



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 4:00 PM (see Item 8 for details)

HYBRID MEETING

AC Transit General Offices
2nd Floor Board Room - 1600 Franklin Street, Oakland, California

Phone (669) 900 6833 Webinar ID: 984 8717 5063

Wednesday, January 25, 2023 at 5:00 PM

MEMBERS OF THE BOARD OF DIRECTORS

JOEL YOUNG, PRESIDENT (AT-LARGE)
DIANE SHAW, VICE PRESIDENT (WARD 5)
JOVANKA BECKLES (WARD 1)
JEAN WALSH (WARD 2)
SARAH SYED (WARD 3)
MURPHY MCCALLEY (WARD 4)
H. E. CHRISTIAN PEEPLES (AT-LARGE)

BOARD OFFICERS

MICHAEL A. HURSH, GENERAL MANAGER/CHIEF EXECUTIVE OFFICER
JILL A. SPRAGUE, GENERAL COUNSEL/CHIEF LEGAL OFFICER
LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, January 25, 2023, 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. Vice President Shaw and Director Walsh joined the meeting at 4:03 and 4:20 PM, respectively. The Board convened in Closed Session to discuss Items 8A-8C as listed on the agenda. Closed Session concluded at 4:37 p.m.

President Young called the Board of Directors meeting to order at 5:01 p.m.

2. ROLL CALL

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

Agenda items were taken out of sequential order but are reported in sequential order in the minutes for ease in reading.

3. PRESENTATION**3.A. Update on state legislative activities. [23-020](#)**

Presenter: Steve Wallauch, Platinum Advisors

Steve Wallauch of Platinum Advisors provided an update on State Legislative Activities related to the State Transportation Budget and upcoming transit legislation. There were no public comments offered.

Director Walsh asked how pending State budget delays, triggers, and shifts will affect AC Transit. Wallach enumerated the shifts in the State budget which provides funding for AC Transit.

The item was presented for information only.

3.B. BART Station Access Signage and Wayfinding Program. [Requested by Directors Shaw - 9/8/2021 and Peebles - 7/27/2022] [23-075](#)

Presenter:

Jumana Nabti, Manager of Access Programs - Transit, Curbs, Signage, and Circulation, BART

Jumana Nabti, Manager of Access Programs for BART, gave a presentation on Station Access Signage & Wayfinding Guidelines at BART stations and addressed questions concerning the Bus Bay Key Signs Program, signage for bus stops shared by different agencies, timeline for new signage as well as signage naming conventions and color coding for different groups.

Public Comment:

John Minot, EBTRU, commented on the importance of wayfinding for transit riders.

The presentation was presented for information only.

4. PUBLIC COMMENT

Willy addressed safety and customer service concerns regarding bus riders using scooters on buses. Willy noted previous attempts to have these concerns addressed by staff and the Board have not been satisfactory and requested more attention to this matter.

John Minot's public comments were inaudible due to external noise.

Jennifer Rodrigues read aloud to the Board a letter complementing the service received recently by bus operator Anthony Lenoir.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

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

There were no public comments offered on the Consent Calendar.

MOTION: PEEPLES/SHAW to receive, approve or adopt the items on the Consent Calendar as indicated with the exception of Items 6G which was pulled off the Consent Calendar by Director Walsh. The motion carried by the following vote:

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

6.A. Consider approving Board of Directors minutes of January 11, 2023.[23-093](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SHAW to approve the Board of Directors minutes of January 11, 2023. The motion carried by the following vote:

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

6.B. Consider authorizing members of the Board of Directors to attend the National Association of City Transportation Officials' (NACTO) 2023 Designing Cities Conference on May 15-18, 2023 in Denver, Colorado.[23-011](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SHAW to authorize members of the Board of Directors to attend the National Association of City Transportation Officials' (NACTO) 2023 Designing Cities Conference on May 15-18, 2023 in Denver, Colorado. The motion carried by the

following vote:

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

- 6.C.** Consider receiving the Accessibility Advisory Committee minutes of November 8, 2022. [23-025](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/SHAW to receive the Accessibility Advisory Committee minutes of November 8, 2022. The motion carried by the following vote:

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

- 6.D.** Consider review of Board Policy No. 349 - Investment Policy with no recommended amendments. [23-027](#)

MOTION: PEEPLES/SHAW to receive review of Board Policy No. 349 - Investment Policy with no recommended amendments. The motion carried by the following vote:

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

- 6.E.** Consider authorizing General Manager to execute a four-month extension to the contract with Eric Ryan Corporation (ERC) for utility auditing consulting services. [17-192d](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/SHAW to authorize the General Manager to execute a four-month extension to the contract with Eric Ryan Corporation (ERC) for utility auditing consulting services. The motion carried by the following vote:

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

- 6.F.** Consider authorizing the General Manager to enter into a six-month extension with Reliable Onsite Testing Services for mobile and after-hours drug and alcohol testing services, from January 1, 2023 to July 31, 2023. [23-127](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

MOTION: PEEPLES/SHAW to authorize the General Manager to enter into a six-month extension with Reliable Onsite Testing Services for mobile and after-hours drug and alcohol testing services, from January 1, 2023 to July 31, 2023. The motion carried by the following vote:

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

- 6.G.** Consider receiving an update on the District's Alternative Dispute Resolution (ADR) Program and Leave Management Committee [23-019](#)

[Requested by Director Walsh - 10/26/22].

