtain clarification of the motion, which confirmed the approval of two one-year contracts as recommended by staff.

MOTION: ORTIZ/BECKLES to approve the two one-year options, contained in the current contract, to extend the agreement through December 31, 2024, With the proviso that staff return to the Board after the first year to report back on performance metrics and key performance indicators. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, SHAW, PEEPLES

Nayes: WALSH, McCALLEY

- 7.D.** Consider receiving a report on the District's Diversity, Equity, Inclusion and Accessibility (DEIA) efforts. [Requested by President Ortiz - 4/13/2022] [22-601](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

Assistant General Counsel Aimee Steele presented the staff report. There was no public comment offered.

MOTION: ORTIZ/SHAW to receive a report on the District's Diversity, Equity, Inclusion and Accessibility (DEIA) efforts.

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 7.E.** Consider receiving requested information concerning past and future classification specifications and their fiscal impact and consider adoption of Resolution No. 22-042 approving the new classification of Manager of Business Analytics, the revised classification specification of Manager of Media Affairs and Strategic Initiatives and the abolishing of Manager of System Analysis. [22-485a](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

Human Resources Administrator Emily Sutkus Cruz presented the staff report. There was no public comment offered.

MOTION: ORTIZ/PEEPLES to adopt Resolution No. 22-042 approving the new classification of Manager of Business Analytics, the revised classification specification of Manager of Media Affairs and Strategic Initiatives and the abolishing of Manager of System Analysis. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

Board Administrative Matters - President Ortiz

- 7.F.** Consider approving amendments to Board Policy 160 - Board Officers: Performance Evaluations, Employment Agreements, and Leave Notification. [22-595](#)

Presenter:

Murphy McCalley, Chair, Board Officer Evaluation & Compensation Committee

Director McCalley, Chair of the Board Officer Evaluation and Compensation Committee gave a brief overview of the significant changes to the policy. The Board's consultant, Carmen Clark of Carmen Clark Consulting was also in attendance. There was no public comment offered.

MOTION: PEEPLES/YOUNG to approve amendments to Board Policy 160 - Board Officers: Performance Evaluations, Employment Agreements, and Leave Notification. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 7.G.** Consider adopting the 2023 regular Board meeting schedule taking into consideration the District's holiday schedule and any days requested by Directors to be included in the holiday schedule; and reschedule regular meetings if necessary. [22-545](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

District Secretary Linda Nemeroff clarified that the June meeting dates were actually June 14 and June 28 and not the June 7 and 21 dates recorded in the staff report.

There were no comments from the public.

- 7.H.** Consider adoption of Resolution No. 22-044 reappointing Jeffrey Lewis and Davis Reimer as the two public members to the AC Transit Retirement Board and Chief Financial Officer Chris Andrichak as the non-ATU member on the Retirement Board each for a two-year term expiring on March 31, 2025, or provide direction to staff on how to proceed with making appointments. [22-585](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

There were no comments from the public.

MOTION: SHAW/PEEPLES to adopt Resolution No. 22-044 reappointing Jeffrey Lewis and Davis Reimer as the two public members to the AC Transit Retirement Board and Chief Financial Officer Chris Andrichak as the non-ATU member on the Retirement Board each for a two-year term expiring on March 31, 2025, or provide direction to staff on how to proceed with making appointments. The motion carried by the following vote:

Ayes: ORTIZ, YOUNG, BECKLES, WALSH, McCALLEY, SHAW, PEEPLES

- 7.I.** Announcement of appointments to the Nominating Committee for the selection of an Interim President, and if necessary, Interim Vice President of the Board; and schedule a special meeting to consider nominations. (Verbal) [22-584](#)

Presenter:

President Ortiz

President Ortiz announced the appointment of Directors Shaw, McCalley and Peeples to the committee. There was no public comment offered.

8. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out on the following:

MOTION: ORTIZ/PEEPLES to approve compromise and release in the amount of \$108,822.50 less permanent disability advances of \$26,907.64 with open medical in the matter of Turner v. AC Transit, WCAB Case No. ADJ10255110. The motion carried by the following vote:

Ayes: ORTIZ, PEEPLES, WALSH, McCALLEY, SHAW, YOUNG

Absent: BECKLES

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Turner v. AC Transit, WCAB Case No. ADJ10255110

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 Representative;

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

8.E. Threat to Public Services or Facilities

(Government Code Section 54957(a)):

Consultation with: Kerry Jackson, Protective Services Manager and Salvador Llamas, Chief Operating Officer.

9. AGENDA PLANNING

9.A. Review of Agenda Planning Pending List.

[22-065s](#)

Director Walsh's Agenda Planning Request was accepted.

10. GENERAL MANAGER'S REPORT

The General Manager's Report was presented for information only.

10.A. General Manager's Report for November 9, 2022.

[22-041s](#)

The item was presented for information only.

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board reported on meetings, conferences, and events they attended since the last Board meeting.

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 7:55 p.m. The next meeting of the Board is scheduled for December 14, 2022, at 5:00 p.m.

Respectfully submitted,

/s/ Linda A. Nemeroff
District Secretary

Item

4. PUBLIC COMMENT

Public Comments

- Guest User: AC Transit, please honor your commitment to the Appreciation Pay already negotiated and approved by the board without conditions. Adding new conditions to this approval is underhanded and irresponsible. Those who deserve Appreciation Pay were already identified and approved and were to be paid immediately upon Board Approval.
- Deleted User: Hello this is Kerry Clark, I work in Supervision for AC Transit, is the Board planning on honoring the agreement between AFSCME to pay out the agreed upon Appreciation Pay ?