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

Item 6G was pulled off the Consent Calendar by Director Walsh for questions and comments regarding the current number of employees on long-term leave. There were no public comments offered.

MOTION: SHAW/WALSH to receive an update on the District's Alternative Dispute Resolution (ADR) Program and Leave Management Committee. The motion carried by the following vote:

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

- 6.H.** Consider the adoption of Resolution No. 23-007 approving a three-year Collective Bargaining Agreement with International Brotherhood of Electrical Workers, Local 1245 through December 31, 2025. [23-115](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/SHAW to adopt Resolution No. 23-007 approving a three-year Collective Bargaining Agreement with International Brotherhood of Electrical Workers, Local 1245 through December 31, 2025. The motion carried by the following vote:

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

- 6.I.** Consider receiving the Monthly Legislative Report and approval of legislative positions. [23-071](#)

Staff Contact:

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

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

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

7. REGULAR CALENDAR

External Affairs Items - Chair Peoples

- 7.A.** Consider receiving an update on the implementation of AB 2449 regarding new teleconference provisions under the Brown Act. [23-089](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary
Jill A. Sprague, General Counsel/Chief Legal Officer

Board Administrative Officer/District Secretary Linda Nemeroff presented the staff report.

Public Comment:

Adina Levin, Seamless Bay Area and authorized Rep for Bay Area Cross Disability Allies Coalition, provided criticism of the current writing of AB 2449 and commented on the importance of people with disabilities being able to participate with legislative bodies.

MOTION: BECKLES/McCALLEY to receive an update on the implementation of AB 2449 regarding new teleconference provisions under the Brown Act. The motion carried by the following vote:

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

Finance and Audit Items - Chair Shaw

- 7.B.** Consider receiving the FY 2022-23 Mid-Year Budget review and ridership analysis, and adopt Resolution No. 23-004 amending the FY 2022-23 Annual Operating and Capital Budgets. [22-158d](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Director of Management and Budget Richard Oslund presented the staff report. Director of Business Sciences William Tonis presented the ridership analysis.

There was general agreement that staff provide more detailed justification when new positions are being added to the budget.

MOTION: YOUNG/PEEPLES to receive the FY 2022-23 Mid-Year Budget review and ridership analysis, and adopt Resolution No. 23-004 amending the FY 2022-23 Annual Operating and Capital Budgets. The motion failed by the following vote:

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

Planning Items - Chair Beckles

- 7.C.** Consider receiving a report on AC Transit's Zero Emission Transit Bus Technology Analysis covering a performance period from January to July 2022. [23-014](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering
Salvador Llamas, Chief Operating Officer

Business Analytics Manager Campbell Jung presented the staff report.

MOTION: YOUNG/McCALLEY to receive a report on AC Transit's Zero Emission Transit Bus Technology Analysis covering a performance period from January to July 2022. The

motion failed by the following vote:

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

- 7.D.** Consider receiving an overview of the East Bay Paratransit (EBP) system. [Requested by Director Shaw - 10/26/2022]. [23-016](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Accessible Services Manager Mallory Brush presented the staff report.

MOTION: YOUNG/PEEPLES to receive an overview of the East Bay Paratransit (EBP) system. The motion passed by the following vote:

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

- 7.E.** Consider receiving a report on current costs for Supplementary Service to schools in the Oakland Hills and the current arrangement for reimbursement for those costs. [Requested by Director Peebles - 10/26/2022] [23-087](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Director of Service Development and Planning Robert del Rosario presented the staff report.

MOTION: YOUNG/McCALLEY to receive a report on current costs for Supplementary Service to schools in the Oakland Hills and the current arrangement for reimbursement for those costs. The motion failed by the following vote:

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

Board Administrative Matters - President Young

- 7.F.** Announcement of Chair and Liaison Committee assignments for Calendar Year 2023. [23-088](#)
Presenter:
President Young

President Young announced Committee Chair assignments and referenced the Liaison Committee assignments outlined in Staff Report 23-088.

8. CLOSED SESSION/REPORT OUT

There was nothing to report out of closed session.

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

(Government Code Section 54956.9(b))

8.B. 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.C. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

9. AGENDA PLANNING

- 9.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms. [23-028a](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to agenda planning.

10. GENERAL MANAGER'S REPORT

- 10.A.** General Manager's Report for January 25, 2023. [23-029a](#)

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

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board commented on meetings, conferences, and events they attended since the last Board meeting. Director Walsh was required to report on out of state travel and provided information regarding the Transportation Research Board 2023 Annual Meeting in Washington, D.C.

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 February 8, 2023 at 5:00 p.m

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary